



Electoral Processes Report

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

Sustainable Governance Indicators 2022

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 were 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.

Canada

Score 10

The right to be a candidate in a federal election is laid down in the Canadian Charter of Rights and Freedoms (section 3), 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 stand 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. A total of 22 political groupings took part in the parliamentary elections in October 2021, and no conflicts over the registration of candidates occurred. 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. The candidate must gain at least 50,000 confirmed signatures by citizens, 10 signatures by senators or 20 signatures by members of parliament.

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 which is currently approximately 22,000 signatures.

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.

In the spring of 2021, municipal elections were postponed by six weeks due to the COVID-19 pandemic.

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. Ten candidates were present in the 2012 election and 11 candidates in 2017. 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 because they benefit from equal access to the public media and from advantages 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 rare, but financial cheating is frequent, as evidenced by the condemnation of former President Nicolas Sarkozy for the hidden costs of his 2012 campaign. Some limitations are imposed on anti-constitutional parties. These restrictions, however, are exceptional and reviewed by the judiciary.

Germany

Score 10

On 26 September 2021, elections were held to constitute the new German Bundestag. A total of 40 parties competed for the seats. A new record was with 6,211 candidates running either as independent candidates or as candidates from registered parties (Bundeswahlleiter 2021).

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 (Bundesverfassungsgericht), but the legal conditions required for such a ban are stringent. The last attempt to ban the far-right National Democratic Party (NPD) failed in 2017. 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.

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 for office without any initial approval from the Federal Election Committee (Bundeswahlausschuss).

Citation:

Bundeswahlleiter (2021): So viele Wahlbewerberinnen und Wahlbewerber wie noch nie nehmen teil, Pressemitteilung Nr. 33/21 vom 31. August 2021.

Greece

Score 10

The last national parliamentary elections took place in July 2019, after the regional and municipal elections of May 2019. There was a smooth government turnover in July 2019 with the formation of a single-party majority government.

In Greece, 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 who serve 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 long economic crisis of the 2010s, the conduct of electoral procedures in Greece has remained reliable throughout the crisis.

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

Ireland uses a system of proportional representation, single transferable vote, to elect members of parliament to the Oireachtas. The system is one that is highly localist in nature in a context where the political system is highly centralized. There are 160 members of parliament (reduced from 166 in 2020), who represent 39 constituencies. To run as a candidate in Irish elections, individuals must be over 21 and an Irish citizen. Generally, the political parties run competitive selection conventions to select candidates for each constituency. Independent candidates must present a nomination paper to the returning officer in the constituency where they want to stand (Citizens Information, 2022)

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 (then) 166 deputies.

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 (six seats), the Social Democrats (three seats) and the Greens (two 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 erstwhile 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, Micheál 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-led minority government with the support of nine independent deputies, three of whom were given senior ministerial positions. The replacement of Kenny by Leo 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 then tánaiste (deputy prime minister), Frances Fitzgerald, over an issue relating to communications during the Garda whistleblower inquiry. She was subsequently cleared of all wrongdoing.

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 teachtaí dála (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,” with voters casting their vote for candidates based on their party affiliation, political experience and profile more generally. (See McElroy 2018 for more detail).

The most recent general election was held on 8 February 2020, in the narrow window between the start of the new year and the onset of the COVID-19 pandemic, which was declared by the WHO on 12 March 2020. The results show a continuing fragmentation of the Irish party system, which now has three medium-sized parties and no “large” parties. Sinn Féin attracted the most votes winning 24.5% of the popular vote, by far their best ever result (winning 37 seats). Fianna Fáil took 22% of the vote and 38 seats. Fine Gael, which led the outgoing government, placed third with 21% of the vote and 35 seats. Six other small parties won seats as did 19 independents. Notably, the Labour Party, which had governed as the second largest party in the state as recently as 2016, remains on the political margins, with six seats. Female participation increased slightly, from 35 to 36 teachta dálás. Only one female candidate was elected in the five Cork constituencies, and none at all in Limerick and Tipperary. Sinn Féin had the largest number of female teachta dálás (13), followed by Fine Gael (6) and Fianna Fáil (5) (Connor, 2020).

Government formation proved problematic, not least because Fine Gael and Fianna Fáil refused to govern with Sinn Féin, while Fianna Fáil and Fine Gael also initially refused to govern together. More starkly, even if two of these three parties agreed to govern together, they would still fall short of the 80 teachta dálás needed to form a majority government.

Government formation concluded in June 2020 amid the COVID-19 pandemic and as the country was in a state of lockdown, with economic and social activity curtailed

across Europe. The current government brings together a novel three-way alliance involving Fianna Fáil and Fine Gael governing in full coalition together for the first time, alongside the Greens. Under the Programme for Government, the positions of taoiseach and tánaiste will rotate between the two main parties at the mid-point of the coalition agreement, December 2022. The coming together of the two traditional governing parties in Irish politics would have been a bigger story had it not been for the ongoing triple crises in healthcare, education and public finances brought about by the COVID-19 pandemic, and with the United Kingdom's protracted withdrawal from the European Union continuing to play out.

Citation:
Citizens Information (2022), 'General Elections', https://www.citizensinformation.ie/en/government_in_ireland/elections_and_referenda/national_elections/the_general_election.html

Connor, D., (2020), 'Slight increase in number of female TDs elected', RTE News, 11 February 2020, <https://www.rte.ie/news/election-2020/2020/0211/1114578-female-tds/>

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 and Michael Marsh (eds.) *How Ireland Voted 2020 – The End of an Era* (Palgrave Macmillan published by Springer International, Switzerland, 2020)

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 fair and have not been contested or subject to public debate. The formal requirements for starting a new party is the registration of a unique name and the support of 5,000 persons with the right to vote. Parties nominate candidates for elections. After being elected, a candidate may change their party membership without losing their position.

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, the rules for the registration of parties were tightened. Since then, parties have had to prove they have functional party bodies and a certain number of members. This law was promoted by the Slovak National Party (SNS), a junior coalition partner in the Pellegrini government, and was aimed at weakening major opposition parties such as Ordinary People and Independent Personalities (OLaNO), We are Family – Boris Kollár (Sme-Rodina – Boris Kollár) and Freedom and Solidarity (SaS). However, these parties have refrained from challenging the provision, as they have had no problems recruiting the new members needed for fulfilling the minimum requirements.

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. Local elections in November 2018 saw 688 mayoral candidates (only 14.5% of which were female candidates) and 22,314 candidates for municipal councilors (45.7% female candidates), whereas 14 political parties and lists proposed 103 candidates at the

elections to the European Parliament at the end of May 2019. Slovenian citizens may compete for a parliamentary seat if they are at least 18 years old and their legal capacity is not constrained.

Sweden

Score 10

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 (Karlsson and Gilljam, 2014). Since 1998, voters have had the ability to indicate preferences not just for a particular party but also for specific candidates. Despite this, 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 (Oscarsson and Holmberg 2014). Finally, voters increasingly identify with a coalition of parties rather than one individual political party (Einhorn and Logue, 2003).

Citation:

Einhorn, Eric S, and John Logue. 2003. "Modern Welfare States: Scandinavian Politics and Policy in the Global Age." 2nd ed. Westport, CT: Praeger.

Karlsson, David, and Michael Gilljam. 2014. "Svenska Politiker. Om de Folkvalda i Riksdag, Landsting och Kommun." Stockholm: Santérus.

Oscarsson, Henrik, and Sören Holmberg. 2014. "Svenska Väljare." Stockholm: Wolters Kluwer.

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 25% of the total population 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 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.

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 free, fair and competitive 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 (e.g., the Communist Party). Persons younger than 18 years of age cannot stand as a parliamentary candidate and there is a considerably higher age requirement for presidential candidates. Given that citizens over the age of 16 can vote, this means that not all citizens who enjoy full voting rights can stand for election. However, this tension clearly results from Austria’s international frontrunner position at the level of active voting rights. The threshold of 18 years old for election candidates in Austria is no lower than in any other democratic regime.

During the 2019 electoral campaign, the political exclusion of legal non-citizen residents (about one million people) became an issue for the first time in Austria. As the majority in parliament has been extremely hesitant to ease access to Austrian citizenship, there is a contradiction between the democratic principle that “everybody within a community must have the right to participate in the political process” and the reality of a legal structure which prevents a significant number of legal residents from participating in the political process. Yet, voting rights for non-citizens are extremely rare in other countries, too. Thus, this cannot be considered a specifically Austrian deficiency. That said, passive voting rights for European Parliament elections in Austria are more restrictive than in several other countries. While in Germany and many other EU member states, any EU citizen can stand as a European Parliament candidate, passive voting rights in Austria are conditioned on having active voting rights (i.e., holding Austrian nationality).

Theoretically, while there is equal opportunity for every Austrian citizen (aged 18 or older) to stand as a candidate, there are obvious *de facto* limitations. As in other full-blown party government regimes that use party lists for elections, the Austrian parties are in a powerful gatekeeper position. Recent research on the composition of these lists identified major shortcomings, particularly the under-representation of women and younger candidates.

Citation:

<https://www.addendum.org/repraesentation/wahllisten/>

Bulgaria

Score 9

Bulgaria's present electoral code has been in force since 2014. Registration processes for parties and candidates are fair and transparent. Candidate registration requires a candidate to be registered as a member of a party, coalition of parties or nominating committee. For the registration of parties or nominating committees, a bank deposit and a certain number of citizen signatures are required. Citizens of other countries cannot run for public office, unless they are EU citizens running for office in municipal or European Parliament elections. A constitutional clause prohibits the formation of "ethnically based and religious" parties, but because it cannot be applied retroactively, it has no impact on the existence of parties in place before the first post-Communist elections (June 1990), such as the Movement for Rights and Freedoms (MRF) representing Bulgarian Turks and Muslims.

The Bulgarian constitution does not allow Bulgarian citizens with dual citizenship to run as candidates or serve in office, a requirement which runs against international best practices. This became relevant in the case of Prime Minister Kiril Petkov, whose status as a dual citizen of Bulgaria and Canada became the object of a Constitutional Court case in the fall of 2021. Petkov, who had served as minister of the economy under Stefan Yanev's caretaker government in the summer of 2021 and was elected as prime minister by parliament following the November 2021 elections, renounced his Canadian citizenship in April 2021. However, because the procedure was not formally complete until August 2021, the court retroactively overturned his appointment as minister of the economy, effectively upholding the constitutional ban on citizens with foreign passports running for public office. No changes in this area are anticipated for the near future.

Contrary to best practices and OSCE recommendations, voter registration remains strict with regard to those who fail to meet the registration deadlines.

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. Article 60 of Law 18,556 entrusts the Electoral Service (SERVEL) with administering, supervising and overseeing the electoral registration process, as well as with preparing and updating the electoral rolls and electoral act. Moreover, this entity has the power to supervise and oversee compliance with the rules governing political parties, including their autonomy and financing. As an institution, SERVEL is recognized as being an important authority for Chile's democracy and election

processes. Since 2013, significant reforms have rendered electoral provisions more transparent and inclusive, and have made electoral institutions stronger and more autonomous.

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 is still based on the D’Hondt method, but this now takes place in multimember districts of smaller magnitude (three to eight deputies and two to five 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 deputies (from 60 to 28).
- A reduction in the number of districts and constituencies for the election of senators (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 (valid through 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 to create 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 16 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 allowed only at the national level.

In December 2016, a further electoral law (Law No. 20,990) introduced the direct popular election of the top executive in the country’s 16 administrative regions. With the goal of fostering decentralization and citizen participation, the regional mayors (Intendentes Regionales), which had previously been designated by the central government, were replaced by elected regional governors (Gobernadores Regionales). The newly created office has a term of four years, with 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 second round (runoff) between the two candidates with the most first-round votes.

The new electoral provisions for Congress were first applied in the legislative elections of November 2017, and in that year’s presidential elections. The first direct regional governor elections had originally been scheduled for October 2020, but were postponed to May 2021 due to the COVID-19 pandemic.

The legal basis for the election of Constitutional Convention members was established through the modification of Law 21,200 in December 2019. The Constitutional Convention is composed of 155 members, which were elected by popular vote in May 2021, using the same (28) districts that are used to elect deputies. Special rules were applied in this particular election to facilitate the participation of independent candidates and to ensure gender balance. In addition, 17 seats in the Convention were reserved for representatives of native peoples.

Citation:

Chilean Electoral Service (Servicio Electoral de Chile - Servel), www.servel.cl, last accessed: 13 January 2022.

On the electoral system:

Library of the National Congress (Biblioteca del Congreso Nacional – BCN), [https://www.bcn.cl/leyfacil/recurso/nuevo-sistema-electoral-para-elecciones-parlamentarias-\(fin-del-sistema-binominal\)](https://www.bcn.cl/leyfacil/recurso/nuevo-sistema-electoral-para-elecciones-parlamentarias-(fin-del-sistema-binominal)), last accessed: 13 January 2022.

On Regional Governors:

Library of the National Congress (Biblioteca del Congreso Nacional – BCN), <https://www.bcn.cl/leyfacil/recurso/eleccion-democratica-de-gobernadores-regionales>, last accessed: 13 January 2022.

On the election of the Constitutional Convention:

Library of the National Congress (Biblioteca del Congreso Nacional – BCN), <https://www.bcn.cl/leychile/navegar?idNorma=1140340>, last accessed: 13 January 2022.

On the electoral process of the Constitutional Convention:

Gobierno de Chile, <https://www.gob.cl/procesoconstituyente/#convencion>, last accessed: 13 January 2022.

Ricardo Gamboa/Mauricio Morales, 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>, last accessed: 13 January 2022.

Claudia Zilla, Franziska F. N. Schreiber, The Constitutional Process in Chile. The South American Country Is Searching for a New Social Contract, *SWP Comment 2020/C 17*, 06.04.2020, doi:10.18449/2020C17, <https://www.swp-berlin.org/en/publication/the-constitutional-process-in-chile>, last accessed: 16 February 2022.

Croatia

Score 9

Candidacy procedures are largely fair and do not suffer from major procedural restrictions. However, participation in the elections to the national parliament and to local assemblies 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. However, the number of required signatures does not represent a major hurdle to the functioning of the democratic process. Prospective presidential candidates need to secure the support of at least 10,000 voters to stand in a presidential election. In parliamentary elections, only 500 signatures are required from the respective electoral unit for the candidacy of an

independent list to be valid. In the case of local elections, the number ranges from 25 to 2,500, depending on the size of the locality. Over the last couple of years, the number of independent mayors and lists have surged. After the 2021 local elections, independent mayors controlled 130 cities and municipalities. They won 41 more seats than four years ago, and pushed the SDP to the position of the third-strongest political force at the local government level. HDZ remained the strongest political party at the local level, winning 250 out of 556 mayorships in cities and municipalities, and 15 out of 20 county-prefect positions.

Citation:

OSCE/ODIHR (2019): Needs Assessment Mission Report Republic of Croatia: Presidential Election 22 December 2019. Warsaw, 5-6 (<https://www.osce.org/odihr/elections/croatia/440501>).

OSCE/ODIHR (2020): Election Assessment Mission Final Report Republic of Croatia: Parliamentary Elections 5 July 2020. Warsaw, 28 September (https://www.osce.org/files/f/documents/b/4/465120_0.pdf)

Cyprus

Score 9

Registration requirements for candidates are minimal and relate to citizenship, age, mental soundness and criminal record. The president of the republic must belong to the Greek community. Citizens of other EU member states have voting and eligibility rights in local elections. Eligibility to vote and contest a seat in European Parliament elections was extended to Turkish Cypriots residing in areas not under the government's control in 2014. 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 be president is 35. The eligibility age was reduced from 25 to 21 for municipal and community councilors, and European Parliamentarians in 2013, and for deputies in 2019. Candidate registration procedures are clearly defined, reasonable, and open to media and public review. A candidate must be proposed and supported by registered voters: Two voters 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 is returned to candidates who meet vote thresholds specific to each election type.

An example of discrimination is the higher thresholds to enter parliament for party alliances.

Citation:

1. The Constitution of the Republic of Cyprus, https://www.constituteproject.org/constitution/Cyprus_2013.pdf?lang=en
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. Christophoros Christophorou, Parties and coalitions, an undemocratic law provision, 2021, <https://www.eklektor.org/parties-and-coalitions-un-undemocratic-law-provision/>

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 so-called leveling seats (jöfnunarpingsæti) in parliament was set in 2000. In addition to this 5% threshold, parties can win a seat by securing a seat in a constituency. This minimum threshold is the same as in Germany, but 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 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 due to a record 15 parties running for parliament in 2013. In the 2016 elections, parties that did not reach the 5% threshold received a combined 5.7% of the total vote and 4.7% in the 2021 elections.

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).

Italy

Score 9

The registration procedure is fair and no unreasonable exclusion exists. In order to present a list of candidates, new parties without parliamentary representation have to collect between 400 and 1,500 signatures, depending on the size of the electoral district. Parties already represented in parliament are exonerated from this duty.

The age to qualify for local political office is the age of maturity (18 years); for the Chamber of Deputies, it is 25 years; and for the Senate, it is 40 years.

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 selecting candidates vary from party to party, but the use of primaries is increasing, especially among center-left parties, making them more open and democratic.

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. 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 being free and fair. For example, the Office for Democratic Institutions and Human Rights (ODIHR) report on the 2018 general election expressed full confidence and trust in the professionalism and impartiality of election administration at all levels, but noted that consideration should be given to introducing special measures in the legal framework to promote female candidates. In addition, it was recommended that the blanket restriction on candidacy rights of citizens who have committed an intentional crime should be revised, and that the lifelong ban for those who have committed a crime in a state of mental disorder should be lifted.

From 2020, lists of candidates may no longer be submitted by associations of voters in municipal elections, but only by registered political parties, registered associations of registered political parties, or two or more registered political parties that have not joined a registered association of political parties. In the past, voter associations did not require such a large number of members of the legal structure of the party to run in municipal elections, which is now presenting a challenge to small regional parties.

Furthermore, the Constitutional Court is considering a constitutional complaint filed by a small regional party that has complained that the state funding for parties (which has increased by 2% in 2020 for the Saeima election) is unfair to small local parties that want to participate in a single local government election, and not only cannot compete with the recipients of funding at the national level, but are also forced by law to maintain the legal form of the party.

Citation:

1. The Saeima Election Law, Article 5 and 6, Available at: <https://www.cvk.lv/pub/public/30870.html>, Last accessed: 04.01.2022.

2. OSCE: Office for Democratic Institutions and Human Rights (2019), Parliamentary Elections 6 October 2018: ODIHR Election Assessment Mission Final Report, Available at: <https://www.osce.org/odihr/elections/latvia/409344?download=true>, Last accessed: 04.01.2022.

4. Ivars Ijabs (2018), 2018 Parliamentary Elections in Latvia, Available at: <http://library.fes.de/pdf-files/bueros/baltikum/14739.pdf>, Last accessed: 04.01.2022.

5. Official Gazette 'Latvijas Vēstnesis' (2021) Municipal councils will elect a smaller number of members, Available (in Latvian): <https://lvportals.lv/skaidrojumi/323898-pasvaldibu-domes-turpmak-veles-mazaku-deputatu-skaitu-2021>, Last accessed: 04.01.2022.

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 2016 and 2020 parliamentary elections as well as the 2019 presidential elections. Independent candidates as well as party-affiliated candidates can stand for election. The so-called public electoral committees, which can take part in the elections and compete with political parties, but face less demanding requirements for registration, can participate in the municipal and European Parliament elections.

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 failed. As a consequence, Paksas was unable to run in the 2016 parliamentary elections or the 2019 presidential elections. In 2021, the parliament agreed to consider changes to the constitution that would allow for an impeached person to run for a parliamentary seat after 10 years. Following the 2019 presidential elections, the Organization for Security and Cooperation in Europe (OSCE) suggested removing restrictions barring people with dual citizenship from standing as candidates.

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. One major change involved the establishment of two additional constituencies in Vilnius, where the number of voters has been constantly increasing.

Due to demographic changes, in 2019, two additional constituencies were established – one in Vilnius and one for Lithuanians living abroad – and two rural constituencies were abolished. The decision to allow electoral committees to stand in municipal elections was a hotly debated issue during the 2015 and 2019 elections, as these committees are not regulated as tightly as political parties, and critics say their existence has contributed to the further decline of the already weak political parties.

Citation:

OSCE/ODIHR Lithuania, Parliamentary Elections, 11 and 25 October 2020: Final Report, see <https://www.osce.org/odihr/elections/lithuania/477730>

OSCE/ODIHR Election Assessment Mission Final Report on the 2019 presidential election in Lithuania, see <https://www.osce.org/odihr/elections/lithuania/433352?download=true>

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

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”:[).

Malta

Score 9

Elections are regulated by the constitution and the General Elections Act. Malta uses a single transferable vote (STV) system. 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 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, namely the lack of an official national minimum threshold; the fact that candidates are no longer listed alphabetically, giving an advantage to certain candidates; and the lack of correctives to encourage the election of female candidates. The latter has been partially addressed. At the next election, if the percentage of women elected falls below 40%, a corrective measure will come into play. However, this corrective mechanism only comes into play for the two major parties and is, therefore, said to militate against the interests of smaller parties. Recent provisions ensure greater proportionality. However, the reality is that this has only increased the dominance of the two main parties. Each of the two main parties receive €100,000 annually, which may be used for campaigning. There has been increased calls to ban party funding from the private sector and replace it with a more developed system of state funding. Meetings of the electoral commission are closed and there is an absence of representatives from non-parliamentary parties. As a result of the introduction of the new gender correction mechanism, a minimum of four members from the 10-member electoral commission must now be women.

Citation:

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

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

https://www.maltatoday.com.mt/news/national/85019/who_is_lecturing_whom_malta_land_of_clientelism#.YdVcvM0zGP8

Lejn Rappreżentanza Ugwali – Kummissjoni Mahtur mill-Prim Ministru ta' Malta, OPM.

https://www.maltatoday.com.mt/news/national/95619/public_policy_professor_questions_feasibility_of_optional_fulltime_mp_proposal_in_gender_equality_reform#.YdVdec2mj3E

https://www.maltatoday.com.mt/news/national/20914/the-scent-of-money-20120910#.YdVdpM3X_5M

Malta Today 10/09/21 Women are on Malta electoral commission after legal changes

Malta Today 28/02/20 Gender mechanism only serves big parties AD Says as government welcomes PN agreement

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. In 2019, this index ranked the Netherlands at seventh place, with 61 out of 70 points, after all the Nordic countries and Germany. Based on data from Transparency International's Global Corruption Barometer – EU 2021 on perceptions of electoral integrity, the Netherlands fell at fourth place (after Finland, Sweden and Denmark).

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

Transparency International, People see low political integrity throughout EU (transparency.org)

P. Norris, M. Grömping, 2019, Perception of Electoral Integrity

<https://nos.nl/nieuwsuur/artikel/2304406-nederland-is-het-wilde-westen-van-de-partijfinanciering>

<https://www.trouw.nl/politiek/politicoloog-krouwel-giften-aan-politieke-partijen-werken-corruptie-in-de-hand~b48994ba/>

<https://www.trouw.nl/politiek/de-cda-ruzie-laait-zien-dat-er-regels-voor-partijfinanciering-nodig-zijn-dit-is-toegestaan-corruptie~b76f7ca7/>

<https://www.nporadio1.nl/fragmenten/de-nieuws-bv/a9b142f4-12ca-447e-98f7-9883847a5177/2021-06-18-bijna-alles-mag-bij-partijfinanciering>

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 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 (Miller 2005). In September 2018, parliament passed a controversial amendment to the Electoral Integrity Bill (so-called “waka-jumping” bill). The bill requires 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 (McCulloch 2018).

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 are aligned with the political-party law (Lei dos Partidos Políticos), which requires that parties' internal operations must conform to "the principles of democratic organization and management" (Article 5) and feature several internal bodies (Articles 24 – 27).

However, these requirements do not prevent parties from forming and contesting elections. During the period under review, one new political party was formally registered: Volt Portugal in June 2020. The January 2022 legislative elections will be contested by 22 different lists, one more than in 2019 and the highest total yet since democratization.

