ELECTORAL SYSTEMS
AND VOTING PROCEDURES
AT LOCAL LEVEL

Local and regional authorities in Europe, No. 68

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CONTENTS

INTRODUCTION

1.   Description and purpose of the report

The electoral system, that is the rules governing the free expression of popular suffrage, is one of the essential mechanisms in any democratic society. This is equally true at local authority level with regard to the relationship between local democracy and the local electoral system.

For this reason, Article 3 of the European Charter of Local Self-Government states that the right of local authorities to regulate and manage a substantial share of public affairs "shall be exercised by councils or assemblies composed of members elected by secret ballot on the basis of direct, equal, universal suffrage".

Implementation of this principle does not mean that identical solutions must be adopted across Europe, and in fact, the principle is guaranteed by mechanisms which sometimes differ greatly from one country to another. This is doubtless explained by cultural and legal traditions, as well as by the historical relationships existing between citizens and political parties.

Therefore the first purpose of this report is to describe the electoral and voting systems at local level in certain Council of Europe member states, in order to assess these differences.

However, careful analysis of these systems (and in some cases, the changes that they have undergone) also demonstrates that there are similarities in the approaches taken and that several concerns are common to all.

Thus, although there is no one local electoral system (nor indeed any one national electoral system) that can adapt to the specific situation in every country, it seems possible to draw some conclusions from the experiences of the countries considered, and to provide guidelines for the work of legislators in this area.

2.   Criteria for the evaluation of local electoral systems

The logic of electoral systems at the local level is essentially the same as that established for the higher levels of the political system. Therefore all the scientific information regarding the technical elements and the effects of electoral systems studied at national level, can be applied to the sub-national level.

This information primarily concerns the principles of representation, that is majority versus. proportional representation. The choice between these two methods is a central issue for local as well as for national government. Information about the technical elements, such as constituencies (size being the most important variable regarding the effects of electoral systems), forms of candidacy (individual or by party lists), voting systems (single, multiple and/or preferential voting systems) and rules for transferring votes into seats, is also vital.

Furthermore, it can be assumed that the criteria for the evaluation of electoral systems established at the level of national elections are also valid at the local level. Generally, the evaluative criteria are the following:

a.   *Representation*

Representation means reflecting adequately the social interests and political opinions in the representative organs. This criterion has a double meaning; on the one hand, it means representation for all in a way that satisfies the different groups (such as minorities and women). On the other hand, fair representation means representation that is more or less proportional to social and political forces in the area, that is, an equitable relationship between seats and votes. The parameter for measuring the adequacy of these needs is the degree of proportionality between votes and seats. A high degree of disproportionality is often seen as problematic.

b.   *Concentration*

Concentration means the aggregation of social interests and political opinions in the way that political decisions are actually made and how the public acquires the capacity for political action. Elections are understood as an act of political will and not as a form of copying or measuring the dominant opinions of the population. The capacity of concentration of in an electoral system is determined by the following parameters: the number or the reduction in the number of the parties that obtain seats in the assembly; and the formation of a stable government, based on a parliamentary majority formed by one party or a coalition. Multiparty systems that result in unstable government are usually seen as problematic.

This criterion also includes the question of the effectiveness of the electoral system. The parameter of a system's effectiveness includes the question whether or not the system contributes to stability in the functioning of the political system, given that the electoral system influences institutions such as parliament and the executive, as well as the political process. Effectiveness mainly concerns the ability of the political institutions to overcome or to avoid institutional "deadlocks" between legislative bodies and executive bodies. Not all stable governments are good governments, but it is highly improbable that political instability generates good government.

c.   *Participation*

Here the idea is not participation in the common meaning of the term – because elections are in themselves an act of political participation – but rather a greater or lesser opportunity for the voter to express his political will. (Of course, in the framework of the alternative personalised vote – party vote or list vote). This possibility is associated with a stronger or weaker relationship, knowledge, responsibility and identification between voters and the elected. The parameter for measuring the adequacy of participation (in this strict sense), which is permitted by an electoral system, is the personalised vote. If the personalised vote is not possible, as it is not under a blocked-list system, participation is heavily restricted.

d. *Simplicity/comprehensibility*

Compliance with the criteria of representation, concentration and participation, inevitably leads to a more complicated electoral system than the kind that would emerge if one tried to satisfy only one of the above criteria. Nevertheless, it is necessary to get the electorate to understand the electoral system and even to be able to predict the effects of their votes. In fact, there is a certain relationship between the comprehensibility of the system and its transparency.

e. **Transparency**

This covers aspects such as a system's openness *vis-à-vis* the mass media, supervision procedures (especially those involving the public) and the right of appeal against irregularities.

It is not possible to indicate *in abstracto* how to weight these different criteria. The balance has to be struck by the legislator according to the situation and the system has to evolve according to citizens' expectations.

In fact, there is a last criterion that includes all the others: legitimacy. It refers to the acceptance by citizens of the electoral results, of the electoral system and of the political system as a whole – in other words, in a modern western sense, of democracy.

It should also be noted that the particular value of these elements and the electoral systems as a whole may at the local level be different than that at the national level. Thus, the objective of increasing voter participation in the selection of elected representatives could have a greater importance at the local level than at the national level, for various reasons, among which are the following:

–   The reduced scale of geographic territorial area in which the elections are held, implying that the voter is more familiar with the problems, with the public officials, and with the possible solutions to affairs seen as administrative not political matters.

–   The fact that, at this level, the political parties are not exclusive channels for the formation of the political will, and the presence of many groups (within the populace and independents) that compete with the parties for votes. Here the characteristic of the candidate as a known person, as someone whom one can trust (or not), is more important. Voters have the opportunity of forming an opinion about the candidates, because they know them in a certain context.

–   The style in which local politics is conducted: debate in the local council is often seen as a way of finding practical solutions; consequently, the decision-making in local councils does not necessarily respect party lines in the same way as in national parliaments.

With regard to the other criteria, it should be emphasised that representation and effectiveness do not automatically complement each other; in fact, an improvement of the representation level of the system may result in its effectiveness being weakened. This is why reforms regarding the improvement of representation always have to be analysed in a way that also looks at the degree of change in effectiveness. Movement towards better democracy at the sub-national level should include reforms balancing these two requirements.

In every case, the transparency of the electoral system and of its functioning should be ensured; this is a necessary condition for the legitimacy of the system and the best guarantee of its evolution according to the citizens' expectations. In fact, it is hardly likely that a non-transparent system would be acceptable.

Finally, it should be mentioned that there is sometimes a link between acceptance of the system and the turnout at elections. A low turnout can have an effect on results, in particular from the point of view of adequate representation. Therefore appropriate action ought to be taken to encourage the turnout and maintain it at the highest possible level.

A low turnout (but also a large number of spoilt or blank ballots) can indicate popular dissatisfaction, which could imply that a system's legitimacy and results are being questioned. In isolation, such an occurrence could be seen as a disappointment and as a protest signal to politicians rather than as a complaint against the electoral system. But if low turnouts become the rule rather than the exception, the option of changing the system will have to be seriously considered as one means of stimulating interest and increasing voter participation.

I.   TERRITORIAL SET-UP AND LOCAL ELECTIONS

It is not possible to analyse correctly – and to understand – the different solutions adopted by national legislators concerning the electoral systems at local level, without taking into account the territorial set-up of the countries under consideration.

In fact, the choice of system, the ways it works, and also the results given by the system adopted, could be strongly conditioned by elements such as the nature and number of territorial sub-divisions, as well as by their size, particularly in terms of population.

