SGI Sustainable Governance Indicators

2015 Electoral Processes Report

Candidacy Procedures, Media Access, Voting and Registration Rights, Party Financing, Popular Decision-Making

BertelsmannStiftung

Indicator

Candidacy Procedures

Question

How fair are procedures for registering candidates and parties?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

10-9 = Legal regulations provide for a fair registration procedure for all elections; candidates and parties are not discriminated against.
8-6 = A few restrictions on election procedures discriminate against a small number of candidates and parties.
5-3 = Some unreasonable restrictions on election procedures exist that discriminate against many candidates and parties.
2-1 = Discriminating registration procedures for elections are widespread and prevent a large number of potential candidates or parties from participating.

Australia

Score 10

The Australian Electoral Commission (AEC) is an independent statutory authority that oversees the registration of candidates and parties according to the registration provisions of Part XI of the Commonwealth Electoral Act. The AEC is accountable for the conduct of elections to a cross-party parliamentary committee, the Joint Standing Committee on Electoral Matters (JSCEM). JSCEM inquiries into and reports on any issues relating to electoral laws and practices and their administration.

There are no significant barriers to registration for any potential candidate or party. A party requires a minimum of 500 members who are on the electoral roll. A candidate for a federal election must be an Australian citizen, at least 18 years old and must not be serving a prison sentence of 12 months or more, or be an undischarged bankrupt or insolvent.

There have been no changes to the laws relating to candidacy procedures in the period under review, and the process remains open, transparent and in line with international best practices.

Austria

Score 10

The Austrian constitution and the laws based on the constitution are consonant with the framework of liberal democracy. They provide the conditions for fair, competitive, and free elections. Parties based on the ideology of National Socialism are excluded from participation, but there has never been an attempt to exclude other parties considered to be outside the accepted mainstream of democracy (such as the Communist Party). Persons younger than 16 years of age cannot vote or stand for office.

There is ongoing debate on how best to handle the system of proportional representation that is enshrined in the Austrian constitution. The system contains a 4% electoral threshold; parties must receive at least this share of the national vote in order to gain a parliament seat, a policy ostensibly designed to minimize the deconcentrating tendency of proportional representation systems. Nevertheless, critics of the system argue that proportional representation as implemented in Austria prevents clear majorities, thus making it difficult to obtain a direct mandate to govern from the voters. Coalitions are a necessity. A system based on single-member constituencies would increase the possibility that single-party governments could be elected, but at the cost of limiting smaller parties' chances for survival. Thus, though the current system is criticized for undermining the efficiency of government, it is considered to be more democratic than the alternatives.

The outcomes of Austrian elections are broadly accepted, and there is practically never any dispute over who or which party has won.

Canada

Score 10

The right to be a candidate in a federal election is laid down in the Canadian Charter of Rights and Freedoms, with the associated procedures and responsibilities specified in the Canada Elections Act. There are virtually no restrictions on becoming a candidate for election. Almost all Canadian citizens 18 years old or over can present themselves as candidates for federal elections. Exceptions include members of provincial or territorial legislatures, certain judges, election officers, persons who were candidates in a previous election but who did not conform to the expense-reporting rules, and persons imprisoned in a correctional institution. There is no cost to being a candidate in a federal election. A CAD 1,000 deposit is required, but this is reimbursed if the candidate's official agent submits the electoral campaign return after the election within the prescribed time. Administrative procedures are not onerous (a nomination form is required containing signatures by either 50 or 100 persons residing in the constituency in which the candidate wants to run, with the number depending on the electoral district's population).

Czech Republic

Score 10

Electoral registration procedures are fair and transparent. To establish a political party, three citizens aged 18 or over need to submit the new party's statutes to authorities, backed by 1,000 signatures. The 1991 law on political parties and movements establishes conditions to exclude parties that lack democratically elected organs, that break the law, that aim to remove the democratic foundations of the state or take power for itself, that restrict the freedoms of other parties, or that threaten morality and public order. The high number of parties combined with the electoral

success of small political movements and groups in local elections in 2014 show that no discrimination against particular candidates exists.

Denmark

Score 10

The basic rule for candidacy procedures is laid out in section 30 of the Danish constitution: “Any person who is entitled to vote at Folketinget (parliamentary) elections shall be eligible for membership of the Folketinget, unless he has been convicted of an act which in the eyes of the public makes him unworthy to be a member of the Folketinget.” It is the unicameral parliament (Folketinget) itself, which, in the end, decides whether a conviction makes someone unworthy of membership. In practice, political parties play an important role in selecting candidates for elections. It is possible to run in an election in a personal capacity, but extremely difficult to be elected that way. Given the relatively high number of political parties, it is reasonably easy to become a candidate for a party. There is also the possibility of forming a new party. New parties have to collect a number of signatures to be able to run, corresponding to 1/175 of the number of votes cast at the last election.

Citation:
The Constitutional Act of Denmark of June 5, 1953, http://www.eu-oplysningen.dk/upload/application/pdf/0172b719/Constitution%20of%20Denmark.pdf (accessed 15 April 2013).

Henrik Zahle, Dansk forfatningsret I: Institutioner og regulering. Copenhagen: Christian Ejlers‟ Forlag, 2005.

Estonia

Score 10

The principles of fair and free elections are laid out in the Estonian constitution. Estonia has a proportional representation electoral system, which means that most candidates are registered within party lists. The composition of party lists is a matter of internal procedures that are set by the statute of the political party. Only officially registered political parties can nominate candidate lists in parliamentary elections. In order to be registered, a political party must have at least 1,000 permanent members (500 since 2014), lists of whom are made public online. For each candidate, a deposit of twice the monthly minimum wage must be paid. In addition to political parties, two or more citizens can form an election coalition to participate in municipal elections. Every person who has the right to stand as a candidate may nominate him or herself as an independent candidate. Independent candidates can participate in parliamentary, local and European Parliament elections.

The largely ceremonial Estonian president is elected by the parliament. Candidates must be nominated by at least one-fifth of the serving members of parliament.

Citation:
Estonian National Electoral Committee http://www.vvk.ee/?lang=en

Finland

Score 10

The electoral process in Finland is free and fair, and the constitution grants Finnish citizens the right to participate in national elections and referendums. Registered political parties have the right to nominate candidates, though all voters have the right to influence the nomination process. Electoral associations of at least 100 enfranchised citizens also have the right of nomination. However, the role of these associations has been fairly marginal. Candidates for presidential elections can be nominated by any political party that is represented in parliament at the time of nomination. Again, however, candidates may also be nominated by associations of at least 20,000 enfranchised citizens. Presidential candidates must be Finnish citizens by birth, while young people under guardianship and those in active military service cannot stand as candidates in parliamentary elections. The procedure for registering political parties is regulated by the Party Law of 1969. Parties which fail to elect representatives to parliament in two successive elections are removed from the list of registered parties. However, by gathering signatures of 5,000 supporters, a party may be re-registered.

Citation:
Dag Anckar and Carsten Anckar, "Finland", in Dieter Nohlen and Philip Stöver, eds. Elections in Europe. A Data Handbook, Nomos, 2010.

France

Score 10

The electoral process is fair at all levels, and controls by ad hoc commissions or the judiciary ensure the smooth running of elections. There are some restrictions to assure that only serious candidates stand in presidential contests. These include a requirement that each potential candidate has to obtain 500 signatures of support from elected persons, such as mayors or senators, from a third of French départements, or counties, to prove his or her political relevance. In addition, candidates must pay a deposit of €15,000. But these restrictions do not limit the number or variety of political backgrounds of candidates. In most elections, local as well as national, many candidates decide to run as they often can benefit from advantages that help facilitate the variety of candidates, such as the free provision of electoral materials or a partial reimbursement of expenses for candidates who win more than 5% of the vote. Fraud is exceptional, and has been limited to a few regions such as Corsica or overseas territories. Some limitations are imposed on anti-constitutional parties that espouse terrorist or violent means to power. These restrictions are exceptional and are confirmed by administrative tribunals yet can easily be bypassed.

Germany

Score 10

Germany's constitution ensures that members of the Bundestag, the country's lower parliamentary house, are elected in general, direct, free, equal and secret elections for a legislative period of four years (Basic Law, Arts. 38, 39). Parties that defy the constitution can be prohibited by the Federal Constitutional Court.

The Political Parties Act (Parteiengesetz, PPA) sets general criteria for the management of political parties and candidates. While independent candidates have to fulfill a signature gathering prerequisite (modest by international standards) in order to qualify for the ballot, parties must meet strict organizational requirements (PPA Section II). If parties have continuously held at least five seats in the Bundestag or a state parliamentary body (Landtag) during the last legislative period, they are allowed run in the election without any initial approval from the Federal Election Committee (Bundeswahlausschuss, FEC). Currently, even the right-wing National Democratic Party of Germany (Nationaldemokratische Partei Deutschlands, NPD), which remains under observation by the German intelligence services, fulfills this requirement. All other parties must register formally with the Federal Returning Officer (Bundeswahlleiter, FRO) at least 97 days before the date of elections and obtain at least 2,000 signatures in order to offer a list of party candidates at the state level.

In summary, German regulations allow for a broad range of political groups to run in elections. However, in its report on Germany's last general election, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) stated some shortcomings: "…[T]he legal framework for filing complaints has been improved, the lack of opportunities [for parties and candidates] to file an appeal prior to election day […] still limits [the capacity to challenge] incorrect administrative decisions and actions" (OSCE 2013: 9). In July 2012, the Bundestag passed a law that improved the legal rights of parties to file such a complaint previous to election day (OSCE 2013: 10). However, FEC decisions such as denying a candidate or a state list still cannot be challenge before election day. The ODIHR, once again, suggested that more precise and measurable criteria should be developed to decide which parties were eligible to participate in elections. Like in the previous general election in 2009, apart from these suggestions, no irregularities with respect to the application of Germany's election rules have been reported.

Citation:
OSCE (2013): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 22 September 2013. OSCE/ODIHR Election Assessment Mission Report. Warsaw: OSCE/ODIHR. Internet source: http://www.osce.org/odihr/elections/109518?download=true (11/05/2014).

Greece

Score 10

There is no discrimination in registration procedures and no potential candidates or parties are prevented from participating in elections. Exceptions include, for example, active military officers, who cannot run for office. Prison convicts are the only citizens depried of voting rights for the duration of their prison sentence.

Before elections, parties and candidates are required to submit a petition to the highest civil and criminal court (Areios Pagos) which monitors formalities such as checking to make sure no other parties have the same name.

Elections are conducted smoothly and their legality or fairness are not challenged by parties or candidates. In short, despite the acute political conflict with respect to the causes and management of the crisis, the conduct of electoral procedures in Greece is reliable.

Citation:
Regulations for registering a candidate are listed in article 55 of the Constitution, while incompatibilities are listed in articles 56, 57 and 58. For the relevant provisions of the Constitution, translated into English, see http://www.venice.coe.int/VOTA/en/s tart.html [accessed on 11.05.2013].

Iceland

Score 10

Almost citizen of Iceland aged 18 years or over can run for parliament. Exceptions to this include judges serving on the Supreme Court (Hæstiréttur), and adult individuals convicted of a serious felony or sentenced to four months or more in custody. For local elections, with the exception of the minimum age limit, these restrictions do not apply. Citizens of other Nordic countries with three years consecutive residence in Iceland can stand as candidates in local elections. The registration process for candidates and parties is transparent and fair.

The minimum 5% share of the national vote required to secure seats in the parliament was set in year 2000. In a addition to this minimum 5%, parties can also win a seat by securing a majority of the vote within a constituency seat. This minimum threshold is the same as in Germany and is higher than in the other Nordic countries (Sweden and Norway 4% and Denmark 2%). As a consequence, 12% of voters in 2013 have no representation in the parliament, as they voted for candidates or parties that failed to secure the consistency vote and polled less than 5% of the national vote.

Citation:
Lög um kosningar til Alþingis nr. 24/2000 (Law on parliamentary elections nr. 24/2000).
Lög um breytingar á lögum um kosningum til Alþingis nr. 16/2009 (Law on changes in law on parliamentary elections nr. 24/2000).
Lög um kosningar til sveitarstjórna nr. 5/1998 (Law on local elections nr. 5/1998).

Ireland

Score 10

Candidacy procedures are fair and do not overtly discriminate against parties or groups. As early as 2011, Ireland was "famous for electing more independents than the rest of Europe together" (Gallagher 2011), and this trend continued in European, local and by-elections in 2014. Out of a total of 166 members, there are now 23 non-party independents and a further five who belong to groups with only one or two members. During a Seanad (Senate) by-election in 2014, Fine Gael nominated one of their candidates to the board of a national museum in order to enhance his prospects of election to the Cultural and Educational Panel. However, he was defeated by an independent.

While the number of independent MPs has often been high, it has shot up dramatically during this parliament, due to "genuine independents" (legislators who have never held office for a major party) being supplemented by prominent mainstream politicians who have been expelled from their parties over policy differences. Examples include government minister Lucinda Creighton, who was expelled from Fine Gael for voting against changes to the abortion laws. However, a total of five lower-house legislators and two senators were expelled in July 2013 alone. Another junior government minister, Roisin Shortall, resigned from the government and from the Labour party over health care policy differences.

Citation:
Michael Gallagher, "Ireland's Earthquake Election: Analysis of the Results', in Michael Marsh and Michael Gallagher (eds) How Ireland Voted 2011: The Full Story of Ireland's Earthquake Election. London: Palgrave.

Luxembourg

Score 10

Electoral law presents no restrictions in registering a party for election. There are no restrictions regarding candidates, except the provision that those deprived of their civic and political rights by a judicial decision are prevented from running. Candidate lists, complete or partial, are proposed for each of the four electoral districts by political parties, associations of candidates or individuals. The lists are supported either by 100 voters registered in the district, by an elected member of parliament from the district, or by three members of municipal councils. The electoral lists can consist of single individuals who are not affiliated to a political party; a quite frequent phenomenon. Typically in this case single issues are the motivation. The total number of candidates on a list cannot exceed the number of seats to be allocated in the district.

Citation:
http://www.chd.lu/wps/PA_Archive/FTSShowAttachment?mime=application%2fpdf&id=923883&fn=923883.pdf
http://www.gouvernement.lu/1719337/systeme-electoral
http://www.legilux.public.lu/leg/textescoordonnes/recueils/ELECTIONS/Elections.pdf

http://www.luxembourg.public.lu/catalogue/medias/ap-medias/AP-Medias-2013-DE.pdf

Netherlands

Score 10

Electoral law and Articles 53–56 of the constitution detail the basic procedures for free elections at European, national, provincial and municipal levels. The independence of the Election Council (Kiesraad) responsible for supervising elections is stipulated by law. All Dutch citizens residing in the Netherlands are equally entitled to run for election, although some restrictions apply in cases where the candidate suffers from a mental disorder, a court order has deprived the individual of eligibility for election, or a candidate's party name is believed to endanger public order. The Dutch electoral system is highly accessible. Anyone possessing citizenship – even minors – can initiate a political party with minimal legal and financial constraints. In the local elections of 2014, there were a considerable number of voters taking selfies in the ballot booth and in which their ballot sheet vote was clearly visible on the photograph. The Electiral Council later ruled that selfies were permitted, but only when the ballot sheet was not visible, as this violated the secrecy rule.

New Zealand

Score 10

The registration procedure for political parties and individual candidates in New Zealand, as specified in the 1993 Electoral Act, is fair and transparent. Compliance is monitored by the independent and highly professional Electoral Commission. Following the Electoral (Administration) Amendment Act 2010, the tasks of the Electoral Commission and of the Chief Electoral Office have been combined within the Electoral Commission, which started work in October 2010. The aim has been to avoid the duplication of functions and to enhance efficiency. These changes however do not affect the fairness of the electoral process.

The Electoral Act specifies that registered political parties follow democratic procedures when selecting parliamentary candidates. Since the Act was passed, there has been only one formal challenge allenging that proper procedures had not been followed. The resulting judicial challenge was unsuccessful.

Citation:
Annual Report of the Electoral Commission for the year ended 30 June 2013 (Wellington: Electoral Commission 2013).
Electoral Act 1993 (Wellington: The Government of New Zealand 2012).
Electoral (Administration) Amendment Act 2010 (Wellington: The Government of New Zealand 2010).

Norway

Score 10

Procedures for registering candidates and political parties are considered to be fair, and have not been questioned or debated publicly in recent years. No candidate or party faces discrimination. The only requirement for starting a party is that at least 5,000 signatures from Norwegian citizens who have the right to vote must be collected. Parties nominate candidates.

Poland

Score 10

Regulations governing the electoral process were consolidated within the Election Code in January 2011. Provisions regarding the registration of parties and candidates are liberal and ensure a fair registration procedure. Every Polish citizen has the right to stand for election. Senators need to be at least 30 years old, while presidential candidates must be at least 35. Candidates for the Sejm (the lower house of the Polish parliament) can be proposed by organizations such as parties or by voters themselves. A group of 1,000 individual citizens or more can form a so-called electoral committee by signing the proper documentation and submitting it to the National Electoral Commission. Parties representing ethnic minorities receive favorable treatment, as they are allowed to collect fewer signatures than required of "normal" parties in order to take part in elections. The Election Code also introduced a gender quota, mandating that men and women each must account for at least 35% of Sejm candidate lists.

Citation:
Kotnarowski, M., R. Markowski, M. Wenzel, M. Żerkowska-Balas. 2014. Democratic Audit of Poland 2014. (available in Polish at www.dap.swps.pl), pp. 110 ff

Śledzińska-Simon, Anna Bodnar, Adam, 2013: Gender Equality from Beneath: Electoral Gender Quotas in Poland, in: Canadian Journal of Law and Society 28(2): 151-168.

Slovakia

Score 10

The procedures for registering candidates and parties in Slovakia are fair and transparent. Candidates for presidency must be nominated by at least 15 members of the unicameral National Council or document support from at least 15,000 voters. Parties seeking to take part in the national elections must obtain 10,000 signatures in order to register. Moreover, registered parties must make a deposit of about €16,500, which is returned only to parties that receive at least 2% of the vote. In 2014, the Fico government adopted a controversial provision requiring mayoral candidates in local elections to have completed at least secondary school. As justification for this measure, it argued that a small number of mayors elected in 2010 were not able to read properly. This provision was broadly perceived as an act of discrimination

against the Roma population, and was eventually declared unconstitutional by the Constitutional Court.

Slovenia

Score 10

In Slovenia, the legal provisions on the registration of candidates and parties provide for a fair registration procedure for both national (parliamentary, presidential) and local (mayoral, council) elections. Registration requirements are straightforward and not very demanding. To establish a party, only 200 signatures are needed. The registration requirements for national parliamentary elections favor parties represented in Parliament. Unlike non-parliamentary parties or non-party lists, they are not required to collect voter signatures. Candidates for the presidency must document support from at least three members of parliament or 5,000 voters. At local elections, a candidate for mayor and candidate or list of candidates for a municipal council can be proposed either by political parties or by a specified number of voters, which is dependent on the size of a municipality. Candidate lists both for national parliamentary elections and municipal assembly elections must respect a gender quota. On each list of candidates, neither gender should be represented by less than 35% of the total number of candidates on the list.

Citation:
State Election Commission of the Republic of Slovenia 2014. Available at: http://www.dvk-rs.si/index.php/en.

Sweden

Score 10

During the period under review, the electoral process was free and fair. Parties or candidates were not treated differently on any grounds.

Candidates are selected and ranked within the party organizations with essentially no public rules guiding the process. Political representation in Sweden is overwhelmingly collective representation. Since 1998, there has been the opportunity to indicate preferences not just for a particular party but also for specific candidates, but voters tend to vote for parties rather than for individual candidates. This culture of representation gives parties a central role in candidate selection. Against that backdrop it is perhaps not very surprising that indicating preferences for specific candidates has, with a few expections, not had a major impact on outcomes.

Citation:
SOU 2007:68 Ett decennium med personval [A decade of personalized voting] (report from a Royal Commission) (http://www.regeringen.se/content/1/c6/08/99/85/fc04f7e0.pdf)

Oscarsson, H. and S. Holmberg (2013), Nya svenska väljare (Stockholm: Norstedts Juridik).

Karlsson, D. and M. Gilljam (2014), Svenska politiker. Om de folkvalda i riksdag, landsting och kommun (Stockholm: Santérus).

Switzerland

Score 10

There are no doubts that Switzerland's formal procedures correspond closely to the democratic ideal. However, some problems have emerged due to the country's small size, its strong dependence on other countries, the opportunities to free ride in the international and particularly European communities, and the extremely large share of immigrant workers.

With regard to active and passive voting rights, there is the obvious problem that in 2014, 24% of the total Swiss population and 29% of the country's civilian workforce held foreign citizenship, a much higher share than in other countries. Furthermore, some experts argue that the rules governing naturalization are rather strict, making the acquisition of Swiss citizenship costly, time-consuming and frequently even insulting for applicants. For example, citizenship can be claimed only after 12 years of residence, while the administrative process of naturalization takes one to three years, including interviews and a considerable cost of about €2,250 for a family with two small children (this example is taken from the city of Thun, Canton Bern). Thus, according to some commentators, the strict rules governing naturalization and the sheer size of the foreign population transform the "quantitative" problem of every modern democracy (that some adult inhabitants face discrimination on grounds of their nationality) into a qualitative problem: If more than a quarter of the social product is produced by foreigners, and if almost a quarter of the voting-age population is not entitled to vote or to run for public office, the legitimacy of parliament and government to rule on behalf of the total population (which is hugely more than the citizen base) is arguably called into question. Others argue, however, that while the economy is globalized, democracy functions only on the basis of a national society that identifies itself in terms of citizenship. This includes the (constitutional) right to define who is eligible for citizenship. According to this view, migration certainly creates new problems, in that the "demos" and the resident population do not coincide.

To date, Switzerland has dealt with these problems somewhat slowly and hesitantly. For example, some notable liberalizing changes were adopted with regard to naturalization (e.g., costs have been substantially reduced) and with regard to passive voting rights in some cantons and local communities. In contrast, the first chamber of parliament has taken a more restrictive stance as it has sought to revise the law of citizenship – arguably in response to growing unease among ordinary citizens over the rising share of foreigners.

United States

Score 10

Procedures for registering parties and candidates are fair and nondiscriminatory. State governments determine the requirements for ballot access, so the details vary across states. All states, however, require a party or candidate to collect signatures on a petition and to file the petition by a specified deadline. Parties and candidates who meet the requirements are included on the ballots. In addition to the dominant Democratic and Republican parties, several minor parties or independent candidates are often included. In some cases, the ballot-access requirements may be a burden for smaller parties or independent candidates. But the single-member-district, plurality-election system essentially precludes victory by such participants anyway. Candidates who get a late start, or who lack organization or financial support, may fail to qualify. In fact, in the 2012 Republican presidential nomination contest, several major candidates did not qualify for the Virginia primary, and one of them, former Speaker of the House Newt Gingrich, criticized the complexity of the signature requirements. In the 2014 election cycle, a long-serving Democratic House member, John Conyers, was nearly excluded from the primary-election ballot because of technical problems with his petition signatures. But in general, ballot access has not been controversial, and no major problems regarding ballot access have been reported in recent elections.

Bulgaria

Score 9

The registration of parties and candidates is broadly fair and transparent, and was further eased by a new Electoral Code adopted in March 2014. The registration of candidates for elections involves two steps. The first is to register a party, a coalition of parties or a nominating committee with the central electoral commission. The second step comprises the nomination of candidates by registered parties, coalitions or nominating committees. For the registration of parties or nominating committees, a bank deposit and a certain number of citizen signatures are required. The existing requirements are reasonable – they are not too stringent to prevent serious parties and candidates from registering, but do to some extent prevent a confusingly large number of participants in the elections. What is more controversial are the personal requirements for candidates, partly enshrined in the Bulgarian constitution. Under the present legislation people holding citizenship of a country outside the European Union are not allowed to run in elections. While this provision has not played any role in practice yet, international observers have criticized it for violating the European Convention on Human Rights. An often-criticized constitutional clause that prohibits the formation of “ethnically based” parties continues to be de jure relevant, but de facto meaningless. No parties that could be classified as “ethnically based” have faced any challenges to their registration or electoral participation as a result of the constitutional prohibition.

The 2014 Electoral Code augmented voters' ability to rearrange the order of candidates on party lists. In both elections held in 2014 – for the European Parliament in May and for National Assembly in October – voters actively used this opportunity, and actually changed the order of the lists for many parties and districts. However, this "preferential vote" innovation has also introduced some voter confusion. In most instances of party-list reordering, there are strong reasons to believe that voters did intend to show preference, but simply did not understand how to use the ballot. They marked the number of the party they wanted to support in both columns– the party column and the candidate list column. As a result, the party list was rearranged and candidates who lacked both sufficient party support (since they were placed in what the party perceived as an "unelectable" position) and popular support (since voters did not actively select them) ended up making it into parliament. Several of these "accidental" members of parliament have been thrown out of their party factions after rejecting calls to resign, and will sit as independents.

Citation:
OSCE/ OHDIR, 2015: Republic of Bulgaria: Early Parliamentary Elections, 5 October 2014. Warsaw. (http://www.osce.org/odihr/elections/bulgaria/133571?download=true)

Croatia

Score 9

Candidacy procedures are largely fair and do not suffer from major procedural restrictions. However, participation in parliamentary elections is easier for registered parties than for independent lists. Whereas the latter must collect a certain number of signatures, political parties must do so only for the presidential elections, as well as in local elections for prefects and mayors. One peculiarity of Croatian electoral law is that candidate lists can be headed by people who are not actually candidates.

Cyprus

Score 9

Candidates for elected offices must meet minimum requirements that relate to citizenship, age, mental soundness and criminal record. Candidates for the presidency of the republic must belong to the Greek community. Citizens of other EU states are eligible to serve as members, heads or deputy heads of local elected bodies. In 2014, voting and eligibility rights in European parliamentary elections were conditionally extended to Turkish Cypriot citizens residing in the areas not under the government's effective control. Citizens from non-EU states cannot vote or stand for electoral office. No one can simultaneously hold a public office and/or a post in the public service and/or a ministerial portfolio and/or an elected office.

The constitution sets the minimum age for the president of the republic at 35 years, and 25 for members of the parliament. Legal changes in 2013 lowered the age of eligibility for members or heads of municipal and community councils and the

European Parliament from 25 to 21 years. Procedures for the registration of candidates are clearly defined, reasonable and open to media and public review. Candidacies can be proposed and supported by a small number of registered voters: two for local-office candidates, four for parliamentary candidates, and nine for presidential candidates.

A financial deposit is also required to run for office, ranging from €85 (community elections) to €1,710 for presidential candidates. This sum is later returned to candidates who meet thresholds specified by law.

Citation:
1. The Constitution of the Republic of Cyprus, available at, http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83E ED9C7C225756F0023C6AD/$file/CY_Cons titution.pdf
2. The Law on the Election of the members of the House of Representatives, L.72/1979, available in Greek at, http://www.cylaw.org/nomoi/enop/non-ind/1979_1_72/full.html
3. The Municipalities Law, 11/1985, unofficial English translation available at, http://www.ucm.org.cy/DocumentStrea m.aspx?ObjectID=966
4. The Communities Law, 86(I)/1999, available in Greek at, http://www.cylaw.org/nomoi/enop/non-ind/1999_1_86/full.html
5. OSCE/ODIHR Election Assessment Mission Final Report, Republic of Cyprus, Parliamentary Elections 22 May 2011, Warsaw, 7 September 2011, available at, http://www.osce.org/odihr/elections /82242
6. The Law on the Election of Membres of the European Parliament 10(I)/2004, availbale in Greek at http://www.cylaw.org/nomoi/enop/non-ind/2004_1_10/full.html

Israel

Score 9

Israel is an electoral democracy. While it does not have an official constitution, one of the basic laws (The Knesset, 1958), which holds special standing in the Israeli legal framework, provides for general, free, equal, discrete, direct and proportional elections to be held every four years. This basic law promises equal opportunity for each Israeli citizen (as well as Jewish settlers in the occupied Palestinian territories) to vote and to be elected, with certain reasonable restraints on his or her age and criminal past. If the nominee previously held a public office (as specified in the law), he or she are subject to a waiting period. Under the country's law on political parties (1992), the Central Elections Committee is in charge of organizing elections and tallying votes. The committee is also authorized to reject a nominee or a party list based on any of three conditions:

• If it rejects Israel's Jewish and democratic identity;
• If it supports another country's armed battle against Israel and/or supports a terror organization; or
• If it incites racism.

Due to its significant influence over the electoral process, the committee is chaired by a Supreme Court judge and is constituted on the basis of a proportional-representation system that grants each faction in the Knesset a voice. The group's balanced political and judicial components ensure proper conduct.

The committee must receive authorization from the Supreme Court in order to disqualify a nominee. In the 2013 elections, the committee disqualified the nomination of parliamentary member Hanin Zohabi, a Balad party representative, claiming that she was in breach of Article 2 of the Knesset basic law. The decision was reversed by the Supreme Court. Of the 10 disqualifications made by the elections committee over time, the Supreme Court upheld only three: "the Arab Socialist List" (1964), the far-right extremist "Kach" party (1988, 1992) and its splinter group "Kahana Chai" (1992), with the latter two banned for racism.

Citation:
"Summary of laws relating to the general elections," from the Knesset official website (Hebrew)

Shamir, Michal and Margal, Keren, "Notions on threat and disqualification of lists and nominees for the Knesset: from Yardur to the 2003 election, Mishpat & Mimshal 8, tashsa, pp. 119-154 (Hebrew).

"Basic Laws: 'The Knesset'" Knesset official website: www.knesset.gov.il/description/eng/ eng-mimshal_yesod1.htm (English)

Italy

Score 9

The registration procedure is fair and no unreasonable exclusion exists. The number of signatures requested for registration of parties creates some obstacles to new and small parties, but similar small obstacles are accepted in many democracies to avoid non-serious candidacies. The validity of the process is controlled by judicial offices. From time to time there have been disputes over the validity of some of the signatures collected by the largest parties. The procedures for the choice of candidates vary from party to party, but there is an increasing use of primaries to make them more open and democratic.

As the electoral system is based on closed electoral lists in large districts, electors have no option of preferring a single candidate and instead have to accept the whole party ticket. This is one of the reasons why there is discussion on electoral law reform.

Japan

Score 9

Japan has a fair and open election system with transparent conditions for the registration of candidates. The registration process is efficiently administered. Candidates have to pay a deposit of JPY 3 million (about €21,800 as of October 2014), which is returned if the candidate receives at least one-tenth of the valid votes cast in his or her electoral district. The deposit is meant to deter candidatures that are not serious, but in effect presents a hurdle for independent candidates. The minimum age for candidates is 25 for the lower house and 30 for the upper house. There have been no relevant changes in recent years.

Latvia

Score 9

Candidacy procedures provide everyone with an equal opportunity to be ab election candidate. Some restrictions, related to Latvia's Soviet past, are in place.

While political parties are the only organizations with the right to submit candidate lists for parliamentary elections, multi-party electoral coalitions have not been abolished and are indeed the rule. At the local government level, this party-list restriction applies to all large municipalities. However, candidates in small municipalities (less than 5,000 residents) have the right to form voters' associations and submit nonpartisan lists. The restriction to partisan lists has been deemed limiting by the Organization for Security and Cooperation in Europe (OSCE). In 2013, a voters' association in Jurmala mounted an unsuccessful legal challenge to this restriction, seeking review of the rule by the Constitutional Court.

Registration as a political party is open to any group with at least 200 founding members. The registration procedures themselves present few barriers. However, in 2012, the Enterprise Register (Uzņēmumu Reģistrs, UR) refused an application for a name change and statutory amendments submitted by an existing party, ruling that the party program advocated changing the core values of the country's constitution. Although the subject of academic discussion, a delineation of core values was not at that time legally enshrined in the constitution. In 2014 a statement of core values - the Preamble to the Constitution - was approved by parliament.

The Central Election Commission (Centrālā Vēlēšanu Komisija, CVK) oversees the organization of elections. International observers have consistently recognized Latvia's elections as free and fair.

Citation:
1. The Saeima Election Law, Article 5 and 6, Available at: http://web.cvk.lv/pub/public/28126. html, Last assessed: 17.05.2013

2. Report on Parliamentary Elections, 2011, p. 1, Available at: http://www.osce.org/odihr/elections /Latvia/86363, Last assessed: 17.05.2013

3. Valts Kalniņ (2011), Assessment of National Integrity System, p.99, Published by DELNA, Available at: http://www.transparency.org/whatwed o/pub/national_integrity_system_ass essment_latvia, Last assessed: 21.05.2013.