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 again demonstrated during the national and regional elections in 2019, 2020 and 2021. After the 2019 elections, the OSCE Office for Democratic Institutions and Human Rights expressed a high level of confidence in the framework and management of parliamentary elections in Spain.

Almost 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. However, Spanish procedures for registering candidates are fair, and everyone (including those who have been prosecuted for serious criminal offenses and even fugitives) has the opportunity to become an election candidate without restriction or discrimination.

In September 2020, the Supreme Court disqualified incumbent Catalan president Quim Torra from office, from holding any elected office and from exercising government powers. He had been convicted by the High Court of Justice of

Catalonia in late 2019 of violating electoral law and disobeying orders from the National Electoral Board by failing to remove separatist symbols from public buildings. This argument also applied to Catalan regional member of parliament Pau Juvillà in December 2021, when the same regional court disqualified him for displaying pro-independence symbols during the electoral period, ordering his removal as member of parliament.

Citation:

OSCE (2019), Spain Early Parliamentary Elections, <https://www.osce.org/odihr/elections/spain/416252>

Barrat Esteve, Jordi (2021), Spanish Regional Elections During the COVID-19 Pandemic, International IDEA, <https://www.idea.int/sites/default/files/spanish-regional-elections-during-the-covid-19-pandemic.pdf>

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 to the House of Commons, namely those in the police, the armed forces, judges, and members of the House of Lords who sit and vote 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 are subject to bankruptcy or debt relief restriction orders, because this is tantamount to a second punishment for financial mismanagement and thus discriminates against them.

Leaving the European Union has prompted the necessity to determine voting and candidacy rights for EU citizens. The proposal in the current Election Bill, however, has been criticized by the House of Commons Public Administration Committee Report on the bill, which states that the bill is too complex and likely to lead to confusion.

Citation:

<https://committees.parliament.uk/publications/8194/documents/83775/default/>

United States

Score 9

With rare exceptions, procedures for registering parties and candidates are fair and nondiscriminatory. State governments determine the requirements for ballot access.

All states 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 some cases, the ballot-access requirements may be a burden for smaller parties or independent candidates. Ballot access is organized by the states and the requirements differ between the states. They all require a specific amount of signatures to get on the ballot.

In 2021, three states changed their Ballot Access requirements (New Jersey, New York and Virginia). In all three states, the requirements to ballot access were reduced. In New Jersey, the files can now be sent in electronically while New York has lowered the petition signature requirements for unaffiliated candidates, and Virginia lowered its signature requirements for statewide petitions.

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. This Basic Law promises an equal opportunity for each Israeli citizen to elect and to be elected under certain reasonable restraints, namely being a citizen over the age of 21, with no record of incarceration over a three-month period in the seven years prior to his/her nomination. Nominees who held a prominent public office (as specified in the written law) must wait a cooling period. More controversially, the Basic Law: The Knesset authorizes the Central Elections Committee to reject a nominee or a list if they reject Israel’s Jewish and democratic identity, if they support another country or terrorist organization’s armed conflict against Israel, or if they incite racism.

The Central Elections Committee is chaired by a High Court of Justice judge and is assembled by Knesset members according to the prevailing seat allocation in the Knesset. Therefore, it is mainly a political body. Nevertheless, any decision to disqualify a nominee must be authorized by the Supreme Court, which in many cases overrules the committee's decisions.

Citation:

"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>

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>

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

Staff, ToI. "High Court Bars Far-right Party Leader Ben Ari From Running In Elections," 17.3.2019, The Times of Israel: <https://www.timesofisrael.com/high-court-bars-far-right-party-leader-ben-ari-from-elections/>

Japan

Score 8

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 or upper house of parliament have to pay a deposit of JPY 3 million (around €23,000, plus a deposit of JPY 6 million if also running on the party list). This deposit is returned if certain conditions are met in terms of vote shares received (individual candidates) or the number of seats won (party list). The deposit is meant to deter candidatures that are not serious, but in effect presents a hurdle for small parties and independent candidates. The large amount required for such a deposit also discourages younger candidates, who generally find it more difficult to secure such funds. The minimum age for candidates, set at 25 for the lower house and 30 for the upper house, could also be lowered, although in other countries such as the United States, the minimum age to run for office ranges from 18 to 35, depending on the state.

Citation:

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

Michael MacArthur Bosack, How the LDP keeps winning, The Japan Times, 12 October 2021, <https://www.japantimes.co.jp/opinion/2021/10/12/commentary/japan-commentary/how-ldp-wins/>

Luxembourg

Score 8

Legislative elections in Luxembourg are governed by the constitution and by electoral law. The country has a unicameral system (Chamber of Deputies), and the length of deputies' term is five years. The country has four electoral districts (South, Center, North and East), and the cities Esch-sur-Alzette, Luxembourg, Diekirch and Grevenmacher are their respective capitals. According to the constitution, the Chamber has 60 seats. Electoral law sets the number of deputies to be elected in each district, as follows: South with 23 deputies, the Center with 21 deputies, the North with nine deputies and the East with seven deputies. Deputies are elected using a list-based voting system, according to the rules of proportional representation, by universal suffrage, with voting being direct and secret.

Citation:

"Press release by the Prime Minister, Minister of State, on the result of the signature collection for a referendum on the proposal to revise Chapter VI of the Constitution." Official elections website of the Grand Duchy of Luxembourg (5 January 2022). <https://elections.public.lu/en/actualites/2022/resultat-signatures-referendum.html>. Accessed 14 January 2022.

"Élections législatives, communales et européennes." Official elections website of the Grand Duchy of Luxembourg. <http://data.legilux.public.lu/file/eli-etat-leg-recueil-elections-20180625-fr-pdf.pdf>. Accessed 14 January 2022.

"Bettel fragt, die Fraktionen antworten." Luxemburger Wort, 4 March 2020.

Poland

Score 8

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.

The 2019 changes to the mode of selecting members of the National Election Commission (Państwowa Komisja Wyborcza, PKW) and its executive body, the National Election Office (Krajowe Biuro Wyborcze, KBW), which came into effect after the parliamentary elections in the same year, have increased the government's influence over these two bodies. First, the members of the PKW are no longer judges, instead, seven out of nine members are members of parliament. Second, the head of KBW is selected by the PKW from a list of three candidates nominated by the minister of the interior. Third, the minister of the interior is responsible for nominating the 100 commissioners who manage elections on the ground.

There was no formal discrimination against specific candidates in the 2020 presidential election (OSCE/ ODIHR 2020, 13-14). The PKW ultimately approved the candidatures of 11 candidates, one following the annulment of a PKW rejection by the Supreme Court. The quarrels over the timing and the procedure of the presidential election complicated preparations for the election. At the same time, the postponement allowed the Civic Platform (PO), the main opposition party, to change its candidate. In May 2020, Małgorzata Kidawa-Błońska, the previous nominee, was replaced by Rafał Trzaskowski, the mayor of Warsaw.

Citation:

OSCE/ ODIHR (2020): Special Election Assessment Mission Final Report: Republic of Poland, Presidential Election, 28 June and 12 July 2020. Warsaw (<https://www.osce.org/odihr/elections/poland/464601>).

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. In December 2021, the age of eligibility for running for parliamentary and regional office was lowered from 25 to 18. Also in 2021, the revised Article 6 of the Political Funds Act took effect, allowing (preliminary) candidates for local council elections (in addition to local government heads) to designate supporters' groups for the purposes of campaign fundraising.

In 2019, the parliamentary election process was reformed to distribute proportional representation seats to better reflect voter preferences and boost the presence of minor parties. The aim was to compensate smaller parties for their disadvantage vis-à-vis large parties due to the first-past-the-poll races in electoral districts. Unfortunately, the reform actually worsened the situation, because in a legally dubious move, former members of major parties created satellite parties to help major parties benefit from the new election system. Thus, the two satellite parties connected to the major parties won 36 of 47 proportional representation seats in the April 2020 parliamentary elections, while truly independent parties fared poorly.

While 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 any 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:

Freedom House, Freedom in the World 2009, New York: Freedom House

The Guardian. 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>
 Hanelt, Etienne. "In the Orbit of Democracy: Satellite Parties in South Korea's 2020 Parliamentary Election." Politics Blog. Oxford University, June 8, 2021. <https://blog.politics.ox.ac.uk/in-the-orbit-of-democracy-satellite-parties-in-south-koreas-2020-parliamentary-election/>.
 Lee, Hae-a. "Assembly Passes Bill on Lowering Age of Candidacy for Parliament to 18." Yonhap News Agency, December 31, 2021. <https://en.yna.co.kr/view/AEN20211231003200315>.
 Public Officials Election Act, Act No. 9974, Jan. 25, 2010
 정치자금법 (Political Funds Act), 법률 제17885호, 2021. 1. 5., Accessed January 29, 2022, <https://www.law.go.kr/>
 헌법재판소 (Constitutional Court), 2018헌마301·430(병합), 2019.12.27., Accessed January 29, 2022, <https://ccourt.go.kr/>

Mexico

Score 7

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.

In September 2020, an attempt to register Mexico Libre, a new party created by former President Felipe Calderón and his wife, Margarita Zavala, was rejected by the INE national electoral institute. Zavala claimed that the government put pressure on INE to make this decision so as to avoid competition.

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. María de Jesús Patricio Martínez – an independent candidate who was supported by indigenous groups and the Zapatista movement, but who failed to fulfill the criteria – criticized the process for being unfairly biased against the poor.

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. The midterm elections in

2021 are considered to have been some of the most violent polls in recent Mexican history. Dozens of candidates of all political parties were killed during the campaign. Estimated numbers range from 34 to 140, with the killings usually linked to organized crime. Under the current government, this structural challenge is unlikely to change.

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.

Romania

Score 7

There have been no substantial developments in candidacy procedures that would have had an impact on the 2020 or 2021 parliamentary and local elections in Romania. Like most parliamentary systems, political parties put forward their candidate for respective ridings, while other individuals are permitted to run as independents. In the 2020 local elections, there were 18 candidates on the ballot for the Bucharest mayoral race, with five of those candidates running as independents. Candidates are finalized by the Central Election Bureau in advance of the election.

Freedom House's 2021 report noted that Romania's electoral laws and frameworks generally provide for fair and competitive elections. This is supported by the Central Election Bureau, which includes judges and political representatives, as well as the Permanent Electoral Authority, which manages voter registration, campaign finance and logistics. The Organization for Security and Co-Operation in Europe observers who monitored the 2020 parliamentary elections noted the complexity of the legal framework.

Hungary

Score 6

Each Orbán government, since the first came to office in 2010, has repeatedly changed electoral procedures and skewed them to improve the chances for Fidesz. They have done so without consulting the opposition and often with little notice. For some time, the government has sought to confound voters and to weaken the opposition by favoring a surge in candidacies and phantom parties by lowering and not enforcing registration requirements. Before the 2022 parliamentary elections, the government somehow changed course. At the end of 2020, the Fidesz majority in parliament passed an electoral law reform, which dramatically increased the number of constituencies in which parties must field a candidate in order to participate in the election of the 93 out of 199 members of parliament that are elected in a nationwide proportional contest. Justified as an attempt to reduce the number of shadow parties, this reform aimed to weaken the fragmented parliamentary opposition. As the six main opposition parties succeeded in uniting behind a single candidate in each

constituency, it has failed to do so. However, the new provisions have been a major obstacle to the formation of new parties beyond the two main camps, and have been criticized for fostering polarization and limiting pluralism.

Turkey

Score 5

The legal groundwork for fair and orderly elections and the prevention of discrimination against any party or candidate is provided for in 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. 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. The Supreme Board of Election (YSK) authorizes the final list of candidates for presidential, parliamentary, and local elections in accordance with the eligibility rules prescribed by the constitution (Articles 76 and 101), and the laws governing presidential elections, deputies' elections and local-administration elections.

Eligibility criteria include a prescribed level of education (i.e., primary school for parliamentary and local elections, and higher education for presidential candidates), legal capacity, and the lack of a criminal record (e.g., having been sentenced to prison for certain crimes). Any citizen can object to presumptive candidates within the period announced by the YSK, which makes the final decision on any objections.

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 presidential candidates if they collect at least 100.000 signatures for which notarization is not required in the 2018 elections.

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>.

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>

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.

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 public Swedish Television (SVT) and Sverige Radio (SR), the 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 (Asp, 2012).

In Sweden, as elsewhere in Europe, 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 narrower consumption of information than in traditional print media. A recent report found a disconnect in the types of political questions debated in traditional news media vis-à-vis social media. While the economy, the labor market and health were the major issues in the former, migration, equality, law and order, and taxes were more prevalent in the latter (Kantar Sifo 2022).

Citation:

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

Kantar Sifo. 2022. "Mediemätaren." <https://www.kantarsifo.se/tags/mediemataren>

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 ranks 4th out of 180 countries in the Press Freedom Index for 2021.

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, 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 2019." <https://rsf.org/en/denmark> (Accessed 20 February 2022)

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 obtaining free media access. 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.

Germany

Score 9

There are generally no media-related regulations at the federal level, but broadcast media are regulated by Länder laws. However The Interstate Treaty on Broadcasting and Telemedia (Rundfunkstaatsvertrag) provides a general framework stipulating requirements of plurality of opinion, balanced coverage for all important political, ideological and social forces, and requires those parties with a list in at least one Länder be granted an “appropriate amount” of broadcasting time. The allocation of airtime is based on each party’s result in the previous general elections (OSCE

2021). For television airtime, 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.

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.”

Despite these rules, there is a persistent debate as to whether the media’s tendency to generally focus coverage on the largest parties and, in particular, on government parties is too strong. According to the most recent OSCE report, most observers regard political and election coverage in Germany to be fair and balanced, but some voiced concerns regarding the inequitable access to media and potentially biased coverage (OSCE 2021).

Citation:

OSCE (2021): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 26 September 2021, ODIHR Needs Assessment Mission Report, 22 July.

Greece

Score 9

Incumbent political parties represented either in the national parliament or the European Parliament have equal opportunities for media access. Until 2019, the country’s national public broadcaster (ERT) primarily, if not exclusively, communicated the views of the government, but the news content was much less biased in 2020–2021 than ever before.

Private media are also selective in their reporting and many are sensationalist. Private media owners often change sides, first favoring the government and then the opposition, while selectively highlighting certain issues depending on their business strategies. However, the range of media outlets, from the extreme left to the extreme right, is very wide. Media pluralism is fully developed, even though the quality of information is very debatable. Importantly, during electoral campaigns, candidates and parties enjoy relatively equal opportunities to access the media.

Ireland

Score 9

Irish political issues 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. Some smaller political parties and independent candidates without political representation 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, which play an important role in political and social discourse in Ireland. 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 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 the regulation of both private and public broadcasters became vested in a single body, the Broadcasting Authority of Ireland (BAI).

In 2021, responsibility for broadcasting regulation moved from the former Department of Communications, Climate Action and Environment to the newly formed Department of Media, Tourism, Arts, Culture, Sports and the Gaeltacht. In January 2022, the Online Safety and Media Regulation Bill was published. This bill will establish a new regulator made up of the multi-person Media Commission, which will replace the BAI. The commission will be responsible for overseeing the regulation of broadcasting and video on-demand services, and the new regulatory framework for online safety that was created by the bill (DTCAGSP, 2022).

All newspaper groups in Ireland are privately owned commercial operations. Critics have drawn attention to the highly concentrated nature of the Irish media landscape, as Independent News and Media (INM) controls much of the newspaper market (including the regional market), while broadcasting is dominated by RTÉ (Daly, 2019). They also note the extraordinarily high damages that can be awarded in cases of defamation (RSF, 2020). In November 2019, the minister for justice pledged to reform the Defamation Act in early 2020 (DOJ, 2019). The constitution was amended in 2018 to remove the constitutional prohibition against the “publication or utterance of blasphemous matter,” a provision that dated back to the constitution’s introduction in 1937.

Ireland is ranked sixth in the world in the 2022 Press Freedom Index, the annual report published by Reporters without Borders (2022).

Citation:

Daly, A. (2019) Ireland warned its highly concentrated media ownership is ‘single largest threat to press freedom’, TheJournal.ie, 18 April, available at: <https://www.thejournal.ie/press-freedom-index-rsf-ireland-media-ownership-4596375-Apr2019/>

DOJ (2019) Minister Flanagan hosts symposium on reform of defamation law, available at: <http://www.justice.ie/en/JELR/Pages/PR19000279>

DTCAGSP (2022) Publication of the Online Safety and Media Regulation Bill, Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, 14 January, available at: <https://www.gov.ie/en/publication/88404-publication-of-the-online-safety-and-media-regulation-bill/>

Rafter, K. (2015), 'Regulating the Airwaves: How Political Balance is Achieved in Practice in Election News Coverage.' *Irish Political Studies* 30:4, 575-594.^[11]

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

RSF (2022), *Reporters without Borders – Ireland*, available at: <https://rsf.org/en/index>

RSF (2020) *Reporters Without Borders – Ireland*, available at : <https://rsf.org/en/ireland>

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 Cooperation in Europe (OSCE), Lithuania's media environment in general demonstrated ample plurality of opinion during the 2016 and the 2020 parliamentary elections, with the freedom of expression generally respected. However, in its 2020 election report, the organization noted that "(a)lthough the public broadcaster organized candidate debates, their format did not allow for any substantial discussion that would help voters to make an informed judgment."

The OSCE similarly concluded that the "media provided extensive coverage, which enabled citizens to make an informed choice" after the country's 2019 presidential elections. At the same time, the OSCE recommended reviewing the rules governing media conduct during electoral campaigns, with the aim of clearly distinguishing paid political advertising from other forms of campaign coverage. Currently, the vague definition of political advertising leaves space for arbitrary decisions, the organization indicated.

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

Citation:

OSCE/ODIHR Lithuania, Parliamentary Elections, 11 and 25 October 2020: Final Report, see <https://www.osce.org/odihr/elections/lithuania/477730>

OSCE/ODIHR Election Assessment Mission Final Report on the 2019 presidential election in Lithuania, see <https://www.osce.org/odihr/elections/lithuania/433352?download=true>
 OSCE/ODIHR Election Assessment Mission Report on the 2016 parliamentary elections in Lithuania, see <http://www.osce.org/odihr/elections/lithuania/296446>.

Luxembourg

Score 9

Historically all of Luxembourg's daily newspapers have at least some ties to political parties, reflecting the interests of the publications' owners, and their coverage of election campaigns has tended to be rather biased or partisan. Recent changes are noticeable in this domain. While the *Tageblatt* is still close to the LSAP and the *Zeitung vom Letzebuerger Vollek* to the small Luxembourg Communist Party, the *Luxembourger Wort*, which was always considered to be close to the CSV, has been acquired by the Belgian media company Mediahuis. The *Journal*, which has close links to the DP, ceased appearing as a daily newspaper and has become an online publication. In addition, to shore up their dwindling readerships, newspapers have adopted a more balanced line in recent years, reducing their political bias, to the benefit of smaller parties and organizations. However, circulation figures continue to drop at all newspapers. At the same time, new journalistic projects are being created, such as *Reporter*, an online magazine that aims to offer in-depth journalism and has no advertising.

The public radio broadcaster 100,7 is required to offer independent and impartial coverage by its public service mission. The main private broadcaster, RTL Radio Télé Luxembourg, has to commit to balanced reporting as a condition of its concessionary contract with the state of Luxembourg. During election campaigns, the information and press service of the government provides the political parties with airtime and the opportunity to broadcast radio and television ads. Furthermore, both 100,7 and RTL have to hold roundtables with candidates from all party lists.

Until 2019, the government's Information and Press Service (*Service Information et Presse, SIP*) was responsible for supervising the coverage of election campaigns among the broadcasters that have a public service mission (radio 100,7 and RTL Radio Télé Luxembourg). However, the *Autorité luxembourgeoise indépendante de l'audiovisuel (ALIA)* took over this mission during the European election of 2019. On the basis of this experience, the chair of the ALIA has stressed that his body would need increased resources and a clear legal basis to properly carry out its new mission.

Citation:

"Financial support for professional journalism." The Government of the Grand Duchy of Luxembourg. (8 July 2021). <https://guichet.public.lu/en/entreprises/sectoriel/medias/subside-presse-en-ligne.html>. Accessed on 14 January 2021.

"Gebt uns die erforderlichen Mittel." *Luxemburger Wort* (4 February 2022). <https://www.wort.lu/de/politik/mehr-macht-als-nur-vermitteln-duerfen-61fc3745de135b9236aeea84>. Accessed 7 February 2022.

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 have a non-negligible audience.

If one considers media access more broadly, access to news programs and political debates is overwhelmingly concentrated on the parties that have parliamentary representation. 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 them.

Slovakia

Score 9

The Election Campaign Act, the Broadcasting Act and the Slovak Press Act regulate media conduct during elections and call for equal access to mass media for all candidates. They stipulate that no candidate and party should be favored over any other and that campaign advertising has to be clearly distinguished from other media content. The public broadcaster Radio and Television of Slovakia (RTVS) has to provide the same conditions for all parties and candidates. The campaign for the 2020 parliamentary elections, which started on 5 November 2019 and ended 48 hours before election day, was pluralistic and competitive (OSCE/ ODIHR 2020). While the public media have shown a certain bias in favor of Smer-SD and SNS, Slovakia's media market has been sufficiently pluralistic to ensure that all candidates and parties have been able to make themselves heard. The OSCE has criticized the appointment procedure for the two bodies that oversee the media conduct during the electoral campaign (Council for Broadcasting and Retransmission (CBR) and RTVS Council) as not sufficiently safeguarding the impartiality and independence of both bodies from political influence. Departing from its own original selection criteria, RTVS invited the candidate of the nationalist, right-wing Slovak National Party (SNS), one of the parties of the coalition governing from 2016 to 2020, to the much-watched final debate of the candidates ahead of the 2020 parliamentary elections.

Citation:

OSCE/ODIHR (2020): Election Assessment Mission Final Report: Slovak Republic, Parliamentary Elections 29 February 2020. Warsaw (<https://www.osce.org/files/f/documents/8/3/452377.pdf>).

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 airtime 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 some national media outlets sometimes 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 and its percentage of the popular vote in the last general election. 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 of free airtime to federal and provincial parties, this does not represent a significant share of political advertising. However, whether or not this situation translates into unequal access is unclear, as campaign spending regulations impose de facto limits on how much parties can actually spend on televised advertising time.

The Canada Elections Act (S.C. 2000,c.9, s.350 (1)-(2)) restricts the amount any "third party" or outside group can spend on political advertising and activities during

a normal-length political campaign to CAD 350,000 with no more than CAD 3,000 being spent in any one electoral district. The Act (s. 349.1(1)-(2)) also imposes limits on pre-election spending. In the three-month period before the official start of the campaign period, non-party entities can spend no more than CAD 700,000.

Citation:

Canada Elections Act, S.C. 2000, c.9, <https://laws-lois.justice.gc.ca/PDF/E-2.01.pdf>

Israel

Score 8

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 airtime 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.

While election broadcasting rights are fair and balanced, achieving equal media representation is a routine challenge. Most notably, minorities often remain under-represented. For example, Arab Israeli interviewees are under-represented in broadcasts by Hebrew media outlets. According to studies of civil society organizations, media coverage of Arab candidates and lists in Hebrew media was relatively low (4.5% and 7.5% of total coverage) during the two elections held in 2019.

In recent years, the number of Jewish-only public opinion surveys has decreased, following criticism waged by the Seventh Eye media watchdog and changes made to the Israel Press Council's ethical rules. While those surveys sometimes presented as representing the Israeli public opinion, the fact that they exclude Arab Israeli citizens is usually not mentioned.