In others words, the territorial organisation of a given country is in some way the basis for any analysis or attempt at evaluating local electoral systems, as there is a relationship between this organisation and certain elements of electoral systems.

1.   Number of local authorities and population

Table 1 presents the principal territorial sub-divisions of eleven countries, and their respective average population. Neither the existence of sub-municipal local authorities, nor the sub-divisions which do not correspond to self-governed authorities are taken into consideration.

Table 1: Number of local authorities and population

Countries	Number of municipalities (average population)	Number of 2nd tier authorities (average population)	Number of regions/ federated states (average population)
Austria	2 337 (~ 3 200)	–	9 (~ 839 500)
Belgium	589 (~ 17 200)	10 (~ 917 900)	3 (~ 3 376 900)
Bulgaria	262 (~ 31 615)	–	28 (~ 295 829)
France[a]	36 551 (~ 1 600)	96 (~ 589 700)	22 (~ 2 573 400)
Germany	14 627 (~ 5 600)	4 391[b] (~ 185 700)	16 (~ 5 096 200)
Italy	8 102 (~ 7 000)	103 (~ 551 200)	20 (~ 2 838 900)
Norway	435 (~ 9 000)	19 (~ 224 000)	–
Slovak Republic	2 875[c] (~ 1 800)[d]	–	–
Spain	8 097 (~ 5 000)	50 (~ 809 200)	17 (~ 2 380 000)
Sweden	288 (~ 30 000)	23 (~ 342 000)	–
Turkey	2 802 (~ 15 800)	–	80 (~ 226 600)

a Metropolitan France.

b Districts (*Kreise*) + rural districts (*Landkreise*) + towns not belonging to a district (*Kreisfreie Städte*).

c & d 2 739 municipalities (average population around 850); 136 towns (average population around 22 500).

The overall number of local authorities in relation to the total population of the country may be an important indicator with regard to the character of the local elections. Thus, if the number of municipalities is high (and the average population is a relatively low) it can be assumed that municipal elections take on a more "local" character reflecting for example the strength of local party systems. Conversely, a reduced number of municipalities and a relatively high average population, can reveal a more "nationalised" character in local politics, that is a deeper penetration of the local structures of representation by the national political parties.

Nevertheless, the average population figure may be of little importance where, in practice, the population is highly concentrated in major cities. As an example, in Norway, about 50 per cent of municipalities have less than 5 000 inhabitants.

It should be emphasised that the number of municipalities, indirectly at least, influences the effect of electoral systems by determining the number of seats to be won on municipal councils (see next item).

The effect of the number of municipalities can be best studied by an historical comparison within the same country where a reform of reducing or increasing the number of municipalities has taken place. This is the case in Belgium, where, in 1976, the number of municipalities was drastically reduced from 2 663 to 589.

Some researchers support the thesis that local politics in Belgium has been nationalised by this reform (even if this was certainly not the intended aim). In their opinion, the national political parties control the activities of their local units more and better than before. Other researchers argue that this trend has been less important than generally believed, so that local politics has maintained its difference from national politics in the sense that:

–   each local party system has its own structure,

–   the use of the same name as a national party can mean something totally different at the local level,

–   it is very difficult for the national headquarters of a party to define a political strategy that fits all local circumstances.

These aspects are very important with regard to local government, especially where the mayor is elected by the council and therefore depends on the support of a majority of councillors.

2.   Size of the population and size of the councils

The size of the council depends on the size of the population within the local authority area. Thus the number of seats is higher in local authorities with a higher population. Generally, the number of seats is determined by law. In Norway and Sweden, however, the municipal (or county) council itself determines the number of representatives; statutes lay down only the minimum (an odd) number of councillors. In the United Kingdom, the number of seats is determined by the Secretary of State for the Environment, Transport and the Regions on the recommendation of the Local Government Commission.

Table 2: Size of municipal councils in thirteen countries

Country	Number of seats on the municipal council
Austria	9-37
Belgium	7-55
Bulgaria	11-51 (61 for Sofia)
Cyprus	8-26
France	9-69 (73 for Lyons; 101 for Marseilles; 163 for Paris)
Ireland	9-52
Italy	12-60
Norway	11-43[b]
Romania	11-35 (65 for Bucharest)
Spain	5-25 (up to 100 000 inhabitants)[a]
Sweden	31-71 (101 in Stockholm)[b]
Turkey	9-55
United Kingdom	40-117

a For municipalities over 100 000 inhabitants, two councillors are to be added for every 200 000 inhabitants or fraction (that is between 100 001 and 300 000 inhabitants there will be twenty-seven councillors, between 300 001 and 500 000 there will be twenty-nine councillors, and so on).

b These figures indicate the minimum number of councillors according to population. Each municipality can fix a higher (odd) number.

The assumption can be made that the more municipalities there are, the higher the number of smaller councils. In elections to mini councils with only five to ten seats, there are certain limits to a high degree of proportionality. The chances of a proportional allocation of seats improve with an increase in the number of the councillors.

3.   Size of the local authority and type of electoral systems

Normally, it could be expected that the electoral system is the same in all authorities of the same tier of government, no matter how big or small they are. But in some of the countries considered, the electoral system is different depending on the size of the council and the size of the population in that authority. In France there is a differentiation between the electoral systems depending on whether municipalities have more, or less, than 3 500 inhabitants A further differentiation is made for the smaller municipalities, where the limit is 2 000 inhabitants. In Italy, the limit is 15 000 inhabitants.

In Spain, there are three different local electoral systems, depending on the population of the municipalities.

–	Municipalities with less than 100 inhabitants apply the system known as the "open council". There is no elected council, as this body is replaced by the assembly of inhabitants (the open council), chaired by the mayor, who is elected directly by relative majority.

–	Municipalities with populations of 100-250 persons may choose the "open council" system (for example, where it has traditionally been used). Otherwise, five councillors are elected by relative majority on an open list system; all the candidates appear on one list, and each voter may make up to four choices. The five candidates who receive the most votes are elected.

–	In municipalities with 250 or more inhabitants, the seats are allocated by a proportional system and there is a blocked-list system of candidates.[1]

Mention might also be made of Slovenia, where the majority system applies to municipalities with less than 3 000 inhabitants, with other municipalities using the proportional system.

This means that, depending on the size, the electoral systems differ in municipalities that lie on different sides of the limit. The patterns of politics differ according to the size of a municipality. While in a small municipality a certain type of electoral system may correspond to the more homogenous character of the local unit, in a socially complex municipality with more than a given number of inhabitants, a different electoral system may be more suitable for representing this heterogeneous social structure.

## 4.	The constituencies

One of the most important aspects of electoral systems with major consequences for the electoral outcome is the size of the constituency. This is defined by the number of representatives elected to a constituency. It is well known that, at the national level, the way to influence the effects of electoral systems lies in boundary manipulation (for example by "gerrymandering"), as the size of a district may affect the representation of minor parties.

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[1]	On the whole, the differentiated system is well received: nevertheless, there are demands to widen the scope of the open-list system by setting a higher cut-off point (1 000, 2 000, 5 000, 10 000 or more inhabitants, depending on the proposal).

The municipalities in nearly all the cases considered constitute only one multimember constituency.[1] This is an important finding, because the number of municipalities and their size are closely linked to the structure of local representation, mainly influenced by the degree of proportionality between votes and seats.