4. Report on Parliamentary Elections 2011, p.1, Available at: http://www.osce.org/odihr/elections /Latvia/86363, Last assessed: 17.05.2013

Lithuania

Score 9

Lithuania's regulations provide for a fair registration procedure for all elections. In

general, neither individual candidates nor parties are discriminated against. Minimal requirements for establishing a political party and registering candidacies produced a large number of candidates in the 2012 parliamentary elections. Independent candidates as well as party-affiliated candidates can stand for election. However, a few provisions should be noted. The provision that "any citizen … who is not bound by an oath or pledge to a foreign state… may be elected" does not conform to the evolving jurisprudence of the European Court of Human Rights on matters of dual citizenship. That court also ruled that imposing a lifetime ban on standing for elected office on former President Rolandas Paksas, who was impeached in 2004, was a disproportionate punishment. As of the time of writing, this restriction has not yet been lifted, and Paksas, the Order and Justice party's leader, was thus not able to run in the 2014 presidential elections. While the Lithuanian parliament did form an ad hoc commission to implement the court ruling on Paksas's electoral eligibility, the final vote had not taken place by the time of writing.

Citation:
OSCE/ODIHR Election Assessment Mission Report on the 2012 parliamentary elections in Lithuania, see http://www.osce.org/odihr/98586.
OSCE/ODIHR Election Assessment Report on the 2014 presidential elections in Lithuania, http://www.osce.org/odihr/elections/116359?download=true
ECHR judgement of Jan. 6 of 2011 on Case of Paksas v. Lithuania, http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-102617#"itemid":["001-102617"].

Malta

Score 9

Elections are regulated by the constitution and the General Elections Act. The system used in Malta is the Single Transferable Vote (STV). Candidates can stand either as independents or as members of a political party. Parties can field as many candidates as they wish, and candidates may choose to stand in two electoral districts. If elected in both districts, a candidate will cede their second seat, with a special election then held to select a replacement. The system allows for a diversity of candidates and restrictions are minimal, though legal restrictions based on residency and certain official functions may be viewed as constricting the electoral process. There is also no official minimal threshold for parties to gain access to parliament. As the unofficial threshold is said to be around 16%, Malta essentially remains the only European state where only two parties are represented in parliament.

Mexico

Score 9

Until recently, elections were organized by the Federal Election Institute (IFE). This was recently replaced by a new public body that is intended to be more independent of the main political parties. A new electoral law slated to take effect in 2015 will allow independent candidates to run for office in national elections. There are good reasons for thinking this new policy to be risky in a region of the world notorious for

its electoral personalism; but it nevertheless involves an increase in voter choice, and responds to popular disillusionment with the political parties.

Electoral disputes are common, but do not surpass what is normal for a democracy. The system of allowing only candidates backed by recognized parties to run worked satisfactorily in the 2012 electoral campaign, but has now been changed. Further electoral reform is likely ahead of the 2018 presidential elections.

Portugal

Score 9

Individuals and political parties enjoy largely equal opportunities to register for and to run in elections, both de jure and de facto. Parties espousing racist, fascist or regionalist values are all constitutionally prohibited, as are parties whose names are directly related to specific religious communities. However, these rules are rarely applied, and the small, extreme-right National Renewal Party (Partido Nacional Renovador, PNR) was allowed to contest the June 2011 legislative elections.

While individual citizens can run in municipal elections, they are barred from contesting legislative elections, where only registered political parties can present candidates. The requirements for registering a party are relatively onerous. To be formed, parties must acquire the legally verified signatures of 7,500 voters. Moreover, they must ensure that their internal party rules and statutes conform to the political-party law, which requires that parties' internal functioning must conform to "the principles of democratic organization and management" (Article 5 of the Political Party Law – Lei dos Partidos Políticos), and defines a number of internal bodies that parties must have (Articles 24-27).

However, these requirements do not prevent new parties from forming. Thus, a total of 16 parties contested the May 2014 European elections – three more than the preceding European elections in 2009. The most recent elections included two parties that had not previously participated in any elections in Portugal, the Livre (Free) and the Socialist Alternative Movement (Movimento Alternativa Socialista, MAS). In the previous report, we noted that in March 2013, this latter party was initially refused registration by the Constitutional Court. However, its registration was accepted by the Court in July 2013, consistent with the notion that the registration procedure does not discriminate significantly against parties.

Citation:
On the laws see, for example, Eleição da Assembleia da República 1 / Outubro/1995: Legislação eleitoral actualizada e anotada (Lisbon: STAPE/MAI, 1995); and Lei dos Partidos Políticos (Political Party Law) – Lei Orgânica n.º 2/2003, de 22 de Agosto, com as alterações introduzidas pela Lei Orgânica n.º 2/2008, de 14 de Maio.

Spain

Score 9

Registration procedures for candidates and parties are defined by national laws (basically, the Organic Law 5/1985 on the electoral regime and the Organic Law 6/2002 on parties) and ultimately enforced by the judiciary. The legal and administrative regulation for validating party lists and candidacies are fair, flexible and nondiscriminatory. Parties must simply present a series of documents to the Register of Political Parties at the Ministry of Interior. Virtually every Spanish adult is eligible to run for public office including, since 2002, EU citizens in local and European Parliament elections and, also for local elections, non-EU citizens whose countries reciprocally allow Spaniards to be candidates. The only restrictions on candidacies contained in the electoral law apply to specific public figures (the royal family, some public officials, judges, police officers and members of the military) and to those who have been convicted of a crime. Fair registration is protected by a number of guarantees, which are overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure. Legislation on gender parity (Organic Law 3/2007) requires party election lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates.

The only restriction that deserves to be mentioned is connected to the banning of those parties which are "irrefutably" associated with conduct "incompatible with democracy, prejudicial to constitutional values, democracy and human rights". This provision, introduced in 2002 and linked to the fight against separatist terrorism in the Basque Country, led during the early 2000s to the dissolution of the Basque extreme nationalist political organization Batasuna, and the subsequent suspension of other minor parties directly or indirectly connected with (now dissolved) ETA terrorism. The possibility of declaring a party illegal as a consequence of its members "repeated and serious" public defense or tacit support of terrorism in speeches and statements has raised criticism but rulings of the Supreme and Constitutional Courts (later endorsed by the European Court of Human Rights) have accepted this as not political discrimination. In fact, the party Sortu and the coalition Bildu (two radical forces generally considered as the successors to Batasuna) were declared legal, they now have now important political responsibilities at different levels of government.

Citation:
Bourne, Angela. 2012. "Nationalism, terrority and extremism in the party politics: The illegalization and legalization of Sinn Féin and Batasuna." Paper presented at Political Studies Association Territorial Politics Group, 13 – 14 September 2012, Brussels.

United Kingdom

Score 9

In the United Kingdom, procedures for registering candidates and parties can

generally be considered fair and without regulatory discrimination. The process of registration is uncomplicated, and the information required is offered by the state and easily accessible. No restrictions or regulations exist on party programs, but there are regulations limiting the choice of party name, which must not be obscene, offensive or misleading. The party emblem should also avoid these qualities. Registration as a candidate requires a deposit of £500 and the support of at least 10 voters. Support from a party is not necessary, as candidates can run as independents, and many candidates do take advantage of this provision. Very occasionally, a candidate standing on a single issue achieves election, even in national elections.

Members of certain groups are not allowed to stand for election – namely those in the police, the armed forces, civil servants, judges, and hereditary members of the House of Lords who retain a seat there. While this may be considered reasonably necessary in a democracy (although no such restrictions are in place in many similar democracies), it seems harder to justify the exclusion of people who have undergone bankruptcy or debt relief restriction orders because this is tantamount to a second punishment for financial mismanagement and thus discriminating against them.

Belgium

Score 8

Standard legal restrictions, such as requiring a certain number of signatures before an individual may run as a candidate, are fair and are effective in controlling the number of candidates in any election. The same holds for parties, which can be relatively easily registered and at very little cost, even in a single constituency (or electoral "arrondissement"). In practice, however, such restrictions may represent a higher hurdle for smaller or local parties or candidates. One reason is that the registration process has been mastered by the more established parties, and poses more of a challenge for individual candidates. Most political parties offer a broad diversity of candidates, according to gender, age and ethnicity. Gender rules are quite specific, as there are mandatory quotas on electoral lists.

Chile

Score 8

In general terms, candidates and parties are not discriminated against in the registration process. Electoral procedures are very reliable and there is no ideological bias. Nevertheless, there are quite high barriers to fulfill all conditions required to register new parties. Once registered, small parties have a slim chance of acquiring mandates if they compete on their own. The binominal electoral system has a majoritarian representation effect that favors parties belonging to the two main coalitions. Thus, "useful votes" are concentrated on them. Beginning with the 2013 presidential election, a primary election system (primarias) for the designation of presidential candidates was established. The 2013 presidential and congressional

elections showed a slight improvement due to the fact that one of the two main coalitions, the former Concertación – now renamed Nueva Mayoría – broadened its ideological spectrum in order to integrate several small leftist parties (Partido Comunista; Izquierda Ciudadana; Movimiento Amplio Social). Under the Michelle Bachelet government, these political forces were also assigned ministerial responsibility. This can be seen as an improvement within Chilean democracy in general, although there has as yet been no structural reform. Political parties at a regional level can only be created if they represent at least three contiguous regions (it is not possible to create political parties representing only a single region). With regard to registration procedures and financial oversight, two independent candidates were found guilty in 2014 of forging signatures in order to meet the threshold to register as candidates.

Citation:
http://www.cooperativa.cl/noticias/pais/politica/presidenciales/firmas-falsas-parisi-jocelyn-holt-y-notarios-son-los-responsables/2014-03-05/062546.html

South Korea

Score 8

All election affairs are managed by the National Election Commission, an independent constitutional organ. Registration of candidates and parties at national, regional and local levels is done in a free and transparent manner. Independent candidates with no party affiliation are allowed to participate in national (excluding party lists), regional and local elections. Candidates can be nominated by political parties or by registered electors. Civil servants are not allowed to run for elected offices and have to resign if they wish to become a candidate. Deposit requirements for persons applying as candidates are relatively high, as are ages of eligibility for office. For example, deposits are 300 million won for presidential, 50 million won for governmental and 15 million won for parliamentary elections.

Although the National Security Law allows state authorities to block registration of so called “left-wing,” “pro-North Korean” parties and candidates, there is no evidence that this had a real impact in the 2012 parliamentary and presidential elections or the important Seoul mayoral election of 2011. However, the constitutional court in mid-December 2014 ruled that the Unified Progressive Party undermined democracy and worked toward achieving North Korean-style socialism. The party, founded in late 2011, had five lawmakers, all of whom were deprived of their seats. This was the first time a political party has been dissolved by a court or government order since 1958.

Citation:
Bertelsmann Transformation Index 2010, Bertelsmann Foundation, www.bertelsmann-transformation-inde x.
Public Officials Election Act, Act No. 9974, Jan. 25, 2010 Freedom House, Freedom in the World 2009, New York: Freedom House
The Guardian 2014. South Korea court orders breakup of ‘pro-North’ leftwing party. Dissolution of Unified Progressive party raises questions of South’s commitment to democracy, 19 December 2014, http://www.theguardian.com/world/2014/dec/19/south-korea-lefwing-unified-progressive-party-pro-north

Romania

Score 7

The current electoral law provides disincentives to the creation of new political parties, both through formal signature requirements (parties require 25,000 signatures drawn from at least 18 counties) and other financial and legal hurdles. Draft legislation proposed by the Alliance for a Clean Romania (ARC) would have eliminated these stringent rules by reducing the number of signatures required for registration to 500 citizens hailing from 10 counties. Despite support from some politicians, the proposal has been opposed by the major parties. During the presidential elections, only one candidate, Monica Macovei, supported the initiative.

Turkey

Score 7

The Turkish Constitution, Law 298 on the basic principles of elections and the electoral registry, Law 2839 on deputies' elections, and Law 2972 on local administration elections lay the groundwork for fair and orderly elections and prevent discrimination against any political party or candidate. However, the candidate-nomination process is rather centralized, antidemocratic and exclusionary, due to the relative freedom given to each political party's central executive committee in determining party candidates (Law 2820 on political parties, Article 37). A slight weakening of the political parties' centralized-leadership concept was passed by the parliament in 2014, when it permitted co-leadership structures.

Law No. 6271 on presidential elections, adopted by the parliament in January 2012, regulates the nomination process (Article 7). A presidential candidate needs a written nomination made by at least 20 deputies. Political parties with a joint total of more than 10% of the valid votes in the latest parliamentary elections may nominate a joint candidate. Although Law No. 6271 requires public officials contesting presidential elections to resign before being nominated, the Supreme Board of Election decided that "the incumbent prime minister does not need to resign to run in the 2014 presidential election." The board made a similar decision in the run-up to the 2014 local elections, stating that "ministers who currently hold an office in the Council of Ministers need not resign to run in the elections."

The nationwide 10% electoral threshold for parliamentary elections (Law 2839 on deputies' elections, Article 33) is a major obstacle for all small political parties. In 2008, the European Court of Human Rights (ECtHR) found the 10% electoral threshold to be excessive, but not in violation of the European Convention on Human Rights' (ECHR) Protocol 1 Article 3. As of January 2013, there were 72 registered political parties, although only one-fifth of those registered have participated in parliamentary elections. During the last two parliamentary elections, the number of political parties securing more than 5% of the valid votes decreased from seven (in

2002) to five (in 2007) and then to four (in 2011). An independent candidate who secures a majority of votes in his or her electoral district can be elected without regard to the nationwide threshold. In the 2011 parliamentary elections, 35 independent candidates were elected to parliament, 29 of which later joined the pro-Kurdish party.

Another issue concerning the fairness of campaigning and elections relates to permitted languages and nomination regulations. A bill permitting political parties and candidates to use any language or dialect in all forms of campaigning, including written material, was passed by the parliament in April 2014. Nomination regulations, vary by level. Presidential candidates are not asked to pay a nomination fee, whereas political parties require payment of a fee ranging from €250 to €1,500 for parliamentary elections. Most political parties do not ask for a nomination fee from disabled candidates. Independent candidates face greater obstacles, as they must submit a nomination petition along with a fee of about €3,240 (as of the exchange rate of November 2014). This fee is consigned to the revenue department of the provincial election board where the candidate is standing for election (Law 2839, Article 21). If an independent candidate fails to be elected, this fee is registered as revenue by the Treasury.

In April 2014, parliament agreed that political parties receiving more than 3% of the total number of valid votes cast in a general election will receive treasury funds, thus making small parties more competitive in campaigning.

Citation:
Ömer Faruk Gençkaya, Cumhurbaşkanı Seçim Kampanyasının Finansmanı (2014): Adiliyet, Şeffaflık ve Hesap Verebilirlik (Campaign Finance of Presidential Election: Fairness, Transparency and Accountability), Democracy Barometer Analyis Report 1, Istanbul, http://platform24.org/Content/Uploads/Editor/Demokrasi%20Barometresi%20Analiz%20Raporu%201.pdf (accessed 17 December 2014)

Supreme Board of Election, Decision 3237, 12 July 2014, http://www.ysk.gov.tr/ysk/content/conn/YSKUCM/path/Contribution%20Folders/Kararlar/2014-3237.pdf (accessed 5 November 2014)
Supreme Board of Election, Decision 543, 12 November 2013, http://www.ysk.gov.tr/ysk/docs/Kararlar/2013Pdf/2013-543.pdf (accessed 5 November 2014)

Pelin Ayan (2011), Authoritarian Party Structures and Democratic Political Setting in Turkey, Palgrave Macmillan.

Hungary

Score 6

The far-reaching changes to Hungary's electoral law in the run-up to the April 2014 parliamentary elections included amendments to registration procedures. Despite the increasing size of constituencies, the number of signatures required for registration as a candidate was reduced. The combination of decreased registration requirements and generous public funding for candidates and party lists led to a surge in candidacies. A record-high 53 parties took part in the elections, 18 of which were able to form a national list. The governing Fidesz party actively promoted this

associated fragmentation with the evident aim of confounding voters and weakening the opposition. In some cases, it even masterminded fake candidacies. The registration process suffered from a lack of transparency. Election commissions at both the central and constituency level largely failed to address cases of alleged signature fraud.

Citation:
OSCE / ODIR, 2014: Hungary – Parliamentary Elections, 6 April 2014. Limited Election Observation Mission Final Report. Warsaw, 11-12.

Indicator

Media Access

Question

To what extent do candidates and parties have fair access to the media and other means of communication?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

10-9 = All candidates and parties have equal opportunities of access to the media and other means of communication. All major media outlets provide a fair and balanced coverage of the range of different political positions.

8-6 = Candidates and parties have largely equal opportunities of access to the media and other means of communication. The major media outlets provide a fair and balanced coverage of different political positions.

5-3 = Candidates and parties often do not have equal opportunities of access to the media and other means of communication. While the major media outlets represent a partisan political bias, the media system as a whole provides fair coverage of different political positions.

2-1 = Candidates and parties lack equal opportunities of access to the media and other means of communications. The major media outlets are biased in favor of certain political groups or views and discriminate against others.

Finland

Score 10

The access of candidates and parties to media and means of communication is fair in principle, but practical constraints – such as, the duration and breadth of a program's coverage – restrict access for smaller parties and candidates to televised debates and other media appearances. Given the increased impact of such appearances on the electoral outcome, this bias is problematic from the point of view of fairness and justice. However, the restrictions reflect practical considerations rather rather than ideological agendas. Access to newspapers and commercial forms of communication is unrestricted, but is in practice dependent on the economic resources of parties and individual candidates for campaign management. Candidates are, however, required to report their campaign funding sources. Social media has played an increasing role in candidates' electoral campaigns, especially in the 2011 parliamentary and 2012 presidential elections. Yet, such outlets attract only a small share of voters at present.

Citation:
Strandberg, Kim (2012): Sosiaalisen median vallankumous? Ehdokkaat, valitsijat ja sosiaalinen media vuoden 2011 eduskuntavaaleissa. In: S. Borg (ed.), Muutosvaalit 2011, Helsinki: Ministry of Justice, 79-93.

Sundberg, Jan (2012): Finland. In: European Journal of Political Research Political Data Yearbook 51: 96–102, 2012.

Germany

Score 10

Political campaigning is largely unregulated by federal legislation, a fact modestly criticized by the latest OSCE election report (OSCE 2013: 1). Article 5 of the Political Parties Act (Parteiengesetz, PPA) requires that "where a public authority provides facilities or other public services for use by one party, equal treatment must be accorded to all parties." During electoral campaigns, this general criterion applies to all parties that have submitted election applications (Art. 5 sec. 2). The extent of public services parties are able to use depends on their relative importance, which is based on each parties' results in the last general election (Art. 5 sec. 3). This is called the "principle of gradual equality," and constitutes the basis for parties' access to media in conjunction with the Interstate Treaty on Broadcasting and Telemedia (Rundfunkstaatsvertrag). The gradual equality principle is also applied to television airtime, although in this case the time granted to large parliamentary parties is not allowed to exceed twice the amount offered to smaller parliamentary parties, which in turn receive no more than double the amount of airtime provided to parties currently unrepresented in parliament. While public media networks provide campaigns with airtime free of charge, private media are not allowed to charge airtime fees of more than 35% of what they demand for commercial advertising (Die Medienanstalten 2013: 12). Despite these rules, there is persistent criticism of the media's tendency to generally focus coverage on the six largest parties and, in particular, on government parties.

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) concluded with respect to the penultimate general election in 2009: "[t]he amount and pluralistic nature of the information available allowed the voters to make an informed choice" (ODIHR 2009: 2). This general evaluation has not changed.

Citation:
OSCE (2013): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 22 September 2013. OSCE/ODIHR Election Assessment Mission Report. Warsaw: OSCE/ODIHR. Internet source: http://www.osce.org/odihr/elections/109518?download=true (11/05/2014).

Sweden

Score 10

All candidates and all parties have equal opportunities of access to the national media and other means of communication. The equality among political candidates in terms of their access to media is to a large extent safeguarded by the public service rules of the SVT (public television) and Sverige Radio (SR), a public radio outlet.

The print media in Sweden is overwhelmingly non-socialist in its political allegiance and is therefore more likely to cover non-socialist candidates than candidates from the parties on the political left. However, there is also a genuine left-wing media, particularly present on the Internet. The right-wing Sweden Democrats

(Sverigedemokraterna, SD) is rapidly gaining importance in the electoral process as well as in parliament. Some newspapers still refuse to publish this party's advertisements. And some newspapers have no political leaning, and rather criticize the actions of all parties.

In Sweden, as elsewhere in Europe, the usage of new media and new forms of information is increasing. New social media is becoming more important for political campaigns. Though the information provided by social and other electronic media is vast and varied, the tools of selectivity facilitate a more narrow consumption of information than does print media.

Switzerland

Score 10

Candidates and parties may purchase political advertising in the print media. The only restriction to equal access by candidates and parties to these media outlets concerns the availability of resources. In contrast, political advertising on television or other broadcast mediums is not allowed. In this regard, all candidates and parties have equal access, in the sense that none is able to buy political advertising on broadcast media.

Media organizations give a fair and balanced opportunity to political actors to present their views and programs, insofar as this does not become simple advertisement. Right-wing politicians sometimes complain that journalists give center-left politicians better access. There is little hard evidence that such a bias exists to any substantial extent, although it is hard to find journalists who side with the Swiss People's Party, the right-populist party.

Denmark

Score 9

Denmark is a liberal democracy. According to section 77 of the constitution, freedom of speech is protected: "Any person shall be at liberty to publish his ideas in print, in writing, and in speech, subject to his being held responsible in a court of law. Censorship and other preventive measures shall never again be introduced." Freedom of speech includes freedom of the press. According to the Press Freedom Index published in 2014 by Reporters without Borders, Denmark ranked seventh in the world in press freedom, after Finland, the Netherlands, Norway, Luxembourg, Andorra and Lichtenstein. The penal code sets three limits to freedom of speech: libel, blasphemy and racism. The independent courts interpret the limits of these exceptions.

The public media (Denmark's Radio and TV2) have to fulfill programming criteria of diversity and fairness. All political parties that plan to take part in elections, whether old or new, large or small have the right to equal programming time on the

radio and on television. Private media, mostly newspapers, tend also to be open to all parties and candidates. The trend decline in newspapers has implied a concentration of media attention on a few national newspapers, which has reduced media pluralism. However, all newspapers are, for instance, open to accepting and publishing letters to the editor. Likewise, all parties and candidates have equal possibilities of distributing pamphlets and posters. Finances can be a limiting factor, however, with the larger parties having more money for campaigns than smaller parties.

Citation:
Straffeloven [The Penal Code],
http://www.themis.dk/synopsis/docs/Lovsamling/Straffeloven_indholdsfortegnelse.html (accessed 15 April 2013).

Reporters without Borders, "Press Freedom Index 2014," http://rsf.org/index2014/en-index2014.php (Accessed 20 October 2014).

Zahle Henrik, 2001, Dansk Forfatningsret 1.

Estonia

Score 9

Candidates and political parties have fair and equal access to public broadcasting and TV. Access to private TV and radio channels, however, depends on the financial resources of the political parties. Therefore, smaller political parties and independent candidates have significantly limited access to mass media. There is no upper limit on electoral campaign expenses, which provides significant advantage to candidates and parties with more abundant financial resources. However, these disparities do not follow a coalition-opposition divide, nor is there discrimination on the basis of racial, ethnic, religious or gender status. Because of the high Internet penetration rate, various e-tools are becoming widely used in electoral campaigns, including election portals run by the Estonian Public Broadcasting (ERR) service. This has helped candidates keep costs down and reach a wider public.

France

Score 9

According to French laws regulating electoral campaigns, all candidates must receive equal treatment in terms of access to public radio and television. Media time allocation is supervised by an ad hoc commission during the official campaign. Granted incumbents may be tempted to use their position to maximize their media visibility before the official start. Private media is not obliged to follow these rules, but except for media outlets that expressly supporting certain party positions, newspapers and private media tend to fairly allocate media time to candidates, with the exception of marginal candidates who often run with the purpose of getting free media time.

The paradox of this rule for equal time is that the presidential candidates who are likely to make it to the second round receive the same amount of media time as candidates who represent extremely marginal ideas or interests. The result is that the "official" campaign on public channels is often seen as boring and viewers pay little attention. More and more viewers are apparently switching to private channels to skip the repetition of short, standardized complacent interviews on public channels.

Greece

Score 9

Incumbent political parties represented either in the national parliament or the European Parliament have equal opportunities of access to the media.

Most media outlets provide a fair and balanced coverage of the range of different political positions. However, private media are more selective in their reporting and many are sensationalist and distortive.

Moreover, since the neo-Nazi party Golden Dawn won parliamentary representation in the 2012 elections (winning 18 out of 300 seats in the Greek parliament), most media have not invited this party's cadres to political debates or to interviews because it has consistently expressed strong anti-parliamentary and racist views.

Citation:
http://aceproject.org/epic-en/me/Ep ic_view/GR [accessed on 08.05.2013]

Ireland

Score 9

As in the past, Irish elections continue to receive widespread and detailed coverage in the press, on radio and on TV. There are strict rules regarding media coverage – especially on radio and TV – designed to ensure equity of treatment between the political parties. The state-owned national broadcasting company (RTÉ) allows equal access to all parties that have more than a minimum number of representatives in the outgoing parliament. Smaller political parties and independent candidates find it less easy to gain access to the national media. However, any imbalances that may exist at the national level tend to be offset at the local level through coverage by local radio stations and newspapers. Subject to normal public safety and anti-litter regulations, all parties and candidates are free to erect posters in public spaces.

There were no significant changes in this area during the review period.

Lithuania

Score 9

The publicly owned media are obliged to provide equal access to all political parties and coalitions. Debate programs on the state-funded Lithuanian Radio and

Television are financed by the Central Electoral Commission. The media are also obliged to offer all campaigns the same terms when selling air time for paid campaign advertisements.

Newly introduced restrictions on political advertising, as well as restrictions on corporate donations to political parties, reduced the ability of the most well-financed parties to dominate the airwaves in the run-up to the elections. Privately owned media organizations are not obliged to provide equal access to all political parties.

According to the Organization for Security and Co-operation in Europe (OSCE), during the run-up to the 2014 presidential elections, the media environment was diverse and coverage of the campaign was thoroughly regulated. Candidates were provided with free air time on an equal basis by the public broadcaster, and all media were obliged to provide equal conditions for paid advertising. Although it was asserted by some that incumbent officials were provided with more media coverage, this had no impact on the level playing field among candidates.

Citation:
OSCE/ODIHR Election Assessment Mission Report on the 2012 parliamentary elections in Lithuania, see http://www.osce.org/odihr/98586.
OSCE/ODIHR Election Assessment Report on the 2014 presidential elections in Lithuania, http://www.osce.org/odihr/elections/116359?download=true.

Netherlands

Score 9

The Media Law (Article 39g) requires that political parties with one or more seats in either chamber of the States General be allotted time on the national broadcasting stations during the parliamentary term, provided that they participate in nationwide elections. The Commission for the Media ensures that political parties are given equal media access free from government influence or interference (Article 11.3). The commission is also responsible for allotting national broadcasting time to political parties participating in European elections. Broadcasting time is only denied to parties that have been fined for breaches of Dutch anti-discrimination legislation. The public prosecutor is bringing discrimination charges against Geert Wilders, leading member of parliament of the Party for Freedom. The individual media outlets, however, decide themselves how much attention they pay to political parties and candidates. Since 2004, state subsidies for participating in elections have only been granted to parties already represented in the States General. Whether this practice constitutes a form of unequal treatment for newcomers is currently a matter of discussion.

New Zealand

Score 9

Allocation of election broadcasting time and funds in New Zealand's multiparty system are based on several criteria, including: share of the vote during the previous

election; seats in Parliament; party membership; and results of opinion polls. The process is monitored by the independent Electoral Commission, and follows procedures laid down in the Electoral Act 1993 and the Broadcasting Act 1998. This ensures the fair coverage of different political positions, although the process has been criticized for favoring parties in decline and disadvantaging emerging parties that have yet to contest an election. Some earlier deficiencies that had to do with regulations that had not been adapted to the new realities of a mixed-member proportional electoral system were addressed in the Electoral Finance Act 2007. However, this led to new problems, stemming from controversies inter alia of how to deal with non-party actors' campaign spending in favor or against political parties. In the end, the Electoral Finance Act was repealed in 2009. After a lengthy period of consultation and consensus-seeking, the Electoral (Finance Reform and Advance Voting) Amendment Act was passed. Nevertheless, funding of broadcast campaings by non-party actors is still debated as a controversial issue.

Media coverage of political issues is generally fair and balanced. Although in some previous elections televised debates included the leaders of all parliamentary parties, during the 2014 general election the main debates were restricted to the leaders of the two major parties, with the leaders of the small parties being invited to debate separately.

Citation:
Broadcasting Act 1989 (Wellington: Ministry for Culture and Heritage 1989).
Electoral Act 1993 (Wellington: The Government of New Zealand 2012).
Decision of the Electoral Commission on the allocation of time and money to eligible political parties for the broadcasting of election programmes for the 2014 General Election (Wellington: Electoral Commission 2014).

Poland

Score 9

Parties and candidates have equal access to public and private media. At least for nationwide candidate lists, the Election Code requires public TV and radio stations to reserve time for the free broadcasting of campaign materials and for televised candidate debates. Although the government still wields some influence within the National Council on Radio and Television (KRRiT), the country's main media-oversight body, the partisan bias to public-media reporting has become substantially weaker than in previous periods. Moreover, the pluralistic nature and quality of private media in Poland allows all parties and candidates the opportunity to reach the public with their messages.

Citation:
Kotnarowski, M., R. Markowski, M. Wenzel, M. Żerkowska-Balas. 2014. Democratic Audit of Poland 2014. (available in Polish at www.dap.swps.pl), pp.114-115

Slovakia

Score 9

Slovakia's pluralistic media market ensures that all candidates and parties have equal access to the media, and that this access is reasonably fair. Election laws mandate that campaign messages must be clearly distinguished from other media content. While the public Radio and Television of Slovakia (RTVS) is required to introduce the candidates and present their campaigns, this is optional for private-media organizations. Public-media coverage has become more balanced since 2010. As was true of the 2012 parliamentary elections, there were no real complaints about partisan bias in the public media during the 2014 presidential campaigns. While Prime Minister Fico enjoyed a slight "office bonus" in the media, the elections were eventually won by independent candidate Andrej Kiska, who started his campaign almost two years before the elections and succeeded in winning public awareness for his charitable activities and his person.

Slovenia

Score 9

While both the public and private media tend to focus on the bigger political parties, Slovenia's public-media regulatory system and pluralist media environment ensure that all candidates and parties have fair access to the media. The public TV and radio stations are obliged to set aside some airtime for parties to present their messages and their candidates. The establishment of a third public TV channel has provided additional airtime for political parties and candidate lists to present their views to the public. In the 2014 election campaigns for the European Parliament, the national assembly and local government bodies, newly established political parties were given the opportunity to participate in pre-election debates held by the public broadcaster.

Australia

Score 8

There are no explicit barriers restricting access to the media for any political party or candidate. The media is generally independent, and highly activist. Furthermore, the public broadcasters – the Australian Broadcasting Commission (ABC) and the Special Broadcasting Service (SBS) – are required under the Australian Broadcasting Act to provide balanced coverage. In practice, the two dominant parties attract most coverage and it is somewhat difficult for minor parties to obtain media coverage. For example, the ABC has a practice of providing free air time to each of the two main parties (Labor and the Liberal-National Coalition) during the election campaign, a service not extended to other political parties. Therefore, new political movements and diverging political positions are not receiving much coverage in the established media. Print media is highly concentrated and biased toward the established parties.

In terms of advertising, there are no restrictions on expenditures by candidates or parties, although no advertising is permitted in the three days up to and including polling day. Inequity in access to the media through advertising does arguably arise, as the governing party has the capacity to run advertising campaigns that nominally serve to provide information to the public about government policies and programs, but which are in fact primarily conducted to advance the electoral interests of the governing party.