Citation:

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

Persiko, Oren, "An increase in the number of Arab speakers in election bulletin," The Seventh Eye, 26.9.2019 (Hebrew):

<https://www.the7eye.org.il/346075>

Persiko, Oren, "On the way down," The Seventh Eye, 20.8.2019 (Hebrew): <https://www.the7eye.org.il/341556>

Persiko, Oren, "Mid-2019: 2.7% representation of Arab society, which constitutes about 20% of the population," The Seventh Eye, 17.7.2019 (Hebrew):

<https://www.the7eye.org.il/336325>

Persiko, Oren, "The right thing," The Seventh Eye, 1.11.2019 (Hebrew): <https://www.the7eye.org.il/349660>

Shwartz-Altshuler and Lurie, Guy, "Redesign the Israeli Election Propaganda Arrangements", Israel democracy institute website 6.4.2015: <https://bit.ly/2ziXcKa> (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>

Italy

Score 8

A significant portion of television channels are still 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 levy penalties for violations. This power is effectively used. The public television service 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 media for electioneering purposes is regulated by the Public Offices Election Law and basically ensures a well-defined rule set for all candidates. Since 2013, the law has allowed the use of social media such as Twitter in electoral campaigning and provided for a more liberal use of banner advertisements. The use of such campaign-communications tools has varied among parties and candidates. Regulations are in place to prevent abuses such as the use of false online identities.

Citation:

Diet OKs Bill To Allow Online Election Campaign, Nikkei.com, 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>

Narumi Ota, Abe using star power, social media to appeal to young voters, The Asahi Shimbun, 3 July 2019, <http://www.asahi.com/ajw/articles/AJ201907030064.html>

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/>

Netherlands

Score 8

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 (radio, television) 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 has brought group insult and inciting to discrimination charges against Geert Wilders, the leading member of parliament representing the Party for Freedom (PVV). The charge was upheld (minus the aspect of inciting to discrimination) by the Supreme Court, but no legal punishment was ordered; nor were disadvantaged parties accorded the right of compensation. In this way, the PVV kept its free airtime on national Dutch broadcasting channels. Commercial 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.

However, media access these days also means access to social media (Twitter, blogs, YouTube), especially when competing for younger voters (18 – 35 age group). Dutch political parties have together spent more than €200,000 on Facebook advertisements in the run-up to the European Parliament elections in 2019. Public debate on topics of this nature is only beginning, inspired by issues such as the general financing of political parties, access to social media by new political parties, movements with strong but undisclosed financial support, and foreign interference in national elections. Even in the Netherlands, some parts of society are turning against media reporting, and are threatening journalists. Public media broadcasting equipment (vans, cars) have removed their logos for fear of damages through attacks by inimical individuals, bands or crowds.

Citation:

NU.nl, 3 November 2019. Politieke partijen gaven 200.000 euro uit aan Facebook-advertenties

Adformatie, 1 November 2016. VVD strijdt ook 'achter Facebook' en boekt meeste succes op social media (Adformatie.nl, accessed 3 November, 2019)

de Rechtspraak, 9 December 2016 Wilders schuldig aan groepsbelediging en aanzetten tot discriminatie

Openbaar Ministerie, Strafzaak Wilders (afgesloten 6 Juli 2021)

Villamedia Website over Journalistiek, 15 October 2020. NOS verwijderd logo's vanwege bedreigingen van journalisten

De Telegraaf, 22 November 2021. Omroep Brabant verwijderd logo's van wagens: 'Knieval voor geweld'.

Norway

Score 8

Candidates and parties are free to purchase political advertising in print publications and in social media. Advertisements from political parties are not allowed on television or radio. This ban has been subject to some controversy, with the populist Progress Party advocating a removal of the restriction. The other political parties are opposed to changing the law. Political advertising during election campaigns is extensively regulated to ensure that voters are aware of the sources behind such advertising.

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 government interference in choosing the themes of the debates. In general, however, representatives of the larger parties are interviewed more often and participate in more debates than do small-party candidates.

Spain

Score 8

All political parties with parliamentary representation have good access to the public media during electoral campaigns (e.g., they are covered by news reports, participate in candidate debates, etc.), while outsiders have very restricted access. This has produced some controversy in recent years regarding the limitations suffered by new parties (like Podemos, Ciudadanos or Vox) in their first electoral campaign before entering the parliament.

In terms of pluralism, there is a variety of public and private television and radio stations, newspapers and internet portals. However, the public TV and radio network (state-wide RTVE, and several regional and local channels) has been criticized for its lack of impartiality and credibility, while privately owned media are dominated by only three media groups. The population's increasing access to the internet (with a penetration rate of approximately 85%) and widespread use of social networks have encouraged the proliferation of electronic newspapers and independent blogs, which counterbalance the oligopolistic trends and guarantee that all opinions can be expressed in public debate.

Citation:

Universidad de Navarra (2021), Digital News Report <https://www.digitalnewsreport.es/resumen-ejecutivo-digitalnewsreport-es-2021-periodismo-de-calidad-y-cercania-para-combatir-la-infodemia/>

Austria

Score 7

During electoral campaigns, all parties with parliamentary representation have the right to participate in unbiased debates hosted by a public broadcaster. This can, however, be seen as an obstacle to new parties, which are not covered by this guarantee. During the 2019 electoral campaign, private TV channels competed with the public TV broadcaster (ORF) in organizing almost daily discussions between representatives of political parties – with priority usually given to parties represented in parliament. The tendency for private channels to compete with the ORF has created a situation that has been critically described as “overfeeding” the public. However, obviously, this is the price for offering inclusive formats (i.e., avoiding exclusively focusing on the top candidates of the two major parties).

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, parties with better access to funding and especially government coalition parties an advantage. The advantage that parties in government enjoy is significant on the provincial and local levels as well as the federal level. This is conducive to a kind of balanced pluralism among the established parties, as parties in opposition at one level (e.g., the SPÖ has been in opposition on the federal level since 2017) are usually in power in some provinces (e.g., in late 2021, the SPÖ led the state governments in Vienna, Carinthia and Burgenland).

Belgium

Score 7

All mainstream political parties, or so-called democratic parties, have broadly equal access to the media, both public and private. However, the provision of equal public-media airtime is not guaranteed by law, though those parties with parliamentary representation (as well as the main trade unions, employers’ organizations and religious denominations) receive some specific airtime for short broadcasts of their own. 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

Media access for parties and candidates is regulated for radio and television. No law exists for digital media and no obligation is set for the press. However, newspapers offer coverage to all parties and candidates in their print and online editions.

The Law on Radio and Television 7(I)/1998 and specific regulations require equitable and non-discriminatory treatment by commercial channels. The law on the public broadcaster (Cyprus Broadcasting Corporation, RIK) and regulations provide for fair and equitable treatment of political actors. Equity must be respected, particularly during the pre-election period, the definition of which varies in law. Airtime must be allotted to political parties in accordance with the number of parliamentary seats they control and their territorial implantation.

Broadcasters are required to adopt an in-house code of coverage. The Cyprus Radio Television Authority (CRTA) monitors compliance with the rules, but publishes an annual report only on the public broadcaster. 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. However, the absence of publicly available codes of conduct and relevant reports negatively impacts our evaluation.

In the 2021 parliamentary elections, the very low proportion of female candidates and women in media was indicative of the lack of a gender balance. Daily activities and heavy advertising by the government have likely upset the balance and the fairness of media coverage.

Citation:

1. The Law on Radio and Television Stations, L. 7(I)/1998, in Greek, available at http://www.cylaw.org/nomoi/enop/non-ind/1998_1_7/full.html
2. 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)
3. Christophoros Christophorou (2021), The President, the Government and the Integrity of the Elections, <https://www.eklektor.org/the-president-the-government-and-the-integrity-of-the-elections/>

Latvia

Score 7

There are no laws or self-regulatory measures that provide access to airtime on private channels for political actors during election campaigns. Generally, the representation of different political groups is balanced.

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.

In recent years, much of the pre-election debate in the private media, in particular on television, has been publicly funded, with this funding being distributed through a public procurement competition. For example, in 2021, the National Electronic Media Council (NEPLP) awarded public procurement funding of €75,000 for the production of pre-election content for municipal elections on commercial television.

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. 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. (2016) Monitoring Risks for Media Pluralism in the EU and Beyond: Latvia, Available at: https://cadmus.eui.eu/bitstream/handle/1814/46802/Latvia_EN.pdf?sequence=1&isAllowed=y, Last accessed: 04.01.2022.
2. Rožukalne, A. (2010), Research Paper on Hidden Advertising Issues in the Media, Available at (in Latvian): http://politika.lv/article_files/2117/original/slepta_reklama_mediju_prakse.pdf?1343212009, Last accessed: 04.01.2022.
3. OSCE: Office for Democratic Institutions and Human Rights (2019), Parliamentary Elections 6 October 2018: ODIHR Election Assessment Mission Final Report, Available at: <https://www.osce.org/odihr/elections/latvia/409344?download=true>, Last accessed: 04.01.2022.
4. LSM (2021) NEPLP has allocated 75,000 euros for the production of pre-election content on commercial television, Available: <https://www.lsm.lv/raksts/zinas/latvija/neplp-pieskirusi-75-000-eiro-priekšvelesanu-saturaveidosanai-komerctelevizijas.a403643/>, Last accessed: 04.01.2022.

New Zealand

Score 7

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/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). 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 (Norris et al 2017).

The televised party leader debates represent a recurring point of contention. While in the past, these debates included the leaders of all parties represented in parliament, both in the run-up to the 2017 and 2020 elections, the leaders of the two largest parties (Labour, National) and the leaders of minor parties held separate TV debates. In 2017, a formal complaint over the exclusion of small parties from the debate was rejected by the courts. In 2020, Advance NZ – a fringe party that had repeatedly made false claims about the COVID-19 pandemic (including the claim that 5G mobile networks spread the virus) and ended up winning less than 1% of the vote – went to court over its exclusion from the “minor parties” TV debate. The judge rejected the claim, stressing that “courts will not lightly interfere with editorial decisions of media because an independent media, divorced from political influence, is critically important for a functioning democracy” (Hurley 2020).

Smaller parties have also criticized the unequal allocation of public funding for election broadcasts. For example, in 2020, Labour and National claimed \$2.5 million out of a total of just over \$4 million, leaving the rest to be fought over by minor contenders (Braae 2020).

Citation:

Braae (2020) “Minor parties furious at low allocation for TV and radio campaigning.” The Spinoff. <https://thespinoff.co.nz/politics/09-06-2020/minor-parties-furious-at-low-allocation-for-tv-and-radio-campaigning>

Hurley (2020) “Election 2020: New Conservative fails in High Court to argue for TVNZ debate inclusion.” New Zealand Herald. <https://www.nzherald.co.nz/business/election-2020-new-conservative-fails-in-high-court-to-argue-for-tvzn-debate-inclusion/N6GM4PLVRBA6NLDATJD6E6DLR4/>

Norris et al. (2018) Corruption and Coercion: The Year in Elections 2017. <https://www.electoralintegrityproject.com/the-year-in-elections-2017/>

South Korea

Score 7

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. However, YouTube and other social networks have become an influential and equalizing means of public communication for all candidates and parties.

On the other hand, the use of social media to illicitly interfere in elections has become a matter of concern. It has even come to light that the Korean National

Intelligence Service (NIS) used social media posts to support President Park's election in 2012. Demonstrating its stance against social media manipulation, the ruling Democratic Party (DP) in 2018 expelled two members involved in an online opinion-rigging scandal that aimed to benefit the Moon administration.

The immensely controversial National Security Law also applies to online media, creating significant limitations regarding the freedom of expression. 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.

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/>)

Jung, Jae-soon. "(3rd LD) Ruling Party Expels Two Members Suspected of Online Comment Rigging." Yonhap News Agency, April 16, 2018. <https://en.yna.co.kr/view/AEN20180416003853315>.

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 monitored by Ofcom, the industry regulator. Broadcasters are required to be balanced in their coverage of parties, especially at election time. Though there has been regular criticism of how broadcasters interpret the term "balance." On occasion, a minority view (for example on climate change) will be given equal weight by organizations such as the BBC. 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 during the Brexit referendum campaign of 2016, the ensuing political quarrels and, more recently, in the coverage of Boris Johnson's difficulties. There is therefore a marked imbalance between print and broadcast. Independent fact-checking agencies, such as Full Fact, which complement media presentations of statistics, try to highlight misleading claims and will be cited in media analyses.

Citation:

<https://fullfact.org/>

Croatia

Score 6

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 with 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. In the case of the 2019 presidential elections, HTV reacted to these complaints and invited all 11 candidates to a public debate. In contrast, calls by several NGOs to give the Agency for Electronic Media of the Republic of Croatia a more important role in applying the media provisions of the electoral law were not taken up. The Electronic Media Council has the option of sanctioning media outlets that spread misinformation during an election campaign. However, it generally does not use tools to penalize disinformation and manipulative content, relying instead on the candidates who are the target of such disinformation campaigns to initiate proceedings. Coverage of the various political parties in the media during the election process is largely balanced. According to a survey of media experts in Croatia, restrictions on editorial autonomy and political control over media outlets are a much bigger problem.

Citation:

Grbeša, M., Volarević, M. (2021): Media in Croatia: From Freedom Fighters to Tabloid Avengers, in: *Publizistik* 66(3-4): 621-636.

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 have access to the public media, although presentations are often tedious and unlikely to hold viewers’ and listeners’ attention. Municipalities also provide billboards, and political advertisements are carried in newspapers. However, there is a distinct coverage bias toward the larger parties due to more significant resources and perception of importance. Moreover, coverage by private media is less balanced

than that of public media. While there are oversight mechanisms for public TV and radio, such mechanisms are largely lacking for private media, especially in the online space. A particular issue has been the growing ownership of media outlets by Andrej Babiš, who was prime minister between the end of 2017 and the end of 2021. Babiš's media outlets have been biased against other parties, including his own government's coalition partners.

Iceland

Score 6

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. During the 2017 election campaign, two small parties complained about not being allowed to participate in the traditional party leader debate on state-run TV the night before the election. The parties were told they would not be included in the debate because they were unlikely to secure the 5% of votes necessary to win representation and they were not fielding candidates in every constituency.

The established political parties have granted themselves significant budget support in recent years, filling their coffers and thus tilting the playing field in their favor against their opponents.

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.

President Andrés Manuel López Obrador, who was often challenged by the mainstream media before becoming president, relies strongly on the use of social media and a daily press conference that is broadcast live on YouTube. This approach enables the president to circumvent the traditional media, avoid immediate press criticism and promote his agenda. The oligopolized traditional media market has declined in political influence.

Citation:

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

United States

Score 6

In a broad sense, media access is fair, although the U.S. media exhibit some significant biases. Publicly funded media have access to relatively modest budgets, most of which is financed through community support. 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 notably Fox News Channel, have a fervent conservative and/or Republican bias.

It is important to note that during 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.

Citizens more often access political campaign information through social media (i.e., Facebook and Twitter) as often as through traditional news sources, even though social media have proved to be highly effective in efforts to spread misinformation. Despite ongoing political pressures, social media companies such as Facebook and Twitter have long been reluctant to act in order to fight the spread of disinformation. Yet, especially in the aftermath of the COVID-19 pandemic, they have been forced to take more actions to address this increasingly prominent issue.

Still, the unprecedented biases and distortions found within right-wing media outlets and the vulnerability of social media to misinformation suggest that citizens no longer enjoy uncompromised access to reliable information.

Citation:

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

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 presentation time for every candidate and registered party or coalition. With a large number of parties or candidates usually in the running, splitting the time between each is a serious challenge. Between electoral campaigns, parties not already represented in parliament have little access to public media, especially if they are considered to be potentially serious competitors by the incumbent parties.

Candidates with enough resources face no restrictions to access in private media outlets. Most national private TV and radio broadcasters, with the exception of broadcasters with close relationships to (or owned by) political parties and/or leaders, remain relatively objective throughout campaigns.

Most candidates relied heavily on internet media during the four electoral campaigns of 2021.

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.

Malta

Score 5

Malta has both state and private media. However, an overall media authority is absent. 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 as it is controlled by the two big parties. There is a lack of transparency with regards to appointments. 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. However, smaller parties or independent candidates do not receive equal treatment by the state-owned media or any media. The PBS management is appointed by government, which is said to negatively impact its independence. The fault lies with the two main parties, as they alone can change this state of affairs. Several two-to-three member organizations, which call themselves a movement, now receive almost the same amount of news coverage as much larger civil society groups. Furthermore, as both parties own media outlets, their voice is much more dominant. 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. The Media Monitor 2020 stated that only 12% believe that the media in Malta provides information free from political pressure and that public service media are free from political pressure. Overall, the political independence of the media scores a very high 94% risk level. Access to the media for minorities is not

addressed, and there is an issue of unequal representation of women both in terms of participation and visibility. Malta ranked 81 in the 2021 World Press Freedom Index. The Media Monitor noted that Malta is the only EU member state where political parties have such extensive media ownership

Due to increased competition and the proliferation of privately owned radio and television stations and online news outlets all candidates can now access time in the media 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 outside of social media. In 2022, the Nationalist Party has taken the state broadcaster to court over what it describes as political bias and propaganda.

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 2018

2019 World Press Freedom Index: Reporters without Borders

Times of Malta 28/04/19 Reporters without Arguments. Mark Anthony Falzon

Malta Today 22/04/19 Reporters without Brain cells Raphael Vassallo

Media Monitor 2020 European University Institute

World Press Freedom Index 2021

Times of Malta 05/02/22 PN Launches constitutional case over PBS Labour Propaganda

Romania

Score 5

While parts of the Romanian political environment are relatively free and pluralistic, key outlets continue to be controlled by business individuals with political interests. Owners' priorities distort coverage and can result in more favorable coverage for certain candidates. The Organization for Security and Co-Operation in Europe observers of the 2020 parliamentary elections noted that television channels either did not devote significant airtime to polls or offered extensive coverage to public officials and President Iohannis of the National Liberal Party (PNL). Further, as a result of the COVID-19 pandemic, President Iohannis issued a decree that allowed authorities to restrict access to webpages or websites that disseminated purportedly false COVID-19 information during the state of emergency. While tackling misinformation related to the pandemic has been an important challenge for governments around the world, observers raised concerns that users had no avenue to appeal the removal of content. The exercise of this power demonstrated the government's continued ability to participate in media censorship, which could have repercussions during the election process.

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 televised candidate debates. While government influence on the public media has always been a problem, this has tremendously increased since the PiS came to power. Public media reporting now has a clear partisan bias and media access is more difficult for opposition parties. This was once again evident in the 2020 presidential election campaign (OSCE/ ODIHR 2020). The governing PiS used its control over the media to promote nationalist and homophobic rhetoric, and run a smear campaign against opposition candidates. Since there are private media who report more openly, other means of information exist. However, it is difficult to counterbalance the image depicted in the public media.

Citation:

OSCE/ ODIHR (2020): Special Election Assessment Mission Final Report: Republic of Poland, Presidential Election, 28 June and 12 July 2020. Warsaw (<https://www.osce.org/odihr/elections/poland/464601>).

Slovenia

Score 4

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. Since the third Janša government was sworn into office in March 2020, media access has suffered even more from the growing party polarization, as most media outlets showed a bias toward either the governing coalition or opposition parties. The latest research, carried out by Faculty of Media in 2020, showed that most media, including the public RTV service, lean toward the left side of the political spectrum, with one private news-only TV broadcaster (Nova24) leaning heavily toward the right side.

Citation:

Raziskava ministrstva za kulturo: mediji v Sloveniji so pretežno nevtralni, 24ur.com, 1 March 2021, available at <https://www.24ur.com/novice/slovenija/raziskava-medijske-krajine.html>.

Hungary

Score 2

Media access is highly uneven. Both the public and the private media are tightly controlled by Fidesz. In the two 2019 election campaigns, the public media ignored the existing formal duties for balanced coverage. The visibility of oppositional parties and candidates in the European Parliament elections – and even more so in the municipal elections – was very low, since the national and local public TV stations did not invite them, and did not organize any public debates. The owners of billboard advertising spaces are closely associated to Fidesz, so that the opposition cannot make itself heard via billboards. During recent campaigns, even the number of smaller posters were substantially reduced, since local authorities limited or banned them, and in many cases posters were either officially removed or removed by Fidesz gangs. Ahead of the 2022 parliamentary elections, human rights envoys from many international organizations have raised strong concerns about the uneven media access (Than 2021; OSCE/ ODIHR 2022).

Citation:

OSCE/ ODIHR (2022): Hungary, Parliamentary Elections and Referendum, 3 April 2022: Interim Report, March 21. Warsaw (<https://www.osce.org/odihr/elections/hungary/514318>).

Than, K. (2021): U.N. expert raises concerns over media freedom in Hungary ahead of 2022 vote, Reuters, November 22 (<https://www.reuters.com/world/europe/un-expert-raises-concerns-over-media-freedom-hungary-ahead-2022-vote-2021-11-22/>).

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 penalize those who violate electoral regulations was repealed under state of emergency decree (No. 687) issued in January 2017. The existence of this impunity mechanism facilitated several violations in the June 2018 elections that went unpenalized.

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. Several TRT channels regularly broadcast pro-government programming, and invite experts allied with the government party to appear on these programs. The mainstream (pro-government) TV channels and newspapers frequently use identical headlines. Privately owned media outlets face either judicial or financial investigations, and media freedom is thus being placed at risk in an unconstitutional manner.

During the 2019 campaigns for local-administration elections, the People’s Alliance (comprised of the AKP and MHP) received 61% of the airtime allotted for political parties by the state-run TRT 1 and TRT news outlets. These two channels broadcast a total of 77 hours of negative news targeting the Nation Alliance (comprised of the CHP and IYI parties) and the Peoples’ Democratic Party (HDP). The most notable recent event revealing the influence of the government in the media sector was the 2019 local elections. The state-run Anadolu Agency stopped publishing election results near midnight on 31 March 2019 when the CHP Istanbul mayoral candidate began to catch up with his AKP rival. After refraining from publishing updated figures for 13 hours, Anadolu Agency finally declared the CHP to be ahead in the Istanbul elections.

Citation:

Freedom House. “Freedom in the World 2020 Turkey.” 2020. <https://freedomhouse.org/country/turkey/freedom-world/2020>.

Bianet. “State-Run AA declares CHP ahead in İstanbul elections After 13-Hour Silence,” 1 April 2019, <http://bianet.org/english/politics/207014-state-run-aa-declares-chp-ahead-in-istanbul-elections-after-13-hour-silence>

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.

Absentee voting and voting by mail are common and easily accessed. Australian citizens living abroad are eligible (but not required) to vote if they intend to return to Australia within six years.

In late 2021, the Morrison government sought to introduce voter identification requirements, ostensibly to reduce voter fraud. However, the Labor Party, Greens and a number of independents opposed the move on the basis that it represented an effort to suppress voting rather than an effort to reduce fraudulent voting.

Citation:

Proposed

voter

ID

law:

https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r6811

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 online. The amendments to the Referendum Act and the election acts (2021) allow voters to choose the most convenient polling station in their electoral district.

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 e-mail about all voting options, including the voting day, the location and opening hours of polling places in their municipality.

To facilitate participation in elections, Estonia uses advanced-voting, home-voting and internet-voting. Advanced voting is open for six days prior to election day. Advanced voting and online voting are increasingly popular. In the 2021 municipal elections, 39% of all votes were cast prior the voting day, while 47% were cast online.

Ethnic minorities' modest degree of engagement in election processes has been a long-standing 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>

<https://www.valimised.ee/en/voting-polling-places-becomes-more-flexible-year> (visited 22.12.2021)

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 in three municipalities during the 2008 municipal elections, but has not been adopted in subsequent elections. In its final report from 2017, a working group on the issue appointed by the Ministry of Justice stated that while technically feasible, an online voting system is still not ready to be implemented, since the technology is not yet at a sufficiently high level to meet all relevant requirements. 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.

<https://vaalit.fi/en/electronic-voting1>

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 (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). Between the 2017 and 2021 general election, the legal framework has been amended to permit citizens under custodianship due to psychosocial disability to vote, which returned voting rights to about 80,000 citizens (OSCE 2021). Citizens permanently residing abroad are eligible to vote if they have three months of continual residence in Germany within the last 25 years (after reaching the age of 14). Additionally, citizens who have never resided in Germany are eligible to vote by postal vote if they can demonstrate their connection to the country and familiarity with the political situation, and are affected by it. The new government announced plans to make it easier for Germans living abroad to exercise their right to vote and to lower the voting age to 16 years (Koalitionsvertrag 2021: 12). The latter would need an amendment of the Basic Law.