Proportional representation, which is always linked to multimember districts, operates on the basis of the size of the council. However, the multimember district also exists in the majority rule electoral systems (as it is in France and also in the United Kingdom).

Actually, for a given voting procedure, the constituency size is the most important variable regarding the outcome of an election. For example, the ratio between votes and seats, and the structure of the party system, is determined by the size of the council consequent on the size of the municipality.

Thus, in the framework of a proportional system, the larger the constituency is, that is the greater the number of council members to be elected, the more closely will the electoral result approximate proportionality. The smaller a constituency is, the smaller is the probability that a proportional representation will be achieved.

Where the constituency covers the whole municipality, the size of the constituency is objectively defined by the size of the population. It can be changed only through a reform of the whole sub-national structure of the state (for example by a decrease in the number of municipalities) or a reform of the municipal electoral law defining – in general – the ratio between council seats and population.

It must be observed that within the same constituency, this ratio decreases considerably where the municipal council is partly, and not fully, renewed. With regard to this, in most of the countries examined, electoral regulations provide for full renewal of the council. This is not always the case in the United Kingdom, where some district councils renew a third of their total number of elected representatives annually for three years, with no elections in the fourth year (as the term of office is four years).

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1.   In Austria, however, a community can form two or more constituencies if the number of qualified voters exceeds a given figure (that is 1 000), if the municipal area is widespread or if the community consists of several districts.

In Sweden, a community can form two or more constituencies if the number of qualified voters is at least 6 000. If the number is less than 6 000, a community can, nevertheless, form two or more constituencies where, for example, the municipality covers a wide area.

In the United Kingdom, all principal local authorities are divided into electoral wards, which mostly have one, two or three councillors and hold separate elections following the first–past-the-post system.

In Ireland, all countries/cities are divided into a number of local constituencies with three to seven members elected for each.

As a rule, special arrangements apply to major cities that are divided into wards.

Moreover, there may be rules providing for partial elections in particular cases. As an example, in Belgium bye-elections may be held where a vacancy cannot be filled by a candidate from the list because the list has been depleted. Bye-elections may also be held if, through a revision in the classification of the municipality, the number of seats in the council has to be increased consistent with the population figure.

5.   Simultaneity of elections in the whole country

Usually, municipal elections are held simultaneously in the whole country. In federal states, the dates of the elections can vary depending on the state (*Land,* canton, region, etc.) they are held in. This is the case in Austria where the dates of the municipal elections vary, but is not the case in Belgium. This difference is due to whether each state is responsible for its own electoral legislation at municipal level or whether the federal state is.

The situation in Italy and Spain may be examined in exactly the same way. In Italy, the regions with special statute have a legislative competence in the field of local elections, and therefore the calendar established by the national law is not compulsory for them. In Spain, on the contrary, the calendar for the local elections is the same for all the Autonomous Communities.

Special provisions are applicable in cases, such as the resignation or dissolution of the municipal council, where it is necessary to hold new elections only for the municipality(ies) concerned. The most frequent solution is to elect the new council for the remaining term of the previous council, thus making it possible to maintain simultaneity.

Italy is a special case because new councils there are elected for a full legislative period and not merely for the remaining term of the previous council. This means that elections become permanently out of phase not only with those in other municipalities, but also with those at provincial level.

II. **THE RIGHT TO VOTE AT LOCAL ELECTIONS**

The regulations concerning the suffrage are an area of precise democratic standards and therefore, generally, of a great homogeneity. In this regard, improvements are possible in those countries where the right to vote or eligibility to stand in an election deviate from the generally accepted democratic standards.

Furthermore, it should be noted that it is not enough simply to grant the right to vote, it must then be possible to exercise this right effectively. In this respect, two sets of provisions are of particular importance. On the one hand, provisions permitting this right to be exercised in specific circumstances, such as for voters who cannot get to polling stations, or can do so only with difficulty; on the other, rules ensuring legality and transparency, firstly with regard to the voting procedures and then to vote counting.

1. Age, nationality and residence

Apart from the cases where the absence of electoral rights depends on mental illness or constitute a sanction, three factors usually determine the right to vote: age, nationality and residence.

In all member states of the Council of Europe (with the exception of some German *Länder*) the right to vote starts at the age of 18. In some of the Austrian *Länder* people become entitled to vote only at the age of 19 or 20. It must be noted that in some European countries a lowering of the electoral age from 18 to 16 is being discussed.

In most of the Council of Europe member states, the right to vote is granted only to nationals. For the fifteen member states of the European Union, the European legislation rules that every citizen of the Community residing in a member state of which s/he is not a national shall have the right to participate in municipal elections in this state, under the same conditions as its nationals, subject to detailed arrangements which may provide for derogations where warranted by problems specific to that member state.

All European Community member states apart from Belgium have already modified their electoral legislation in order to comply with this requirement. Besides this case, there are only a few countries that allow foreigners to participate in local elections. Rules applicable in these countries are presented in the Table 3.

With regard to residence, in general, the only requirement is to be resident within the community when the electoral list is compiled. For foreigners, a longer period of residence is sometimes necessary (see Table 3).

Table 3: Participation of foreigners in local elections

Country	Foreign residents with voting rights
Denmark	Any foreigner residing in the country for at least the last three years; citizens from Norway and Iceland residing in the country have the same electoral rights as citizens of the European Community.
Estonia	Any foreigner residing in the local authority for at least the last five years.
Finland	Any foreigner residing in the country for at least the last two years; citizens from Norway and Iceland residing in the country have the same electoral rights as citizens of the European Community.
Ireland	Any person resident in the State fifteen working days before polling day.
Hungary	Any foreigner residing in the country.
Iceland	Citizens from Denmark, Finland, Norway and Sweden residing in the country for at least the last three years.
Malta	Resident citizens of the United Kingdom.
Norway	Any foreigner residing in the country for at least the last three years.
Netherlands	Any foreigner residing in the country for at least the last five years.
Spain	Resident citizens of Norway.
Sweden	Any foreigner residing in the country for at least the last three years; citizens from Norway and Iceland residing in the country have the same electoral rights as citizens of the European Community.
United Kingdom	Resident citizens of Commonwealth countries and British Dependent Territories.

2.   Obligation to vote

It seems surprising that, among the countries considered, only Belgium and Cyprus impose an obligation to vote. In fact, there is a tendency in western democracies to abolish compulsory voting even in those countries where it has existed traditionally (such as Netherlands and Italy). This is probably because the historical basis (such as sociological factors that may have led to some people remaining indifferent to this "new" right, or the need to fight against illegal pressures on voters) for these mandatory provisions is no longer valid.

Nevertheless, political scientists have been debating for some time the question of the (re-) introduction of compulsory voting as a measure for increasing the participation rate.

The problem of low voter-turnouts arose during the local elections in the newly established democracies in central and eastern Europe. In the Czech Republic, for example, just over 30 per cent of eligible voters participated in the autumn 1990 local government elections – in contrast to the national elections in the same year, when 90 per cent of the eligible voters participated.

Nevertheless, the introduction of compulsory voting does not seem to be an appropriate measure in this context because it is the overall political and economic climate that will affect voting patterns in eastern Europe, and people who are obliged to vote will probably relate compulsory voting to their non-democratic past – which is not favourable to the consolidation of the new democracies.

3. Special voting arrangements

The opportunity to exercise the right to vote is just as important as the right itself. There is therefore a need to make arrangements so that persons who have difficulties in getting to polling stations can exercise their right. Several countries have introduced special voting arrangements under various municipal election laws. Table 4 shows the main measures adopted in this area in the states considered.