Canada

Score 8

While national media outlets do demonstrate political orientations, in general there is fair and balanced coverage of election campaigns and parties. Under sections 335, 339 and 343 of the Canada Elections Act, every broadcaster in Canada is required to make a minimum of 390 minutes of air time during each federal general election available for purchase by registered political parties. The allocation of airtime among the parties is usually based on a formula that takes into account factors such as the party's percentage of seats in the House of Commons, its percentage of the popular vote in the last general election, and the number of candidates it endorsed as a percentage of all candidates. The Canadian system is one of paid political advertising; that is, any broadcasting time used before an election has to be paid for, and there is no free direct access. This sets Canada apart from most European countries, which often have either a prohibition on paid advertising or a mixed system. In this sense, one could argue that parties' or candidates' access to direct broadcasting depends on the state of their campaign finances. However, whether or not this translated into unequal access is unclear, as campaign spending regulations likely impose de facto limits on how much parties can actually spend on televised advertising time.

The Elections Act restricts the amount any outside group can spend on political advertising during a political campaign to CAD 200,001. Under the changes implemented to the act through bill V-23 in 2014, this sum also became the limit on any spending "in relation to an election," not just during the campaign itself, thus capping total spending on political communications in the four to five years between elections.

Citation:
Parliament of Canada, Bill C-23: An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts, posted at http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId =6684613.

Israel

Score 8

Freedom of the press is considered to be one of the main pivots of Israeli democracy. Laws ensure equality in access for all candidates and parties. Criteria for the allocation of airtime during electoral campaign are impartial and determined by the chairman of the multi-partisan central election committee. The 1959 Law for Elections states that the chairman of the Central Elections Committee determines the radio broadcasting time provided to each list of candidates (currently, each list is entitled to 25 minutes, plus another six minutes for every member of the departing Knesset). All campaign-related broadcasts must be funded by the parties themselves and be approved in advance by the chairman of the committee.

Since Israel does not have a formal constitution, its core legislation is incomplete. However, throughout the 1990s several basic laws on the issue were passed. The basic law for governing the parliament states that "[t]he Knesset shall be elected by general, national, direct, equal, secret and proportional elections". The Supreme Court ruled in various cases that the varied size of parties makes it impractical to place them on equal footing and that the system should therefore continue to favor experienced parties.

While election broadcasting rights are fair and balanced, everyday equal access to media is challenged by the increasing popularity of the free daily "Israel Ha'yom", owned by a prominent "Likud" party contributor. In September 2014, concerns were raised when a popular news anchorwoman who was also the wife of the minister of the interior, was suspended for interviewing a member of her husband's party ("Likud"). She was reinstated after her spouse submitted his resignation.

Citation:
Hattis Rolef, Susan, Ben Meir, Liat and Zwebner, Sarah, "Party financing and election financing in Israel", Knesset Research Institute, 21.7.2003 (Hebrew).

Tucker, Nati, "Following Gideon Sahar's announcement: Geula Even will be reinstated to channel 1", theMarker 17.9.2014: http://www.themarker.com/advertising/1.2437045 (Hebrew)

Italy

Score 8

Although Berlusconi and his party (Forza Italia, FI) enjoy favorable treatment from the television chains and newspapers owned by Berlusconi himself, the media system as a whole offers a reasonably fair treatment of all political candidates. The most important national newspapers and other privately owned television chains offer fairly equal access to all positions, and after the Monti government Italian state television has maintained a much more neutral position compared to the past. Indeed Italian media – although still heavily criticized and ignored by the opposition Five Star Movement (Movimento Cinque Stelle) – emancipated itself quite well from political parties in the period under review. Some parties own their own media, like

the Democratic Party's (Partito Democratico, PD) YOUDEM television channel, but their impact is limited.

Access to television by parties and candidates is regulated by a law (Law 28/2000) that provides for equal time for each party during electoral campaigns. An independent oversight authority (Autorità per le Garanzie nelle Comunicazioni) ensures that the rules are followed and has the power to sanction violations. This power is effectively used. Public television is controlled by a parliamentary committee which reflects the composition of the whole parliament. Although the government in office typically attracts more air time than the opposition, the treatment of the different parties by the public broadcaster is fairly balanced overall. In the print sector, the large variety of newspapers both with and without a clear political orientation provides sufficiently balanced coverage of all positions.

As the roles of electronic (internet) and social media in political contests continues to grow, politicians and parties can rely increasingly less on classic media and reach citizens and voters more directly. This fact makes political players more independent from large media groups and public media.

Japan

Score 8

Access to the media for electioneering purposes is regulated by the Public Offices Election Law, and basically ensures a well-defined rule set for all candidates. In recent years, the law has been strongly criticized for being overly restrictive, for instance by preventing broader use of the Internet and other advanced electronic-data services. In April 2013, a revision of the Public Offices Election Law was enacted, based on bipartisan support from the governing and opposition parties; the new version allows the use of online networking sites such as Twitter in electoral campaigning, as well as more liberal use of banner advertisements. The new law was applied in national and local elections beginning with the 2013 upper-house elections. Regulations are in place to prevent abuses such as the use of a false identity to engage in political speech online.

Citation:
Nikkei.com: Diet OKs Bill To Allow Online Election Campaign, 19 April 2013

Matthew J. Wilson: E-Elections: Time for Japan to Embrace Online Campaigning, Stanford Technology Law Review, Vol. 4, 2011

Luxembourg

Score 8

All newspapers have more or less close ties to political parties, reflecting the ownership of the publications. They tend to be biased or rather partisan, especially during election campaigns. This gives an obvious advantage to large parties,

especially the Christian Social People's Party (CSV), which can count on the support of a newspaper group connected to the largest newspaper Luxemburger Wort, owned by the Catholic Church, which more or less dominates print media. To bolster a dwindling readership, newspapers have adopted a more balanced line over recent years, reducing at the same time their political bias to the benefit of smaller parties and organizations. As there are no significant public broadcasters, the main private broadcaster Radio Télé Luxembourg (RTL) has guarantee more or less balanced reporting according to its concession contract with the state of Luxembourg. During election campaigns parliament provides the political party lists with airtime and the opportunity to broadcast television ads on essentially equal footing. The government organizes roundtables with candidates from all the lists. The financing of election campaigns, especially the distribution of promotional leaflets by mail, is regulated by law.

The media market is becoming more pluralistic. Reports and comments in print media are less partisan than previously, and more media essentially distances itself from party influence. The government expects to revise press subsidiaries in the near future, with the aim of redistributing financial aid to support online media as a supplement to classic print media.

Citation:
http://www.eurotopics.net/fr/home/medienlandschaft/luxmdn/
http://www.luxembourg.public.lu/catalogue/medias/ap-medias/AP-Medias-2013-DE.pdf
http://www.luxembourg.public.lu/fr/culture/medias/presse-ecrite/index.html

Norway

Score 8

Candidates and parties are free to purchase political advertising in print publications and on the Internet. Advertisements from political parties are not allowed on television or radio. This ban has been subject to some controversy, with the populist Progress Party advocating a removal of the restriction. The other political parties are opposed to changing the law.

Television and radio broadcasters, both public and private, organize many electoral debates, to which all major parties (those with a vote share larger than 3% in the previous election) have fair access. There is no direct government interference in choosing the teams of journalists that conduct debates. In general, however, representatives of the larger parties are interviewed more often and participate in more debates than do small-party candidates. Political advertising during election campaigns is extensively regulated to ensure that voters are aware of its source.

Portugal

Score 8

Parties have access to broadcast time on television and radio for political purposes during the official campaign period of two weeks preceding the election date. This time is divided equally among the parties, according to the number of candidates they present. Parties need to present lists in at least 25% of electoral districts, and field a total number of candidates equal to at least one-quarter of the total number of possible candidates, in order to qualify for these broadcasts. These short broadcasts (lasting a maximum of three minutes for each party) air during prime-time, and had a non-negligible audience during the recent European elections. During the three days of the official campaign, these broadcasts were among the top 15 most-watched programs of the day.

If one considers media access more broadly, access to news programs and political debates is overwhelmingly concentrated on the five parties that have parliamentary representation: the Socialist Party (Partido Socialista, PS), the Social Democratic Party (Partido Social Democrata, PSD), the Democratic and Social Center People's Party (Centro Democrático e Social – Partido Popular, CDS-PP), the Left Bloc (Bloco de Esquerda, BE) and the Democratic Unitarian Coalition (Coligação Democrática Unitária, joining the Portuguese Communist Party and the Ecologist Party, CDU). Thus, television news coverage, which is popular in terms of TV ratings and is the predominant source of information for the Portuguese, is heavily concentrated on the five main parties.

However, during the period under analysis here, the issue of television coverage of the different parties' election campaigns became problematic. In particular, after the court decisions noted in the previous report, the National Election Commission adopted a very strict interpretation of the law requiring media to provide equal coverage to all parties during the campaign period. As a response, the three main television networks decided not to provide any coverage of the election campaigns – even declining to host debates between the candidates – during both the local elections of October 2013 and the European elections of May 2014, arguing that to provide coverage of all parties equally would be too costly.

Austria

Score 7

During electoral campaigns, all parties with parliamentary representation have the right to participate in non-biased debates hosted on the public broadcasting system. This can be seen as an obstacle to new parties, which are not covered by this guarantee.

There is no such rule for the private media, either print or electronic. While political parties today rarely own media organizations outright, print media organizations

more or less openly tend to favor specific parties or their associated political positions.

Political parties have what is, in principle, an unlimited ability to take out print advertisements, as long as the source of the advertisement is openly declared. This gives established parties with better access to funding (especially parties in government) some advantage.

However, the access to present a party's perspectives depends on its financial capacity. Despite rules, recently implemented to guarantee some balance, it become publicly known that some parties have significantly overspent during the electoral campaign of 2013 and therefore clearly violated the rules.

Belgium

Score 7

All mainstream political parties, or so-called democratic parties, have broadly equal access to the media (however, equal media airtime is not guaranteed by law). Minor parties and so-called non-democratic (essentially post-fascist) parties do not have equal access to media, as the main TV stations, for instance, reserve the right to ban such political parties from broadcasts. Print media also offers broad and mostly balanced coverage of political parties, although some newspapers may have preferential links to this or that party "family."

The influence of post-fascist or national-populist parties varies, depending on geographical region. In Flanders, the national-populist Vlaams Belang is considered to be an acceptable party for media interviews and broadcasts. In Wallonia, a radical populist party (Parti Populaire) receives some media coverage; so does the extreme Left-Wing PTB/PVdA across the whole country. All other parties have quite fair access to the media. Difficulty of access only seems to be substantial for ultra-minority parties, because of their sheer size.

Cyprus

Score 7

No legal framework governs parties and candidates' access to print and online media. However, almost all newspapers and their online editions offer coverage to all parties and candidates.

The Laws on Radio and Television 7(I)/1998 and on the public-service broadcaster (Cyprus Broadcasting Corporation, RIK) require equitable and non-discriminatory treatment of the executive and legislative powers, the political forces and other actors in society. Equity must be respected in particular during pre-election periods, three months before election day. Air time must be allotted in accordance with political parties' share of parliamentary seats and territorial strength.

Broadcasters are required to produce a “code of conduct” and comply with its terms. Monitoring of commercial broadcasters is performed by the Cyprus Radio Television Authority (CRTA), while the RIK governing body oversees the public broadcaster. Codes of conduct and compliance reports have almost never been publicly available. Paid political advertising is allowed on broadcast media for the 40 days preceding elections.

Although reports are not available to the public, the rules on media access appear to be in practice respected. All political groupings and candidates are given coverage, free air time on public and commercial media, and sometimes paid advertising. Claims by small parties and candidates seeking more access have failed when brought before the courts. Although the laws in this area could be improved with regard to terminology or specific provisions, no notable cases of discrimination have been evident.

More generally, women candidates have a worrisomely low level of participation and visibility in the media, while the parties with greatest access represent only a narrow ideological spectrum.

Citation:
1. The Law on Radio and Television Stations, L. 7(I)/1998, available at http://www.cylaw.org/nomoi/enop/non-ind/1998_1_7/full.html (in Greek).
2. The Law on the Cyprus Broadcasting Corporation, Ch. 300A, available at http://www.cylaw.org/nomoi/indexes/300A.html (in Greek).
3. Regulations on fair treatment of parties and candidates, Normative Administrative Acts (NAA) 193/2006 available at http://www.cylaw.org/nomothesia/par _3/meros_1/2006/1641.pdf (in Greek), and NAA 207/2009 (on European Parliament Elections), available at http://www.cylaw.org/nomothesia/par _3/meros_1/2009/1087.pdf (in Greek).
4. On candidates claims for equal treatment, see, Supreme Court - Revisional Jurisdiction, Case 128/2013, Praxoula Antoniadou v. Radio Broadcasting Corporation, Decision 13 January 2014, availabe at http://www.cylaw.org/cgi-bin/open.pl?file=/apofaseis/aad/meros_4/2014/4-201401-128-13apof.htm (in Greek)

Czech Republic

Score 7

Electoral law guarantees parties access to state radio and television, with a total of 14 hours set aside for all parties to express their views with equal allocation irrespective of the party’s size or previous electoral performance. Thus all parties do have media access, although presentations are often tedious and unlikely to hold viewers’ and listeners’ attentions. Space is also provided by municipalities for billboards, and political advertisements are carried in newspapers. There is an obvious bias toward more coverage and presentation for the larger parties, however, reflecting the parties’ greater resources and also media perception that such parties are more important. A problem with the coverage of the 2013 and 2014 elections arose from the changing ownership structure of Czech media. The founder and leader of the ANO party, Andrej Babiš, purchased in June 2013 the media holding company MAFRA, which publishes the two highest-circulation Czech dailies; he also holds several weeklies and radio and TV stations. With the change of ownership, reporting by MAFRA-held

media also changed, with a strong positive bias toward ANO and a negative bias toward other political groups, even including one of ANO's coalition partners, the Czech Social Democratic Party.

Iceland

Score 7

Formally, all parties or candidates have equal access to media. There are no restrictions based on race, gender, language or other such demographic factors. However, parties already represented in the national parliament or in local councils have an electoral advantage over new parties or candidates. Furthermore, in the 2013 parliamentary election campaign, several media organizations systematically discriminated against small or new parties that opinion polls indicated were unlikely to exceed the 5% minimum vote threshold.

Latvia

Score 7

Electoral candidates and every political party have equal access to the media. Publicly financed election broadcasts on public and private television are equally available to all.

The media system as a whole provides fair and balanced coverage. Individually, however, media outlets do not consistently provide fair and balanced coverage of the range of different political positions. Meanwhile, the opaque ownership structures of media outlets mean that support for political actors is often implied rather than clearly stated as an editorial position. Corrupt political journalism has been prevalent across a wide spectrum of the media. There are also marked imbalances in media coverage related to the different linguistic communities. For example, both Latvian and Russian language media demonstrate a bias toward their linguistic audiences.

Citation:

1. Report on Parliamentary Elections in Latvia, p.2, Available at: http://www.osce.org/odihr/elections/86363, Last assessed: 17.05.2013

2. Rožukalne, A. (2010), Research Paper on Hidden Advertising Issues in the Media, Available at (in Latvian): http://politika.lv/article_files/2117/original/slepta_reklama_mediju_prakse.pdf?1343212009, Last assessed: 20.05.2013

Mexico

Score 7

This is another area where negotiations over proposed changes have been completed, but where the reforms have not yet (as of the time of writing) taken effect. Currently, all political parties are eligible for public financing, the volume of which corresponds to their electoral strength. The law prohibits discrimination of parties on the basis of

color, social origin and other irrelevant factors. The electoral process in Mexico is, in general, subject to a comparatively high degree of regulation. For example, there are restrictions on the amount of money parties are allowed to raise and spend. The main reason for this restrictiveness is a well-founded fear by the political authorities that Mexico's drug gangs will try to use their massive wealth to influence the political process (which has not happened to date to a significant degree at national level). Despite the degree of regulation, money still counts in Mexican politics. For example, there is evidence that the biggest television enterprise, Televisa, displayed a preference for the PRI over other political parties by granting the party more coverage in the electoral campaign.

Spain

Score 7

All Spanish democratic parties or candidates have access to the public media without unreasonable or systematic discrimination. The electoral law (Organic Law 5/1985) regulates strictly the access to public television and public radio networks during electoral campaigns. This access is not exactly equal, but can be considered plural and proportional as it is based on past electoral performance. The system is even very rigid, allocating times for free advertisement slots (paid advertising is not allowed) and news coverage. Thus, parties receive a free slot of 10, 15, 30 or 45 minutes every day, depending on their share of the vote in the previous elections.

A similar system operates with regard to news coverage, where the time devoted to each party is also proportionally allocated according to the previous electoral results. Therefore the two major parties – the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) and Popular Party (Partido Popular, PP) – and, to a lesser extent, the governing nationalist parties in Catalonia and Basque Country, Convergence and Union (Convergència I Unió, CiU) and the Basque Nationalist Party (Partido Nacionalista Vasco, PNV), enjoy a clear advantage, since they are the candidatures that regularly draw more votes. With this system, new candidates or parties find it difficult to win media access. This regulation seems particularly shocking on the eve of general elections to be held in 2015, since the new anti-austerity and leftist populist party Podemos (We can) is leading in the opinion polls but, because it was established only in January 2014, it will not be entitled to free advertising or news coverage in public media. Nonetheless, Podemos is a political force with considerable television airtime, a situation which may to some extent serve as a counterbalance to that rigid legislation.

Whether absurd and unfair or not, the allocation of these advertising slots and minutes of news coverage is guaranteed by the Central Electoral Board (Junta Electoral Central). In fact, many journalists working in the public media are very critical of this rigid system, which subordinates the journalistic interest in information to the proportional time fixed by law. Throughout the rest of the year (i.e., beyond the campaign season), parties do not have public broadcast time slots

and it is then very common for opposition parties to criticize public media for supposedly being biased in favor of the government.

Regarding private media, a reform of the electoral law in 2011 extended the aforementioned system of proportional news coverage during the electoral period to privately owned television stations. Apart from this special regulation for campaigns, the largest media organizations have a strong tendency to favor the mainstream parties or the more well-known candidates in their day-to-day coverage. Giant private newspapers, radio and television stations tend also to lean ideologically toward PP, PSOE or CiU in Catalonia (empirical work shows a significant connection between media and parties with the same political orientation). Access to the private media is worse for national parties that are not quite as large, such as United Left (Izquierda Unida, IU) or two centrist parties UPyD and Ciudadanos. For parties not represented in parliament and which therefore have no legal guarantee to broadcast time, the situation is much more difficult. They must rely on the Internet and small direct digital TV channels. However, the new leftist party Podemos has benefitted from two private TV stations (Cuatro and La Sexta), which have made an invaluable contribution to spreading the message and popularity of its leader, Pablo Iglesias.

In short, the Spanish media system as a whole does not provide all the different political positions with absolutely fair and balanced access to the media, but plural coverage is indeed achieved.

Citation:
Esteban Romero-Frías and Liwen Vaughan, 2012. “Exploring the relationships between media and political parties through web hyperlink analysis: The case of Spain” in Journal of the American Society for Information Science and Technology, Vol. 63 – 5.

http://politikon.es/2014/11/17/podemos-la-sexta-y-la-influencia-de-los-medios-en-el-voto/

United Kingdom

Score 7

The media plays a central role in political campaigning, and the importance of coverage has further increased in recent years through the rise of social media and the Internet. Television remains the most important medium for campaigning in general elections. Paid TV advertising is prohibited for political parties, who can only advertise in newspapers. However, major parties are granted a certain amount of free time for TV advertising, a concession that is not available to minor parties and which could be construed as a deterrent to them. Coverage on television is fair and balanced, and policed by Ofcom, the industry regulator. Broadcasters are required to be balanced in their coverage of parties, especially at election time. No such restrictions exist for the print industry, and indeed there is strong tradition of partiality, especially by some newspaper groups that are prominent in national political life.

United States

Score 7

In a formal and legal sense, media access is fair, although the U.S. media exhibit some significant biases. There are only modest publicly funded media: the Public Broadcasting System (PBS, for television); National Public Radio (NPR); and C-SPAN. Most media organizations are privately owned, for-profit enterprises. Private media organizations are formally independent of the political parties and the government and at least nominally have independent editorial policies. Nevertheless, media content reflects several biases. In election campaigns, media coverage of candidates and parties generally reflects the strength and popularity of the competing campaigns, with more favorable coverage going to the leading candidate, regardless of party. Finally, in election campaigns, media messages are dominated by paid advertising. Such advertising can reflect massive imbalances in the fundraising capabilities of the opposing candidates or parties, with a modest, inconsistent advantage for the Republicans. The overwhelming volume of paid advertising certainly reduces the benefit of the major parties' relatively free and equal access to news coverage.

Citation:
Iyengar, Shanto, and Kyu S. Hahn, Red media, blue media: Evidence of ideological selectivity in media use, Journal of Communication, 59 (2009) 19–39.

Bulgaria

Score 6

Media access for candidates and parties differs drastically between publicly and privately run media. The public broadcast media – one TV and one radio station with several channels each – are required by law to provide full and balanced coverage and to set aside time for every candidate and registered party or coalition to make their own presentations. In contrast, access to the privately held media, especially print media, is less equal. Many private media firms are in the hands of business groups heavily involved in dealings with the state. These organizations tend to present the ruling majority in a positive light, or to block the access of competing political candidates, in exchange for favorable business deals. Following the 2014 parliamentary elections, the OSCE complained that in many cases campaigns' paid political advertisements in the media were not clearly marked and were difficult to distinguish from editorial content, thus potentially misleading voters

South Korea

Score 6

Candidates' access to the media depends on the type of media. The print media remains dominated by three big conservative newspapers with a clear political bias.

However, there are smaller newspapers that support the opposition. Access to TV and radio is even higher, although government intervention increased under the previous Lee Myung-bak administration. There was some public discussion in 2012 on whether to exclude a progressive party candidate from the presidential election debate because she would have no chance of winning the elections. However, she was included until she resigned before the last debate. In general, concerns about media freedom in South Korea are growing. In early 2012, reporters from the three main TV channels – KBS, YTN, and MBC – went on strike to protest political interference.

Blogging and social networks have played an important role in South Korean politics and in the country's broader internet culture in recent years. The immensely controversial National Security Law also applies to online media. Nevertheless, South Korean society is one of the world's most internet-active societies, with almost universal access to the internet and an increasing shift from the use of print media to online media (especially among the younger generation). This is why some argue that the obvious conservative bias of mainstream newspapers is less and less relevant as a factor in assessing fair media access during election campaigns. On the other hand, the Korea Communications Standards Commission and the National Election Commission have been trying to block accounts or fine online users for online comments critical of the government or the ruling party. However, some of these fines have since been overturned.

Another limitation is the opaque character of South Korean election law concerning support for candidates during the election period, which can be up to 180 days before an election. According to some interpretations of Article 93 of the election law, all public support for candidates or parties is illegal during that period. On 29 December 2011, the Korean Constitutional Court ruled that Article 93 was unconstitutional in restricting expression of opinions on the internet. However, it is still not clear how this ruling will affect other media or campaigning in general.

Croatia

Score 5

In Croatia, the national electronic media, both public and private, are legally required to provide equal coverage of all competing candidates and parties. In the case of the public media, this includes the obligation to set aside free airtime for all participants and broadcast a variety of special election programs. Given the large number of parties, however, this means that numerous insignificant participants "clog" the media space. With the exception of during presidential elections, the two major party groups do not conduct televised debates. A second major problem is the partisan bias of the local electronic media, two-thirds of which are owned by municipalities.

Malta

Score 5

Malta has both state and private media. The Maltese constitution provides for a Broadcasting Authority (BA) to supervise broadcasting and ensure impartiality. During elections, the BA provides for equal time for the two major political parties on state television on its own political debate programs as well as airtime for political advertising. However, smaller parties or independent candidates do not receive equal treatment on state media. State media continues to be a source of controversy as it tends to favor the party in government. Since the new Labor-Party government came to power, the opposition has filed 36 complaints against the national state television service. The two major political parties also have their own radio and television stations, and as these are only partially controlled by the BA they are free to restrict access to opponents and smaller political parties. The party machines may also restrict media access to some of their own candidates while favoring others. The BA does require party-run media to reply to an aggrieved party or individual, when the BA believes a complaint is either politically controversial or when it is clear that some sort of misrepresentation has occurred. In general, print media is regulated by the Press Act. The two major parties also run or control a number of newspapers. While the act does not enforce impartiality, however, it does provide for a similar right of reply mechanism as is the case with broadcasters.

Independent media, while tending to favor one party or another, provide reasonably fair coverage of different political positions. Prior to an election, however, the space for independent viewpoints in major newspapers becomes restricted, achieved through the financial leverage that parties maintain over papers by spending enormous sums on advertising. Social media networks have provided individuals and non-political groups with an important platform independent of the party media, although this too is frequently an extension of old party communication arrangements.

Citation:
http://www.ba-malta.org/prdetails?i d=246
Social Media during the 2013 General Election in Malta. Department of Information Malta
www.consilium.europa.eu/media/…/1 st-panel-oswald-main-slide-speaker… .
Sammut,C (2007) Malta and the Media Landscape
muscat, K. (2014) Opposition Made thirty Six Complaints over PBS Times of Malta 30th November

Romania

Score 5

The first round of the November 2014 presidential elections suffered from the lack of any televised debate between the 14 candidates. Despite civil-society efforts to organize such a debate, several candidates either failed to respond to the invitation (Kelemen Hunor, Dan Diaconescu and Corneliu Vadim Tudor) or rejected it outright (Călin Popescu Tăriceanu). As a result, Prime Minister Ponta, who had conditioned

his participation on the presence of all 14 candidates, also declined to attend, and the debate was not held. While the main candidates had access to the mass media (including free access in line with Romanian legislation), Ponta was more visible than other candidates, in part because of his role as prime minister. Moreover, candidates typically made their media appearances through friendly media outlets, which reduced the ability to create genuine political dialogue and reinforced partisan coverage by most major TV outlets.

Chile

Score 4

Access of candidates and parties to public TV channels is regulated by law (Law No. 18,700, Ley Orgánica Constitucional sobre Votaciones Populares y Escrutinios, and Law No. 18,603, Ley Orgánica Constitucional de los Partidos Políticos). But given the high level of media concentration within a small group of companies with a specific political background, candidates and parties de facto lack equal opportunity of access to the media and other means of communication, as the media landscape is strongly biased. La Nación, a former daily paper owned and run by the state, stopped publishing a print edition under the administration of former President Piñera (although it is still accessible online). Chile's largest free TV channel (TVN) is state-owned, and is required by law to provide balanced and equal access to all political views and parties – a regulation which is overseen by the National Television Directorate (Consejo Nacional de Televisión, CNTV). The private media is mainly owned and/or influenced by the elite associated with the Alianza por Chile coalition, which currently represents the opposition to the government. Although La Nación and TVN are state-owned, they must operate according to market rules, relying on advertising revenues and strong audience ratings.

Turkey

Score 4

According to Law 3984 on the establishment of radio and television enterprises and broadcasts (20 April 1994; paragraph N, Article 4), "equality of opportunity shall be established among political parties and democratic groups; broadcasts shall not be biased or partial; broadcasts shall not violate the principles of election bans which are determined at election times."

Although the mainstream media companies basically provide equal opportunity and access to airtime for major political parties in parliamentary and local elections, TRT, the public Turkish broadcaster, has given the lion's share of campaign-coverage airtime to the governing Justice and Development Party (AK). Indeed, over a 12-day period, TRT allocated 13 hours of campaign coverage to the ruling AK Party and a total of only 95 minutes to the remaining opposition parties. In other words, the coverage has violated regulations as well as direct oversight-body orders

prohibiting one-sided and partial coverage of election campaigns.

The presidential campaign reflected a bias in favor of then-Prime Minister Erdoğan, with major television stations providing extensive coverage of his campaign and only limited coverage of other contestants. The imbalance in media coverage was compounded by the preponderance of paid political advertising supporting Erdoğan, and by the lack of a clear definition underlying broadcasters' impartiality requirement.

In general, the existing structure of media ownership, the degree of cartelization and the media's business relations with the state violates the provisions of Law 3984, Article 29. Hundreds of smaller local radio and TV stations broadcast illegally, without a license, but these do provide an alternative means of political communication. A recent auction for frequency licenses was annulled by the First Administrative Court on the basis of unfair competition.

Holli Semetko (2010), Election Campaigns, Partisan Balance, and the News Media, in P. Norris (ed.), Public Sentinel: News Media and Governance Reform, The World Bank Institute.

Ömer Faruk Gençkaya (2014), Cumhurbaşkanı Seçim Kampanyasının Finansmanı: Adiliyet, Şeffaflık ve Hesap Verebilirlik (Campaign Finance of Presidential Election: Fairness, Transparency and Accountability), Democracy Barometer Analyis Report 1, Istanbul, http://platform24.org/Content/Uploads/Editor/Demokrasi%20Barometresi%20Analiz%20Raporu%201.pdf (accessed 17 December 2014)

OSCE (2014) 'Presidential candidates in Turkey able to campaign freely, but playing field not level, say international observers', 11 August 2014, http://www.osce.org/odihr/elections/turkey/122539
OSCE/ODIHR (2011), Republic of Turkey Early Parliamentary Elections, OSCE/ODIHR Election Assessment Mission Report, 12 June 2011, http://www.osce.org/odihr/84588.
OSCE/ODIHR (2014), Republic of Turkey Presidential Election 10 August 2014 OSCE/ODIHR Needs Assessment Mission Report, 7-9 May 2014, http://www.osce.org/odihr/elections/turkey/119439?download=true

Hungary

Score 3

In the run-up to the 2014 parliamentary elections, access to the media and other means of communication were highly contested. In the 2012 – 2013 period, the Orbán government sought to introduce a ban on election advertising in the private media. In response to criticism by the European Commission, however, the Act on Elections that was eventually adopted in September 2013 did not contain such a ban. Nevertheless, a government decision in January 2014 severely limited campaign-advertisement space in public places. Access to the media has been uneven, as the Orbán government has exerted strong control over the public media, and an increasing share of private media organizations have fallen into the hands of owners close to Fidesz.

Citation:
European Commission (2014) A new EU Framework to strengthen the Rule of Law, Brussels, 11.3.2014, COM(2014) 158 final.

Indicator

Voting and Registration Rights

Question

To what extent do all citizens have the opportunity to exercise their right of participation in national elections?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

10-9 = All adult citizens can participate in national elections. All eligible voters are registered if they wish to be. There are no discriminations observable in the exercise of the right to vote. There are no disincentives to voting.

8-6 = The procedures for the registration of voters and voting are for the most part effective, impartial and nondiscriminatory. Citizens can appeal to courts if they feel being discriminated. Disincentives to voting generally do not constitute genuine obstacles.

5-3 = While the procedures for the registration of voters and voting are de jure non-discriminatory, isolated cases of discrimination occur in practice. For some citizens, disincentives to voting constitute significant obstacles.

2-1 = The procedures for the registration of voters or voting have systemic discriminatory effects. De facto, a substantial number of adult citizens are excluded from national elections.

Australia

Score 10

No changes to voting rights occurred in the review period. Registration on the electoral roll and voting are compulsory for all Australian citizens aged 18 years and over, although compliance is somewhat less than 100%, particularly among young people.

Prisoners serving terms of three years or more are not entitled to vote in federal elections until they are released from prison.

Finland

Score 10

Electoral provisions stipulate that universal suffrage for all adult Finnish citizens, a secret ballot voting method, a minimum voting age of 18, non-compulsory voting, an entitlement to vote for expatriated Finnish citizens and the exclusion from national elections of non-Finnish nationals resident in Finland (though non-Finnish, permanent residents may vote in municipal elections). The population registration center maintains a register on persons eligible to vote and sends a notification to those included in the register. Citizens do not need to register separately to be able to vote. A system of advance voting has been adopted since the 1978 parliamentary elections and the proportion of ballots cast in advance has risen significantly. Electronic voting was tested during the municipal elections of 2008, but has not been

adopted in subsequent elections. Although, the government is continuing to explore internet-based voting methods for use in the future.

Dag Anckar and Carsten Anckar, "Finland", in Dieter Nohlen and Philip Stöver, eds. Elections in Europe. A Data Handbook, Nomos, 2010.