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 voting by post. For the September 2021 election and in the context of the pandemic, the share of postal votes reached a record of 47.3%, up from 28.6% in 2017 (Bundeswahlleiter 2021a). While postal voting was conducted smoothly, there was a local problem with electoral districts in Berlin involving insufficient ballots and a lack of administrative staff, which led to long waiting times. The Federal Election Supervisor has officially challenged the results of six Berlin constituencies with the complaint that citizens were effectively denied their right to cast their vote (Bundeswahlleiter 2021b).

Citation:

Bundeswahlleiter (2021a): Bundestagswahl 2021: Anteil der Briefwählerinnen und Briefwähler bei 47,3 %, Pressemitteilung Nr. 53/21 vom 15. Oktober 2021.

Bundeswahlleiter (2021b). Bundestagswahl 2021: Bundeswahlleiter legt Einspruch in sechs Berliner Wahlkreisen ein, Pressemitteilung Nr. 54/21 vom 19. November 2021.

Koalitionsvertrag (2021): Mehr Fortschritt wagen, Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit, Koalitionsvertrag zwischen SPD, Bündnis 90/Die Grünen und FDP.

OSCE (2021): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 26 September 2021, ODIHR Needs Assessment Mission Report, 22 July.

Greece

Score 10

Voting in Greece is mandatory by law. However, it is rarely enforced. 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 rates are calculated based on an aggregate that is much higher than the actual number of eligible voters.

Since 2016, the minimum voting age has been lowered to 17 years. A new, additional electoral registration process was rolled out in 2021. In the period under review, the Greek government started a campaign to implement a law, passed in December 2019, that facilitates participation in elections for Greek voters residing abroad. Owing to multiple waves of emigration from Greece in the previous century and to the “brain drain” in the wake of the recent economic crisis, a very large number of registered voters still reside abroad and until recently had to come back to Greece to exercise their right to vote.

The law of December 2019 provided for the creation of special electoral registers for such Greek voters in their countries of residence. Anyone who had lived in Greece for a total of two years in the span of the last 35 years and who had filed a tax declaration in Greece in the current or previous tax year was eligible to be included in the special electoral registers.

Citation:

The law facilitating the registration of voters living abroad was L. 4648/2019.

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

Voter registration is passive and based on the unified population register maintained by municipalities. Voters residing abroad who wish to receive the ballot are required to actively register. Up to 1 million citizens reside outside of the Netherlands, but only some 80,000 requested to be registered for the upcoming elections.

Contrary to other civil rights, the right to vote in national, provincial or water board elections is restricted to 13 million 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 include either a (non-expired) passport or driver's license.

Characteristic of the high level of trust in election procedures in the Netherlands is the fact that the law regulates complaints and appeals regarding specific parts of the electoral process, such as voter registration, registration of party names, candidate registration and election day proceedings, but there are no specific rules or regulations permitting judicial appeals to other crucial aspects, including campaign finance, campaigning and challenges to the election results.

After the national elections held during the pandemic on 17 March 2021, which entailed special health measures such as postal voting inside the country and social distancing, several changes in the voting procedure have been considered. Proposals have included a change making voting possible over the course of several days, limiting the number of proxy vote authorizations, and adapting ballot design to the increase in the number of political parties on the ballot.

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

OSCE, Office of Democratic Institutions and Human Rights, The Netherlands, Parliamentary Elections March 17 2021, ODHIRNeeds Assessment Report 19-22 January 2021

NRC, ten Velde, 13 October 2021 Nieuw stembiljet, extra stembiljet

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. 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 – by the Electoral Commission in particular – 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%, turnout increased in 2014 for the first time since 2005. This positive trend continued with turnout for the 2017 election (79.8%) and the 2020 election (82%). Turnout rose in 2020 despite the fact that the election had to be postponed due to a COVID-19 lockdown, from 19 September to 17 October 2020. Almost 2 million votes were cast in advance of election day – a significant jump from previous early voting numbers in the 2017 (1.24 million) and 2014 (718,000) elections (New Zealand Herald 2020).

In late 2020, the government responded to a recommendation by the Waitangi Tribunal calling for a removal of the blanket ban on prisoners' voting rights. The Tribunal found the ban had affected Māori disproportionately (in 2018, Māori were 11.4 times more likely than non-Māori to have been removed from the electoral roll). Under the new legislation, prisoners serving less than three years can vote in the general election (Foon 2020).

Citation:

Foon (2020) "“Every vote counts”: Prisoner voting rights returned.” RNZ. <https://www.rnz.co.nz/news/national/428367/every-vote-counts-prisoner-voting-rights-returned>

New Zealand Herald (2020) “Record numbers vote early in 2020 New Zealand election - almost 2 million.” <https://www.nzherald.co.nz/nz/record-numbers-vote-early-in-2020-new-zealand-election-almost-2-million/XHBAMERHAXPH4MX5DLDPH3TMMU/>

Norway

Score 10

All Norwegian citizens who are 18 years old or older have the right to vote in parliamentary elections. In local elections, individuals without Norwegian citizenship aged 18 years or older who have resided in Norway for at least three years have the right to vote. The three-year rule does not apply to Nordic citizens with a permanent residence in Norway. 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 mail-in-ballot 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% (Valmyndigheten, 2021).

Citation:

Valmyndigheten. 2021. "Valresultat." <https://www.val.se/valresultat.html>

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 Supreme 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 years old to vote (which is exceptionally inclusive by international standards). The country has made efforts to allow non-resident citizens to vote from overseas. All Austrian citizens living abroad may register to vote in a region they previously lived in or have a close relationship with; registration is valid for 10 years.

Absentee/postal voting was introduced in 2007, with the number of postal votes continuously rising ever since. There is a particular political element involved in absentee/postal voting as some social segments are more likely to make use of this opportunity than others, which plays to the advantage of some parties and to the disadvantage of others. However, this cannot be avoided and should not be considered as a form of unequal opportunity.

There are currently 1.1 million permanent residents (accounting for one-eighth of the country's total population) which do not have any voting rights at national elections. While this is quite common by international standards, the relative difficulty in obtaining Austrian citizenship, and thus voting rights, represents a problematic aspect. In 2019, the exclusion of resident non-citizens became for the first time a political issue and this debate has continued ever since, with strongly diverging views between different parties. The registration of non-citizen residents to vote in local and European elections (provided residents are citizens of another EU member state) is possible and has not caused any major problems.

Citation:

https://www.oesterreich.gv.at/themen/leben_in_oesterreich/wahlen/4/13/Seite.320736.html

<https://www.derstandard.at/story/2000105976446/1-1-millionen-in-oesterreich-ohne-wahlrecht-vertraegt-das-die>

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 did 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.

Canada

Score 9

All Canadian citizens 18 years and over have the right to vote. Permanent residents do not have the right to vote at any level of government. In January 2019, the

Supreme Court of Canada ruled that Canadians living abroad for any length of time can continue to vote in federal elections. Canadian citizens 18 years and over must be registered in order to vote. 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). This is generally done through checking a box on the tax return form but can also be done online or by mail. Additionally, Canada allows for in-person registration after an election is called. 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. Typically reserved for Canadians living abroad and Canadians with disabilities, voting by mail was extended to all Canadians for the 2021 federal elections held during the pandemic, after they applied online, by phone, or in person.

The Harper Conservative government, through the Fair Elections Act (2014), made some highly controversial changes to Canada's election laws. These changes, which were seen by many as making it harder for disadvantaged Canadians to vote, were repealed by the subsequent Liberal government through the Elections Modernization Act (2019). This legislation allows voter information cards to be recognized as an acceptable form of identification, and it restores the rights of Canadians living abroad to vote no matter how long they have lived outside the country.

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; EU citizens who are only temporary residents of Czechia can at least 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. Postal ballot provision is included in the Fiala government manifesto. With a view to the COVID-19 pandemic, a special drive-thru voting option was established for the 2020 regional and Senate elections, and the 2021 parliamentary elections in order to enable those in quarantine to vote.

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 from the age of 18 enjoys rights that are provided by the constitution. This includes expats and convicts. There is no option to vote by mail, but expats can either vote in offices abroad (consulates or embassies) or by delegating power to a designated person in France. 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. Registration only requires an ID. It is usually estimated that some 10% of the electorate is not registered. This group essentially consists of two main groups: those who refuse to vote and those who have changed residence and subsequently neglected to register in their new place of residence.

Israel

Score 9

In Israel, the right to vote is almost comprehensive, with very few restrictions.

According to the Israeli Basic Law: The Knesset (1958), every Israeli citizen aged 18 or over 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 a valid government identification with the voter's name and picture. In addition, the Basic Law: The Knesset defines the day of the national elections as a national holiday, with public transportation and public services open, thus giving voters a positive (or, at least, not a negative) incentive to vote.

The right to vote in Israel applies also to prisoners. Handicapped citizens are entitled to special voting stations that are adequately equipped, thus simplifying their voting process by using double envelopes. Soldiers on 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.

There are informal restrictions on voting, which reduce the ability of citizens belonging to certain groups to actually exercise the right to vote. 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>^{[1][2]}_{[3][4]}

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

Blander, Dana, and Avital Friedman. "Who will not be able to vote on Election Day?," Israel Democracy Institute, 31.3.2019 (Hebrew): <https://www.idi.org.il/articles/26341>

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)^{[1][2]}_{[3][4]}

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. Italian citizens residing abroad must enroll in a special register and can choose to vote in Italy or to vote by mail. Four special electoral districts exist for different parts of the world. There are no significant complaints about the process.

Polling stations are very numerous and typically very near to places of residence. National elections 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. Citizens living abroad may vote if they preregister. Several proposals for the introduction of internet-based voting have been rejected by the parliament, although this issue continues 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. After the 2016 parliamentary elections, alleged cases of vote-buying in rural electoral districts emerged, leading to police investigations and the removal of one elected member of parliament from the party list. No such major cases of suspected vote-buying came to light during the 2019 municipal, presidential or European parliament elections, or the 2020 parliamentary elections. The parliamentary elections in autumn 2020 took place amid the second wave of the COVID-19 pandemic. A longer period of early voting was allowed, with more polling stations established, and social distancing measures and drive-through voting for voters in self-isolation were enacted during the voting on election day. As observed by the OSCE, voters were afforded ample opportunities to cast ballots.

Citation:

OSCE/ODIHR Lithuania, Parliamentary Elections, 11 and 25 October 2020: Final Report, see <https://www.osce.org/odihr/elections/lithuania/477730>

OSCE/ODIHR Election Assessment Mission Final Report on the 2019 presidential election in Lithuania, see <https://www.osce.org/odihr/elections/lithuania/433352?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 SGI reports, the substantial inflation of the electoral register remains problematic, generating a problem of technical abstention. Estimates ahead of the 2022 legislative elections indicated that there are potentially 1 million more people on voter registration lists for Portugal than there are in the voting age population, potentially inflating the electoral register by 10%.

As noted in previous reports, this difference appears to reflect the failure of Portuguese emigrants registered to vote in Portugal to transfer their electoral registration to their overseas residence. As Portuguese voters can only vote in the administrative parish (or, if abroad, in the country) in which they are formally registered, this means that a substantial proportion of Portuguese emigrants are unable to exercise their voting rights.

This issue was partially addressed with the approval in parliament of Law 3/2018. With this law, Portuguese citizens officially residing abroad are automatically registered to vote.

This had a positive effect on the 2019 elections. Thus, the number of registered Portuguese voters in Switzerland increased from just 9,457 in the 2015 legislative elections to 146,795 in the 2019 legislative elections.

However, as also noted in previous reports, this does not fully 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>

Ledo, W. (2022), “Legislativas: há um milhão de “eleitores-fantasma” a engordar a abstenção,” CNN Portugal, available online at: <https://cnnportugal.iol.pt/decisao-22/eleicoes-legislativas/legislativas-ha-um-milhao-de-eleitores-fantasma-a-engordar-a-abstencao/20220102/61cdca340cf2cc58e7da26e6>

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 on the territory of Slovakia. Slovak citizens who are abroad on election day can vote by mail in parliamentary elections. In contrast, citizens living abroad cannot participate in presidential elections, as the Ministry of Interior claims it is not able to manage two rounds of postal voting.

In the 2020 parliamentary election campaign, some controversies over the voting rights of citizens living abroad emerged. When the voter turnout among Slovak migrants turned out to be higher than usual, the Minister of Interior, Denisa Saková (Smer-SD), made the dubious attempt to mobilize domestic voters by stating that the elections should not be decided by those having lived abroad for a long time (Slovak Spectator 2020). Of course, her main fear was that most of the Slovaks abroad would not vote for the governing coalition, but for opposition parties. Before the elections, some voters complained that they had received incomplete sets of ballots for voting by mail (Hrabovská Francelová 2020).

Citation:

Hrabovská Francelová, N. (2020). Election by mail: Some Slovaks received incomplete sets of ballots, in: Slovak Spectator, January 29 (<https://spectator.sme.sk/c/22313441/parliamentary-election-2020-some-slovaks-got-incomplete-set-of-ballots.html?ref=av-center>).

N.N. (2020): Initiative questions interior minister’s warning against votes from abroad, in: Slovak Spectator, February 10 (<https://spectator.sme.sk/c/22322294/initiative-questions-interior-ministers-warning-against-votes-from-abroad.html>).

South Korea

Score 9

All citizens of South Korea aged 18 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. The voting age was lowered from 19 to 18 in December 2019. There had been growing public support for this change since the candlelight demonstrations against President Park in 2016 – 2017. Overseas citizens are 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. However, voter turnout rates among foreigners are still low. 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, who have violated election laws, who have committed specified crimes while holding one of a set of public offices, and who have violated the law on political foundations or specific other laws. National elections are national holidays, making it easier for all citizens to vote. 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.

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, and non-EU citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote.

Much more problematic is the exercise of voting in Spain of Spanish citizens living overseas, who face onerous bureaucratic obstacles to participating in elections as well as occasional technical failures in the administrative work of consular departments. The parliament has recognized the need to address deficiencies in voting by post from abroad and has considered several proposals to ease the current

requirements. In February 2021, the government parties submitted a legislative initiative to reform the electoral law so as to remove these obstacles. In September 2021, PSOE and PP made a parliamentary agreement to promote the reform.

Ahead of regional elections in the Basque Country and Galicia, the question of how to avoid the disenfranchisement of COVID-19-positive voters was vigorously debated. In Galicia and the Basque Country, both governments decided not to allow those who had tested positive for COVID-19 to vote if the deadline for postal voting had already expired. Home voting was not considered by electoral authorities.

In the 2021 regional elections in Catalonia and Madrid, these concerns decreased. They did not have a differential impact in turnout (very low in Catalonia, very high in Madrid).

Citation:

OSCE Office for Democratic Institutions and Human Rights (2019), Spain Early Parliamentary Elections, <https://www.osce.org/odihr/elections/spain/416252>

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 were also entitled to vote as a consequence of EU membership. Entitlement to vote thus extends beyond British citizenship. As a government document explains, following Brexit, EU citizens already resident before the end of December 2020 will continue to be granted voting privileges. However, for those arriving later, voting rights will only be accorded if their home country allows the same rights to UK citizens. The bill to enact this is expected to become law in 2022.

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. Citizens who have left the country for more than 15 years lose the right to vote in UK parliamentary elections – a regulation due to be abolished in the Elections Bill currently before parliament.

This new Elections Bill, however, has also met a lot of criticism, because it will require photo ID for voting (endangering the vote of citizens without such a document) and impose regulations on the independent Electoral Commission, and it received insufficient consultation and parliamentary scrutiny. The report by the House of Commons Public Administration and Constitutional Affairs Committee recommended, therefore, that the government should not proceed with the proposal, because its enactment might risk endangering trust in elections in the United Kingdom. The Electoral Reform Society also foresees lots of problems and has asked for the bill to be reconsidered.

Citation:

<https://constitution-unit.com/2021/09/30/the-elections-bills-proposals-on-electoral-commission-governance-risks-to-electoral-integrity-and-devolution/>

<https://committees.parliament.uk/publications/8194/documents/83775/default/>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/984918/Photographic_ID_research-_headline_findings_report.pdf

<https://committees.parliament.uk/committee/327/public-administration-and-constitutional-affairs-committee/news/159702/pacac-elections-bill-report-published/>

<https://www.electoral-reform.org.uk/wp-content/uploads/2022/01/Briefing-on-the-Elections-Bill—Report-stage.pdf>

<https://www.gov.uk/government/publications/local-voting-rights-for-eu-citizens-living-in-the-uk/local-voting-rights-for-eu-citizens-living-in-the-uk>

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. Voluntary registration and subsequent compulsory voting were replaced with automatic registration and voluntary right to vote for citizens older than 18 years. This reform led to a higher participation rate among younger and especially first-time voters in the 2013 presidential elections. This law also introduced assisted voting for citizens with disabilities.

Law No. 20,568 also eliminated penalties previously imposed on registered voters who did not vote and who 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 a historic low in the municipal elections of 2016, a tendency which was confirmed in the presidential election of 2017 as well as in the first regional governor elections in 2021. Nevertheless, with voter-turnout rates of 55.64% in the 2021 presidential runoff, the rate increased to an all-time high since voting became voluntary. At the same time, a controversy was generated on the day

of the presidential elections due to the alleged lack of public transportation in some municipalities, a service that is guaranteed to be free of charge during the hours in which the polling locations are open.

Since April 2014, Chileans living abroad have been automatically registered to vote if they are registered correctly in SERVEL database. These citizens are officially allowed to participate in presidential elections, presidential primaries and national plebiscites (which are not explicitly provided for by the constitution), but not in elections for the National Congress or in municipal elections. Chileans living abroad were able to vote for the first time in the presidential elections of 2017.

Citizens 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 awaiting judgment that remain on remand lose in practice lose their right to vote because administrative and infrastructural barriers impede their participation in elections, according to a study conducted by the Ministry of Justice and Human Rights in September 2020.

Citation:

Chilean Electoral Service (Servicio Electoral de Chile, Servel), www.servel.cl, last accessed: 13 January 2022.

On voters abroad:

Library of the National Congress (Biblioteca del Congreso Nacional, BCN), <http://www.bcn.cl/leyfacil/recurso/voto-de-chilenos-en-el-extranjero>, last accessed: 13 January 2022.

Chilean Electoral Service (Servicio Electoral de Chile, Servel), Voto exterior, <https://www.servel.cl/voto-exterior/>, last accessed: 16 February 2022.

About suffrage of prisoners:

Centro de Investigación Periodística (CIPER), “Voto preso: los resquicios ilegales que usa el Estado para evitar que los presos sufraguen”, 16 April 2021, <https://www.ciperchile.cl/2021/04/16/voto-preso-los-resquicios-ilegales-que-usa-el-estado-para-evitar-que-los-presos-sufraguen>, last accessed: 13 January 2022.

Ministry of Justice and Human Rights (Ministerio de Justicia y Derechos Humanos), “Sufragio de personas privadas de libertad” September 2020, <https://www.minjusticia.gob.cl/informes-de-estudios/documentos-uic>, last accessed: 13 January 2022.

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.

The biggest shortcoming related to voting and registration rights relates to the unequal number of voters per constituency. When the proportional electoral system

for parliamentary elections was introduced in 2000, 10 constituencies were established, and the law stipulated that the number of voters in those constituencies should not deviate by plus or minus 5% from the average across all constituencies. Even in the first elections under the current law, held in January 2000, three units jumped more than plus or minus 5% of the average unit, and in the last three parliamentary elections, held in 2015, 2016 and 2020, deviation in the number of voters of at least this amount was present in eight out of 10 units. The inequality in constituencies is due to mass emigration from several counties in the eastern area of Slavonia, and in the central part along the border with Bosnia and Herzegovina.

Due to such inequalities between constituencies, different results were obtained from some constituencies than would have been the case if they had been uniform, and many members of the Croatian parliament entered who would not otherwise have been elected. Political scientist Goran Čular, who researched the topic, concluded that up to three mandates per elections went to some parties solely due to the inequality of constituencies. As a proposal, he pointed out the possibility of designing constituencies with different numbers of deputies, according to the number of voters, or to create a new structure of constituencies and reduce their number.

Upon coming to office in October 2016, Prime Minister Plenković said the government would address the problem of the large differences in the number of voters per constituency, a fundamental flaw in the electoral system in Croatia. In the period under review, however, no changes were initiated.

Citation:

Čular, G. (2018) Metodološki izazovi ustavnog sudovanja: učinci podjele na izborne jedinice na rezultate izbora u Hrvatskoj 2000-2016. (Methodological Challenges of Constitutional Judgement: Effects of Apportionment on Electoral Results in Croatia, 2000-2016), in: *Anali Hrvatskog politološkog društva* 15(1): 7-28.

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 resident in Ireland 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, with the likes of diplomats, civil servants and members of the defense forces posted abroad having access to postal voting. Irish citizens living abroad for other reasons do not tend to have access to postal voting and must return to Ireland to cast a vote. This limited access to overseas voting makes Ireland an outlier in Europe

in this regard. The Constitutional Convention also recommended a reduction of the voting age to 16, and the government is considering reducing the voting age for local and European elections in time for the 2024 elections (Oir, 2016). Students living in Ireland but away from where they are registered to vote due to their studies also have access to postal voting. Some people with certain disabilities or who are unable to access a voting place can arrange to do so at home in the presence of a member of the Gardaí (the national police).

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 in 2012 – 2014 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 and this matter has fallen from public discourse.

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.

Building on commitments dating back to 2015, under the Programme for Government, an independent electoral commission is planned to oversee the conduct of all elections in the state, with the heads of a bill published in January 2021.

The Electoral Commission will be independent of government, reporting directly to the Oireachtas and will take on several existing statutory electoral functions. These functions will include responsibility for the registration of political parties; the work currently carried out by referendum commissions, constituency commissions and local electoral area boundary committees; the regulation of online political advertising during electoral periods; oversight of the Electoral Register; and a new public information, research and advisory role in relation to electoral matters (DHLGH, 2021).

There was a small change to the layout of the ballot paper first introduced in 2016, which is intended 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.

Six members of Seanad Éireann, the upper house of parliament, are elected by certain university graduates, with three each representing graduates of Trinity College Dublin and the National University of Ireland constituency. The exclusive

nature of this enfranchisement for some university graduates is only heightened by the fact that graduates from most higher education institutions in the country are not included. For decades, there has been talk of reforming these constituencies. A 2013 referendum to abolish the Seanad outright that was brought by the government was defeated by 51.73% to 48.27%.

Citation:

Convention on the Constitution: www.constitution.ie

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

DHLGH (2021) Electoral Commission, Department of Housing Local Government and Heritage, 31 March, available at: <https://www.gov.ie/en/publication/0a17c-electoral-commission/>

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

McGee, H. (2013) Reduction of voting age from 18 to 16 to be put to referendum, *The Irish Times*, 10 July, available at: <https://www.irishtimes.com/news/politics/reduction-of-voting-age-from-18-to-16-to-be-put-to-referendum-1.1458229>

Oir (2016) Electoral (Amendment) (Voting at 16) Bill 2016, available at: <https://www.oireachtas.ie/en/bills/bill/2016/63/>

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

Japan

Score 8

The Japanese constitution grants universal adult suffrage to all Japanese citizens. The voting age was lowered from 20 to 18 in 2015. 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.

One long-standing issue concerns the relative size of electoral districts, as rural districts contain far fewer voters than urban areas, a malapportionment that has historically favored the ruling LDP. Vote disparities concerning lower house electoral districts had been reduced by means of redistricting in 2017 but climbed back to slightly more than 2:1 in 31 of the 289 single-seat constituencies before the lower house election held in October 2021.

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 party-list seats. The maximum vote-weight disparity in the July 2019 upper house elections was 3:1. In October 2019, the Takamatsu High Court ruled that this level of disparity was unconstitutional, but did not nullify the election results. Other rulings are still pending.