Table 4: Measures to facilitate the exercise of the right to vote

Situations covered	Countries which have introduced rules for these situations
Assistance by a reliable person	In Austria, Belgium, Bulgaria, Italy and Norway, assistance by a reliable person is allowed in cases of poor health.
Home ballot	In Norway and Romania, voters in poor health or who live in distant areas may vote at home.
Early ballot	Norway is the only country in this study that has provisions for early voting. This vote begins at least two months before the election and usually takes place in premises chosen by the electoral committee, but also in other appointed institutions. If voters are unable to go to these premises or institutions, they may be authorised to vote in their current place of residence.
Postal ballot	In Spain, postal ballots are available for any person who cannot go to the polling station on election days, including voters who are resident abroad. Postal balloting has been very successful in Scandinavia; in Norway, the postal vote is an alternative to early voting (around 20 per cent of voters vote by this method); in Sweden and Finland, postal ballots account for almost 40 per cent of votes. This method of voting is also available in the United Kingdom and in Ireland.
Proxy vote	In Belgium, proxy voting is available for the voter who, due to illness or infirmity, is unable to go to the polling station or to be taken there by transport. In the same way, voters who are detained abroad or unable to go to a polling station due to professional or other obligations are entitled to exercise their right to vote by proxy. Proxy voting is also possible in the United Kingdom.
Voting in hospitals, nursing homes and prisons	Italy and Bulgaria have made provisions for these situations.
Other special provisions	In Italy, persons with a handicap that restricts their ability to move around may select their polling station. In addition, police officers may vote in the polling station of the ward in which they are working. In Romania, a special provision allows soldiers to vote in a polling station near their military base as long as there are at least fifty voters.

4. Supervision of the legality and transparency of voting procedures and vote counting

The methods of supervising the electoral procedure were very similar in the various countries under

consideration. First, the officials in polling stations check the identity of the voter. The right to vote is then exercised in individual polling booths and polling station officials monitor the distribution of official ballot papers and the casting of votes.

There are also strong similarities on the grounds specified for invalidating a vote in the various countries. As a general rule, a vote is invalid if the ballot paper used is not the official one, or if the voter's decision is not clear (if incompatible or disallowed choices have been made). An unmarked ballot paper (blank ballot) is different; a blank ballot is sometimes considered valid and may be taken into account in determining electoral quotas (in Spain, for example).

In Belgium, Italy and Slovak Republic, ballot papers with markings or indications that make it possible to clearly identify the voter are considered invalid.

Table 5 indicates the instances in which legal supervision is provided and the bodies responsible for such supervision.

Table 5: Legal supervision and the bodies responsible

Country	Anticipated situations	Bodies responsible for legal supervision
Austria	1. Violation of the provisions concerning registration on the electoral list 2. Illegality of elections	Citizens are entitled firstly to refer to the municipal authority and then to the Supreme Constitutional Court.
Belgium	1. Violation of the provisions concerning registration on the electoral lists 2. Decision by the main Electoral Board to refuse a candidacy for ineligibility 3. Illegality of the elections	A bench of a burgomaster and aldermen decides in the first instance. Applications may be submitted to the Appeal Court, which makes the last-instance decision. An appeal is possible to the main Electoral Board. An appeal is also possible to the Appeal Court, which makes the last-instance decision. The candidates alone are authorised to introduce a complaint about the election to the permanent deputation of the provincial council. The council's decision can be appealed against to the *conseil d'État* which may declare the elections void if they were marred by irregularities that are likely to influence the distribution of seats between the lists.
Bulgaria	1. Mistakes and omissions on the electoral list 2. Decisions by the Central Electoral Committee 3. Result of the ballot and violation of the regulations on financing the election campaign.	The voters may refer to the mayor of the local authority within seven days after the election, and may then appeal against his/her decision to the district court. The decision of this court is final. An appeal may be submitted to the Supreme Administrative Court. The candidates and parties may refer to the municipal electoral committee or the district electoral committee. Appeal may be made to the district court within fourteen days against the decisions of these bodies. The district court's decision is final.
Cyprus	1. Violation of the provisions concerning registration on the electoral lists 2. Irregularity of the elections	Any interested person or party may refer to the Supreme Court. An Electoral Court is the competent body to deal with this question.
France	Irregularities in the elections	A complaint may be submitted to the administrative courts and appeal then made to the *conseil d'État*.

Italy	1. Irregularities in the elections	A complaint may be made to the regional administrative court; the *conseil d'État* hears appeals and the Court of Cassation is the court of last instance.
	2. Respect for individual rights (inclusion in and removal from the electoral lists, ineligibility, incompatibility, impossibility of standing as a candidate)	Supervision is carried out by the courts. It is possible to apply to the Appeal Court. The last-instance decision is made by the Court of Cassation.
Norway	1. Refusal to register a party or a candidate on a list, refusal to register a person on the electoral list, regularity of the elections.	Any persons having the right to vote are authorised to submit a complaint to the ministry.
	2. Refusal to include a political party on the electoral lists	The complaint must be taken to the body designated by the ministry.
Romania	1. Refusal to register a political party	The objection may be taken to the Bucharest Appeal Court. Its judgement is final.
	2. Refusal to register a candidate on a list	The objection is taken to the Bucharest administrative court, with the possibility of appeal to a higher court.
Slovak Republic	1. Refusal to register a political party and /or a candidate	The party and the candidate have the right to make a complaint to the local electoral committee or to the district electoral committee. It is possible to appeal to the national electoral committee whose decision is final.
	2. Irregularity of the elections (violation of the provisions for election procedures; complaints about unlawful or unconstitutional behaviour	The complaint may be taken to the Constitutional Court.
	3. Refusal to register a person on the electoral list	The interested party may complain to the municipal authority. A judicial appeal is possible. The court reaches a final decision within three days.

Spain	1. Irregularities in the announcement of the candidates	Excluded candidates and representatives of the candidates may appeal to the administrative court. This court's decision is final, but does not prejudice the possibility to submit an *amparo* appeal to the Constitutional Court.
	2. Irregularities in the elections and the announcement of the winners	Successful and unsuccessful candidates, their representatives and the political parties, organisations or coalitions that nominated the candidates may appeal to the supreme court in the relevant Autonomous Community. This court's decision is final, but does not prejudice the possibility to submit an *amparo* appeal to the Constitutional Court.
Turkey	Procedure and result of the election	The Supreme Electoral Committee is the only body responsible for supervising election proceedings. Its decisions have legal force and are not subject to government supervision.
United Kingdom	1. Breach of the provisions concerning registration on the electoral lists	A complaint may be made to the district court
	2. Questions concerning the eligibility of a candidate	A petition may be addressed to the High Court by at least four voters or a candidate.

III. THE RIGHT TO STAND AT LOCAL ELECTIONS

1. Prerequisites for eligibility: age, nationality and residence

There is a strong similarity between prerequisites for the right to vote and prerequisites for eligibility to stand as a candidate. In several countries, all regularly registered voters can stand as candidates. In other countries it is possible to observe some differences concerning the conditions relating to age, nationality and residence.

The right to stand at local elections normally begins at the age of 18. In this respect there are more exceptions than those concerning the age for voting, as illustrated in Table 6.