Germany

Score 10

German citizens (Basic Law, Art. 116 sec. 1) aged 18 or older are eligible to vote and run for election to the Bundestag, provided that they have resided in Germany for at least three months (Federal Electoral Act, sections 12.1, 15). By judicial order, the right to vote can be denied to criminals, persons lacking legal capacity and convicts residing in a psychiatric hospital (Federal Electoral Act, sec.13). Before the election, every registered citizen receives a notification containing information on how to cast a vote as well as an application form for postal voting. Today, postal voting is widely used, largely without issue (according to the Federal Returning Officer, in the last general election 24.3% of registered voters voted by mail). Citizens not included in the civil registry (e.g., homeless people) are eligible to vote but have to apply to authorities in order to be registered.

After the Federal Constitutional Court declared some provisions regarding the voting rights of Germans living abroad to be unconstitutional, a new amendment on the issue was drafted and passed in May 2013. Today, Germans living abroad have the right to vote (Federal Electoral Act, sec. 12) if they have lived at least three months in Germany after their fifteenth birthday and have not lived more than 25 years abroad without interruption. Those who do not fulfill these requirements are still eligible to cast their vote if they can verify that they are both familiar with and affected by German political conditions. Germans living abroad have to register to vote with the authorities of their last domestic residence at least 21 days before the election. They can then cast their vote by mail (cf. Federal Elections Act sections 36, 39 and Federal Electoral Regulations).

The period under review saw a number of elections on the state level (Brandenburg, Thuringia and Saxony) as well as the European elections in May 2014. No irregularities or complaints about voter registration, voter lists or postal voting have been reported.

Citation:
OSCE (2013): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 22 September 2013. OSCE/ODIHR Election Assessment Mission Report. Warsaw: OSCE/ODIHR. Internet source: http://www.osce.org/odihr/elections/109518?download=true (11/05/2014).

Postal ballot:
Information provided by the Federal Returning Officer
http://www.bundeswahlleiter.de/de/glossar/texte/Briefwahl.html
Federal Elections Act (BWG) Sections 36, 39
Federal Electoral Regulations (BWO) Sections 20, 25 to 31, 66, 74, 75

Elections in Thuringia, Brandenburg, and Saxony cf.
http://www.wahlrecht.de/termine.htm

Greece

Score 10

All Greek citizens of at least 18 years of age have the right to vote, with the exception of those serving a prison sentence. There is no discrimination in the exercise of the right to vote nor any disincentives for voting. Upon being born, Greeks are registered by their parents in the municipality where their family resides. These records serve as lists of citizens eligible to vote.

Citation:
http://aceproject.org/epic-en/count ries/CDCountry?country=GR [accessed on 11.05.2013]

Iceland

Score 10

Iceland's voting procedure is unrestricted. If an individual is registered as a voter within a constituency, they only have to present a form of personal identification to cast a vote. Every person 18 years or older has the right to vote.

Netherlands

Score 10

Contrary to other civil rights, the right to vote in national, provincial or water board elections is restricted to citizens with Dutch nationality of 18 years and older (as of election day). For local elections, voting rights apply to all registered as legal residents for at least five years. Convicts have the right to vote by authorization only; as part of their conviction, some may be denied voting rights for two to five years over and above their prison terms. Since the elections in 2010, each voter is obliged to show a legally approved ID in addition to a voting card. Legally approved IDs are a (non-expired) passport or drivers' license (Article J24 Kieswet and Article 1 Wet op de Identificatieplicht).

Citation:
art J24 Kieswet:
http://wetten.overheid.nl/BWBR0004627/AfdelingII/HoofdstukJ/6/ArtikelJ24/geldigheidsdatum_24-05-2013

art 1 Wet op Indentificatieplicht:
http://wetten.overheid.nl/BWBR0006297/geldigheidsdatum_24-05-2013#HoofdstukI_Artikel1

New Zealand

Score 10

New Zealand's electoral process is inclusive. The voting age was lowered from 21 to 20, and then again to 18 in 1974. A bill introduced to Parliament in 2007 called for a further reduction in the voting age to 16 years. Due to lack of public and

parliamentary support, it was later withdrawn. Permanent residents of 12 months standing are given the right to vote in national elections. For those who move offshore, they remain eligible to vote, providing they return home every twelve months. Citizens who live elsewhere retain their eligibility for three years. While it is compulsory to register to vote, the act of voting is voluntary (despite facing a potential fine, a growing number of young voters choose not to register). Indigenous Maori may register to vote on either the Maori electoral roll or the general roll. There are seven designated Maori seats in the current legislature. Additional Maori representatives are elected on the general roll. Electoral boundaries are redistributed every five years. Beyond legal regulations, there are focused and ongoing activities, especially by the Electoral Commission, to increase political efficacy and turnout by ethnic minorities, those with disabilities, as well as young voters. In 2014 it announced plans to implement a phone dictation voting service for blind voters and those with physical disabilities that prevent them from marking their voting paper independently and in secret. Whereas electoral turnout in the postwar period tended to fluctuate between 85% and 91%, in 2014, turnout has increased for the first time since 2005, with some 78% of voters participating in the 2014 election. Registering for an election can be done electronically. Registered voters then receive an "easy vote" pack with further voting information.

Citation:
Access 2011: Accessibility Action Plan for the 2011 General Election and Referendum on the Voting System (Wellington: Electoral Commission 2011).
Annual Report of the Electoral Commission for the year ended 30 June 2012 (Wellington: Electoral Commission 2012), pp. 8-9.
http://www.elections.org.nz/voters/voting-election/easyvote-cards-make-it-easy (accessed October 8, 2014).
Access 2013: General Elections 1853-2011, Dates and Turnout, http://www.elections.org.nz/events/past-events-0/general-elections-1853-2011-dates-and-turnout (Wellington: Electoral Commission 2013).
Voter turnout, http://www.stats.govt.nz/browse_for_stats/snapshots-of-nz/nz-social-indicators/Home/Trust%20and%20participation%20in%20government/voter-turnout.aspx (accessed October 8, 2014).
Electoral Commission, 2014. Party Secretary Handbook. General Elections, http://www.elections.org.nz/party-secretary-handbook, (last accessed 6 October 2014).

Norway

Score 10

All Norwegian citizens who are 18 years old or older have the right to vote in parliamentary elections. In local elections, permanent residents who have resided in Norway for at least five years have the right to vote. There is no requirement of prior registration. Each eligible citizen receives a voting card sent by mail. It is possible to vote before the election through the post or at specific locations, including at Norwegian embassies abroad. There has been no allegation from any political party that the electoral process is not inclusive. Election turnout is high and discrimination is rarely reported. Young voters "learn" voting behavior in schools, through participating in a school vote prior to reaching the age of voting eligibility. Some municipalities have experimented with a voting age of 16 in local elections.

Poland

Score 10

The 2011 Election Code made voting rights more transparent by consolidating provisions for different election levels into a single law. Almost all adult citizens in Poland have the right to vote. While there is no blanket disenfranchisement of convicts or individuals who have been declared incapacitated, existing provisions are not fully in line with the rulings of the European Court of Human Rights. As Polish citizens are automatically registered to vote, there is no need for prior registration before elections. Since August 2014, all citizens, not only the disabled and those living abroad, have been able to vote by mail. In the November 2014 local elections, an information-technology failure led to delays in the reporting of the election results, prompting voting-fraud allegations by PiS, the main conservative opposition party.

Citation:
OSCE/ ODIHR, 2011: Election Assessment Mission Report: Poland, Parliamentary Elections, 9 October, 2011 (http://www.osce.org/odihr/elections/87024).

Slovenia

Score 10

The electoral process is largely inclusive at both national and local levels. All adult citizens, including convicted prisoners, can participate in elections, and no cases of voting irregularities occurred in the period under analysis. Voters that will not be in their place of residence on election day can ask for a special voter's pass that allows voting at any polling station in the country. While there is no general postal vote, Slovenian citizens who live abroad as well as disabled persons unable to make it to the polling station can exercise their voting rights by mail. One Slovenian peculiarity are the special voting rights for the Hungarian and Italian minorities and the Roma population. Members of the Hungarian and Italian minorities can cast an additional vote for a member of parliament representing each minority in the national parliament. In the case of local elections, a similar provision exists for the Roma population in all municipalities with a substantial Roma minority.

Spain

Score 10

The Spanish electoral system meets the highest requirements and every citizen 18 years and over has the right to vote. The extent to which this suffrage can be exercised is absolute, and apart from minor errors, no discrimination or any other significant exclusion has existed in recent elections. Only those suffering specific mental disabilities or who have been judged guilty in certain criminal cases (always by a court) may lose their political rights. All citizens are automatically included in the electoral register (Censo Electoral), which is as a rule updated correctly.

Adequate opportunities for casting an advance ballot are also provided in case of illness, absence or just incapacity to attend the polling station on the day of election. The average turnout since 1977 is comparatively high (73.5%) and the last national election held in 2011 saw a 71.7% turnout compared with 73.9% in 2008.

The only two problems which deserve to be mentioned are related to immigration and emigration. The 5 million foreigners who live in Spain are not entitled to vote in national elections and it is not easy to become naturalized even for long-standing foreign residents, but this restriction is common to all advanced democracies (note that EU citizens can already vote in local and European Parliament elections, and even non-EU citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote).

Regarding Spanish emigration, citizens may face onerous red tape discouraging participation and even occasional technical failures in the administrative work of consular departments. Although 90% of the some 2 million Spaniards abroad are registered in the CERA (the electoral census of emigrants), a legal change passed in 2011 with the declared aim of preventing fraud has limited their right to vote. As a result, turnout among Spanish emigrants has been extremely low (under 10%) in recent elections and parties are now discussing a redress the 2011 reform. Some emigrants' associations claim these restrictions have been politically motivated by a government that fears a surge in protest votes among young emigrants who have left the country in search of a job.

Citation:
www.eldiario.es/clm/palabras-clave/voto-rogadorobado_6_267783249.html

Sweden

Score 10

The Swedish electoral system meets the highest requirements in terms of eligibility, transparency and the basic right to participate. There are no legal obstacles to anyone who wants to run in an election. Political parties conduct candidate selection without any interference from the state, and the media closely monitor the parties during the selection process. Electoral turnout has always been high and increased in the 2006 and 2010 general elections, reaching almost 85% and indeed surpassing that level in the 2014 general elections.

Citation:
Valmyndigheten (http://www.val.se/).

Switzerland

Score 10

Formal procedures and rules in the area of voting and registration rights are those of a model democracy. However, there are at least two problems. The first relates to the

proportional voting system for elections. Small parties from small electoral districts successfully claimed before the Federal Court that they have effectively no chance of winning one of the very few seats allotted to these districts. The court then ruled that every citizen must have the same influence on elections. Therefore, the size of districts must be designed in such a way that there are at least 10 seats at stake, thus giving small political parties a real chance to win a seat. Several cantons affected by the ruling reorganized their electoral system and districts accordingly. However, the court's decision is not very coherent. It forces the cantons to guarantee that voters within a canton will have an equal degree of influence, but accepts that federalism leads to much more significant inequalities of influence at the national level. This leads to the second problem cited above. It is certainly true that the decentralized federal structure of Switzerland as a multicultural country gives some citizens much more electoral influence than others. This is particularly true of representation within the Council of States (Ständerat), the country's second parliamentary chamber (which is modeled after the U.S. Senate). Each canton is entitled to two representatives. The Council of States has the same power as the House of Representatives (Nationalrat), while the size of cantons varies by as much as a factor of 36. This means that a citizen of the canton of Zurich, which has 36 times more inhabitants than the canton of Uri, has considerably less political power than one of Uri. This overrepresentation of small cantons has real effect within the bicameral parliament's legislative process. Historically, these strongly protected minority rights are traceable to the denominational conflicts of the 19th century. However, one can argue that this denominational definition of minority status no longer holds importance. This would mean that the strong overrepresentation of small cantons should somehow be modified. So far, all parliamentary initiatives aiming at such a reform have failed. Nonetheless, one has to recognize that democracy and federalism function on different principles (one person, one vote in the case of democracy, and one subnational unit, one vote for federalism). Thus, the unequal weighting of citizens' votes is a consequence inherent in every democratic federation.

Austria

Score 9

Voter registration and voting rights are well protected. Registration is a simple process, taking place simultaneously with the registration of a residence. Citizens must be at least 16 to vote. The country has made efforts to allow non-resident citizens to vote from overseas.

The relative difficulty in obtaining citizenship, and thus voting rights, represents a more problematic aspect of the political culture. According to some mainstream interpretations of democracy (e.g., following Robert Dahl), all legal residents should have the right to vote and therefore the right to citizenship. However, Austria's system does not provide most long-term residents with a simple means of obtaining naturalization and voting rights.

Belgium

Score 9

Voting is compulsory in Belgium, and all resident Belgian citizens are automatically registered to vote. Non-Belgian residents and Belgian nationals living abroad must register on a voluntary basis.

There are two marginal limitations in terms of the proportion of voters concerned. In some municipalities with "linguistic facilities" around Brussels (i.e., situated in Flanders, but with a significant proportion of French-speaking voters), voters may not receive voting documents in their native language. Also, the fact that compulsory voting is not extended to Belgian nationals living abroad means that they are, in general, less represented as regular voters.

Denmark

Score 9

According to section 31 of the Danish constitution, "The members of the Folketinget shall be elected by general and direct ballot." More specific rules are laid down in the election act. The election act stipulates that "franchise for the Folketinget is held by every person of Danish nationality, who is above 18 years of age, and permanently resident in the realm, unless such person has been declared legally incompetent." The rule determining eligibility at 18 years old was introduced in 1978.

The ambiguity in the election act is related to the question of what it means to be "permanently resident in the realm." The interpretation was previously rather narrow but has been expanded over time. The basic principle is that Danes who move abroad permanently (official change of address) will not be able to vote. However, there are a number of important exceptions, including "persons who are employed by the Danish state and ordered to enter service outside the realm, and spouses cohabiting with such persons, shall be considered to be permanently resident in the realm." The act also gives persons who have taken up temporary residence in foreign countries (e.g., due to work for a public agency or for education) the right to vote. In its granting of temporary residency, Denmark remains more restrictive than many other OECD countries.

Citation:
Folketinget, Parliamentary Election Act of Denmark, http://www.ft.dk/~/media/Pdf_materiale/Pdf_publikationer/English/valgloven_eng_web_samlet%20pdf.ashx (accessed 16 April 2013).

Zahle, Dansk forfatningsret 1.

Estonia

Score 9

The Estonian constitution and relevant laws guarantee universal suffrage. The voting age is 18. A proposal to decrease the voting age to 16 for municipal elections has passed two readings in the parliament as of the time of writing. About 6% of the population (or 16% of the voting-age population) are non-citizens who cannot vote in parliamentary elections, but Estonia is one of the few countries in the world where all legal residents, regardless of their citizenship, have the right to vote in local elections. EU citizens residing in Estonia can vote in municipal and European Parliament elections. Estonian citizens residing abroad can vote in all Estonian elections.

The state authorities maintain the voter register based on the population-register data. Eligible voters need to take no action to be included in the voter register. Each registered voter is informed by post or e-mail about all voting options, including the voting day, and the location and opening hours of his/her polling station.

To facilitate participation in elections, Estonia uses advanced-voting (starting seven days before election day) and Internet voting systems. Internet voting was first introduced in the 2005 local elections, and has been used in all parliamentary, local and European elections since that time. In the 2011 parliamentary elections, 24% of participating voters voted online, and in the 2014 European election, this figure reached 31%. Internet voting has proved an effective tool for voters who are mobile and for those living abroad.

France

Score 9

The right to participate in elections as a candidate or as a voter is fully guaranteed not only by law but also in practice. There is no evidence of restrictions or obstruction in the application of the law. Every citizen enjoys rights that are provided by the constitution. In recent years, no progress has been made to extend the right to vote to foreign residents, except in the case of residents who are also EU citizens (yet only for local and European elections). Both former President François Mitterrand and President Hollande committed themselves to granting resident foreigners the right to vote in local elections (after five years of full residence). However, the fierce opposition of the right and the rise of the National Front (FN) have postponed these proposals indefinitely.

Voter registration is easy and, in particular in small local communities, it is quasi-automatic as the local bureaucracy often proceeds with the registration process even without a specific request from the individual. Elsewhere, potential voters have to register. It is usually estimated that some 10% of the electorate is not registered. Some groups are excluded from voting: people suffering from serious mental health

issues and who are under the care of a guardian; people excluded after a serious act that would strip their voting rights, such as electoral fraud; and criminals who have been stripped of their civic rights, and thus voting rights.

Israel

Score 9

According to the Israeli basic law "the Knesset" (1958), every Israeli citizen above 18 is eligible to vote in the general elections. This right is guaranteed under the principle of equality. It is restricted only by the requirement to exhibit a valid government identification, which contains the voter's name and picture. If the voter refused to take an ID photo (as some religious women do), the identification will be considered valid if he or she received authorization from the Ministry of the Interior. Article 10 of the same basic law states that the day of the national elections is a national holiday, but that public transportation and public services will remain open. Thus, it gives positive incentive for potential voters.

Following a number of legal petitions regarding prisoners' right to vote in the 1980s, the Knesset revised the law to state that a voting box must be placed in every prison. Handicapped citizens are also entitled to special voting stations that are adequately equipped for their needs. The state is obligated to offer at least one such station in every city council district, and at least two in any district with more than 20 regular voting stations. The mentally ill are not prevented by any specific law from voting. If the voter finds the voting procedure difficult for any reason (such as ill health), he or she is entitled to ask for assistance. Soldiers on active duty are also entitled to vote in special voting stations.

Citizens that are absent at the time of the elections are not allowed to vote unless they are members of a distinct category such as embassy employees stationed abroad. However, every citizen has the right to vote without a minimum period of residency in the country. Information on voting procedures is available through special government-funded information centers. These can be accessed online or through call-in services. Problems and complaints are dealt through the Central Elections Committee.

Citation:
"Basic Laws: The Knesset," Knesset official website: www.knesset.gov.il/description/eng/ eng-mimshal_yesod1.htm

"The 19th election for the Knesset: Information for the voter Q&A," National election supervisor website (Hebrew)

"Who is allowed to vote?," Israel Democracy Institute website, November 2002 (Hebrew)

Italy

Score 9

The registration of citizens for electoral purposes is done automatically by municipal offices and there are no significant problems with these procedures.

All citizens are notified via mail at home of their voting rights and supplied with the relevant information. Citizens are entitled to appeal to independent judicial bodies if they are mistakenly excluded from registration. Citizens living abroad are also entitled to vote. There are no significant complaints about the process.

Polling stations are very numerous and typically very near to places of residence. National and regional elections normally take place on two consecutive days which increases the opportunities for working people to vote. Turnout has diminished also significantly in recent years but is still among the highest in Europe. The lack of an absentee voting system makes voting more difficult for citizens residing abroad or in other regions of Italy.

Lithuania

Score 9

All citizens who are over the age of 18 on Election Day are eligible to vote. Although citizens living abroad may vote if they preregister, only 11% of the Lithuanian citizens who have declared themselves to be living abroad registered to vote in the 2012 parliamentary elections. A number of proposals for the introduction of Internet-based voting have been rejected by the Seimas, Lithuania's parliament. Votes can be cast in person on Election Day, but provisions are also made for early voting, out-of-country voting, voting in special institutions, and voting for those who are homebound. There are no specific disincentives to voting, although the absence of Internet voting capabilities may limit participation rates for citizens living abroad, as overseas voting must be done in person in diplomatic missions that are usually located in the capitals or other major cities of foreign countries. Unlike in the first round of the autumn 2012 parliamentary elections, when a vote-buying scandal led to the cancellation of results and a second ballot in two races, no such cases of suspected vote buying came to light during the 2014 presidential elections. However, concerns about vote-buying remain in rural areas.

Citation:
OSCE/ODIHR Election Assessment Mission Report on the 2012 parliamentary elections in Lithuania, see http://www.osce.org/odihr/98586.
OSCE/ODIHR Election Assessment Report on the 2014 presidential elections in Lithuania, http://www.osce.org/odihr/elections/116359?download=true.

Portugal

Score 9

All adult citizens are guaranteed the right to participate in national elections. The government also provides transportation to those requiring it. Citizens in hospitals and in jails are also able to vote, and assisted as necessary, and Portuguese citizens living abroad can also vote. There is no observable discrimination.

Problems with substantial inflation of the electoral register remain. Comparing 2011 census data with the same year's electoral register, the latter outnumbers the former by just over 1 million voters, thus artificially inflating abstention rates by some 10 percentage points. A study by the public television broadcaster indicated that in the May 2014 elections, this difference rose to 1.2 million, the growth being a reflection of the current emigration pattern and the failure of Portuguese emigrants registered to vote in Portugal to transfer their electoral registration to their overseas residence. As Portuguese voters can only vote in the administrative parish (or, if abroad, in the country) in which they are formally registered, this means that a substantial proportion of Portuguese emigrants are unable to exercise their voting rights. In the 2014 European elections, there were a total of 795 registered voters in Angola, a minute fraction of the estimated 113,000 Portuguese immigrants resident in Angola in 2013.

At the same time, it must be noted that this discrepancy is not due to legal barriers to registration. Both within and without Portugal, electoral registration is a simple and non-exclusionary process.

Slovakia

Score 9

The electoral process is largely inclusive. In principle, all adult citizens can participate in elections. There is a special electoral register for Slovak citizens without permanent residence in the country (i.e., homeless people). Since November 2009, only prisoners who have been sentenced for "particularly serious crimes" have been disenfranchised. However, there are some important differences between parliamentary and presidential elections. In the case of the former, voters that will not be in their place of residence on election day can ask for a special voter's pass that enables voting elsewhere, while Slovak citizens residing or staying abroad can vote by mail. Voting by mail is not possible for presidential elections, however. This provision drew criticism in the 2014 campaign. The Ministry of the Interior defended the status quo by arguing that the two rounds of presidential elections would make voting by mail too costly.

South Korea

Score 9

All adult citizens 19 years old or over are eligible to vote and voter registration is fair and effective. Citizens can appeal to the National Election Commission and the courts if they feel they have been discriminated against. National elections are national holidays, ensuring that all citizens are able to vote. Citizens who are currently serving prison time, have violated election laws or committed specified crimes while holding a public office are excluded from this right. Since 2009, overseas citizens aged 19 or older have been able to vote in presidential elections and

in National Assembly general elections. Overseas citizens are defined as Korean citizens resident in foreign countries in which they are permanent residents or short-term visitors.

Citation:
National Election Commission, Right to Vote and Eligibility for Election, http://www.nec.go.kr/nec_2009/engli sh/
National Election Commission, NEWS No.7

United Kingdom

Score 9

In UK general elections, British, Irish and qualifying citizens of Commonwealth countries can vote. Entitlement to vote thus extends beyond British citizenship. However, the aforementioned nationalities can vote only if they have leave to remain in the United Kingdom.

In order to be entitled to vote, voters must be on the electoral register which is kept by local authorities and updated yearly. The Electoral Registration and Administration Act 2013 has also introduced individual electoral registration which is intended to improve the security of the registration process. Registration statistics show strong regional and social discrepancies.

A restriction on the right to vote in national elections applies only in three cases, namely criminal imprisonment, mental disability, and membership either of the House of Lords or the royal family.

Canada

Score 8

All Canadian citizens 18 years and over have the right to vote, including the mentally deficient and persons living abroad. The only exceptions, according to the Canada Elections Act, are electoral officers and persons who have been imprisoned in a correctional institution for more than two years. Canada Elections Act provisions covering this latter group were made unenforceable in 2002, when the Supreme Court ruled that prison inmates had the right to vote under the Canadian Charter of Rights and Freedoms. Canada has a system of universal voter registration; the government is in charge of registering its citizens to vote as a means of protecting their constitutional right (this stands in contrast with the United States' system of citizen-initiated opt-in registration). Additionally, Canada allows for election-day registration for those who the universal registration system missed. Procedures for voting are not onerous. Adequate opportunity for casting an advance ballot is provided. Persons can vote by mail if they cannot come to a polling station due to physical incapacity or residency outside the country.

With the passage of the Fair Elections Act (Bill C-23), the year 2014 marked significant changes in Canada's election law. The act was initially unveiled as

implementing a number of recommendations from the chief electoral officer in the wake of the 2011 "robocall scandal," in which voters in a number of electoral districts received automated phone calls containing misleading information about the location of their polling station. In an effort to crack down on such illegal robocalls, the bill introduced the Voter Contact Registry, imposed prison time for impersonating elections officials, and "increased penalties for deceiving people out of their votes." According to the chief electoral officer's own testimony to the House of Commons Standing Committee on Procedure and House Affairs, however, the bill contains other measures that "undermine its stated purpose and will not serve Canadians well." One particularly controversial provision is the elimination of the use of vouching and Voter Information Cards as a form of ID. In addition, Elections Canada will no longer be able to run advertising campaigns encouraging people to vote.

Parliament of Canada, Bill C-23: An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts, posted at http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6684613.

Chile

Score 8

Law No. 20,568, enacted in January 2009, changed the voter registration system, eliminating the voluntary registration and compulsory voting system and replacing it with automatic registration and a voluntary right to vote for citizens older than 18. This reform promoted the participation of younger and especially first-time voters in the 2013 presidential elections (which took place outside this report's observation period). The new law also introduced assisted voting for citizens with disabilities. However, the electoral exclusion of Chileans living abroad still persists (although Chile does not have a big diaspora population). Furthermore, individuals who have been charged with a felony and sentenced to prison for more than three years and one day and people classified as terrorists lose their suffrage. Prisoners who have not been charged but remain on remand also lose their right to vote. Nevertheless, Law No. 20,568 eliminated penalties previously dealt to registered voters who did not vote and failed to have an explicit and officially approved excuse for not doing so. The fact that the act of voting is now completely voluntary is questioned by some politicians and intellectuals who argue that voting not only represents a civil right but also a civil duty. Fears were raised by academics that the transition to voluntary voting would be accompanied by a bias toward middle- and upper-class voters, since lower-class and marginalized voters would disproportionately stay home. These fears ultimately turned out to be unjustified, as the balloting demonstrated no significant bias with regard to socioeconomic status in comparison to previous elections. However, the voter-turnout rate was astonishingly low. In April 2014, Chile's Congress approved a right to vote for citizens resident abroad. These individuals are now allowed to participate in presidential elections, presidential primaries, and national plebiscites (which are not explicitly provided for by the Constitution), but not in parliamentary or municipal elections.

Citation:
http://www.bcn.cl/leyfacil/recurso/voto-de-chilenos-en-el-extranjero

http://www.biobiochile.cl/2014/04/30/presidenta-bachelet-promulga-ley-de-voto-chileno-en-el-extranjero.shtml

http://www.lyd.org/centro-de-prensa/noticias/2013/12/participacion-electoral-2012-%C2%BFexiste-sesgo-de-clases/

http://www.techo.org/wp-content/uploads/2013/04/2007Participacion_educacion_superiorII.pdf

http://www.latercera.com/multimedia/interactivo/2013/11/687-47532-4-elecciones-2013-participacion-del-voto-voluntario.shtml

Right to vote abroad:
http://www.bcn.cl/leyfacil/recurso/voto-de-chilenos-en-el-extranjero
http://www.infobae.com/2014/04/23/1559131-chile-aprobo-el-voto-el-exterior

Croatia

Score 8

All citizens of voting age are entitled to participate in elections, and legislation on this issue is strongly inclusive. For example, prisoners are eligible to vote, and persons without legal capacity were allowed to participate for the first time in the April 2013 European Parliament elections. Before these 2013 elections, the highly outdated voting register was thoroughly cleaned. A provision enabling Croatian citizens without permanent residence in Croatia to take part in national elections if they register in advance remains controversial.

Cyprus

Score 8

Electoral-roll registration and voter participation in all elections are mandatory. No means of e-voting or proxy voting exist. The second amendment of the constitution in 1996 lowered the voting age from 21 to 18. Special arrangements enable various groups such as prisoners and others to exercise their rights. In some cases, the enrollment of displaced voters in polling stations at some distance from their actual residence apparently leads to abstention. Overseas voting has been possible since 2011 in a limited number of cities in Europe and the United States. The voting rights extended to all Turkish Cypriots in the 2014 European parliamentary elections were largely voided due to the limited response and legal hurdles to such participation.

In recent years, many young citizens have failed to register, and electoral-participation rates have declined sharply since 2009. The legal sanctions for abstention and non-registration (which in any case exclude European parliamentary elections) are no longer enforced.

Prior to the 2013 presidential election, the OSCE reported no significant concerns called for special oversight.

Citation:
1. Ο περί της Δεύτερης Τροποποίησης του Συντάγματος Νόμος του 1996 (106(I)/1996), available at http://cylaw.com/nomoi/enop/non-ind /1996_1_106/full.html.
2. Turkish Cypriots and Right to vote, http://cyprus-mail.com/2014/05/27/turkish-cypriots-will-resort-to-court-over-voting-foul-up.
3. OSCE/ODIHR Cyprus, Presidential Election, 17 February 2013: Needs Assessment Mission Report, 16 January 2013, available at, http://www.osce.org/odihr/elections/98755.

Czech Republic

Score 8

All adult citizens, including convicted prisoners, can participate in national elections, and voter registration is relatively straightforward. However, while special provisions for a mobile ballot box facilitate voting for the disabled and seriously ill, there is no general ability to vote by mail. Czech citizens residing abroad can vote at Czech embassies and consulates. For them, participation in elections is complicated by a special deadline for registration and the declining number of embassies and consulates. Following the 2014 local elections, the police began investigating allegations of vote buying in some municipalities, based on recorded evidence from a hidden camera which was provided by an alliance of independent anti-corruption groups.

Ireland

Score 8

There have been no changes in voting and registration rules in recent years. All Irish citizens aged 18 and over are entitled to be registered to vote in all elections and referendums. British citizens may vote at Dáil, European, and local elections; other EU citizens may vote at European and local elections; non-EU citizens may vote at local elections only.

A person must be ordinarily resident at the address recorded in the electoral register on the September 1 prior to the coming into force of the register. There is limited provision for postal voting. There is no register of the population in Ireland on which the register of voters might be based. Instead an electoral register is compiled by local authorities.

While there is no evidence of systematic discrimination or disenfranchisement of any social groups in the compilation of the electoral register, inconsistencies have been repeatedly exposed, displaying a lack of investment in the electoral process and even a lack of concern for its integrity.

The constitutional convention has recommended lowering the voting age from 18 to 16, and the government has committed to holding a referendum on this issue in 2015.

Citation:
Preliminary study on the establishment of an electoral commission in Ireland, submitted to the Department of the Environment, Heritage and Local Government
by: Richard Sinnott, John Coakley, John O'Dowd, James McBride,
Geary Institute University College Dublin
November 2008
Programme for National Recovery 2011-2016, March 2011
Convention on the Constitution: www.constitution.ie
http://www.irishtimes.com/news/politics/reduction-of-voting-age-from-18-to-16-to-be-put-to-referendum-1.1458229

Japan

Score 8

The Japanese constitution grants universal adult suffrage to all Japanese citizens. No general problems with discrimination or the exercise of this right exist. Since 2006, Japanese citizens living abroad have also been able to participate in elections.

One long-standing and controversial issue concerns the relative size of electoral districts. Rural districts still contain far fewer voters than more heavily populated urban areas. In 2013, the Supreme Court ruled that the 2012 general election - with a maximum gap of 2.43:1 in the value of votes - took place in a state of unconstitutionality. However, the court did not invalidate the election. In 2013, a minor reapportionment of seats, first applied to the 2014 lower-house elections, reduced the gap to less than 2:1. This ratio is considered at the margin of acceptability. Vote disparities are even more pronounced in the case of the upper house where they reached a high of 4.77:1 at the time of the 2013 elections. In November 2013, the Supreme Court declared this "outrageous" disparity unconstitutional but also refrained from nullifying the 2013 elections.

Citation:
The Japan Times, Lower House electoral reform, Editorial, 28.09.2014, http://www.japantimes.co.jp/opinion/2014/09/28/editorials/lower-house-electoral-reform/#.VFNHU8k-etE

Tomohiro Osaki, Top court assails vote disparity, Japan Times, 27.11.2014, p.1

Luxembourg

Score 8

Voting is compulsory in Luxembourg for those listed on the electoral register. To vote, one is required to be a national of Luxembourg, be at least 18 years old on the day of elections, have full civil and political rights and live in the country. Citizens living abroad temporarily or those over the age of 75 can vote by mail. There is no observable discrimination as part of the voting process. The Luxembourgish government wants to encourage political participation among young people by lowering the voting age to 16 years, an issue that was slated for inclusion in the consultative referendum of June 2015.

