



Electoral Processes Report

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

Sustainable Governance
Indicators 2019

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 holds 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, without dual citizenship, 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. However, in October 2017, following revelations that at least seven parliamentarians held citizenship of another country – in most cases by ancestry rather than by birth – the High Court ruled that five parliamentarians were ineligible to serve as members of Australia's parliament. This generated considerable political instability.

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, people 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 people residing in the constituency in which the candidate wants to run, with the number depending on the electoral district's population).

Czechia

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 lacking democratically elected organs or that aim to remove the democratic foundations of the state, restrict the freedoms of other parties, or threaten morality and public order. There are occasional calls to ban the Communist party, but no legal steps have been taken and there is no consensus that such measures are necessary. As of November 2018, there were 232 active political parties and political movements. In the 2018 municipal elections, 82% of the 216,501 candidates had no party affiliation (mostly independents, but also non-partisans running on party lists). Since 2012, the president of Czechia has been elected by citizens in a direct election. Any citizen with the right to vote who has reached 40 years of age is eligible to run for election for a maximum of two consecutive five-year terms.

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 general (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.

Jørgen Grønnegård Christensen og Jørgen Elklit (eds.) Det demokratiske system. 4. udgave. Hans Reitzels Forlag, 2016.

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 500 permanent members, the lists of whom are made public online. For each candidate, a deposit equal to 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 or a special Electoral College composed of members of parliament and representatives of local councils. Candidates must be nominated by at least one-fifth of the serving members of parliament.

Citation:

Estonian National Electoral Committee <https://www.valimised.ee/en>

Finland

Score 10

The electoral process in Finland is free and fair, and the country's 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 marginal. Candidates for presidential elections can be nominated by any political party that is represented in parliament at the time of nomination. Candidates may also be nominated by associations of at least 20,000 enfranchised citizens. President Sauli Niinistö, who was re-elected by an overwhelming majority in the 2018 elections, preferred to be nominated by a voters'

association rather than a specific political party and collected more than 150,000 supportive signatures for this purpose.

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. Further restrictions to limit abuses were implemented in 2017. Spending is capped and now includes expenses for the primaries. In most local and national elections, 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. Electoral fraud is exceptional but financial cheating is frequent as evidenced by the condemnation of Nicolas Sarkozy for the hidden costs of his 2012 campaign. Some limitations are imposed on anti-constitutional parties. These restrictions, however, are exceptional.

Germany

Score 10

On 24 September 2017, elections were held to constitute the new German Bundestag. A total of 42 parties and 111 independent candidates contested the elections. 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. In January 2017, following a complaint by the Länder governments regarding

the far-right National Democratic Party (NPD), the Federal Constitutional Court decided that while the party is without any doubt unconstitutional in its program and actions, there are no indications that the party will succeed in achieving its anti-constitutional aims. Therefore, the suit to ban the NPD failed.

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 (Bundewahlausschuss, FEC).

Greece

Score 10

There is no discrimination in registration procedures nor are potential candidates or parties prevented from participating in elections. Exceptions include active military officers, who cannot run for office. Prison convicts are the only citizens that can face voting restrictions: prisoners serving either indefinite or life sentences are disqualified, otherwise the matter is left to the discretion of the sentencing court.

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 that no other parties have the same name.

The legality or fairness of elections is not challenged by parties nor candidates. Despite the acute political conflict with respect to the causes and management of the crisis, the conduct of electoral procedures in Greece is reliable. Indeed, the two parliamentary elections which took place in Greece in January and September 2015 were smoothly organized and, in budgetary terms, cost much less than previous national elections (the first cost approximately €50 million and the second around €35 million).

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].

Ireland

Score 10

On 6 May 2016, 70 days after the general election, a minority government – the first since 1997 – was formed by the previous taoiseach, Enda Kenny. This Fine Gael-led minority government replaced the two-party coalition of Fine Gael and the Labour Party that had taken office in March 2011. The 2011 general election had focused on

the weakness of the economy after the four economic crises that had enveloped the economy between 2008 and 2011, namely the property market crash, banking collapse, fiscal downturn and financial crisis. In the 2011 general election, a highly dissatisfied electorate voted overwhelmingly against Fianna Fáil and its coalition partners enabling the coalition of Fine Gael and the Labour Party to take office with the support of 113 of the 166 deputies.

Despite redressing the effects of the four economic crises and the return of high economic growth rates, the ruling coalition government was ousted from office. The outgoing Fine Gael-Labour Party coalition campaigned under the slogan of “let’s keep the recovery going.” However, this slogan failed to understand the experiences of a sizable proportion of the electorate. Many voters felt that they had not benefited from the apparent improvement in the economy. In the 2016 general election, the coalition government lost a combined 57 seats with Fine Gael losing 27 seats and the Labour Party losing 30 seats. Fianna Fáil, the *bête noire* of the electorate in the previous election, regained 25 seats and Sinn Féin, an Irish republican party, increased its number of seats to 23.

The election also marked the further rise in the number of independents to 23 seats and marginal parties, including the Anti-Austerity Alliance–People Before Profit (6 seats), the Social Democrats (3 seats) and the Greens (2 seats). The 2016 general election was characterized by the high level of fragmentation of the party system with historically low levels of support for the three largest parties. The combined proportion of votes won by Fine Gael, Fianna Fáil and the Labour Party dropped to 56% from a long-term average of 84%.

The result of the 2016 general election has been described by leading political analysts, Michael Gallagher and Michael Marsh of Trinity College Dublin, as the election that nobody won.

Notwithstanding this, the two leading center-right parties Fine Gael (49 seats) and Fianna Fáil (44 seats) had sufficient seats to form a center-right government. The outgoing taoiseach, Enda Kenny, offered his Fianna Fáil counterpart, Micheal Martin, a full partnership government. However, initial discussions failed. Eventually, over two months after the election, Fianna Fáil agreed to abstain on votes relating to parliamentary confidence and supply until the end of 2018 (with a provision to renew this arrangement). This enabled Kenny to form a Fine Gael minority government with the support of nine independent deputies, three of whom were given senior ministerial positions. The replacement of Kenny by Varadkar as taoiseach in 2017 did not change this political arrangement. The threat of a general election in December 2017 was averted by the resignation of the tanaiste, Frances Fitzgerald, on an issue relating to communications during the Garda whistleblower inquiry. She was subsequently cleared of all wrong-doing.

The impact of gender quotas significantly changed candidate selection processes for the 2016 general election. The Electoral (Amendment) (Political Funding) Act 2012

encourages political parties to select at least 30% female candidates with the threshold rising to 40% by 2023. Parties that fail to reach this threshold lose half of their state funding. This reform had an immediate impact on the 2016 general election. In 2011, 15% of selected candidates were women. In 2016, this had increased to 29.6%. In terms of women elected as teachta dálas (members of parliament), the improvement was more modest, but still rose from 15% in 2011 to 22% in 2016. Interestingly the adoption of quotas did not change voting behavior. The Irish electorate (with the partial exception of supporters of Fianna Fáil) appear to be largely “gender blind:” people cast their vote for candidates based on their party affiliation, political experience and quality more generally. (See McElroy 2018 for more detail).

Citation:

Michael Gallagher and Michael Marsh (eds.) *How Ireland Voted 2016 The Election that Nobody Won* (Palgrave Macmillan published by Springer International, Switzerland, 2016)

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.

Fiach Kelly. “Kenny’s ceann comhairle move could bring trouble his way,” *The Irish Times*, 9 Jan. 2016.

Fiona Buckley, Yvonne Galligan and Claire McGing, ‘Women and the Election: Assessing the Impact of Gender Quotas,’ in Michael Gallagher and Michael Marsh (eds.) *How Ireland Voted 2016 The Election that Nobody Won* (Palgrave Macmillan).

Michael Marsh, David Farrell and Gail McElroy (2017, eds). *A Conservative Revolution? Electoral Change in Twenty-First Century Ireland*. Oxford University Press.

Michael Marsh, David Farrell and Theresa Reidy (2018, eds). *The Post-Crisis Irish Voter*. Manchester University Press.

Gail McElroy (2018) ‘The Impact of Gender Quotas on Voting Behaviour in 2016,’ in Marsh, Farrell and Reidy (2018, eds – listed above).

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.

Slovakia

Score 10

The procedures for registering candidates and parties in Slovakia are fair and transparent. Regulations governing the electoral process were consolidated in the 2014 election code. Provisions regarding the registration of parties and candidates are liberal and ensure a fair registration procedure. 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. While independent candidates cannot run for office, candidate lists for parliamentary elections can be nominated by registered political parties, movements and coalitions. For registration, the

nominating organizations must obtain 10,000 signatures and make a deposit of €17,000, which is returned only to candidate lists that receive at least 2% of the vote. In October 2018, parliament passed an amendment to the Act on Political Parties which changed the rules for the registration of parties for parliamentary elections and elections to the European Parliament. It has introduced the new requirement of a minimum number of party members of 300 and has banned the use of an individual's name in the names of parties. Promoted by the Slovak National Party (SNS), a junior coalition party, the amendment was directed against elite party projects with less than 100 party members such as Freedom and Solidarity (SaS), Ordinary People and Independent personalities (OLaNO) and We Are Family – Boris Kollár (Sme rodina – Boris Kollár). However, none of these parties has announced plans to challenge the amendment as discriminatory.

Citation:

N.N. (2018): New law introduces membership regulations for political parties. In: Slovak Spectator, October 17 (<https://spectator.sme.sk/c/20939322/new-law-introduces-membership-regulations-for-political-parties.html>).

Slovenia

Score 10

In Slovenia, the legal provisions for registering candidates and parties provide for a fair registration procedure for both national (parliamentary, presidential), local (mayoral, council) and sub-local (village or city district council) elections. Registration requirements are straightforward and not very demanding. Establishing a party requires only 200 signatures. 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 ten members of parliament or 5,000 voters. When they are backed by at least one political party, three members of parliament or 3,000 signatures are sufficient. 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 40% of the total number of candidates on the list. Nine candidates ran for office in the presidential elections in October and November 2017, 25 political parties and lists competed in the parliamentary elections in June 2018.

Citation:

OSCE/ OHDIR (2017): Republic of Slovenia: Presidential Election, 22 October 2017. Final Report. Warsaw (<https://www.osce.org/odihr/elections/slovenia/363561?download=true>).

OSCE/ OHDIR (2018): Republic of Slovenia: Early Parliamentary Elections, 3 June 2018. Final Report. Warsaw (<https://www.osce.org/odihr/elections/slovenia/394106?download=true>).

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 exceptions, not had a major impact on outcomes.

Citation:

Bengtsson, Åsa et al. (2014), *The Nordic Voter. Myths of Exceptionalism* (Colchester: ECPR Press).

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

Oscarsson, H. and S. Holmberg (2014), *Svenska väljare* (Stockholm: Wolters Kluwer).

Oscarsson, Henrik (2017) *Det svenska partisystemet i förändring*, in: Ulrika Andersson, Jonas Ohlsson, Henrik Oscarsson, Maria Oskarson (eds.): *Larmar och gör sig till*, Göteborgs universitet: SOM-institutet, 411-427.

Switzerland

Score 10

There are no doubts that Switzerland's formal procedures correspond closely to the democratic ideal. However, some challenges 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 challenge that in 2018 25% of the total population and 31% of the country's civilian workforce held foreign citizenship, a much higher share than in other countries. The strict rules governing naturalization and 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 almost a third 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 vastly 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.

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 precludes victory by such participants anyway. In general, ballot access has not been controversial, and no major problems regarding ballot access have been reported in recent elections.

Austria

Score 9

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 elections of a new federal president in 2016 has inspired a heated debate about technicalities of the electoral process. The results of the second round of the presidential elections was declared illegal by the Constitutional Court due to some irregularities and then postponed again because some absentee ballots were not properly sealed. But this did not imply that the procedure was viewed as a failure. On the contrary, this can be seen as proof that the constitutional checks and balances are working.

Bulgaria

Score 9

There have been no elections and no changes in the electoral framework in Bulgaria since March 2017. The present electoral code has been in force since 2014. Registration of parties and candidates is broadly fair and transparent. The registration of candidates requires a prospective candidate to be registered as a member of a party, coalition of parties or nominating committee with the Central Electoral Commission. For the registration of parties or nominating committees, a bank deposit and a certain number of citizen signatures are required. Under the present legislation, people holding citizenship of a country outside the European Union are not allowed to run in elections. Citizens of other EU member states can only run for municipal councils and the European Parliament. While this provision has not yet played any role in practice, it may violate the European Convention on Human Rights. Another often-criticized constitutional clause prohibits the formation of “ethnically based” parties, which has been used in the past to try to stop a party registering for election, although this attempt was ultimately struck down by the courts.

In the case of the presidential elections in November 2016, there were 24 candidates, three of whom were refused registration by the central electoral commission. The three refusals were based on failure by the nominating committees to demonstrate the required number of citizens’ signatures supporting the nomination. None of the refused candidates were perceived as viable, so their exclusion did not have a meaningful effect. Having 21 running candidates for president in a country of seven million indicates relatively liberal candidate registration.

In the case of the parliamentary elections in March 2017, there were 18 parties and nine coalitions registered. Six parties and coalitions were denied registration for the elections. In one case, the reason was a change in the name of the party, the party appealed to the Supreme Administrative Court, won the appeal and was registered. In the other five cases, the reason for refusal of registration was the insufficient number of citizen signatures secured by the respective party or coalition. In all cases, the refusals were upheld by the court.

Citation:

OSCE/ OHDIR (2016): Republic of Bulgaria: Presidential Election 2016. Needs Assessment Mission Report. Warsaw (<https://www.osce.org/office-for-democratic-institutions-and-human->

rights/elections/bulgaria/248771?download=true).

OSCE/ OHDIR (2017): Republic of Bulgaria: Early Parliamentary Elections, 17 March 2017. Limited Election Observation Mission, Final Report Warsaw. (<https://www.osce.org/odihr/elections/bulgaria/327171?download=true>).

Chile

Score 9

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.

Beginning with the 2013 presidential election, a non-compulsory 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 second government of Michelle Bachelet, these political forces were also assigned ministerial responsibility. This can be regarded as an improvement within Chilean democracy in general.

Also, the Electoral Service (Servicio Electoral de Chile, SERVEL) has been assigned a wider range of oversight mechanisms regarding registration procedures. It has also been given more autonomy from other state organs, with the aim of ensuring more efficient monitoring of the registration process and of political-party and campaign financing. To a certain degree, this shift can be seen as a response to the electoral fraud that occurred in 2013, when two independent candidates forged signatures in order to meet the candidate-registration threshold. Both were found guilty in 2014.

In April 2015, a new electoral law (Law No. 20,840) was enacted that replaced the 25-year-old binominal electoral system for parliamentary elections with a system of “proportional and inclusive representation.” The allocation of seats continues to be based on the D’Hondt method, but now in multimember districts of smaller magnitude (3 to 8 deputies and 2 to 5 senators). Further changes include the following:

- An increase in the overall number of deputies (from 120 to 155) and senators (from 38 to 50);
- A reduction in the number of districts and constituencies for the election of the Chamber of Deputies (from 60 to 28);
- A reduction in the number of districts and constituencies for the election of the Senate (from 19 to 15);
- The introduction of a gender quota applied to party lists: neither males nor females may exceed 60% of the total number of candidates presented by a party (up to 2029);
- An increase in the amount of state reimbursement for each vote received by female

candidates and the introduction of a gender bonus of about \$20,000 for each woman elected as deputy or senator (up to 2029);

- A lowering of the requirements for creating parties. The number of signatures parties must collect decreased from 0.5% of the voters in the last election for the Chamber of Deputies in eight of the 15 regions or in three geographically contiguous regions to only 0.25%, but limited to the region in which they are registered;
- The introduction of the M+1 rule: unlike the binominal system, each party list must now include as many candidates as seats are to be distributed, plus one. As before, the lists are open.
- Electoral pacts between parties are only allowed at the national level.

In December 2016, another electoral law (Law No. 20,990) was enacted which introduced the direct popular election of the executive branch of the twelve regions in which the country is administratively divided. The former “Intendentes” which were designated by the central government will be replaced by elected “Gobernadores Regionales” in order to foster decentralization and citizen participation. The office term will be four years and only one consecutive reelection possible. To be elected, a candidate requires at least 40% of the valid votes in the first round or more than 50% in the runoff (second round between the two candidates with the most votes).

The new electoral system for congress was first applied in the legislative elections of November 2017 together with the presidential election. The first direct election of regional governors will take place in 2020.

Citation:

<http://www.bcn.cl/leyfacil/recurso/nuevo-sistema-electoral-para-elecciones-parlamentarias-%28fin-del-sistema-binominal%29>

<https://www.bcn.cl/leyfacil/recurso/eleccion-democratica-de-gobernadores-regionales>

Ricardo Gamboa/Mauricio Morales 2016: Country Note. Chile’s 2015 Electoral Reform: Changing the Rules of the Game, *Latin American Politics and Society*, 11 October 2016, 126-144. DOI: 10.1111/laps.12005, <http://onlinelibrary.wiley.com/doi/10.1111/laps.12005/Abstract>

<http://www.gob.cl/consiste-la-eleccion-directa-gobernadores-regionales-aprobada-este-miercoles/>

<https://www.leychile.cl/Navegar?idNorma=1098725>

<https://www.efe.com/efe/america/politica/bachelet-promulga-una-ley-que-permitira-la-eleccion-directa-de-gobernadores-regionales/20000035-3136356#>

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. A legal amendment which would have introduced uniform requirements was repealed by the Constitutional Court in a

controversial decision shortly before the parliamentary elections in November 2015. One peculiarity of Croatian electoral law is that candidate lists can be headed by people who are not actually candidates.

Citation:

OSCE/ODIHR (2016): Election Assessment Mission Final Report Republic of Croatia: Parliamentary Elections 8 November 2015, Warsaw, 8-9 (<http://www.osce.org/odihr/elections/croatia/223631?download=true>).

Cyprus

Score 9

No change took place in 2018 to requirements for the registration of candidates; they are minimal and 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 have voting rights and are eligible to run for office in local elections. Since 2014, voting rights and the eligibility to run for office in European parliamentary elections are conditionally extended to Turkish Cypriots residing in areas not under the government's effective control. Citizens of non-EU countries have no voting rights. Simultaneously holding a public office and/or a post in the public service and/or a ministerial portfolio and/or an elected office is constitutionally prohibited.

The eligibility age to run for president is 35 and 25 for a member of parliament. The eligibility age for municipal and community councils, and the European Parliament was reduced from 25 to 21 years-old (2013). Candidate registration procedures are clearly defined, reasonable and open to media and public review. Candidacies must be proposed and supported by registered voters: the required number is two for local elections, four for parliamentary elections, and, since 2016, one voter proposing and 100 supporting a candidacy for presidential elections.

A financial deposit is also required from candidates running for office, ranging from €85 (community elections) to €2,000 for presidential elections. This sum is returned to candidates who meet vote thresholds specific to each election type.

Citation:

1. The Constitution of the Republic of Cyprus, [http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf)
2. The Law on the Election of the members of the House of Representatives, L.72/1979, in Greek, 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/DocumentStream.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. The Law on the Election of Members of the European Parliament 10(I)/2004, available in Greek at http://www.cylaw.org/nomoi/enop/non-ind/2004_1_10/full.html

Iceland

Score 9

Most Icelandic citizens aged 18 years or over can run for parliament. Exceptions include Supreme Court justices 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 get leveling seats (jöfnunarpingsæti) in parliament was set in 2000. In addition to this 5% threshold, parties can win a seat by securing a majority of the vote within a constituency. This minimum threshold is the same as in Germany and higher than in the other Nordic countries (Sweden and Norway 4%, Denmark 2%).

A consequence of this system is that many votes fail to directly influence the results. As many as 12% of the votes in 2013 won no parliamentary representation, as they went to candidates or parties that failed to win a constituency seat or polled less than 5% of the national vote. This was the largest share of unrepresented votes in Iceland's modern history. This result was due mainly to a record 15 parties running for parliament in 2013. This rate has since declined. In the 2016 elections, parties that did not reach the 5% threshold received a combined 5.7% of the total vote. This rate further declined to only 1.6% of the total vote in the 2017 elections. So, despite the fluctuation, this does not seem to be a constant problem.

Citation:

Bengtsson, Å., Hansen, K. M., Harðarson, Ó. T., Narud, H. M. and Oscarsson, H. (2014), *The Nordic Voter. Myths of exceptionalism*. Essex. ECPR Press.

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).

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 independent 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.

The old electoral system was based on closed electoral lists in large districts. Consequently, voters had no option of expressing a preference for a single candidate, but had to accept the whole party ticket. The new electoral law, approved in November 2017, envisages a mixed electoral system for both chamber and senate. One-third of the members of parliament will be elected in single-member districts; the other two-thirds will be elected through a proportional system in small multi-member districts.

Japan

Score 9

Japan has a fair and open election system with transparent conditions for the registration of candidates. Candidates running in local electoral districts for the Lower House or the Upper House have to pay a deposit of JPY 3 million (around €3,300, plus an additional deposit of JPY 6 million if also running on the party list). This deposit is returned if the candidate receives at least one-tenth of the valid votes cast in the 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.

Citation:

Leo Lin, The High Cost of Running for Office, Tokyo Review, 28 August 2017, <http://www.tokyoreview.net/2017/08/election-deposits-japan/>

Latvia

Score 9

Candidacy procedures provide everyone with an equal opportunity to be an 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, multiparty 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).

Registration as a political party is open to any group with at least 200 founding members. In 2016, a new threshold was set, which requires political parties to have at least 500 members before standing in national parliamentary elections.

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. For example, the 2018 ODIHR REPORT expressed full confidence and trust in the professionalism and impartiality of election administration at all levels.

Citation:

1. The Saeima Election Law, Article 5 and 6, Available at: <https://www.cvk.lv/pub/public/30870.html>, Last assessed: 04.01.2019
2. OSCE: Office for Democratic Institutions and Human Rights (2018), ODIHR Needs Assessment Mission Report, Available at: <https://www.osce.org/odihr/elections/latvia/387665?download=true>, Last assessed: 04.01.2019
3. Valts Kalniņš (2011), Assessment of National Integrity System, p.99, Published by DELNA, Available at: https://www.transparency.org/files/content/pressrelease/20120309_Latvia_NIS_EN.pdf, Last assessed: 04.01.2019
4. Ivars Ijabs (2018), 2018 Parliamentary Elections in Latvia, Available at: <http://library.fes.de/pdf-files/bueros/baltikum/14739.pdf>, Last assessed: 04.01.2019

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, and a broad choice of political alternatives in the 2012 and 2016 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 dual citizenship. The court also ruled that the lifetime ban on standing for elected office on impeached former President Rolandas Paksas was disproportionate. However, this ban has not been lifted as votes in 2015 and 2018 in the Lithuanian parliament on his electoral eligibility were insufficient. As a consequence, Paksas was unable to run in the 2016 parliamentary elections and will likely remain unable to run in the 2019 presidential elections. In response to an inquiry initiated by a group of parliamentarians, the Constitutional Court ruled that the territorial boundaries of single-candidate constituencies should be redrawn to reduce population differences that had developed over time due to demographic changes and migration from the provinces to the capital. The decision of the Constitutional Court was implemented in December 2015, when the new constituencies were announced. A major change related to the establishment of two additional constituencies in Vilnius, where the number of voters has been constantly increasing. Allowing electoral committees, which benefit from more lax regulations than political parties, to run for municipal elections has been one of the more debated issues since the last elections in 2015; with the next elections approaching in 2019, some analysts argue that candidates running with electoral committees contributes to the further decline of already weak political parties.

Citation:

- OSCE/ODIHR Election Assessment Mission Report on the 2016 parliamentary elections in Lithuania, see

<http://www.osce.org/odihr/elections/lithuania/296446>.

OSCE/ODIHR Election Assessment Report on the 2014 presidential elections in Lithuania,
<http://www.osce.org/odihr/elections/116359?download=true>

ECHR judgment 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”:\[“001-102617”\]](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. The vacated seat is then assigned to the candidate with the most second preference votes on the ballot. The system allows for a diversity of candidates and restrictions are minimal, though legal restrictions based on residency, certain official functions and court judgments exist. There have been persistent calls for electoral system reform on the basis of several issues. These include the lack of an official minimum threshold, absence of national quotas for parties to gain access to parliament, candidates are listed alphabetically, lack of correctives to encourage the election of female candidates and multiple candidates from the same party can be elected in the same district, the latter placing too much power in the hands of canvassers. The present electoral law does not allow coalitions of parties to contest elections formally, but does not prevent parties from arriving at pre-election agreements regarding future coalitions. Recent provisions to ensure proportionality only increase bipartisanship. There is also no state funding for parties, though the two main parties receive €100,000 annually, which may be used for campaigning. Meetings of the electoral commission are closed and there is an absence of representatives from non-parliamentary parties.

Citation:

Malta Today 05/07/17 Now is the time for Electoral reform

OSCE/ODIHR (2017) Election Assessment Mission Final Report - Malta

Netherlands

Score 9

With a score of 80 out of 100 points the Netherlands ranked 8 out of 158 countries in the March 2018 Perceptions of Electoral Integrity Index, after Denmark (score 86), Finland, Norway, Iceland, Sweden, Germany and Costa Rica. Its highest scores are in the areas of electoral laws and electoral procedures; somewhat lower scores are in the areas of voter registration and party and candidacy registration.

The country's electoral law and articles 53 through 56 of the constitution detail the basic procedures for free elections at the 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. Anyone possessing citizenship – even minors – can start a political party with minimal legal but considerable financial constraints. Some argue that party-membership and party-caucus rules strongly diminish formal equality with regard to electoral-system accessibility. Political parties with elected members receive state money (subsidies and other benefits), while qualifying as a new party necessitates payment of a considerable entry fee.

Citation:

P. Norris et al., March 2018. *Corruption and Coercion: the Year in Elections*, 2017

Eerlijke verkiezingen (eerlijkeverkiezingen.nl, consulted 24 October 2018)

<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/16808b322d>

New Zealand

Score 9

New Zealand has a rich history of free and fair elections and the electoral process is characterized by a very high level of integrity. The registration procedure for political parties and individual candidates in New Zealand, as specified in the 1993 Electoral Act, is fair and transparent. 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 Election Integrity Project, which measures each state of the electoral cycle by standardized 100-point scores, rated the integrity quality of 2017 parliamentary election as very high and noted especially high quality in the areas of party registration, candidate procedure, district boundaries, vote counting and autonomy of the election management body. However, deficits have been noted in regard to voter registration, media access for political parties and campaign financing).

The Electoral Act specifies that registered political parties follow democratic procedures when selecting parliamentary candidates. While the two major parties adopt a mixture of delegate and committee systems when making their selections, the Greens give their membership the final say. The other small parties by contrast tend to be more centralized both in the way they select constituency candidates and in the compilation of their party lists. In September 2018 parliament passed, with the votes of the Greens, New Zealand First and Labour, a controversial amendment to the Electoral Integrity Bill (so-called “waka-jumping bill”). The bill, which was initially opposed by the Greens, had its roots in the defection of several members of parliament from the small parties, especially New Zealand First. The bill required that members of parliament who are expelled from or quit their party will automatically lose their seat, thereby triggering a by-election. Critics argue that this

amendment will enable political parties to limit freedom of speech and ignore or reverse the will of voters. Supporters, on the other hand, argue that allowing parliamentarians to leave their parties while remaining in parliament distorts the proportionality of parliament and frustrates the will of affected voters.

Citation:

Miller, Raymond, 'Selecting Candidates,' in Miller, *Party Politics in New Zealand*, Oxford, 2005, pp 109-126.

Norris, Pippa, Thomas Wynter and Sarah Cameron. March 2018. *Corruption and Coercion: The Year in Elections 2017*. <https://www.electoralintegrityproject.com/the-year-in-elections-2017/>

McCulloch, Craig. 27 September 2018. Waka-jumping bill passes into law after heated debate. <https://www.radionz.co.nz/news/political/367427/waka-jumping-bill-passes-into-law-after-heated-debate>

New Zealand Parliament. Electoral (Integrity) Amendment Bill, https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_75706/electoral-integrity-amendment-bill

Portugal

Score 9

Individuals and political parties enjoy largely equal opportunities, both de jure and de facto, to register for and run in elections. Parties espousing racist, fascist or regionalist values are all constitutionally prohibited, as are parties whose names are directly related to specific religions.