Table 6: Age for voting and standing in local elections

Country	Right to vote (age)	Eligibility to stand (years)	Country	Right to vote (age)	Eligibility to stand (age)
Albania	18	18	Lithuania	18	18
Andorra	18	18	Luxembourg	18	21
Austria	18, 19, 20	18, 19, 20	Malta	18	18
Belgium	18	18	Moldova	18	21
Bulgaria	18	18	Netherlands	18	18
Croatia	18	18	Norway	18	18
Cyprus	18	25	Poland	18	18
Czech Republic	18	18	Portugal	18	18
Denmark	18	18	Romania	18	23
Estonia	18	18	Russia	18	21
Finland	18	18	San Marino	18	18
France	18	18	Slovak republic	18	18 (25 for mayors)
Germany	16, 18	18	Slovenia	18	18
Greece	18		Spain	18	18
Hungary	18	18	Sweden	18	18
Iceland	18	18	Switzerland	18	
Ireland	18	18	"the Former Yugoslav Republic of Macedonia"	18	18
Italy	18	18	Turkey	18	25
Latvia	18	18	Ukraine	18	21
Liechtenstein	20	20	United Kingdom	18	21

As far as nationality is concerned, the exceptions are practically the same as those relating to the right to vote of some foreigners; nevertheless, the possibility of them becoming a mayor or, more generally, of becoming a member of the local executive body is very often restricted.

Finally, with regard to residence, it is interesting to note that it is not always necessary for candidates to be resident in the community where they stand for election. Thus, residence within the local authority is not a requirement in Ireland, Italy, Portugal and Turkey.

In other cases, different conditions are established as an alternative to residence. For example in France, one can be registered as a direct tax payer (but the number of elected representatives who are not residents in the municipality may not exceed 25 per cent of the council's membership, 50 per cent for municipalities with less than 500 inhabitants). In the United Kingdom, to have owned property in the municipality, or to have conducted one's main professional activity there, for at least one year is a legitimate alternative to residence.

2.   Holding several offices

Provisions concerning multiple office holding (following a direct or indirect election) should be given particular consideration. In many countries there are no restrictions. Nevertheless, even in the absence of specific provisions on this question, it is virtually impossible to hold more than one office at the same level where eligibility is reserved for residents.

In those countries where restrictions exist, they may take the form of grounds for ineligibility (the fact of exercising certain elected functions entails a ban on standing for other positions) or the form of incompatibilities (the elected representative is required to give up one or other office). Some examples of such restrictions are given below.

In Austria, the regional government decides if a member of the municipal council or executive board can be a member of regional government. It is not possible to be a member of several executive bodies simultaneously.

In Belgium, the offices of provincial governor, vice-governor and deputy governor are incompatible with those of burgomaster, alderman and member of the municipal or provincial council.

In Bulgaria and in Estonia the office of mayor is incompatible with that of councillor.

In France, it is not permitted to hold more than two elected offices, regardless of level. However, this restriction does not apply to the office of municipal councillor (except in the city of Paris), or to a deputy mayor of a municipality with less than 100 000 inhabitants, or to a mayor of a municipality of less than 20 000 inhabitants.

In Ireland, government ministers and junior ministers are disqualified from holding the office of local authority councillor. From 1999 this disqualification will be extend to chairs of parliamentary committees; moreover, members of parliament who are councillors will be disqualified from chairmanship of a local authority.

In Italy, the offices of mayor and member of the local executive are incompatible with the office of regional councillor in the same region. Councillors of any authority (municipality, provincial or regional) cannot be councillors of an authority in the same tier. Regional councillors cannot be members of the national parliament or government. Municipal councillors cannot be members of a ward council within the municipality. Moreover, no one who has been elected twice as mayor or provincial president can be re-elected immediately.

In Romania the office of municipal councillor is incompatible with the office of mayor, member of the national parliament or of the government.

In Turkey the office of municipal councillor is incompatible with the office of mayor, member of the national parliament and member of the provincial council.

3.   Party-list candidacy and individual candidacy

Everything concerning the candidacy is particularly important because the voter-representative relationship can be influenced by different arrangements. A fundamental distinction must be drawn between individual candidacy and party lists, that is, the idea of voting for particular candidates based on their personalities, or for the so-called impersonal lists. Contrary to many assumptions, the personality of the candidate can play a larger role on party lists than in individual candidacies.

At the local level, the candidacy of individuals in addition to political parties is normally allowed. In most cases the individual candidates also play an important role within the political parties, as in most of the countries considered the voters can choose between candidates within a one-party list (non-blocked list system).

4.   Terms of office

In the countries considered, the electoral period lasts generally four years (see Table 7). In Cyprus, the municipal elections take place every five years, in Belgium and France every six years, and in Austria it varies between five and six years. Only in Estonia is the electoral period three years.

Table 7: Term of office in fifteen European countries

Country	Term (years)	Country	Term (years)
Austria	5-6	Norway	4
Belgium	6	Romania	4
Bulgaria	4	Slovak Republic	4
Cyprus	5	Spain	4
Estonia	3	Sweden	4
France	6	Turkey	5
Ireland	5	United Kingdom	4
Italy	4		

5.   Financing local elections

When analysing the financing of election campaigns, three aspects are essential to consider:

–   where does the money come from?

–   is there any limit to electoral expenses allowed?

–   is there any obligation of transparency upon candidates and/or political parties and groups?

With regard to the origin of the funding, it should be verified whether the parties and candidates are financed by the state (public finance) and/or privately. If they are publicly financed, it should be ascertained whether the money comes from a public grant for the parties in general or in relation to their share of the votes. Concerning privately financed parties and candidates it should be established what the legal framework for this is, that is whether there are any particular conditions, as for example the prohibition of finances from foreign sources.

In most of the countries considered, there is no special public funding for the electoral campaign itself; only in Romania are the parties and electoral groups subsidised by a certain percentage share from the municipal or regional budget.

In some countries those political parties and groups that are represented on the municipal council are subsidised. In Norway every group which is represented on the municipal council is given a basic amount of money, and then a certain amount per member of the council; the registered political parties receive financial support per vote, even if they end up without representation on the council.

In Spain, the state grants a subsidy of 25 000 pesetas per elected local councillor, plus a subsidy of 50 pesetas per vote polled for lists from which at least one candidate has been elected councillor. Moreover, the state grants a subsidy for expenses arising from the mailing of electoral notices to the voters.

In Austria, Belgium and Cyprus only parties and groups that are represented in the national legislature are publicly financed. In France, the law provides for the public financing of national political parties.

With regard to private funding, restrictions seem to be the exception. In Romania financing of the electoral campaign by foreigners is forbidden. In Spain, the amount each individual or legal person/entity can give to a political party or group is limited to 1 000 000 pesetas.

A further important aspect is whether there is an upper limit to the amount of money allowed to be spent on the elections. In Belgium, Bulgaria, France and Spain there are limits to candidates' expenses for the electoral campaign. In Bulgaria the legal limit is 35 000 levs for each candidate for Councillor and 200 000 levs for each candidate for mayor. In Belgium and France, the maximum expenditure allowed varies according to the population of the constituency. In Spain, the maximum expenditure is determined on the basis of a fixed amount of 12 pesetas per inhabitant of the constituency.

Apart from the question of whether the parties and candidates have to be open about the amount of finance at their disposal, there is also in Belgium Bulgaria, France, Italy, Romania and Spain an obligation of transparency as to the origin of funds.

In Ireland, legislation has been enacted to allow for the introduction of a requirement whereby candidates at local elections must disclose details of donations received and to specify limits on election expenditure by candidates and political parties.