Experts have consistently criticized the representative makeup of parliament as

insufficient, as it does not include migrants and cross-border commuters who constitute 80% of the labor force in the private sector and who are the main driving force of the national economy. Some 45% of the resident population may not vote in national elections as they are not Luxembourg nationals. Of those, 85% are EU citizens and are entitled to participate in European elections and in municipal elections. All foreigners, EU citizens as well as citizens from third countries, have the right to participate in local elections, provided they fulfill certain residency requirements and are registered on the electoral list. Inscription conditions have been eased over the years. However, non-nationals' interest in political participation at the local level remains low. In the 2011 municipal elections, only 16.9% of those eligible to vote actually took part. The Chamber of Commerce and the Support Association for Immigrant Workers (Association de Soutien aux Travailleurs Imigrés, ASTI), promote the participation of migrants within national elections. During the period, voting rights for resident foreigners in parliamentary elections became a cross-party issue (with some exceptions). For this reason, on the basis of the coalition agreement, the introduction of voting rights for foreigners was slated to be addressed in the scheduled June 2015 referendum, as this was seen as an opportunity to create equal participation rights in national politics.

Citation:
http://www.asti.lu/wp-content/uploads/2014/09/Wiseler.pdf
http://www.gouvernement.lu/1719337/systeme-electoral
http://www.gouvernement.lu/3322796/Programme-gouvernemental.pdf
http://www.statistiques.public.lu/fr/actualites/conditions-sociales/politique/2013/05/20130130/red17.pdf

Mexico

Score 8

At the national level, Mexico by and large conforms to the standards of a Western-style electoral democracy. The electoral machinery is independent and widely respected, and the federal courts enjoy jurisdiction over district and lower-level courts, and also over state and municipal elections. Members of political parties can also bring legal cases against the parties to which they belong. In fact, the number of cases referred to the courts relating to electoral matters has risen sharply in recent years. Old authoritarian practices have also decreased to a marginal degree at the national level. Some provisions governing state and local elections are determined locally, and some of those are characterized by bias. Even so, electoral exclusion is not significant enough to be a problem. The same electoral register is used for federal and state/local elections. Voter registration requires the production of an identity card. There are good reasons for this stipulation, since multiple voting was common in the past in some parts of Mexico. However, the identity-card requirement dissuades some less-educated Mexicans from registering to vote, which is a problem common to most countries with relatively high rates of social marginalization. Another cause of concern in that some members of indigenous groups, who do not speak or write Spanish, are sometimes simply told how to vote by local leaders

Turkey

Score 8

All Turkish nationals over the age of 18 can exercise the right to vote (Constitution, Article 67). The Supreme Election Board is the sole authority in the administration of Turkish elections (Law 298, Article 10). The General Directorate of the Electoral Registry, a part of the Supreme Election Board, prepares, maintains and renews the nationwide electoral registry.

Armed services privates and corporals in active duty, military school students and convicts in prison cannot vote. The Supreme Election Board determines measures to be taken to ensure the safety of vote counting, when detainees in penal institutions or prisons vote.

In 2008, a law to facilitate voting for Turkish citizens who are not living or present in Turkey during elections was adopted (Law 5749). However, the government cancelled voting outside Turkey during the 2011 parliamentary elections, citing security concerns. Due to a complicated registration system and the limited number of polling stations in overseas locations, only 17% of Turkish citizens living abroad voted during the 2014 presidential elections. As a result, the authorities have said they would review and change these procedures for the 2015 general elections.

Despite the recent renewal of the national electoral registry based on an address registration system, there are still disputes over double registration, no registration or even the false registration of non-Turkish citizens. Turkey experiences huge internal migration. Voter lists are posted before elections, and citizens can then correct mistakes or deal with issues of non-registration. However, most citizens do not check the posted voter lists; hence, the new system was introduced to eliminate such mistakes. The census directory is also opened on election day to reissue lost or incorrect identification cards. Voters are not eligible to have their names included on voter lists if they have not received a personal identity number, which serves as a safeguard against possible multiple voter registrations. In addition to registration problems, the total number of voters in recent elections was higher than in previous ballots by almost 10 million voters. Since the total population of Turkey increased by only 3 million during the period, the gap of 7 million has not easily been explained. A recent analysis found an unacceptable volume of additions and deletions to the electoral registry between 2007 and 2014; it is highly likely that these changes could have affected the electoral results.

The Organization for Security and Cooperation in Europe’s (OSCE) Office for Democratic Institutions and Human Rights ODIHR report on the 2014 presidential election raised questions about the accuracy of the voter lists, the lack of information on voter registration procedures, and particularly the security of the ballot-transfer and counting process.

Parliamentary and local elections are conducted by election boards under the supervision of the Supreme Election Board. Investigations of irregularities, complaints and objections concerning elections and the verification of election returns are performed by the local election boards, with the Supreme Election Board as a final check (Constitution, Article 79 of 1982). In the aftermath of the 2014 local elections, several reports on irregularities during the voting and/or counting period led to investigations by local election boards. Ultimately, results were cancelled in two provinces, five districts and two towns, with a new ballot held at a later date. In sum, following the 2014 local elections, the Supreme Election Board accepted six out of 131 appeals from the ruling AK Party, five out of 87 from the main opposition CHP, five out of 50 from the opposition MHP, and one out of 10 from the Felicity Party.

Citation:
OSCE/ODIHR (2011) Republic of Turkey Early Parliamentary Elections. OSCE/ODIHR Election Assessment Mission Report, 12 June 2011, http://www.osce.org/odihr/84588. (accessed 5 November 2014)

OSCE/ODIHR (2014) Republic of Turkey Presidential Election 10 August 2014. OSCE/ODIHR Needs Assessment Mission Report, 7-9 May 2014, http://www.osce.org/odihr/elections/turkey/119439?download=true (accessed 5 November 2014)

Temiz Seçim Platformu (2014) TUİK ile YSK'nın Türkiye Listelerinin Karşılaştırılması, http://temizsecim.org/tuik-ile-ysknin-turkiye-listelerinin-karsilastirilmasi.html (accessed 5 November 2014)

'Election board YSK announces final results of elections', Daily Sabah, 6 May 2014 (accessed 17 December 2014)

Bulgaria

Score 7

Bulgarian voters are registered by default through voter lists maintained by the municipalities. Voter lists are published in advance of election day, and voters can also check their presence on the lists online. Every person who is not included in the voter list at their place of residence can ask to be included, and if not included can appeal to the courts. Bulgarian citizens residing abroad have the right to vote in parliamentary and presidential elections, as well as in national referenda. They can do this at the various consular services of Bulgaria, or if they establish a polling station themselves in accordance with procedures specified in the election code. These procedures are not onerous. The overwhelming majority of Bulgarian citizens who are interested in voting, can freely and easily exercise this right, and Bulgarian turnout figures are comparable with those other European democracies that do not use compulsory voting.

A small constraint regarding voting rights comes from the disenfranchisement of the prison population. Contrary to the European Convention on Human Rights, people serving prison sentences are not allowed to vote. A second feature of Bulgarian electoral law that can potentially reduce turnout is the absence of vote-by-mail provisions. However, citizens who want to vote outside of their permanent place of residence can obtain a special permit from their municipality. As with the elections

in 2011 and 2013, there were allegations of voting fraud in the two elections in 2014, although at a lower scale. The OSCE has voiced some concern that safeguards against multiple voting are too weak, as voters have been allowed to register as recently as on election day.

Citation:
OSCE/ OHDIR, 2015: Republic of Bulgaria: Early Parliamentary Elections, 5 October 2014. Warsaw. (http://www.osce.org/odihr/elections/bulgaria/133571?download=true)

Latvia

Score 7

All adults over 18 years of age have voting rights and access to an effective, impartial and non-discriminatory procedure for voting. Procedures are in place for ensuring that incarcerated persons are able to cast ballots. Non-resident citizens have voting access via polling stations in Latvian diplomatic entities abroad as well as through an absentee-ballot postal procedure.

Latvia has a significant population of non-citizens (approximately 15% of the total population) who cannot participate in any elections.

Voting procedures for non-resident citizens can in practice present obstacles. For example, the number of Latvian diplomatic representations is limited, which can mean that non-resident citizens have to travel long distances, at significant expense, to vote. Furthermore, to vote by post non-resident citizens are required to submit their passport, which can be held for three weeks.

Election observers in the 2011 parliamentary elections found no major faults with voting rights and access.

At the local government level, voting rights and procedures are similar. Voters may vote in local government elections on the basis of their residence or according to property ownership. Voters have designated polling stations, but can switch to a more convenient polling station if desired. For individuals unable to be present at polling stations on election day, polling stations are open for early voting in the days prior to the election. Currently, no provision is made for non-resident citizen participation in local government elections.

Citation:
1.Central Election Commission, Instructions on Postal Voting Procedure, Available at (in Latvian): http://web.cvk.lv/pub/public/30058.html, Last assessed: 20.05.2013

2.Report on Parliamentary Elections in Latvia, 2011, Available at: http://www.osce.org/odihr/elections/86363, Last assessed: 17.05.2013

Malta

Score 7

Malta's electoral laws are for the most part effective and impartial. While there is no legal obligation to vote, turnout at general elections is high at over 90%. Recent European Court of Human Rights decisions favoring voting rights for convicts go against Maltese law, that states that any individual sentenced to a minimum prison term of one year is not allowed to vote in Maltese elections. Similarly disenfranchised are persons whom, upon conviction, are also forbidden from civil or public office, irrespective of whether their sentence also included a prison term. Residency qualifications in the electoral law also create obstacles to voting. Citizens who are away from Malta for six consecutive months during an 18-month period may forfeit their right to vote, and it is usual for political parties to seek the disqualification of these individuals. There have been also cases of non-residents who remain on the electoral register unchallenged and vote in breach of the law; the use of expired identification cards facilitates this practice. Citizens who are abroad but are legally qualified to vote face other obstacles, as Malta does not have a system of postal or electronic voting. To vote, the citizen must return to Malta, and state-subsidized airfare from some countries is made available; also, a citizen may make arrangements to vote prior to traveling. Amendments to the Electoral Law 2012 have strengthened the voting rights of some citizens, primarily those who celebrate their 18th birthday after the publication of the electoral register. Other changes have helped patients to cast their votes during a hospital stay. Residents who are not citizens may not vote in national elections, yet in line with EU law, they may participate in local or European Parliament elections, though there have been registration problems. In 2014, recommendations were made by Aditus, a human rights NGO, to extend the vote to resident migrants.

Citation:
http://www.timesofmalta.com/article s/view/20130115/elections-news/ad-o n-voting-rights-for-maltese-abroad-party-financing.453281
http://www.timesofmalta.com/articles/view/20 130220/local/Should-prisoners-in-Ma lta-be-allowed-election-vote-.45843 0
Should Migrants have the Right to Vote? Times of Malta 23/06/14

United States

Score 7

Voter registration is subject to regulation by the federal government, but it is administered by the states. Most discriminatory practices have been eliminated through federal regulation and enforcement over the last 50 years. Convicted felons are ineligible to vote in many states; non-citizen residents are not permitted to vote, although permanent residents are encouraged to become citizens.

Between 2011 and 2014, Republicans in at least 24 states have enacted or considered measures that have made it harder for some groups to vote – mostly by upgrading the

identification requirements for voter registration, or by reducing opportunities for mail-in and early voting. The obstacles they have imposed would not prevent voting by anyone willing to invest effort to vote; nevertheless, the measures may have significant effects on voter turnout. Some of the measures were delayed by the U.S. Department of Justice under the Voting Rights Act or have been repealed after popular protest or through citizen-initiated referendums. As of 2014, the constitutional validity of these vote-suppressing measures has not been settled. Federal courts have struck down or delayed implementation of several state measures, but also have declined to delay others. Measures that on their face are defensible requirements of general application may ultimately be upheld, regardless of their discriminatory intent. In 2013, the U.S. Supreme Court struck down a 2006 congressional 25-year extension of the section of the Voting Rights Act that required specified states or counties with a history of discrimination to pre-clear changes in voting laws with the U.S. Justice Department. In its ruling, the court noted that the discriminatory history had in many areas occurred some 50 years earlier. The Justice Department can still challenge discriminatory practices in court, but cannot prevent their initial adoption.

Citation:
Brennan Center for Justice, 2012 voting law changes: Passed and pending legislation that has the potential to suppress the vote, October 3, 2012. Accessed on April 30, 2013. http://www.brennancenter.org/sites/default/files/legacy/Democracy/VRE/ Passed_Pending_Legislation.pdf
Mischief at the polls; voter identification. (2013, Dec 14). The Economist, 409, 41.
Robinson, Janessa E. “Voting Rights: What You Need to Know and How the Supreme Court Is Failing Us.” Washington Post 13 Oct. 2014.

Romania

Score 5

The 2014 presidential elections were marred by the inadequate organization of the diaspora ballot, which caused thousands of Romanians living abroad to endure excessive waiting times (of up to 11 hours) before they could exercise their right to vote. Too few polling stations were set up abroad, and first-round voting for diaspora Romanians was further slowed by time-consuming verification procedures. At the end of election day, ignoring requests from several embassies, Romania’s Central Electoral Bureau refused to extend voting deadlines beyond 9 p.m., which resulted in thousands of voters being denied the opportunity to cast their ballots, triggering widespread protests both in Romania and abroad.

The first round of presidential elections also saw the highest number of voters on supplementary lists, triggering accusations of vote fraud, given that the highest rates of electoral tourism occurred in counties that voted in favor of Ponta.

Hungary

Score 3

Registration and voting procedures in the 2014 parliamentary elections were heavily tilted in favor of the governing Fidesz party. The single most important problem has been the unequal treatment of citizens living abroad without permanent residence in Hungary, most of them either ethnic Hungarians in neighboring countries with dual citizenship or Hungarian citizens with permanent residence, but who were out of the country on election day. The first group, with its strong political affinity with the governing Fidesz party, not only benefitted from less restrictive registration requirements, but was also allowed to vote by mail. By contrast, the second group was required to vote person at crowded diplomatic missions. As a result, participation rates in the 2014 parliamentary elections differed strongly between the two groups. Out of about 550,000 Hungarian citizens without permanent residence in Hungary, about 200,000 cast their ballot. By contrast, less than 30,000 of the roughly 600,000 Hungarians living temporarily abroad took part in the elections.

Citation:
OSCE / ODIHR, 2014: Hungary – Parliamentary Elections, 6 April 2014. Limited Election Observation Mission Final Report. Warsaw, 5-6, 9-11.

Indicator

Party Financing

Question

To what extent is private and public party financing and electoral campaign financing transparent, effectively monitored and in case of infringement of rules subject to proportionate and dissuasive sanction?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

10-9 = The state enforces that donations to political parties are made public and provides for independent monitoring to that respect. Effective measures to prevent evasion are effectively in place and infringements subject to effective, proportionate and dissuasive sanctions.

8-6 = The state enforces that donations to political parties are made public and provides for independent monitoring. Although infringements are subject to proportionate sanctions, some, although few, loopholes and options for circumvention still exist.

5-3 = The state provides that donations to political parties shall be published. Party financing is subject to some degree of independent monitoring but monitoring either proves regularly ineffective or proportionate sanctions in case of infringement do not follow.

2-1 = The rules for party and campaign financing do not effectively enforce the obligation to make the donations public. Party and campaign financing is neither monitored independently nor, in case of infringements, subject to proportionate sanctions.

Belgium

Score 10

All political parties represented in parliament are largely financed by the state, based on the number of votes cast and the number of parliamentary seats, and private contributions are limited. Electoral campaigns at all levels are subject to tight regulations on allowed spending, both in terms of amount and item. After the election, all advertising and campaign spending and contributions are scrutinized in detail, with no partisan bias. Candidates who infringe the rules may, for instance, lose the right to be elected, even though such instances are rare. In most cases, a range of more modest (financial) sanctions are implemented, typically seeing the candidate to reimburse non-eligible expenses or over-expenses. Tight financial control is also exerted during non-electoral periods.

Australia

Score 9

All candidates in state and federal elections are entitled to public funding, subject to obtaining at least 4% of the first preference vote. The amount to be paid is calculated by multiplying the number of votes obtained by the election-funding rate for that year. The funding rate is indexed every six months to increases in the Consumer

Price Index; for the 2013 election, it was 248.8 cents per eligible vote in both houses of Parliament (House of Representatives and Senate). The total election funding paid in the 2013 federal election was $56.4 million. The Australian Electoral Commission (AEC) administers the distribution of funding and provides full public accounts of payments made.

For private funding, there are no limits on the value of donations, and while there are disclosure rules, they are not comprehensive and vary considerably across state governments. At the federal level, for example, candidates endorsed by a registered political party may roll their reporting of donations received into their annual party return, which, in the case of the September 2013 federal election, is not due for release until February 2015. The AEC does, however, rigorously monitor and enforce the disclosure requirements in place.

Private funding has been an area of considerable public discussion in recent years, particularly in relation to disclosure requirements. A parliamentary committee inquiry into election finance reform options produced a report in December 2011, but, as yet, no changes have been legislated. Indeed, the only change in the review period has been to relax disclosure requirements, with the threshold for disclosure of individual donations raised from AUD 12,000 to AUD 12,400 as of 1 July 2013.

Several of the state and territory governments have in recent years legislated to improve disclosure requirements for private funding and in some cases limit donations, while other states, such as Victoria, introduced a non-binding "Code of Conduct" in October 2011.

Citation:
Joint Standing Committee on Electoral Matters, Inquiry into the funding of political parties and election campaigns, December 2011: http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=em/politi cal%20funding/index.htm

Brenton Holmes 'Political financing: regimes and reforms in Australian states and territories', Parliamentary Library, 19 March 2012: http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/PoliticalFinancing

http://www.lo c.gov/law/help/campaign-finance/australia.php

http://www.aec.gov.au /About_AEC/Publications/Reports_On_Federal_Electoral_Events/2010/disclosure.htm#thresholds

http://www. aec.gov.au/About_AEC/Publications/Reports_On_Federal_Electoral_Events/ 2010/fad-report.pdf

Denmark

Score 9

Members of political parties pay membership fees. These fees, however, are inadequate for financing the activities of the parties, including the financing of electoral campaigns. Parties therefore depend on other sources of income. There are basically two other sources: support from other organizations and public support.

Traditionally, the Social Democratic Party has received support from the labor movement, specifically from various trade unions. The parties on the right of the political spectrum, the Conservative Party and the Liberal Party, have traditionally received support from employers' organizations. A law enacted in 1990 outlined that such contributions are voluntary, so members of these organizations who do not want their membership fees used to support political parties can opt out.

Public support for political parties is becoming more important. The party groups in the parliament (Folketinget) receive financial support for their legislative work, including staff. Further, the parties receive electoral support. Parties that participate in parliamentary elections and received at least 1,000 votes in the most recent election have a right to financial support. In 2014, this support was DKK 30.00 per year, per vote received in the last election. It will increase to DKK 30.50 in 2015. In 2013, a total of DKK 104.5 million were disbursed to Danish political parties. The biggest recipients were the Liberal Party receiving nearly DKK 28 million, followed by the Social Democratic party with nearly DKK 26 million.

There is full transparency about such public support. Concerning private support, the name of contributors donating more than DKK 20,000 should be made public, but the amount donated is confidential. Smaller amounts are allowed to remain anonymous. It is possible to circumvent publicity by donating below the limit to local branches of political parties and there are also examples of other indirect ways of supporting parties. The Danish branch of Transparency International has criticized these rules as insufficiently transparent. There is an ongoing discussion on the need for members of parliament to make all their economic interests public.

Citation:
Partistøtte på grundlag af deltagelse i seneste folketingsvalg, http://valg.oim.dk/valg/partistoette/folketingsvalg.aspx (accessed 20 October 2014).

Oversigt over partistøtte for 2013 på grundlag af deltagelse i folketings-valget den 15. september 2011, http://valg.oim.dk/media/592728/Oversigt-over-udbetaling-af-partistoette-2013.pdf (accessed 20 October 2014).

Partistøtte [Party support], https://www.borger.dk/Sider/Partistoette.aspx (accessed 16 April 2013).

Transparency International Danmark, "Privat Partistøtte," http://transparency.dk/wp-content/uploads/2012/12/Policy-Paper_Privat-partist%C3%B8tte_elektronisk-version.pdf (accessed 20 October 2014).

Zahle, Dansk forfatningsret 1, pp. 159-160.

Finland

Score 9

In the wake of political financing scandals between 2008 and 2009, new campaign finance legislation has been implemented. This legislation requires politicians to disclose funding sources, and has provided for independent and efficient monitoring. There are now bans on donations from foreign interests, corporations holding government contracts and anonymous donors. There are limits on the amount a donor can contribute over a time period or during an election. Candidates have to

report on campaign financing and the reports are to be made public, with ministries and auditing agencies also receiving these reports. The party and candidate finance scandals continue to attract media coverage and studies show that the Center Party (Kesk) lost electoral support due to the scandal. As a result of the new rules, party financing has improved and polls indicate that public opinion of politicians' credibility has improved.

Citation:
http://www.idea.int/parties/finance

Demokratiapuntari 2012: Yhteenveto. Minitry of Justice/MTV3/tnsGallup, 02/2012. http://www.kansanvalta.fi/Etusivu/T utkimusjakehitys/Julkaisujajatutkimuksia.

Mattila, Mikko & Sundberg, Jan 2012: Vaalirahoitus ja vaalirahakohu. In: Borg, Sami (ed.): Muutosvaalit 2011. Oikeusministeriön selvityksiä ja ohjeita 16/2012. Oikeusministeriö (Ministry of Justice), 227–238.

Sundberg, Jan (2012): Finland. In: European Journal of Political Research Political Data Yearbook 51: 96–102.

Ireland

Score 9

The financing of political parties in Ireland is supervised by the Standards in Public Office Commission. Each of the 14 political parties registered to contest a parliamentary or European election is required to furnish a donation statement to the commission and to publish annual accounts. The commission's last published annual report is for 2013.

Political parties that obtained at least 2% of the first-preference votes at the last Dáil general election qualify for Exchequer funding under the Electoral Acts. The amount payable to a qualified political party is based on its share of the votes cast at the last election. In 2013, funding was paid to four qualified parties – Fianna Fáil, Fine Gael, Sinn Féin and The Labour Party. In sum, they received €5.5 million, with the larger of the government parties, Fine Gael, receiving 42% of this. The total value of donations from private sources disclosed by parties during 2013 was €171,644, with two-thirds of this received by Fine Gael.

Citation:
The most recent report on the funding of political parties is available here:

http://www.sipo.gov.ie/en/Reports/Annual-Reports/2013-Annual-Report/AnnualReport2013/chapter3.html

Israel

Score 9

Israel has strict rules concerning party financing and electoral campaigns. The most important are the Parties Law (1992) and the Party Financing Law (1992). The two require all parties to document their finances and report them to the State Comptroller. These laws also stipulate the means by which parties can receive income. These include:

• Party membership dues and fund-raising from members, within limits allowed by the Party Financing Law;
• Funds received from the state in accordance with the Party Financing Law;
• Private contributions received in accordance with the Party Financing Law;
• Funds received for the purpose of elections in the New Histadrut trade union association (as approved by the New Histadrut); and
• Funds obtained from party activities, directly or by means of party associations, involving the management of party property.

Throughout the electoral period, all financial activities are subject to the supervision and monitoring of the State Comptroller, which formulates subsidiary legislation, monitors funds and which has on several occasions issued instructions that have the status of subsidiary legislation. It also publishes regular reports regarding party finances, and is in charge of determining whether parties have followed the law on these issues. The comptroller also has the right to require a party to restore funds if there are discrepancies regarding its private contributions.

Citation:
Hattis Rolef, Susan, Ben Meir, Liat and Zwebner, Sarah, "Party financing and elections financing in Israel, Knesset Research Institute, 21.7.2003 (Hebrew).

Norway

Score 9

The funding of political parties in Norway is predominantly public. On average, parties receive about three-quarters of their revenues through state subventions (ranging from 60% to 80%). Membership fees are now an insignificant source of party finances. Parties also receive private donations; for example, the Labor Party receives funds from particular trade unions, while the Conservative Party receives donations from individuals and business organizations. State support for parties is proportionate to the results of the last-held election, but even parties not represented in parliament have access to state support.

Since 1998, political parties have been obliged to publish an overview of the source of their revenues, with detailed reports required since 2005. Thus, all party organizations, central and local, are today obliged to submit detailed income reports, with full information on the source of income, on an annual basis. Information on contributions of NOK 30,000 or more must be provided separately, with the identity of the donor included. Income reports are submitted to the Central Bureau of Statistics and are published in detail. A new provision under consideration as of the time of writing would oblige parties to report expenditures, property holdings and debt as well as income.

Canada

Score 8

The Canada Elections Act requires registered parties or electoral-district associations to issue income-tax receipts for contributions, and to make public reports on the state of their finances. Furthermore, the act requires registered parties to report and make public all contributions of more than CAD 5. Elections Canada provides access to the full database online for public use. Corporations, trade unions, associations and groups are prohibited from contributing to political parties. Only individuals are allowed to contribute, with maximum limits on separate donations to registered parties, electoral candidates, and candidates in political party leadership contests. Individuals receive generous tax credits for political donations. Political parties are also funded by the government. Each registered federal political party that received at least 2% of all valid votes in the last general election, or at least 5% of the valid votes in the electoral districts in which it had a candidate, was given CAD 2.04 per vote received in the 2011 election. However, the current government reduced the subsidy to CAD 1.53 on 1 April 2012. The subsidy is slated to be further reduced on each subsequent April 1, until it is eliminated in 2015. Of the ways in which federal parties are allocated public funding, the per-vote subsidy is largely considered to be the most democratic, so this measure may be seen as negative from the perspective of the fairness of party financing.

In 2014, parliament passed bill C-23, which implemented a number of lesser changes to the rules governing political financing, including a measure increasing annual limits for contributions to registered parties, registered associations, candidates, and nomination and leadership contestants from CAD 1,100 to CAD 1,500 per year, with further increases of CAD 25 per year after the first year. The amount that candidates and leadership contestants may contribute to their own campaigns was respectively raised to CAD 5,000 and CAD 25,000.

Citation:
Parliament of Canada, Bill C-23: An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts, posted at http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId =6684613.

Estonia

Score 8

Financing of political parties is regulated by the Act on Political Parties (APP). All parties have to keep proper books and accounts, specify the nature and value of donations and membership fees, and publish their financial records regularly on their party's website. An independent body, the Supervision Committee (ERJK) monitors whether parties have properly declared all financial resources and expenditures; the committee can also impose sanctions to change behavior when parties violate the law.

In general, significant improvement has been achieved, allowing the Group of States against Corruption (GRECO) to conclude that "Estonia has implemented satisfactorily or dealt with in a satisfactory manner in total fourteen of the seventeen recommendations contained in the Third Round Evaluation Report." Amendments to the penal code have made the bribery of political representatives by private-sector companies a criminal offense.

The APP has been amended twice in recent years, in April 2013 and again in April 2014. With these amendments, the regulatory and investigative powers of the Supervision Committee were further expanded, and the definition of legal and illegal donations was clarified. A new online system for political parties to declare all incomes and expenditures to the ERJK was launched in 2013; the same system is used by electoral unions and independent candidates to declare donations and electoral-campaign expenditures. One of the aims and achievements of the new accountability system was to make regulations more comparable and transparent while decreasing the bureaucratic burden of financial declarations, which has been a problem for smaller parties, electoral unions and independent candidates.

Yet despite significant progress, several loopholes in financing regulations still exist. The major issue is the alleged misuse of administrative resources by governing political parties to finance their electoral campaigns. Several court cases on this issue were pending in fall 2014.

Citation:
GRECO (2013). Addendum to the Second Compliance Report on Estonia Third Round Evaluation Report by GRECO on Transparency of Party Funding. Strasbourg, 18 October 2013. http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2013)10_Second_ADD_Estonia_EN.pdf (accessed 02.Nov.2014)

Germany

Score 8

Germany's political parties finance their activities under the terms of the Political Parties Act (PPA) through state funding, membership fees, donations and sponsorships. In order to be eligible for state funding, parties must win at least 0.5% of the national vote in federal or EU elections, or 1% in state elections. A party's first 4 million votes qualify it for funding of €0.85 per vote; for every vote thereafter, parties receive €0.70. In addition, individual donations up to €3,300 are provided with matching funds of €0.38 per €1 collected. State funding of political parties has an upper limit, which in 2012 was €150.8 million. From 2013 onward, this cap will be annually adjusted for inflation. Germany has no legislative campaign finance or expenditure caps. In the last OSCE election report, this practice was heavily criticized. OSCE experts recommended that authorities "consider adopting measures to require parties […] to provide detailed information on campaign expenditures" (OSCE 2013: 12). In this vein, there should be clearer rules that specify the use of financial support allocated to parliamentary groups. Most importantly, a clear line is

needed that prohibits the use of this financial support in parties' election campaigning (OSCE 2013: 9).

The insufficient transparency of party finances continues to receive criticism. The Group of States against Corruption (GRECO) has identified some progress with respect to transparency, but continues to point out shortcomings in the German system (GRECO 2011). However, as their 2013 report notes, the Bundestag's Committee on Internal Affairs and "the coalition parliamentary groups […] saw no need for further action" (GRECO 2013: 5) to implement GRECO's previous recommendations. In a recent assessment based on the accounting reports of all major parties, the nonprofit organization LobbyControl found that three-quarters of all donations to parties lack transparency. All donations less than €10,000 and revenues coming from party sponsorship remain opaque. By law, the names and addresses of campaign donors must be made public only if donations from that source exceed €10,000 per year.

German regulation on monitoring party financing is developed, but there is still room for improvement. Under Article 21 Section 1 of the Basic Law and Article 23 of the PPA, parties must file annual financial reports with the president of the Bundestag within nine months after the close of the reporting year. If a party fails to comply, a fine of two or even three times the amount of a misstated donation can be imposed. According to GRECO, the most pressing issue not implemented yet is ensuring the "…independence of the external audit of the parties' financial statements…" (GRECO 2013: 5).

Finally, it must also be noted that, in recent years, several parliamentary parties have been accused of circumventing the PPA regulations.

Citation:
OSCE (2013): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 22 September 2013. OSCE/ODIHR Election Assessment Mission Report. Warsaw: OSCE/ODIHR. Internet source: http://www.osce.org/odihr/elections/109518?download=true (11/05/2014).

Greco (2013): Third Evaluation Round. Second Interim Compliance Report on Germany. Strasbourg. Available online:
http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3%282013%2915_2nd%20Interim_Germany_EN.pdf.

Luxembourg

Score 8

Party financing is regulated by the law passed on 21 December 2007, and the law's implementation was positively evaluated by the Group of States against Corruption (GRECO), established by the Council of Europe. While the law introduced rules on transparency and monitoring, as well as penalties for breaking the law, a GRECO report said that "(…) some gaps still remain, in so far as insufficient account was taken of the financing of election campaigns and of candidates for election." The impact of improvements to the law made during the period to improve transparency,

monitoring by the Court of Auditors and sanctions still need to be determined.

The GRECO Evaluation Team (GET) has complained about the lack of a uniform assessment method to evaluate various services and benefits in kind, such as positive coverage by partisan media during the election campaign. The GET demands a system of "effective, proportionate and dissuasive penalties" for those who break the law. Despite the new law, GET has pointed out that political parties still have no specific legal status. The major finding of the evaluation was the lack of public control over political party accounts, as the parties often have had difficulties setting up an accounting system. Most of the issues raised in the GRECO report have been since corrected through more legislation. Political parties must ultimately pay more attention to such concerns.

http://www.legilux.public.lu/leg/a/archives/2011/0261/2011A4326A.html
GRECO, Evaluation Report on Luxembourg on the"Transparency of Political Party Funding," Strasbourg, 13 June 2008, in: http://www.coe.int/t/dghl/monitorin g/greco/evaluations/round3/GrecoEva l3%282007%296_Luxembourg_One_EN.pdf

New Zealand

Score 8

Until recently, electoral finance laws were neither highly regulated nor tightly enforced. The Electoral Finance Act 2007 sought to reform party financing and election campaign financing in a comprehensive manner. However, the act was repealed in 2009 following a public and media backlash, some of which resulted from problems of legal definition. It was replaced by the Electoral (Finance Reform and Advance Voting) Amendment Act. Party financing and electoral campaign financing is monitored by the independent Electoral Commission. Registered parties have upper ceilings regarding election campaign financing (including by-elections). Upper limits for anonymous donations as well as donations from abroad are comparatively low. In 2012, a government minister, John Banks, was accused of breaching the Local Government Act 2002 by failing to disclose the sources of three substantial donations made to his 2010 Auckland mayoral campaign, sources which he declared as anonymous. In mid-2014 the Local Government Amendment Act came into force, which aims to bring local election laws into line with the provisions of the aforementioned Electoral Amendment Act.