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 obey 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 several internal bodies that parties must have (Articles 24-27).

However, these requirements do not prevent parties and lists from forming and contesting elections. During the period under review, two new political parties were formally registered: Liberal Initiative, in December 2017; and Alliance, in October 2018. This raises the total to 23 registered political parties, of which 12 were registered in the last decade. With regional, legislative and European elections in 2019, it is likely that this number will further increase over the next year.

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*.

For the registration of parties, see: Tribunal Constitucional, "Partidos registados e suas denominações, siglas e símbolos," available online at: <http://www.tribunalconstitucional.pt/tc/partidos.html>

Spain

Score 9

Spain's legal and administrative regulations for validating party lists and candidacies is fair and flexible. This was demonstrated in the elections of 2015 and 2016 when new parties participated for the first time in the general elections with winning one-third of seats in the parliament. Virtually every Spanish adult is eligible to run for public office. Legislation on gender parity (Organic Law 3/2007) requires party electoral lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates.

Fair and nondiscriminatory registration is protected by a number of guarantees overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure. 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 those who have been convicted of a crime. The elections in Catalonia in December 2017 were a special case, since several candidates were being held in custody ahead of trial during the elections, while others had fled the country. In July 2018, the Supreme Court confirmed that several of these deputies would be prosecuted for rebellion, disobedience and misuse of public funds. The independence leaders were automatically suspended as regional deputies and lost their voting rights.

Citation:

OSCE(2018), Elections in Spain, <https://www.osce.org/odihr/elections/spain>

December 2017, BBC, "PM Rajoy rejects Puigdemont talks call"

<https://www.bbc.com/news/world-europe-42458717>

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 ten 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, but poses more of a challenge for individual candidates. Most political parties offer a broad diversity of candidates along the dimensions of gender, age and ethnicity. Following successive reforms, gender rules are now quite specific, with mandatory quotas for electoral lists at all electoral levels (i.e., local, provincial, regional, federal and European). These rules are abided by the parties, though there remains overall a higher proportion of male candidates at the top of party lists (i.e., with a much higher chance of being elected).

Israel

Score 8

Israel is an electoral democracy. While it does not have an official constitution, one of its basic laws (“The Knesset” 1958), which holds special standing in the Israeli legal framework, constitutes a general, free, equal, discrete, direct and proportional elections, to be held every four years. The Basic Law promises equal opportunity for each Israeli citizen (as well as Jewish settlers in the territories) to elect and to be elected under certain reasonable restraints. To be elected for the Knesset, a candidate has to be a citizen over the age of 21, with no incarceration of over a three-month period in the seven years prior to his/her nomination (unless authorized by the head of the central elections committee). If the nominee held a prominent public office (as specified in the written law) he or she must wait until the expiration of the cooling period. Under the party law of 1992, the general elections are led by the Central Elections Committee, which is in charge of organizing the actual elections procedurally and tallying the final votes. The committee is also authorized to reject a nominee or a list based on three clauses: if they reject Israel’s Jewish and democratic identity, if they support another country’s armed battle against Israel and/or supports a terror organization, or if they incite racism. Israel is ranked first in the Middle East in the Perception of Electoral Integrity and 38 in the global rank (scoring especially high for electoral procedures).

Due to its significant weight in the electoral process, the committee is chaired by a Supreme Court judge and is assembled according to a proportional system. This allows each faction in the Knesset to be represented. In addition, the formation of the group is meant to balance the political aspect of the committee with a judicial one to ensure proper conduct. In order to disqualify a nominee, the committee must receive authorization from the Supreme Court. In the 2015 elections the committee disqualified the nomination of parliament member Hanin Zohaby (Balad), and the extreme right-wing activist Baruch Marzel (Yachad), claiming that they were in breach of articles 2 and 3 respectively of the Knesset Basic Law. However, both decisions were reversed by the Supreme Court. Out of 12 disqualifications made by the central committee, the Supreme Court only upheld three: the socialist list (1964), Kah (1988, 1992) and Kahana (1988). Last year, a bill was introduced in the Knesset, which would prevent the Supreme Court from upholding decisions made by the Central Elections Committee regarding which candidates may or may not run in an election. It has yet to be approved or rejected.

Another notable mark is the suspension law, which was enacted in 2016. The law allows for the suspension of a Knesset member, if a supermajority of the Knesset vote that the individual has deviated from the behavior expected of a member of the Knesset. The law drew much criticism, mostly from opposition members, but also from some members of the coalition. Most of the criticism revolved around the claim that the Knesset lacks the authority to suspend a member and that this authority should be given to the court. In addition, some raised concerns that the vote to suspend a member will be mostly influenced by political considerations and “will severely weaken Israel’s democratic character.” However, the law has never been used against any member of the Knesset.

Citation:

Azolai, Moran. “The Suspension Law was approved in the Knesset,” 29.03.16, Ynet (Hebrew): <http://www.ynet.co.il/articles/0,7340,L-4784299,00.html>

“Basic Laws: ‘The Knesset’” Knesset official website: www.knesset.gov.il/description/eng/eng-mimshal_yesod1.htm (English)

Fuchs, Amir. “MK Suspension Bill: Anti-Democratic to the Core,” 06.06.2016 <https://en.idi.org.il/articles/2357>

Hezki, Baruch. “Bill to bar Supreme Court from deciding who can run for Knesset,” 26.10.17, Arutz Sheva: <http://www.israelnationalnews.com/News/News.aspx/237241>

Hobal, Ravital, “The majority of the judges rejected the petition regarding the election threshold,” 14.1.15, Haaretz (Hebrew): <http://www.haaretz.co.il/news/elections/premium-1.2538960>

Htoka, Shusi. “Rivlin: the Suspension Law – an example of problematic understanding of the democracy,” 15.02.16: http://www.mako.co.il/news-military/politics-q1_2016/Article-5450e808bd5e251004.htm

Norris, P., Wynter, T and Cameron, S., (2018). “Corruption and Coercion: The Year in Elections 2017,” The Electoral Integrity Project, <https://www.electoralintegrityproject.com/the-year-in-elections-2017>

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).

“Summary of laws relating to the general elections,” from the Knesset official website (Hebrew)

Luxembourg

Score 8

The parliamentary elections of October 2018 have highlighted a number of problems in Luxembourg’s electoral system. Overall, the electoral system is strong and fair. In detail, however, small parties are at a disadvantage. On the one hand, this is due to the division of the country into four electoral districts and, on the other hand, it is due to the method of calculation used to determine the allocation of seats.

The division of Luxembourg into four electoral districts is outdated and urgently needs to be revised. It excludes smaller parties and reduces their chances of joining the parliament. In the East district, the conservative party ADR narrowly missed securing a mandate despite receiving 9.58% of the votes. In addition, the Pirates (7%) and Déi Lénk (3.3%) did not receive a seat. This means that around 20% of the votes cast in the East district were disregarded. At the same time, despite the massive loss of eight percentage points, the CSV party will retain its three seats in the East.

In the 2018 parliamentary elections, 37,000 people were registered on the electoral roll in the East district. In the Center district, 73,000 were registered, almost twice as many eligible voters as in the East. As a result, there are three times as many members of parliament for the Center (21) compared to members of parliament for the East (7) sitting in the parliament.

Moreover, the electoral code, which sets the number of members of parliament per constituency, is not consistent with Article 10 of the constitution, which states that Luxembourg citizens are equal before the law.

Citation:

“Élections législatives 2018.” <https://elections.public.lu/fr/elections-legislatives/2018/resultats.html>. Accessed 22 Oct. 2018.

Fehlen, Fernand: “Wahlssystem und politische Kultur.” Forum, September 2013. https://forum.lu/pdf/artikel/7695_332_Fehlen.pdf. Accessed 22 Oct. 2018.

“Robert Mehlen veut contester le résultat des élections devant la justice.” <http://5minutes.rtl.lu/grande-region/laune/1254993.html>. Accessed 22 Oct. 2018.

Mexico

Score 8

The electoral process is supervised by an autonomous agency, the Instituto Nacional Electoral (INE), following a constitutional reform in 2014 and the creation in 1990 of the Instituto Federal Electoral. INE is responsible for the registration of parties, candidates and voters, and for administering elections.

While in principle the process for registering political parties is open and transparent, high registration requirements as well as a bureaucratic and lengthy registration

process create a strong status quo bias. To meet the requirements for registering a new national political party, organizations must demonstrate a minimum of 3,000 members, representation in at least 20 of the 32 states, and a minimum of 300 members in at least 200 electoral districts. Historically, the high barriers for party formation have served to discourage new and small political groups from challenging the established parties.

Since 2015, independent candidates have been allowed to run for office in national elections but the requirements for participating are high. To appear on the ballot, independent presidential candidates must collect more than 850,000 signatures nationally and obtain the support of at least 1% of registered voters in 17 states. In the 2018 elections, 48 independent candidates announced their candidacy for the presidency, but only two, Margarita Zavala and Jaime Rodríguez Calderón, managed to fulfill the requirements. After Zavala withdrew in May 2018, Rodríguez Calderón was the only independent candidate left, receiving 5.23% of votes in the presidential elections.

Close linkages between some candidates and organized crime, especially at the subnational level, as well as violence and corruption continue to undermine the integrity of the political system and the electoral process.

Citation:

Harbers, Imke and Matthew C. Ingram "On the engineerability of political parties: evidence from Mexico." In: I. van Biezen, and H. M. ten Napel. *Regulating political parties: European democracies in comparative perspective* (2014): 253-277.

Poland

Score 8

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. There were no signs of discrimination against specific candidates and parties in the presidential and parliamentary elections held in 2015.

Under the PiS government, electoral law was not an issue until the end of 2017, when the PiS pushed for changes in the rules for local elections and elections to the European Parliament, as well as for the selection of the National Election

Commission (Państwowa Komisja Wyborcza, PKW) and its executive body, the National Election Office (Krajowe Biuro Wyborcze, KBW). With regard to the European Parliament elections, the government sought to favor large parties by conducting an overhaul of electoral districts. While this amendment to the law was approved by the Senate in July 2018, it was eventually vetoed by President Duda. The new rules for the selection of PKW and KBW members have increased the government's influence on these two bodies and might make the process of registering parties and candidates less fair. From 2019 onwards, the members of the PKW will no longer be judges. Instead, seven out of nine members will be members of parliament. The head of the KBW will be selected by the PKW from a list of three candidates nominated by the minister of the interior. This minister will also be responsible for nominating the 100 commissioners who conduct the management of elections on the ground.

Citation:

Bodalska, B. (2018): Polish EP electoral code change potential flashpoint between Brussels and Warsaw, in: euractiv, July 31 (<https://www.euractiv.com/section/future-eu/news/polish-ep-electoral-code-change-potential-flashpoint-between-brussels-and-warsaw/>).

Markowski, R. (2016): The Polish Parliamentary Election of 2015: A Free and Fair Election That Results in Unfair Consequences, in: *West European Politics* 39(6), 1311-1322.

OSCE/ODIHR (2016): Election Assessment Mission Final Report Poland: Parliamentary Elections 25 October 2015, Warsaw, 8-9 (<http://www.osce.org/odihr/elections/poland/217961?download=true>).

Sadurski, W. (2018): Who will Count the Votes in Poland? in: *Verfassungsblog*, February 26 (<https://verfassungsblog.de/who-will-count-the-votes-in-poland/>).

South Korea

Score 8

The National Election Commissions, an independent constitutional organ, manages the system of election bodies. Registration of candidates and parties at the national, regional and local levels is done in a free and transparent manner. However, deposit requirements for persons applying as candidates are relatively high, as are ages of eligibility for office.

The National Security Law allows state authorities to block the registration of so-called pro-North Korean parties and candidates, there is no evidence that this had a real impact in the 2017 presidential elections. However, the controversial decision of the Constitutional Court to disband the Unified Progressive Party (UPP) for being pro-North Korean in 2014 remains in force.

Citation:

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' left-wing 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

Electoral legislation was amended in the first half of 2015 with an eye to the local and parliamentary elections in 2016. One amendment substantially lowered the typically high stakes involved in establishing a political party. Moreover, the requirement to submit financial deposits for candidate registration was lifted, and citizens have been allowed to support multiple candidates and parties with their signatures. Partly as a result of these changes, the number of parties participating in the parliamentary elections in December 2016 was relatively high.

A major problem that has not been addressed in the period under review, has been the candidacy rules for the four deputies and two senators elected by the Romanian diaspora. As criticized by the Federation of Romanians' Associations in Europe and others, diaspora candidates were discriminated against in the 2016 parliamentary elections because they were required to collect 6,090 signatures rather than 1,000 to enter the race. Moreover, their electoral colleges extend across several countries, impeding the collection of required signatures.

Citation:

OSCE/ODIHR (2016): Needs Assessment Mission Report: Romania, Parliamentary Elections 11 December 2016, Warsaw, 6 (<http://www.osce.org/odihr/elections/romania/278346?download=true>).

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. The combination of decreased registration requirements and generous public funding for candidates and party lists has favored a surge in candidacies, with the evident aim of confounding voters and weakening the opposition. Right before the 2018 parliamentary elections there were about two hundred registered parties. Because individuals can sign up for several parties, many parties succeeded in collecting enough signatures to appear on the ballot. In some cases, the list of signatures for one party was simply copied by another. As a result, the party list was intransparent for many citizens, even more so as the names of some of the pseudo or fake parties were similar to those of opposition parties. Similarly, many candidates running in relatively big numbers in single member districts just picked up the money and disturbed the voters on the opposition side by causing uncertainty. Election commissions at both the central and constituency level largely failed to address cases of alleged signature fraud. While the votes for phantom parties cannot account for Fidesz's victory as such, the presence of phantom parties may have been critical to Fidesz being able to regain a two-thirds majority.

Citation:

OSCE/ODIHR (2018): Hungary – Parliamentary Elections, 8 April 2018. Limited Election Observation Mission Final Report. Warsaw, 10-12 (<https://www.osce.org/odihr/elections/hungary/385959?download=true>).

Turkey

Score 6

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 legal groundwork for fair and orderly elections and prevent discrimination against any political party or candidate. However, the relative freedom given to each political party's central executive committee in determining party candidates (by Law 2820 on political parties, Article 37) renders the candidate-nomination process rather centralized, anti-democratic and exclusionary. The parliament weakened the centralization of political parties' leadership to some extent in 2014 with the passage of a law permitting co-leadership structures. However, administrative courts and the Council of State stopped the co-mayoral practices of the HDP. Parties' executive boards typically determine their parties' candidate lists, with the exception of the Republican People's Party, which holds a primary-election vote. An independent candidate who secures a majority of votes in his or her electoral district is allowed to take a parliamentary seat without regard to the nationwide threshold.

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 November 2018, there were 82 registered political parties, but only 10 of them participated in the 24 June 2018 parliamentary elections. The Party Law (Article 90/2) was amended in order to enable parties to form pre-electoral alliances in March 2018. The share of the representation of valid votes rose to 98%, and resulted in overrepresentation of big parties (8%) and underrepresentation of small parties (6%) in this parliament.

According to the constitutional amendments of 2017 (Article 101/3), political parties that either individually or as a coalition gained at least 5% of the total votes in the last parliamentary election can nominate a presidential candidate. In addition, independents can run as a presidential candidate if they collect at least 100,000 signatures for which notarization is not required in the 2018 elections.

Presidential candidates are not asked to pay a nomination fee; however, political parties require parliamentary candidates to pay a fee ranging from €250 to €1,700 in 2018. Women candidates are generally asked to pay half or less of the fee required from male candidates or no fee at all. 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 €2,300 (TRY 13,916). This fee is held by the revenue department of the provincial election board where the candidate is standing for election and is registered as revenue by the

Treasury if the candidate fails to be elected.

The early parliamentary and presidential elections in 2018 were held under the state of emergency, which was proclaimed after the averted coup attempt in 2016 and extended seven times until after the June 2018 elections.

Selahattin Demirtaş, who was the co-chair and presidential candidate of HDP, has been detained since 4 November 2016. Consequently, Demirtaş failed to take part in the 2017 referendum, or 2018 parliamentary and presidential elections freely. The ECtHR found Turkey in violation of Articles 5/3, 3 Protocol 1 and Article 18 (stifling pluralism and limiting freedom of political debate) and unanimously demanded that the Turkish government take all necessary measures to end the applicant's pre-trial detention.

Citation:

Seçimlerin Temel Hükümleri ve Seçmen Kütükleri Hakkında Kanun İle Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun, 16 March 2018, <http://www.resmigazete.gov.tr/eskiler/2018/03/20180316-28.htm>, (accessed 27 October 2018)

Rıza Türmen, "OHAL altında seçim," 9 May 2018, <http://t24.com.tr/yazarlar/riza-turmen/ohal-altinda-secim,19650> (accessed 27 October 2018)

Selahattin Demirtaş v. Turkey, [https://hudoc.echr.coe.int/eng-press#%22itemid%22:\[%22003-6255331-8141045%22\]](https://hudoc.echr.coe.int/eng-press#%22itemid%22:[%22003-6255331-8141045%22]) (accessed 20 November 2018)

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)

Faaliyette olan siyasi partiler, <https://www.yargitaycb.gov.tr/sayfa/faaliyette-olan-siyasi-partiler/documents/SPartiler19112018.pdf> (accessed 19 November 2018)

OSCE - ODIHR, Early Presidential and Parliamentary Elections Republic of Turkey 24 June 2018, ODIHR Election Observation Mission Final Report, <https://www.osce.org/odihr/elections/turkey/397046?download=true> (accessed 27 October 2018)

"Danıştay'dan 'eş başkanlık' uygulamasının durdurulmasına onay," 23.03.2016, <http://www.haberturk.com/gundem/haber/1213998-danistaydan-es-baskanlik-uygulamasinin-durdurulmasına-onay> (accessed 7 October 2017)

Ömer F. Gençkaya, "Financing political parties and electoral campaigns in Turkey," S.Sayarı, P. Ayan-Musil and Ö. Demirkol (eds), *Party Politics in Turkey*, Routledge: Oxon and New York, 2018.

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 somewhat problematic from the point of view of fairness and justice. However, the restrictions reflect practical considerations rather than ideological agendas. Access to newspapers and commercial forms of communication is unrestricted, though in practice it is dependent on the economic resources of parties and individual candidates. Candidates are required to report on the sources of their campaign funds. Social media play an increasing role in candidates' electoral campaigns, as these outlets now attract a growing share of voters. This also means that candidates are less dependent on party organizations and external funding for campaigning. As a consequence of the enhanced role of social media, campaigns are likely to be longer at the same time as candidates are expected to continuously share their opinion on a multitude of issues. Such trends are especially important in Finland, since the country uses an open list proportional system in which the order candidates are elected from the party lists is dependent on the number of personal votes received.

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.

Laakso, Mikko (2017). Sosiaalinen media vaalikampanjoinnissa.

Germany

Score 10

Political campaigning is largely unregulated by federal legislation, a fact modestly criticized by the latest OSCE election report. 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. Despite these rules, there is a persistent debate as to whether the media’s tendency to generally focus coverage on the six largest parties and, in particular, on government parties is too strong.

Citation:

OSCD (2018): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 24 September 2018. <https://www.osce.org/odihr/elections/germany/358936?download=true>

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 center-right in its political allegiance and is therefore more likely to cover center-right candidates than candidates from the parties on the political left. However, journalists have a significantly stronger preference for the Green and the Left parties than does the electorate as a whole. There is also a genuine left-wing media, particularly present on the internet. It should

also be noted that 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 social media and other new forms of information sharing are increasing. These media are becoming more important for political campaigns. Though the information provided by social and other electronic media is vast and varied, selectivity facilitates a more narrow consumption of information than in traditional print media.

Citation:

Andersson, Ulrika, Anders Carlander, Elina Lindgren, Maria Oskarson (eds.) (2018), *Sprickor i fasaden* (Gothenburg: The SOM Institute).

Asp, K. (2012), "Journalistkårens partisympatier," in K. Asp (ed.), *Svenska Journalister 1989-2011* (Gothenburg: JMG), 101-107.

Olsson, J., H. Ekengren Oscarsson and M. Solevid (eds.) (2016), *Equilibrium* (Gothenburg: The SOM Institute).

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 relates to resources. In this regard, there is a lack of transparency as political parties and candidates are not required to disclose who is supporting them. In 2017, the Social Democratic Party collected sufficient signatures to force a vote on a constitutional "transparency" article, which will be held in the next few years. The initiative would require that political parties name donors that give more than CHF 10,000. Likewise, if a person spends CHF 100,000 or more on an electoral or a popular campaign, they must name all donors who gave at least CHF 10,000.

Political advertising on television or other broadcast media is not allowed. In this regard, all candidates and parties have equal access, in the sense that none are 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. On the other hand, representatives of the Swiss People's Party have successfully used their economic resources to control quality papers (e.g., temporarily the *Basler Zeitung*) and they have tried to restrain the country's leading newspaper, the *Neue Zürcher Zeitung*.

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. Denmark traditionally ranks high in the Press Freedom Index, but in 2018 Denmark dropped down to ninth place, with the report mentioning the murder of Swedish journalist Kim Wall in 2017.

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 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 2018.” <https://rsf.org/en/denmark> (Accessed 24 September 2018)

Zahle Henrik, 2001, Dansk Forfatningsret 1.

Estonia

Score 9

Candidates and political parties have fair and equal access to the public broadcasting and TV networks. Access to advertising on private networks and online, 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 web and social media tools are becoming widely used in electoral campaigns, including election portals run by

public and private media outlets. While this has so far helped candidates to reach a wider public cheaply, the parties have recently increased their online advertising expenditures.

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 outlets are not obliged to follow these rules, but except for media outlets that expressly support 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.

Greece

Score 9

Incumbent political parties represented either in the national parliament or the European Parliament have equal opportunities for media access. However, the country's national broadcaster (ERT) nowadays primarily, if not exclusively, communicates the views of the government coalition Syriza-ANEL, as it had done until 2014 with its previous political masters, namely either the PASOK or the ND government. In addition, since 2013 – when ERT was replaced by a new public broadcaster (NERIT) for a two-year period – the trade union of ERT's employees (POSPERT) has operated a “self-managed” radio station, called ERT-open. The radio station almost exclusively broadcasts either Syriza views or the views of radical and anarchist groups to the left of Syriza.

Private media are also selective in their reporting and many are sensationalist. Importantly, though, both state and private media do not air the opinions of the neo-Nazi party Golden Dawn. The party had won parliamentary representation in the 2012 elections and repeated its success by obtaining 7% of the vote in the two parliamentary elections of 2015.

Citation:

The trade-union managed radio station's website is <http://www.ertopen.com/>

Ireland

Score 9

Irish political issues continue to receive widespread and detailed coverage in the press, on radio and on TV. Media coverage – especially on radio and TV – is subject to strict guidelines 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.

It is worth noting, though, that following legislation in 2009 (the Broadcasting Act), the 2011 election was the first in which RTÉ no longer operated entirely under self-regulation. This legislation meant that for the first time the regulation of both private and public broadcasters was vested in a single body, the Broadcasting Authority of Ireland (BAI). While these changes occurred prior to the current review period, research in this area is only just becoming available (see reference). The BAI does not, so far, seem to be all that effective in increasing transparency, although research suggests that RTÉ does have internal procedures that pay a great deal of attention to its statutory requirement to achieve “balance.”

All newspaper groups in Ireland are privately owned commercial operations. There have been some concerns about the dominant market positions of some media groups, in particular Independent News and Media (INM).

Citation:

Kevin Rafter (2015), ‘Regulating the Airwaves: How Political Balance is Achieved in Practice in Election News Coverage.’ *Irish Political Studies* 30:4, 575-594.

Kevin Rafter (2018), ‘The Media and Politics,’ in John Coakley and Michael Gallagher (2018, eds) *Politics in the Republic of Ireland*, 6th edition. Routledge.

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 airtime 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 did not create an uneven playing field for candidates. The OSCE confirmed the plurality of Lithuania's media environment and that freedom of expression was generally respected during the 2016 parliamentary elections, although there were controversies concerning interference in editorial independence.

One of the rare recent controversies had to do with attempts in 2018 by the ruling Lithuanian Farmers and Greens Party to change the oversight of the state-funded Lithuanian Radio and Television – viewed by the analysts as an attempt to politicize its activities and influence the content of broadcasting (see also Media Freedom).

Citation:

OSCE/ODIHR Election Assessment Mission Report on the 2016 parliamentary elections in Lithuania, see <http://www.osce.org/odihr/elections/lithuania/296446>.

OSCE/ODIHR Election Assessment Report on the 2014 presidential elections in Lithuania, <http://www.osce.org/odihr/elections/116359?download=true>.

Luxembourg

Score 9

All newspapers have at least some ties to political parties, reflecting the ownership of the publications. They tend to be rather biased or partisan, especially during election campaigns. While “Luxembourger Wort” was always considered to be close to the Christian Social People's Party, “Tageblatt” is affiliated with the Luxembourg Socialist Workers' Party and the “Lëtzeburger Journal” has close links to the Democratic Party. To counter a dwindling readership, newspapers have adopted a more balanced line in recent years, reducing their political bias, to the benefit of smaller parties and organizations. However, all newspapers are losing circulation. At the same time, new journalistic projects are being created, such as the online magazine www.reporter.lu, which offers serious background journalism and has no advertising.

From the end of 2018, the satirical political newspaper “Feierkrop” will no longer be published. The weekly newspaper was effective in revitalizing the political landscape and presenting critical remarks.

Since there are no significant public broadcasters, the main private broadcaster “Radio Télé Luxembourg” guarantees 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. Furthermore, the government organizes roundtables with candidates from all party 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 have become less partisan and the media increasingly distances itself from political party influence than in previous years. Having made some initial progress in 2018, the government is expected to significantly revise press subsidies in the near future, with the aim of redistributing financial aid to support online media as a supplement to print media.

Citation:

“Traditionelle Medien in Luxemburg.” Zentrum für politisch Bildung. May 2018. https://zpb.lu/wp-content/uploads/2018/06/Fact-Sheet-Medien-DE-30.05.2018_acc.pdf. Accessed 22 Oct. 2018.

“Medien: Neue Regeln für die Pressehilfe.” Luxemburger Wort, 4 January 2018. <https://www.wort.lu/de/politik/medien-neue-regeln-fuer-die-pressehilfe-5a4e55afc1097cee25b7b50f>. Accessed 22 Oct. 2018.

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 denied only to parties that have been fined for breaches of Dutch anti-discrimination legislation. The public prosecutor is bringing discrimination charges against Geert Wilders, the leading member of parliament representing the Party for Freedom. However, individual media outlets decide themselves how much attention to pay to political parties and candidates. Since 2004, state subsidies for participating in elections have been granted only 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.

Portugal

Score 9

Parties have access to broadcast time on television and radio for political purposes during the official campaign period of two weeks preceding an election. 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, 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 elections.

If one considers media access more broadly, access to news programs and political debates is overwhelmingly concentrated on the five political forces: the PSD, PS, CDS, PCP (allied with the PEV in legislative elections) and BE. These five forces have almost entirely monopolized parliamentary representation since 1999. 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.

Slovakia

Score 9

Slovakia's media market is so pluralistic as to ensure that all candidates and parties have fair access to the media. In the case of the 2018 municipal elections, all of the candidates were able to make themselves heard. However, the politicization of the public radio and TV broadcaster RTVS under its new director Jaroslav Rezník has raised some concerns about public media coverage of the upcoming national elections.

Election laws mandate that campaign messages must be clearly distinguished from other media content. Since the parliamentary elections in March 2016, the publication of opinion poll results is no longer allowed in the last 14 days before the elections. In the 2017 regional elections, another controversial rule was applied for the first time. The ban on the broadcasting of political advertisement by TV and radio stations in the 48 hours before election day was criticized for being selective by not including internet broadcasting and broadcasting from abroad. Both problems have not been addressed by parliament or the State Commission for Elections and Political Parties Finance.

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. Print media is highly concentrated and

biased toward the established parties. However, independent and minor-party senators do attract considerable media attention when the governing party does not have a majority in the Senate, and therefore requires their support to pass legislation. In recent decades, this has been the rule rather than the exception.