IV.   ELECTORAL SYSTEMS FOR MUNICIPAL COUNCILS

1.   Principles of representation

There are two basic principles for classifying electoral systems according to the impact they have on the votes-seats relationship: majority representation and proportional representation. With majority representation, the objective is to produce a parliamentary majority for one party or for a coalition of parties, which is achieved by the disproportion between votes and seats inherent in majority electoral systems. With proportional representation, the objective is to reflect the existing social forces and political groups in a given area as accurately as possible, that is a more or less proportional relation between votes and seats.

Within each method of representation there is a great range of possibilities for designing an electoral system.

In most of the countries considered the electoral system is based on proportional representation (PR) system. This is the case in Austria, Belgium, Bulgaria, Cyprus, Estonia, Ireland, Norway, Romania, Spain (in municipalities with 250 inhabitants or more), Sweden and Turkey. In France and Slovak Republic, in Spanish municipalities with less than 250 inhabitants which do not apply the "open council" system (see p. 12) and in the United Kingdom (except Northern Ireland), the electoral system is based on majority representation. In Italy, a mixed system with a majority-dominant character (proportional representation with a majority bonus) has been adopted for municipalities with more than 15 000 inhabitants, and a majority system for the others.

2.   Types of list

There are three types of lists: "closed and blocked", "closed and non-blocked", and "open" (that is non-blocked and non-closed) lists. These variations show the difference in the voter's degree of freedom to choose not only between parties, but also between individual candidates.

In Bulgaria, Romania, Slovak Republic, Spain (in municipalities with 250 inhabitants or more) and Turkey and in the bigger municipalities of France there are only closed and blocked lists, that is the voter cannot influence the ranking of candidates within a party list.

In Austria, Belgium, Cyprus, Estonia, Italy and Sweden, the lists for municipal elections are closed and non-blocked that is the voter can choose between candidates on a one-party list.

Open lists can be found only in Norway and in the smaller French municipalities (with up to 3 500 inhabitants) and in Spanish municipalities with less than 250 inhabitants which do not apply the "open council" system. In these cases, the voter may vote for different candidates of different parties.

It is worth mentioning that younger democracies prefer closed and blocked lists not only at the national, but also at the local level. The main argument favouring this arrangement may be the institutionalisation of political parties and party systems, especially in view of historical experiences of political instability or the defective structuring of the main channels of political participation.

However, the political parties do not always have the monopoly of nomination. It is only in Cyprus that candidacy regulations are very strict, as only those parties that got at least 3 per cent of the votes cast in the previous national elections are allowed to compete in the municipal elections. In all the other countries, independent candidates may compete as well.

3.   Personal vote and list vote

Systematically, one can differentiate between a personal vote and a list vote. Furthermore, these forms correspond to the choice between individual candidacy and list candidacy. But these options may also be combined in that a voter may be able to cast a personal or a list vote, or both. Voting systems can be very complex and offer a wide range of choice.

Where closed and blocked lists exist, people have only one vote for a one-party list. In Estonia, within a semi-open list system, people also have one vote, but give it to a certain candidate within a party list.

In Sweden, voters are free to accept the party's ranking or to indicate the candidate (only one) of their choice.

In Belgium, on the contrary, the voter has as many votes as councillors to be elected. As the lists are closed, the voters are obliged to give all their votes to the same party list (cross-party voting invalidates the ballot). Nevertheless, voters can express their political preferences by different means: They may vote for the list, for individual candidates (one or more from the same list) or for the list and for individual candidates.

In Cyprus, voters have the right to vote for up to four candidates on the same party list. They can also exclude candidates or change their ranking order.

In Austria the voting system is not uniform. In some *Bundesländer* voters can eliminate a candidate or change the ranking order of the candidates. Furthermore, they are entitled to give a preference vote to one or more candidates.

In Italy a wide range of choice is offered to the voter. Since the reforms of 1993, the elections for mayor and the municipal council are very closely connected and voters have four kinds of possible choices on a single ballot paper:

–   they may simply vote for the list, adding, if they so wish, the name of the candidate of their choice;

–   they may vote only for the mayor;

–   they may vote for a candidate for mayor together with a candidate for councillor from the same list;

–   they may vote for a mayoral candidate from one list, and also vote for another list giving their preference to a candidate for councillor from this other list (double voting).

In Norway the voters have as many list votes as the number of councillors and as many preferential votes, within a list, as the number of names on this list. The voters may also:

–   exclude candidates;

–   change candidates' ranking on the list;

–   give one extra vote to the candidates they choose;[1]

–   add names of candidates from other lists (up to 25 per cent of the number of councillors to be elected).[2]

Finally, it should be noted that, in most countries, independent candidacies are admitted.

4.   Electoral formulae

As mentioned above, in most countries the electoral system is based on proportional representation. Within the spectrum of proportional representation, different systems are used to convert votes into seats.[3]

The methods mostly used are the divisor methods. The most popular formula is the d'Hondt method (sequence of divisors: 1, 2, 3, 4, 5, etc.) which is used in Austria, Bulgaria, Italy, and Spain (for municipalities with more than 250 inhabitants which do not apply the open council system). In Estonia a modified d'Hondt method (with the sequence of divisors: $1, 2^{0.9}, 3^{0.9}, 4^{0.9}$, etc.) is used. In Turkey, before applying the d'Hondt method, 10 per cent of votes cast for each list (and individual candidate) is subtracted. In Belgium, the Imperiali method (with the sequence of divisors 2, 3, 4, 5, etc.) is applied.

The other countries are using quota methods. Cyprus and Romania apply the Hare quota (which is the total number of valid votes cast divided by the number of seats); in Ireland and Norway, the Droop quota, (that is the valid votes cast divided by the number of seats plus one, the result being increased by one). In Ireland, the Droop quota is used within the system of the single transferable vote.

Among the divisor formulae, the Imperiali method is the least proportional. The effect of this method, compared for instance with the d'Hondt method, is that it favours the largest party very much, especially if there are many other small parties challenging. But the d'Hondt method itself is a method systematically favouring the larger parties, in comparison to the St. Lagüe method (using the odd divisor sequence 1, 3, 5, 7, etc.) or the modified St. Lagüe method (in which the first divisor is raised from 1 to 1.4, thereby making it harder for smaller parties to gain their first seat), which produce a more proportional result.

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1   Since the parties may also give candidates one extra vote, it is possible for candidates on a list to receive up to three votes per voter.

2   This means that the voter gives one list vote to the electoral list of the added candidate and the list where s/he is added loses one list vote.

3   A more detailed explanation on the principal electoral formulae appears in the appendix to this report.

Among the quota methods, the Droop quota leads to less proportional outcomes than the Hare quota. But in comparison to the d'Hondt method, the quota methods generally offer a more proportional electoral outcome, at least when they produce remaining seats given to the parties according to the remaining votes, that is according to the largest remainder; the proportional effect then depends on the occurrence and the number of the remaining seats.

The lowering of the quota, by increasing the number of additional fictitious seats to such an extent that all seats can be assigned without using the remaining votes, leads to a degree of proportionality identical to that achieved by the d'Hondt method. In addition, the degree of proportionality of the Hare method combined with the assigning of remaining seats to the highest average corresponds to the degree of proportionality of the d'Hondt method.

The effect of the different electoral formulae on the proportionality of the electoral outcomes can be summed up in Table 8 which shows the formula ranking from that with the least to the most effect.