Citation:
Annual Report of the Electoral Commission for the year ended 30 June 2012 (Wellington: Electoral Commission 2012), pp. 13-15.
Local Government Amendment Act 2014, http://www.legislation.govt.nz/bill/government/2013/0165/latest/versions.aspx (last accessed 6 November 2014).

Poland

Score 8

Regulation of party and campaign financing is clear and effective. While party financing is governed by the 2001 Political Parties Act, the rules governing

campaign financing are part of the 2011 Election Code. Parties depend heavily on public funding, which is provided only to parties that win at least 3% of the vote. Party spending is monitored by the National Election Office, the executive body of the National Election Commission, which consists of nine active or retired judges appointed by the president. Monitoring is strict, but is limited to the spending financed by public funds. According to the Election Code, only registered electoral committees can finance campaigns, and there is a maximum spending limit for campaign purposes of approximately €7 million. In practice, separating party and campaign financing has sometimes turned out to be challenging. A 2014 amendment to the Political Parties Act limited the risk that parties might lose money due to minor accounting mistakes.

Austria

Score 7

Political-party financing in Austria has been characterized by unsuccessful attempts to limit the ability of parties to raise and spend money. Austrian electoral campaigns are among the most expensive (on a per-capita basis) in the democratic world, thanks to the almost uncontrolled flow of money to the parties. These large flows of money create dependencies, in the sense that parties tend to follow the interests of their contributor groups, institutions and persons.

However, some improvements have been made in recent years, for instance by making it necessary to register the sums given to a party. An amendment to the Austrian act on parties made it mandatory for parties to declare the sources of their income, beginning in 2012. Additionally, parties are required to keep records of their accounts and publish a yearly financial report. This annual report must include a list of donations received. Therefore, and for the first time, policymakers have sought to render the flow of private money to parties transparent. The yearly reports are subject to oversight by the Austrian Court of Audit, and violations of the law can be subject to penalties of up to €100,000. The fact that some parties violated set limits during the 2013 campaign has prompted a new debate regarding stronger oversight and sanctions.

This regulatory structure does have loopholes, however, as parties do not need to identify the sources of donations below the amount of €3,500. As long as parties can spend money without oversight or limitations, it can be assumed that they will find ways to raise money outside the system of official scrutiny.

A system of public political-party financing on the federal, state and municipal level was established in the 1970s. This can be seen as moderating the dependencies established by private funding, but has not significantly changed the these private flows.

Citation:
Hubert Sickinger, “Politikfinanzierung in Österreich”. Vienna 2009 (Czernin)

France

Score 7

Lacking a sufficient legal framework, party financing has been a source of recurrent scandals related to illegal funding practices. Nearly all parties, notably the parties in government, used to finance activities by charging private companies that were working for local public entities or by taxing commercial companies requesting building permits. Only since 1990 a decent regulatory framework has been established. Since then, much progress has been made in discouraging fraud or other illegal activities. However, not all party financing problems have been solved. Current legislation outlines state public funding for both political parties and electoral campaigns, and establishes a spending ceiling for each candidate or party. The spending limits cover all election campaigns; however, only parliamentary and presidential elections enjoy public funding. Individual or company donations to political campaigns are also regulated and capped, and all donations must be made by check, except for minor donations that are collected, for instance, during political meetings. Donations are tax-deductible, with certain limitations. Additionally, regulations (in particular the law of 15 January 1990) established new checks and controls that are applicable for all elections in constituencies with more than 9,000 residents. Within two months after an election, a candidate has to forward the campaign's accounts, certified by an auditor, to the provincial prefecture, which does an initial check and then passes the information on to a special national supervisory body (the Commission Nationale des Comptes de Campagne et des Financements Politiques). In presidential elections, this review is made by the Constitutional Council (Conseil Constitutionnel).

These controls have made election financing more transparent and more equal. Yet loopholes remain. For example, the presidential campaign of Edouard Balladur in 1995 has been placed under criminal investigation, over concerns that several million euros were paid to the campaign out of a contract with Pakistan for the sale of military submarines. The Constitutional Council has reviewed former President Sarkozy's presidential re-election campaign, and decided in July 2013 that he had exceeded his spending limits. His party had to return €11 million in penalties to the state. An ongoing inquiry has found evidence that Sarkozy's Union for a Popular Movement (UMP) party flagrantly ignored the rules and forged false invoices in order to appear to have remained within the spending ceilings set by law.

When these rules are violated, three types of sanctions can be exercised: financial (expenditures reimbursed), criminal (fines or jail) or electoral (ineligibility for electoral contests for one year, except in the case of presidential elections).

Japan

Score 7

While infringements of the law governing political-party financing have been common in Japan, the magnitude of this type of scandal has somewhat declined in recent years, although a number of cases have come up again since the LDP took power in late 2012. To some extent, the problems underlying political funding in Japan are structural. The multi-member constituency system that existed until 1993 meant that candidates from parties filing more than one candidate per electoral district found it difficult to distinguish themselves on the basis of party profiles and programs alone. They thus tried to elicit support by building individual and organizational links with local voters and constituent groups, which was often a costly undertaking. Over time, these candidate-centered vote-mobilizing machines (koenkai) became a deeply entrenched fixture of party politics in Japan. Even under the present electoral system, many politicians still find such machines useful. The personal networking involved in building local support offers considerable opportunity for illicit financial and other transactions. While the Political Funds Control Law requires parties and individual politicians to disclose revenues and expenditures, financial statements are not very detailed.

During the period under review, a number of new issues arose. An LDP-parliamentarian, Takeshi Tokuda, resigned in 2014 and was later banned from running in elections for five years after it was discovered that employees of a major hospital chain had received illegal awards for campaign support. Former Tokyo Governor Naoki Inose stepped down in 2013 for failing to report election funds received from the same company. In October 2014, METI minister Yuko Obuchi, daughter of a former prime minister, was forced to step down after less than two months in office after she was found to have contravened campaign regulations by distributing personalized fans before the 2012 lower-house elections.

Latvia

Score 7

Political parties are financed primarily through individual donations. Donation amounts are capped and legal entities, such as corporations, are prohibited from financing political parties. Financing is transparent, with donations required to be made publicly available online within 15 days. Campaign spending is capped. As of 2012, paid television advertisements are also limited, with a ban on advertising for a 30-day period prior to elections. Political party and campaign financing is effectively monitored by the Corruption Combating and Prevention Bureau (Korupcijas novēršanas un apkarošanas birojs, KNAB), with local NGOs playing a complementary role in monitoring and ensuring transparency. Infringements have been sanctioned, with political parties facing sizable financial penalties. The court system has been slow to deal with party-financing violations, enabling parties that have violated campaign-finance rules to participate in future election cycles without

sanction. Ultimately, however, those parties that have faced stiff penalties have been dissolved or voted out of office.

In fulfilling Group of States Against Corruption recommendations on improving political-party finance regulations, the limitation period for administrative violations of party-financing rules was increased to two years in 2012. In 2011, the illegal financing of political parties was made a criminal offense. To date, no cases have been brought under this new regulation.

As of 2012, Latvia has instituted public financing for political parties, with parties receiving public funds proportionate to their share of the vote in the preceding) parliamentary elections. Political parties have been sanctioned by the KNAB for the misusing public funds. In two cases this resulted in the KNAB withholding future public financing altogether.

There are still ongoing issues with campaign financing, including the use of off-the-books funds to secure favorable media coverage, the illegitimate use of public funds and administrative resources to support political campaigns, and the alleged use of marketing funds by local government owned enterprises to support the election campaign of incumbent politicians.

Citation:
1. Amendments to the Criminal Law Regarding Illegal Party Financing (2011), Available at (in Latvian): http://www.likumi.lv/doc.php?id=236272

2. Group of States Against Corruption (GRECO)(2012), Third Evaluation Round, Second Compliance Report on Latvia: Transparency of Party Funding, Available at: http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3%282012%2913_Second%20Latvia_EN.pdf, Last assessed: 21.05.2013

3. Law on the Financing of Political Organizations (Parties), Available at (in Latvian): http://www.likumi.lv/doc.php?id=36189, Last assessed: 21.05.2013

Lithuania

Score 7

Political parties may receive financial support from the state budget, membership fees, bank loans, interest on party funds and through citizens' donations of up to 1% of their personal income tax, as well as through income derived from the management of property; the organization of political, cultural and other events; and the distribution of printed material. State budget allocations constitute the largest portion of political parties' income, as corporations are no longer allowed to make donations to political parties or to election campaigns. All donations exceeding about €11,800 must be made public, and there is an expenditure limit (about €765,000) linked to the number of voters.

Campaign-finance regulations are detailed, and sanctions for violating the law were recently increased. However, implementation of the rules should be more closely

monitored and enforced in practice. For example, the ruling Labor Party has been brought to court for failing to include about €7 million in income and expenditure in its official records through the 2004 – 2006 period. This bookkeeping-fraud case, which has been ongoing for more than six years, had not yet concluded at the time of writing, illustrating the difficulties in enforcing party-financing rules.

Citation:
OSCE/ODIHR Election Assessment Mission Report on the 2012 parliamentary elections in Lithuania, see http://www.osce.org/odihr/98586.
OSCE/ODIHR Election Assessment Report on the 2014 presidential elections in Lithuania, http://www.osce.org/odihr/elections/116359?download=true.

Portugal

Score 7

Political party funding oversight lies with the Constitutional Court, which has a specific body to monitor party financing and accounts – the Entidade das Contas e Financiamentos Políticos (ECFP). There are two main sources of funds for political parties. Firstly, from the government, for all parties that received votes above a certain threshold in previous elections (over 100,000 votes in the case of legislative elections); secondly, private contributions to the parties, which must be registered with the electoral commissions of each of the parties, from local, to regional, and finally to national levels.

Parties' annual accounts and separate electoral campaign accounts are published on the ECFP website and are scrutinized by this entity, albeit with considerable delays. Thus, the assessments of the June 2011 legislative election campaign accounts were published in February 2014. Out of 17 parties that contested the 2011 elections, 12 were found to have committed irregularities and/or illegalities. However, the sanctions for infractions are relatively small and infrequent. A 2012 study examining oversight of party accounts – based on interviews with both the ECFP and party representatives – noted that the ECFP lacked human resources, which also limits its capacity to fully monitor party and election funding.

Citation:
(1) Marques, David & Coroado, Susana (2012)."Sistema Nacional de Integridade – Portugal," p. 31

Slovenia

Score 7

According to the Act on Political Parties, parties can be financed by membership fees, donations, estate revenues, the profits of their companies' revenues and public subsidies. If a political party wins at least 1% of all votes in the previous parliamentary elections, it is entitled to financial resources from the national budget: 25% of the total budget amount is divided equally between all eligible parties. The remaining 75% is divided among the parties represented in the National Assembly according to their vote share. In addition, parliamentary party groups can obtain

additional support from the national budget for their parliamentarians' education purposes, and for organizational and administrative support. All political parties must prepare annual reports and submit them to the National Assembly. The reports, which are submitted to the Agency of the Republic of Slovenia for Public Legal Records and Related Services, must disclose aggregate revenues and expenditures, detail any property owned by the party, and list the origins of all donations that exceed the amount of five times Slovenia's average gross monthly salary. Parties are also required to submit post-electoral reports to the Court of Audit, which holds official responsibility for monitoring party financing. Following many calls to further increase transparency and strengthen the monitoring and sanctioning of party financing, legislation on the issue was finally amended in January 2014, barring donations from private companies and organizations. Partly as a result, expenditures for the July 2014 parliamentary election campaigns were much more modest than for previous ballots.

Citation:
Danica Fink-Hafner/Alenka Krasovic 2013: Party Regulation as an Instrument of Party System Consolidation and of Mending Party Legitimacy in Slovenia. Working Paper Series on the Legal Regulation of Political Parties, No. 36. Available at: http://www.partylaw.leidenuniv.nl/uploads/wp3613.pdf

Czech Republic

Score 6

The rules for party and campaign financing and the enforcement of such rules came under fire in the period under review. NGOs presented estimates according to which major political parties spent approximately 50% more than was reported in the 2013 and 2014 elections. A study by the Center for Applied Economics (Centrum Aplikovane Ekonomie) pointed to the potential for corruption in party financing, showing from 2006 to 2013, that companies which had made donations to political parties received some 50% more public procurement awards than companies that did not. Finally, the significant private financing behind Andrej Babiš' ANO party raised concerns about a lack of equality in political financing. As a result, the government committed itself to amending the law on party financing by the end of 2014, with a view to strengthening control mechanisms.

Iceland

Score 6

The 2006 law regulating the financing of political parties provides three types of public grants. First, an annual grant, proportionate to the national vote share in the previous election, is awarded to any party or independent group with at least one member of parliament or attained at least 2.5% of the national vote in the last election. Second, an annual grant, proportionate to the number of sitting members of parliament, is awarded to all parliamentary parties or independent groups. Third, a grant is awarded to any party or independent group, in a municipality of 500 inhabitants or more, with at least one member in the local council or attained at least

5% of the vote in the last municipal election. The law also regulates private contributions to politics. For example, parties are not allowed to accept more than 300,000 Icelandic krona from any private actor, company or individual.

The National Audit Office (Ríkisendurskoðun) monitors the finances of parties and candidates, and publishes annual summaries that include total expenditure and income. Income must be classified by origin, identifying companies or other contributory entities to party finances before and during election periods (prófkjör).

For the 2007 election campaign, political parties reached an agreement that a maximum 28 million Icelandic krona could be spent on TV, radio and newspaper advertisements. Despite this agreement, there is legal limit on electoral spending. Since 2009, regulation on party finances has been under review, but no final agreement has been reached.

The law on party financing was originally drafted by a committee comprising party representatives, including the chief financial officers of the main political parties. This followed the disclosure by the National Audit Office that, among other things, fishing firms gave 10 times as much money to the Independence Party and the Progressive Party between 2008 and 2011 as to all other parties combined. The Independence Party and the Progressive Party have been and remain particularly generous toward the fishing industry. Similarly, the Special Investigation Committee disclosed that huge loans and contributions were provided by the Icelandic banks to political parties and politicians between 2006 and 2008, on a per capita scale significantly greater than in the United States.

Citation:
1. Lög um fjármál stjórnmálasamtaka og frambjóðenda og um upplýsingaskyldu þeirra, nr. 162/2006 (Law on the finances of political organizations and candidates and about their information duties nr. 162/2006).
2. Kristinsson, G. H. (2007): Íslenska stjórnkerfið. 2. útgáfa. Reykjavík, Háskóli Íslands. (The Icelandic political system. Second edition)
3. Special Investigation Committee (SIC) (2010), "Report of the Special Investigation Committee (SIC)," report delivered to Althing, the Icelandic Parliament, on 12 April. See http://www.rna.is/eldri-nefndir/addragandi-og-orsakir-falls-islensku-bankanna-2008/skyrsla-nefndarinnar/english/

Mexico

Score 6

Mexico's elections are highly regulated by the state in order to prevent drug cartels from influencing the electoral process. The high degree of regulation applies to elections at the municipal, state and national level. The regulatory agency in place during the review period, the IFE, was constituted along party lines, but with an entrenched rule of minimum majorities, preventing domination by any one party. However, this body has now been replaced by an independent agency that is expected to be less controlled by the parties.

Political parties are to a significant degree financed by the state and there are

restrictions on the amount of fundraising permitted. According to the rules, political parties are not allowed to advertise directly at election time. Previously, they have had to ask the IFE to book advertising instead. Electoral expenditures have been similarly controlled. Sanctions have been frequent and take the form of fines. There are transgressions, of course, but not all of them are discovered. The IFE generally avoided levying large fines on parties for fear of retaliation. In general terms, the party-financing system works well. However, organized crime and its linkages with politics present a serious threat to the system, as these interests have attempted to penetrate the electoral process in several regions and municipalities.

Slovakia

Score 6

As a number of financial scandals in the past have made clear, party- and campaign-financing systems in the Slovak Republic have suffered from insufficient regulation and weak monitoring. After long debate and various failed attempts, new rules on campaign finance were eventually adopted in May 2014. The new rules limit campaign expenditures to €3 million for parties and €500,000 for candidates for presidential, regional and communal elections. Parties or candidates that exceed these limits can be fined up to €300,000. Parties and candidates are required to have a transparent bank account for electoral purposes that serves as a mechanism for monitoring transactions and donors. Vote-buying is subject to penalty, as is "stealing" the name of another party shortly before it is registered. A 14-member state committee (including 10 members appointed by political parties – five by the ruling coalition and five the by opposition – and four members proposed respectively by the chairpersons of the Constitutional Court and Supreme Court, the general prosecutor and the head of the Supreme Audit Office) will oversee the elections and the campaigns. The committee will also impose fines for violations of the law. The new law takes effect on 1 July 2015; thus, the 2016 parliamentary elections will be held under the new rules.

Sweden

Score 6

Political parties in Sweden receive public as well as private support. Despite extensive debate, political parties still do not make their financial records available to the public and there is no regulation requiring them to do so.

This lack of disclosure has become increasingly frustrating to the public, as the parties receive extensive financial support from the state. The current support (central, regional and local) amounts to a total of some SEK 440 Million (equal to €52 million) per annum. The only information that is made available about party financing is scattered and provided on an ad-hoc basis by the respective parties.

The political party organizations, following legal advice, argue that disclosing the

names of donors would compromise their political integrity.

Neither is there any public institution that effectively monitors fiscal contributions to party organizations. The media monitors and reports on the parties, however.

Citation:
http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Betankanden/kad-insyn-i-partiers-och-valk_H101KU35/

United Kingdom

Score 6

The Electoral Commission oversees all political financing in the United Kingdom. The commission is an independent institution set up by Parliament, which publishes all its findings online to make them easily accessible. Although all donations above a certain threshold must be reported to the commission, the fact that political parties are largely dependent on donations for their ever-increasing spending on national campaigns has repeatedly led to scandals such as the "cash for access scandal" in 2010 when access to the prime minister was sold for a party donation. There have also been highly publicized cases where individual donors have been rewarded by being granted honors, and changes have been made in the rules to prevent donations from individuals not resident in the United Kingdom. Although these cases have generated considerable media interest, there is not much evidence that donations have influenced policy.

In 2011, the Committee on Standards in Public Life published a report recommending a cap of £10,000 on donations from individuals or organizations.

Contributions from party members or local associations (through local fundraising) are relatively minor – though still useful to parties – compared to the amount parties receive from institutional sponsors (trade unions in the case of the Labour Party, business associations in the case of the Conservative Party) and individual donors. There is also some state financing of parties (known as "Short Money" after the politician who initiated it in the 1970s). The Conservative/Liberal Democrat government is committed to reforming party financing, but there has been no substantial progress on this issue.

United States

Score 6

At the federal level, campaign-finance law is enacted by Congress and enforced by the Federal Election Commission (FEC). The Federal Election Campaign Act of 1974 and the Bipartisan Campaign Reform Act of 2002 (McCain-Feingold Act) made the system of contributions to candidate campaigns and political parties very transparent and strictly regulated. Although private contributions to parties and candidates are subject to effective oversight, so-called independent expenditures – in

which supporters spend funds for candidates' benefit, usually by sponsoring campaign advertisements, without coordinating with them – have been subject to fewer, and steadily diminishing, constraints. More significantly, in the 2010 Supreme Court ruling, Citizens United v. Federal Election Commission, the court rejected any limits on private advertising in election campaigns.

As a result, the 2010 and 2012 elections saw the rise of so-called Super PACs – political action committees able both to make unlimited contributions on behalf of parties or candidates, and to receive unlimited contributions from individuals, corporations, unions or other entities. Neither the contributor nor the candidate or party can be held accountable. In the 2014 McCutcheon case, the Supreme Court went further, striking down the limit (then set at $123,200) on aggregate contributions by an individual directly to political parties or candidates (as opposed to independent groups).

The 2012 presidential and congressional elections witnessed truly vast amounts of unaccountable private spending, in both primary and general elections, for both Congress and the presidency. According to Sam Garrett, "More than 400 super PACs spent more than $600 million directly supporting or opposing candidates." An estimated $4 billion was spent in the 2014 midterm congressional elections, more than in 2012.

Citation:
Garrett, R. Sam, Super PACs in federal elections: Overview and issues for Congress, Congressional Research Service, April 4, 2013. https://www.fas.org/sgp/crs/misc/R42042.pdf

Confessore, Nicholas (2014, April 3). Power Surge for Donors. The New York Times. Retrieved from http://lexisnexis.com

Hunt, Albert R. (2014, October 13). The Dark Side of Campaign Financing. The New York Times. Retrieved from http://lexisnexis.com

Bulgaria

Score 5

Party financing in Bulgaria is regulated by the Political Parties Act, which was slightly amended in July 2013. Parties are financed through a combination of a state subsidy, membership dues, property income, and sale of publications and royalties. They are also allowed to draw bank credit up to a set cap. Anonymous donations are not allowed, and donations can be made only by individuals, not by companies or other legal entities. The audit office oversees party financing in Bulgaria. Every year parties are obliged to submit a full financial report, including a description of all their properties and an income statement. Reports from parties with budgets larger than €25,000 must be certified by an independent financial auditor. The audit office is obliged to publish all these reports online, to perform a thorough check of the reports, and to prepare and publish online its own auditing report. Parties are subject to sanctions for irregularities in their financial reporting, to which the online

availability of all reports adds the possibility of public political sanction. According to the Election Code, parties are also obliged to submit a special financial report to the audit office after each election campaign. The audit office also makes these reports available online.

One problem with party financing in Bulgaria is that the legal framework has tended to benefit the larger parties. This has mainly been because the funding that parties receive from the state is linked to the number of votes cast for them in the most recent parliamentary election. This has made it difficult for small new parties to emerge without significant private financial support. More importantly, a 2014 amendment to the Audit Office Law changed the Office's governance structure from a three-person body with high professional requirements to a larger body with low eligibility requirements, with members largely selected on the basis of political quotas. This severely decreased the independence of the Office and the trustworthiness of its oversight of party financing. In practice, non-regulated party financing seems to be available, as all parties have "concentric circles" of firms that finance the parties in exchange for political patronage.

Citation:
Rashkova, Ekaterina R., Maria Spirova (2014). Party regulation and the conditioning of small political parties: evidence from Bulgaria, in: East European Politics 30(3), 315-329.

Spirova, Maria (2012). 'A Tradition We Don't Mess With': Party Patronage in Bulgaria, in: Petr Kopecký, Peter Mair, Maria Spirova (eds.), Party Patronage and Party Government in European Democracies. Oxford: Oxford University Press, 54-73.

Chile

Score 5

In general, party and campaign financing processes are not very transparent. Upper limits to campaign financing are set by law, but enforcement and oversight is not very effective. Electoral campaign expenditures are financed by public funds and private financing, but ineffective monitoring often enables the latter to be rather opaque. De facto, there are no real measures to apply penalties in the event of irregularities. In October 2012, Law No. 20,640 was approved, making it possible to elect candidates of a political coalition on a participative basis. This process is voluntary and binding and the respective costs are limited by the current law of public transparency (Ley de Transparencia, Límite y Control del Gasto Electoral). This limit is set at 10% of the amount allocated for normal elections.

Croatia

Score 5

With the adoption of the Law on Political Parties and Campaign Funding in February 2011, the regulation of political finance has become more transparent and effective. The new law has made it obligatory to disclose party revenues and expenditures,

introduced limits on private donations, donations from the business sector and campaign spending and established a ban on foreign donations. However, the reliability of the reports submitted is questionable – there is an excessive reliance on public funds to finance parties and campaigns and insufficient public control of party and campaign budgets. The key problem in implementing effective bans on inappropriate campaign funding is the weakness in enforcing the law. In-kind services and various forms of indirect money transfers from the business sector allow legal restrictions to be circumvented, and make it difficult to obtain a clear picture of party finances. The monitoring capacity of the State Electoral Committee is weak, as it can open its own investigations only after having received official financial reports from political parties or individual candidates. In a big step forward, the State Auditing Office has also begun to carry out systematic audits of the campaign budgets of political parties and individual candidates. However, it can neither conduct random audits nor react to external complaints.

Greece

Score 5

Party financing for national elections is regulated by Law 3023/202, while the financing of competing electoral lists for local government elections is regulated by Law 3202/2003. Every year, the minister of the interior issues a ministerial ordinance which distributes funds to parties represented in parliament and the European Parliament based on their share of the total vote in the last elections. For instance, in 2013, parties received a total of approximately €11 million. This was an increase over the previous year, 2012, in which the total funds distributed to parties amounted to a little over €6 million.

However, expenses to run an electoral campaign are far above what lawmakers have deemed reasonable. Moreover, the monitoring mechanism is inadequate as it involves a parliamentary committee consisting of MPs who monitor MPs' electoral campaign expenses. While parties publish information on their finances annually, neither all contributions made to the party coffers nor all sources of revenue are disclosed. In other words, monitoring is ineffective.

Citation:
http://et.diavgeia.gov.gr/f/min-int erior/ada/%CE%92%CE%95%CE%94%CE%A3% CE%9D-353. Accessed on 05.06.2013.

Romania

Score 5

Political parties' funding sources include party membership fees, donations, income from the party's own activities and subsidies from the state budget. The maximum level of membership fees is limited by law, and all political parties have the obligation to publish these contributions in the Romanian Official Journal.

Anonymous donations received by a political party cannot exceed 0.006% of its fiscal-year funding from the state's budget, and the total amount assigned annually to political parties cannot exceed 0.04% of the budget itself. However, while laws and regulations governing party financing are in place, their implementation is lagging. Parties circumvent regulations through a variety of methods such as the creation of fictitious positions and party structures, thus enabling them to hide additional sources of income. As a result, spending by parties and candidates surpasses the resources they claim, and true donor support exceeds parties' stated income. Sanctions are rare even in cases of blatant legal breaches. Throughout the 2013 – 2014 period, Social Democratic lawmakers proposed draft legislation that would amend Article 11 of Law 334/2006 on the financing of political parties, electoral campaigns and NGOs. Rather than simplifying the process and encouraging transparency, the amendment would in fact have increased the opacity of the process. Romania's new president, Klaus Iohannis, has promised to change Romania's party-financing legislation to promote greater transparency and accountability.

South Korea

Score 5

Party and campaign financing is a controversial topic in South Korea. Due to the low rate of fee-paying membership in political parties (on average less than 0.1% of party members), candidates in elections have to spend huge amounts of money to hire supporters and place advertisements. Parties receive public subsidies according to their share of the vote in the most recent elections. However, a larger share of campaign financing comes from private donations. Nowadays some election candidates raise funds under a special investment (not donation) account, which has emerged as a new popular trend. Although election laws strictly regulate political contributions, efforts to make the political funding process more transparent have had only limited success. Many violations of the political funds law are revealed after almost every election and many elected officials or parliamentarians have lost their office or seats due to violations. The heavy penalties associated with breaking the political funds law have only had limited effect on the actual behavior of politicians and breaking the election law carries little stigma.

Italy

Score 4

The financing of parties is to a large extent public. State financing was regulated until February 2014 by a 1993 law (Legge del 10 Dicembre 1993 no. 515, e successive modificazioni recante norme sulla Disciplina delle Campagne Elettorali per l'Elezione alla Camera dei Deputati e al Senato della Repubblica), and was monitored by an independent judiciary organ – the Court of Accounts (Corte dei Conti) – which checked the accounts provided by parties and could sanction infringements.

Private financing must be declared by candidates and parties, and is controlled by regional judicial bodies. The existing rules about private and public financing of parties and their enforcement are largely inadequate for a fully transparent system. The degree of publicity over private contributions is largely left to the parties and in many cases is very defective. In recent years many cases of individual or institutional abuse or even fraud of public party funding emerged in almost all of the political parties.

A new reform (Law 21 February 2014, n. 13) has almost completely abolished public financing for parties. It has introduced a new regime of fiscal exemptions for private contributions and created a new oversight institution, the "Commissione di garanzia degli statuti e per la trasparenza e il controllo dei rendiconti dei partiti politici," whose members are nominated by judicial bodies. The new system will be implemented gradually and become fully effective only in 2017.

Netherlands

Score 4

Party finances, until about a decade ago, were not a contested issue in Dutch politics. However, newcomer parties like Pim Fortuyn List (Lijst Pim Fortuyn, LPF), and later the Party for Freedom (Partij voor de Vrijheid, PVV) received egregious financial business support and/or foreign funding, and the Socialist Party (Socialistische Partij, SP) made its parliamentarians financially dependent on party leadership by demanding that salaries were donated in full to the party.

As government transparency becomes a new general political issue, these glaring opacities in the Dutch "non-system" of party financing were flagged by the Council of Europe and the Group of Countries against Corruption (GRECO) – resulting in increasing pressures to change the law. Political expediency caused many delays, but the present Rutte II Council of Ministers introduced a bill on the financing of political parties in 2011 (Wet Financiering Politieke Partijen).

This new law eradicates many – but not all – of the earlier loopholes. Political parties are obliged to register gifts starting at €1,000, and at €4,500 they are obliged to publish the name and address of the donor. This rule is contested by the PVV as an infringement of the right to anonymously support a political party. Direct provision of services and facilities to political parties is also regulated. Non-compliance will be better monitored, and an advisory commission on party finances will counsel the minister on politically sensitive issues. The scope of the law does not yet extend to provincial and local political parties that feel disadvantaged. Also, the law's possible discrimination against newcomer political parties remains an unresolved issue. Nevertheless, if voted into law, the new situation potentially means a significant improvement, depending on its implementation.

Citation:
Wet financiering politiek partijen: einde in zicht - maar wat een gaten! (montesquieu-instituut.nl, consulted 5 november 2014)

Spain

Score 4

Party financing rules are based on Law 8/2007 (reformulated in October 2012 and now in the process of being replaced by more strict legislation to be passed in 2015), which states that political parties are private associations with a mixed revenue system. They collect funds from the public budget in proportion to their parliamentary representation, but also private money from individuals (including the membership fees which are not very significant) and from corporations. Legislation includes spending thresholds in electoral campaigns and the contributions made by businesses are, at least in theory, subject to limits and conditions (for example, anonymous donations are forbidden and companies that supply goods or services to the state cannot make them). However, the current legislation has been ineffectual in enforcing these limits, particularly regarding opaque donations received by think tanks and charities associated with parties or the backdoor funding when banks cancel the parties' debts or loans. Furthermore, several scandals of directly illegal financing (such as the Barcenas, Gürtel, Palau, Palma Arena, or Pallerols cases) have also erupted in recent years.

The Audit Office (Tribunal de Cuentas) is the body charged with auditing the parties' accounts but has no capacity to control them effectively. On the one hand, this office suffers from a lack of political independence since its members are appointed by the parties themselves. On the other, it lacks staff resources and suffers delays in the publication of audit reports. A 2014 report with the latest available data (2012) pointed to serious irregularities in almost all parties, although right-wing parties have received much more private financing than leftist ones. The current PP government, forced by a deep social mistrust in the context of the crisis and a corruption scandal that involves a former treasurer of the party, decided to increase transparency and responsibilities with an anti-corruption plan (Plan de Regeneración Democrática) and a draft law to improve party monitoring that is currently under consideration in parliament. Instead of introducing more rules, a more effective means of monitoring proper financing would involve guaranteeing that genuinely dissuasive sanctions are imposed in cases of corruption.