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 airtime 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 primarily one of paid political advertising; that is, any broadcasting time used before an election has to be paid for. While CBC/Radio-Canada does provide a small amount free airtime to federal and provincial parties, this does not represent a significant share of political advertising in Canada. 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 normal-length political campaign to CAD 214,350 (as of 2018). Under the changes implemented to the act through bill C-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>.

Italy

Score 8

A significant portion of television channels are owned by a single political leader, Silvio Berlusconi, and demonstrate a special favor toward him and his party. Overall, however, the media offers a reasonably fair treatment of all political candidates. The most important national newspapers and privately owned television broadcasters offer fairly equal access to all positions. State television maintains a generally neutral position.

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 airtime 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 role of electronic (internet) and social media in political contests continues to grow, politicians and parties can rely increasingly on these new forms of media to 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 2013, the Public Offices Election Law was revised; 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. Regulations are in place to prevent abuses such as the use of a false online identity. In view of the alleged misuse of social media to spread disinformation during the 2016 U.S. presidential election and elsewhere, this proved a prescient reform.

The expanded campaign-media options were actively used in the October 2017 Lower House elections, though actual patterns of behavior varied strongly between parties.

Citation:

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

2017 Lower House Election/Parties bet on the web to reach voters, The Japan News by the Yomiuri Shimbun, 16

October 2017, <http://the-japan-news.com/news/article/0004006308>

Doug Tsuruoka, Asia ahead of US in passing laws against social media abuse, Asia Times, Bangkok, 1 March 2018, <http://www.atimes.com/article/asia-ahead-us-passing-laws-social-media-abuse/>

New Zealand

Score 8

According to the 2017 Election Integrity report, media coverage (together with campaign finance) was evaluated to be relatively poor in comparison with equivalent democracies in Asia and Oceania and western Europe. With a score of 48 (on a scale from 0 to 100), New Zealand was evaluated worse than South Korea (56) and Japan (52) and equal to the United Kingdom. Major issues are the allocation of election broadcasting time based on criteria that favor the two largest parties, leading to unequal access to funds for political campaign broadcasts and a potentially undue influence exercised by non-party actors. Although in some previous elections televised debates included the leaders of all parliamentary parties, during the 2017 general election the main debates were restricted to the leaders of the two major parties, with the leaders of the largest of the small parties being invited to debate separately (NZ First's Winston Peters declined to participate). A formal complaint over the exclusion of small parties from the debate was rejected by the courts. In addition to concerns about the fair treatment of minor parties in a multiparty system, the two-tiered arrangement was criticized for thwarting discussion about possible combinations for any future multiparty government. In fact, in its report on the 2017 election, the Election Commission again recommended "that Parliament considers whether the allocation criteria and the current broadcasting regime are fit for purpose."

Citation:

Report of the Election Commission on the 2017 General Election. April 2018. https://www.elections.org.nz/sites/default/files/plain-page/attachments/report_of_the_2017_general_election.pdf
Pippa Norris, Thomas Wynter and Sarah Cameron. March 2018. Corruption and Coercion: The Year in Elections 2017. <https://www.electoralintegrityproject.com/the-year-in-elections-2017/>

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, but they are allowed on digital media. 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 sources.

The Norwegian media landscape is rapidly changing as digital media replaces print media, which is struggling to survive. In parallel, traditional media houses see that revenues from ads are moving away from Norway to global companies (e.g., Google and Facebook) which contribute little in terms of tax revenues and the promotion of Norwegian culture and language.

Spain

Score 8

All democratic parties or candidates have access to the public media without unreasonable or systematic discrimination. The electoral law regulates strictly the access to public television and public radio networks during electoral campaigns. 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 every day, with its length depending on their share of the vote in the previous elections. A similar system operates with regard to news coverage, where the time allocated to each party is also proportional to the previous electoral results. New candidates or parties find it difficult to gain public media access in this system, though this did not prevent Podemos and Ciudadanos from achieving their electoral gains.

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, empirical work shows a significant connection between media and parties with the same political orientation. For parties not represented in parliament and which therefore have no legal guarantee to broadcast time, the situation is more difficult. They must rely on the internet and small direct digital TV channels.

Citation:

Media Pluralism Monitor (2016), Spain, European University Institute.
<http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/spain/>

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 became publicly known that some parties significantly overspent during the electoral campaign of 2013 and 2017, and therefore clearly violated the rules. Moreover, in 2016, during the electoral presidential campaign, the two candidates for the final (second) round were unable to reach a consensus on how to control campaign spending.

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 offer 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. The communist PTB/PVdA receives considerable media coverage across the country since it is now represented in parliament, has a quite mediagenic leader and is popular in polls (especially among French-speaking Belgians). All other parties have quite fair access to the media. Difficulty of access seems to be a substantial issue only for ultra-minority parties, largely because of their small size.

Cyprus

Score 7

Parties' and candidates' media access is only regulated for radio and television. Though not under any legal obligation, almost all newspapers and their online editions offer coverage to all parties and candidates.

The Law on Radio and Television 7(I)/1998, governing commercial audiovisual media services (AVMS), requires equitable and non-discriminatory treatment. The

law governing the public-service broadcaster (Cyprus Broadcasting Corporation, RIK) refers to the equitable treatment of political actors, while regulations provide for specific coverage. Equity must be respected, particularly during the pre-election period. However, the laws define the “pre-election period” with varying durations. Airtime must be allotted in accordance with a political party’s share of parliamentary seats and the extent of its territorial organization.

Broadcasters are required to comply with an in-house code of coverage. Monitoring of commercial broadcasters is performed by the Cyprus Radio Television Authority (CRTA), which also produces an annual report on the remit of the public broadcaster. Codes of conduct have almost never been publicly available, which renders scrutiny of compliance impossible. Rare special reports offer little insight for scrutiny. Paid political advertising on broadcast media is allowed during the 40 days preceding elections, on equal terms for all, without discrimination.

It appears that there is compliance with the rules on media access, with smaller parties enjoying proportionally more media time. However, the absence of publicly available codes of conduct negatively affects our evaluation. Finally, an issue of concern is the apparent lower level of media access and visibility accorded to female candidates.

Citation:

1. The Law on Radio and Television Stations, L. 7(I)/1998, in English, available at <http://cрта.org.cy/images/users/1/FINAL%20CONSOLIDATED%20LAW%2016.3.17.pdf>
2. Report on RIK, public broadcaster for 2016, CRTA [Unpublished report].
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).

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, which opinion polls had indicated were unlikely to surpass the 5% minimum vote threshold. However, the state-run media covers all major parties. During the election campaign in the autumn 2017 elections, two small parties complained about not being allowed to participate in the party leader debate on the state-run TV the night before the election day. However, both parties were seen to have very low support and neither fielded candidates in all constituencies.

Israel

Score 7

One of the foundation stones of Israeli democracy is its free press and media. As part of this foundation, laws have been passed to ensure equal media access for all candidates and parties. Moreover, the criteria for allocating air time during election campaigns is impartial: it is not subjected to any kind of arbitrary considerations or determined by the chairman of the Central Elections Committee. More specifically, under the Election Law (Propaganda Means), it is stated 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), whereas all propaganda broadcasts must be at the parties own expense and must be approved in advance by the Chairman of the Central Elections Committee. Recently, an amendment to the elections law has been introduced, proposing to cancel the 60-day prohibition on broadcasting propaganda before election day and requiring transparency on propaganda for four years prior to elections. Other recommendations are currently being debated in the Knesset.

While election broadcasting rights are fair and balanced, equal media access on a routine basis is challenged from several angles. Most notable is the fact that minorities often remain underrepresented. For example, Israeli-Arab interviewees are underrepresented in Hebrew broadcast media. According to the Representation Index – a collaboration between the Sikkuy Association for the Advancement of Civic Equality, the Seventh Eye media watchdog journal and the Ifat media research institute – more Israeli Arabs appeared on Israeli television talk shows and on radio in 2017 than ever before, but were still significantly underrepresented. According to the index, only 3.5% of popular shows included an Israeli Arab participant.

Seventh Eye media watchdog journal pointed out last year that in many cases the media conducted surveys for Jewish citizens only. While those surveys sometimes presented as representing the Israeli public opinion, the fact that they exclude Arab citizens is usually not mentioned. The Arab population's exclusion from public opinion polls was said by some members of the Israel Press Council to reflect a wider phenomenon regarding the media coverage of the Arab population in Israel. Consequently, the Israel Press Council, voluntary body of publishers, editors, journalists and public representatives amended Article 14 in its ethical code to prohibit exclusion and discrimination of different populations in 2017. Following this amendment, the Israel Press Council can address complaints regarding violation of the article in front of its ethical courts and the latter have the authority impose various punishments on journalist or publications.

Citation:

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

(Hebrew), 18.02.2016, the7eye: <https://www.the7eye.org.il/193765>

Persiko, Oren. "About Bullying and Discrimination" (Hebrew), 30.08.2017, the7eye: <https://www.the7eye.org.il/219708>

Persiko, Oren. "And not Discriminate or Exclude" (Hebrew), 25.09.2016, the7eye: <https://www.the7eye.org.il/262354>

Persiko, Oren, "Advancing the representation of arabs in the pupulae media in Hebrew." 04.2017. Sikui and the Seventh Eye. <http://www.sikkuy.org.il/wp-content/uploads/2017/05/%D7%91%D7%A8%D7%95%D7%A9%D7%95%D7%A8-%D7%93%D7%95-%D7%9C%D7%A9%D7%95%D7%A0%D7%99-%D7%A2%D7%91%D7%A8%D7%99%D7%AA-%D7%9C%D7%90%D7%AA%D7%A8.pdf>

Shwartz-Altshuler and Lurie, Guy, "Redesign the Israeli Election Propaganda Arrangements", Israel democracy institute website 6.4.2015: http://www.idi.org.il/%D7%A1%D7%A4%D7%A8%D7%99%D7%9D-%D7%95%D7%9E%D7%90%D7%9E%D7%A8%D7%99%D7%9D/%D7%9E%D7%90%D7%9E%D7%A8%D7%99%D7%9D/redesigning_propaganda_regulations/ (Hebrew)

Stern, Itay. "Israeli Arab Representation on TV Talk Shows Shot Up in 2016" (Hebrew), 02.02.2017, Haaretz: <https://www.haaretz.com/israel-news/.premium-1.769065>

Zarchia, Z. "The Constitution Committee has approved to introduce a bill suggesting to cancel the prohibit on election propaganda two months before elections" 11.07.18, Calcalist: <https://www.calcalist.co.il/local/articles/0,7340,L-3742130,00.html>

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, although debates between political party leaders before elections often feature only those parties polling around and above the 5% threshold in the polls.

The national 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. Local newspapers and electronic media in Latvia's rural regions are often dependent on advertising and other support from the local authorities, sometimes leading to unbalanced coverage favoring incumbents. Local government-owned print media is pushing independent local media out of the market, leaving only local government-owned outlets to function as a public relations arm for incumbents. 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. 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

2. OSCE: Office for Democratic Institutions and Human Rights (2018), ODIHR Needs Assessment Mission Report, Available at: <https://www.osce.org/odihr/elections/latvia/387665?download=true>, Last assessed: 04.01.2019

Slovenia

Score 7

While both the public and private media tend to focus on the parliamentary political parties, Slovenia's public-media regulatory system and pluralist media environment ensure that all candidates and parties have access to the media. The public TV and radio stations are legally obliged to set aside some airtime for parties to present their messages and their candidates. Since a third public TV channel (mainly covering parliamentary debates) was established in 2014, airtime for political parties and candidate lists has increased. But neither the regulatory body nor civil society organizations systematically monitor media coverage during a campaign. Before the 2018 early parliamentary elections, there were numerous televised debates with representatives of all 22 political parties that had candidates in all eight electoral units. Compared to previous elections, however, media bias in favor of the governing coalition and its potential political allies increased, and the debates were separated into debates including only political parties represented in parliament between 2014 and 2018 (including the party of Marjan Šarec) and debates including all other non-parliamentary parties. Furthermore, during televised debates, anchors did not allow or tried to limit debate between representatives of the political parties and debate on certain sensitive issues (e.g., migrant crisis).

South Korea

Score 7

Candidate media access has improved under the Moon administration. Under past conservative administrations, the Korea Communications Standards Commission and the National Election Commission have sought to block accounts or fine online users for online comments critical of the government or the ruling party. It has even come to light that the Korean National Intelligence Service (NIS) used social-media posts to support President Park's elections in 2012. Recently, the use of social-media bots to influence online discussions has also become a matter of concern. The immensely controversial National Security Law also applies to online media, creating significant limitations regarding the freedom of expression. The opaque character of South Korean election law concerning allowable support for candidates during the election period, which can last for up to 180 days before an election, represents an electoral gray area. According to some interpretations of Article 93 of the election law, all public expressions of support for candidates or parties are illegal during that period unless one is registered as an official campaigner. This can be seen as a disadvantage

for smaller candidates who do not have the same access to traditional media. In general, small parties have a difficult time gaining coverage in the mainstream media.

Citation:

“Do you know the dismissed journalists?” Journalists Association of Korea, January 20, 2016. (in Korean) <http://www.journalist.or.kr/news/article.html?no=38319>

Kyunghyang, Competition of new media strategies among presidential candidates. March 16, 2017. http://sports.khan.co.kr/bizlife/sk_index.html?art_id=201703161022003&sec_id=561101&pt=nv

Sent, Dylan. 2018. “Social Media Manipulation of Public Opinion in Korean Elections”. The Diplomat, August 31. Retrieved October 13, 2018 (<https://thediplomat.com/2018/09/social-media-manipulation-of-public-opinion-in-korean-elections/>)

United Kingdom

Score 7

The media play 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 crass partiality, especially by some newspaper groups that are prominent in national political life, visible once more during the Brexit referendum campaign of 2015 and the ensuing political quarrels. There is therefore a marked imbalance between print and broadcast.

United States

Score 7

In a broad 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, independent of the government and political parties.

Some media, such as the MSNBC cable news network, have a strong liberal and Democratic party bias. Others, most importantly Fox News Channel, have a fervent conservative and/or Republican bias. During the 2016 campaign and the first year of Trump’s presidency, Fox News has broadly adopted Trump’s often false and misleading rhetorical positions – including his claim that outlets such as CNN, the New York Times, and the Washington Post are providers of “fake news.”

Importantly, in election campaigns, media messages are often 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. In an unusual feature, Donald Trump had a strong advantage in free air-time on news media because audiences were interested in his frequently extreme rhetoric at campaign rallies.

During the 2016 campaign, for the first time, citizens reported getting their information through social media, especially Facebook and Twitter, as often as from traditional news sources. Social media proved highly amenable to the spreading of false information. The unprecedented biases and distortions in right-wing media and the vulnerability of social media to false news indicate that citizens' access to reliable information has become problematic.

Citation:

<https://www.brookings.edu/research/how-to-combat-fake-news-and-disinformation/>

Czechia

Score 6

The 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 access to the public media, although presentations are often tedious and unlikely to hold viewers' and listeners' attention. Space is also provided by municipalities for billboards, and political advertisements are carried in newspapers. There is a distinct coverage bias toward the larger parties, due to more significant resources and a perception of importance. Moreover, coverage by private media is less balanced than that of public media. The 2018 presidential elections included televised debates. A final debate on the state TV had the highest rating of all four debates (2.6 million viewers) and statements by the candidates were fact-checked in real time. In October 2018, the Council for Radio and TV broadcasting gave a positive evaluation of debates held on the private broadcaster Prima televize and state TV, but was critical of TV Barrandov for exercising favoritism toward President Zeman, the incumbent. The Council issued a warning to TV Barrandov that any repetition of such activity would result in a high fine. The Czech Syndicate of Journalists, a professional organization, criticized both the TV Nova and TV Barrandov debates as biased in favor of the incumbent.

Mexico

Score 6

The electoral process in Mexico is subject to a comparatively high degree of regulation. During the transition to democracy during the 1990s, electoral laws were revised to ensure more equitable conditions for the main political parties.

Currently, all registered political parties are eligible for public financing, the volume of which corresponds to their electoral strength. There are restrictions on the amount of money parties are allowed to raise and spend. Media access during the official campaign period is regulated to ensure a measure of equality. Nevertheless, outside the tightly regulated political campaigns, news coverage is often heavily biased in favor of incumbents. Presidents as well as governors spend exorbitant sums on advertising and pro-government propaganda. Since news outlets rely on this income for their financial survival, they can often scarcely afford to criticize sitting administrations. The Peña Nieto administration has taken this long-standing practice to new levels. According to a report compiled by the think tank Fundar based on government data, his administration spent nearly \$2 on advertising in the past five years, substantially more than any previous administrations.

Broadcasting networks and newspapers depend on that money, the big television networks Televisa and Azteca receive around 10% of their advertisement revenue from the federal government. A Supreme Court ruling in November 2017 demanded further regulation and limitation, but the new provisions are yet to be implemented.

In the 2018 campaign, the winner, Andrés Manuel López Obrador, was challenged by the mainstream media, although his use of social media and the support he received from activists successfully overcame this. The oligopolized market of traditional media has lost political weight.

Citation:

New York Times (25 Dec 2017) “Using Billions in Government Cash, Mexico Controls News Media.”

Bulgaria

Score 5

Media access for candidates and parties differs 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. With usually a large number of parties or candidates in the running, including the case of the 2016 presidential elections and the 2017 parliamentary elections, splitting the time between all is a serious challenge that leaves most participants dissatisfied. Between electoral campaigns, parties not represented in parliament have little access to public media, especially if they are considered potentially serious competitors by the incumbent parties.

Access to privately owned media, especially print media, is not regulated and to a large extent a function of influence or financing. 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. In the case of local elections, many of these media outlets support specific local candidates and coalitions connected to these special interests.

The role of non-traditional media in Bulgarian elections is increasing. Access to these outlets is available to all candidates.

Citation:

Price, L. T. (2018). "Bear in Mind... and Do Not Bite the Hand That Feeds You": Institutionalized Self-Censorship and Its Impact on Journalistic Practice in Postcommunist Countries – the Case of Bulgaria. In: Eric Freedman, Robyn S. Goodman, Elanie Steyn (eds.), *Critical Perspectives on Journalistic Beliefs and Actions*. London/ New York: Routledge, 211-221.

Croatia

Score 5

Amendments to the election law in February 2015 changed the legal framework for media coverage of parliamentary elections as part of an effort to end the “clogging” of the media space by minor candidates. As a result of the amendments, private broadcasters are no longer obliged to cover the campaign and public broadcasters can decide themselves whether to provide candidates proportional rather than equal coverage in reports and analysis. Moreover, debates among candidates have been restricted to only one per broadcaster. After the public broadcaster HRT decided to involve only five parties (a decision based on public opinion polls) for a scheduled debate in the run-up to the 2015 parliamentary elections, the State Electoral Committee judged this decision to be arbitrary and the debate was canceled. Before the 2016 parliamentary elections, HRT broadcast a debate with only the leading candidates of the two biggest parties, thereby ignoring Most-NL’s strong showing in the previous elections and its strategic role. Most-NL and the smaller parties thus complained of discrimination. Several NGOs have argued for giving the Agency for Electronic Media of the Republic of Croatia a more important role in covering election campaigns in order to assist the State Electoral Commission in applying the media-campaign regulation provisions of the electoral law.

Malta

Score 5

Malta has both state and private media. The Maltese constitution provides for a Broadcasting Authority (BA). Owing to its composition and appointment procedure, the BA is not perceived as an independent regulator. Its job is to supervise broadcasting and ensure impartiality. However, the BA focuses on the PBS (public broadcasting service) and not private outlets. It also does not monitor campaign coverage but rather acts on complaints. 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. The 2017 Media Monitor gave the country low risk score of 25% in terms of the media and democratic electoral processes, thus emphasizing that different political actors were represented fairly, as mandated by law. However, smaller parties or independent candidates do not receive equal treatment on state media. In the 2017 elections, the small parties were not able

to participate in the main pre-election debates on the PBS; several formal complaints were filed by the smaller parties. The PBS management is appointed by government, which is said to negatively impact its independence. Complaints to the broadcasting watchdog have dwindled and no fines were levied in 2017. There is no law that makes government office incompatible with media ownership; indeed, both major political parties own media outlets. This gives them an advantage over smaller parties, and has a restrictive effect on genuine debate. The 2017 Media Monitor notes that Malta is the only EU country where political parties have such extensive media ownership. The BA and the Press Act require party-run media to allow for a right of reply to an aggrieved party or individual. Access to newspapers becomes increasingly restricted at election time; unrestricted access is obtainable at a cost.

Due to increased competition and the proliferation of privately-owned radio and television stations, all candidates can now obtain airtime to present their views, albeit at a cost. However, the 2017 OSCE election assessment mission report stated that independent candidates and small parties enjoyed little visibility apart from on social media.

Citation:

<http://www.ba-malta.org/prdetails?id=246>

Social Media during the 2013 General Election in Malta. Department of Information Malta

www.consilium.europa.eu/media/.../1st-panel-oswald-main-slide-speaker...

Sammut, C (2007) Malta and the Media Landscape

Monitoring Media Pluralism in Europe: Country Report Malta 2017

Romania

Score 5

Campaign coverage by broadcast media, both private and public, is subject to detailed and complex regulations. The law provides for free access to public television and radio for all parliamentary parties to promote their platforms. Such access is also granted to non-parliamentary parties that submit full candidate lists in at least 23 constituencies. Broadcasting time granted by public and private broadcasters and editorial boards must ensure non-discriminatory conditions. However, the monitoring capacity and the sanctioning power of the National Audiovisual Council, the regulatory body in charge, are limited. Media access in a broader sense is uneven, as the public media has been susceptible to governmental and parliamentary influence, while private media is biased by its owners' political and economic interests. Talk-show hosts and political programs seldom invite speakers with views other than those of the media outlet's owner, and politicians and companies that buy ads often ask media outlets to refrain from criticizing them.

Citation:

OSCE/ODIHR (2016): Needs Assessment Mission Report: Romania, Parliamentary Elections 11 December 2016, Warsaw, 8-9 (<http://www.osce.org/odihr/elections/romania/278346?download=true>).

Chile

Score 4

Access by 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). Given the high concentration of media ownership with a specific political viewpoint, candidates and parties de facto lack equal opportunity of access to a plurality of media and other means of communication. La Nación, a former daily paper owned and run by the state, stopped publishing a print edition during Sebastián Piñera's first administration in 2010 (although the publication 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 elite associated with the Chile Vamos (until 2015, Alianza por Chile) coalition, which represented the opposition until March 2018 and has been the ruling political force since then. Although La Nación and TVN are state-owned, they must operate according to market rules, relying on advertising revenues and strong audience ratings. In general, regional candidates tend to have fewer media-access opportunities due to the strong centralization of Chile's political and media systems.

Poland

Score 4

Legally, 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. In the 2015 presidential and parliamentary elections, the pluralistic nature and quality of the private media in Poland had allowed all parties and candidates the opportunity to reach the public with their messages, although public broadcasters were hesitant to give equal broadcast time to “second-order” candidates in the campaign for the first round of the 2015 presidential elections. The PiS government's measures aimed at controlling the public and private media have significantly increased the partisan bias in media reporting, and have led to uneven media access for the various parties.

Hungary

Score 2

In the 2018 election campaign, media access was highly uneven. The Orbán government ignored the existing formal duties for balanced coverage and made strong use of its control over the public and private media. After the failed anti-refugee referendum in 2016, the Orbán government also radically rearranged the

advertisement market by handing over the control of billboards to pro-government companies and subnational governments. The opposition had some access to the public via the media empire of Lajos Simicska, an enigmatic oligarch that fell out of favor with Orbán in 2015 and supported Jobbik in the 2018 election campaign.

Turkey

Score 1

According to Law 3984 on the establishment of radio and television enterprises and broadcasts, “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.” However, legislation regulating presidential elections and referendums does not ensure equal access for political parties and candidates to public and private media. The Supreme Board of Elections’ (SBE) ability to sanction electoral violations was repealed using the state of emergency decree (No. 687) issued in January 2017. This impunity mechanism facilitated several violations without any sanction in the June 2018 elections.

Currently, most mainstream media companies, including the state-owned radio and television company (TRT), are either directly or indirectly controlled by the government, or self-censor. Privately owned media outlets face either judicial or financial investigations, and media freedom is thus being placed at risk in an unconstitutional manner.

Throughout the June 2018 presidential and early parliamentary election campaigns, most print and visual media outlets favored the incumbent president and the ruling AKP. Between 14 May and 22 June 2018, the state-run TRT channels dedicated about 250 hours of coverage to the incumbent president and the AKP, but only 25 hours to opposition parties and other presidential candidates. The pro-government TV channels reserved no airtime for opposition parties or candidates (or referred to them in a negative tone if they were included). Meanwhile, the mainstream private TV channels, CNN-Turk and NTV, provided opposition parties and candidates less than half of the airtime that was provided to the incumbent president and party. Overall, 70% of paid advertising on TV channels was dedicated to the incumbent president and party. Some pro-government party TV channels failed to broadcast any opposition party or candidate advertising.

An OSCE-ODIHR Report also underlined that candidates were unable to contest fairly and equally in terms of resources and media visibility. Anadolu Agency, a state-run news agency, mock data testing results were broadcasted by a pro-government TV channel, TVNET, on 19 June 2018, declaring Erdoğan’s victory with 53% votes. Anadolu Agency, a monopoly news agency, disseminated the results of over 180,000 electoral ballots before the SBE had announced the official results. These developments reinforced suspicions of electoral fraud.

Following the sale of Doğan Media Outlet to a pro-government conglomerate in 2018, a number of current affairs and political debate programs were terminated and more than 50 journalists dismissed. The opposition candidates and parties have extensively used social media networks due to their restricted access to conventional media (newspapers and TVs).

Citation:

European Commission, Turkey 2018 Report, Brussels, 17.4.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf> (accessed 1 November 2018)

SBE, Decision 2018-940, <https://www.rtuk.gov.tr/ysk-kararlari/3721/3912/ysk-kararlari.html?Keyword=ysk> (accessed 27 October 2018)

OSCE - ODIHR, Early Presidential and Parliamentary Elections Republic of Turkey 24 June 2018 , ODIHR Election Observation Mission Final Report, <https://www.osce.org/odihr/elections/turkey/397046?download=true> (accessed 27 October 2018)

“AA’nın seçim sonuçları “yanlışlıkla” seçimden 4 gün önce yayınlandı,” <https://odatv.com/aanin-secim-sonuclari-yanlislikla-secimden-4-gun-once-yayinlandi-21061823.html> (accessed 27 October 2018)

“Tek sesli yayıncılıkta çığır açtılar, <https://www.sozcu.com.tr/2018/gundem/tek-sesli-yayincilikta-cigir-actilar-2482005/>” (accessed 27 October 2018)

F. Sarp Nebil, “2018 Cumhurbaşkanlığı seçiminde hangi aday sosyal medyayı daha iyi kullandı?”, <http://t24.com.tr/yazarlar/fusun-sarp-nebil/2018-cumhurbaskanligi-seciminde-hangi-aday-sosyal-medya-yi-daha-iyi-kullandi,19975> (accessed 27 October 2018)

Ömer F. Gençkaya, “Financing political parties and electoral campaigns in Turkey,” S.Sayarı, P. Ayan-Musil and Ö. Demirkol (eds), *Party Politics in Turkey*, Routledge: Oxon and New York, 2018.

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 after their release, but all other adult citizens can participate in federal elections and there is no evidence that any person has been prevented from voting.

Estonia

Score 10

The Estonian constitution and relevant laws guarantee universal suffrage. The voting age is 18 for national and European elections, and 16 for municipal elections. About 6% of the population (or 16% of the voting-age population) are non-citizens who cannot vote in parliamentary elections, but 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 (about 10% of the electorate) can vote in all Estonian elections either at an Estonian embassy or increasingly online.

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, the location and opening hours of his/her polling station.

To facilitate participation in elections, Estonia uses advanced-voting, home-voting and internet-voting systems. Advanced voting is open for 10 days prior to election day. In the 2017 municipal elections, 31.6% of participating voters voted online.

Ethnic minorities' modest degree of engagement in election processes has been a longstanding issue of concern. To tackle the problem, state authorities are providing more voting information in Russian. The National Electoral Committee (NEC) website now offers election information in three languages (Estonian, Russian and English). Additionally, tools for disabled persons have been added to the website.