Citation:

Supreme Court rules vote-value disparity under 2 constitutional, The Asahi Shimbun, 19 December 2018, <http://www.asahi.com/ajw/articles/AJ201812190057.html>

Court rules July poll result was 'unconstitutional' due to vote disparity, The Japan Times, 16 October 2019, <https://www.japantimes.co.jp/news/2019/10/16/national/politics-diplomacy/court-calls-july-poll-result-question-vote-disparity/>

Vote disparity gap widens again ahead of Lower House election, The Asahi Shimbun, 20 October 2021, <https://www.asahi.com/ajw/articles/14464524>

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 (10.1% of the total population in 2021) 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, but suggested that implementation of a permanent voter register be considered in order to promote universal suffrage.

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. OSCE: Office for Democratic Institutions and Human Rights (2019), Parliamentary Elections 6 October 2018: ODIHR Election Assessment Mission Final Report, Available at: <https://www.osce.org/odihr/elections/latvia/409344?download=true>, Last assessed: 04.01.2022.

2. Office of Citizenship and Migration Affairs (2021), Natural Persons Register: Statistics. Available at (in Latvian): https://www.pmlp.gov.lv/lv/fizisko-personu-registra-statistika-2021-gada?utm_source=https%3A%2F%2Fwww.google.com%2F, Last accessed 02.01.2022.

Luxembourg

Score 8

The voting age is 18, and once a citizen is registered on the electoral lists, voting is mandatory. Voters above the age of 75 are exempt from this obligation. In theory, unjustified abstentions are punishable by a fine; however, this disposition has not been enforced for several decades now. The electoral system is considered to be strong and fair. However, the parliamentary elections held on 14 October 2018 highlighted a number of problems due both to the division of the country into four electoral districts, and to the method of calculation used to determine the allocation of seats. Thus, small parties were at a disadvantage.

Luxembourg's local polls ("élections communales") take place every six years, and are used to elect councilors for each of the country's 102 communes. Foreign nationals are able to participate in the local and European elections, provided that they have resided in the Grand Duchy for five years and have signed up to vote. In September 2021, Minister for Home Affairs Taina Bofferding, Minister for Family Affairs Corinne Cahen and Minister of Justice Sam Tanson announced changes to the electoral and municipality laws. Thus, the five-year residency requirement for foreign nationals is to be dropped, and the delay to register on the lists is to be reduced to 55 days prior to vote. Foreigners will also be allowed to stand for election at the municipal level if they have lived in the municipality for at least six months. The next legislative and communal elections will both take place in 2023. These changes at the municipal level can be expected to lead to more involvement by foreign residents at the level of municipalities. At the level of the national parliament, the many foreigners living in Luxembourg remain unrepresented.

Citizens are not allowed to observe the process of counting votes. Political parties may, however, nominate witnesses to oversee the vote-counting process.

Citation:

"La loi électorale sera réformée afin de faciliter la participation des citoyens non-luxembourgeois." Stradalex (2 September 2021). https://www.stradalex.lu/fr/slu_news/document/slu_news_article20210908-1-fr. Accessed 14 January 2022.

"Élections législatives, communales et européennes." Official elections website of the Grand Duchy of Luxembourg. <http://data.legilux.public.lu/file/eli-etat-leg-recueil-elections-20180625-fr-pdf.pdf>. Accessed 14 January 2022.

"Projet de loi portant modification de la loi électorale modifiée du 18 février 2003." Chambre des Députés. No.7877. Session ordinaire 2020-2021. https://img.100komma7.lu/uploads/media/default/0002/33/245154_1a2fbd.pdf. Accessed 14 January 2022.

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. However, since the 1980s, Maltese nationals living abroad have been able to avail themselves of subsidized travel for voting purposes. Overseas Maltese cannot as yet vote at embassies. Although this capability has long been discussed, nothing has yet transpired. The need to change the system and allow voting overseas is now critical since the pandemic has restricted travel. Amendments to the Electoral Law in 2018 lowered the voting age to 16, making Malta the second country where this has happened. 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. There have been requests for better and more timely information for EU citizens exercising their right to vote. Third-country immigrants and refugees 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 has now shifted from a manual to an electronic ballot-counting system, which was used for the first time in the European and local council elections of May 2019. In 2022, as a result of the pandemic, the Electoral Commission is setting up a system to ensure that all individuals in quarantine can vote.

In Freedom in the World 2021, Malta scored four out of four for free and fair elections.

Citation:

<http://www.timesofmalta.com/article/view/20130115/elections-news/ad-on-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

https://en.wikipedia.org/wiki/Voting_age#Malta

Malta Independent 26/03/19 PD requests extension of voter registration period

Freedom in the World 2021

VOLT MALTA 28/09/21 Amidst pandemic restrictions Malta should legalize voting in election from abroad Volt Malta says

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 online to see if they are on the lists. 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. However, concerns persist as to whether persons without a permanent address (about 1% of the population), most of them Roma, are not registered in voter lists. Bulgarian citizens residing abroad have the right to vote in parliamentary and presidential elections, as well as in national referendums. In May 2021, the electoral code was amended to introduce electronic voting for most voters and to remove the limitations on the total number of polling stations that can be established abroad. There were no reports of irregularities affecting the implementation of electronic voting during the parliamentary elections in November 2021.

Contrary to ECHR recommendations, people serving prison sentences are not allowed to vote. Citizens can obtain permits to vote outside of their permanent place of residence

Citation:

OSCE Office for Democratic Institutions and Human Rights: Republic of Bulgaria. Early Parliamentary Elections 11 July 2021. ODIHR Limited Election Observation Mission Final Report, Warsaw, 22 October 2021. <https://www.osce.org/files/f/documents/8/b/502110.pdf>

Cyprus

Score 7

Voting ceased to be mandatory since 2017. Exercising voting rights requires registration on the electoral roll. Despite amendments aiming to facilitate participation, registration deadline may be up to three months before an election. No means of e-voting or proxy voting exist. The voting age is 18, down from 21 since 1996. Special arrangements enable prisoners and other groups to exercise their voting rights. Grouping voters in distant polling stations seems to favor abstention. Overseas voting since 2011 is organized in some cities in Europe and elsewhere. Only 7% of Turkish Cypriots living in the areas not under the Cypriot government's control voted in the 2019 European Parliament elections. A Turkish Cypriot was among the six candidates elected to the European Parliament.

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 and European Parliament elections.

To overcome problems caused by the COVID-19 restrictions, legal amendments enabled voting by affected persons and expats.

In September 2021, under the pretext of working on the (long-standing) local government reform, the government and the parliament suspended for 30 months municipal, communal and school council elections.

Citation:

1. Local government elections postponed until May 2024, Financial Mirror, 17 September 2021 <https://www.financialmirror.com/2021/09/17/local-government-elections-postponed-until-may-2024/>

Mexico

Score 7

Political liberties are guaranteed by law, and public debate and electoral competition are meaningful. If political rights are violated, citizens have access to electoral courts which are generally professional and effective. The National Electoral Institute (INE) is an independent body responsible for the administration of elections.

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 (TEPJF), 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. President López Obrador frequently criticizes INE, charging that the INE and its predecessor were unfair to him in the 2006 and 2012 presidential elections, and asserts that both INE and the electoral court (TEPJF) have become too large and powerful. Opposition parties accuse the government of animosity due to the fact that INE has fined MORENA several times for various violations of electoral rules. The government wants to replace INE and TEPJF, but lacks a sufficiently large majority in Congress to be able to effect such a change.

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 ballot boxes by armed groups. A major problem is violence. During the midterm elections in 2021, dozens of 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 7

Almost all adult citizens above 18 years of age in Poland have the right to vote. While there are some controversial restrictions for people with disabilities, there is no blanket disenfranchisement of convicts or individuals who have been declared incapacitated. All Polish citizens are automatically registered to vote, so there is no need for registration before elections. These lists are generally considered to be coherent, complete and valid. Changes to the election code in 2018, which were criticized due to its quick decision-making and lack of public consultation, made some procedures for voting more difficult. Since the local elections in autumn 2018, postal voting is only open to disabled voters and no longer for citizens living abroad. Citizens who live abroad have to vote in specific ballot offices in their consulates or embassies. Since citizens residing abroad have tended to be critical of the PiS in previous elections, the amendment has been regarded as strongly biased in favor of the PiS.

The PiS's instrumental approach towards postal voting became evident in the case of the 2020 president election (OSCE/ ODIHR 2020; Tatarczyk/ Wojtasik 2022). Because of President Duda's strong showing in the polls and the opposition's low visibility during the lockdown, the PiS, despite the COVID-19 pandemic, long advocated sticking to the scheduled date of May 10 for the election. The government's desire to take advantage of the situation figured prominently in delaying any declaration of a state of emergency, which would have made it impossible to hold elections. Although previously critical of postal voting, the government introduced a bill making it possible. As it was constitutionally impossible to change the format of an election at such short notice, this step met with strong criticism even inside the governing coalition. As a result, the election was postponed to June, and a mix of postal and in-person voting was applied.

After the election, around 6,000 complaints were submitted regarding difficulties in voter registration, on-time deliveries from ballot boxes and votes from abroad. They had to be directed to the Supreme Court within seven days of the election result's announcement. The Supreme Court ruled that the election procedures were legitimate and that President Duda, who won with a margin of only 500,000 votes, was correctly elected. The fact that the new president of the court has been close to the government has cast some doubt on the independence of the court's decision.

Citation:

OSCE/ ODIHR (2020): Special Election Assessment Mission Final Report: Republic of Poland, Presidential Election, 28 June and 12 July 2020. Warsaw (<https://www.osce.org/odihr/elections/poland/464601>).

Tatarczyk, D., W. Wojtasik (2022): The Incumbency Advantage during the COVID-19 Pandemic: Examining the 2020 Polish Presidential Election, in: *East European Politics and Societies and Cultures*, forthcoming (<https://doi.org/10.1177/08883254221085307>).

Romania

Score 6

Romanians enjoy relatively free and open access to the right to vote across the country. In September 2020, 19 million registered voters participated in elections for more than 43,000 local officials across the country, including council presidents and mayors. Just a couple of months later in December 2020, voters again went to the polls for a parliamentary election. While the right to vote is broadly available to eligible adults, only 31.84% of the eligible population voted. This is down from 39.49% in 2016 and represents a collapse in public confidence in the political class, its institutions and the government more broadly.

Parliamentary elections were held on 5 and 6 December 2020. On 17 January 2021, the think-tank Expert Forum published a report on the poll. While the authorities' efforts to enable quarantined and isolated voters to vote were more visible than they were for the subsequent local elections, there were problems with using the special ballot box and protective masks. The report also indicated that the transparency of the process was significantly diminished due to the fact that the meetings of constituency electoral offices were not public.

Citation:

Raport De Monitorizare Raport final privind observarea alegerilor parlamentare 5-6 decembrie 2020 – FiecareVot” [Monitoring Report Final report on the observation of the parliamentary elections 5-6 December 2020 – EveryVote], Expert Forum, 17 January 2021, <https://expertforum.ro/raport-parlamentare-2020/>

“AEP: Aproape 3.400 de acțiuni de control la competitorii electorali realizate în 2019 și 2020” [AEP: Nearly 3,400 control actions on electoral contestants carried out in 2019 and 2020], Agerpres, 2 August 2021, <https://www.agerpres.ro/politica/2021/08/02/aep-aproape-3-400-de-actiuni-de-control-la-competitorii-electorali-realizate-in-2019-si-2020-757268>

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 allowing Turkish citizens who are not living or present in Turkey during elections to vote (Law 5749). 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.

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>

United States

Score 5

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. Thanks to the Justice Department's aggressive enforcement of the act, racial discrimination in the administration of elections was largely eliminated by the 1990s. But in 2013, the United States Supreme Court held it is unconstitutional to use the coverage formula of the Voting Rights Act, thereby abolishing the control function of the Justice Department in case of electoral reforms in southern states.

As a result, Republican officials in many states have engaged in or attempted to engage in overt efforts to reduce the numbers of black (and sometimes Latino) voters. Often under the 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. Federal courts have struck down or delayed the implementation of several such state laws but have also declined to delay others. In recent federal election cycles, registration procedures were subject to considerable controversy, as heavy-handed voter suppression efforts were 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 did not challenge such voting restrictions but, during the Trump years, federal courts, responding to appeals brought on by other parties, blocked several of these restrictions. Still, the Republican party has adopted as a standard party strategy the suppression of low-income and minority votes by any legal means. Democrats at the state level and in Congress as well as the Biden administration have

criticized and mobilized against this strategy. Yet, as of late January 2022, the lack of a significant Democratic majority in the Senate stalled the enactment of major federal voting rights legislation.

Hungary

Score 3

Registration and voting procedures for the parliamentary elections in Hungary have been heavily tilted in favor of the governing Fidesz party. This has been a major reason for Fidesz's victories in the 2014 and 2018 parliamentary elections. 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. In order to cast their votes, they often have to travel long distances and to stand in long queues.

Voter registration has suffered from other weaknesses and manipulations. In the past, Fidesz provided many Hungarians with dual citizenship resident in neighboring countries, some of whom are unable to speak Hungarian, with a fake Hungarian address in order to that they may participate in municipal elections, and vote in single-mandate constituencies as well as for party lists during parliamentary elections. This practice has been made easier by a controversial 2021 amendment to the Law on the Records of Citizens' Personal Data and Address. By changing the definition of address from the place where citizens regularly live to the address used for communication with the state, the new provisions have made it easier for Hungarians living abroad to claim addresses in the country as well for citizens living in Hungary to register strategically in electoral districts with uncertain outcomes ("vox tourism"). The problems with voter registration are further aggravated by the fact that the registration of voters without domicile in Hungary is valid for 10 years. Since there is no list of those who have died – tens of thousands of people by estimation – and no control over the personal identity of those who vote by mail, their names can easily be misused.

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 10

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. At the end of 2021, the Ministry of Justice started preparing a further series of amendments that will significantly expand the powers of the PPFSC, and introduce tougher sanctions for individuals and firms that have made illegal donations to political parties.

Citation:

<https://www.err.ee/1608388751/seadusemuudatus-annaks-erjk-le-pisut-oigusi-juurde> (visited 22.12.2021)

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

Political parties in Norway are funded primarily by public grants that are proportional to the number of votes received by a party during the last held parliamentary election. On average, parties receive about three-quarters of their revenues through state subsidies (ranging from 60% to 80%). Membership fees are 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.

Since 1998, political parties have been obliged to publish an overview of the source of their revenues, and detailed reports have been 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 35,000 or more must be provided separately, with the identity of the donor included. In election years, contributions of NOK 10,000 or more must be reported. Income reports are submitted to the Central Bureau of Statistics and are published in detail.

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 2019 election, it was AUD 0.2756 per eligible vote in both houses of parliament (House of Representatives and Senate). The total election funding paid in the 2019 federal election was AUD 69.6 million. The Australian Electoral Commission 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 2019 federal election, was not due for release until October 2020. 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.

Following the rise in public scrutiny of Chinese influence within the Australian political system, legislation was passed in November 2018 that bans donations of more than AUD 100 from foreign governments or state-owned enterprises to any “political actor” – including parties, individual candidates and significant political campaigners. Additionally, The Foreign Influence Transparency Scheme commenced on 10 December 2018. Its purpose is to provide public and governmental decision-makers with a view of the nature, level and extent of foreign influence on Australia’s government and political process. The scheme introduces registration obligations for persons and entities who have arrangements with or undertake certain activities on behalf of foreign principals.

Citation:

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

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1819/Quick_Guides/ElectionFundingStates

<https://www.ag.gov.au/Integrity/foreign-influence-transparency-scheme/Pages/default.aspx>

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 2016 that the prime minister and other senior ministers were raising millions of dollars at private “cash-for-access” fundraisers, giving donors secretive cabinet access. The 2018 Act to Amend the Canada Elections Act (political financing) stipulates that party fundraisers must be advertised in advance, conducted in a public place, and be open to the media. Provincial practices and rules regarding political donations vary widely (Brock and Jansen, 2015). 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.

Citation:

David M. Brock and Harold J. Jansen, “Raising, Spending, and Regulating Party Finances in the Provinces,” *Canadian Political Science Review*, vol. 9, no.1, 2015, 55-74.

Denmark

Score 8

Political parties are financed by membership fees, support from other organizations/corporations and state subsidies. 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.

Private sources that contribute more than DKK 20,000 should be made public, although the amount donated can remain confidential. It is possible to circumvent this requirement by making multiple donations below the threshold limit to local political party branches. There are also, repeatedly, reported examples of other indirect ways by which supporting parties have circumvented this rule. The Danish branch of Transparency International has criticized these rules for failing to achieve sufficient transparent.

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 costs. Further, the parties receive electoral support depending on the number of votes won.

There is an ongoing case regarding the possible use of EU money to fund political activities in Denmark unrelated to the European Union by the Danish People’s Party. An investigation conducted by OLAF, the European Commission’s Anti-Fraud Office, concluded in October 2019 that €83,047 should be paid back. Since OLAF has no power to prosecute, the case was sent to the Danish State Prosecutor for Serious Economic and International Crime. The case is under consideration within the Danish court system.

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.

"EU's svindeljægere overdrager DF-sag til Bagmandspolitiet," <https://www.msn.com/da-dk/nyheder/krimi/eu-svindeljægere-overdrager-eu-sag-med-df-til-bagmandspoliti/ar-AAIRcWw> (accessed 17 October 2019).

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 their activities by charging private companies working for local public entities, or by taxing commercial enterprises requesting building permits. Former President Jacques Chirac's sentencing once he lost his presidential immunity provided a spectacular illustration both of the illegal practices and the changing attitudes toward illegal financing. The first reasonably robust regulatory framework was established only in 1990. 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 or credit card, 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, as evidenced by the Constitutional Council statement identifying irregularities in the financing of former President Sarkozy's campaign in 2012. The former president and close aides were found guilty by a penal court for overspending and hiding these unauthorized costs. The case is still under examination by the highest court. As of the time of writing, the National Rally and its leader, Marine Le Pen, were being prosecuted for violating financing regulations. The tradition of cheating persists in many areas. Another example concerns the practice by some parties (including the National Rally and the MODEM centrist party) of using assistants paid by the European Parliament for purely partisan purposes. Finally, the

Fillon scandal (in which the former prime minister used public money earmarked for parliamentary assistants to hire his wife and children – a practice that in itself was 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 disciplinary action can be taken: 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 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 4 million votes qualify it for funding of €1 per vote per year to support smaller parties; for every vote thereafter, parties receive €0.83. In addition, individual donations of up to €3,300 are provided with matching funds of €0.45 per €1 collected. State funding for political parties has an upper limit which, in 2021, was almost €200 million (Deutscher Bundestag 2021). The cap is adjusted annually for inflation. However, public financing must be matched by private funding. Thus, parties with little revenue from membership fees or donations receive less from the state than they would if the calculation were based exclusively on the number of votes received.

The German system of party financing generally provides an appropriate level of support to ensure political involvement and party competition. However, critics continue to point to the relatively high thresholds set for disclosing party financing sources as a problem with regards to transparency. Donations under €10,000 do not need to be reported, and the immediate disclosure requirement for large donations applies only to amounts exceeding €50,000. The Council of Europe’s Group of States against Corruption (GRECO) and several OSCE experts therefore recommend lower thresholds and making individual campaign financing reports public immediately after elections (OSCE 2021). The new government has announced its intent to comply with some of these recommendations, including reducing reporting thresholds (Koalitionsvertrag 2021, p. 10).

Citation:

Deutscher Bundestag (2021): Unterrichtung durch den Präsidenten des Deutschen Bundestages, Drucksache 19/30123, 27.05.2021.

Koalitionsvertrag (2021): Mehr Fortschritt wagen, Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit, Koalitionsvertrag zwischen SPD, Bündnis 90/Die Grünen und FDP.

OSCE (2021): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 26 September 2021, ODIHR Needs Assessment Mission Report, 22 July.

Ireland

Score 8

Financing of Parties:

The financing of political parties in Ireland is supervised by the Standards in Public Office (SIPO) commission. 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 publishes reports routinely after elections and published its last annual report in 2020 following the general election (SIPO, 2020a).

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 previous 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 €130,000, plus an additional share based on the number of first-preference votes it won in the previous election. In 2020, the total funding from this source was some €4.7 million, down from €6.3 million in 2019 (SIPO, 2020b). This drop can be explained by the drop in political activity during the pandemic. 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 group, 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 €41,000 per annum.

In 2020, Sinn Féin received €3.45 million in state funds, while Fianna Fáil received €3.4 million, Fine Gael €2.97 million, the Greens €1.2 million and Labour just less than €1 million. Smaller parties, including the Social Democrats, People Before Profit and Aontú shared more than €1.3 million between them (Gataveckaite, 2021).

The figures above do not cover the reimbursement of election expenses, which are treated separately. In the 2020 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 €8,700. Candidates in European and presidential elections can claim up to €38,092.14 and €200,000 respectively, if their vote tally is at least 25% of the quota for the constituency (CI, 2021). The overall spend in general

elections has continued to fall and in 2020 was down 13% to €7,336,723 compared to 2016. Over €2.5 million was reimbursed by the state to qualified candidates (SIPO, 2020b).

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 maximum donation that may be accepted by a teachta dálas (member of parliament); senator; member of the European Parliament; Dáil, Seanad or European election candidate; or a presidential candidate/election agent from any individual or registered corporate donor in a calendar year is €1,000 (SIPO, 2015). The amount of reported private donations to parties is now relatively low, totaling €52,000 in 2020, with Sinn Féin accounting for almost half of all donations (McQuinn, 2021).

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 2020 general election, this ranged from €30,150 in a three-seat constituency to €45,200 in a five-seat constituency (CI, 2021). 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:

CI (2021) Election expenses, Citizens Information, available at: https://www.citizensinformation.ie/en/government_in_ireland/elections_and_referenda/running_for_office/election_expenses.html

Gatavekaite, G. (2021) Sinn Féin received the most State funding in 2020, Irish Independent, September 24, available at: <https://www.independent.ie/irish-news/politics/sinn-fein-received-the-most-state-funding-in-2020-40886284.html>

McQuinn, C. (2021) Sinn Féin accounts for bulk of reported political party donations in 2020, The Irish Times, 23 November, available at: <https://www.irishtimes.com/news/politics/sinn-f%C3%A9in-in-accounts-for-bulk-of-reported-political-party-donations-in-2020-1.4736402>

SIPO (2015) Guidelines for Political Parties; Steps to be taken concerning donations and prohibited donations, Standards in Public Office, available at: <https://www.sipo.ie/acts-and-codes/guidelines/donations/Guidelines-for-political-parties-on-donations-and-prohibited-donations.pdf>

SIPO (2020a) Annual Report 2020, Standards in Public Office, available at: <https://www.sipo.ie/reports-and-publications/annual-reports/2020-SIPOC-ARFinal-English-Web.pdf>

SIPO (2020b) Exchequer Funding of Political Parties in 2020, available at: <https://www.sipo.ie/reports-and-publications/state-financing/expense-of-exchequer/Exchequer-Funding-of-Political-Parties-2020.pdf>

 Standards in Public Office Commission, 2017. Political Parties’ Statements of Accounts, available at

<http://www.sipo.gov.ie/>

Weeks, L. (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), which require all parties to document their finances and report them to the State Comptroller. These laws set strict limits on party membership dues, and fundraising from members and supporters. In addition, the laws define how funds received from the state in accordance with the Political Parties (Financing) Law are allocated. Since 2018, the Parties Law also limits the amount of funding that candidates can raise when participating in intra-party elections.

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 breaches in the receipt of non-public contributions.

Party funding regulation has been politicized in recent years. Since 2018, an amendment to the party financing law limits the funding that joint parties receive from the state budget so that a joint list of three or four parties would be given the funding of only two parties. In practice, this applies only to the Joint List of four Arab parties and it has been argued that the law was directly intended to break up the Joint List. A year before, another amendment of the party financing law, 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_ls2_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: 15.10.2018: <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, 11.6.2017, <https://www.haaretz.co.il/news/politi/1.4161298>

Shapira, Asaf. "This is how elections are funded in Israel," Israel Democracy Institute, 19.7.2019 (Hebrew): <https://www.idi.org.il/articles/25939>

The State Comptroller. "The functions and powers of the State Comptroller": <https://www.mevaker.gov.il/En/About/Pages/MevakerTafkid.aspx>

Latvia

Score 8

Political and campaign financing in Latvia is regulated by the Law on Financing Political Organizations, the Law on Pre-election Campaign, and the Law on Corruption Prevention and Combating Bureau. In 2017, changes were made to the Law on Financing Political Organizations, which introduced an electronic data entry system, simplifying the submission of party and donor reports. In addition, it introduced a limit on donations by political party members or third parties.