Citation:
http://www.eldiario.es/politica/practicas-seguiran-financiacion-partidos-PP_0_253025377.html

Turkey

Score 4

Article 60 of Law 2820 requires political-party organs at every level to keep a membership register, a decision book, a register for incoming and outgoing documents, an income and expenditure book and an inventory list. According to

Article 73 of Law 2820, final accounts of political parties, including party headquarters and affiliated sub-provinces must be prepared to explain the previous year's revenues and expenditures. Turkish legislation however does not contain any provision concerning the financing of electoral campaigns or of independent election candidates. Presidential candidates' campaign finances are regulated by Law No. 6271; these candidates can legally accept contributions and other aid only from natural persons having Turkish nationality. However, the Supreme Board of Elections has allowed the political parties to organize campaign activities and advertisements for their supported candidates in a way unregulated by law. Thus, the state aid provided to the political parties can be used indirectly for presidential-campaign activities.

There is no legal ceiling for campaign expenditures. Law No. 2820 (Article 66) enables organizations such as unions or public professional organizations to contribute to political parties. The finances of candidates in local and parliamentary elections is not regulated by law. There is no specific reporting obligation for campaign contributors, apart from a general requirement, based on the Tax Procedure Code, for individuals to declare expenses (which could include political contributions) to the tax authorities. Pursuant to Article 69 of the Constitution, Article 74 of Law 2820 stipulates that political-party finances are to be audited by the Constitutional Court, to verify whether the parties' property acquisitions, revenues and expenditures are in compliance with the law. Auditing decisions by the Constitutional Court are published in the Official Gazette (Constitution, Article 153). The results of the court's audits of presidential candidates' campaigns must be announced within a month of the audit's completion. However, the law does not specify where the audit result shall be announced.

The Constitutional Court's experts examine the accuracy of information contained in a party's final accounts and the legality of recorded revenues and expenditures on the basis of information at hand and documents provided. Before the court's examination, party accounts must be audited by certified experts. Law 2820 includes several criminal, administrative and civil sanctions that can be imposed on political parties, party officials, party candidates or other persons (such as political-party donors).

However, election laws do not provide for any sanctions specifically in the area of political financing or election-campaign funding. According to the court's reports, several criminal issues have been investigated, mostly related to improper processes in party accounts, leaving issues of party finances untouched.

In a recent amendment to the campaign law, the minimum threshold qualifying a party for annual state aid was reduced from 7% to 3% of valid votes in the most recent general elections (Article 1, Law 2820). State aid accounts for about 85% to 90% of the major political parties' official income.

Ceilings for donations to political parties by private individuals are revaluated each

year (at the time of writing, this was approximately €11,430). However, donations are not properly recorded. More importantly, cash and in-kind contributions or expenditures made in support of parties and candidates during elections are not recorded. These constitute the most significant source of "soft money." Revenue collected and expenditures incurred by individual elected representatives or candidates in the course of party-political activities, including electoral campaigning, are not included in party accounts. At the time of writing, only the AKP publishes its accounts online. Party accounts published in the Official Gazette provide only general figures and potential infringements.

Although some progress has been made in recent years, persistent legal loopholes render the auditing of political parties' accounts unsatisfactory. No legal framework for auditing election campaigns or individual candidates' finances at the local or parliamentary level exists.

Citation:
GRECO, Third Evaluation Round Evaluation Report on Turkey on Transparency of Party Funding (Theme II), http://www.coe.int/t/dghl/monitorin g/greco/evaluations/round3/GrecoEva l3(2009)5_Turkey_Two_EN.pdf.
Ömer Faruk Gençkaya, Cumhurbaşkanı Seçim Kampanyasının Finansmanı (2014): Adiliyet, Şeffaflık ve Hesap Verebilirlik (Campaign Finance of Presidential Election: Fairness, Transparency and Accountability), Democracy Barometer Analyis Report 1, Istanbul, http://platform24.org/Content/Uploads/Editor/Demokrasi%20Barometresi%20Analiz%20 Raporu%201.pdf (accessed 17 December 2014)
OSCE/ODIHR (2011) Republic of Turkey Early Parliamentary Elections, 12 June 2011. OSCE/ODIHR Election Assessment Mission Report, http://www.osce.org/odihr/84588.
OSCE/ODIHR, Republic of Turkey Presidential Election 10 August 2014 OSCE/ODIHR Needs Assessment Mission Report, 7-9 May 2014, http://www.osce.org/odihr/elections/turkey/119439?download=true

Cyprus

Score 3

Political parties have been eligible for state funding since 1989. Parties and their affiliated organizations can also receive financial or in-kind donations from physical persons or legal entities (up to €50,000), or be sponsored by legal entities (up to €20,000). Anonymous donations are allowed up to €1,000. All party accounts (i.e., income, expenditure, assets and debts) must be audited annually by the Auditor General. Parties' election-related accounts are also subject to audit, but there is no standard form for reports required. Election-related accounts of political parties and candidates must be submitted to the registrar of political parties, the DG of the Interior Ministry. Parliamentary candidates have an electoral expenditure cap of €30,000; moreover, they must avoid activities that constitute corruption. However, the time frame governing these expenses is vague, as are other crucial details and procedures. Non-compliance and corruption are subject to fines and/or imprisonment, depending on the offence.

In early 2014, the Auditor-General informed the Interior Ministry that none of the major parties had submitted their financial statements and that they were not properly audited, or did not follow international standards. Parties and candidates

had thus failed to fulfill their electoral-expenses reporting obligations. The oversight agency urged that legal action be taken where appropriate. However, because the governing legislation contains serious gaps by not requiring separate disclosure of full electoral accounts, donations received, and expenditures related to elections, and because there are many unclear provisions regarding procedures and deadlines, the system as a whole remains inefficient.

The caps set for anonymous and other donations, as well as per-candidate expense limits, seem excessively high given Cyprus' small size (550,000 voters). The criteria used in setting the level of state subsidies provided to political parties are not public.

A European Commission anti-corruption report released in 2015 noted "a particular area of concern, the practice [by banks] of writing off loans as a form of financial support for political parties." Pressure from the Council of Europe, the European Union and civil-society groups, as well as media reporting on alleged political-party corruption, has prompted national discussion and sparked a new effort to respond adequately to international concerns. Debate over a new financing law was still ongoing in October 2014.

1. COE - GRECO, Third Evaluation Round, Compliance Report, on Cyprus, published 5 April 2013, available at http://www.coe.int/t/DGHL/Monitorin g/Greco/evaluations/round3/GrecoRC3 (2012)24_Cyprus_EN.pdf
2. Laws on the Registration and Funding of Political Parties and other relevant matters, L. 175(I)2012, official English text at http://www.legislationline.org/topics/country/36/topic/16.
3. European Commission Anti-corruption Report 2013 on Cyprus, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_cyprus_chapter_en.pdf.
4. http://cyprus-mail.com/2014/02/21/parties-fail-to-comply-with-law-on-finances/.

Hungary

Score 3

The Orbán government promised to reform party and campaign financing several times, but postponed decisions several times with an evident view to creating uncertainty within the parliamentary opposition regarding the rules of the game for the 2014 parliamentary elections. The amendment of the law on party financing (Act LXXXVII of 2013) shifted funds toward individual candidates and smaller parties, thus contributing to the record-high number of candidates. The fact that their financial activities were monitored only after the campaign facilitated fraud. The legal framework for campaign financing has lacked any limits on private donations, and has not required a dedicated bank account for campaign purposes. As no regulations on third-party campaigning have existed, parties have been able to circumvent existing restrictions on campaign spending by involving formally independent non-profit organizations. Among these organizations, the Fidesz-affiliated Civil Unity Forum (Civil Összefogás Fórum, CÖF) stood out, running an expensive campaign against several opposition leaders.

Citation:
OSCE / ODIHR, 2014: Hungary – Parliamentary Elections, 6 Apirl 2014. Limited Election Observation Mission Final Report. Warsaw, 13-15.

Malta

Score 2

Malta has no party financing laws and no independent monitoring body. It is up to the individual political party whether it chooses to divulge its annual or campaign accounts. In 2012, the Maltese government presented a draft bill on this issue to the Council of Europe's Group of States against Corruption (GRECO). However, the organization objected to the distinction made in the proposed law between party and non-party members, and described the €10,000 threshold for the publication of donor names as "critically high." A new and revised party-financing law has been drafted, but discussions between the two major parties on some of its provisions have been ongoing for more than a year. The second reading of the bill has been stalled due to a demand to review and rectify political parties' practice of renting private property at well below market value.

Maltese law does set a maximum spending amount for individual candidates at €1,400 for local and general elections and €18,600 for European elections, but there is no process or body with the power to investigate an individual candidate's campaign accounts. This essentially negates existing legal sanctions against candidates who may commit a breach of the law. To date, no candidate has been prosecuted on finance grounds.

Citation:
http://www.timesofmalta.com/article s/view/20100908/opinion/party-financing-and-democracy.325930
http://w ww.timesofmalta.com/articles/view/2 0090716/local/maltese-meps-to-vow-t hey-stuck-to-the-law.265224
http:/ /www.timesofmalta.com/articles/view /20130426/local/labor-spent-1-5-mi llion-on-campaign.467214
Callus, Ryan Money Money Money Malta Today 11/11/14

Switzerland

Score 1

Switzerland does not finance parties with public money on the federal level. In return there are no constraints applied to party fundraising. There is some financing of parties on the cantonal level in Geneva and Fribourg. A considerable portion of political parties' revenues comes from the subsidies given to party factions in the national parliament or reimbursement of parties for services, which together amount in some cases to 30% of total party income. Another important source of income is the attendance fee granted to members of parliament, which can be considered as a form of party financing. Parties won constitutional status only in the constitutional revision of 1999, and there is in general a continuing deep-seated aversion to any public financing.

In consequence, there is little to no public scrutiny of party activities, since no public money is at stake.

Since 2011, the Council of Europe' Group of States Against Corruption (GRECO) has argued that Switzerland's system of party donations lacks transparency. The attempt by Social Democratic Minister of Justice Simonetta Sommaruga to draft a law on political party financing failed due to political opposition. The government has insisted on maintaining the current rules.

Indicator

Popular Decision-Making

Question

Do citizens have the opportunity to take binding political decisions when they want to do so?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

10-9 = Citizens have the effective opportunity to actively propose and take binding decisions on issues of importance to them through popular initiatives and referendums. The set of eligible issues is extensive, and includes national, regional, and local issues.

8-6 = Citizens have the effective opportunity to take binding decisions on issues of importance to them through either popular initiatives or referendums. The set of eligible issues covers at least two levels of government.

5-3 = Citizens have the effective opportunity to vote on issues of importance to them through a legally binding measure. The set of eligible issues is limited to one level of government.

2-1 = Citizens have no effective opportunity to vote on issues of importance to them through a legally binding measure.

Switzerland

Score 10

Switzerland uses forms of direct democracy to a larger extent than does any other mature democracy. Direct democratic practices are intensively employed on all levels, from the local to the national. On the local and state (cantonal) levels, rules and practices vary considerably by region. This mode of decision-making has many advantages, particularly if it is institutionally and culturally embedded in such a way as to hinder the development of a tyranny of the majority and populist mobilization. In particular, the system is connected with a high level of satisfaction, creating strong citizen identification with the political system and offering many incentives for politicians to behave in a consensual way.

However, along with these laudable characteristics, there are some qualifications and criticisms that should not be overlooked:

• It is not true that citizens in a direct democracy are necessarily better informed or politically more interested than those of representative democracies at the same level of economic and social development. Switzerland provides little evidence that direct democracy educates citizens to be better democrats.

• About 95% of all political decisions at the federal level are taken in parliament without subsequent direct-democratic decision-making. However, the most important and controversial issues are dealt with in public votes.

• Participation rates in direct-democratic votes are usually very low (typically between 40% and 50%) and socially biased. Well-to-do citizens participate at disproportionate levels.

• Voting is frequently driven by cue-taking, rather than by well-informed individual decision-making. This is not to say that citizens are simply victims of slogans or propaganda; in most cases they distinguish between information of high and low reliability during campaigns.

• The most prominent instrument of Swiss direct democracy, the referendum, serves to impede reform and adaptation. It has a strong status-quo bias. One observer has argued that the referendum has the function of a conservative upper house.

• Direct democracy creates incentives for politicians to arrive at compromises (in order to avoid a direct-democratic decision) in a nontransparent way.

• Particularly in the recent past, direct democracy has created potential conflicts with human rights.

• Direct democracy has been successfully used for populist mobilization, again in the recent past.

• Frequently, popular initiatives approved by the people and the cantons are only partly implemented through parliamentary legislation.

Latvia

Score 8

Citizens have the legal right to propose and make binding decisions at the national level. The constitution makes provision both for popular initiatives and referenda. However, there instruments exist at the local level to support popular decision-making.

In 2011, following the president's invocation of the constitutional procedure for dissolution of parliament, his decision was voted upon in a referendum. Under this procedure, the parliament is dissolved if the act receives voters' approval, but the president resigns if the act does not receive voters' approval. In 2011, voters approved the dissolution of parliament and extraordinary elections were held in October 2011. This constitutional procedure had never before been used.

Three recent attempts have been made to bring a voter-initiated measure to referendum. In 2012, a referendum was held on designating Russian as an official state language alongside Latvian. Voters turned down this initiative in a vote of 24.88% in favor and 74.8% against.

In 2011, a referendum was initiated on the language of instruction in the school

system. The referendum initiation procedure requires that 10,000 signatures be gathered in order to qualify for the next stage. In this second stage, the Central Election Commission (CVK) organizes the collection of signatures. If over the course of one month, one-tenth of the electorate signs the petition, a referendum is held. This particular initiative failed to gather the necessary signatures during the second stage.

In 2012, a referendum was initiated on granting automatic citizenship to non-citizens in Latvia. An initial 10,000 signatures were gathered and submitted to the CVK. However, the CVK refused to initiate a second stage of the procedure, arguing that the initiative was unconstitutional. The CVK decision was referred to the Supreme Court, who sought clarification from the Constitutional Court on the issue of whether the CVK had the right to stop the referendum procedure. The Constitutional Court returned the issue to the Supreme Court, who in turn found in favor of the referendum's constitutionality.

In addition to referenda, the parliament approved a new political decision-making instrument in 2010 that allows citizens to put items on the parliamentary agenda, but does not afford citizens the right to make binding decisions. Thus, parliamentary procedure now allows for petitions that have gathered 10,000 signatures to move to the parliament for consideration. Twelve proposals have been forwarded to the parliament under this new instrument. Of these initiatives, two have sparked changes in legislation, on the issues of petitions and transparency of information about offshore companies. A third initiative, dealing with punitive measures for members of parliament who violate their oaths of office, has resulted in the parliament adopting new disciplinary measures.

In 2012, changes were made to the legislation regulating referenda, which now require petitions to receive an 30,000 initial signatures before triggering a referenda, followed by CVK engagement to gather further signatures to reach one-tenth of the electorate. As of 1 January 2015, there will be a one step procedure eliminating CVK engagement in the signature gathering phase, placing the responsibility to gather signatures of one-tenth of the electorate on the initiators of the referendum. The changes were adopted, presuming the possibility to gather signatures electronically, but mechanisms for electronic signature-gathering have been implemented. If the issue is not resolved, the new requirements become prohibitive for any new referenda.

Over the last 10 years, parliament has periodically considered introducing popular initiatives and referenda into decision-making at the local government level. Although draft legislation was being progressed through the parliamentary process, it was not ratified before the October 2014 parliamentary elections. At the time of writing, it is unclear whether the new parliament will continue deliberating the issue.

Citation:

1. Referendum on Russian as an Official State Language, Final results, Available at: http://www.tn2012.cvk.lv/, Last

assessed: 17.05.2013

2. Collection of Signatures for Amendments to the Constitution of the Republic of Latvia, Report, Available at: http://web.cvk.lv/pub/public/29952.html, Last assessed: 17.05.2013

3. About the Voters' Initiated Draft Law "Amendments to the Citizenship Law", Report, Available at: http://web.cvk.lv/pub/public/30436.html, Last Assessed: 17.05.2013

4. Social Initiative Platform ManaBalss.lv, List of Signed Initiatives, Available at (in Latvian): https://manabalss.lv/page/progress, Last assessed: 03.11.2014

Lithuania

Score 8

Lithuanian citizens can propose policies and make binding decisions on issues of importance to them through referendums and petitions. Since the reestablishment of Lithuania's independence in 1990, there have been 12 referendums, although only five of these have been successful (including the 2004 referendum approving Lithuania's membership in the European Union and the 2012 consultative (advisory) referendum on the construction of a new nuclear power plant). The most recent referendum took place in June 2014, but failed due to low voter turnout. It was initiated by a group of citizens, and aimed both at restricting the sale of land to foreign citizens, and at reducing to 100,000 the number of signatures required to trigger a referendum. Today, to call a referendum, a total of 300,000 signatures of Lithuanian citizens having the right to vote must be collected within three months. For the referendum to be valid, more than one-half of all voters must participate. Citizens also have the right to propose a legislative initiative (by collecting 50,000 signatures within two months) that, if successful, will be addressed by parliament. Only one draft resolution based on a citizens' initiative has been registered for the 2012 – 2016 Seimas. A right to petition also exists, under which individuals can address the parliament's Petition Commission.

Slovakia

Score 8

The Slovak Constitution provides far-reaching possibilities for citizens to actively propose and take binding decisions on issues of importance to them through popular initiatives and referenda (articles 93 – 100). Referenda are obligatory in the case of the country entering or withdrawing from an alliance with other states (like the European Union). Furthermore, a referendum can be called for in the case of "other important issues of public interest" (Article 93.2); referenda on basic rights and liberties, taxes, levies, and the state budget are forbidden (Article 93.3). There are two ways to call a referendum: by a resolution of the National Council or on the basis of a petition signed by a minimum of 350,000 citizens. The results of referenda are binding, and the constitutional barriers for changing the decisions are high; only a three-fifths majority in the National Council can overrule a decision made by referendum, and can do so only after three years (Article 99.1). Likewise, no

referendum on the same issue can be held until three years have passed (Article 99.2). Similar provisions exist at the local level. In practice, relatively little use has been made of these provisions. From 1994 to 2014, only seven national referenda were initiated, and only one of them – the referendum on EU accession – was successful. No national referendums took place during the period under review. In 2014, however, the conservative-Catholic Alliance for the Family (Aliancia za rodinu, AZR) managed to gather 400,000 signatures in favor of a referendum on the constitutional definition of marriage, adoption law and sex education in schools. This was eventually held in February 2015.

Citation:
Láštic, Erik, 2007: Referendum experience in Slovakia: a long and winding road," in: Pállinger, Zoltán Tibor/Kaufmann, Bruno/Marxer, Wilfried/Schiller, Theo (eds.), Direct Democracy in Europe, Wiesbaden, pp. 189-198.

Slovenia

Score 8

Slovenia has a strong tradition of direct democracy. Until a constitutional amendment in May 2013, referenda on all issues could be called by Parliament, the National Council (a body representing major interest groups) as well as by citizens themselves. As a result, many referenda were called, and in a number of cases controversial government initiatives were rejected. A May 2013 constitutional amendment, which was adopted by the legislature with an overwhelming majority, kept the relatively low threshold of signatures required for calling a referendum (40,000), but ruled out the calling of referenda by Parliament and by the National Council. Moreover, the set of eligible issues was reduced so as to exclude the public budget, taxes, human rights and international agreements, the majority requirements for the validity of referenda were tightened and the period for which Parliament is bound to the results of a referendum was reduced. In the period under review, only one national referendum was held. In June 2014, 67% of the voters rejected an amendment to the law on the national archives adopted in January 2014. However, the referendum was in any case invalidated by a voter turnout well below the required 20% quorum.

Italy

Score 7

The right to promote referenda and citizens' initiatives is enshrined in the constitution at the national level of government and is replicated in most of the regions by regional statutes. Referenda may be authorized also at municipal and provincial levels. Referenda, which can only abrogate existing laws or part of them, have taken place rather frequently at national level. In order to launch a referendum the proponents must collect at least 500,000 citizens' signatures and the referendum is only valid if there is a turnout of at least 50% of the citizens with the right to vote. Between 1974 and 2011 66 referenda took place. There are some limited restrictions

to the issues that can be submitted to a referendum. In some cases, however, the effects of a successful referendum have been overturned by parliamentary laws which pay formal respect to the referendum results but have, in practice, reestablished in new forms some of the rules that had been abrogated.

The new constitutional reform introduced by the Renzi government and approved so far only by the Senate (in August 2014), makes it easier for citizen referenda proposals and initiatives to make it on the ballot by reducing the minimum number of signatures to 800,000 at the national level.

Citizens can also promote legislative initiatives and in some regions and municipalities instruments of deliberative democracy (citizens' juries, deliberative polling) are available, but these instruments do not have legally binding effects.

Referenda have had a deep impact on some political decisions at national level, such as bringing to an end civil use of nuclear energy after the Chernobyl disaster, but at local and regional level effective popular decision-making is seldom applied. Several big infrastructure projects like the Val di Susa high speed railway and the Strait of Messina bridge project were not only contested but also resulted in riots and civil disobedience. Italian politics are either unconcerned with building consensus with their citizens on big projects, or make too slowly an effort.

Poland

Score 7

Polish law provides for various forms of direct democracy. On the local and regional level, a referendum is called when it is supported by 10% of the electorate. On the national level, referendums can be called only by the lower house of parliament (the Sejm), or the president. However, popular initiatives are also possible. A total of 100,000 voters can collectively submit a draft bill, which the Sejm then has to pass or reject. In 2013 and 2014, the number of referendums at the local level increased. While recall referendums aiming at replacing sitting mayors drew the most attention, there were also a number of referendums on substantive issues. In May 2014, for example, the citizens of Krakow rejected the city's bid to host the 2022 Olympic Games, while opting to construct a metro rail system, more video monitoring and more cycle paths in the city. On the national level, no referendums were held in the period under review. In November 2013, the Sejm rejected an initiative to call a referendum on the age at which children began school. This decision was highly controversial, since the initiative enjoyed strong backing by the Catholic Church, was supported by almost 1 million citizens, and had won support even among the ranks of the PSL, the junior coalition partner. The governing PO came under heavy fire for its lack of respect for direct democracy.

Sweden

Score 7

Citizen initiatives for national referendums are rare but they do happen. Such initiatives have occurred on several occasions at the local level concerning a wide variety of issues, for instance a referendum on poll taxes (for automobiles; "trängselskatt") in the city of Gothenburg.

Outcomes of referendums are never binding in Sweden. However, it is customary that all parties commit themselves to obeying the outcome of the referendum. In constitutional terms, no referendum can be legally binding.

Citation:
For an overview over national as well as local referenda cf. http://www.val.se/det_svenska_valsystemet/folkomrostningar/index.html.

United States

Score 7

Popular decision-making mechanisms in the United States are weak at the federal level, but rather strong at the state and local level. The federal government does not have any provision for citizen initiatives or referendums. Citizens cannot, therefore, make binding policy decisions, or even advisory decisions through formal mechanisms at the federal level. A total of 24 state governments and many local ones provide rules for some forms of direct democracy. Ballot measures provide citizens the opportunity to discuss and vote on policy issues at the local level and state level. There are three basic types of ballot measures: initiatives, referendums and recalls. A ballot initiative is a proposal to change or create a law at the local or state level. A referendum places a law that has already been passed by the legislature to a popular vote. Similar to a ballot initiative, this is a citizen-led effort, and a predetermined number of signatures is required to get the measure on the ballot. A recall is a process in which voter can remove an elected official from office before his or her term expires.

While there are no ballot initiatives or referendums at the federal level, the Obama administration in 2011 opened a new website called "We the people," giving people the chance to articulate petitions online. Petitioners must gather 25,000 signatures in 30 days in order to have the request reviewed by administration officials.

Bulgaria

Score 6

There are several forms of direct democracy in Bulgaria, at both the local and national levels. However, a number of provisions limit citizens' decision-making power. First, the set of eligible issues is limited, as budgetary issues cannot be

addressed in municipal or national referenda. At the national level, the structure of the Council of Ministers, and the personnel of the Council of Ministers, Supreme Judicial Council and Constitutional Court cannot be decided on the basis of referenda. Second, the National Assembly is not obliged to call a referendum if a committee formed by voters has gathered more than 200,000 but less than 500,000 signatures. Third, parliaments can, within certain limits set by the law, edit the questions posed. Finally, the outcome of referenda is binding only if voter turnout is higher than in the last general election. Given these obstacles, referenda have been rare. In the period under review, no referenda took place. In the spring of 2014, the parliament used its discretion to block a referendum on electoral reform even though the petition for it had obtained almost the required 500,000 signatures, indicating a general unwillingness on the part of ruling majorities to allow citizens to make decisions on their own initiative.

Canada

Score 6

There are few opportunities for Canadians to make binding decisions on matters of importance to them through popular initiatives or referenda on the federal level. On the federal level, it impossible to circumvent elected representatives. On the provincial level, British Columbia remains the only jurisdiction in Canada with voter-initiated recall and referendum legislation. It is worth noting that the Royal Commission on Electoral Reform concluded in 1991 that “in Canada, the particular vulnerability of the prime minister and cabinet ministers to the use and abuse of the recall would make this instrument of direct democracy especially detrimental to our system of representative democracy.”

Citation:
Royal Commission on Electoral Reform and Party Financing, Reforming Electoral Democracy, Minister of Supply and Services, 1991, p. 247.

Croatia

Score 6

While the law provides for some forms of popular decision-making, there is no strong tradition of organizing and holding referenda in Croatia. The Sabor, the Croatian parliament, can call a national referendum if it is proposed by at least 10% of the electorate. In the past, the Sabor has refused to do so even in cases of high-profile initiatives by war veterans (2000) and trade unions (2010). Local referenda have also been rare; only a few have ever taken place. The period under review, however, saw a wave of a “referendum democracy.” In early December 2013, a referendum on the constitutional definition of marriage took place, initiated by In the Name of the Family, a conservative NGO. In line with the recommendations of the Catholic Church, almost two-thirds of the participating citizens voted in favor of a traditional definition of marriage. The success of the referendum inspired other

initiatives. An initiative to hold a referendum on the ban of the Cyrillic script in the City of Vukovar was backed by a sufficient number of citizens. However, the Constitutional Court ruled against this referendum in August 2014, on the grounds that it would represent a substantial violation of national minorities' rights. In fall 2014, In the Name of the Family solicited signatures for another referendum, this time on a reform of the electoral law, gathering some 370,000 signatures in total. As of the time of writing, some controversy existed over whether this was enough to call a referendum; the government claimed that around 450,000 signatures were required, as the electorate also included Croatian citizens living in the diaspora. Finally, the road-construction-workers' union and a few NGOs organized the solicitation of signatures for a referendum against granting concessions on Croatian motorways. They managed to gather more than 470,000 signatures.

Finland

Score 6

In 1987, the government incorporated referendums into the Finnish constitution. The stipulation, laid down in the Law of Procedures in Advisory Referendums, was that advisory referendums may be called by parliament by means of special laws that prescribe the date of voting and establish alternatives to be presented to the voters. There are no stipulations on quorum in terms of participation or on the majority required for the vote. Since then, only one national referendum in 1994 took place, which addressed Finland's entry into the EU. While this device opens no channels for direct citizen participation in public policy-making, a constitutional amendment in 2012 introduced a system of popular initiative. This system creates a obligation for parliament to consider for approval any petition that receives 50,000 signatures or more. However, citizens do not have the opportunity to vote on initiative issues, as the right of decision and agenda-setting remains with parliament.

At the time of writing, an initiative, on prohibition of fur farming, received enough signatories to be submitted before parliament, but was subsequently rejected. A further initiative, concerning same-sex marriage, received 162,000 signatories and is awaiting consideration by parliament. Similar initiatives include an amendment to copyright laws and sentences for crimes relating to child sexual abuse.

The Finnish system allows for citizen-initiated municipal referendums. However, the arrangement for such referendums is decided by the municipal authorities and the results are non-binding.

Citation:
Dag Anckar, "Finland", in Bruno Kaufmann and M. D. Waters, eds. Direct Democracy in Europe. Durham, N. C.: Carolina Academic Press, 2004.

Germany

Score 6

In Germany, referenda are of importance at the municipal and state levels. At the federal level, referenda are exclusively reserved for constitutional (Basic Law, Art. 146) and territorial issues. On the municipal and state levels, voter initiatives have been used in growing number since German unification, with their increasing frequency bolstered by legal changes and growing voter awareness.

By the close of 2013, 6,447 direct democratic procedures had been recorded in German municipalities, 3,177 of which led to a referendum. Approximately 300 procedures are processed per year. City-states, North Rhine-Westphalia and Bavaria have disproportionately high numbers of direct democratic procedures. On the individual state level, the number of procedures fluctuates between 10 and 20 per year. At the end of 2011, 33 procedures were planned across a total of nine of the country's sixteen states (Mehr Demokratie: Bürgerbegehrensbericht, 2014).

In some states (e.g., Baden-Wuerttemberg, North Rhine-Westphalia, Rhineland-Palatinate), the government or parliament can, under certain conditions, call a referendum with the power to confirm or overturn a decision by the legislature. This opportunity was first employed in Baden-Wuerttemberg in the conflict over Stuttgart's new underground railway station. After more than 15 years of formal planning and approval procedures as well as formal approval by Baden-Wuerttemberg's legislature, reconstruction of Stuttgart's main station started in February 2010. However, massive demonstrations and broad popular resistance soon brought this to a halt. The conflict resulted in an out-of-court dispute resolution in October and November 2010. The arbitrator's decision favored the continuation of the project with some additional construction requirements, which proved to be costly concessions to opponents of the project. A referendum on the issue held on 27 November 2011 provided popular legitimacy to the project, confirming the decision previously made by Baden-Wuerttemberg's parliament.

Citation:
Mehr Demokratie (2014): Bürgerbegehren. Available online: http://www.mehr-demokratie.de/fileadmin/pdf/bb-bericht2014.pdf.

Hungary

Score 6

In Hungary, citizens can initiate referendums, and there have been cases of successful initiatives for referendums at the national and local levels in the past. However, the new 2011 constitution limited the scope for popular decision-making by abolishing popular initiatives, expanding the set of issues exempt from referendums and raising the thresholds for referendum success. Now, for a referendum to be successful, at least 50% of voters need to take part. In the period under review, the opposition tried to initiate several national referendums. However,

all such initiatives were refused by the government-controlled National Election Committee (NVB), which enjoys a high level of discretion in deciding whether issues are eligible for a referendum or not. The most controversial issue was the referendum proposed by Együtt-PM, one of the leftist opposition parties, on the new Paks-2 nuclear-power station. This was refused by the NVB on 17 February 2014.

Australia

Score 5

Citizens do not have the legal right to propose and take binding decisions on matters of importance to them at any level of government. Since the establishment of the Federation in 1901, citizens have voted on specific issues 44 times, with eight of those succeeding, but they cannot initiate the process. Nevertheless, some of these referenda have covered important issues, such as the 1967 referendum on the status of indigenous people in Australian society. However, no referendum has succeeded since 1977. National referenda are mandatory in case of parliament-proposed changes to the constitution. Constitutional amendments have to be approved in a referendum and the result is binding. In addition, states and territories also may hold referenda on issues other than constitutional amendments.

A Citizen Initiated Referendum Bill, which would have enabled the citizens of Australia to initiate legislation for the holding of a referendum to alter the constitution, was presented and read in the Senate in 2013, but did not proceed and lapsed at the end of the 43rd Parliament in September 2013.

Citation:
http://www.aph.gov.au/~/media/05%20 About%20Parliament/54%20Parliamentary%20Depts/544%20Parliamentary%20Library/Handbook/43rd_PH_Part5.ashx
Williams, George/Hume, David, 2012, People Power: The History and Future of the Referendum in Australia

Citizen Initiated Referendum Bill 2013, No.
, 2013 (Senator Madigan), A Bill for an act to enable the citizens of Australia to initiate legislation for the holding of a referendum in relation to altering the Constitution, and for related purposes, http://www.restoreaustralia.org.au/petition-ups/CIR%20Bill.pdf

Australian Election Commission, Referendum dates and results, http://www.aec.gov.au/Elections/referendums/Referendum_Dates_and_Results.htm

Austria

Score 5

Plebiscites (referendums) are obligatory and binding when the matter concerns constitutional issues. This has been the case only once, in 1994, when Austria had to ratify the treaty of accession to the European Union. Plebiscites are possible (and binding) if a majority of the National Council (the lower house of the two-chamber parliament) votes to delegate the final decision on a proposed law to the voters. This also happened only once, in 1978, when the future of nuclear power in Austria was decided by referendum. There is also the possibility of a non-binding consultational

referendum. Thus, in 2013, a non-binding referendum was organized concerning the military draft system. The governing parties and parliament treated the decision – in favor of keeping the existing universal draft – as binding. The small number of direct-democratic decisions made in the past are the consequence of a constitutional obstacle: Except for the case of the obligatory plebiscites, it is the ruling majority that ultimately allows referendums to take place, and therefore controls access to direct-democratic decision-making.