Table 8: The effect of formulae on electoral results

Method	Country
Imperiali	Belgium
D'Hondt	Austria, Bulgaria, Italy, Spain, Turkey
Modified d'Hondt	Estonia
Modified St. Lagüe	Sweden
Droop (largest remainder)	Ireland, Norway
Hare (largest remainder)	Cyprus, Romania

It has to be kept in mind that the constituency size, not taken into account in this ranking, also influences the degree of proportionality.

The effects on the formation of an absolute majority of seats for one party, produced by the different formulae, can be illustrated by the Belgian 1988 municipal elections. In 1988, as the result of the Imperiali method, the majority of the seats in 111 local councils was gained by one party although it had not received an absolute majority of votes (electoral majority). If the d'Hondt method had been used, the same situation would have occurred in only fifty local councils and if the Hare quota combined with the largest remainder system had been used the same effect would have been produced in only six local councils.

In majority electoral systems the kinds of majority necessary can be different, either a relative majority (plurality) or an absolute majority.

In France, the precise functioning of the system differs according to the size of the municipality. Municipalities with up to 3 500 inhabitants elect their council in the classically French manner of absolute majority rule. When it comes to a second ballot (because no list obtained more than 50 per cent of the seats in the first round), the lists may be re-arranged. But it should be clear that all the seats will always be assigned to the list that gained the majority. In the municipalities with more than 3 500 inhabitants, the absolute majority rule is also used, but the winning list will receive only 50 per cent of the seats, while the remaining 50 per cent are distributed proportionally between the lists that gained at least 5 per cent of the votes cast (by the d'Hondt method).

In the Italian municipalities, the system differs according to the size of the municipalities. Moreover, the seat share is determined by the elections for mayor, which are held simultaneously with the elections for the council. In municipalities with up to 15 000 inhabitants, the list of the mayoral candidate who obtains a relative majority will receive two-thirds of the seats in the council. The

remaining third is distributed proportionally among the other lists using the d'Hondt method. In municipalities with more than 15 000 inhabitants, the list of the mayoral candidate who obtains more than 50 per cent of the votes cast will receive 60 per cent of the seats. If no candidate for mayor obtains 50 per cent of the votes, a second ballot will be held within fifteen days between the two candidates with the highest number of votes. The majority bonus for the list led by the mayor will be applied only if none of the party lists obtained more than 50 per cent of the votes in the first round. The remaining seats are distributed proportionally among the other lists using the d'Hondt method. It must be noted that where the majority bonus cannot be applied (that is where a list different to the one led by the mayor obtains the absolute majority in the first round) the proportional method implies that the mayor is no longer assured of having a majority on the council and a "cohabitation" may take place.

In the United Kingdom, the system applied in England, Wales and Scotland is the first-past-the-post system; the candidate (or candidates, in a multimember constituency) who obtain(s) the highest score is (are) elected. In Northern Ireland, the single transferable vote system is applied.

The first-past-the-post system is also applied in Spain for municipalities of between 100 and 250 inhabitants that have not opted for the "open council" system (see p. 12).

5.   Electoral threshold

An electoral threshold, that is a rule by which parties with less than a certain percentage of the vote share are excluded from the distribution of seats, is not frequent on the municipal level. There is a threshold in Spain (3 per cent), in Estonia (5 per cent at the level of the municipality, not at the level of the electoral districts) and in Turkey (10 per cent).

In French municipalities with more than 3 500 inhabitants, where the winning party obtains 50 per cent of the seats, the remaining 50 per cent is distributed proportionally among the parties that won at least 5 per cent of the votes cast. If no party obtains an absolute majority in the first round, a second round takes place between the parties that won more than 10 per cent of the votes in the first round.

6.   Participation threshold

Only a minority of countries has laid down a participation threshold. In Italy and Romania the participation of over 50 per cent of the voters is required for the municipal elections to be valid. In French municipalities with less than 3 500 inhabitants the first electoral ballot is valid if and only if the winning party obtains 50 per cent or more of the votes cast by 25 per cent or more of all registered voters. If there is no such winning party, a second ballot will be held.

In Austria, only one *Land* insists that at least two thirds of all municipal seats must be filled for the elections to be valid, otherwise the elections have to be repeated.

Table 9: Electoral systems for municipal councils in fifteen European countries

Country	Term	Electoral system	List	Formula	Pers. vote	Electoral threshold	Candidacy
Austria	5-6	PR	Prefer. voting. Closed, non-blocked lists	D'Hondt[a]	Yes	No	Parties, groups and independents
Belgium	6	PR	Prefer. voting. Closed, non-blocked lists	Imperiali	Yes	No	Parties, groups and independents
Bulgaria	4	PR	Closed lists	D'Hondt	No	No	Parties and groups
Cyprus	5	PR	Up to 4 prefer. votes, Closed, non-blocked lists	Simple PR system	Yes	No	Parties[b]
Estonia	3	PR	Closed, non-blocked lists	Modified d'Hondt	Yes	5%	Parties, groups and independents
France	6	Absolute majority[c]	Depending on the size of municip.[d]	D'Hondt	Yes/no[d]	5%/10%[e]	Parties, groups and independents
Ireland	5	PR		Single transferable vote	Yes	No	Parties and independents
Italy	4	Relative majority/ combined system[f]	Prefer. voting. Closed, non-blocked lists	D'Hondt	Yes	No	Parties and groups
Norway	4	PR[g]	Open lists. Additional votes possible	STV Droop quota and special divisor method	Yes	No	Parties, groups and independents
Romania	4	PR	Closed lists	Hare quota and largest remainder	No	No	Parties and independents
Slovak Republic	4	Relative majority	Closed lists		No	No	Parties and independents
Spain	4	PR[h]	Closed lists	D'Hondt	No	3%	Parties and groups
Sweden	4	PR	Closed non-blocked lists	Modified St Lagüe	Yes	No	Parties and independents
Turkey	5	PR	Closed lists	D'Hondt	No	10%	Parties and independents
United Kingdom	4	Relative majority/ single transferable vote[i]			Yes	No	Parties and independents

a. Seats left over are not taken into account, except in Vienna.

b. Only those parties that obtained at least 3 per cent of the votes cast at the latest elections at national level are allowed to participate.

c. The functioning of system differs according to the size of the municipality.

d. In municipalities of up to 3 500 inhabitants there are open lists, in the others there are closed blocked lists.

e. These thresholds concern only the municipalities with more than 3 500 inhabitants, where 50 per cent of the seats are distributed among the parties which got at least 5 per cent of the votes cast in the first round. If no party gains an absolute majority in the first round, a run-off takes place between the parties that won over 10 per cent of the votes cast in the first round.

f. The functioning of the system differs according to the size of the municipality.

g. If no lists have been issued in a municipality, the voter may give his vote to any eligible person (election by majority vote).

h. In those municipalities with less than 250 inhabitants a majority system with limited vote is used.

i. The first-past-the-post system is applied in England, Scotland and Wales. The single transferable vote (STV) system is applied in Northern Ireland.

V.   THE ELECTION OF THE MAYOR

For the election of mayors, there are a limited number of alternatives. One has to differentiate between direct and indirect elections; elections by the electorate or by a communal representative organ. Both processes have their pros and cons.

1.   Election by the council

If the election of the mayor is indirect, then in general an absolute majority of the votes of the members of the local council is necessary. At this point, the question of cohesion and stability of local government comes into consideration.