The 2020 Amendments to the Party Financing Law specify that political parties that received votes from more than 2% of voters in the last Saeima elections will be allocated budget funding of €4.50 for each vote obtained. Parties will also receive €0.50 for each vote cast in the last local elections, and €0.50 for each vote cast in the last European elections. Previously, the rate was €0.71 per vote. If a party attracts more than 5% of the votes, €100,000 a year will be provided until the next elections. State support for a single party will not exceed €800,000 annually. This change is a welcome step in the right direction, although it has raised some concerns about the limitations it may set on political competition, keeping the new, smaller parties out.

The amendments also set a limit to donations, membership fees and party joining fees for parties receiving budget funding, which now cannot exceed five minimum salaries during a calendar year. If the parties receive state funding, and in the previous elections received more than 2% but less than 5% of the votes, the cap is 12 minimum monthly salaries during a calendar year. Previously, the maximum amount of donations and payments was 50 monthly salaries.

In addition to budget funding, fees and donations, parties can also be financed by income earned through parties' economic activities in Latvia, according to certain set limits. 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, as long as they observe 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 an election.

Political party and campaign financing are 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 penalty. Ultimately, however, those parties that have faced stiff penalties have been dissolved or voted out of office.

The ODIHR report on the 2018 parliamentary elections expressed confidence in the party and campaign finance rules, but recommended that electoral contestants open dedicated bank accounts for campaigning transactions to enhance the mechanisms.

Citation:

1. Ministry of Justice (2019) Initial Impact Assessment Report of Amendments to the Law on the Financing of Political Organizations (Parties) (Abstract), Available at: [http://tap.mk.gov.lv/doc/2019_10/TMAnot_081019_PFF\[1\].1802.docx](http://tap.mk.gov.lv/doc/2019_10/TMAnot_081019_PFF[1].1802.docx), Last accessed: 12.01.2022
2. OSCE: Office for Democratic Institutions and Human Rights (2019), Parliamentary Elections 6 October 2018: ODIHR Election Assessment Mission Final Report, Available at: <https://www.osce.org/odihr/elections/latvia/409344?download=true>, Last accessed: 12.01.2022.
3. Amendments to the Criminal Law Regarding Illegal Party Financing (2011), Available at (in Latvian): <http://www.likumi.lv/doc.php?id=236272>, Last accessed: 12.01.2022.
4. Law on the Financing of Political Organizations (Parties), Available at (in Latvian): <http://www.likumi.lv/doc.php?id=36189>, Last accessed: 12.01.2022.
5. KNAB (2015) "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 accessed: 12.01.2022.
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 accessed: 12.01.2022.
7. Amendments to the Party Financing Law (2019 and 2020), Available (in Latvian) at: <https://likumi.lv/ta/id/36189-politisko-organizaciju-partiju-finansesanas-likums>, Last accessed: 12.01.2022.

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.

In 2020, parliament approved a reform aiming to improve the system of financing

political parties so as to enhance transparency and accountability in the electoral process. Thus, public funding for the political parties increases from 75% to 80% of the parties' overall revenues. Qualifying political parties receive a lump-sum subsidy of €135,000 per year (instead of the previous €100,000). In addition, each political party receives a further €15,000 (instead of €14,200) per percentage point achieved in the previous national and European election. The state finances all political parties that receive at least 2% of the vote nationwide in national and European elections. The subsidy for political parties that compete only in European elections is €35,000 per year.

The state allocates approximately €2.6 million each year directly to political parties. As a result, state aid accounts for a significant proportion of the total revenue of all the above-mentioned parties.

Citation:

"2.6 millions d'euros d'aides dans la poche des partis." Luxemburger Wort. (4 May 2021). https://www.wort.lu/fr/luxembourg/2-6-millions-d-euros-d-aides-dans-la-poche-des-partis-60910166de135b9236255618?utm_internal_campaign=magnet_related_articles. Accessed 14 January 2022.

Loi du 15 décembre 2020 portant modification de : 1° la loi modifiée du 21 décembre 2007 portant réglementation du financement des partis politiques; 2° la loi électorale modifiée du 18 février 2003. <https://legilux.public.lu/eli/etat/leg/loi/2020/12/15/a1000/jo>. Accessed 03 Jan.2022.

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 (,500). 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.

In December 2019, the government introduced legislation that banned foreign donations of over \$50 to politicians and tightened disclosure rules for political advertising. The law was passed amid allegations of Chinese interference in New Zealand politics (i.e., in October 2018, Simon Bridges – leader of the National party – was accused of concealing a \$100,000 donation from a Chinese businessman with strong links to Beijing). The new laws also require the names and addresses of those funding election advertisements in all mediums to be published, so as to reduce the “avalanche of fake news social media ads” that have marred elections overseas (Roy 2019)

Citation:

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

Roy (2019) "New Zealand bans foreign political donations amid interference concerns." The Guardian. <https://www.theguardian.com/world/2019/dec/03/new-zealand-bans-foreign-political-donations-amid-interference-concerns>

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.

In the 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. The Party Financing Board (Partibidragdsnämnden) announced that for the financial year 2020-2021, political parties received a total of just under SEK 168 million. The women's arms of the political parties received a total of SEK 15 million during the same period (Sveriges Riksdag, 2021).

Citation:

Sveriges Riksdag. (The Parliament of Sweden). 2021. "Verksamhetsredogörelse för Partibidragdsnämnden 2020." <https://data.riksdagen.se/fil/A3F2D5FB-BEB6-4C20-B8D2-8D1E9B37D296>

Austria

Score 7

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

However, some improvements have been made over the past decade, 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. Additionally, parties are required to keep records of their accounts and publish an annual financial report. This report must include a list of all donations received. Therefore, and for the first time, policymakers have sought to render the flow of private money to parties transparent. The annual reports are subject to oversight by the Austrian Court of Audit and violations of the law can be subject to severe penalties. After major violations of the campaign financing rules in 2017, the ÖVP was again accused of illegal overspending in the 2019 national election campaign.

This regulatory structure contains loopholes, as parties do not need to identify the sources of minor donations. These rules were, however, tightened in 2019. Previously, parties were allowed to accept donations of any amount, with the obligation to publish the names of those having donated more than €3,500. Since 2019, a limit of €7,500 per year per donor has been introduced and no party may accept more than €750,000 per year from all donors combined. Donations from foreigners were banned completely.

The new ÖVP-Green government formed in early 2020 committed itself to reforming the rules and fighting corruption more generally. However, these declarations of intent were not followed by any concrete legislation. Therefore, in October 2021, the president of the Austrian Federal Audit Office presented her own reform ideas to the parties and the wider public. Along with tightening the rules further and increasing the fines for violating these rules, the proposal also sought to abolish the possibility of paying fines from public funds.

Citation:

<https://www.diepresse.com/6051153/rechnungshof-straft-soll-partei-harter-treffen>

<https://www.diepresse.com/5653730/nationalrat-setzt-heute-doppelten-deckel-auf-parteispenden>

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. Compliance with the new rules for publishing financial reports has grown over time. While the Office for the Oversight of the Political Parties and Political Movements (Úřad pro dohled nad hospodařením politických stran a politických hnutí, ÚHHPSH), the independent regulatory authority in charge of monitoring party and campaign finance, recommended suspending the activities of 45 parties for violating some of the rules in 2020 and 2021, almost all relevant parties have largely complied with the new provisions. However, prior to the vote of investiture in December 2021, it turned out that STAN (Mayors and Independents), one of the coalition partners of the new Fiala government, had accepted donations from an anonymous account in Cyprus, leading to the new government's first scandal.

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. 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.

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 campaign-finance regulations by exceeding spending limit for political advertising during the 2016 parliamentary elections. As a penalty, regulators imposed a six-month suspension funding suspension on the party.

In 2020, several amendments were made to the regulation of political parties' financing. These included stricter sanctions in cases illegally attained funds, new limits on cash funding, and stricter controls on political campaign expenditures and advertising.

In its report on the 2020 parliamentary elections, the OSCE noted that Lithuania has taken into account some earlier recommendations (related to sanctions and expenditure reporting before elections), but that other recommendations have not been implemented, in particular those related to third-party campaigning and raising the monetary threshold for donations that must be declared.

Citation:

OSCE/ODIHR Lithuania, Parliamentary Elections, 11 and 25 October 2020: Final Report, see

<https://www.osce.org/odihr/elections/lithuania/477730>

OSCE/ODIHR Election Assessment Mission Final Report on the 2019 presidential election in Lithuania, see <https://www.osce.org/odihr/elections/lithuania/433352?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 7

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 party accounts in 2017 were published in August 2020.

As noted in previous SGI 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.

In the last edition of the SGI, we noted that this situation appeared to have worsened during 2018 due in part to changes to the party financing law, which came into effect in that year. These measures increased the ECFP's responsibilities, without increasing its resources (particularly staff numbers). In its report at the end of its four-year term, the ECFP noted that there were 82 situations that warranted sanction but which it was unable to pursue because the statute of limitations had already expired. In this report, the ECFP noted once again that the legal changes of 2018 had not been accompanied by the addition of sufficient human resources to allow the ECFP to carry out all its assigned tasks.

Citation:

Botelho, L. (2021), "Nova Lei do Tribunal Constitucional fez prescrever 82 processos de multas a partidos," Público, available online at: <https://www.publico.pt/2021/10/22/politica/noticia/nova-lei-tribunal-constitucional-fez-prescrever-82-processos-multas-partidos-1982156>

Entidade das Contas e Financiamentos Políticos (2021), "Mandato 2017-2021 – Balanço," available online at: <https://www.tribunalconstitucional.pt/tc/file/Relatório%20mandato%202017-21.pdf?src=1&mid=6615&bid=5282>

Financiamento dos Partidos Políticos e das Campanhas Eleitorais – legislation, available online at:

http://www.parlamento.pt/legislacao/documents/legislacao_annotada/financiamentopartidospoliticoscampañahaseleitorais_annotado.pdf

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. Party financing or donations from abroad are prohibited. 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 €9,360 in September 2021). The legislation puts the annual ceiling for party loans from individuals at ten times the value of the average gross monthly salary (i.e., about €18,720 in September 2021). 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. During local elections, municipalities autonomously set campaign financing for political parties.

Switzerland

Score 7

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.

External observers, such as GRECO (Group of States against Corruption) have repeatedly argued that there is a lack of transparency in political party financing.

In 2017, the required number of signatures for a vote on a popular initiative for transparency have been collected. It requested 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. In 2021, parliament reacted to this initiative with a law that adopted most of the demands of the initiative. There are three major elements to this reform.

(1) The political parties represented in the Federal Assembly must annually disclose their income as well as donations worth more than CHF 15,000 per donor per year. In addition, they must report contributions received by their elected representatives.

(2) In the case of voting and election campaigns, if more than CHF 50,000 is spent for this purpose by a party, in principle, the amount received by a party exceeding CHF 15,000 per donor and campaign must be disclosed. For the election of members of the Council of States (Ständerat), a special transparency regulation is provided due to the lack of federal competence for elections to the Council of States.

(3) The information and documents submitted are checked and published by a body to be designated by the Federal Council. Control includes checking whether all information and documents have been submitted on time, as well as spot checks on the content. If the authority finds that certain information and documents have not been submitted on time or have not been submitted correctly, it must report violations (after an unsuccessful warning) to the prosecution authority.

In return, the initiative has been withdrawn, since most of its concerns have been met by the new law.

Citation:

<https://www.bj.admin.ch/bj/de/home/staat/gesetzgebung/transparenz-politikfinanzierung.html>

Chile

Score 6

In the past, party and campaign financing processes have not been highly transparent. Upper limits to campaign financing are set by law, but enforcement and oversight are often not fully effective. Electoral campaign expenditures are both publicly and privately financed, but deficient monitoring often allows the latter funding flows to be rather opaque. There is a lack of 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 decision is voluntary but binding; joint campaign expenditures are limited by the

current public-transparency law (Ley de Transparencia, Límite y Control del Gasto Electoral).

By 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 across the ideological spectrum turned out to be involved. However, the courts have tended to impose fairly insubstantial penalties. As a response to the crisis, former President Bachelet convened 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 Law No. 20,900, which modifies former Law No. 19,884, a higher base amount is provided by the state for electoral campaigns and enterprises are barred from providing funding to political parties or campaigns. In addition, anonymous donations became illegal and all donations must be transparently registered.

This reform introduced significant improvements with respect to probity and transparency, as indicated by Chile Transparente, a member organization of Transparency International.

Citation:

Chilean Electoral Service (Servicio Electoral de Chile, Servel, www.servel.cl, last accessed: 13 January 2022).

On transparency, limit and control of electoral expenses:

Library of the National Congress (Biblioteca del Congreso Nacional, BCN), <https://www.bcn.cl/leychile/navegar?idNorma=1107658>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “Captura de la política por el poder económico: donaciones de grandes empresarios inclinan la competencia electoral”, 13 May 2021, <https://www.ciperchile.cl/2021/05/13/captura-de-la-politica-por-el-poder-economico-donaciones-de-grandes-empresarios-inclinan-la-competencia-electoral>, last accessed: 13 January 2022.

Greece

Score 6

Party financing for national elections is regulated by law 3023/2003, as amended by law 4304/2014. Legislation formally adheres to guidelines established by the Council of Europe, but is not fully implemented.

Legislation constrained the size of budget outlays to parties, increased transparency regarding donations to parties and barred the practice of parties obtaining bank loans against future revenue, which the parties would expect to receive from the state. Every year, the interior minister issues a ministerial ordinance which distributes funds to parties that received at least 1.5% of the total vote in the most recent election.

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 to repay their loans, as successive governments protected over-indebted parties. Even today the largest parties struggle to service the debts they accumulated over the past two decades.

Under pressure from the Council of Europe and other international organizations, Greece improved national legislation on party financing in 2017 (laws 4472/2017 and 4509/2017). However, the legislation has been amended several times in the years that followed in a back-and-forth manner.

There have also been improvements in the way party financing is monitored. The competent authority is a parliamentary committee, the Committee for the Investigation of Declaration of Assets (CIDA). As noted in the European Commission's latest report on rule of law in Greece (2021), the CIDA regularly receives financial statements from parties which contain information about the amount and sources of political party income and expenses, as well as financial obligations and debts. The committee has performed audits, and – despite long backlogs – has already found financial breaches in 11 cases and imposed appropriate financial sanctions.

Despite improvements, there remains an implementation gap regarding rules for party financing; Greece's record on this front remains mixed. For the most part, monitoring remains ineffective and the real sources of party financing are not fully known. This inefficiency is attributable to both the governing and opposition parties.

Citation:

Council of Europe (2020), "Second Compliance Report Greece," GRECO, 16.11.2020, available at <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a06121>

European Commission (2021), "2021 Rule of Law Report – Country Chapter on the rule of law situation in Greece," available at https://ec.europa.eu/info/sites/default/files/2021_rolr_country_chapter_greece_en.pdf

On the non-implementation of regulations of party financing, Sotiropoulos, Dimitri A. (2020), "Corruption and Anti-corruption in Today's Greece," ELIAMEP working paper, December 2020, available at <https://www.eliamap.gr/en/publication/%CE%B4%CE%B9%CE%B1%CF%86%CE%B8%CE%BF%CF%81%CE%AC-%CE%BA%CE%B1%CE%B9-%CE%BA%CE%B1%CF%84%CE%B1%CF%80%CE%BF%CE%BB%CE%AD%CE%BC%CE%B7%CF%83%CE%B7-%CF%84%CE%B7%CF%82-%CE%B4%CE%B9%CE%B1%CF%86%CE%B8%CE%BF/>

Institute for Democracy and Electoral Assistance (iDEA), Greece (<https://www.idea.int/data-tools/country-view/139/55>)

Poland

Score 6

Party and campaign financing regulation as such is clear and regulated by the 2001 Political Parties Act and the 2011 election code. Parties depend heavily on public funding, which is provided only to parties that win at least 3% of the vote or at least one seat in parliament. 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 voters' electoral committees can be financed from private funds, parties have to rely on party budgets, private donations

are limited and anonymous donations are forbidden. There is also a maximum spending limit for campaign purposes of approximately €7 million. In practice, most Polish parties are unwilling to disclose their accounts, and separating party and campaign financing remains challenging (OSCE/ ODIHR 2020: 15–18). 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 detailed transparency in commission reports of electoral committee revenues and finances. The changes to the PKW and its more partisan composition have raised doubts about its independence. In addition, there is the broader problem of distinguishing between the money PiS has at its disposal in accordance with party finance rules and the semi-formal support that comes through various forms of financial assistance from state-owned enterprises controlled by PiS.

Citation:

OSCE/ ODIHR (2020): Special Election Assessment Mission Final Report: Republic of Poland, Presidential Election, 28 June and 12 July 2020. Warsaw (<https://www.osce.org/odihr/elections/poland/464601>).

Romania

Score 6

Updates to anti-corruption policies in 2015 have strengthened Romania's party financing framework to promote transparency. While no additional updates to the party financing framework were advanced in 2020 or 2021, a notable development was the prosecution of Iona Basescu, daughter of former President Traian Basescu, and a former minister, Elena Udrea, for their roles in illegally financing the former president's 2009 presidential campaign, which resulted in his election for a second term. Ms. Basescu was sentenced to five years in prison for incitement to embezzle and money laundering, while Ms. Udrea was sentenced to eight years for instigating bribe taking and money laundering. The high-profile case represents a commitment by the courts to ensure party financing rules are respected.

In 2021, the Permanent Electoral Authority (AEP) reported that it had carried out no less than 3,396 control actions between 2019 and 2020 on election candidates, political parties, and natural or legal persons. This covered the 2020 local elections, as well as the European Parliament elections and a national referendum held in 2019. While all the parties have been sanctioned with fines and confiscation of sums ranging between €600 and €13,000, the PNL received cumulatively the highest sanction, receiving an estimated €90,000 in fines, for expenditure issues pertaining to the election campaign.

On September 7, the government allocated RON 90 million (approx. €18.2 million) in party subsidies from the state budget, despite previously promising to cut the subsidy granted to parties. Since parties had spent only half of the subsidies they received in the first six months of the year, this sudden increase in subsidies was probably meant to boost Cîțu's chances of winning the PNL leadership. Moreover, the PNL and PSD were the biggest beneficiaries of this subsidy.

Citation:

AEP: Aproape 3.400 de acțiuni de control la competitorii electorali realizate în 2019 și 2020” [AEP: Nearly 3,400 control actions on electoral contestants carried out in 2019 and 2020], Agerpres, 2 August 2021 <https://wwwb.agerpres.ro/politica/2021/08/02/aep-aproape-3-400-de-actiuni-de-control-la-competitorii-electorali-realizate-in-2019-si-2020-757268>

Mihai Roman, “Premierul Cișu a mai dat 90 de milioane de lei partidelor politice în plină criză, deși promisese că le taie subvențiile” [Prime Minister Cișu gave another 90 million lei to political parties in the midst of the crisis, even though he promised to cut their subsidies], G4Media, 7 September 2021,

<https://www.g4media.ro/premierul-citu-a-mai-dat-90-de-milioane-de-lei-la-partidele-politice-in-plina-criza-desi-promisese-ca-le-taie-subventiile.html>

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. 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. In the 2020 general elections, parties were not allowed to spend more than €3 million, including VAT, on their campaigns. This sum also includes money spent on promotional materials more than 180 days before the announcement of the election day.

In July 2019, just eight months before the 2020 elections, the ruling coalition with the help of the far-right, extremist party ĽSNS and populist Sme-Rodina hastily passed a further amendment on party financing. It set relatively low limits for the private financing of parties through membership fees, donations and loans and introduced party liquidation as a sanction for exceeding the party income limit. The amendment has complicated the financing of new parties and was widely perceived as being directed against Andrej Kiska, the former president, who founded the new party For the People (Za ľudí) at the end of September 2019. The OSCE has criticized the threat of party liquidation as not conforming with international standards and good practices (OSCE/ODIHR 2020: 10-13).

Citation:

OSCE/ODIHR (2020): Election Assessment Mission Final Report: Slovak Republic, Parliamentary Elections 29 February 2020. Warsaw (<https://www.osce.org/files/f/documents/8/3/452377.pdf>).

Spain

Score 6

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). According to the OSCE Office for Democratic Institutions and Human Rights recommended a review of the balance between public and private funding, and ensuring that the system of public funding of both statutory and campaign-related activities of parties does not disproportionately favor larger, established parties. However, so far, no legislative amendments have been adopted.

The Audit Office (Tribunal de Cuentas) is the body charged with auditing the party accounts, and is empowered to undertake investigations on its own initiative and upon complaint, but does not have the capacity to control the investigations effectively. Although there have been certain improvements, the office suffers from a lack of political independence, since its members are appointed by the parties themselves. It also lacks staff resources, with the publication of audit reports often delayed. Moreover, there is no oversight during the campaign or before the submission and review of campaign reports. In 2021, the Audit Office launched a website for the general public providing information on the economic and financial activities of political parties and related entities (<https://www.cuentaspartidospolicos.es/es/index.html>).

Citation:

GRECO (2019), Evaluation Report, Spain, Adopted by GRECO at its 83rd Plenary Meeting (Strasbourg, 17-21 June 2019) <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/168098c691>

OSCE/ODHIR (2017): Opinion on Laws Regulation the Funding of Political Parties in Spain. Report available at: <https://www.osce.org/odihr/356416>

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 amount of Short money received by a party is linked to the party’s representation in the House of Commons, which means that parties that lose seats in a general election will face a funding squeeze during the next parliament. The 2010 – 2015 coalition government pledged to reform party financing, but made no substantial progress on the issue. The Conservative government elected in 2015 passed the Trade Union Act, which includes new restrictions on trade union financing for political parties. This will reduce the Labour Party’s income.

The Election Bill currently before parliament will include provisions that will limit the Electoral Commission’s independence by letting the government set the commission’s strategy. This could also affect party finance regulations.

Citation:

<https://researchbriefings.files.parliament.uk/documents/CBP-9304/CBP-9304.pdf>

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 preceding 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 which 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 (€2,900) 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. Compliance by the parties varies.

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. Moreover, there is legal limit on electoral spending. Since 2009, regulation of 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.

In 2021, eight political parties with seats in the parliament received state contributions totaling ISK 728 million (around €5 million). The amount per party is related to the number of seats.

Citation:

Framlög til stjórnmalaflokka. <https://www.stjornarradid.is/verkefni/kosningar/framlog-til-stjornmalaflokka/>. Accessed 3 February 2022.

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, 2nd ed.)

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 7 February 2022.

Italy

Score 5

State financing was regulated until February 2014 by a 1993 law (Legge del 10 December 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 levy penalties for infringements.

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 number slightly rose to 1.3 million in 2020, a sign that Italians’ sympathy for political parties has not significantly increased. A total of approximately €15 million was disbursed to parties from this source (Open Polis 2022). The volume of private donations is also very low despite tax advantages, consisting mostly of contributions of their parliamentary salaries by members of parliament. An important source of party funding are the resources distributed by the two chambers to parliamentary groups, totaling approximately €50,000 for each member of parliament. A portion of these funds are transferred to the party organizations.

Existing rules governing the public and private financing of parties, as well as the current system of enforcement, do not produce a fully transparent system. The degree of transparency given to private contributions is largely left to the parties, and in many cases is minimal. In recent years, cases of individual or institutional abuse, or even fraud associated with the public party funding, have emerged in almost all of the political parties.