Citizen initiatives are proposals backed by a qualified minority of voters (a minimum of 100,000 individuals, or one-sixth of the voters in at least three of the country's nine provinces). These initiatives are not binding for parliament, which has only the obligation to debate the proposals. Most citizen initiatives have not succeeded in becoming law.

Reformers have argued that the use of plebiscites should be expanded, possibly by allowing citizen initiatives with very strong support (e.g., backed at least by 300,000 voters) to go to the ballot in the form of a referendum in cases of parliament's refusal to make the proposal law. This seemingly endless reform will continue into the future and reflects the erosion of trust in the established party system.

Czech Republic

Score 5

In the period under review, no nationwide public referenda took place. There is no general law on referenda at a national level, although one has been proposed more than 12 times in parliament. On the municipal level, referenda exist and are being increasingly used – in 2014, together with local elections, referenda took place in approximately 20 municipalities (based on law on referenda, 22/2004 Col.). The most frequent issues for referenda have been mining issues, the construction of nuclear fuel/waste plants, stricter regulations on lotteries and gaming, and the use of public space and municipal property. Initially, a minimum participation of at least 25% of registered voters was stipulated (298/1992 Col.), which was later increased to 50% (22/2004 Col.) and finally was settled at 35% of registered voters (169/2008 Col.) being required to ensure the validity of a referendum. In 2014, a group of activists in Brno tried to initiate a referendum on a proposed change to the location of the central train station and collected over 20,000 signatures. For procedural and bureaucratic reasons, however, the referendum did not take place.

Iceland

Score 5

According to Article 26 of the 1944 Icelandic constitution: "If the Althing has passed a bill, it shall be submitted to the president of the republic for confirmation not later than two weeks after it has been passed. Such confirmation gives it the force of law. If the president rejects a bill, it shall nevertheless become valid but shall, as soon as

circumstances permit, be submitted to a vote by secret ballot of all those eligible to vote, for approval or rejection. The law shall become void if rejected, but otherwise retains its force." In the 69 year history of the Republic of Iceland, this paragraph has twice led to a nationwide referendum.

The first referendum was held in March 2010 after President Ólafur R. Grímsson rejected the so-called Icesave bill. This bill set the terms of a proposed state guarantee of the obligations of the Depositors' and Investors' Guarantee Fund (Tryggingarsjóður innstæðueigenda og fjárfesta). Specifically it authorized a €3.8 billion loan (€12,000 per Icelandic citizen) from the governments of the United Kingdom and the Netherlands to guarantee Iceland's deposit-insurance obligations for citizens of the UK and the Netherlands who held accounts with failed Icelandic banks. In the referendum, the bill was rejected by 98.1% of the voters. However, by the time of the referendum, the deal on the ballot was no longer under consideration. Indeed, the government ministers behind the deal did not even vote.

The second referendum was held in February 2011 after President Grímsson refused to sign the third so-called Icesave bill into law. This time, the parliament had approved an act (No. 1/2010) authorizing the Minister of Finance, on behalf of the State Treasury, to issue a state guarantee covering deposit insurance of Icelandic bank account holders resident in the UK and the Netherlands. In April 2011, another referendum was held, in which 59.7% voted against and 40.1% voted in favor of the deal.

In accordance with the Act on a Constitutional Assembly (No. 90/2010), an advisory Constitutional Council was appointed to revise Iceland's constitution. This council comprised 25 delegates nominated by a nationwide election in the autumn of 2010. The Constitutional Council was given four months to draft a constitutional bill. The bill was unanimously approved in late July 2011 by all the delegates and delivered to the parliament for ratification. Yet, despite surpassing the deadline for the mandate period and a national referendum that secured the support of 67% of voters as well as 32 out of 63 legislators expressing public support, the parliament has still to ratify the bill, in violation of parliamentary procedure, as the president of the parliament has not brought the bill to a vote.

A Law on Local Government Affairs was passed by the parliament in September 2011. This law contains a new chapter called Consultancy with Citizens (Samráð við íbúa), which includes paragraphs on local referenda and citizen initiatives. Under its terms, if at least 20% of the population eligible to vote in a municipality demand a referendum, the local authorities is obliged to organize a referendum within a year. However, local councils can decide to increase this threshold to 33% of eligible voters. At the local level, therefore, steps have been taken to improve the opportunity for citizen impact between elections. The proposed constitutional bill contained a similar provision that would allow 10% of the voters to demand a national referendum on most bills passed by the parliament. However, with a delay to parliament voting on the new bill, this power is not yet in place.

Citation:
Constitution of the Republic of Iceland No. 33, 17 June 1944.
http://thjodaratkvaedi.is/2010
http://stjornlagarad.is/english/
Sveitar stjórnarlög nr. 138 28. september 2011
Gylfason, Thorvaldur (2013), "From collapse to constitution: The case of Iceland," in Public Debt, Global Governance and Economic Dynamism, ed. Luigi Paganetto, Springer.

Ireland

Score 5

The first Constitution of the Irish Free State in 1922 provided powers of "initiative" and "referendum" to the Irish people. However, the first government removed these rights and they were never exercised.

While Article 6 of the constitution introduced in 1937 states that: "All powers of government, legislative, executive and judicial, derive, under God, from the people, whose right it is to designate all the rulers of the state and, in the final appeal, to decide all questions of national policy, according to the requirements of the common good," it contains no provisions for direct initiatives or referendums. The main constitutional provision for referendums refers to proposed amendments to the constitution. The constitution also provides for a referendum on a proposal other than a proposal to amend the constitution (referred to in law as an "ordinary referendum") but the initiative for such a referendum resides with the parliament. No "ordinary referendum" has been held in the state to date.

Direct Democracy Ireland, a political party, wants to replace representative democracy with participatory democracy in Ireland and to allow citizens to petition for a referendum on any issue by collecting a certain number of signatures. It obtained only 1.5% of the votes cast in the 2014 European Parliament election.

The constitutional convention discussed the question of popular initiatives and referendums, but did not make a recommendation on the issue.

Citation:
The Department of the Environment, Community and Local Government, The Referendum in Ireland, July 2012, available at
http://www.environ.ie/en/LocalGovernment/Voting/PublicationsDocuments/FileDownLoad,1893,en.pdf

The Constitutional Convention's concluding commentary is available here:
https://www.constitution.ie/AttachmentDownload.ashx?mid=64bbfa68-89b9-e311-a7ce-005056a32ee4

Luxembourg

Score 5

Since 1919, the constitution has allowed referenda (Article 51, Paragraph 7). A modification of the constitutional article introduced the possibility to use a referendum for the purpose of revising the constitution (Article 114). Direct democracy in the form of referenda is possible, but is not a prominent characteristic

of the Luxembourg political system. A 2005 law outlined the steps for a referendum held at the national level. A procedure can be initiated either by a parliamentary act or by popular initiative. In this case, 25,000 Luxembourg citizens must ask for a referendum to be held. As Luxembourg is a small country, this threshold is significant, and may explain why only four referenda have taken place since 1919. All referenda resulted from parliamentary or governmental initiatives, including the most recent one in 2005 that sought approval of the EU constitutional treaty. The 2005 law has to be amended in order to create a coordinating office. The next consultative referendum was slated to take place on 7 June 2015.

The Local Government Act of 1988 (Article 35) addresses the issue of referenda at the municipal level. One-fifth of registered electors have to ask for a referendum; however, local referenda are not binding. The practice is used mostly as a consultative tool, which could explain why it is not utilized more frequently. Over the past few years, however, it was used several times to ask citizens of municipalities whether they wanted to merge with another municipality or not.

Each member of parliament (MP) represents an average of 10,000 citizens; the government and administration pride themselves on being uncomplicated and offering simple access for citizens. The country's territorial breakdown has resulted in small units (there are 106 communes/municipalities) that all claim to be in direct contact with citizens. On the other hand, Luxembourg is also awash in citizens' initiatives, an informal way to impose views on the political establishment, especially regarding environmental issues.

Citizen participation has been increased by a new process for online petitions. Online petitions with at least 4,500 signatures must be forwarded to parliament's petitions commission, as well as to a parliamentary commission for further debates. By the end of 2014, 475 e-petitions had been submitted.

Citation:
http://www.chd.lu/wps/portal/public/DepotPetition
http://www.chd.lu/wps/portal/public/RolePetition
http://chd.lu/wps/PA_RoleEtendu/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/149/393/134982.pdf
http://www.legilux.public.lu/leg/a/archives/2005/0027/a027.pdf
http://www.legilux.public.lu/leg/a/archives/2013/0167/a167.pdf

Mexico

Score 5

The degree to which citizens have the effective opportunity to propose and make binding decisions on issues of importance to them varies across Mexico. However, the left-leaning opposition failed in its attempt to subject the government's oil reforms to some kind of direct vote, with the government claiming that there was no provision in the constitution for any such vote. The Federal District, which encompasses Mexico City, is much more election-driven than some of the rural

states, for example. Citizens are much more likely to influence public policy through non-constitutional forms of action such as demonstrations or, paradoxically, through the formal legal process than through social movement types of politics. On the other hand, experiments in participatory budgeting are taking place in some parts of Mexico City. At the same time, there are parts of rural Mexico in which all effective decision-making power is in the hands of a few caciques. Regarding intra-party decision-making, major parties in Mexico increasingly use direct elections to choose candidates for public office and as party leaders. See "intra-party democracy."

New Zealand

Score 5

New Zealand belongs to a small group of countries (the others being Italy and Switzerland) where citizens have the right to propose a national referendum. In addition, referendums are regularly initiated and are an important part of domestic politics. However, these Citizens' Initiated Referendums (CIRs) are legally non-binding.

CIRs were first introduced in 1993, the year the government held its own binding referendum on the reform of the electoral system. While a total of 46 CIR petitions have been launched to date, only five have come to a vote, with other proposals either failing to meet the signature target (10% of registered voters within 12 months) or having lapsed.

All five referendums passed, but were subsequently rejected by the government in office at the time. Of these, the most controversial was the referendum seeking to overturn the provisions of the Crimes Amendment (anti-smacking) Act 2007. Although it attracted the support of some 87 % of those participating in the referendum, it was rejected by the government..

Whereas CIR supporters contend that the "will of the majority" is being ignored, a general consensus exists among leaders of the major political parties that the non-binding provision in CIRs should be retained. Most CIRs are initiated by individuals or small groups. In marked contrast, a petition on the political agenda against the further privatization of state assets was sponsored by the Green, Labour and New Zealand First parties. While the petition exceeded the required number of signatures, it was overtaken by events, with the sale of shares in the first of the designated state assets taking place before the date of the referendum had been determined. From its perspective, the National-led government argued that its 47.3% share of the vote (compared with Labour's 27.5%) gave it a mandate to proceed, especially since the government's intentions had been declared well in advance of the election.

Citation:
Citizens Initiated Referenda Act 1993 (Wellington: The Government of New Zealand 2012). http://www.justice.govt.nz/publications/publications-archived/2001/the-citizen-initiated-referenda-act-1993/publication) (accessed October 8, 2014).
Information by the Electoral Commission.

South Korea

Score 5

Citizen referenda can be conducted at local and provincial levels and require support of at least 5% to 20% of voters and a turnout of at least 33%. Results are not legally binding. So far there have been five referenda. At national level, only the president can call a referendum (Article 72 of the Constitution). Since 2006, there have been binding recall votes at local level. However, the rate of success is very low.

Citation:
NEC, http://www.nec.go.kr/engvote/overvi ew/residents.jsp

Denmark

Score 4

Section 42 of the Danish Constitutional Act deals with the use of referenda. It foresees the possibility of one-third of the members of the Folketing requesting that an adopted bill be sent to a referendum. A majority of those voting, representing not less than 30% of the electorate, can reject the bill. There are some bills that are exempt from referenda, including finance bills, appropriation bills, civil servants bills, salaries and pensions, naturalization, expropriation and taxation bills.

Section 20 of the constitution allows for the delegation of powers to international authorities. Such transfer can be based on a bill adopted by the parliament if there is a five-sixth majority in the Parliament. If there is an ordinary majority in the Parliament, but less than five-sixth, the bill has to be submitted to the electorate. For rejection there must then be a majority of those voting, representing at least 30% of the electorate, that is, the section 42 rule.

According to section 29 of the constitution, the change of the age qualification for suffrage also requires a referendum based on the section 42 rule. There have been five referenda about the voting age since the current constitution was adopted in 1953, the latest in 1978, when the current voting age of 18 was adopted.

Finally, according to section 88 of the constitution, a change in the constitution itself requires confirmation by a referendum. First, such an amendment must be passed by two parliaments with an election in between. Then it must be confirmed by a majority of the voters representing at least 40% of the electorate. This very stringent procedure makes it difficult to change the constitution.

The use of referenda in Denmark is mostly for EU-related decisions. Referenda were used for membership in the European Communities in 1972, and subsequently for many treaty reforms: the Single European Act, the Maastricht Treaty (which required two referenda to be adopted) and the Amsterdam Treaty. There was also a

referendum in 2000 about Denmark joining the euro, but it did not get approval from voters. In the cases of the Treaty of Nice and the Lisbon Treaty, it was determined that there was no transfer of sovereignty, so those two treaties were ratified by a parliamentary vote only. There is an ongoing debate on the Danish EU-exemptions and whether they should be put to a referendum in the near future. A referendum on Justice and Home Affairs (JHA) cooperation has been announced to take place after the next parliamentary elections (which will take place no later than September 2015). The use of EU treaty referenda is controversial. Many ask if the voters really know what they vote for, or if it becomes a vote for or against the government or the current state of the national economy.

There are no provisions in the Danish constitution for popular initiatives; Denmark is first a representative democracy. Neither are there are provisions in the constitution for regional or communal referenda. Such votes can only be consultative.

Greenland used a consultative referendum to achieve a "home rule" agreement (Hjemmestyre) in 1979, which implied the establishment of a parliament (Inatsisartut) and a clear division of policy areas for self-determination and common areas for Denmark to lead. Greenland obtained a "block grant" from Denmark as well as indirect subsidies via activities that are still the responsibility of Denmark. In a referendum Greenland decided to leave the European Communities in 1982. Following a referendum on the question on 25 November 2008, Greenland obtained independence in the form of so-called self-government (Selvstyre). Self-government was established on 21 June 2009, 30 years after the introduction of home rule. Greenland remains part of the Danish Kingdom (defense, foreign policy, monetary policy, etc. are common policy areas) but has sovereignty on domestic issues including rights over its natural resources.

Citation:
The Danish Constitutional Act of June 5, 1953, http://www.eu-oplysningen.dk/upload/application/pdf/0172b719/Constitution%20of%20Denmark.pdf (accessed 26 April 2013).

Peter Germer, Statsforfatningsret. 5. udgave. Copenhagen: Jurist- og Økonomforbundets Forlag, 2012.

Palle Svensson, "Denmark: the Referendum as Minority Protection," http://www.folkestyre.dk/english/White%20Papers/SVENSSON1.htm (accessed 26 April 2013).
Finn Laursen, "Denmark and the Ratification of the Lisbon Treaty: How a Referendum was Avoided," in Finn Laursen, ed., The Making of the Lisbon Traty: The Role of Member States. Brussels: P.I.E. Peter Lang, 2012, pp. 237-258.

France

Score 4

The Fifth Republic (1958 – ongoing) reintroduced the referendum, not only for the ratification of the constitution but as an instrument of government. The president elected at the beginnings of the Fifth Republic, Charles de Gaulle, used referenda to seek support for decolonization and to revise the constitution, and in doing so, bypassed parliamentary opposition. In 1969, de Gaulle became essentially a victim

of the referendum, as he had declared that he would resign should a referendum on regionalization fail. Since then, the referendum has been used less frequently. The use of referenda at the request and for the benefit of the executive is a risky enterprise. All referenda since 1962 have been characterized either by indifference and high levels of abstentions or by outright rejection. Only in one case (the vote over the Maastricht Treaty in 1992) was the executive able to secure a small, albeit fragile, majority.

As only the president may call a referendum, the practice is perceived as an instrument of the executive and not as a real democratic tool, since popular initiatives are not possible under the referendum system.

Local referenda can be organized in the case of a merger of communes or for local issues at a mayor's initiative. Very few have taken place, however, and the outcomes have been disappointing, as abstention is usually high and the results are often contrary to expectations (e.g., a proposal to merge two Corsican departments or in April 2013, two failed Alsatian referenda). The experience of referenda in France is perceived by the public as not really democratic and an instrument of manipulation by those in charge. The temptation thus is to vote "no," regardless of the question.

Romania

Score 4

According to the Romanian Constitution, national referendums are required automatically for any revision to the constitution (as happened in 1991 and 2003) and following the impeachment of the president (as happened in 2007 and 2012). In addition, the president can (after consultation with parliament) call for referenda on matters of national interest, as in the case of the electoral-system referendum of 2007 and the referendum on parliamentary reform in 2009. For referendum results to be legally binding, turnout needs to be above a certain threshold, which was lowered from 50% to 30% by a law passed by parliament in May 2013. Given that several earlier referenda, including the July 2012 referendum to impeach President Basescu, were invalidated because they failed to reach the 50% threshold, this law could increase politicians' temptation to resort to referenda to settle political disputes. In the 2014 presidential elections, Prime Minister Ponta expressed his desire to organize a referendum on the country's form of government if he were to be elected as Romania's president. At the county level, citizens can initiate referenda. However, such initiatives are subject to approval by the County Council and have remained rare.

Belgium

Score 3

Referenda are illegal in Belgium. The main rationale is to avoid a "tyranny of the majority," between Flemish speakers (a majority at the national level), German

speakers (the smallest group at the national level), and French speakers (about 40% of the national population, but a majority in the Brussels region).

Some popular initiatives are tolerated, but will only be considered as a suggestion by the authorities. At the local level, "popular consultations" can be organized, but these are largely controlled by local authorities and are rare.

More focused public consultations however are organized on a regular basis for city planning decisions, building permits and similar issues. Again, popular reactions are not binding, but are an important component of decision-making. The complex institutional architecture of Belgium also means that approval is sometimes needed at the local, regional, and federal levels for a project to proceed. This gives rise to lots of NIMBY (not in my backyard) lobbying which, for instance, has been delaying for decades the creation of a train network around Brussels and has blocked the completion of the southern part of the motorway ring around Brussels.

Chile

Score 3

The Chilean constitution is one of the most restrictive on the topic of direct democracy – understood as citizens' initiatives – in present day Latin America. The last nationwide plebiscite was initiated by the government in 1989, albeit during a military dictatorship and in the midst of the agreement process on the transition to democracy. At the moment, Chile does not contemplate nationwide citizen initiatives, although they have been called for by various civil-society groups and movements. At municipal level, the Organic Constitutional Law of Municipalities (2002) provides for popular consultations – plebiscites – either at the initiative of a mayor (with the agreement of the council), a municipal council itself (with a two-thirds majority), or a minimum of 10% of a municipality's citizens. Thus, the opportunity to initiate referenda at the municipal level officially exists, but these referenda are not necessarily legally binding and may be ignored by the authorities.

Malta

Score 3

The constitution of Malta allows for three types of referenda: constitutional, consultative and abrogative. None of these types however fulfill the criteria for popular decision-making.

Netherlands

Score 3

Binding popular initiatives and referendums are unlawful both nationally and subnationally as they are considered to be incompatible with the representative

system in which voters transfer their sovereignty to their elected representatives.
At municipal level many experimental referendum ordinances have been approved since the 1990s, but the national government prohibited several ordinances giving citizens too much binding influence on either the political agenda or the outcome of political decision-making.

At national level, the issue has been on the political agenda since the 1980s. Under pressure from new populist political parties, the Dutch government organized a consultative referendum on the new European Constitution in 2005, using an ad hoc temporary law. With turnout at 63.3%, this constitution was rejected by a clear majority of 61.5%, sending shockwaves through all the EU member states and institutions.

In April 2014 a bill for an advisory referendum on laws and treaties was adopted by the States General (and is now on the Senate's agenda). Once a law has been adopted by parliament, signed by ministers and the monarch, a non-binding referendum should be requested if 10,000 citizens call for one within a time limit of four weeks. After the States General have adopted a law and ministers (and the monarch) have signed it, within four weeks 10,000 citizens may request a referendum. After this initial phase, another 300,000 citizens should have to support the initial request within six weeks. Binding referendums are a step too far as they require a formal amendment to the Dutch constitution, first by a normal majority in both chambers, and next after elections by a two-third majority in both chambers.

Citation:
Verhulst, J. and A. Nijeboer, 2007. Directe Democratie. Feiten, argumenten en ervaringen omtrent het referendum, Democracy International, Brussels, pp. 86-90

Referendum Platform, Dossier Raaddgevend Referendum, www.referendum/platform.nl/index.php?action=printpage&item=1411, consulted 5 November, 2014.

Additional reference:
R.B. Andeweg and G.A. Irwin (2014). Governance and politics of the Netherlands. Houndmilss, Basingstoke: Palgrabve Macmillan.

Spain

Score 3

Apart from representative elections every four years, two other fundamental ways exist to allow Spanish citizens to express directly their political opinions on key issues. The first way refers to the "iniciativa legislativa popular" (or popular legislative initiative) although the right to promote the submission of non-governmental bills is limited as a result of the very high minimum number of authenticated signatories that are required and other political or legal obstacles like the fact that initiatives are not allowed on matters concerning fundamental rights, institutional structure of the state, taxation, international affairs or the prerogative of pardon. Historically, even if the 500,000 signature threshold has been reached, those initiatives have been dismissed by the Board of the Congress of Deputies. However,

two recent exceptions can be mentioned that have arisen during the current four-year parliamentary term that began 2011: an initiative on the cultural preservation of bull-fighting, which was endorsed by 600,000 citizens (finally passed as law with some amendments in November 2013) and another initiative to reform the regulation of mortgages and introducing the "datio in solutum," which was supported by almost 1.5 million signatures (also passed in 2013 but strongly amended). At the end of 2014, eight proposals were awaiting to be approved.

The second means of popular decision-making refers to the option of submitting political decisions of special importance to all citizens in a referendum. Spaniards have only been asked to vote in three national referenda since democratization: to ratify the Spanish Constitution in 1978, to decide on Spanish NATO membership in 1986 and to ratify the failed EU Constitutional Treaty in 2005. In addition to this, some referenda to approve or reform the Statutes of Autonomy have taken place in those regions with more devolved powers. At the local level,
consultative (i.e., non-binding) referendums are held more often but they are not very common and prior authorization must be obtained from the central and regional governments.

Since 2012, a very lively debate has been unfurling in Catalonia and the rest of Spain on the legal right to hold a secession referendum similar to that held in Scotland in 2014. According to the constitution, a referendum like this could be called only on the president of the government's proposal after previous authorization by the Congress of Deputies. On 8 April 2014, the Spanish Congress rejected the Catalan parliament's request to organize the referendum (299 votes to 47), but the Catalan President Artur Mas nevertheless signed a decree calling for a consultation on independence. The Spanish Constitutional Court suspended the vote that was finally transformed into an alternative unofficial "process of citizen participation" held in November with an approximate turnout of one-third of Catalans.

Citation:
Colino, C. and E. del Pino (2011). Spain: The Consolidation of Strong Regional Governments and the Limits of Local Decentralization. In The Oxford Handbook of Local and Regional Democracy in Europe , eds. F. Hendriks, A. Lidström and J. Loughlin. Oxford: OUP.

Fernandez de Gatta, D. (2014) La Ley de 12 de noviembre de 2013 para la regulación de la tauromaquia como patrimonio cultural . Diario La Ley, nº 8239: www.taurologia.com/imagenes%5Cfotosdeldia%5C4165_ensayo__la_ley_de_12_de_noviembre_de_2013_para_la_regulacion_de_la_tauromaquia_como_patrimonio_cultural__una_esperanza_para_el_futuro.pdf

United Kingdom

Score 3

While the instrument of referendum has seen much public debate in recent years (especially over the issues of Scottish independence and European integration, but also on electoral reform), the legal foundations for calling a referendum and binding the government to its outcome must be considered weak. At the national level a

referendum can only be initiated by the government, and its result is not legally binding, although it will usually exert strong political pressure. As a tool for citizens to impose their will on the government of the day, let alone in perpetuity, the referendum situation in the United Kingdom must be considered very weak.

A recent example is the resounding vote against changing the voting system for House of Commons elections, which effectively killed the idea for the foreseeable future. But the referendum on Scottish independence – with very high voter-turnout rates (85%, compared with just 65% at the last general election, and derisory turnouts in the European Parliament and local-election votes six months before the Scottish referendum) and an unexpectedly close outcome – has by contrast been seen as energizing for democracy. It also shook up politics at Westminster. Although too early to tell for certain, the Scottish referendum may turn out to have been the most influential such polling exercise in modern British history, even though it failed at the ballots.

Cyprus

Score 2

The constitution makes no provision for referenda, and does not grant citizens the right to make binding decisions. Law 206/1989 provides that the Council of Ministers can initiate such a procedure, and ask the House of Representatives to decide on whether a referendum should be held. Thus, citizens cannot initiate such a process. The Interior Ministry must call and organize the vote. The only general referendum held to date took place in April 2004, and was focused on a United Nations plan for settling the Cyprus problem. A special law (L.74(I)/2004), enabled members of the Greek Cypriot community to vote. In that case, the outcome was binding. Referenda are also held when local communities wish to become municipalities.

Citation:
1. Law on organizing referenda, L. 206/1989, available in Greek at, http://www.cylaw.org/nomoi/enop/non -ind/1989_1_206/full.html.
2. Law on holding a referendum for the Greek Cyprito Community, on 24 April 2004, L. 74(I)/2004, available in Greek at http://www.cylaw.org/nomoi/enop/non -ind/2004_1_74/index.html.

Estonia

Score 2

According to the Estonian constitution, referendums can be initiated by the national parliament (Riigikogu); citizens do not have the power to initiate a referendum.

There is strong popular support for the introduction of a binding referendum process taking the form of citizens' initiatives. However, no progress has been made toward this goal.

Greece

Score 2

The constitution provides for the possibility of holding a referendum, but such a decision must be taken by the parliament, after a proposal submitted by the Cabinet of Ministers. Referendums are held only on the national level.

In 2011 – 2013, the idea of holding a referendum was discredited because in October 2011 Prime Minister Papandreou surprised everyone, including Greece's EU partners, by announcing that his government would hold a national referendum on the economic austerity measures associated with the bailout. This prospect created global insecurity about the fate of the euro and Papandreou was obliged to completely abandon the idea.

The conduct of referendums in Greece is regulated by article 44 of the Constitution and Law 4023/2011.

Israel

Score 2

Israel's government and parliament have traditionally given little support to popular decision-making mechanisms. Attempts at encouraging it tend to take the form either of 1) open-information projects or websites, or 2) special legal provisions allowing citizens to make appeals on issues such as urban planning, or which allow them to address parliament committees on issues of direct concern. While important, these types of initiatives support a top-down model of civic participation rather than encouraging independent initiative.

However, the 2011 social protests served to repoliticize the civic sphere. Thus, some new initiatives have aimed at strengthening citizens' role in the decision-making process including efforts to improve online access to records of regulatory, statutory and political rule-making, and legal mechanisms designed to give citizens a stronger voice in political decision-making processes. However, these initiatives remained largely in their infancy. Consequently, there were few if any ways by which Israeli citizens could directly participate in the decision-making process, at least without resorting to media pressure, persuasion via lobbying firms or making an appeal to the courts.

A bit more flexibility is evident on the municipal level. In cities including Jerusalem, for example, a local community-administration structure has existed since the 1980s, which enables local residents to take part voluntarily in political decision-making that affects their neighborhoods. These programs were created in an effort to develop local leadership and enhance citizens' political efficacy. However, observers question the real value of such initiatives.

Citation:
Altshuler-Shwartz, Tehila, "Open government policy in Israel in the digital age," Israel democracy institute, 2012. (Hebrew)

Gefen, Haaron, “The effect of institutionalizing participatory democracy on the level of sharing by public organization employees”, Israel Democracy Institute, 2011 (Hebrew)

Karmon, Yoav “Re-inventing Israel’s Democracy”, Israel democracy institute website (Hebrew)

Vaksman, Efrat and Blander, Dana, “Models for sharing,” Israel Democracy Institute website 2012 (Hebrew)

“Future recommendations”, sharing: committee for social and economical transformation website. (Hebrew)

“Sharing on governmental issues”, Israeli government website (Hebrew)

Japan

Score 2

Politically binding popular decision-making does not exist in Japan, at least in a strict sense. At the local and prefectural levels, referenda are regulated by the Local Autonomy Law, and can be called by the demands of 2% of the voting population. However, the local or prefectural assembly can refuse such a request for a referendum, and if the referendum does take place, the local or prefectural government is not bound by it.

At the national level, a so-called National Referendum Law took effect in 2010. This was initiated by the LDP-led government with the aim of establishing a process for amending the constitution. According to the new law, any constitutional change has to be initiated by a significant number of parliamentarians (100 lower-house members or 50 upper-house members) and has to be approved by a two-thirds vote in both chambers. Only then are voters given the opportunity to vote on the proposal.

In June 2014, a law was passed that changes the minimum legal age for voting in referenda from 20 to 18 years. The LDP sees this as a step to deepen the discussion on constitutional reform. As it will only go into effect four years later, there were no immediate effects.

Despite this legal environment, nonbinding referenda have played an increasingly important role in Japan’s political life in recent years, particularly with respect to the debate over nuclear energy.

Citation:
Gabriele Vogt, Alle Macht dem Volk? Das direktdemokratische Instrument als Chance für das politische System Japans, in: Japanstudien 13, Munich: Iudicium 2001, pp. 319-342

Norway

Score 2

Government decision-making is inclusive in that organized interests have access to and are incorporated in regular processes of planning and implementation. The system makes no provision for direct citizen participation in the form of legally binding public votes or citizen referendum initiatives. Referendums have been used,

but only in exceptional issues (the last time in the vote on European Union membership in 1994), and even then are constitutionally only consultative (through in practice are treated as binding).

Portugal

Score 2

The institution of referenda exists at national and local levels. However, while citizens can propose referenda – with 75,000 signatures required to subscribe a petition for a referendum – the referendum itself only takes place if there is agreement from political officeholders. In the case of national-level referenda, the Assembly of the Republic or the government must propose the referendum to the president, and the president accept this proposal. Citizens can propose local referenda, but the Municipal Assembly can decide whether to call these referenda or not.

In practice, referenda are rare in Portugal. There have been only three national referenda in Portugal, the most recent having been held in 2007. Local referenda are also rare; while five have taken place, none were during the time period here under analysis (15 May 2013 – 7 November 2014). There were no citizen proposals for referenda during this period, although this lack of proposals likely reflects not only the high threshold required, but also the fact that all previous citizen proposals were rejected by parliament.

Turkey

Score 2

According to Article 67 of the constitution, all citizens over 18 years old shall have the right to take part in referendums. Referendums are held in accordance with the principles of free, equal, secret and direct universal suffrage, with the public counting of votes. In recent years, referendums were held in the context of amending the 1982 constitution. Paragraph 3 of Article 175 of the constitution reads that, if the parliament adopts a draft constitutional amendment referred by the president by a two-thirds majority, the president may submit the law to a referendum. Laws related to constitutional amendments which are the subject of a referendum require the approval of more than half of valid votes cast.

If a law on the amendment to the constitution is adopted by a three-fifths majority or less than a two-thirds majority of the total number of members of the Grand National Assembly and is not sent back by the president to the Assembly for reconsideration, it is then published in the Official Gazette and submitted to a referendum.

A law on a constitutional amendment adopted by a two-thirds majority of the Assembly directly or upon the return of the law by the president or its articles deemed necessary may be submitted to a referendum by the president.

In local politics, too, there are provisions that make decision-making on a popular level possible. Within the scope of Law 5593 on municipalities (Article 76), city councils act as a decentralization device to implement policies for the benefit of the public. Yet these units are not effective, as they depend upon the goodwill of the local mayor, and some councils have yet to be established and exist on paper, only.

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