Citation:
<https://www.valimised.ee/en>

Finland

Score 10

Electoral provisions stipulate universal suffrage for all adult Finnish citizens (including prisoners and mentally disabled people), 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 of non-Finnish nationals resident in Finland from national elections. However, non-Finnish permanent residents may vote in municipal elections. The population registration center maintains a register of people 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 in place for several decades now, and the proportion of ballots cast in advance has risen significantly. Electronic voting was tested during the 2008 municipal elections, but has not been adopted in subsequent elections. However, the government has declared internet-based voting methods as a policy objective.

Citation:
 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). Prior to an 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, it encompassed 28.6% of registered voters, an increase of 4.3% compared to the 2013 elections. 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).

During the period under review, there were two state elections (Bavaria and Hesse). As in previous elections, no major irregularities or complaints about voter registration, voter lists or postal voting were reported.

Citation:

OSCE (2018): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 28 September 2018. <https://www.osce.org/odihr/elections/germany/358936?download=true>

Postal ballot: Information provided by the Federal Returning Officer

https://www.bundeswahlleiter.de/info/presse/mitteilungen/bundestagswahl-2017/35_17_briefwaehler.html

Federal Elections Act (BWG) Sections 36, 39

Federal Electoral Regulations (BWO) Sections 20, 25 to 31, 66, 74, 75

Greece

Score 10

Voting in Greece is mandatory by law. However, it is rarely enforced. In July 2016, the Greek parliament voted to lower the minimum voting age to 17 years. There is neither discrimination in the exercise of the right to vote nor any disincentive for voting. Upon being born, Greeks are registered in the municipality where their family resides. These records serve as lists of citizens eligible to vote. There is, however, a need to clean these records to remove persons who are deceased or have permanently migrated to other countries. Thus, the records include names of persons who will never turn out to vote. The result is that election turnout is calculated based on an aggregate which is higher than the actual number of eligible voters.

Iceland

- Score 10** Iceland's voting procedure is unrestricted. If an individual is registered as a voter within a constituency, he or she only has to present 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 and to all EU nationals residing in the Netherlands. 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.

Citation:

art

J24

Kieswet:

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

art 1 Wet op Identificatieplicht:

http://wetten.overheid.nl/BWBR0006297/geldigheidsdatum_24-05-2013#HoofdstukI_Artikel1

New Zealand

- Score 10** New Zealand's electoral process is inclusive and voter registration and voting process is non-discriminatory. Since 1974, the voting age has been 18 years. Discussions concerning lowering the voting age to 16 have seen little progress. 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 Māori may register to vote on either the Māori electoral roll or the general roll. There are seven designated Māori seats in the current legislature (separate Māori representation was introduced in 1867). Additional Māori 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. Whereas electoral turnout in the postwar period tended to fluctuate between 85% and 91%, in 2014

turnout increased for the first time since 2005. This positive trend continued with turnout for the 2017 election reaching 79.8%, with many voters (47%) voting in advance. Registering for an election can be done electronically. Registered voters then receive an “easy vote” pack with further voting information. However, the Election Commission Report on the 2017 election mentions the need for further “streamlining [of] the special vote process to reduce the impact of the growth of special votes on the timeliness of election results, providing a more accessible online enrollment option to reduce late enrollment, removing restrictions on voting place locations, and addressing barriers that affect voters on the unpublished roll, remote and disabled voters.” Relevant topics of current discussion include extending voting rights to prison inmates.

Citation:

Access 2011: Accessibility Action Plan for the 2011 General Election and Referendum on the Voting System (Wellington: Electoral Commission 2011).

Raymond Miller, *Democracy in New Zealand*, Auckland, Auckland University Press, 2015, chapters 1, 5 and 9.

Report of the Election Commission on the 2017 General Election. April 2018.

https://www.elections.org.nz/sites/default/files/plain-page/attachments/report_of_the_2017_general_election.pdf

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 by 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.

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 have occurred in the period under review. 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 no general postal vote exists, Slovenian citizens who live abroad as well citizens unable to make it to the polling stations for health reasons or because of disabilities can exercise their voting rights by mail. In another attempt at making voting more inclusive, a 2017 amendment to the electoral code called for making all polling stations accessible for persons with disabilities. This amendment was for the first time implemented during

the parliamentary elections in June 2018 and led to the closure of some polling stations that were not accessible for persons with disabilities. 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.

Citation:

OSCE/ OHDIR (2018): Republic of Slovenia: Early Parliamentary Elections, 3 June 2018. Final Report. Warsaw (<https://www.osce.org/odihr/elections/slovenia/394106?download=true>).

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 even further in the 2000s. In the 2018 elections, turnout was 87.2%.

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 challenge. 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 National Council (Nationalrat), while the size of cantons varies by as much as a factor of 36. This means that a citizen of the canton of Zürich, 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.

Citation:

Source: Adrian Vatter 2018: *Swiss Federalism. The Transformation of a Federal Model*. Routledge: New York/London

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.

The presidential elections of 2016 led to a debate about the handling of absentee voting. The accommodating means of handling the absentee voting creates a discussion about mixing politics and legal principles: The permissive access to absentee voting is in the interest of specific social segments and therefore of specific parties (like the Greens) – and against the interest of others (like the FPÖ). This could lead, in the long run, to a conflict of interests, disguised as a conflict of principles. Nevertheless, at the moment it doesn't seem that any significant change will take place.

The parliamentary elections of 2017 have not added any additional reasons to doubt the fairness of the overall electoral procedure.

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. The situation is usually handled quite pragmatically, but in 2015 this led to the prolongation of a stalemate in one “commune à facilités/ faciliteitengemeente” in the Flemish periphery of Brussels. In this municipality, Linkebeek, no arrangement could be found for the (Francophone) mayor to be officially installed by the (Flemish) regional authorities, although he and his list had captured a broad majority of the (largely francophone) vote. Eventually another Francophone mayor was installed in Linkebeek after the 2018 local elections, but local tensions and complications persist, as in some other “communes à facilités/ faciliteitengemeenten.” Most Francophone voters will still not receive voting documents in their native language for the 2019 regional, federal and European elections.

The fact that compulsory voting is not extended to Belgian nationals living abroad means that their actual degree of representation is lower than that of regular voters. There are no specifically allocated parliamentary seats (or alternative arrangement) to represent Belgian nationals living abroad.

Czechia

Score 9

All adult citizens, including convicted prisoners, can participate in national elections, and voter registration is relatively straightforward. EU citizens who are permanent residents of Czechia can participate in municipal and European elections. As of 2018, EU citizens who are temporary residents of Czechia can also participate in municipal elections. 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 having to meet a special deadline for registration and the fact that there are only a limited number of embassies and consulates. No cases of vote-buying were reported in the 2018 municipal, Senate or presidential elections.

Denmark

Score 9

According to section 29 of the Danish constitution, “Any Danish subject who is permanently domiciled in the Realm, and who has the age qualification for suffrage as provided for in sub-section (2) of this section shall have the right to vote at Folketing elections, provided that he has not been declared incapable of conducting his own affairs.”

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 on legal competence applies to the Folketing (section 29 of the constitution), but – according to a parliament decision in 2016 – not to local, regional or European Parliament elections. Any person above the age of 18 (since 1978) and “permanently resident in the realm” is entitled to vote.

Citation:

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

Zahle, Dansk forfatningsret 1.

“Umyndige udviklingshæmmede kan ikke sådan lige få stemmeret til folketingsvalg,”
<https://www.mm.dk/tjekdet/artikel/umyndige-udviklingshaemmede-kan-ikke-saadan-lige-faa-stemmeret-til-folketingsvalg> (accessed 7 November 2018).

“2.000 danskere er frataget stemmeret.” <https://politiken.dk/indland/art5793960/2.000-danskere-er-frataget-stemmeret> (Accessed 7 November 2018).

France

Score 9

The right to participate in elections as a candidate or as a voter is fully guaranteed. There is no evidence of restrictions or obstruction in the application of the law. Every citizen enjoys rights that are provided by the constitution. No progress has been made to extend the right to vote to foreign residents, except in the case of EU citizens. 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.

Israel

Score 9

According to the Israeli Basic Law, “the Knesset” (1958), every Israeli citizen above 18 is eligible to vote in general elections. This right is guaranteed under the principle of equality. Thus, it is only restrained by the need to exhibit valid government

identifications with the voter's name and picture. If the voter refused to take an ID photo (as in the case of some religious women), the ID will be considered valid if it received authorization from the Ministry of the Interior. Article 10 of the Basic Law states that the day of the national elections is a national holiday, with public transportation and public services open, thus giving voters a positive (or, at least, not a negative) incentive to vote. Recently, a bill was presented suggesting that voters should be able to vote in a location that is different to the one in which they are registered, easing the voting process for citizens.

Up until 1988, the issue of prisoners' right to vote was not much debated. However, after a number of petitions were submitted to the Supreme Court ("Bagatz") the Knesset revised the law to state that a voting box must be stationed in every prison. Handicapped citizens are also entitled to special voting stations that are adequately equipped, thus simplifying their voting process by using double envelopes. The state is obligated to offer at least one such station in every city council, and at least two in a city council with more than 20 regular voting stations. During the voting process, if the voter struggles with the voting procedure for any reason (such as ill health) he or she has the right to ask for assistance by an escort. Much like the case of handicapped people, soldiers in active duty are entitled to vote in special voting stations using a double envelope. Although the mentally ill are usually unable to access voting stations (due to hospitalization or personal constraints), they are not restrained by any specific law.

In contrast to some countries, Israel does not allow citizens that are out of the country (the territories excluded) at the time of the elections to vote unless they are members of a distinct status, eligible by law (e.g., embassy employees stationed abroad). However, every citizen has the right to vote without a minimum period of residency in the country.

Information regarding the voting procedure is available via special government funded information centers, and be accessed through the media, online and by telephone. Problems and complaints are dealt through the Central Elections Committee, each branch assigned with different level complaints.

Citation:

Bander, Arik, "The Election Committee Suggests: Voters Could Vote in A Different Address Than Registered," Maariv Online, 22.6.2016, <http://www.maariv.co.il/news/politics/Article-546545>

"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)

Central Election Committee: Elections for the 21. Knesset, 9. April 2019: <https://bechiro21.bechirot.gov.il/election/Pages/HomePage.aspx> (Hebrew)

Italy

Score 9

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

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 significantly in recent years but is still among the highest in Europe.

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. Several proposals for the introduction of internet-based voting have been rejected by the parliament, although this issue is likely to reappear on the political agenda. 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 major cases of suspected vote-buying came to light during the 2014 presidential elections. However, after the 2016 parliamentary elections, alleged cases of vote-buying in rural electoral districts became public, leading to police investigations and the removal of one elected member of parliament from the party list.

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>.

OSCE/ODIHR Election Assessment Mission Report on the 2016 parliamentary elections in Lithuania, see <http://www.osce.org/odihr/elections/lithuania/296446>

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, with assistance provided as necessary, and provision is made for Portuguese citizens living abroad to cast their ballots.

Foreign citizens residing in Portugal are entitled to register to vote in local elections if they are from EU member states, or from Brazil, Cape Verde, Argentina, Chile, Colombia, Iceland, Norway, New Zealand, Peru, Uruguay and Venezuela. Brazilian citizens can also request a statute of equal rights and duties, which grants them the right to vote in legislative elections.

As per previous reports, the substantial inflation of the electoral register remains problematic, generating a problem of technical abstention. Estimates in the run-up to the October 2017 local elections indicated a gap of about 850,000 people between the registered and actual number of voters – an increase of 9% vis-à-vis the 2015 legislative elections.

As noted in previous reports, this difference reflects current emigration patterns and the failure of Portuguese emigrants registered to vote in Portugal to transfer their electoral registration to their overseas residence. As Portuguese voters could vote only in the administrative parish (or, if abroad, in the country) in which they were formally registered, this meant that a substantial proportion of Portuguese emigrants were unable to exercise their voting rights. For instance, in the 2015 legislative elections, a total of just 9,457 Portuguese voters living in Switzerland were registered to vote there, a minute fraction of the estimated 262,748 Portuguese citizens resident in Switzerland in 2014.

This issue was partially addressed with the approval in parliament of Law 3/2018 in the summer of 2018. Hitherto, voting registration was automatic for all citizens residing in Portugal, but not for Portuguese citizens residing abroad. Following this law, Portuguese citizens residing abroad will also be automatically registered to vote. However, this measure may be insufficient to resolve the issue, as technical abstentions are largely the result of Portuguese emigrants registered to vote in Portugal failing to update their address (and electoral registration) to their overseas residence following emigration.

However, it must be noted that this discrepancy is not due to legal barriers to registration. Both within and outside Portugal, electoral registration is a simple and non-exclusionary process.

Citation:

Lei Orgânica nº 3/2018 [Law no. 3/2018], available online at: <https://dre.pt/application/conteudo/116090196>

Pedro Crisóstomo & Maria Lopes (2015), “Emigrantes registados nos cadernos eleitorais distorcem números da

abstenção,” Público online (11/10/2015), available online at: <http://www.publico.pt/politica/noticia/emigrantes-registados-nos-cadernos-eleitorais-distorcem-numeros-da-abstencao-1710762?page=-1>

Rui Dias (2017), “Em Guimarães há 15 mil eleitores fantasma,” Mais Guimarães – 22/8/2017, available online at: <http://maisguimaraes.pt/em-guimaraes-ha-15-eleitores-fantasma/>

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. Their number is estimated at about 1,600. 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. The new Election Code valid since July 2015 has united regulations for all types of elections in Slovakia, thereby removing the discrimination of citizens residing or staying abroad at the time of presidential elections. Unlike in the past, they can now vote by mail in both parliamentary and presidential elections.

South Korea

Score 9

All citizens of South Korea aged 19 and over have the right to cast ballots, provided that they are registered as voters at their place of residence in South Korea or in another country. National elections are national holidays, making it easier for all citizens to vote. Legally incompetent individuals and convicted criminals still serving prison terms are deprived of active voting rights. The same applies to individuals whose voting rights have been suspended by a court verdict, those who have violated election laws, committed specified crimes while holding one of a set of public offices, and those who have violated the law on political foundations or specific other laws. Since the candlelight demonstrations against President Park in 2016 – 2017, public support for expanding voting rights to all citizens aged 18 and over has grown.

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 residing in foreign countries in which they are permanent residents or short-term visitors. Moreover, Korea was the first country in Asia to grant voting rights in local elections to foreign residents who have lived in the country for three or more years. Unfortunately, voter turnout rates among foreigners are still low. Citizens can appeal to the National Election Commission and the courts if they feel they have been discriminated against.

Citation:

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

“Rival parties agree to new map,” Korea Joong Ang Daily, 24 February 2016.

<http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=3015438>

Korea Herald. “Voter Turnout Reaches 77%.” May 9, 2017.
<http://www.koreaherald.com/view.php?ud=20170509000522>

Korea Joongang Daily. “Koreans divided over lowering voting age.” February 11, 2017.
<http://mengnews.joins.com/view.aspx?aId=3029735>

Park, Si-soo. 2018. “Eligible Foreign Voters Surpass 100,000, but Few Cast Ballots.” The Korea Times.
https://www.koreatimes.co.kr/www/nation/2018/10/177_257145.html

Spain

Score 9

Every Spanish 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 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, which is as a rule updated correctly. Adequate opportunities for casting an advance ballot are also provided in case of illness, absence or simple incapacity to attend the polling station on the day of election.

The only two notable problems are related to immigration and emigration. The 5 million foreigners who live in Spain are not entitled to vote in national elections and naturalization is not easy even for foreign residents of long standing. However, this restriction is common to all advanced democracies. EU citizens can vote in local and European Parliament elections and non-EU citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote

Citizens living overseas may face onerous red tape that discourages participation in elections, as well as occasional technical failures in the administrative work of consular departments. Although 90% of the some 2 million Spaniards abroad are registered, the voting procedure is complicated and, as a result, turnout rates among expatriates are extremely low (under 5%). Over the course of 2018, parties discussed a revision of this procedure, but no change had been made as of the close of the review period.

However, the voting rights accorded to adults with intellectual disabilities have changed. During the review period, the parliament unanimously approved an electoral reform that will allow 100,000 people with mental illness or cognitive impairment to vote. The initiative was launched after the Council of Europe ruled that intellectually disabled individuals could not be deprived of their right to vote.

Citation:

INCLUSION EUROPE (2018), 100.000 people under guardianship in Spain will be able to vote, <http://inclusion-europe.eu/?p=7278>

United Kingdom

Score 9

In general elections, British, Irish and qualifying citizens of Commonwealth countries can vote. In local and devolved parliament/assembly elections, EU citizens resident in the United Kingdom can also 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 maintained by local authorities and updated annually. The Electoral Registration and Administration Act 2013 also introduced individual electoral registration, which is intended to improve the security of the registration process. Registration statistics show regional and social discrepancies. There has been some concern that in certain localities where a significant proportion of the population do not speak English as a first language the registration process has been abused. Sporadic complaints are made about excessive (and possibly manipulated) use of postal votes.

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 people who are imprisoned in a correctional facility. The only exceptions are election officers and, following a 2015 Ontario Court of Appeal ruling, non-resident citizens who reside abroad for more than five years. 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. There are four days of advance polling, ending the week before election day. Additionally, people can vote by mail if they cannot attend to a polling station due to physical incapacity or foreign residency.

The previous Conservative government made some highly controversial changes to Canada's election law and the current Liberal government introduced Bill C-33 in 2016 to repeal the most contentious clauses of this act. Among other things, Voter Information Cards would again be recognized as an acceptable form of identification and Canadians living abroad would again be allowed to vote in federal elections, no matter how long they have been outside the country. Despite receiving widespread

support, the government has not prioritized the legislation, which is currently dormant.

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>.

Parliament of Canada, Bill C-33: An Act to amend the Canada Elections Act and to make consequential amendments to other Acts, posted at <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-33/first-reading>

Chile

Score 8

Law No. 20,568, enacted in January 2012, and Law No. 20,669, enacted in April 2013, 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 years. This reform promoted the participation of younger and especially first-time voters in the 2013 presidential elections. This law also introduced assisted voting for citizens with disabilities. Since April 2014, Chileans living abroad have been automatically registered to vote if they are registered correctly with the register office. Thus, in the presidential elections of 2017, Chileans living abroad participated for the first time in national elections.

These individuals are now in theory 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. However, only the electoral-roll inscription is carried out automatically today.

Individuals who have been charged with a felony and sentenced to prison for more than three years and one day, as well as people classified as terrorists, lose their suffrage rights. Prisoners who have not been charged but remain on remand de facto lose their right to vote as administrative and infrastructural barriers impede their participation in elections. 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 balloting has demonstrated no significant bias with regard to socioeconomic status in comparison to previous elections. However, voter-turnout rates dropped to an historic low in the municipal elections of 2016. The presidential election of 2017 confirmed this tendency as voter-turnout in the first ballot dropped to 46.65% in comparison to 49.13% in the previous election of 2013.

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>

<https://www.servei.cl/voto-de-chilenos-en-el-exterior-2/>

About suffrage of prisoners:

https://scielo.conicyt.cl/scielo.php?script=sci_arttext&pid=S0718-34372018000100233

<https://ciperchile.cl/2013/08/27/votando-en-la-carcel/>

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. However, a controversial 2015 amendment to the Law on the Register of Voters limited the automatic registration of voters to those with a valid ID. A provision enabling Croatian citizens without permanent residence in Croatia to take part in national elections if they register in advance remains controversial. Upon coming to office in October 2016, Prime Minister Plenković announced to address the problem of the large differences in the number of voters per constituency, a fundamental lack of the electoral system in Croatia. In the period under review, however, no changes were initiated.

Cyprus

Score 8

Voting ceased to be mandatory in 2017, though voter registration remains mandatory. Various amendments have aimed to facilitate registration and participation. No means of e-voting or proxy voting exist. The voting age was lowered from 21 to 18 in 1996. Special arrangements enable prisoners and other groups to exercise their rights. In some cases, the enrollment of displaced voters in polling stations at some distance from their actual residence seems to favor abstention. Overseas voting has been possible since 2011 in a limited number of cities in Europe and the United States. Extension of voting rights in European parliamentary elections to all Turkish Cypriots since 2014 may need additional measures in order to encourage participation.

Voter registration by young citizens remains very low (20-25% of those eligible) since the early 2000s. Additionally, abstention rates have risen sharply, ranging from 28% in presidential elections to more than 50% in local elections.

An OSCE report praised the way and the “competitive and pluralistic environment” in which the 2018 presidential elections were conducted. It also includes recommendations for addressing issues related to party and candidate financing.

Citation:

1. Turkish Cypriots and Right to vote, <http://cyprus-mail.com/2014/05/27/turkish-cypriots-will-resort-to-court-over-voting-foul-up>.
2. OSCE/ODIHR Cyprus, Presidential Election, 28 January and 4 February 2018, Final Report 2 May 2018, available at, <https://www.osce.org/odihr/elections/cyprus/379225?download=true>

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 in parliamentary, European and local elections; other EU citizens may vote at European and local elections; non-EU citizens may vote at local elections only.

There is no population register in Ireland on which voter registration might be based. Instead, an electoral register is compiled by local authorities. To register to vote, a person must ordinarily be a resident at the address recorded in the electoral register by 1 September, when the register comes into force. There is limited provision for postal voting. While there is no evidence of systematic discrimination or disenfranchisement of any social groups in the compilation of the electoral register, inconsistencies in the register 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 recommended lowering the voting age from 18 to 16 and the government promised to hold a referendum on this proposal. However, it announced early in 2015 that it no longer planned to hold this referendum during the life of the present parliament.

In January 2015, the government committed to establishing an independent electoral commission during its term of office, but admitted that this commission would not be ready to function in time for the mid-2016 general election. It is hoped that it will be operational by the time of the local and European elections in 2019.

There was a small change to the layout of the ballot paper in 2016, designed to reduce possible voter confusion. The party logos, which were previously on the left of the ballot paper, have now been moved to the right just before the candidates' photographs. This was designed to eliminate the problem of blank boxes on the left of the paper (in the case of independent candidates without a logo), into which some voters inadvertently or deliberately placed their preferences, thus spoiling the ballot.

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>

David Farrell (2015), 'Conclusion and Reflection: Time for an Electoral Commission for Ireland,' *Irish Political Studies* 30:4, 641-646.

Japan

Score 8

The Japanese constitution grants universal adult suffrage to all Japanese citizens. One exception applies to individuals currently in prison, who are not allowed to vote. Since 2006, Japanese citizens living abroad have also been able to participate in elections. In 2015, the general voting age was lowered from 20 to 18.

One long-standing and controversial issue concerns the relative size of electoral districts. Rural districts contain far fewer voters than the more heavily populated urban areas. In June 2017, the Lower House electoral system was changed to reduce the maximum vote-weight disparity to 1.99 to 1, just under the 2:1 threshold set by the Supreme Court. The number of Lower House seats consequently dropped by 10 to a postwar low of 465 (289 constituency seats, 176 proportional-representation seats).

Vote-weight disparities are even more pronounced for the Upper House. In 2018, the LDP-led coalition passed a law adding two seats in the densely populated Saitama prefecture, as well as four seats deriving from proportional-representation results. This latter move was criticized as partisan, as it may benefit incumbent LDP lawmakers.

Citation:

Tomohiro Osaki, Debate over LDP's plan to reform electoral system for Upper House heats up, *The Japan Times*, 11 July 2018, <https://www.japantimes.co.jp/news/2018/07/11/national/politics-diplomacy/debate-ldps-plan-reform-electoral-system-upper-house-heats/>

Diet finally enacts electoral redistricting law to correct vote weight disparities in Japan, *The Japan Times*, 9 June 2017, <https://www.japantimes.co.jp/news/2017/06/09/national/politics-diplomacy/diet-finally-enacts-electoral-redistricting-law-correct-vote-weight-disparities-across-japan/>

Hiroshima court rules law denying inmates right to vote constitutional, *The Japan Times*, 21 July 2016, <https://www.japantimes.co.jp/news/2016/07/21/national/crime-legal/hiroshima-court-rules-denial-inmates-right-vote-constitutional/>

Latvia

Score 8

All adult citizens over 18 years of age have voting rights in national elections. Resident EU citizens can vote in local and European elections, and all have 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 and polling stations abroad as well as through an absentee-ballot postal procedure.

Latvia has a significant population of non-citizens (11.07% of the total population in 2018) who, while allowed to join political parties, 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 2018 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, Voting from abroad, Available at: <https://www.cvk.lv/pub/public/32011.html>, Last assessed: 04.01.2019

2. OSCE: Office for Democratic Institutions and Human Rights (2018), ODIHR Needs Assessment Mission Report, Available at: <https://www.osce.org/odihr/elections/latvia/387665?download=true>, Last assessed: 04.01.2019

3. Central Statistics Bureau (2018). Population of Latvia by citizenship. Available at: http://data.csb.gov.lv/pxweb/lv/iedz/iedz__iedzrakst/IRG110.px/?rxid=b48d2c41-f8ee-4428-a82a-271ec283d412. Last accessed 04.01.2019

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, to be at least 18 years old on the day of the election, and have full civil and political rights. Citizens temporarily living abroad may vote by mail and citizens over the age of 75 are exempted from casting their vote. There are no perceptible forms of discrimination within the voting process. The Luxembourgish government sought to encourage political participation among young people by lowering the voting age to 16 years, but this proposal was rejected in the consultative referendum of June 2015.

Experts have constantly criticized the representative makeup of the parliament as insufficient, since 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. Around 53% of the resident population cannot vote in

national elections, as they are not Luxembourg nationals. However, 80% of the resident population are EU citizens and may vote in European elections and 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. Conditions for inscription have been eased over the years. Only 23% of foreigners were registered in the electoral municipal election of 2017, yet 12% of the total electorate were foreigners and almost 8% of candidates were not Luxembourg nationals. This indicates that non-nationals' political participation at the local level remains low.

In addition, in Luxembourg, citizens are unable to observe the process of counting votes. Only political parties can nominate a "witness" to oversee the counting of votes. Ordinary people are not permitted attend the count.

Citation:

"Noch viel Luft nach oben." Luxemburger Wort, 7 February 2017. <https://www.wort.lu/de/politik/frauen-und-auslaender-bei-kommunalwahlen-noch-viel-luft-nach-oben-58998841a5e74263e13aa349>. Accessed 22 Oct. 2018.

"Mäßiges Interesse bei den Ausländern." Luxemburger Wort, 30 July 2017, https://www.wort.lu/de/politik/kommunalwahlen-maessiges-interesse-bei-den-auslaendern-597b4ac9a5e74263e13c4dfc?utm_campaign=magnet&utm_source=article_page&utm_medium=related_articles. Accessed 22 Oct. 2017.

Loi du 8 mars 2018 portant modification de la loi électorale. <http://legilux.public.lu/eli/etat/leg/loi/2018/03/08/a178/jo>. Accessed 24 Nov. 2018.

Malta

Score 8

Malta's electoral laws are effective and impartial, and are controlled by a constitutionally-designated electoral commission. While there is no legal obligation to vote, turnout at general elections is high at over 90%. Maltese law states that any individual sentenced to a minimum prison term of one year cannot vote in elections. In the absence of postal or electronic voting mechanisms, residency qualifications are an obstacle to voting since voters are required to physically cast their ballots in Malta. The government is currently considering a rule that would enable Maltese living abroad to vote at the Maltese embassy. However, Maltese citizens living abroad can today access highly subsidized airfares to Malta for the purpose of voting. 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. In addition to voting in local elections, 16-year-olds now also have the right to vote in national and European Parliament elections. Other changes have helped patients cast their votes during a hospital stay. Notwithstanding, legislation must be harmonized to ensure full voting rights for individuals with mental disabilities. 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. Immigrants and refugees, however, do not have the right to vote. Recommendations have been made to increase transparency in the system. These include a secrecy mechanism for

assisted voters as well as laws enabling international observers to examine the election process, the setting of deadlines and publishing of all records of complaint. Malta is shifting from a manual to an electronic ballot-counting system, which will be used first in the European and local council elections in May 2019

Citation:

<http://www.timesofmalta.com/articles/view/20130115/elections-news/adoption-voting-rights-for-maltese-abroad-party-financing.453281>

<http://www.timesofmalta.com/articles/view/20130220/local/Should-prisoners-in-Malta-be-allowed-election-vote.458430>

Should Migrants have the Right to Vote? Times of Malta 23/06/14

<https://www.timesofmalta.com/articles/view/20171015/local/counting-halls-electronic-voting-and-legal-changes-on-electoral.660402>

<https://www.timesofmalta.com/articles/view/20180305/local/16-year-olds-granted-the-vote-in-national-elections.672453>

Times of Malta 19/11/18 Government considering ways for Maltese abroad to vote in embassies

Malta Today 02/12/18 Labour ministers shoot down voting right proposal for non EU nationals

Malta Today 13/11/18 Voting counting hall transformed as electronic system in place for European elections

Mexico

Score 8

Mexico has had universal suffrage since 1953 and male suffrage since 1917. Legally, Mexico by and large conforms to the standards of electoral democracies, especially on the national level. The organization and administration of elections is managed professionally by the National Electoral Institute (INE). In recent years, INE oversight over state-level electoral institutions has increased. There is also a system of electoral courts, which are generally more professional and independent than the criminal courts. Citizens and party members can appeal to these courts if their political or electoral rights are violated.