Citation:

<https://www1.finanze.gov.it/finanze3/2xmille/index.php?tree=2018AADUEXM0101>

Open Polis report: <https://www.openpolis.it/come-sta-andando-il-2x1000-ai-partiti/> (accessed 11 January 2022)

Japan

Score 5

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 electoral 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.

It is very disappointing that no action has been taken to revise existing laws despite the recurrence of problems. In 2020/2021, LDP lawmaker Tsukasa Akimoto was arrested and later given a 4-year prison sentence for bribery involving a casino project, and Komeito lawmaker Kiyohiko Toyama was arrested for illegal loan brokering.

Citation:

Philip Brator, 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/>

Vice health minister resigns, denies seeking illicit payments, The Asahi Shimbun, 29 August 2019, <http://www.asahi.com/ajw/articles/AJ201908290052.html>

Lawmaker Tsukasa Akimoto to serve four years in prison over casino bribes, Japan Times, 7 September 2021, <https://www.japantimes.co.jp/news/2021/09/07/national/crime-legal/akimoto-prison-sentence-corruption/>

Former Komeito lawmaker charged with illegal loan brokering, Japan Times, 29 December 2021, <https://www.japantimes.co.jp/news/2021/12/29/national/crime-legal/komeito-toyama-indicted/>

Mexico

Score 5

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.

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. Although Mexico has made progress in the area of money laundering, illicit money by organized crime is a serious problem, in the field of campaign financing as elsewhere. As previous examples of party financing scandals have shown (e.g., PRI MONEXGATE 2000, PAN AMIGOS DE FOX 2000 and PEMEXGATE 2012), instances of illegal campaign financing have been proven and sanctioned years later, but without any major effects. This reveals the increasing weakness of this core state function regarding electoral procedures and campaign financing, a vital task in a democratic polity.

Citation:

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

South Korea

Score 5

Since its enactment 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. By law, lawmakers lose their National Assembly membership and are not allowed to run for public office for five years if they receive a fine of KRW 1 million or greater due to violations of the election law. Even though breaking the election law carries little stigma, monitoring systems and sanctions are becoming more effective.

An interesting development is the use of cryptocurrency for fundraising by two Democratic Party (DP) candidates, including presidential hopeful Lee Jae-myung. As of the time of writing, Lee planned to issue non-fungible tokens (NFTs) to campaign donors. The DP stated that the National Election Commission confirmed that the use of NFTs for fundraising purposes did not violate the Political Funds Act or the Public Official Election Act.

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

Park, Jae-hyuk. "Ruling Party to Issue Nfts for Fundraising in Presidential Election." The Korea Times, January 3, 2022. https://www.koreatimes.co.kr/www/biz/2022/01/488_321539.html.

United States

Score 5

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 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 – without being allowed to coordinate with candidates’ campaigns – and to receive unlimited contributions from individuals, corporations, unions or other entities.

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 regarding their source.

Toward the beginning of the Biden administration, campaign finance remained a major source of concern, especially the enduring financial role of corporations withing the political system, which has only increased since the 2010 Supreme Court ruling *Citizens United v. Federal Election Commission*.

Bulgaria

Score 4

Party financing in Bulgaria is regulated by the Political Parties Act. The party-financing regime was significantly overhauled in 2019, which resulted in decreasing the annual support provided to parties with more than 1% of the vote in the last parliamentary election from BGN 11 to BGN 1 per voter. To compensate for this loss of revenues, the prohibition on donations from businesses was eliminated.

The decline in state subsidies for parties is likely to weaken the parties with high vote shares. The greater reliance on business-sector money is likely to create linkages between parties and business interests.

Party financing is overseen by the Audit Office, and parties are obliged to submit an annual financial report of all their properties as well as an income statement. Reports must also be submitted after each electoral campaign; reports on budgets larger than €25,000 must be certified by an independent auditor.

A recent report on campaign spending during the last parliamentary elections of 2021 finds that one of the smaller parties represented in parliament spent the most on the campaign. Given the transparency associated with this party, it seems plausible that some mainstream parties may be under-reporting how much they spend on their campaigns.

Citation:

<https://openparliament.net/2022/02/01/17642/>

Croatia

Score 4

The legal framework for the financing of parties and campaigns has undergone frequent changes over time. The new law on the financing of political activities, election campaigns and referendums, adopted in March 2019, has regulated the financing of referendum campaigns for the first time. It has increased the limits on private and corporate donations to political parties, and campaign financing limits, and has also introduced a new system for publishing the reports of parties and candidates. The new law enables electronic submission of reports by political parties and individual candidates on donations received and funds spent in the election campaign, and provides for the centralized publication of all this information on the website of the State Election Commission. This represents a small step forward in the regulation of party funding, and has at least minimally improved the transparency and accountability of political finance.

However, it has failed to close a number of loopholes. One particular problem is the fact that the State Election Commission and local election commissions refuse to play a more active role in sanctioning the spending of public funds for election campaigns (which is prohibited by law), and are unwilling to monitor expenditures on advertising in electronic media and social networks. Because of all this, preliminary financial statements appear today to be a relatively unreliable regulatory tool in presenting the financial flows used to finance political parties' and candidates' electoral campaigns.

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. 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 Electoral Commission lacks the power to ensure compliance since it is unable to control sources of income beyond donations. In addition, the role of the Electoral Commission, as the appropriate body to act as investigator and adjudicator

with regard to the FPPA, has been undermined by a Constitutional Court ruling, which states that this concentration of authority breaches Article 6 of the European Convention. One result is that Electoral Commission cannot investigate or impose fines for breaching the law. Therefore, the precise role of the party-financing watchdog remains uncertain and the act urgently needs to be revised. Several unsuccessful attempts have been made to alter the law. In the meantime, members of the Electoral Commission, which is meant to act as a watchdog on the political parties, are appointed by the two major political parties. Delays in the publication of party accounts continues to be the norm.

The Electoral Commission thus remains toothless in light of alleged breaches of the law, including the Nationalist Party's adoption of schemes, which include a loan scheme where funds were received through subsidiaries and lacked legal transparency, as well as allegations that the Panama-based company Egrant was set up as a vehicle to raise funds for the Labour Party.

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>
 tvn.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>
https://www.maltatoday.com.mt/news/national/84425/adrian_delia_high_rise_development_PN_nationalist_financing#.YdVtDlopwQQ
 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
 The Malta Independent 05/06/19 PD Warns of dormant financing of Political Parties Act
https://www.maltatoday.com.mt/news/xtra/75392/pn_warned_us_in_2014_that_subsidiaries_could_be_used_to_hide_party_donations__owen_bonnici#.YdVtXFosaiE
https://www.maltatoday.com.mt/news/national/85197/malta_state_financing_nationalist_party_cedoli#.YdVtylqsvl4
 Lovin Malta 20/05/21 Its official Malta's party financing law is broken
 Lovin Malta 19/01/22 Every single company owned by PN and PL is late in filing their accounts

Netherlands

Score 4

The Dutch government spends less money than its counterparts in most other European countries on financing political parties, at €1 per voter (compared to €9.70 for Iceland). Based on GRECO estimates, Dutch political parties are also less reliant on government money (receiving between 35% and 50% of their funding from this source) than are most other European political parties, with the exception of those in Germany.

Until about a decade ago, political-party finances were not a contested issue in Dutch politics. Party funds come largely through membership contributions (40% – 50%), a “party tax” applied to elected members’ salaries, event revenues and donations, and government subsidies. However, relatively new parties like the Pim Fortuyn List (Lijst Pim Fortuyn, LPF) and the Party for Freedom (Partij voor de Vrijheid, PVV), as well as Forum for Democracy, have received substantial gifts from businesses and/or foreign sources, while the Socialist Party (Socialistische Partij, SP) has 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. GRECO has also addressed the procedure for monitoring party finances (particularly when the rules are improved), noting that this task should rest not with a minister or political figure, but with an independent body.

The 2013 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. It argued that anonymous donations (especially from foreign donors) should be prohibited, and that the threshold and conditions for non-disclosure should be changed in favor of greater transparency. It additionally recommended that state subsidization should in the future be based on the number of party members rather than the number of parliamentary seats, with the aim of strengthening political parties’ societal roots. Furthermore, it said that provincial and local political parties should be brought within the scope of the law. The government only partially followed the commission’s advice. Foreign donations were limited to within-EU donations, but the idea of privileging membership numbers more than the number of seats held was put on hold. Recently, an alleged corruption case involving aldermen in the municipal government of The Hague has placed the issue back on the political agenda, particularly given concerns about growing criminal influences within local governments.

Citation:

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

(kennisopenbaarbestuur.nl, accessed 3 November 2019)

NRC Handelsblad, 26 January 2019. Kabinet: verbod op partijfinanciering van buiten de EU.

Nieuwsuur, 2 October, 2019. 'Nederland is het Wilde Westen van de partijfinanciering'

Follow The Money (FTM), Dossier De financiering van onze politieke partijen

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 money political parties spent on campaigning over the last two presidential elections. Excluding Erdoğan, presidential candidates collected TRY 32 million in donations from eligible people.

Turkish parties excessively rely on external resources, especially state subsidies, to survive. Generally speaking, more than 90% of parties' income comes from state subsidies. The current law allows for public financing if a party has won at least 3% of the votes in the last election or has representatives in the parliament.

The cap on donations to political parties from private individuals is reviewed each year. In 2018, the limit was approximately TRY 72,900. However, donations are rarely properly and systematically recorded. For example, cash donations, in-kind contributions and expenditures on behalf of parties or candidates during elections are not recorded. The funds collected and expenditures made 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. Given these factors, the OSCE has noted that party and campaign finances are not well regulated in Turkey.

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 the information contained in a party's final accounts and the legality of recorded revenues and expenditures based on the information at hand and documents provided. Only three out of approximately 800 auditors of the Court of Accounts are tasked with auditing party and campaign finances.

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>

Arslandaş, D., & Arslantaş, Ş. (2021). The evolution of the party model in Turkey: from cadre to cartel parties?. *British Journal of Middle Eastern Studies*, 1-18.

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>.

Ö. Faruk Gençkaya. 2018. "Financing of Political Parties and Electoral Campaigns in Turkey," S. Sayar, P. Ayan-Musil and Ö. Demirkol, *Party Politics in Turkey: A Comparative Perspective* (pp. 61-79), Routledge: London.

Cyprus

Score 3

Political parties and affiliated organizations receive annual and extraordinary state funding since 1989. Law amendment in 2015 sought to regulate private funding and fight corruption. The ceiling of donations, financial or other, is set at €50,000; the list of donors for sums over €500 must be published. Parties and candidates must submit their accounts, including election-related to the Ministry of Interior (registrar of political parties). Responsibility for monitoring and publishing annual reports lies with the auditor general.

Election campaign spending for parliamentary candidates is capped at €30,000. For presidential candidates, the ceiling is €1 million. Activities that would constitute corruption may be punished with fines and/or imprisonment.

GRECO concluded in a 2018 report that its recommendation on transparency in party funding had been implemented satisfactorily. The auditor general audited party and candidate accounts for the parliamentary and municipal elections in 2016, the presidential elections in 2018, and the European Parliament elections in 2019. In all reports, he pointed to problems that limit the scope and efficiency of control, gaps in the law, the lack of a legal obligation for submitting payment documents, and the lack of a clear definition for "personal expenses," among other things.

Given the provision of state funding, the caps set for donations and candidate expenses seem excessively high for an electorate of 550,000 voters. In addition, the criteria and procedures for setting the size of state subsidies to political parties remain opaque. The regulatory measures adopted represent a positive step, but there remains a lack of transparency.

Citation:

1. Auditor General, Audit of Candidates' Electoral Expenses Reports for the Presidential Elections of 2018, 15 January 2021, [http://www.audit.gov.cy/audit/audit.nsf/056020A6F9626802C225876B003B52EA/\\$file/ELECTION%20EXPENSES%20PRESIDENTIAL%20ELECTIONS%202018%2015012021%20%CE%95%CE%9D.pdf](http://www.audit.gov.cy/audit/audit.nsf/056020A6F9626802C225876B003B52EA/$file/ELECTION%20EXPENSES%20PRESIDENTIAL%20ELECTIONS%202018%2015012021%20%CE%95%CE%9D.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. In June 2020, the government used the COVID-19 pandemic as a pretext for imposing massive cuts on the public funding of political parties. By government decree, 50% of the funds reserved in the central budget for party financing were transferred to the COVID-19 Emergency Fund. Whereas the opposition parties have struggled to raise money from private donors, as the time of tycoons with leftist leanings has passed, 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.

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 European Union. While political elites promised voters that the European Union would renegotiate the terms of this agreement, the European Union 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_aii_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 2022: Citizens' response to a non-responsive government: The Case of the Swiss Initiative on Mass Immigration, unpublished manuscript.

Armingeon, Klaus and Philipp Lutz 2019: Muddling between responsiveness and responsibility: the Swiss case of a non-implementation of a constitutional rule, in: *Comparative European Politics*, First published online: April 24, 2019: <https://doi.org/10.1057/s41295-019-00185-2>

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>.

Milic, Thomas. 2015. "“For They Knew What They Did” – What Swiss Voters Did (Not) Know About the Mass Immigration Initiative." *Swiss Political Science Review* 21: 48-62.

Latvia

Score 8

Citizens have the legal right to propose and make binding decisions at the national level. The constitution includes provisions for both popular initiatives and referendums. No instruments of popular decision-making existed at the local level until recently; however, in 2021, Saeima approved the draft Law on Local Government Referenda which has yet to be implemented.

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, the parliamentary procedure allows for petitions that have gathered 10,000 signatures to move to the parliament for consideration. Under this instrument, 84 proposals have been forwarded to parliament and other institutions since 2011; 50 of these were successful in one way and another, and 12 have been turned into laws or regulations.

In 2011, following the president's invocation of the constitutional procedure for dissolving the parliament, the decision was voted on in a referendum. Under this

procedure, a parliament can be dissolved if the act receives voters' approval, but the president must resign 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. Since then, there have been a number of attempts to trigger the procedure, but not enough signatures were gathered.

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.

Citation:

1. CVK (Central Voting Commission): Voters' Initiatives and Collection of Signatures, Available at: <https://www.cvk.lv/en/voters-initiatives/collection-of-signatures>, Last accessed: 04.01.2022
2. Social Initiative Platform ManaBalss.lv, List of Signed Initiatives, Available at (in Latvian): <https://manabalss.lv/page/progress>, Last accessed: 04.01.2022
3. CVK (Central Voting Commission) (2011) Referendum on Dissolution of the 10th Saeima, <https://www.cvk.lv/en/referendums/referendum-on-dissolution-of-the-10th-saeima-2011>, Last assessed: Last accessed: 04.01.2022
4. Saeima (2021) Saeima supports the draft law on local government referendums in the second reading, Available (in Latvian): <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/25466-lems-par-mihaila-barisnikova-uznemsanu-latvijas-pilsoniba.rss.rss.rss/30242-saeima-otraja-lasijuma-atbalsta-vietejo-pasvaldibu-referendumu-likuma-projektu>, Last accessed: 04.01.2022

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 14 referendums, although only five of these have been successful in terms of attracting sufficient number of voters (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). A referendum to amend the constitution to introduce dual citizenship was held in conjunction with the 2019 presidential elections, but this failed to attract the number of votes necessary to change the constitution. 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. 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 three citizens' initiatives secured the necessary signatures to be debated during the 2012 to 2016 parliament. One initiative proposed to control alcohol consumption, a second proposed a ban on use

of electricity supplied from the newly built nuclear power plant in Belarus, and the third was related to the use of foreign-language characters in official documents. No initiatives have been attempted since 2016. 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.

While local referendums have taken place regularly and there have been some attempts of collecting signatures for national referendums, only eight referendums have been called since Slovak independence in 1993, the last in 2015 (Szekeres 2021). In spring the of 2021, Hlas-sociálna demokracia, a splinter party from Smer-SD, led by former Prime Minister Peter Pellegrini and other opposition parties, collected 585,000 signatures for a referendum on shortening the current term of the government. In line with earlier decisions, the Constitutional Court in July 2021 declared such a referendum on snap elections unconstitutional (Giba/ Bujňák 2021). In another attempt to mobilize against the government, Smer-SD, at the end of 2021, was considering an initiative for a referendum on the controversial Defense Cooperation Agreement with the United States which would allow the United States to use the military airports of Malacky-Kuchyňa and Sliač, or other agreed-on facilities and premises.

Citation:

Giba, M., V. Bujňák (2021): Referendum on early elections: The case of Slovakia in the European context, in: *European Studies: The Review of European Law, Economics and Politics* 8(1): 39-66.

Szekeres, E. (2021): Who Wants to Vote? The Spectacular Failure of Referenda in Slovakia, in: *BalkanInsight*, May 17 (<https://balkaninsight.com/2021/05/17/who-wants-to-vote-the-spectacular-failure-of-referenda-in-slovakia/>).

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, one referendum was held in July 2021. Voters in the referendum overwhelmingly rejected a new act relating to waterside areas, with 86% voting against the act. The referendum revolved around provisions in the new law, which would determine the development of coastal, lakeside and riverside areas. It was initiated by a grassroots movement largely comprising of NGOs, which objected to provisions that they say would lead to too much development, restrict public access to waterside areas and potentially jeopardize groundwater.

Citation:

Voters Strongly Reject Water Development Act in Referendum, Total Slovenia News, STA, 12 July 2021, available at <https://www.total-slovenia-news.com/politics/8585-voters-strongly-reject-water-development-act-in-referendum>.

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.

Bulgaria

Score 7

The list of eligible referendums issues is restrictive, fiscal/tax issues cannot be addressed, political and judicial nominations are also excluded. If backers of a referendum collect a minimum of 200,000 signatures in support of the referendum, they can address parliament to call for a referendum. If 400,000 signatures are presented, parliament is obliged to call a referendum but can, within certain limits, edit the questions posed. The outcome of referendums is binding only if voter turnout is higher than in the last general election.

National referendums were held in 2013, 2015 and 2016, turnout levels were not high enough to make the results obligatory for the parliament.

Requirements for local referendums are less stringent than those for national referendums, 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. Three local referendums were held in 2017, and another two in 2019. In one case in 2019, voter turnout was high enough to make the results binding.

Canada

Score 7

On the federal level, there are no opportunities for Canadians to make binding decisions on matters of importance to them through citizens-initiated referendums. Under the Canadian system, citizens do not have the opportunity to take binding decisions on issues of importance to them or vote on issues through a legally binding measure. There are no legally binding referendums. All referendums in Canada require legislation.

The same is true in the provinces. In 2021, a Citizen Initiative Act was being debated by the Alberta legislature. “Should the Citizen Initiative Act pass, prodding the government to create a new law or amend an existing one, or make a provincial policy change, would require a voter to gather written signatures within 90 days from 10% of the province’s electors – about 280,000 people” (French, 2021).

Citation:

Janet French. 2021. “Proposed law could see Alberta voters petition government for change,” CBC News, March 16. <https://www.cbc.ca/news/canada/edmonton/proposed-law-could-see-alberta-voters-petition-governments-for-changes-1.5952191>

Italy

Score 7

The right to promote referendums and petitions is enshrined in the constitution at the national level of government, and is replicated in most of the regions through regional statute. Referendums may be authorized also at municipal and provincial levels. Ordinary referendums, 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%. There are some limited restrictions to the issues that can be submitted to a referendum.

Referendums 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 some of the old, abrogated rules in a new form.

Confirmative referendums 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 or the 2020 referendum which confirmed the decision to reduce the number of parliamentarians. Consultative referendums were promoted in October 2017 by the Lombardy and Veneto regions, to increase 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

Referendums exist as an institution in Sweden, but in practice almost never occur at the national level, and happen quite rarely at the regional/municipal level (for a list of all the referendums in Sweden, see <https://www.val.se/val-och-folkomrostningar/folkomrostningar.html>).

There are two kinds of referendums at the national level, advisory and constitutional. At the subnational level, all referendums are advisory. All six referendums at the national level have been advisory (Valmyndigheten, 2021). The last referendum took place in 2003, when citizens decided to opt out of the euro area (Sveriges Riksdag, 2021). The outcomes of referendums are never binding in Sweden. However, it is customary that all parties commit themselves to honoring the results.

Citation:

Sveriges Riksdag. (Parliament of Sweden). 2021). "Folkomröstning." <https://www.riksdagen.se/sv/Sa-funkar-riksdagen/Demokrati/Folkomrostning/>

Valmyndigheten. 2021. "Folkomröstningar." <https://www.val.se/val-och-folkomrostningar/folkomrostningar.html>

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. The legal framework governing the organization and conduct of referendums in Croatia is extremely complicated, and is indeed one of the most demanding in Europe. In addition, the same rules do not apply to state and local referendums. In a local referendum, a proposed measure must receive more than 50% support of all registered voters in that locality or region. In a state referendum, a measure may be approved by the majority of voters who have participated in the referendum.

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 initiate 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 decided against calling the two referendums. Between April and May 2019, trade unions collected signatures in favor of a referendum on amending the 2018 Pension Insurance Act. Although the required number of signatures was collected, no referendum was called, as the government eventually accepted all demands in September 2019. In December 2021, the right-wing political party Most began collecting signatures for a referendum on the abolition of COVID-19 certificates and the transfer of the power to adopt coronavirus-related measures from the Civil Protection Headquarters to the Croatian parliament, which – under the terms of the measure – could impose such measures only with a two-thirds majority. On December 22, the party announced that it had collected 400,000 signatures, amounting to more than 10% of the electorate, and that in January 2022 they would hand over all collected signatures to the Croatian parliament.

Finland

Score 6

The government incorporated referendums into the Finnish constitution in 1987. 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 the system's establishment, more than 1,300 initiatives have been brought up, 56 of which have been submitted to the parliament for debate. At the time of writing, over 60 initiatives were 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, referendums are of importance on the municipal and state levels. At the federal level, referendums 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 referendums on the federal level are ongoing and intensifying.

From 1946 to 2019, 351 direct democratic procedures took place in all 16 Länder (states) (Mehr Demokratie 2019). 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%). Bavaria (57), Hamburg (50) and Brandenburg (49) used direct democratic procedures most frequently. There is an interesting imbalance between the German Länder. Whereas in the Länder of the former West Germany, direct democratic processes are relatively common (especially in Bavaria, Hamburg and Berlin), the number of such procedures in the Länder of the former East Germany remains extremely low; indeed, no plebiscite has yet been initiated from below, by the population, in these federal states.

In states such as Baden-Wuerttemberg, North Rhine-Westphalia, Rhineland-Palatinate, citizens can, under certain conditions, call a referendum with the power to confirm or overturn a decision by the legislature. Since 2014, no such referendums have occurred.

Citation:

Mehr Demokratie (2019): Volksbegehrenesbericht 2019.

Luxembourg

Score 6

The constitution of Luxembourg has allowed referendums since 1919 (Article 51, Paragraph 7). An amended constitutional article introduced the possibility of using a referendum to revise the constitution (Article 114). Thus, direct democracy in the form of referendums is possible, but is not a central aspect of Luxembourg's political system. A 2005 law outlined the steps needed before a referendum could 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.

Referendums were held in 1919, 1937, 2005 and 2015. All four referendums resulted from parliamentary or governmental initiatives, including the one in 2005 that sought approval for the EU constitutional treaty.

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

Citizens can submit petitions (written in French, German or Luxembourgish) on the website of the Chamber of Deputies. To ensure that the issue underlying the petition is publicly debated in parliament, at least 4,500 signatures are required. If that threshold is passed, the petition will be discussed during a public debate, broadcast on ChamberTV and streamed on the parliament website. In 2021, 285 public petitions were submitted to the Chamber of Deputies, one of which was a petition asking for a referendum on the planned revision of the constitution. As the total number of valid signatures (7,413) was much less than 25,000 signatures required, the proposal to hold a referendum on the proposed revision of the constitution was not successful.

Citation:

"Press release by the Prime Minister, Minister of State, on the result of the signature collection for a referendum on the proposal to revise Chapter VI of the Constitution." Official elections website of the Grand Duchy of Luxembourg (5 January 2022). <https://elections.public.lu/en/actualites/2022/resultat-signatures-referendum.html>. Accessed 14 January 2022.