Voters have to register through INE to receive a voter identification card. The same electoral register is used for federal and state or local elections. This may serve to discourage marginalized and less educated citizens from voting.

A total of 89,978,701 people, approximately 72.7% of the Mexican population, applied for the required ID in 2018.

Mexicans living abroad (about 10% of the population) are allowed to vote for the president, but turnout is extremely low, in part due to the difficult registration process. More than 11 million Mexicans live abroad, but only 100,000 participated in the 2018 elections.

In general, Mexican elections are considered mostly free and fair. Complaints concern vote-buying and some minor problems, such as the theft of 34 ballot boxes by armed groups. Violence is a major problem. During the 2018 elections, 133 candidates were killed, most of the candidates are presumed to have been murdered by organized criminal gangs.

Citation:

Miranda, Fernando (28 de junio de 2018). «Acaban campañas con récord en el nivel de violencia». El Universal.

Poland

Score 8

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. However, a controversial January 2018 law amended the provisions on postal voting that were adopted in 2014. Thus, since the local elections in 2018, voting by mail has been possible only for disabled persons, and not for citizens living abroad. Since the latter tend to be critical of the PiS government, the amendment is regarded as being strongly biased in favor of the PiS.

Citation:

OSCE/ODIHR (2016): Election Assessment Mission Final Report Poland: Parliamentary Elections 25 October 2015, Warsaw, 6-8 (<http://www.osce.org/odihr/elections/poland/217961?download=true>).

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 referendums. 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.

Contrary to the European Convention on Human Rights, people serving prison sentences are not allowed to vote. Another limitation affects absentee voting – citizens can obtain permits to vote outside of their permanent place of residence, but no general postal vote exists. A national referendum in 2015 on a proposal to introduce distance electronic voting received overwhelming support, forcing parliament to decide on the issue in 2016, and to include provisions for machine and electronic voting in the electoral code. However, the Central Electoral Commission, the body tasked with managing elections, has de facto impeded the implementation of these provisions.

Other changes to the electoral code adopted in April 2016 made voting compulsory and limited the number of voting sections in foreign countries to 35 per country. Later the first of these provisions was declared unconstitutional by the Constitutional Court, while the second was relaxed for EU member states.

Romania

Score 6

Citizens aged 18 years or older on election day are eligible to vote, unless disenfranchised by a final court decision for reasons of legal incapacity or as part of a judicial sentence. There is a central voter register based on a compilation of information from various government authorities. To minimize voter fraud, which has been a major issue in the past, Teamnet was awarded a RON 31 million contract to provide high-tech voting equipment to monitor whether voters have their voting rights in good standing and cast only one ballot. In the constitutional referendum in October 2018, however, the electronic system for the verification of voters and prevention of multiple voting was not used. This led to situations where the presidents of the electoral bureaus suspected that multiple voting had taken place but they could not verify this and public trust in the process suffered as a result.

The fact that thousands of Romanians abroad were unable to cast their votes in the 2014 presidential elections prompted the introduction of a postal vote for diaspora voters in November 2015. However, less than 10,000 out of more than 600,000 Romanians abroad participated in the 2016 parliamentary elections. Information was weak, voters had to register with the Permanent Electoral Authority before the vote and the authorities asked for proof of residence before registration, which deterred many Romanians who feared that Romania's Tax Authority would use that information to trigger an investigation against them. These problems have not been addressed during the period under review.

Citation:

Expert Forum (2018): Raport de monitorizare: Referendum 2018. Policy Brief No. 68, Bucharest (<https://expertforum.ro/en/referendum-report-2018/>).

United States

Score 6

American elections are administered by the states but subject to regulation by the federal government in order to protect citizens' rights and other issues. In many states, convicted felons are not eligible to vote. Non-citizen residents are not permitted to vote, although permanent residents are encouraged to become citizens. Various forms of racial discrimination against blacks were widespread in many of the southern states before the Voting Rights Act of 1965. But aggressive enforcement of the act by the Justice Department had largely eliminated racial discrimination in election administration by the 1990s. Controversies centered on efforts to draw district lines in ways that promoted the election of blacks (i.e., majority-minority districts) to the House of Representatives.

In recent elections, however, Republican officials in many states, aware of blacks' lopsided preference for the Democratic party, have engaged in or attempted to engage in overt efforts to reduce the numbers of black (and sometimes Latino)

voters. Generally under the transparently false pretext of preventing voter fraud, Republican-controlled legislatures in over half of the 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. Federal courts have struck down or delayed the implementation of several such state, but have also declined to delay others. In both 2016 and 2018 election cycles, registration procedures have been subject to considerable controversy, as heavy-handed voter suppression efforts have been observed in many Republican states. Some Republican-controlled states reduced the number of polling places, resulting in several-hour waits in minority and low-income areas. The Trump Justice Department has not challenged such voting restrictions. But federal courts, responding to appeals brought on by other parties, have blocked several of these restrictions. And the new Democratic House has identified voting rights as one of its top priorities. Florida passed an amendment in 2018 to restore voting rights for felons.

Turkey

Score 5

All Turkish nationals over the age of 18 can exercise the right to vote (Constitution, Article 67). The Supreme Election Board (SEB) 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 SBE, prepares, maintains and renews the nationwide electoral registry.

The ban on military students and conscripts, and the blanket restriction on voting rights for prisoners are disproportionate and at odds with Turkey's international obligations (e.g., Turkey's OSCE commitments). About six million young people waiting to vote in November 2019 could not vote because early elections were held in June 2018.

In 2008, the parliament passed a law facilitating voting for Turkish citizens who are not living or present in Turkey during elections (Law 5749). In the 2018 early parliamentary and presidential elections, about 1.5 million votes, or half of the registered voters in total, were cast abroad. The distance of polling stations from residents' homes and the comparatively short voting period can be considered as potentially major obstacles to voting.

Turkey has a passive electoral registration system maintained by the SBE. Despite the recent revision of the national electoral registry based on an address-registration system, critics have noted that the number of registered voters and the number of eligible citizens registered in the address system do not match. Disabled voters sometimes face difficulties, as many polling stations lack appropriate access facilities.

Parliamentary and local elections are conducted by local election boards under the supervision of the SBE. These local boards verify election returns and conduct investigations of irregularities, complaints and objections, with the national board providing a final check. According to an independent report, during the 2018 elections, 127 attacks were organized, four people were killed and 90 people were injured, while 387 people were detained and 15 people were jailed.

Inconsistency in electoral results were examined by some NGOs, including Oy ve Ötesi and the Chamber of Computer Engineers. These reports underlined some insignificant errors. In order to double check the election results published by the SBE, the CHP organized a “fair election mobilization” system. However, this system proved to be ineffective.

Citation:

OSCE - ODIHR, Early Presidential and Parliamentary Elections Republic of Turkey 24 June 2018 , ODIHR Election Observation Mission Final Report, <https://www.osce.org/odihr/elections/turkey/397046?download=true> (accessed 27 October 2018)

Temiz Seçim Platformu, 2007-2015 Seçim Hileleri Raporu, 1 Mayıs 2015, TUIK ile YSK’nın Türkiye Listelerinin Karşılaştırılması, temizsecim.org/2007-2014-secim-hileleri-raporu.html (accessed 27 October 2018)

24 Haziran 2018 Milletvekili Seçim Sonuçları - Yurt dışı, <http://www.hurriyet.com.tr/secim/24-haziran-2018-secimleri/yurtdisi-milletvekili-secim-sonuclari> (accessed 27 October 2018)

Seçim Döneminde HDP’ye 93 Ayrı Müdahale, <https://m.bianet.org/bianet/siyaset/198468-secim-doneminde-hdp-ye-93-ayri-mudahale> (accessed 27 October 2018)

“Oy ve Ötesi 24 Haziran Seçimleri Ön Değerlendirme Raporu ile YSK Kesin Sonuçları Karşılaştırmalı Veri Analizi,” https://odatv.com/images2/2018_11/2018_11_13/oyveotesiverianalizi.pdf (accessed 27 October 2018)

Hungary

Score 3

Registration and voting procedures for the parliamentary elections in Hungary have been heavily tilted in favor of the governing Fidesz party. The single most important problem has been the unequal treatment of three groups of eligible voters: (1) Hungarians living in Hungary, (2) Hungarians with dual citizenship in neighboring countries and (3) Hungarian citizens working abroad. While the first group can vote without registration, the others have to register beforehand through a complicated procedure. Hungarians living abroad and in possession of dual citizenship – who usually demonstrate a strong political affinity for Fidesz – can vote by mail. In contrast, Hungarian citizens working abroad, who are often opposed to the Orbán government can vote only at diplomatic missions which, often far away and easily challenged by possible high turnouts. These biased procedures gave a big advantage to Fidesz both in the 2014 and 2018 elections and contributed to its victories

Citation:

OSCE/ODIHR (2018): Hungary – Parliamentary Elections, 8 April 2018. Limited Election Observation Mission Final Report. Warsaw, 9-10(<https://www.osce.org/odihr/elections/hungary/385959?download=true>).

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 each election, all advertising and campaign spending and contributions are scrutinized in detail by a special parliamentary committee, with limited 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 forced to repay non-eligible expenses or overspending.

Tight financial control over the party accounts is also exerted during non-electoral periods, again by a special largely nonpartisan parliamentary committee. In 2015, two parties received modest sanctions following some remarks on their accounting techniques. This was quite hotly debated and framed in terms of majority/opposition tensions, but can generally be seen as an indication that the system of checks and balances functions quite well.

Estonia

Score 9

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 Political Party Financing Supervision Committee (PPFSC), monitors whether parties have properly declared all financial resources and expenditures; the committee can also impose sanctions when parties have violated the law.

The regulatory and investigative powers of the PPFSC have been expanded several times through amendments to the APP. Despite significant progress some loopholes in financing regulations still exist. One of the major concerns is that the PPFSC has limited access to information necessary to deal efficiently with financial fraud. To tackle the problem, the PPFSC regularly proposes amendments to the APP. However, recent proposals have been neglected by the Constitutional Committee of the parliament. There is no political will to make political parties more accountable for financial misconduct.

Finland

Score 9

New campaign-finance legislation was implemented between 2008 and 2009, in the wake of several political financing scandals. 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. In addition, there are limits on the amount a donor can contribute over a time period or during an election. Currently, a single private donor can donate up to €6,000 to a candidate standing in a parliamentary election. Candidates are required to report the sources of their campaign funds. These reports are filed with ministries and auditing agencies, and made publicly available. Financing scandals involving parties and candidates continue to attract media coverage, and studies indicate that parties are likely to lose electoral support if they are involved in finance scandals. As a result of the new rules, the quality of party financing has improved and public opinion polls indicate that the credibility of politicians has increased.

Citation:

<http://www.idea.int/parties/finance>;

<https://www.idea.int/data-tools/country-view/105/55>

Demokratiapuntari 2012: Yhteenveto. Ministry of Justice/MTV3/tnsGallup, 02/2012;

Mattila, Mikko and Sundberg, Jan 2012: Vaalirahoitus ja vaalirahakohu. In: Borg, Sami (ed.): Muutosvaalit 2011.

Oikeusministeriön selvityksiä ja ohjeita 16/2012. Oikeusministeriö (Ministry of Justice), pp.227–238.

Norway

Score 9

Funding for 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.

Australia

Score 8

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 increase in line with the consumer price index; for the 2016 election, it was 262.8 cents per eligible vote in both houses of parliament (House of Representatives and Senate). The total election funding paid in the 2016 federal election was AUD 62.8 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 July 2016 federal election, was not due for release until October 2017. The AEC does, however, rigorously monitor and enforce the disclosure requirements in place. 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. Other states, such as Victoria, introduced a non-binding Code of Conduct in October 2011.

In June 2017, an investigation by journalists into Chinese attempts to influence Australian political parties revealed that both major political parties accepted donations believed to have originated from the Chinese government. The prime minister subsequently ordered an inquiry into espionage and foreign interference laws. The conflict between Australia and China escalated in late 2017: the Australian government accused China of undue interference, while Chinese commentators have labeled Australia an agent of the United States. Australia's relationship with China remains tense.

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/political%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.loc.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

<http://www.abc.net.au/news/2016-08-22/foreign-donations-could-skew-australias-democracy-politicians/7775060>

<http://www.abc.net.au/news/2017-06-06/turnbull-orders-inquiry-following-revelation-asio-warned-parties/8592308>

<http://www.smh.com.au/world/china-criticism-grows-over-australian-foreign-interference-stance-20171211-h02in1.html>

Australien legt sich mit China an. FAZ, 12.Dezember 2017, S. 18.

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 20. 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. The amount that candidates and leadership contestants may contribute to their own campaigns is CAD 5,000 and CAD 25,000, respectively. Individuals receive generous tax credits for political donations. Annual contributions to registered parties, registered associations, electoral candidates, and nomination and leadership contestants are capped at a relatively modest amount of CAD 1,550. However, transparency in political financing is still seen as a problem. Public debate over transparency recently reignited after it was revealed in the press that the prime

minister and other senior ministers were raising millions of dollars at private “cash-for-access” fundraisers, giving donors secretive cabinet access. Furthermore, provincial practices and rules regarding political donations vary widely. Fixed contribution limits, for example, range from only CAD 100 per year in Quebec to CAD 6,000 per year in New Brunswick. Yet, in other provinces like Saskatchewan, any individual, corporation, union or special interest group can make a political contribution of any size to a provincial political party.

In addition to individual donations, political parties are 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 has a candidate, is reimbursed 50% of its national campaign expenses and further “election rebates” for riding-specific expenses. Until 2015, such parties were also given a per-vote subsidy, largely considered to be the most democratic financing regime. A bill passed in 2012 reduced and later eliminated this subsidy, seen as negative from the perspective of fairness in party financing.

Citation:

Elections Canada, Administrative Compliance Policy for Political Financing, retrieved 2015 from http://www.elections.ca/pol/acp/adcom_e.pdf.

Denmark

Score 8

Political parties are financed by membership fees as well as support from other organizations/corporations and the state. Traditionally, the Social Democratic Party has received support from the labor movement and the Conservative Party and Liberal Party have received support from employers’ organizations. A law enacted in 1990 made such contributions voluntary, implying that 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 (recently increased) for their legislative work, including staff. Further, the parties receive electoral support depending on the number of votes garnered.

There is transparency about such public support. Concerning private support, donors contributing more than DKK 20,000 should be made public, but the amount donated is confidential. It is possible to circumvent publicity by multiple donations 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.

The Danish People’s Party has run into problems regarding their use of EU money to fund political activities in Denmark not related to the European Union. There is an

ongoing EU investigation into the campaign spending of Morten Messerschmidt, a member of the European Parliament for the Danish People's Party. This investigation is still ongoing as of autumn 2018.

Citation:

Partistøtte på grundlag af deltagelse i seneste folketingsvalg, <http://valg.sim.dk/Valg/Partistoette/Folketingsvalg.aspx> (Accessed 8 October 2015).

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.

France

Score 8

Lacking a sufficient legal framework, party financing has long been a source of recurrent scandals. Nearly all political parties used to finance activities by charging private companies working for local public entities or by taxing commercial enterprises requesting building permits. Only since 1990 has a decent regulatory framework been established. Since then, much progress has been made in discouraging fraud and other illegal activities. Nonetheless, not all party financing problems have been solved. Current legislation outlines 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 up to certain limits. Within two months after an election, a candidate has to forward the campaign's accounts, certified by an auditor, to the provincial prefecture, which conducts an initial check and then passes the information on to a special national supervisory body (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. The Constitutional Council has reviewed former President Sarkozy's presidential re-election campaign in 2012, and decided in July 2013 that he had exceeded his spending limits. His party had to return €1 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 under the spending ceilings set by law. Presently, the National Front and its leader, Marine Le Pen, are being prosecuted for violating financing regulations. The tradition of cheating persists in many areas. Another example involves the practice by some parties (including the National Front and the centrist party MODEM) of using assistants paid by the European Parliament for purely partisan purposes. Finally, the Fillon scandal (in which Fillon used public

money available for hiring parliamentary assistants to hire his wife and children – a practice that in itself is not forbidden – without any documented work being undertaken) led to a new piece of legislation in June 2017. Immediately after the presidential election, Macron introduced a new law to deal with the “moralization” of political life. The new law addressed several legal loopholes that allowed for morally ambiguous political behavior. For example, the new law prohibited members of parliament from hiring family members. Conflicts of interest are more strictly controlled and all ministers are subjected before appointment to a screening by an independent authority on financial transparency. When these rules are violated, three types of sanctions can be exercised: financial (expenditures reimbursed), criminal (fines or jail) and electoral (ineligibility for electoral contests for one year, except in the case of presidential elections).

Germany

Score 8

In June 2017, the German Bundestag secured the required two-thirds majority to change Article 21 (3) and (4) of the Basic Law, which regulates the financing of political parties. The Constitutional Court had refused to declare the National Democratic Party (NPD), a right-wing extremist party, unconstitutional. In response, the government and other political parties wanted to exclude the NPD and other extremist parties from state-based party financing. Any party that fights against the free democratic basic order or against the existence of the Federal Republic of Germany by abusing the basic freedoms will no longer be able to benefit from tax advantages on donations and state grants.

In general, 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 four million votes qualify for funding of €1 per vote per year; for every vote thereafter, parties receive €0.83. In addition, individual donations up to €3,300 receive match funding of €0.45 per every €1 donated. State funding of political parties has an upper limit, which in 2017 was €165 million. Since 2013, this cap has been annually adjusted for inflation. Public financing, however, must be matched by private funding. Thus, parties with little revenue from membership fees and donations receive less than they would be entitled to based on votes alone.

After the September 2017 elections, the German Bundestag decided to increase the upper limit for party financing by €25 million to €190 million. The governing parties (i.e., the CDU, CSU and SPD) justified this increase, which is far above the inflation rate, on the basis of the increasing costs caused by digitalization, intensified communication and internet security. This change was highly disputed in the public and between the parties, and was passed a day after the beginning of the FIFA World Cup 2018.

The lack of transparency regarding 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. In its 2017 report, GRECO concluded that “Germany has implemented satisfactorily or dealt with in a satisfactory manner three of the eight recommendations contained in the Fourth Round Evaluation Report. Of the remaining recommendations, two have been partly implemented and three have not been implemented.” In addition, 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 if donations from that source exceed €10,000 per year.

Citation:

Bundestag (2017):

<https://www.bundestag.de/dokumente/textarchiv/2017/kw25-de-parteienfinanzierung/509770>

Bundestag (2018): Drucksachen 19/2509 und 19/2734.

GRECO (2017)

<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/168072fd68>

Ireland

Score 8

Financing of Parties:

The financing of political parties in Ireland is supervised by the Standards in Public Office Commission (SIPO). Each of the 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 2017.

Political parties that obtained at least 2% of the first-preference votes in the last general election qualify for public funding under the Electoral Acts. The amount payable to a qualified political party is based on its share of the votes received in the last election.

Direct public funding is of two types. The first is a contribution to political parties’ annual running costs (excluding elections). Each qualifying party receives a fixed sum of about €30,000, plus an additional share based on the number of first preference votes it won in the previous election. In 2017, the total funding from this source was nearly €5 million. The second source is annual allowances to party leaders to cover expenses arising from work in parliament. The allowance for each leader is based on the size of their parliamentary party, although the amount given to government parties is reduced by one-third in order to lessen the “resource gap”

between governing and opposition parties. Independent members of parliament are also entitled to this funding, which is currently €37,037.

Total funding from these two sources is considerable. In 2015, Fine Gael received €4.7 million, Labour €2.9 million, Fianna Fáil €2.7 million and Sinn Féin €1.7 million. In addition, smaller parties received a combined €30,000, while the 27 independent members of parliament collectively received €14,268. (Standards in Public Office Commission 2016: Exchequer Funding of Political Parties).

The figures above do not cover the reimbursement of election expenses, which are treated separately. In the 2016 general election, each candidate (that secured at least one-quarter of the quota at any point in the count) was entitled to receive a reimbursement of up to €3,700. The total paid following the 2016 general election was €2.7 million.

Combining all of these different funding sources, the total sum paid to political parties and candidates was just over €16 million in 2015. As Liam Weeks comments: state funding “amounts to 84% of parties’ total income and indicates the extent to which they have become dependent on the state for survival.”

While a lack of transparency in the sources of political finance used to be a big problem in Irish politics, the very considerably increased levels of state funding have reduced this problem, and strengthened regulation of political donations and campaign spending during elections. Candidates are required to declare all donations over €600, while political parties are required to declare all donations over €1,500. The amount of private donations to parties is now low, totaling €73,000 in 2015. During elections (i.e., from the date of dissolution of the Dáil until polling day) there are strict limits on how much candidates can spend. For the 2016 general election, this ranged from €37,650 in a three-seat constituency to €45,200 in a five seat constituency. One caveat is that, outside of the “official” campaign period (defined above), there are no limits on what selected or prospective candidates may spend – which seems to be an odd omission.

Citation:

Standards in Public Office Commission, 2017. Political Parties’ Statements of Accounts, available at <http://www.sipo.gov.ie>

Liam Weeks (2018), ‘Parties and Party System,’ in John Coakley and Michael Gallagher (eds) Politics in the republic of Ireland, 6th edition.

Israel

Score 8

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 two laws state that: party membership dues and fund raising from

members remain within the limits allowed by the Party Financing Law; and party income can only come from five sources. These sources are: party membership dues and fund raising appeals among members, within limits allowed by the Parties Financing Law; funds received from the state in accordance with the Political Parties (financing) Law; non-public contributions received in accordance with the Political Parties (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 and funds under Article 21 of the law.

Furthermore, in order to ensure adherence to these two laws regulating party financing, all financial activities during elections are subjected to the supervision of the State Comptroller, who has on several occasions issued instructions that have the status of subsidiary legislation. The State Comptroller publishes regular reports regarding party finances, and is in charge of ruling whether there has been a breach of the law regarding party financing and election financing. Moreover, it is the State Comptroller who can also rule that a party group must return funds to the state because of divergences in the receipt of non-public contributions.

In a recent report published by the State Comptroller regarding 2017, the State Comptroller revealed that several parties had been fined due to violations of the party financing law, including a ILS 60,000 fine for the “Balad” party, ILS 50,000 fine for the “HaBayit Hayehudi” party and ILS 180,000 fine for the Likud party – all for violating party financing laws. To date, the party that has the highest budget is Likud, reflecting its position within the Knesset.

In 2018, an amendment to the party financing law was passed, limiting the funding that joint parties receive from the state budget. According to the law, joint lists of three or four parties would be given the funding of only two parties. As the only faction with more than two parties is the Joint Arab party, it was argued that the law was directly intended to break up the Joint Arab party. A year before, another amendment of the party financing law, known as the V15 bill, aimed at limiting the activities of various non-party-political bodies that seek to influence the outcome of elections in Israel. It requires these bodies to report their funding sources to the State Comptroller. The amendment was named “V15 bill” after V15, an organization that was funded by organizations from the United States and Europe, and which funded efforts during the 2015 election campaign against the Likud Party and Prime Minister Netanyahu.

Citation:

Amendment to the Party Financing Law, 2018: https://fs.knesset.gov.il/20/law/20_Is2_501466.pdf

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

Klein, Z. “The State Comptroller: A fine to The Likus and the Bayit Yehudi,” Israel Hayom: 15.10.18: <https://www.israelhayom.co.il/article/599301>

“Knesset passes controversial ‘transparency’ law on NGO funding,” Jewish Telegraph Agency, 12.07.2016 :

<http://www.jta.org/2016/07/12/news-opinion/israel-middle-east/knesset-passes-controversial-transparency-law-on-ngo-funding>

Levinson, H. and Lis, Y. "Netanyahu: the NGO Legislation is too weak, We Shall forbid Foreign Funding of Organizations, Haaretz, 11/6/17, <https://www.haaretz.co.il/news/politi/1.4161298>

Luxembourg

Score 8

The Political Finance Act of 2007 aims to promote transparency, equal opportunities, independence and the avoidance of conflicts of interest. However, these objectives are only partly achieved in practice. The financial independence of political parties in Luxembourg compared to other countries is one of the strengths of Luxembourg's party system. However, there is still potential for further improvement in terms of equality and transparency.

The basic principle of the law is that the state finances all political parties that receive at least 2% of the vote nationwide in national and European elections. Qualifying political parties receive a lump-sum subsidy of €100,000 per year. In addition, each political party receives a further €1,500 per percentage point achieved in the previous national and European election.

The state allocates approximately €2.6 million each year directly to political parties. In 2015, the state distributed €878,644 to the CSV, €443,160 to the DP, €409,810 to the LSAP, €345,180 to Déi Gréng, €218,565 to ADR, €171,530 to Déi Lénk and €136,570 to the Pirate party.

As a result, state aid accounts for a significant proportion of the total revenue of all the above-mentioned parties. According to the law, however, this share may not exceed 75% of a party's total funding.

Citation:
"Financement des partis politiques."
<https://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/FinancementPartisPolitiques>. Accessed 22 Oct. 2018.

"Parteienfinanzierung in Luxemburg: Die Sache mit der Transparenz."
<https://www.wort.lu/de/politik/parteienfinanzierung-in-luxemburg-die-sache-mit-der-transparenz-592b4b61a5e74263e13c0a7e>. Accessed 22 Oct. 2018.

Pereira, João N./Zenthöfer, Jochen (2017). Einführung in das luxemburgische Recht. C.H.Beck, pp. 51-57.

New Zealand

Score 8

Party financing and electoral campaign financing are monitored by the Electoral Commission. Registered parties have upper limits regarding election campaign financing (including by-elections). Upper limits for anonymous donations as well as donations from abroad are comparatively low (NZD1500). The long-standing public-private mix of party financing continues to draw criticism. Private funding in

particular is criticized for being insufficiently transparent and unfair to less well-off parties or smaller parties lacking access to parliamentary sources of personnel and funding. According to a research report published in late 2017, more than half of all donations over NZD1500 in 2011-2016 came as donations of NZD15,000 or more. Unsurprisingly, the National party received more donations than Labour, NZ First and the Greens combined, mainly due to the large number of donations of more than NZD5,000. In October 2018, the Justice Minister announced that his government would consider changing the political funding rules, including lowering the threshold for anonymous donations (NZD1000), introducing a cap for individual donations (NZD35,000) and banning overseas donations. Yet, it is important to distinguish private donations (made primarily by individual donors) from parliamentary funding. For example, NZ First received NZD0.3 million in donations, but NZD11.5 million in parliamentary funding in the fiscal year 2017-2018.

Citation:

Max Rashbrooke. 2017. *Bridges Both Ways: Transforming the Openness of New Zealand Government*. Institute for Governance and Policy Studies, Victoria University of Wellington.

NZ Herald. 2018. Government considering changing political funding rules. 23 October 2018. <https://www.newstalkzb.co.nz/on-air/larry-williams-drive/audio/max-rushbrooke-government-considering-changing-political-funding-rules/>

Sweden

Score 8

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.

In spring 2018, the government passed legislation that substantially increased the transparency of party financing in Sweden. Relating to the 2018 election, public demands again surfaced to further sharpen the rules to clearly document the financial sources of electoral campaigns and further increase monetary penalties for violations.

Citation:

https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-201890-om-insyn-i-finansiering-av-partier_sfs-2018-90

Czechia

Score 7

The rules for party and campaign financing and their enforcement have been a major political issue for some time. In April 2015, the Ministry of Interior eventually submitted an amendment to the law on political parties to parliament. The proposal

was based on the Group of States against Corruption of the Council of Europe (GRECO) recommendations to Czechia issued in 2011 and came into force in January 2017. The law introduced financial limits for party financing and electoral campaigns, the mandatory establishment of transparent accounts, and greater revenue regulation of political parties and movements. President Zeman named the first president of the new Office for the Oversight of the Political Parties and Political Movements (Úřad pro dohled nad hospodařením politických stran a politických hnutí, ÚHHPSH), an independent regulatory authority for monitoring and oversight of party and campaign finance. The first campaign scrutinized by the ÚHHPSH was the October 2017 parliamentary elections; its first annual report (for 2017) was published in 2018. The report found 123 cases of misdemeanors, most of them of minor importance. The ÚHHPSH imposed 26 administrative penalties totaling CZK 181,000 (€7,000). Fines were set below the statutory rates because of the novelty of the provisions and their “educational function.” In March 2018, investigative journalists unearthed that Okamura’s radical-right Party of Freedom and Direct Democracy (SPD) had violated the law by the illegal use of an online shop and compulsory purchases of party merchandise by party members.

Latvia

Score 7

Political parties are financed primarily through individual donations and public financing, but can also be financed by membership fees and income earned through parties’ economic activities, according to certain set limits. Public financing is also provided to all parties who gained 2% of the vote in the last parliamentary elections. Donation amounts are capped, while legal entities (e.g., corporations), and anonymous and foreign donors are prohibited from financing political parties. Parties are also not allowed to take or issue loans. Candidates are permitted to donate to their own campaign, but according to the limits established for donations from individual persons. All donations must be made through bank transfers, except for cash donations of less than €430.

Financing is transparent, with donations required to be publicly listed 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 Prevention and Combating 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 subsequent election cycles without sanction. Ultimately, however, those parties that have faced stiff penalties have been dissolved or voted out of office. Following the 2014 parliamentary elections, KNAB sanctioned six parties for campaign-finance violations. Five parties paid the requisite fines, but one party appealed the decision to the courts.

In fulfilling the recommendations of the Group of States Against Corruption 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.

Beginning in 2012, Latvia instituted public financing for political parties, with parties receiving public funds proportional to their share of the vote in the preceding parliamentary elections. Political parties have been sanctioned by KNAB for the misuse of public funds. In 2016, KNAB fined two parties – Vienotība and Saskaņas Centrs – for party financing violations. The parties had to repay €3,000 and €4,840 respectively, which were obtained from illicit sources. Later, KNAB completely withdrew public funding for Vienotība due to campaign finance violations. KNAB investigations into illegal financing are ongoing, with two cases currently pending.

There are still other 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 incumbent politicians' election campaigns.

Despite noting some gaps in existing provisions, ODIHR Needs Assessment Mission interlocutors expressed confidence in the party and campaign finance rules, including the oversight role of the KNAB. The GRECO report of 2014 concluded that Latvia had implemented satisfactorily GRECO's previous recommendations.

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: www.legislationline.org/documents/id/18945, Last assessed: 04.01.2019 and Addendum to the Second Compliance Report on Latvia (GRECO 2014), Available at: <https://rm.coe.int/16806c6d33>, Last assessed on 04.01.2019
3. Law on the Financing of Political Organizations (Parties), Available at (in Latvian): <http://www.likumi.lv/doc.php?id=36189>, Last assessed: 04.01.2019
4. "Overview of Violations of Campaign Finance Regulations in the 2014 Saeima elections," KNAB (published in Latvian). Available at: https://www.knab.gov.lv/upload/free/parskati/12.saeimas_finansu_parbaudes_1.07.2015.pdf, last assessed: 04.01.2019
5. OSCE: Office for Democratic Institutions and Human Rights (2018), ODIHR Needs Assessment Mission Report, Available at: <https://www.osce.org/odihr/elections/latvia/387665?download=true>, Last assessed: 04.01.2019
6. The Corruption Prevention and Combating Bureau (2017), General report 2017, Available at: https://www.knab.gov.lv/upload/2018/knab_01022018_zinojums_2017rezultati.docx, Last assessed: 04.01.2019

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 €1,800 must be made public and there is an expenditure limit (about €765,000) linked to the number of voters. Attempts by the ruling parliamentary majority in 2018 to change state budget allocation rules to secure funding for the newly established Lithuanian Social Democratic and Labor party, part of the ruling parliamentary coalition, failed after the president vetoed the parliament's effort to borrow additional funds.

Campaign-finance regulations are detailed, and sanctions for violating the law were recently increased. However, since third parties can potentially circumvent the legal prohibitions and directly finance electoral campaigns, following the 2016 parliamentary elections, the OSCE suggested clarifying the term "third parties" for campaign-finance purposes, and extending regulations affecting donations, expenditure limits and reporting requirements to cover these groups. For instance, the Lithuanian Central Electoral Commission found the Liberal Movement guilty of gross violations of the law on campaign financing because of a financial donation received from a third party during the electoral campaign. Furthermore, implementation of the rules should be more closely monitored and enforced. For example, the Labor party, part of the 2012 to 2016 coalition government, was taken to court for failing to make public about €7 million in income and expenditure through the 2004 to 2006 period. After several years examining the case, the appeals court found two party members and one party official guilty of fraudulent bookkeeping, though they escaped prison sentences. The Lithuanian Prosecutor General's Office has appealed this ruling to the supreme court. Also, in November 2018 the Central Electoral Commission ruled that the Lithuanian Social Democratic party had seriously violated the campaign-finance regulation by exceeding the limit for political advertising during the 2016 parliamentary elections, sanctioning the party with a 6-month suspension of funding. The party announced that it will appeal the decision.

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>.

OSCE/ODIHR Election Assessment Mission Report on the 2016 parliamentary elections in Lithuania, see <http://www.osce.org/odihr/elections/lithuania/296446>

Poland

Score 7

Party and campaign financing regulation as such is clear and effective. While party financing is regulated 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 (KBW), the executive body of the National Election Commission (PKW). Monitoring is strict, but focuses exclusively on 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. Other problems include the insufficient coverage of pre-campaign spending, the short window of time in which objections can be raised by the National Election Commission, and the lack of detail transparency in commission reports of electoral committee revenues and finances. A 2014 amendment to the Political Parties Act limited parties' risk of losing money as a result of minor accounting mistakes. However, the fact that an election committee's financial and criminal liability rests with its financial officer makes it difficult to find individuals willing to be nominated to the position. A referendum in September 2015 put the reform of party financing on the public agenda, but the measure failed due to low voter turnout. Debates about party and campaign financing rules have also been prompted by decisions of the National Election Commission (PKW) to sanction two opposition parties for procedural errors and inaccurate bookkeeping. While the rules for financing parties and campaigns have been left unchanged, the new method for appointing members to the PKW and the National Election Office (KBW) will increase political control of these two bodies, and might ultimately make the control of party and campaign financing more selective.

Citation:

OSCE/ODIHR (2016): Election Assessment Mission Final Report Poland: Parliamentary Elections 25 October 2015, Warsaw, 10-12 (<http://www.osce.org/odihr/elections/poland/217961?download=true>).

Sadurski, W. (2018): Who will Count the Votes in Poland? in: *Verfassungsblog*, February 26 (<https://verfassungsblog.de/who-will-count-the-votes-in-poland/>).

Sawicki, A. (2015). *Finansowanie partii politycznych i kampanii wyborczych w Polsce*. Warszawa: Instytut Spraw Publicznych.

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 (i.e., around €8,200). 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. In March 2018, the largest opposition party, Janez Janša's Slovenian Democratic Party (SDS), was indicted by the Court of Audit over two loans it took from Bosnian citizen Dijana Đudić, which totaled €450,000, as the law puts the annual ceiling for party loans from individuals at ten times the value of the average gross monthly salary (i.e., about €16,500). SDS admitted the mistake, returned the money and canceled the loans. During local elections, municipalities autonomously set campaign financing for political parties.

Austria

Score 6

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 and 2017 campaigns 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 these private flows as can be seen in the overspending of parties (like the ÖVP) during the electoral campaign 2017.

The presidential elections of 2016 demonstrated that the regulations concerning party financing do not include presidential elections. Presidential elections are officially seen as electoral contests between persons and not political parties. But as the candidates are usually nominated and backed by parties, exempting presidential elections from an overall system of campaign finance regulation must be seen as inconsistent.

Citation:

Hubert Sickinger, "Politikfinanzierung in Österreich." Vienna 2009 (Czernin)

Chile

Score 6

In general, party and campaign financing processes have not been very transparent in the past. Upper limits to campaign financing are set by law, but enforcement and oversight are 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 mechanisms for applying penalties in the event of irregularities. Law No. 20,640, approved in October 2012, made it possible for a political coalition to support candidates on a joint basis. This process is voluntary and binding, and joint campaign expenditures are limited by the current public-transparency law (Ley de Transparencia, Límite y Control del Gasto Electoral). This limit is set at 10% of the amount allocated for normal elections.

At the end of 2014, wide-ranging evidence of corruption in political-party funding came to light. As the investigation progressed, more and more politicians and political parties have turned out to be involved, across the political spectrum. Known as "Pentagate," the scandal reached such a dimension that the former head of the Chilean General Accounting Office (Contraloría de la República) said in his end-of-term speech in April 2014: "We can't shut our eyes, corruption has arrived." The scandals have been particularly striking given that Chile has always tended to be considered an exception to the endemic corruption found elsewhere in Latin America.

As a response to this crisis, President Bachelet convoked an anti-corruption council that proposed several anti-corruption measures, including new restrictions on private

campaign funding, which were largely enacted in April 2016. With the new Law No. 20,900, which modifies former Law No. 19,884, a higher base amount is provided by the state for electoral campaigns, but enterprises are barred from providing funding to political parties or campaigns. In addition, anonymous donations have become illegal and all donations must be transparently registered.

The lawsuits, which concluded during the period under review (2017 – 2018), regarding the previously mentioned corruption scandals, tended to impose rather light sanctions. At the time of writing, it remains to be seen how the new law will effect electoral campaigns and political financing, and if the responsible authorities will be able to monitor the law's adherence.

Citation:

<http://www.servei.cl/financiamiento-de-campanas/>

<http://www.latercera.com/noticia/politica/2016/04/674-676080-9-estas-son-las-normas-que-fija-la-nueva-ley-para-regular-el-financiamiento-de.shtml>

<http://www.emol.com/noticias/Nacional/2018/07/04/912103/Caso-Penta-Tribunal-acoge-juicio-abreviado-y-condena-por-delitos-tributarios-a-Lavin-y-Delano.html>

Greece

Score 6

Party financing for national elections is regulated by law 4304/2014, which adheres to guidelines established by the Council of Europe, constrains the size of budget outlays to parties, increases transparency regarding donations to parties and bars the practice of parties' obtaining bank loans against future revenue which the parties expect to receive from the state. Every year, the interior minister issues a ministerial ordinance which distributes funds to parties which have received at least 1.5% of the total vote in the most recent elections.

In the past, state-owned and private banks lent millions of euros to Greek political parties. However, the banks proved unable to force the parties repay their loans, as successive governments protected over-indebted parties. For example, while the aforementioned 2014 law provided that banks could confiscate assets from political parties up to 90% of the debt owed to them, in July 2017 the Syriza-ANEL coalition government reduced this value to 60% of the total debt owed.

A new state committee, the monitoring mechanism of electoral campaign spending, has been established under an August 2016 decision of the Greek parliament. However, monitoring remains ineffective and the real sources of party financing are not fully known. Under pressure from the Council of Europe and other international organizations, Greece has over time improved national legislation on party financing. New legislation was passed during the period under review (laws 4472/2017 and 4509/2017). This legislation was necessary because previous reform efforts had not been fully implemented. Despite improvements, there remains an implementation gap regarding rules for party financing; Greece's record on this front remains mixed.

Citation:

The reactions of the Council of Europe to Greece's changing legislation are available at <https://www.coe.int/en/web/greco/-/greece-council-of-europe-anti-corruption-group-offers-praise-and-criticism>

Japan

Score 6

Infringements of the law governing political-party financing are common in Japan. To some extent, the problems underlying political funding in Japan are structural. Under the multi-member constituency system that existed until 1993, most candidates 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.

No major campaign-finance scandal surfaced during the period under review. Still, it is disappointing that no action has been taken to revise the existing laws despite the past recurrence of such issues.

Citation:

Philip Brasor, Fundraising loopholes, a political norm, The Japan Times, 15 July 2017, <https://www.japantimes.co.jp/news/2017/07/15/national/media-national/fundraising-loopholes-political-norm/>

Portugal

Score 6

Political-party funding oversight lies with the Constitutional Court (Tribunal Constitucional), which has a specific independent body tasked with monitoring party financing and accounts – the Entidade das Contas e Financiamentos Políticos (ECFP). There are two main sources of funds for political parties. First, the state provides funding to all parties that received vote shares above a certain threshold in previous elections (over 100,000 votes in the case of legislative elections); second, parties receive private contributions, which must be registered with the electoral commissions of each of the parties at the local, regional and 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 delay. For instance, the reports and decisions regarding the 2015 campaigns were published in July 2018, more than two and half years after the elections.

As noted in previous reports, ECFP reviews do identify irregularities and/or illegalities. However, 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 resources, which limited its capacity to monitor party and election funding fully.

This situation appears to have worsened during the period under review due in part to changes to the party financing law, which came into effect in 2018. In particular, these measures increased the number of competencies of the ECFP, without increasing its resources (particularly staff numbers). In July 2018, it was reported that the fines applied to political parties for financing irregularities in 2009 were no longer applicable as they had expired, as defined under the statute of limitations.

In September 2018, the ECFP took the unprecedented step of publicly stating that it was in a state of “near break down” and that it would almost certainly be unable to assess all party accounts. Overall, there appears to have been a substantial reduction in the capacity to oversee party financing during the review period, a pattern confirmed by the ECFP and also noted in the former head of the ECFP’s assessment of the new legislation.

Citation:
ECFP (2018), Deliberação, available online at:
http://www.tribunalconstitucional.pt/tc/file/deliberacao_texto_integral.pdf?src=1&mid=4601&bid=3582

Financiamento dos Partidos Políticos e das Campanhas Eleitorais – legislation, available online at:
http://www.parlamento.pt/legislacao/documents/legislacao_annotada/financiamentopartidospoliticoscampaanhaseleitorais_annotado.pdf

Público (2017), “A Entidade passa a ter muito mais competências, mas muito menos poderes,” available online at:
<https://www.publico.pt/2017/12/29/politica/entrevista/a-entidade-passa-a-ter-muito-mais-competencias-mas-muito-menos-poderes-1797503>

<https://www.dn.pt/portugal/.../financiamento-dos-partidos-regressa-ao-plenario-do-par...>

Slovakia

Score 6

After long debate and various failed attempts, new rules on campaign finance were eventually adopted in May 2014 and became effective in July 2015. In October 2018, further amendments to the Act on Political Parties were passed, some of them related to party financing. Financial gifts to political parties from a single donor can no longer exceed €300,000 a year. Other amendments have obliged parties to publish detailed information on loans accepted on their website and to open a central account at the State Treasury to which all financial contributions from the state will be transferred. While the formal rules on party and campaign financing have thus been further refined, their enforcement is still relatively weak.

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 huge scandals in the past. There have also been highly publicized cases where individual party donors have been rewarded by being granted honors. Changes have also been made 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. This recommendation was welcomed, at the time, but has not been introduced.

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), which will be cut following the latest government expenditure review. The previous coalition government pledged to reform party financing but made no substantial progress on the issue. The Conservative government elected in 2015 passed a Trade Union Act, which includes new restrictions on trade union financing for political parties. This will reduce the Labour Party’s income.

United States

Score 6

The U.S. system of political finance has evolved to become only partly transparent. 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) established a regulated and transparent system to monitor contributions to candidate campaigns and political parties. However, so-called independent expenditures (spent on behalf of a candidate, e.g., for advertising, without coordination with the candidate) have been subject to fewer and diminishing constraints. 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, recent elections have seen the rise of so-called Super PACs – political action committees able both to make unlimited expenditures 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).

Candidates of both parties, though especially Republicans, have relied increasingly on independent expenditures originating from extremely wealthy individuals or large businesses. In some cases, the donations are laundered through intermediary organizations to avoid publicity for their source.

Bulgaria

Score 5

Party financing in Bulgaria is regulated by the Political Parties Act originally adopted in April 1990. 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. In addition to the annual reports, parties, coalitions or nominating committees are obliged to submit special financial reports after each electoral campaign. The Audit Office is obliged to publish all these reports online, perform a thorough audit of the reports, and prepare and publish online its own auditing report. Parties are subject to sanctions for irregularities in their financial reporting. The likelihood of political sanctions being exercised is increased by the fact that all reports are made available online.

Despite legal provisions to the contrary, 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. The most recent allegations of illicit financing involve claims by whistleblowers who previously worked for the state agency for Bulgarians abroad that the agency sells Bulgarian citizenship with the proceeds going to one of the parties in the ruling coalition.

A second problem with party financing in Bulgaria is that the legal framework has tended to favor larger parties 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 new parties to emerge without significant private financial support.

In the national referendum that accompanied the presidential elections in November 2016, a majority of three-quarters of voters opted for limiting state subsidies to parties to BGN 1 per voter, down from BGN 11 per voter presently. Since turnout was slightly lower than in the 2014 parliamentary elections, however, the referendum was not binding and parliament has not changed the subsidy so far.

Citation:

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

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. In order to limit the burden on the already strained budget, campaign financing for the snap elections in November 2016 was limited. After the elections, Most-NL insisted on a limit to public party financing as a precondition for forming a coalition with HDZ. As a result, the Law on Financing of Political Activates and Election Campaigns was amended in October 2016 with a view toward limiting the annual financing of political parties.

While the legal framework has improved, public control of party and campaign budgets has remained insufficient. 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 mean that legal restrictions can 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. While the State Audit Office has also begun to carry out systematic audits of the campaign budgets of political parties and individual candidates, it can neither conduct random audits nor react to external complaints.

Iceland

Score 5

The 2006 law regulating the financing of political parties provides three types of public grants. First, an annual grant, proportional 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, proportional to the number of seats in 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 political activity. For example, parties are not allowed to accept more than ISK 400,000 (€3,100) from any private actor, company, or individual.

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

Before the 2007 election campaign, political parties reached an agreement that a maximum of ISK 28 million 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.

The extent to which the rules are circumvented is not well known. Even so, a new method of circumvention came to light in 2018 when it was disclosed that some members of parliament received large sums of money from parliament to pay for travel costs, including travel to visit voters before elections.

Citation:

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).

Lög um breytingu á lögum nr. 162/2006, um fjármál stjórnmálasamtaka og frambjóðenda og um upplýsingaskyldu þeirra nr. 119 21. september 2010.

Kristinsson, G. H. (2007), Íslenska stjórnkerfið. 2. útgáfa. Reykjavík, Háskóli Íslands. (The Icelandic political system. Second edition)

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/>. Accessed 22 December 2018.

Italy

Score 5

State financing was regulated until February 2014 by a 1993 law (Legge del 10 Dicembre 1993 no. 515) 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, no. 13) has significantly reduced 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 only became fully effective in 2017. The main financial source should be the “due per mille” policy, which enables citizens to nominate a political party to receive 0.2% of their income tax. So far, this system has proven highly unsuccessful. In 2015, only 1.1 million out of 41 million people who paid income tax (2.7%) exercised this option. This percentage went down to 2.38% in 2016, a sign of the limited sympathy Italians have for political parties. Private donations are also very low in spite of the fiscal exemptions. An important source are the funds distributed by the two chambers to parliamentary groups, approximately €50,000 for each member of parliament. Part of these funds are transferred to the party organizations, while members of parliament contribute part of their parliamentary salary to their party.

Netherlands

Score 5

Until about a decade ago, political-party finances were not a contested issue in Dutch politics. Financing of political parties comes largely from membership contributions (40% – 50%), “party tax” of elected members’ salaries and acquisitions (festivities, bazaars, dinners) and government subsidies (30% – 35%, or €16.5 billion in 2016). However, newcomer parties like the Pim Fortuyn List (Lijst Pim Fortuyn, LPF), and later the Party for Freedom (Partij voor de Vrijheid, PVV) received substantial gifts from businesses and/or foreign sources, while the Socialist Party (Socialistische Partij, SP) made its parliamentarians completely financially dependent on the party leadership by demanding that their salaries be donated in full to the party.

As government transparency became a 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 Rutte I Council of Ministers introduced a bill on the financing of political parties in 2011, which was signed into law in 2013.

This 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 has been opposed 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. The scope of the law does not yet extend to provincial or local political parties. The law's possible discrimination against newcomer political parties remains an unresolved issue.

In 2018 an ad hoc advisory commission evaluated the 2013 law. Anonymous donations (especially from foreign donors) should be prohibited, and the threshold and conditions for non-disclosure should be changed in favor of greater transparency. In order to strengthen political parties' societal roots, state subsidization in future will privilege the number of party members over the number of parliamentary seats. Provincial and local political parties should also be brought within the scope the law.

Citation:

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

Parlement & Politiek, Partijfinanciering, 2016 (parlement.com, consulted November 9 2016)

Ontvangen politieke partijen giften en subsidies?, 2016 (rijksoverheid.nl, consulted 9 November 2016)

NRC.nl, "Laksheid partijen met regels eigen financiering blijft zorgelijk," 17 May 2017

Rijksoverheid, Buitenlandse financiering politieke partijen aan banden, 2 January 2018 (rijksoverheid.nl, accessed 25 October 2018)

Romania

Score 5

The legal framework for party and campaign financing was amended in 2016. One important amendment has required parties to declare all contributions received along with the sums earmarked for television ads and posters while identifying the contributors. A second amendment strengthened the obligation of parties to document the use of public funds, which constitute a significant portion of party resources. While these amendments have enhanced the transparency and accountability of party financing, other changes have pointed in the opposite direction. In early 2016, the two biggest parties, PSD and PNL, both highly indebted, colluded and reduced the possibility for creditors to get their money back from parties. However, the main problem still is lagging implementation. 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 their declared resources, and true donor support exceeds parties' stated income. Sanctions are rare even in cases of blatant legal breaches.

South Korea

Score 5

Since being enacted in 1965, the Political Fund Act in Korea has undergone 24 revisions for the purpose of guaranteeing that political funding is fairly and transparently provided. According to financial reports submitted by political parties in 2015, the total amount of membership fees collected from party members was \$52 million, representing only 25.8% of the parties' total income of \$201.3 million. Parties also receive public subsidies according to their share of the vote in the most recent previous election. However, a larger share of campaign financing comes from private donations. Today, many election candidates raise funds in the form of special investments. A system encouraging people to report illegal electoral practices, introduced in 2004, has played a positive role in reducing illegal campaign financing. 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 funding law emerge after almost every election, and many elected officials or parliamentarians have lost their offices or seats due to violations. However, breaking the election law carries little stigma. For example, after the 2016 general election, Ahn Cheol-soo resigned as co-leader of the People's Party following a party financing scandal, but was still nominated to be his party's presidential candidate in the May 2017 presidential elections.

Citation:

OECD. Korea – Financing Democracy. February 4, 2016.

http://www.keepeek.com/Digital-Asset-Management/oecd/governance/financing-democracy/korea_9789264249455-12-en#page1

"People's Party lawmaker appears for questioning over rebate allegation," The Korea Herald, 23 June 2016.

<http://www.koreaherald.com/view.php?ud=20160623000719>

"People's Party falls into crisis as Ahn resigns," The Korea Times, 29 June 2016.

http://www.koreatimes.co.kr/www/news/nation/2016/08/116_208219.html

Spain

Score 5

Under the current rules, political parties are deemed private associations with a mixed revenue system. They are assigned funds from the public budget in proportion to their parliamentary representation, but can also collect private money from individuals (including in the form of largely insignificant membership fees) and corporations. The law was reformulated in 2015 as part of an anti-corruption plan aimed at increasing transparency and imposing sanctions following the emergence of a significant number of scandals in previous years. It imposes spending thresholds in

electoral campaigns, and contributions made by businesses are at least in theory subject to limits and conditions (e.g., anonymous donations are forbidden, and companies that supply goods or services to the state cannot contribute to campaigns).

The Audit Office (Tribunal de Cuentas) is the body charged with auditing the parties' accounts but has no capacity to control them effectively. This office suffers from a lack of political independence, since its members are appointed by the parties themselves. It also lacks staff resources, with audit reports typically published only after delays. During the period under review, in the Gürtel case, the National Court ruled that the PP had obtained funds illegally, and a former PP treasurer linked to illegal cash contributions and party donations was also found guilty. As a consequence of this scandal, Prime Minister Mariano Rajoy was ousted in no-confidence vote, and was replaced by the socialist Pedro Sánchez. However, the Socialist party (and the Catalan nationalist CDC, now renamed as PDeCAT) has also been involved in corruption scandals related to illegal party financing. Today, all parties have outlined anti-corruption policies and signed transparency commitments.

Citation:

Ahumada, (coord.) (2018), Informe sobre la Democracia en España 2017, Fundación Alternativas. http://www.fundacionalternativas.org/public/storage/publicaciones_archivos/c4ce50790447eaa82d49984032c55b91.pdf

Malta

Score 4

Malta passed its first party financing law in July 2015, which requires that political parties should be subject to international standards of accounting and auditing; cannot accept donations from companies associated with the government; cannot accept donations from entities, foundations, trusts and nominees whose beneficiaries are unknown; donations in excess of €7,000 must be recorded online and reported to the Electoral Commission; and donations from individuals must be capped at €25,000. As a consequence of this legislation, political parties have been required since 2016 to publish details on the financing of their electoral campaigns. However, the effectiveness of this legislation has been challenged by a loan scheme launched in 2016 by the opposition party, which it claims allows it to keep the names of donors secret. The electoral commission lacks the power to ensure compliance since it is unable to control sources of income beyond donations. Other flaws of the new legislation include the absence of a requirement to use a designated bank account or to disclose donations to entities owned by political parties as well as an excessive disclosure threshold, a failure to cap spending at €2 million, and a lack of detailed and timely reporting. It has also been noted that there is insufficient harmonization of the regulations relating to the Financing of Political Parties Act (FPPA) and General Elections Act, raising concerns over which act would take legal precedence. The role of the electoral commission as the appropriate body to act as investigator and adjudicator with regard to the FPPA has also been questioned. Indeed, a recent Constitutional Court ruling stated that the law allowing the Electoral Commission to

act as investigator, prosecutor and judge breached the constitution and Article 6 of the European Convention. The government has stated that it will develop amendments to the law; however, the precise role of the party financing watchdog remains uncertain in the meantime.

Citation:

<http://www.timesofmalta.com/articles/view/20150721/local/pns-conditional-yes-to-party-funding-bill.577469>

http://www.maltatoday.com.mt/news/national/55315/party_financing_bill_passes_into_law_both_parties_vote_in_favour#.ViNkq34rKM8

Party Financing a lost opportunity Malta Today 23/07/2015

<http://www.timesofmalta.com/articles/view/20160917/local/pn-refusing-to-disclose-cedoli-scheme-donor-details.625240>

<http://www.timesofmalta.com/articles/view/20160911/local/cedoli-make-3m-as-pn-prepares-for-an-election.624637>

tvm.com.mt 09/12/15 Malta off GRECO blacklist thanks to legislation on party financing

Times of Malta 07/11/17 Four Electoral Commission Members opted not to apply party financing law fearing human rights breach.

<https://www.timesofmalta.com/articles/view/20170708/opinion/Sound-party-finances.652699>

<https://www.timesofmalta.com/articles/view/20170312/editorial/time-to-clean-up-party-funding.642120>

<https://www.timesofmalta.com/articles/view/20180510/local/pn-appeals-party-funding-investigation-decision.678761>

Malta Today -8/10/12 Constitutional Court finds for PN in party financing case

Times of Malta 14/10/18 State of limbo looming for party financing watchdog

Mexico

Score 4

Mexico's elections are highly regulated by the state. This reflects a history of electoral fraud and rigged elections which resulted in distrust between parties and a desire to formalize rules. The National Electoral Institute (INE) is in charge of monitoring party compliance with electoral rules and regulations. It is also responsible for administering and auditing the public funding of parties.