"The petition website of the Parliament." Chambre des Députés. <https://www.petitiounen.lu/en/>. Accessed 14 January 2022.

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 500,000 voters back a referendum petition. In addition, a total of 100,000 voters can collectively submit a draft bill ("popular initiative"), which the Sejm then has to pass or reject. Since 2019, the parliamentary standing orders say such initiatives must be considered within six months of the constitution of a new parliament.

Since the 2015 elections, no national referendums have been held. However, various groups have used popular initiatives to submit draft bills to the Sejm. 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 November 2017, a "pro-life" initiative presented 830,000 signatures in favor of the "Shut Down Abortion" (Zatrzymaj aborcję) bill, which proposed

banning abortions in all but severe cases of physical damage to the fetus. The strong public protests prompted by this proposal led the governing coalition to take a dilatory approach. It initially ignored the proposal, then sent it to the parliamentary committees for health, and social policy and family in April 2020, but has refrained from passing the proposed bill. In turn, a pro-choice initiative started to collect signatures in February 2021 to make abortion legal within the first 12 weeks of pregnancy. Controversies also rage over an initiative to limit sex education in schools. As with the ban on abortions, the government has so far confined itself to sending the proposed bill to a committee for further discussion.

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%20Depts/544%20Parliamentary%20Library/Handbook/43rd_PH_Part5.ashx](#)

[ry%20Depts/544%20Parliamentary%20Library/Handbook/43rd_PH_Part5.ashx](#)

Williams, George/Hume, David, 2012, *People Power: The History and Future of the Referendum in Australia*

Citizen Initiated Referendum Bill 2013, No.

, 2013 (Senator Madigan), A Bill for an act to enable the citizens of Australia to initiate legislation for the holding of a referendum in relation to altering the constitution, and for related purposes, <http://www.restoreaustralia.org.au/petition-ups/CIR%20Bill.pdf>

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

Austria

Score 5

Plebiscites (referendums) are obligatory and binding when the matter 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 citizens. 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, however, not binding for parliament, which has only the obligation to debate the proposals. Most citizen initiatives have not succeeded in becoming law.

In addition to direct democratic instruments at the national level, there is a wide array of similar instruments at state and local level. As recent research demonstrates, all three levels have come to experience a strong trend toward a more intense use of the instruments available, and increased levels of professionalization in drafting and launching proposals. According to the same source, about 8% of all the procedures that were started were successful, with major differences between different policy fields. At all levels, infrastructure clearly stands out as the most important field for direct democratic activities. Successful activities are, however, much more often observed at the lowest level.

While a possible extension of direct democracy has been on the agenda of the first Kurz government (ÖVP/FPÖ, 2017–2019), this agenda was largely lost during the second Kurz government (ÖVP/Green, 2019–2021), as the ÖVP became less ambitious. However, in November 2021, the Nationalrat voted to establish a “dialogue with the states” on the future of direct democracy in Austria.

Citation:

<https://epub.jku.at/obvulihs/download/pdf/6084412?originalFilename=true>

https://www.parlament.gv.at/PAKT/PR/JAHR_2021/PK1306/

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 2020 and 2021, 53 local and regional referendums were held in Czechia. The majority of the referendums on local issues took place alongside the 2020 regional and Senate elections, and the 2021 parliamentary elections.

Denmark

Score 5

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. In the latest referendum on justice and home affairs cooperation within the European Union (2015), a majority voted “no.” The use of referendums is controversial. Many have questioned whether referendums are a vote on the question in case, or a public vote of confidence in the government or 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).

Hungary

Score 5

The 2011 constitution, and the 2013 Act on Referendum and Popular Initiative (Act CCXXXVIII/2013) have limited the scope for popular decision-making (Pállinger 2019). While 200,000 eligible citizens can initiate a national referendum, the result of which is binding on parliament, the set of issues exempt from referendums is rather broad and for a referendum to be valid more than 50% of all eligible citizens must participate. The collection of signatures can only begin after the validation of an initiative by the National Election Committee (NVB). The Hungarian constitution does not provide for any mandatory referendums. Parliament can schedule a national referendum on the initiative of the president, the government or citizens.

For the opposition, referendums could have become an important means of mobilizing support and expressing dissent with the Orbán governments. However, the government-controlled NVB has used its discretion to block almost all referendum initiatives by the opposition. The two exceptions that prove the rule are the opposition's successful "NOLimpia" campaign in 2017 and the initiative for a vote on the proposed Budapest campus of the Shanghai-based Fudan University in 2021 (Inotai 2022). Local referendums took place with an average number of two per year during the 2010s, but were not held during the COVID-19 pandemic.

Given the restrictive stance of the NVB, national referendums have increasingly become an instrument for Orbán governments to mobilize popular support behind the government rather than a means of checks and balances. The "LGBTQ+ referendum" to be held together with the parliamentary elections on 3 April 2022 is one such example. The manipulative questions aim to win voter support for government parties. The government has also continued to carry out its annual "national consultations," fake referendums that are based on letters to citizens with misleading and manipulated questions.

Citation:

Inotai, E. (2022): Hungary Opposition Cheered by 'Symbolic Victory' on Referendum, in: *BalkanInsights*, January 21 (<https://balkaninsight.com/2022/01/21/hungary-opposition-cheered-by-symbolic-victory-on-referendum/>).

Pállinger, Z. T. (2019): Direct democracy in an increasingly illiberal setting: the case of the Hungarian national referendum, in: *Contemporary Politics* 25(1): 62-77 (<https://doi.org/10.1080/13569775.2018.1543924>).

Iceland

Score 5

Since 1944, the constitutional provision granting the president of Iceland the right to veto legislation has been invoked three times and has twice led to a national referendum.

In 2012, an advisory national referendum on a new constitution was called by parliament. In the referendum, 73% voted in favor of a provision 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, parliament has yet to ratify the constitution bill or use it as a basis for a new one, even though 67% voted in favor of the bill. 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. In 2018, the right-center-left cabinet of Jakobsdóttir – claiming that the authority for changing the constitution rests with the parliament, not the people – announced a three-year process for reviewing limited aspects of the constitution, but nothing happened.

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*) stipulating 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?, Iðunn, Reykjavík, 2018.

National Referendum (*Þjóðaratkvæði*). <http://thjodaratkvaedi.is/2010>. Accessed 7 February 2022.

The Constitutional Council. <http://stjornlagarad.is/english/>. Accessed 3 February 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.

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.

Article 6 of the current 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.” However, 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 to date.

Some minor political parties and actors, most vocally Direct Democracy Ireland, have called in recent years for representative democracy to be replaced by participatory democracy in Ireland and to allow citizens to petition for a referendum on any issue by collecting a certain number of signatures. The party’s high-water mark saw it obtain 1.5% of the votes cast in the 2014 European Parliament election. The 2012–14 constitutional convention discussed the question of popular initiatives and referendums, but did not make a recommendation on the issue.

Ireland has held nine referendums to date on European Union constitutional change, beginning with the accession referendum in 1972. Subsequent to 1987, following a High Court challenge to the ratification by parliament of the Single European Act, successive Irish governments have deemed it necessary to seek approval from the Irish people for any EU constitutional treaty change. Two of these referendums failed (the Treaty of Nice in 2001 and the Treaty of Lisbon in 2008) before subsequently being reversed by the people in a second referendum. The last EU-related referendum was held in 2012 on the EU Fiscal Treaty.

The Citizens’ Assembly was established in 2016 to consider contentious issues of public policy including in relation to abortion, climate change and parliamentary reform. The assembly publishes reports on each topic and the government is required to respond in parliament. In May 2018, a referendum was held that saw an end to Ireland’s restrictive abortion rules as a direct result of the deliberations by the Citizens’ Assembly.

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>

Mexico

Score 5

There are no provisions for legally binding referendums or popular initiatives at the federal level in Mexico so far. Though, in October 2019, the Mexican Senate approved a constitutional change giving citizens the possibility to vote in a recall

referendum. This could result in a president and provincial governors being recalled after half a term. The House of Deputies, in which MORENA holds a clear majority, still has to approve the new regulation. In general, Mexican citizens are more likely to influence public policy through demonstrations or legal action than through popular decision-making.

President López Obrador's government has introduced measures of direct participation, advocating participatory democracy. In August 2021, the first official national referendum took place. Mexicans were asked to decide whether previous presidents should be investigated for suspected corruption, but voter turnout was very low, with only 7.11% of voters participating. The opposition criticized the referendum as an attempt by the president to distract the public from the shortcomings of his own government. Another referendum, a recall referendum for the president, was scheduled for March 2022. Although the measures so far are of disputable importance, the invention of participatory democracy in Mexico has enhanced citizens' role making binding decisions.

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 (New Zealand Parliament n.d.). 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.

New Zealand's two most recent referendums were held alongside the 2020 general election: on the End of Life Choice Act 2019 (which was passed with 65.1% of voters' support) and the legalization of recreational cannabis use (which drew 48.4% in support, and was thus unsuccessful). The End of Life Choice Act 2019 gives people with a terminal illness the option of requesting an assisted death if two doctors agree that the person has less than six months to live. Parliament passed the End of Life Choice Act 2019, but the measure had to be passed via referendum in order to take effect. The cannabis referendum asked whether people agreed with the draft Cannabis Legalization and Control Bill, which outlined provisions to legalize and control cannabis for recreational use. The use of a referendum on this issue was the result of the Green Party's deal to support the Labour government after the election. However, the "Yes" vote did not reach the 50% threshold, and the Labour government has indicated that it intends to respect the outcome of the referendum (MacManus 2020).

Citation:

MacManus (2020) “Referendum results: Cannabis legalisation narrowly loses vote.” Stuff. <https://www.stuff.co.nz/national/cannabis-referendum/123249113/referendum-results-cannabis-legalisation-narrowly-loses-vote>

New Zealand Parliament (n.d.) What is a citizens-initiated referendum? <https://www.parliament.nz/en/get-involved/features/what-is-a-citizens-initiated-referendum/>

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. 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. In 2019, National Assembly Speaker Moon Hee-sang and President Moon again proposed to hold a referendum on constitutional revision, suggesting that people be allowed to vote on the proposal during the April 2020 general election.

In 2017, the Blue House 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. Figures released by the Blue House regarding the first two years of the policy indicate that almost 700,000 petitions were submitted (more than 800 petitions per day), that younger generations were far more engaged than their elders, and that the site was visited by almost 250,000 visitors per day. As of April 2020, the Blue House had posted responses to at least 80 petitions.

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>)

“대한민국 청와대 (The Blue House).” 대한민국 청와대. Accessed January 18, 2022. <https://www.president.go.kr/>

Spain

Score 5

Since 2008, 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.

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 legal votes held in the various autonomous communities. Article 92 of the Spanish constitution stipulates that political decisions of special importance may be submitted to all Spanish citizens via an advisory referendum. The referendum should be announced by the king on the president of the government's proposal, with the authorization of the congress. Since 2012, Catalan nationalist forces have pushed for a referendum on independence only in Catalonia. However, this would be illegal according to the Spanish constitution. Neither of the two attempts at holding referendums (November 2014 and October 2017) had the minimal democratic guarantees, as defined by institutions such as the Venice Commission – whether in the manner in which they were called, in the voting process itself or in their outcomes. Above all, there was no register of voters, and there was not a “No” campaign.

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, a growing number of local authorities, including Madrid, Zaragoza and Barcelona, have engaged in participatory budgeting since 2019. Between 1985 and 2021, local authorities requested permission for 164 popular consultations, but only 46 were ultimately authorized by the national government. 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 via petition. In 2019, a total of 1,357 petitions were filed, with most coming from Germany (203), Spain (164) and Italy (103).

Citation:

Neutral (2021): La Línea de la Concepción: pretensiones de autonomía y una consulta popular, July 18th. Available at: <https://www.newtral.es/consulta-popular-espana-la-linea-concepcion-autonomia/20210718/>

Belgium

Score 4

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).

However, the situation is developing in the positive direction, with several political parties now openly pushing for the incorporation of public consultations and deliberation in political decision-making. An ambitious “citizen dialogue” (“Bürgerdialog”) system has been institutionalized within the German-speaking community (“Ostbelgien,” the smallest of the three communities, after the Flemish and French-speaking) via the creation of a permanent citizen assembly (Bürgerversammlung) and a citizen council (Bürgerrat), both of which closely cooperate with the Ostbelgien parliament. The citizen assembly is composed of randomly selected members of the population, in the spirit of the G1000 initiative, and is involved in policymaking on themes that are identified by the citizen council. Various similar participatory and/or deliberative schemes, though less ambitious and extensive at this stage, are beginning to be implemented in the other larger regions and communities. In the Brussels Capital region, for instance, some focused “deliberative committees” composed three-quarters of randomly selected citizens and one-quarter of regional members of parliament are being installed; they will produce specific recommendations that will be used to develop legislation.

Another positive evolution has been the wave of regular demonstrations initiated by “climate express” and “coalition climate,” which have been supported by high school pupils and by students. These demonstrations brought environmental concerns to the forefront, influencing the recent electoral debates and boosting the vote share of Belgium’s various green parties (although more so in the French-speaking part of the country). This development reflects pre-existing dynamics, mainly driven by bottom-up citizen (e.g., the G1000) or academic (e.g., Re-Bel – Rebuilding Belgium) initiatives.

Citation:

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

About re-bel: <https://rethinkingbelgium.eu/>

<https://plus.lesoir.be/208837/article/2019-02-25/la-communaute-germanophone-se-dote-dune-assemblee-citoyenne>

<https://plus.lesoir.be/254845/article/2019-10-19/extinction-rebellion-bruxelles-une-enquete-interne-est-ouverte-suite-aux>

Brussels Government agreement: see Axe 3, paragraph 3 of the “Déclaration de politique générale commune au Gouvernement de la Région de Bruxelles-Capitale et au Collège réuni de la Commission communautaire commune. LÉGISLATURE 2019-2024”

Walloon Government agreement: see Chapter 21 of the “Déclaration de politique régionale pour la Wallonie, 2019-2024”

https://democratie.brussels/pages/cd_open [official www pages of the Brussels Capital region “deliberative committees”]

<https://www.buergerdialog.be/> [official www pages of the Ostbelgien “citizen dialogue”]

Chile

Score 4

In present-day Latin America, the Chilean constitution is one of the most restrictive regarding direct democracy mechanisms (e.g., referendums, plebiscites and citizens’ initiatives). The penultimate 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 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 referendums at the municipal level officially exists, but these referendums are not necessarily legally binding and may be ignored by the authorities.

As a result of the massive protests in 2019 and the subsequent agreement between the party elites to launch a new constitutional process (Acuerdo por la Paz Social y la Nueva Constitución), the Congress amended the constitution in order to allow for a national plebiscite on the elaboration of a new constitution, and further specified the composition of the institution that would be responsible for this task. In this plebiscite (the so-called entry plebiscite), which took place in October 2020, a great majority of voters supported the development of a new constitution by a constitutional convention elected especially for that purpose. By means of a further plebiscite (the so-called exit plebiscite) that will take place in 2022, Chile’s citizens will be able to decide whether the new constitutional text should replace the currently valid constitution, or whether the latter should instead remain in force. Both plebiscites have had and will have a binding character; while voluntary voting applied to the entry plebiscite, voting is expected to be compulsory for the exit plebiscite.

Although these plebiscites should be considered exceptional tools used in a special situation, the new constitution is expected to expand and strengthen direct-democracy mechanisms.

Citation:

Claudia Zilla, Franziska F. N. Schreiber, The Constitutional Process in Chile. The South American Country Is Searching for a New Social Contract, SWP Comment 2020/C 17, 06.04.2020, doi:10.18449/2020C17, <https://www.swp-berlin.org/en/publication/the-constitutional-process-in-chile>, last accessed: 16 February 2022.

Estonia

Score 4

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.

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 himself became a victim of the referendum process, 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.

Initially, only the president was entitled to call a referendum. Therefore, the practice was perceived as being an instrument of the executive rather than a genuine democratic tool, since popular initiatives are not possible under the referendum system. Since 2015, 20% of the members of parliament, if supported by 10% of the electorate, have been able to call a national referendum. However, the rules and procedures are very restrictive. This 20% threshold was met for the first time in June 2019, when a group of opponents to the privatization of Aéroports de Paris decided

to resist the decision by the parliamentary majority. However, after nine months of political canvassing, only 1.09 million signatures had been collected out of the 4.7 million needed to allow the organization of a referendum. In acknowledging the failure of the initiative, the Constitutional Council expressed negative comments about the procedures associated with signatures' collection. This cumbersome procedure has also been fiercely criticized by the Yellow Vest movement, which has advocated (without success) for a constitutional amendment that would allow genuinely popular initiatives and popular decision-making on a broad range of subjects.

Local referendums can be organized when municipalities are scheduled to be merged, or for local issues at a mayor's initiative. However, very few have taken place, and participation rates have been very low. As an example, the 2013 referendum on the creation of a unique territorial unit in the region of Alsace had a participation rate of 20.05% of the electorate, thus failing to reach the quorum of 25%. In general, direct public involvement in policymaking is rare, and functions poorly due to public authorities' reluctance to accept such influence, as well as the lack of an effective culture of public participation. The Notre-Dame des Landes airport saga is a case in point. After more than 30 years of high-conflict deliberations and protests, and in spite of a positive (but only consultative) referendum in 2016, the government finally decided to withdraw the project in January 2018.

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 reform proposals, the Remkes Commission has seriously considered putting the issue of a binding referendum back the political agenda. To date, only one political party (D66) has adopted this advice, using the issue as an element of the party’s 2020 election campaign.

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/1/x/2237616?social=m>, accessed 25 October 2018)

Romania

Score 4

According to the 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 exceed 30%. At the national level, citizens do not have the right to initiate a referendum. However, if more than 500,000 citizens support a change to the constitution, parliament can approve a revision, which then must pass a nationwide referendum. Citizens can initiate referendums at the county level, but such initiatives are subject to approval by the County Council and are rare. No national referendums were undertaken during the period under review.

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. A referendum can be called if demanded by two percent of the voting population, but any such results are non-binding for local and prefectural assemblies. Despite the legal strictures, referendums have played an increasingly important role in Japan's regional politics in recent years. In February 2019, citizens in Okinawa prefecture voted against the construction of a new U.S. base to replace an older one. However, the national government intends to proceed with its plans.

A National Referendum Law took effect in 2010. Since 2018, the minimum age for voting on constitutional amendments has been 18. 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. An amendment to the National Referendum Law passed in June 2021 makes it easier for citizens to vote, allowing them to cast their ballots in heavily-frequented places such as train stations and shopping centers.

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

Okinawa: Tokyo to overrule referendum on US base, BBC News, 25 February 2019, <https://www.bbc.com/news/world-asia-47353504>

Japan enacts revised referendum law in constitutional amendment push, Kyodo News, 11 June 2021, <https://english.kyodonews.net/news/2021/06/dc855d516e11-japan-enacts-revised-referendum-law-in-constitutional-amendment-push.html>

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 being a 2015 referendum seeking to end 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 referendums exists at national and local levels. However, while citizens can propose referendums, the referendum itself takes place only if there is agreement from political officeholders. In the case of national-level referendums, 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 referendums, but the local Municipal Assembly can decide whether to call these referendums or not.

In practice, referendums are rare in Portugal. There have been only three national referendums in Portugal since the transition to democracy, with the most recent having been held in 2007. Local referendums are also rare. There were two scheduled in 2020 (one of which was canceled due to the pandemic), the first to take place since 2012. Had both 2020 local referendums gone ahead, the total number since the return to democracy would have increased from five to seven.

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.

Petitions can be submitted to the Assembly of the Republic. This does not allow for referendums, but it does create more opportunity for public input into political decisions.

At the local level, Portugal has instituted a non-party-political mechanism, the Group of Citizen Electors (GCE) that enables groups of citizens to run for local-level offices. In this manner, there is, as stated above, “more opportunity for public input into political decisions.”

Citation:

Borges, L. (2020), “Em 46 anos de democracia, só se realizaram cinco referendos locais,” Público, available online at: <https://www.publico.pt/2020/08/17/politica/noticia/46-anos-democracia-so-realizaram-cinco-referendos-locais-1928198>

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>

artigo 48.º, n.º 1, da CRP e artigo 16.º, n.º 1, al. c

United Kingdom

Score 3

Formally, referendums 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, also at the local level, to decide on whether to establish an elected mayor. Referendums 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, referendums in the United Kingdom have a *de facto* influence on policy decisions, but this is rather *ad hoc*.

Referendums 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 doing so, hope to silence their critics for good. Tony Blair’s devolution referendums in 1997 and 1998 or the 1975 referendum which was used by then Prime Minister Wilson to counter opponents of the European Union in his party are prominent examples, as was the Brexit referendum campaign. The 2010 – 2015 coalition government’s referendum in 2011 on an alternative voting system to replace “first-past-the-post” was called at the insistence of the junior coalition partner, the Liberal Democrats, but (successfully) opposed by the Conservatives.

In addition to profound political disputes, the conduct of the 2016 EU referendum elicited legal action regarding the use of personal data and breaches of spending limits, as well as allegations of Russian influence. However, there is little evidence these incidents significantly altered the outcome. The bruising experience of the 2016 referendum and the lack of constitutional clarity on how to respond to the results of referendums make further resort to them unlikely at the UK level. However, there is clear grassroots support for a further plebiscite on Scottish independence, which – if it were to happen – would be limited to residents in Scotland, as was the 2014 referendum.

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.

Local referendums are held under the law when communities wish to become municipalities or change their status. However, the government and the parliament have proceeded to bypass the popular will and impose law reforms on local government. They have suspended the municipal and communal elections that were due in December 2021.

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.
2. Local government elections postponed until May 2024, Financial Mirror, 17 September 2021, <https://www.financialmirror.com/2021/09/17/local-government-elections-postponed-until-may-2024/>

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 on an austerity package, which was being negotiated with the European Union, destabilized the economy and negatively affected relations between Greece and its euro area partners.

In 2018, the then government provided local government authorities and citizens with the legal framework to launch local referendums, even on issues which were outside the remit of local authorities (Law 4555/2018). This legislation could have broadened opportunities for citizens to vote on issues of importance. However, given the over-politicized nature of local government elections in Greece and the deep cleavages within many municipal councils along national political party lines, it could also have destabilized political stability and policy implementation at the municipal level. The government that came to power in 2019 passed legislation to postpone the implementation of the clauses on local referendums.

The unfortunate, if not awkward, handling of the referendum of 2015 and the equally debatable attempt to promote referendums at the local level (even on non-local issues) have diminished the prospect of citizens being able to vote on issues of importance to them at least in the near future.

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 referendums 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 into 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 held, but only on unique occasions, the last one was held in 1994 on EU membership. Formally, referendums are strictly consultative, though they are treated as binding in practice. Referendums have been more frequently held at the local level, on issues like alcohol restrictions, the primary language of instruction at schools, and on

mergers with/separation from other municipalities. Local governments must formally take the initiative in order for a local referendum to be held.

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 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 in the Assembly may be submitted to a referendum either directly by the president, or if the president has vetoed it. A number of ICT-based participatory mechanisms are being promoted.

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. However, these units are not wholly effective, as they depend upon the goodwill of the local mayor, and some councils only exist on paper and have yet to be established in practice. Law 6360, in effect since 2014, has paved the way for more centralized decision-making processes, including in urban planning and on local matters.

Citation:

H. Yerlikaya. 2015. Kamu Politikalarının Oluşturulmasında Katılımcılık ve Bilgi ve İletişim Teknolojileri, Ankara

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

Address | Contact

Bertelsmann Stiftung

Carl-Bertelsmann-Straße 256
33311 Gütersloh
Germany
Phone +49 5241 81-0

Dr. Christof Schiller

Phone +49 30 275788-138
christof.schiller@bertelsmann-stiftung.de

Dr. Thorsten Hellmann

Phone +49 5241 81-81236
thorsten.hellmann@bertelsmann-stiftung.de

Pia Paulini

Phone +49 5241 81-81468
pia.paulini@bertelsmann-stiftung.de

www.bertelsmann-stiftung.de
www.sgi-network.org