By international comparison, public funding of political parties in Mexico is extremely generous. Political parties are mostly financed by the state and there are restrictions on the amount of fundraising permitted. INE also coordinates campaign advertisements for parties. Electoral expenditures have been similarly controlled. INE can and does impose significant sanctions on political parties if they fail to comply with funding rules. However, oversight is incomplete and INE audits have revealed illegal undisclosed funding to parties.

In 2018, registered parties received more than MXN 2 billion for campaigning and more than MXN 4 billion for permanent activities, a total of more than MXN 6.5 billion. PRI received more than MXN 1.6 billion, PAN more than MXN 1.2 billion, PRD a bit less than MXN 800 million, MORENA a bit more than MXN 600 million. The campaign 2018 was the most expensive in Mexican history.

While INE's bureaucracy is by and large efficient and impartial, the weak rule of law and ineffective criminal courts undermine the integrity of elections. According to media reports concerning illegal campaign financing, for every peso spent legally, an estimated MXN 15 was spent illegally. Funds are often misused for vote-buying. Shortly after the elections, INE fined MORENA MXN 197 million for misusing a solidarity fund for victims of the 2017 earthquake. Almost MXN 65 million were

spent without records. Morena's main rivals, PRI and PAN, were also fined, although their fines were not as high. As previous examples of party financing scandals have shown (e.g., PRI MONEXGATE 2000, PAN AMIGOS DE FOX 2000 and PEMEXGATE 2012), illegal campaign financing had been proven and sanctioned years later, but without any effect on elections or campaigns.

Citation:

<https://www.bbc.co.uk/news/world-latin-america-44884993>

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, political parties must prepare yearly statements of revenues and expenditures, at both the party-headquarters and provincial levels. However, Turkish law does not regulate the financing of party or independent-candidate electoral campaigns. Presidential candidates' campaign finances are regulated by Law 6271; these candidates can legally accept contributions and other aid only from natural persons having Turkish nationality. However, the Supreme Election Board (SEB) has allowed political parties to organize campaign activities and purchase advertisements for their candidates in a way unregulated by law. Thus, the state aid provided to the political parties can be used indirectly for presidential-campaign activities. The SEB has not published the accounts of Turkey's main parties since 2015. Therefore, it is unknown how much political parties spent on campaigning over the last two presidential elections. Excluding Erdoğan, presidential candidates collected about €5.3 million (TRY 32 million) in donations from eligible people.

The cap on donations to political parties from private individuals is reviewed each year. In 2018, the limit was approximately €7,072 (TRY 42,434). However, donations are rarely properly and systematically recorded. For example, cash donations and in-kind contributions to, and expenditure on behalf of parties or candidates during elections are not recorded. The funds collected and expenditure incurred by elected representatives and party candidates (e.g., during election campaigning) are not included in party accounts. There is no legal ceiling on campaign spending. The finances of candidates in local and parliamentary elections are 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.

Party accounts published in the Official Gazette provide only general figures and potential infringements. The accuracy of the financial reports posted by political parties online needs to be examined. Pursuant to Article 69 of the constitution, Article 74 of Law 2820 stipulates that the Constitutional Court, with the assistance of

the Court of Accounts, examines 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. Only three out of approximately 800 auditors of the Court of Accounts are mandated to audit party and campaign finance. The Constitutional Court and the SEB, the two institutions mandated with oversight powers, do not have expertise in auditing. The Constitutional Court's examination of the main political parties' accounts tends to be slow and can take longer than three years. Auditing decisions by the Constitutional Court are published in the Official Gazette. The SEB's review report on presidential candidates' campaigns must be announced within a month of the audit's completion. However, the law does not specify when the audit should be completed. Law 2820 contains criminal, administrative and civil sanctions on political parties' unlawful income or expenditures, with fines accruing to the state treasury. However, the lack of substantial oversight reduces the transparency, integrity and accountability of political finances.

Critics have argued that discretionary funds (e.g., unemployment funds) controlled by the government and the president were used for the ruling party's 2018 campaigns. An OSCE-ODIHR report also underlined that the ruling party was using public facilities illegally during the election campaign, which contradicts the distinction between state and party, and international good practice.

Citation:

GRECO, Fourth Interim Compliance Report on Turkey, 4-8 December 2016, <https://rm.coe.int/third-evaluation-round-fourth-interim-compliance-report-on-turkey-incr/1680792e28> (accessed 27 October 2018)

OSCE - ODIHR, Early Presidential and Parliamentary Elections Republic of Turkey 24 June 2018 , ODIHR Election Observation Mission Final Report, <https://www.osce.org/odihr/elections/turkey/397046?download=true> (accessed 27 October 2018)

Ö. Faruk Gençkaya, "Financing of Political Parties and Electoral Campaigns in Turkey," S. Sayar, P. Ayan-Musil and Ö. Demirkol, *Party Politics in Turkey: A Comparative Perspective*, Routledge, 2018.

"İşsizlik Sigortası Fonu Seçimler İçin Kullanılıyor," 21 June 2018, <https://m.bianet.org/bianet/siyaset/198366-issizlik-sigortasi-fonu-secimler-icin-kullaniliyor> (accessed 27 October 2018)

Cyprus

Score 3

State funding of political parties and affiliated organizations was established in 1989. The most recent amendment of the law in November 2015, in response to GRECO and other organizations' recommendations, sought to regulate private funding and fight corruption. Financial or other donations up to €50,000 are allowed; the list of donors must be published, except for sums below €500. All party and candidate accounts, including election-related (i.e., income, expenditure, assets and debts), must be audited annually by the auditor general, forwarded to him by the director general of the Interior Ministry (registrar for political parties). Parliamentary candidates have an electoral expenditure cap of €30,000; for candidates for the presidency the ceiling is €1 million. The law lists activities that would constitute corruption and must be avoided by candidates. Non-compliance and corruption are subject to fines and/or imprisonment, depending on the offense.

In its March 2016 report, GRECO noted that most of its recommendations were only partially implemented. Per party and candidate electoral accounts for 2016 were submitted and audited. In his report, the auditor general noted some problems that limit the scope and efficiency of control; among others, the lack of legal obligation in the law for submitting payment documents as well as no clear definition of the term “personal expenses.” Omissions and discrepancies were also observed in accounts for the December 2016 local elections. Published accounts of presidential candidates in the 2018 election were met with skepticism.

The caps set for donations and per-candidate expenses seem excessively high given the small size of the electorate (550,000 voters) and the market. Also, both criteria and procedures for setting the level of annual or extraordinary state subsidies to political parties remain opaque. Despite these weaknesses, adopted regulatory measures constitute a positive step, though they do need improvement.

Citation:

1. Our View: Published campaign spending figures far removed from a full disclosure, Cyprus Mail, 4 June 2018 <https://cyprus-mail.com/2018/04/06/view-published-campaign-spending-figures-far-removed-full-disclosure/>
2. Council of Europe – GRECO, Fourth Evaluation Round, Cyprus, July 2016, [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4Rep\(2016\)7_Cyprus_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4Rep(2016)7_Cyprus_EN.pdf)

Hungary

Score 3

The Orbán government has kept the public financing of bigger, parliamentary parties low. An amendment of the law on party financing in 2013, shifted funds toward individual candidates and smaller parties, thus contributing to the large number of candidates in the 2014 and 2018 parliamentary elections. While it has become easier for small parties to enter the political arena, the political landscape has got more fragmented, to the detriment of bigger opposition parties. The financial gap between Fidesz and the opposition has been large. With membership declining, the non-governing parties have lost revenues from membership fees and have become dependent on rich donors. While Jobbik has benefited from the support by Simicska, the time of tycoons with leftist leanings has passed. Even more importantly, Fidesz has been able to circumvent the restrictions on campaign spending by involving formally independent civic associations and by blurring the boundaries between itself and government campaigns. The government also succeeded in weakening opposition parties by punishing them for alleged financial irregularities. For example, in December 2017, the ÁSZ, the state audit office, pushed Jobbik, its main contender, to the wall by imposing a fine of HUF 600 million. Some other opposition parties were concerned, too, and there was no opportunity to appeal the ÁSZ decisions, which left all opposition parties with limited financial resources for their election campaigns.

Citation:

OSCE/ODIHR (2018): Hungary – Parliamentary Elections, 8 April 2018. Limited Election Observation Mission Final Report. Warsaw, 15-17 (<https://www.osce.org/odihr/elections/hungary/385959?download=true>).

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.

National parties won recognition only in the constitutional revision of 1999 and there remains a deep-seated aversion to public financing. In consequence, there is little to no public scrutiny of party activities, since no public money is at stake. However, a considerable portion of political parties' revenues comes from the subsidies given to party factions in the national parliament or through reimbursement for services; these 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 a form of party financing.

Since 2011, the Council of Europe' Group of States Against Corruption (GRECO) has argued that Switzerland's system of party donations lacks transparency. In 2018, GRECO regretted that no substantial progress has been made in this respect.

In 2017, the required number of signatures for a vote on a popular initiative for transparency have been collected. It would lead to a new constitutional article, stipulating that political parties must name any donors who donate at least CHF 10,000. Similarly, if a person spends more than CHF 100,000 on a federal election or a popular campaign, they must inform the Federal Chancellery and name any donors who gave at least CHF 10,000. The Federal Council has recommended rejecting this initiative; the parliament has not yet begun discussions on the initiative.

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:

- Citizens in a direct democracy are not 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. However, research indicates that voters are willing and able to search and process information as well as open to substantial arguments beyond mere heuristics when making their decision.

- 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. However, recent popular votes indicate severe problems with regard to public knowledge and access to information. For example, according to VOTO 2017, the vote on the tax reform in 2017 was strongly influenced by a “when in doubt vote no” heuristic: citizens who felt uncertain and insufficiently informed voted no. Likewise, the initiative to exit nuclear power was rejected in November 2016 because two-thirds of voters assumed that within the following two years 50% of electricity production would have to be substituted by alternative sources. Although a majority of citizens support exiting nuclear energy, they feared that a swift exit could endanger the security of Switzerland’s energy supply. However, this fear has been proven misplaced. Only 15% of energy production needed to be substituted within a two-year period. If informed correctly, the public would likely have voted for exiting nuclear energy. Hence a lack of information and knowledge led to an outcome from a popular vote that contradicts citizens’ preferences.
- 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. For example, the delayed development of the Swiss welfare state or the belated enfranchisement of women are mainly due to the institution of direct democracy.
- Direct democracy creates incentives for politicians to compromise. This is a unique component of the Swiss political system: the threat of direct-democratic voting is meant to foster compromise in the pre-parliamentary stage and in parliament.
- Particularly in the recent past, direct democracy has created potential conflicts with human rights and international treaties.
- Direct democracy has been successfully used for populist mobilization, in particular recently. A telling example is a February 2014 initiative which led to a new constitutional amendment capping migration. This amendment cannot be reconciled with Switzerland’s bilateral agreement with the European Union on the free movement of labor. Swiss citizens are in favor both of a cap on migration and continued good relations with the EU. While political elites promised voters that the EU would renegotiate the terms of this agreement, the EU stated from the beginning

that it would not renegotiate. As a result, the government and parliament have had to muddle through by not implementing the constitutional amendment.

- The learning capacity of voters is limited. After the failed implementation of a constitutional rule on mass immigration, a third of citizens would even now vote for this failed reform; notwithstanding that a large share of citizens trust that the government is properly handling EU-related matters.
- Frequently, popular initiatives approved by voters and the cantons are only partly implemented through parliamentary legislation.

Citation:

Rinscheid, Adrain and Rolf Wüstenhagen 2016: Meinungsbildungsprozesse bei energiepolitischen Volksabstimmungen. Erste Ergebnisse einer Längsschnittstudie, St. Gallen: Universität St. Gallen/Hochschule für Wirtschaft und Oekologie (https://iwoe.unisg.ch/de/iwoe-news/2016/20161215_ain_studie).

VOTO 2017: VOTO-Studie zur eidgenössischen Volksabstimmung vom 12. Februar 2017, Lausanne/Aarau/Luzern: FORS et al. (<http://www.voto.swiss/etudes-et-donnees/>)

Armingeon, Klaus and Philipp Lutz 2018: Voting against all odds, Bern: University of Bern, unpublished manuscript based on an analysis of the 2017 MOSAiCH-survey.

Armingeon, Klaus 2004: Direkte Demokratie und Demokratie in Europa, in: LeGes – Gesetzgebung & Evaluation 3, Bern: Schweizerische Bundeskanzlei, 59-72.

Heidbreder, Eva, Stadelmann-Steffen, Isabelle, Thomann, Eva, Sager Fritz 2019: "EU Referendums in Context: What can we learn from the Swiss Case?" Public Administration. <https://doi.org/10.1111/padm.12566>.

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 referendums. However, no 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.

In addition to referendums, the parliament approved a new political decision-making instrument in 2010 that allows citizens to put items on the parliamentary agenda, though it 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. Under this new instrument, 38 proposals have been forwarded to parliament since 2011, 26 of which were successful. In 2018 alone, 13 proposals were forwarded to parliament.

In 2012, changes were made to the legislation regulating referendums that required petitions to receive 30,000 initial signatures before triggering a referendum, followed by CVK engagement to gather further signatures totaling one-tenth of the electorate. As of 1 January 2015, a one-step procedure took force that eliminated CVK engagement in the signature-gathering phase, placing the responsibility for gathering the signatures of one-tenth of the electorate with the referendum initiators. These changes were adopted with the presumption that there would be an opportunity to gather signatures electronically; however, no simple, user-friendly mechanisms for electronic signature-gathering have yet been put into place. The new requirements are thus prohibitive for any new referendums.

Over the last 10 years, parliament has periodically considered introducing popular initiatives and referendums into the decision-making process at the local government level, but these proposals have never been enacted.

Citation:

1. Collection of Signatures for Amendments to the Constitution of the Republic of Latvia, Report, Available at: <https://www.cvk.lv/pub/public/29952.html>, Last assessed: 04.01.2019

2. About the Voters' Initiated Draft Law "Amendments to the Citizenship Law," Report, Available at: <https://www.cvk.lv/pub/public/30436.html>, Last Assessed: 04.01.2019

3. Social Initiative Platform ManaBalss.lv, List of Signed Initiatives, Available at (in Latvian): <https://manabalss.lv/page/progress>, Last assessed: 04.01.2019

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 the number of signatures required to trigger a referendum to 100,000. Today, to call a referendum, a total of 300,000 signatures of Lithuanian citizens with 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. A referendum to amend the constitution to introduce dual citizenship has been called by the parliament. The referendum will be held together with the 2019 presidential elections provided that the Constitutional Court confirms its compliance with the constitution. The idea of extending voting beyond one day to increase the chance of yielding a sufficient turnout to make it valid has been debated. Citizens also have the right to propose a legislative initiative (by collecting 50,000 signatures within two months) that, if successful, must be addressed in parliament. Only two citizens'

initiatives secured the necessary signatures to be debated during the 2012 to 2016 parliament. One initiative proposed to control alcohol consumption, while a second proposed a ban on electricity supplied from the new Belarus nuclear power plant to Lithuania. A right to petition also exists, giving individuals the ability to 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 referendums (articles 93 – 100). Referendums 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); referendums 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 referendums 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 the period under review, however, no nationwide referendum was held, only several local ones took place along with the municipal elections. Moreover, the trade unions have started to collect signatures to initiate a referendum on capping the increase in the retirement age.

Slovenia

Score 8

Slovenia has a strong tradition of direct democracy. Until a constitutional amendment in May 2013, referendums 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 referendums 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 referendums 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 referendums were tightened and the period for which parliament is bound to the results of a referendum was reduced. As a result, the number of referendums has fallen. In the period under review, only one national referendum was held. On 13 May 2018, citizens had the chance to vote for the second time on

the construction of a second track along the railway line connecting Koper (Slovenia's only seaport) to the Divača logistics hub. The referendum, originally conducted in September 2017, was repeated because of irregularities identified by the Supreme Court, which mostly concerned the government's unacceptable use of taxpayer money during the referendum campaign. The referendum had originally been initiated by an organization of local citizens, the Taxpayers Standing Our Ground, which claimed that the government's finance model was prone to corruption and inflated payouts. However, voter turnout in the second referendum was again very low (15%). While 50.1% of voters opposed the act, voter turnout was too low to make the result binding on the government.

United States

Score 8

Popular decision-making mechanisms do not exist in the United States at the federal level. But 24 of the 50 state governments and many local governments provide for some form of direct democracy – with ballot measures giving citizens the opportunity to discuss and vote on public policy and/or constitutional issues. In around 30 states, petitions can force special elections in which voters decide whether to remove or retain one or more challenged elected officials. In several states, a recall with sufficient signatures can launch a by-election for any reason. States or cities have adopted measures granting or restricting rights for the LGBTQ community, legalizing marijuana, mandating certain expenditures, limiting taxes, setting mandatory criminal sentences and other provisions. The contribution of these direct-democracy practices to sustainable governance is controversial.

Bulgaria

Score 7

There are several forms of direct democracy in Bulgaria, at both the local and national levels. The set of eligible issues is limited, as budgetary issues cannot be addressed in municipal or national referendums. At the national level, in addition, 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 referendums. Citizens' committees can address the National Assembly to call a referendum if they collect at least 200,000 signatures in favor of holding a referendum. If the number of signatures exceed 400,000, the Assembly is obliged to call a referendum. Parliament can, within certain limits set by the law, edit the questions posed. The outcome of referendums is binding only if voter turnout is higher than in the last general election.

In recent years there has been a sudden spurt of referendums, with one in 2013, one in 2015 and one referendum on three different proposals in November 2016. However, in none of the referendums was turnout strong enough to make the results

obligatory for parliament. In the period under review, no national referendum was held or initiated.

Requirements for local referendums are less stringent than for national, and 10% of voters with permanent residence in the municipality can make a binding proposal for a referendum. If more than 40% of voters with permanent residence participate, the local referendum is binding for the local government. There were three local referendums in 2017. In one of them, turnout was sufficiently high to ensure that the result was binding on the municipal council.

Canada

Score 7

On the federal level, there are few opportunities for Canadians to make binding decisions on matters of importance to them through popular initiatives or referenda; on this level, it is impossible to circumvent the 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:

Forum Research. Media Release July 6, 2016, Two Thirds See Need for Referendum on Electoral Reform, posted at <http://poll.forumresearch.com/post/2547/two-thirds-see-need-for-referendum-on-electoral-reform/>

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

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. Ordinary 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 proposal must collect at least 500,000 signatures and the referendum is only valid if there is a turnout of at least 50%. Between 1974 and 2016, 67 referenda took place. There are some limited restrictions to the issues that can be submitted to a referendum.

Referenda have had a substantial impact at national level, including ending the use of nuclear energy following the Chernobyl disaster. In some cases, however, the effects of a successful referendum have been overturned by parliamentary laws which while

paying formal respect to the referendum results have, in practice, reestablished in new forms some of the rules that had been abrogated.

Confirmative referenda may be promoted on constitutional reforms approved without a two-thirds parliamentary majority. A recent case was the referendum of December 2016, which rejected the broad constitutional reform promoted by the Renzi government. Consultative referenda were promoted in October 2017 by the Lombardy and Veneto regions, which proposed increasing regional autonomy. The final decision, however, will depend on the outcome of negotiations between the central state and regions.

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. At local and regional levels, popular decision-making is rarely used effectively.

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 referendums cf. <https://www.scb.se/hitta-statistik/statistik-efter-amne/demokrati/allmanna-val/folkomrostningar-valresultat/>.

Croatia

Score 6

While the law provides for some forms of popular decision-making, there is no strong tradition of organizing and holding referendums 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 referendums have also been rare; only a few have ever taken place. However, the success of the referendum on the constitutional definition of marriage in early December 2013 ushered in a wave of initiatives in following years. In mid-June of 2018, conservative NGOs requested the Sabor to initiative two referendums. The initiative "The People Decide" called for the number of members of parliament to be cut from 150 to 120, for an increase in preferential voting on party slates from one to three votes, and for a

restriction in minority members of parliament's voting rights. The initiative "The Truth about the Istanbul Convention," strongly supported by the Catholic Church, mobilized against the ratification of the Istanbul Convention. Asked by the Sabor to check the number and authenticity of the collected signatures and the lawfulness of their collection, however, the government found that more than one-tenth of the almost 750,000 signatures provided by the two initiatives were invalid, so that the required thresholds were missed. In February 2019, the Sabor eventually declined calling the two referendums.

Finland

Score 6

In 1987 government incorporated referendums into the Finnish constitution. The provision, laid down in the Law of Procedures in Advisory Referendums, enable advisory referendums to be called by parliament by means of special laws that specify the date of voting and establish the alternatives to be presented to the voters. There are no minimum participation rates or required vote majorities specified. Since that time, only a single national referendum has taken place, in 1994. This addressed Finland's entry into the European Union.

While this mechanism does not enable direct citizen participation in public policymaking, a constitutional amendment in 2012 introduced a popular-initiative system. This system requires parliament to consider any petition that receives 50,000 signatures or more within six months. However, citizens do not themselves have the opportunity to vote on the initiative issues, as the right of decision and agenda-setting remains with the parliament. The first initiative to receive enough signatories to be submitted to parliament was on the prohibition of fur farming; it was subsequently rejected. A later initiative concerning same-sex marriage also received a sufficient number of signatories and was approved by the parliament after a heated debate. In 2017, an initiative to repeal this decision received more than 100,000 signatures, but was rejected by parliament. Since its establishment, about 800 initiatives have been brought up, of which 24 were submitted to the parliament for debate. At the time of writing, about 40 initiatives are being lined up for consideration by the parliament. The Ministry of Justice maintains an online platform for citizens' initiatives.

The Finnish system also allows for citizen-initiated municipal referendums. However, municipal authorities determine how such referendums are conducted and 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.

Online platform for citizen initiatives; <https://www.kansalaisaloite.fi/fi>

Henrik Serup Christensen, Maija Karjalainen and Maija Setälä, *Kansalaisaloite poliittisen yhdenvertaisuuden näkökulmasta*, pp. 435-456 in Kimmo Grönlund and Hanna Wass, eds. *Poliittisen osallistumisen eriytyminen*, Helsinki: Oikeusministeriö, Selvityksiä ja ohjeita 28, 2016.

Germany

Score 6

In Germany, referenda are of importance on 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 grown in use since German unification, with their increasing frequency bolstered by legal changes and growing voter awareness. However, discussions about introducing referenda on the federal level are ongoing and intensifying.

From 1946 to 2016, 349 direct democratic procedures took place on the state level. 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. The main themes had been education/culture (about 25%) and democracy, state organization, and domestic politics (about 25%). Most commonly used are direct democratic procedures in Hamburg (30.4%), Baden-Wuerttemberg (26.2%), and Berlin (21.7%).

On the municipal level, there were 7,503 procedures between 1956 and 2017, with more than half since 2003, showing the strong growth over the last two decades.

Citation:

Mehr Demokratie (2017): Volksbegehrensbericht 2917

https://www.mehr-demokratie.de/fileadmin/pdf/volksbegehrensbericht_2017.pdf

Mehr Demokratie (2018): Bürgerbegehrensbericht 2018

https://www.mehr-demokratie.de/fileadmin/pdf/2018-12-04_BB-Bericht2018.pdf

Luxembourg

Score 6

Since 1919, the constitution of Luxembourg allows referenda (Article 51, Paragraph 7). A modification of a constitutional article introduced the possibility of using a referendum to revise the constitution (Article 114). Direct democracy, in the form of referenda, is possible but not a central aspect of Luxembourg's political system. A 2005 law outlined the steps needed for a referendum to be held at the national level. The procedure can be initiated either by a parliamentary act or popular initiative. In the latter case, at least 25,000 citizens of Luxembourg must demand a referendum. Since Luxembourg is a small country, this threshold is significant and may explain why only five referenda have taken place since 1919. All referenda resulted from parliamentary or governmental initiatives, including the one in 2005 that sought approval for the EU constitutional treaty.

The first consultative referendum took place on 7 June 2015. In this referendum, all three reform proposals were rejected by very large majorities.

The Local Government Act of 1988 (Article 35) addresses the issue of referenda at the municipal level. One-fifth of registered electors must demand a referendum; local referenda, however, 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.

Each member of parliament represents an average of just 10,000 citizens; which means citizens have relatively easy access to their representatives. The country's territorial breakdown produces small units (in 2018, there were a total of 102 communes/ municipalities), which all claim to be in direct contact with citizens. On the other hand, Luxembourg is flooded with citizen initiatives, an informal way to impose views on the political establishment, especially regarding environmental issues.

Furthermore, citizen participation increased due to a new process of online petitions. Online petitions with at least 4,500 signatures must be forwarded to the parliament's petitions commission, as well as to a parliamentary commission for further debates.

Between July 2014 and July 2018, a total of 660 petitions were submitted. Luxembourgers were most frequently affected by issues concerning traffic and traffic safety, and 18.5% of all petitions were related to traffic issues. Petitions on public facilities (7%) and on taxes (6.5%) were also popular. Nevertheless, many petitions were considered inadmissible by the commission (75 in 2017) because they did not represent a general interest.

If a petition achieves 4,500 or more signatures, the “petitioners” may speak to government members and raise their concerns, as well as other petitioners’ concerns. In some cases, the petitions have a high media impact. Some petition initiators try to attract attention with public campaigns, especially on social media. Thus, petitioners’ concerns often achieve much more than just an opportunity to present before politicians, they stimulate a public debate.

Citation:

“Exercising the right to petition the Chamber of Deputies.” <https://guichet.public.lu/en/citoyens/citoyennete/democratie-participative/depot-requetes-petition/petition-chambre-deputes.html>. Accessed 22 Oct. 2018.

“Signature d’une pétition publique.”

<https://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Petitions/SignerPetition>. Accessed 22 Oct. 2018.

Dormal, Michel: “Participation citoyenne, débat constructif, discussion éclairée?”

Online-Petitionen in Luxemburg.” Forum.lu, no. 355. <https://www.forum.lu/article/participation-citoyenne-dei%20bat-constructif-discussion-ei%20clair%20e/> Accessed 11 Nov. 2018.

Poland

Score 6

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. The Sejm must decide on whether to call a referendum when a referendum petition is backed by 500,000 voters. Moreover, a total of 100,000 voters can collectively submit a draft bill (“popular initiative”), which the Sejm then has to pass or reject. So far, however, out of the many referendums organized in Poland, only the one addressing Poland’s entry into the European Union in 2003 has recorded voter turnout sufficiently high to make the results binding. Under the PiS government, various groups have used popular initiatives to submit draft bills to the Sejm. Since the 2015 elections, however, no national referendums have been held. In 2017, the PiS majority in the Sejm rejected a referendum on the government’s controversial education reform for which the teachers’ union had collected more than 900,000 signatures. In July 2018, the Senate vetoed President Duda’s initiative to hold a referendum on the constitution, which had passed the Sejm, out of fear that voter turnout rates would be low, and with additional concerns over ambiguous provisions.

Citation:

Winczorek, P. (2014): Kilka uwag o polskich referendach, in: *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 76(2) (<https://doi.org/10.14746/rpeis.2014.76.2.11>).

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. They cannot initiate the process. Some of these referendums 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 referendums are mandatory in the case of parliament-proposed changes to the constitution. Constitutional amendments must be approved in a referendum and the result is binding. In addition, states and territories may also hold referendums on issues other than constitutional amendments.

The Citizen Initiated Referendum Bill, which would have enabled 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%20Library/Handbook/43rd_PH_Part5.aspx

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 affects significant 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 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 federal states). 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.

The incoming ÖVP-FPÖ coalition government has declared that access to plebiscites will be made easier by reducing the number of signatures required to guarantee a direct-democratic decision. Nonetheless, the coalition government has been caught in a dilemma regarding a promise to make access to plebiscites easier. In 2018, the government ignored a public initiative against a government decision to postpone the implementation of rules to make restaurants and cafés completely smoke-free. This was due to the FPÖ's interest in positioning itself as the defender of smokers who see themselves as victims of “political correctness.”

Czechia

Score 5

In Czechia, there is no legal framework for referendums at the national level. On the municipal and regional level, referendums exist and are held on issues such as mining, 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 the period under review, no regional referendum took place, but there were 13 local referendums. The introduction of referendums at the national level was an important issue in the 2017 election campaign and is likely to remain on the political agenda. It is advocated most clearly by Okamura's radical-right Party of Freedom and Direct Democracy (SPD) and by the Communists, who set it as a condition for their silent support for the Babiš government, with ANO also indicating support. Other parties have some reservations concerning how far results should be binding and whether a referendum should also cover membership in international bodies (EU and NATO). Disputes over details mean that no proposal for the necessary constitutional amendment has as yet been presented.

Hungary

Score 5

The 2011 constitution has 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 to a 50% participation threshold. For the weak and fragmented opposition, referendums could have become the most important means of mobilizing support and expressing dissent. A case in point is the successful mobilization for a municipal referendum in Budapest against the 2024 Olympic Summer Games. In January 2017, a group of young activists organized a movement called Momentum and launched a campaign against the unpopular Olympic Games, a prestige project of the Orbán government. All opposition parties joined the "NOLimpia" campaign and Momentum succeeded in collecting 266,000 signatures in a short period of time, much more than needed to have a referendum. Realizing the resistance of the citizens, the Orbán government withdrew its bid for the games in February 2017. Inspired by this success, proposals for referendums have become a fashionable instrument for the opposition. However, all initiatives have been refused by the government-controlled National Election Committee (NVB), which enjoys considerable discretion in deciding whether the issues are eligible for a referendum or not. At the same time; the government has continued in carrying out its annual "national consultations," fake referendums that are based on letters to citizens with misleading and manipulated questions.

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 74-year history of the Republic of Iceland, this paragraph has been invoked three times and has twice led to a nationwide referendum.

In 2012, an advisory national referendum was called by parliament. The referendum asked voters six questions, including whether they wanted to use the constitution bill submitted by the Constitutional Council as the basis for a new constitution. Two-thirds of the voters voted “yes.” In addition, 73% voted in favor of introducing a stipulation enabling 10% of the electorate to demand a national referendum. This reform would mean that referring legislation passed by parliament to a national referendum would no longer remain the prerogative of the president alone. However, the parliament is yet to ratify the constitution bill or use it as a basis for a new one. In February 2016, a Constitutional Committee appointed by the parliament presented three bills on changes to the constitution. One of these bills concerns national referendums and what share of the electorate is needed to realize such referendums. In the bill, the minimum of 10% earlier suggested was raised to 15%. The three bills were not discussed in parliament before it adjourned before the October 2016 election. No action was taken concerning the new constitution during the tenure of the Benediktsson cabinet (January 2017 – September 2017). Proposals for further referendums (e.g., on EU membership negotiations) ring hollow when parliament has yet to respect the outcome of the constitutional referendum of 2012.

A law on local government affairs was passed by parliament in September 2011. This law contained a new chapter called Consultancy with Citizens (*Samráð við íbúa*), which includes paragraphs on local referendums 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 are obliged to hold a referendum within a year. However, local councils can decide to increase this threshold to 33% of eligible voters. At the local level, therefore, significant steps have been taken to improve the opportunity for citizen impact between elections.

Citation:

Carrillo, David A. (ed.) (2018), *The Icelandic Federalist Papers*, Berkeley Public Policy Press 2018.

The New Icelandic Constitution: How Did It Come About? Where Is It?, Íðunn, Reykjavík, 2018.

Constitution of the Republic of Iceland No. 33, 17 June 1944.

National Referendum (Þjóðaratkvæði). <http://thjodaratkvaedi.is/2010>. Accessed 22 December 2018.

The Constitutional Council. <http://stjornlagarad.is/english/>. Accessed 22 December 2018.

Eythórsson, Grétar Thór & Arnarson, Sveinn (2012), Íslensk sveitarstjórnarmál í brennidepli. Staða sveitarstjórnarstigsins, verkefni, skipan, íbúalýðræði og áhrif efnahagshrunsins. Akureyri. Háskólinn á Akureyri.

Sveitarstjórnarlög 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>

New Zealand

Score 5

Citizens have the right to propose a national referendum. Legally non-binding Citizens' Initiated Referendums (CIRs) were first introduced in 1993, the year the government held its own binding referendum on the reform of the electoral system. Most CIRs are initiated by individuals or small groups. 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 secured majority support, but were subsequently rejected by the government in office at the time. Whereas CIR supporters contend that the "will of the majority" is being ignored, a consensus exists among leaders of the major political parties that the non-binding provision in CIRs should be retained.

After the 2017 election, the Greens, Labour and NZ First agreed to hold a referendum on recreational marijuana before or at the 2020 election. In December 2017, the government announced that it would be holding a binding referendum on legalizing the personal use of cannabis during the 2020 general election. However, in November 2018, the Justice Minister announced the government would consider rolling several referendums together: that is, euthanasia ("end of life choice" in the case of terminal illness); the MMP system of governance; and the legalization of recreational marijuana.

Citation:

News Hub. 2018. Triple-header referendum looms for 2020. 26 November 2018. <https://www.newshub.co.nz/home/politics/2018/11/triple-header-referendum-looms-for-2020.html>.

South Korea

Score 5

Citizen referendums can be conducted at the local and provincial levels, requiring the support of at least 5% to 20% of voters to be called, and a turnout of at least 33% to be valid. However, results are not legally binding. The Blue House has also introduced a petition system under which the government is required to address a certain topic if at least 200,000 citizens sign a petition. There have been several binding recall votes at the local level, although the rate of success for such efforts is very low, because voter turnout rates have typically been lower than the required 33.3%. At the national level, only the president can call a referendum, but this has never taken place. In 2017, President Moon announced a referendum addressing amendments to the constitution that would improve people's basic rights and provide local governments with greater autonomy. However, the referendum was rejected by the opposition party in the parliament, and thus could not take place. As of the time of writing, no new date for a referendum had been set.

Citation:

Korea Times. Moon seeks referendum on constitutional revision next year. November 10, 2017.

http://www.koreatimes.co.kr/www/nation/2017/10/356_234939.html

NEC, <http://www.nec.go.kr/engvote/overview/residents.jsp>

“Fail on recall Governor Hong caused by the institution,” Oh My News October 28, 2016 (in Korean)

http://www.ohmynews.com/NWS_Web/View/at_pg.aspx?CNTN_CD=A0002255460

Kang, Jin-Kyu. 2018. “Constitutional reform derailed”. Korea Joongang Daily, April 25. Retrieved October 13, 2018 (<http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=3047355>)

Spain

Score 5

Since the 2008 – 2014 economic crisis, there has been strong public demand to give citizens a more direct role in Spain’s political decisions. While the two main participatory-democracy mechanisms that formally exist in Spain (the citizens’ legislative initiative and the referendum) have largely been ignored, several innovations in popular deliberation and decision-making have taken place in the last several years (with particular relevance at the EU and local levels).

The effectiveness of the popular legislative-initiative model, which enables the public to put a measure in front of the legislature, is quite limited due to the high number of signatures required. Moreover, other political and legal obstacles exist, such as the fact that initiatives are not allowed on matters concerning fundamental rights, the state’s institutional structure, taxation, international affairs or the prerogative of pardon. Historically, even when the 500,000-signature threshold has been reached, the huge majority of those initiatives have been dismissed. Only two of the 94 popular legislative initiatives launched since 1983 have become law.

The second means of popular decision-making relates to the option of submitting political decisions of special importance to all citizens in a referendum. However, Spaniards have been asked to vote in only three national referendums since democratization, in addition to seven such votes held in the various autonomous communities. Since 2012, Catalan nationalist forces (who constitute between 45% and 55% of the voters in that region) have pushed for a referendum on independence. However, this would be illegal according to the Spanish Constitution, and this maximalist position has generated a major political crisis.

Several other modes of popular consultation have also been developed recently, enabling Spain’s citizens to express their political opinions on key issues. Several regional governments have opened the door to consultative procedures in pre-legislative processes. Similarly, many local authorities, including Madrid and Barcelona, enabled participatory budgeting during 2018. Other innovations in local direct democracy include the use of e-democracy and deliberative forums.

Spaniards are quite active with regard to citizen participation in EU policymaking. Since 1993, every EU citizen has had the right to address the European Parliament with a petition. In 2017, a total of 1,271 petitions were filed, with most coming from Spain, Italy and Germany. During 2018, Spain also undertook the so-called European Citizens’ Consultations, a participatory experiment that was supported by both Rajoy’s conservative government and socialist Pedro Sánchez.

Citation:

Decide Madrid:

<https://decide.madrid.es/?locale=en>

Llaudes, S.; I. Molina and I. Toygur. 2018. "Spain" In The European Citizens' Consultations - Evaluation report, eds. P. Butcher and C. Stratulat. Brussels: European Policy Centre and The Democratic Society. www.epc.eu/pub_details.php?cat_id=1&pub_id=8839

Lorente, J. 2018. "Spain: no country for direct democracy?" In Direct Democracy in the EU, eds. S Blockmans and S. Russack. Brussels: CEPS

https://www.ceps.eu/system/files/EU_Direct_Democracy_CEPS_RLI_paperback_Blockmans_Russack.pdf

Denmark

Score 4

According to the constitution, one-third of the members of the Folketing can request 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 referendums, including those on finance, appropriation, civil servants, salaries and pensions, naturalization, expropriation and taxation. There are no provisions in the constitution for regional or communal referendums, such referendums can only be consultative.

The constitution allows for the delegation of powers to international authorities provided such a move is supported by a five-sixth majority in the parliament. If there is an ordinary majority in the parliament, but less than five-sixth, the bill must be submitted to the electorate. For rejection, a majority of voters, representing at least 30% of the electorate, must reject the measure.

According to constitution, changing the qualifying age for suffrage also requires a referendum. Since 1978, the voting age has been 18.

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 referendums in Denmark is mostly for EU-related decisions, including membership in the European Communities (1972) and subsequent for treaty reforms, including the Single European Act, the Maastricht Treaty (which required two referendums to be adopted) and the Amsterdam Treaty. In a referendum in 2000, a majority voted that Denmark should not adopt the euro. Similarly, in a referendum on justice and home affairs cooperation within the European Union (2015), a majority voted "no." The use of referendums is controversial. Many question whether voters really know what they vote for, if it becomes a confidence vote on the government or the current state of the national economy.

There are no provisions in the Danish constitution for popular initiatives, but by law a "citizens' proposal" has recently been introduced. If a proposal for a law secures

the support of 50,000 voters, the proposal must be debated by the parliament. Though the parliament remains free to reject the proposal (Law of 26 December 2017).

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 Treaty: The Role of Member States*. Brussels: P.I.E. Peter Lang, 2012, pp. 237-258.

"Om borgerforslag," <https://www.borgerforslag.dk/om-borgerforslag/> (Accessed 7 November 2018).

France

Score 4

The Fifth Republic (since 1958) reintroduced the referendum, not only for the ratification of the constitution but as an instrument of government. President Charles de Gaulle used referendums 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 referendums at the request and for the benefit of the executive is a risky enterprise. All referendums after those of 1962 have been characterized either by indifference and high levels of abstentions or by outright rejection, as in 2005 on the European Constitutional Treaty. Only once, on 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. It is true that since 2015, 20% of the members of parliament, supported by 10% of the electorate, may enforce a national referendum. However, the rules and procedures are very restrictive, and do not allow real progress.

Local referendums can be organized in the case of a merger of communes or for local issues at a mayor's initiative. However, very few have taken place. In general, the direct involvement of the public in policymaking is scarce and functions poorly due to the reluctance of public authorities and the lack of an effective popular culture of public participation. The Notre-Dame des Landes airport saga is a point in case. After more than 30 years of conflictual deliberations, protests and a positive but purely consultative referendum in 2016, the government finally decided to withdraw the project in January 2018.

Mexico

Score 4

There are no provisions for legally binding referenda or popular initiatives at the federal level in Mexico. Attempts by the opposition to subject government initiatives to some kind of direct vote have failed because there is no constitutional provision for this. Citizens are therefore more likely to influence public policy through demonstrations or legal action than through popular decision-making.

In October 2018, an NGO organized a referendum on a planned airport near Mexico City, scheduled to be the third largest in the world. About one million Mexicans participated, a majority of almost 70% rejected the new airport. A novelty in Mexico, it was not legally binding. The new president, Andrés Manuel López Obrador, has promised to introduce new direct and popular decision-making mechanisms.

Netherlands

Score 4

Binding popular initiatives and referendums are unlawful both nationally and subnationally, as they are considered to be incompatible with the representative system. At the municipal level, many experimental referendum ordinances have been approved since the 1990s, but the national government has prohibited several ordinances that gave citizens too much binding influence on either the political agenda or the outcome of political decision-making. In 2016, a large number of municipal government mayors, aldermen, councilors, scientists and businessmen initiated “Code Orange” for “civocracy,” (“citizen power”) which aims to involve citizens more in local governance through “citizen pacts” (“burgerakkoord”). The citizen pacts are intended to replace and/or complement the traditional “coalition pacts” between local political parties, which normally are the basis for policymaking. After the 2018 elections experiments in citizen pacts are being conducted. Though all the experiments are struggling with the practical aspects of integrating citizen pacts into the legal framework and normal division of labor of local forms of representative democracy.

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 of 63.3% of the eligible electorate, this constitution was rejected by a clear majority of 61.5%, sending shockwaves through all EU member states and institutions. In September 2014, a bill for an advisory referendum on laws and treaties passed the Senate, and was implemented on 1 July 2015. This law allows for non-binding referendums on petitions that gain 10,000 signatories within a four-week period. Subsequently, another 300,000 citizens are needed to sign up in support of the initial request within a six weeks period.

Geen Peil, an ad hoc anti-EU organization, successfully mobilized enough votes for an advisory referendum on the provisional EU association treaty with Ukraine,

which was signed by the Dutch government. With a mere 32.3% voter turnout, the no-vote (61%) was valid nevertheless, and the government was obliged to renegotiate the deal at EU level. In March 2018, in another consultative referendum, Dutch voters rejected a proposed Law on the Intelligence and Security Services (*Wet op de Inlichtingen en Veiligheidsdiensten*) by a narrow margin (49.44% against, 46.53% for and 4% undecided). This result forced the government to reconsider some parts of the law. The unpleasant referendum campaigns and their contested outcomes prompted the Rutte III government to abolish the consultative referendum as one of its first regulatory decisions. Nevertheless, the Remkes Commission for State-Legitimacy Reforms (*Staatkundige Hervorming*) states that Dutch democracy suffers from a “representation deficit” defined by demography, educational attainment, wealth and professional background. Among many other reforms, the Remkes Commission seriously considers putting the issue of a binding referendum on the political agenda.

Citation:

R. Hoppe (2010/11), Institutional constraints and practical problems in deliberative and participatory policymaking, in *Policy & Politics*, Vol. 39, Nr. 2, 163-183 (online 19 August 2010, DOI: 10.1332/030557310X519650)

NOS, Nee-stem in Oekraïne-referendum blijft zonder gevolgen, 2 October 2016 (nog.nl, consulted 9 November 2016)

VNG, Code Oranje voor verandering politieke democratie, 26 October 2016 (eng.nl, consulted 9 November 2016)

M. Chavannes, Wat je stem wel en niet zegt bij het referendum, *De Correspondent*, 16 March 2018

Nieuwsuur, Commissie Remkes pleit voor invoering bindend referendum (<https://nos.nl/l/x/2237616?social=m>, accessed 25 October 2018)

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 in 2007 and 2012). In addition, the president can (after consultation with parliament) call for referendums on matters of national interest, as in the case of the 2007 electoral-system referendum and the 2009 referendum on parliamentary reform. 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 in May 2013. At the national level, citizens do not have the general right to initiate a referendum. However, if more than 500,000 citizens support a change in the constitution, parliament can approve a revision, which then must pass a nationwide referendum. At the county level, citizens can initiate referendums. However, such initiatives are subject to approval by the County Council and have remained rare.

During the period under review, one national referendum was held in October 2018 on whether or not the constitution should be amended to restrict the definition of a “union” as that between a man and a woman and thereby enshrine a more restrictive

definition of marriage within the constitution. The referendum followed an almost two-year long campaign by the conservative Coalition for Family (Coalitia pentru Familie), a coalition of non-governmental organizations aiming to “preserve the traditional family” amid fears that the current wording might favor the legal recognition of same-sex relationships. The initiative for a referendum was supported by the governing PSD/ALDE coalition which had announced several times its intent to hold a referendum, eventually calling it on short notice. The referendum suffered from a number of irregularities, including the extension of the voting period to two days by a government emergency ordinance, arbitrary decisions regarding continued campaigning during the days on which the referendum was held and a lenient approach toward multiple voting. Ultimately, with just over 20% of Romanians casting a ballot in the referendum, it failed to meet the minimum voter turnout threshold of 30% and therefore did not pass.

Citation:

Expert Forum (2018): There can be no referendum in October or November. Policy Brief No. 66, Bucharest (<https://expertforum.ro/en/disaster-referendum-law/>).

Expert Forum (2018): Raport de monitorizare: Referendum 2018. Policy Brief No. 68, Bucharest (<https://expertforum.ro/en/referendum-report-2018/>).

United Kingdom

Score 4

It may seem strange at a time when UK politics is almost completely determined by the result of a referendum, but formally referenda play a small role in UK governance. They are rarely called in the United Kingdom, although they have been used in a handful of cases in recent years, including at local level to decide on whether to establish an elected mayor. Referenda also only follow from a government decision, rather than a citizen initiative, and require a specific legislative initiative to be enacted instead of being a routine process. The legal foundations for calling a referendum and binding the government to its outcome are weak, as the results are not legally binding. Citizens can, via an online petition, call for a parliamentary debate on any topic. Yet, the House of Commons is not obliged to agree to the debate and high-profile proposals can be – and frequently are – ignored. However, the outcome of the Brexit vote shows that they can become politically decisive and may lead to major changes in the United Kingdom’s political system. Despite their lack of constitutional standing, referenda in the United Kingdom have a de facto influence on policy decisions, but this is rather ad hoc.

Referenda are often more a part of politics and agenda setting than a structural part of the United Kingdom’s policymaking process. The central government may use a referendum to unite the population behind a controversial position and by that silence their critics for good. Tony Blair’s devolution referenda in 1997 and 1998 or David Cameron’s referendum to keep the traditional “first past the post” voting system in 2011 are good examples, as was the 1975 referendum which was used by then Prime Minister Wilson to counter opponents of the European Union in his party. By contrast, in the 2016 referendum, a majority of voters declared their wish to leave

the European Union against the advice of the leaders of the mainstream political parties, although several leading figures in these parties, in and out of government, opposed their party lines. Recently, the case for a second referendum on the results of the Brexit negotiation has been loudly pushed by the People's Vote initiative, but has been strongly resisted by other politicians, including the leaders of the two main parties.

The conduct of the 2016 EU referendum has elicited legal action regarding the use of personal data and breaches of spending limits, as well as allegations of Russian influence. These concerns highlight the pitfalls of an instrument with which the electorate and the political system generally have little familiarity.

Belgium

Score 3

Referendums are illegal in Belgium. The main rationale is to avoid a “tyranny of the majority,” given the fragmentation 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 their outcomes are not binding, and are considered only as suggestions by 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, public input is not binding, but in this case constitutes an important element of the decision-making process. At the regional level, there is increasing political interest in various participatory and deliberative processes, but not to the extent of producing binding decisions. For example, since 2016 the Walloon parliament has been examining various deliberative-process formulas involving randomly selected citizens, which may ultimately inform parliamentary debates on some key policy issues. Furthermore, other participatory or deliberative initiatives have also been launched, such as the ambitious “G1000” process, but these are rather bottom-up initiatives led by academics and citizens, and have not yet been adopted by mainstream parties or integrated into institutional processes.

Belgium's complex institutional architecture also means that approval is sometimes needed at the local, regional and federal levels before a project can proceed. This gives rise to considerable not-in-my-backyard (NIMBY) lobbying of the kind that has delayed the creation of a train network across the greater Brussels region for decades and has blocked completion of the southern part of the Brussels motorway ring.

Citation:

About the 'G1000' deliberative process (and linked initiatives): <http://www.g1000.org/en/>

Chile

Score 3

The Chilean constitution is one of the most restrictive on the topic of direct democracy (e.g., referenda, plebiscites and 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, the national government does not contemplate mechanisms for direct democracy, though they have been called for by various civil society groups and movements. At the municipal level, the Organic Constitutional Law of Municipalities (2002) provides for popular consultations (i.e., plebiscites). These may be either top-down (at the initiative of a mayor, with the agreement of the council, or by the municipal council itself, with a two-thirds majority) or bottom-up (by a minimum of 10% of a municipality's citizens). Thus, the possibility to initiate referenda at the municipal level officially exists, but these referenda are not necessarily legally binding and may be ignored by the authorities.

Estonia

Score 3

According to the Estonian constitution, referendums can be initiated by the national parliament (Riigikogu); citizens do not have the power to initiate a referendum. Municipalities can organize referendums on local issues, but their outcomes are non-binding. According to the Local Government Organization Act, popular local initiatives signed by at least 1% of the municipal population must be discussed by the local council, although this provision is rarely exercised.

There is strong public support for the introduction of a binding referendum mechanism at the national level and the issue is occasionally raised by opposition parties. However, no progress has been made toward this goal. Instead of referendums, a 2014 measure enables citizens to initiate amendments to existing laws or propose new laws. To start the parliamentary proceedings of this kind, the proposal must be signed by at least 1,000 people, must include an explanation why the current legal regulation is not satisfactory, and must describe what kind of amendments should be made. An online platform (rahvaalgatus.ee) is available through which citizens can initiate the process and collect signatures. Annually, about 10 initiatives enter the parliamentary agenda and several popular initiatives are included in legislative amendments currently under consideration.

Japan

Score 3

Politically binding popular decision-making does not exist in Japan, at least in a strict sense. At the local and prefectural levels, referendums are regulated by the Local Autonomy Law. They can be called if 2% of the voting population demands them. However, referendum results are non-binding for local and prefectural assemblies.

A National Referendum Law took effect in 2010. It was revised in 2014 to lower the minimum age for voting on constitutional amendments from 20 to 18, taking effect in 2018. According to the 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 two-thirds of the Diet members in both chambers. If this happens, voters are given the opportunity to vote on the proposal.

The Abe government has indicated plans to call such a referendum for the first time in postwar history, supported by its retention of a two-thirds majority in the 2017 Lower House election. This means that practical questions are coming to the fore as the process is in fact somewhat under-regulated, for instance with respect to the allowable range of political commercials.

Despite the legal strictures, nonbinding referendums have played an increasingly important role in Japan's regional politics 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

Tomoya Ishikawa, *Critics seek level playing field in referendum on Constitution*, *The Asahi Shimbun*, 22 June 2017, <http://www.asahi.com/ajw/articles/AJ201706220001.html>

Liberal Democratic Party won't present Constitution revision plan to Diet this year, *The Japan Times*, 28 November 2018, <https://www.japantimes.co.jp/news/2018/11/28/national/politics-diplomacy/ldp-not-present-constitution-revision-plan-diet-year/>

Malta

Score 3

The constitution of Malta allows for three types of referendums: constitutional, consultative and abrogative. None of these types however fulfill the criteria for popular decision-making defined by the SGI. However, Malta has had several consultative referendums, the most recent in 2011 on the introduction of divorce, and an abrogative referendum on the issue of spring hunting. In the latter case, the referendum was triggered by a citizens' initiative. Some local councils have also resorted to referendums, but while this may influence central government decisions, they are not binding.

Citation:

http://www.maltatoday.com.mt/lifestyle/environment/38168/spring_hunting_referendum_is_revolutionary#.ViNoVn4rKM8

The Constitution of Malta

<http://www.timesofmalta.com/articles/view/20140330/local/-Spring-hunting-in-dustbin-of-history-.512723>

<http://www.timesofmalta.com/articles/view/20140328/local/signatures-for-referendum-to-abolish-spring-hunting-presented-to.512579>

<http://www.timesofmalta.com/articles/view/20160710/letters/Perseverance-and-tenacity.618307>

<http://www.timesofmalta.com/articles/view/20160826/local/help-us-oppose-pas-firework-factory-plans-gharb-local-council.623151>

Portugal

Score 3

The institution of referenda exists at national and local levels. However, while citizens can propose referenda, the referendum itself takes place only 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 must accept this proposal. Citizens can propose local referenda, but the local 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 since the transition to democracy, with the most recent having been held in 2007. Local referenda are also rare, with five having officially taken place, the most recent of which was in 2012.

Participatory budgets are widely used in Portugal, both at local and national levels. The country is now a world leader in terms of the implementation participatory governance mechanisms and the Costa government was the first worldwide to introduce national-level participatory budgets in 2016/17.

Citation:

Público (2018), “Orçamentos participativos espalham-se pelo mundo, com Portugal na dianteira,” available online at: <https://www.publico.pt/2018/10/22/politica/noticia/orcamentos-participativos-espalhamse-mundo-portugal-dianteira-1848283>

<https://www.peticaopublica.com/info/legislation.aspx>

Cyprus

Score 2

The constitution makes no provision for referendums 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. Citizens cannot petition to 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. Referendums are also held when local communities wish to become municipalities.

In October 2018, a draft law on e-petitions was under discussion by a parliamentary committee.

Citation:

1. Law on organizing referendums, L. 206/1989, available in Greek at, http://www.cylaw.org/nomoi/enop/non-ind/1989_1_206/full.html.

Greece

Score 2

No effective opportunity to vote on important issues was available to Greeks in the last few years. While referendums are provided for in the constitution, the government's surprise decision in July 2015 to launch a referendum destabilized the economy and negatively affected relations between Greece and its euro zone partners. The referendum was held on the European Commission's draft proposal of reforms for Greece, while negotiations were still under way. Prime Minister Tsipras rejected this proposal, launched the referendum and won with 61% of votes. A week later, however, the prime minister accepted all reforms planned by the European Commission. Realizing that the Greek state's coffers were empty, he accepted a bailout package of €86 billion with severe conditions. The Syriza-ANEL government had gambled with a referendum and miscalculated the consequences of the referendum's outcome.

Citation:

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. However, in March 2014 the Knesset approved Basic Law: Referendum. This law will apply in the event of an agreement or unilateral decision that involves withdrawal from certain geographical areas. The law has never been applied and the use of referenda is limited to this particular issue.

Attempts at encouraging popular decision-making mechanisms tend to take the form either of (1) open information projects or websites addressing national interest investigation committees, or (2) special legal provisions allowing citizens to appeal against decisions on certain issues (e.g., urban planning) or addressing parliament committees on issues that directly concern them. These sorts of initiatives, while important, align with a top-down strategy for civil participation instead of encouraging independent initiatives.

These initiatives, however, remained largely in early stages, and we were unable to find any meaningful ways through which Israeli citizens can affect the decision process directly (that is: without media pressure, persuasion via lobbying firms or appeal to the courts).

Citation:

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

"Future recommendations," sharing: committee for social and economical transformation website. (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," Vaksman, Efrat and Blander, Dana, "Models for sharing," Israel Democracy Institute website 2012 (Hebrew)

"Sharing on governmental issues," Israeli government website (Hebrew)

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 EU membership in 1994), and even then are constitutionally only consultative (through in practice are treated as binding).

Turkey

Score 2

According to Article 67 of the constitution, all citizens over 18 years old 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 votes counted publicly. In recent years, referendums were held to amend 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 that are the subject of a referendum must be supported by more than half of the valid votes cast in order to be approved.

If a law on an amendment to the constitution is adopted by at least a three-fifths majority but less than a two-thirds majority of the total number of members of the Grand National Assembly, and is not sent back to the Assembly for reconsideration by the president, 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 may be submitted to a referendum by the president.

Popular decision-making is also possible at the local level. Law 5593 on municipalities (Article 76) enables city councils to implement policies for the benefit of the public. Yet these units are not wholly effective, as they depend upon the goodwill of the local mayor, and some councils exist on paper only and have yet to be established in fact. Law 6360, in effect since 2014, paved the way for more centralized decision-making processes, including in urban planning and on local matters. Some municipalities conducted local referendums on traffic management, strategic planning for 2015 to 2019 and environmental planning.

Turkey has not signed the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

Citation:

H. Akay, *Yerel Yönetimlerde Katılımcı Mekanizmalar ve Süreçler*, İstanbul: Türkiye Avrupa Vakfı, 2016.

Emine Behiye Karakitapoğlu, *Public participation in EIA process of small hydro power plants (HES) in Turkey*, University of Uppsala, 2015.

Semanur Karaman (2013), *How do Turkish citizens participate in decision-making?* 4 August 2013, <https://www.opendemocracy.net/can-europe-make-it/semanur-karaman/how-do-turkish-citizens-participate-in-decision-making>

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