In several European countries proportional representation is used in conjunction with open lists, preferential voting, cumulative voting and cross-party voting. These institutional conditions usually lead to multiparty systems and rarely to an absolute majority for one party. Therefore, for the election of the mayor, it may be necessary to form a coalition.

Furthermore, the empirical evidence shows that the position of the mayor is not always occupied by the candidate who obtains the most votes. In Spain, for example, in 1991, in forty-five of the seventy most important municipalities of the country, no party received a majority; in seventeen municipalities, the mayor was not the leader of the strongest party. In these cases, the permanence of the mayor in his/her position, just like the prime minister in a parliamentary system, depended on the maintenance of his/her coalition.

Often the mayor is elected by an absolute majority of the members of the municipal council. Nevertheless, specific provisions apply where this absolute majority is not reached, in order to avoid deadlock situations. For example, in Spain, where the mayor is elected by the council (except in municipalities which apply the "open council" system) – if no candidate gets an absolute majority of the votes in the council, the candidate at the head of the list which won most of the votes in the elections is made mayor. This rule has led to problems in Spain, as it previously had done in Italy where a system similar to the Spanish one was eventually abolished in 1993. Now Spain is also considering direct election of mayors.

In Belgium, the mayor is appointed by the monarch. The monarch is free to choose, but it is common practice that the latter follows the proposal made by the majority of the council. The mayor may be suspended or dismissed by the monarch.

In certain systems, the mayor is the chair of the municipal council, whereas in others the mayor has no right to be a member of the council. Thus, the relationship with the council can significantly change.

2.   Direct elections

Direct election of the mayor by the citizens is seen as a means for strengthening the political legitimacy of the mayor, who is therefore in a better position to overcome obstructions by political minorities and individuals.

For the direct election of the mayor, the electoral systems commonly used are essentially the first-past-the-post (relative majority) and the two-round (absolute majority) systems. A characteristic of the first-past-the-post system is that the decision is taken in only one electoral round, and the strategies (pacts, agreements) of the parties are normally taken in secret. However, a mayor who is elected by only a relative majority may have a weak position on the municipal council.

On the other hand, with the absolute majority system, the parties can measure their respective strengths through a first round and can make pacts before the second round. This will not only facilitate the victory of a certain candidate in the second round, but this is also a basis for forming a municipal council majority. However, handing over the votes to another party in order to assure the majority of a candidate could be to the detriment of the candidate who actually had most of the votes in the first round. There is no guarantee of a constructive decision in the sense that there is support in the municipal council for the policies of the candidate who is elected. And if this does not occur, if the strongest candidate is eliminated, the political work of the municipal council can be complicated.

The majority formulae in the elections of the countries considered are as follows: the mayor is elected by plurality (that is relative majority) in Cyprus, Slovak Republic, Turkey, in Italian municipalities with less than 15 000 inhabitants and in Spanish municipalities which apply the "open council" system. An absolute majority rule is used in Bulgaria, Germany, Romania, and in Italian municipalities with more than 15 000 inhabitants.

3.   Relationship between local council elections and mayoral elections

In most of the countries considered, a connection between the two elections is made in the sense that the mayor and the council are elected simultaneously, but on different ballot papers. In Italy, the council and the mayor are elected by just one voting procedure. One has to keep in mind that, in this case, the representation of the parties on the council depends in general on the voters' decision for the mayor.

In those systems where mayor and council are elected in different (direct) elections, the situation could arise where the mayor does not belong to the party or coalition that gets the majority on the council. This may generate tensions, in particular where the respective functions of the deliberative body and of the executive body are not defined with a sufficient degree of precision.

Table 10: Electoral systems for mayors in fourteen European countries

Country	Term (years)	Direct/indirect election	Required majority
Austria	5-6	Direct/indirect[a]	–
Belgium	6	Appointed by monarch	–
Bulgaria	4	Direct	Absolute majority[b]
Cyprus	5	Direct	Relative majority
Estonia	3	Indirect	–
France	6	Indirect	Absolute majority[c]
Germany	5-12	Direct	Absolute majority
Ireland	1	Indirect	Absolute majority[d]
Italy	4	Direct	Absolute/relative majority[e]
Norway	4	Indirect	Absolute majority[f]
Romania	4	Direct	Absolute majority[g]
Slovak Republic	4	Direct	Absolute majority
Spain	4	Indirect[h]	Absolute majority[i]
Turkey	5	Direct	Relative majority

a. Direct elections take place in the Burgenland, Kärnten and the Tyrol; in the other *Länder,* the mayor is elected by the local council.

b. If nobody gets an absolute majority of the votes cast in the first round, there has to be a run-off between the three best placed candidates two weeks later.

c. If no candidate gets an absolute majority in the first and in the second round, only a relative majority is required in the third round.

d. If no candidate receives an absolute majority of votes cast, lowest candidates are successively eliminated for each vote.

e. Depending on the size of the municipality.

f. If no candidate gets an absolute majority of the votes cast in the first round, only a relative majority is required in the second round.

g. Depending on the size of the municipality.

h. Except for municipalities that apply the open council system, where the mayor is elected directly by a relative majority.

i. If no candidate gets an absolute majority of the votes in the local council, the main list candidate who obtained most of the votes at the local elections becomes the mayor.

CONCLUSIONS

General remarks

The heterogeneousness of the local electoral systems and the special features of each of them do not admit one general proposal for reform that is valid for all cases. Nevertheless, comparative analysis can show whether there are democratic deficits with regard to representation, participation, effectiveness, comprehensibility or transparency. It also allows guidelines to be formulated that may be followed for possible reforms of the electoral systems at municipal level.

First of all, it should be emphasised that the real question is not which criterion has priority over the others.

Representation, participation and effectiveness are virtually meaningless when taken separately, and no one system can be considered as satisfactory if one or other of these criteria is not taken into consideration. The real question is how to reconcile these three criteria in the best way in any given situation, or in others words how to balance these requirements. It is not always possible to pursue these requirements simultaneously, although it is necessary to respect them in order to ensure the adopted system enjoys full legitimacy in the concerned communities.

In addition, no one system can be truly legitimate if it were not understandable and transparent. This implies, in particular, giving appropriate information to voters on the way the system works, the adoption of measures to ensure the observance of correct voting procedures (including the possibility for observers to be present during voting and the count) and the right for every interested citizen to appeal in cases of illegality.

Certain questions and conclusions dealt with in the present study have been tackled by the CDLR within the framework of its report on *Status and working conditions of local and regional elected representatives*.[1] The opinions given by the CDLR on these questions are still valid and therefore have been mentioned in these conclusions.

Finally, the CDLR is aware that some questions dealt with by these conclusions are sometimes within the area of constitutional provisions. Therefore the report suggests the following guidelines subject to their consistency with member states' constitutions.

1.   Constituency divisions

Splitting a constituency is not usual in local municipal elections as, in most of the cases considered, the municipality forms one single electoral constituency. Within the framework of a proportional representational system, this retention of a single boundary area is preferable, except when the population is over a certain size, when divisions can be justified.

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1   Study series "Local and regional authorities in Europe", No. 46.

The question should be analysed in a different manner when it concerns a majority system of election. In this case, dividing a constituency into smaller areas may be justified as it actually strengthens contacts between constituency representatives and their electorate and may give minority parties a greater voice.

Where the municipality is divided into constituencies, a distribution of seats between these constituencies according to the respective number of voters is certainly preferable. But there may exist historical grounds for special regulations causing deviations from pure proportionality, especially when a balanced territorial representation is considered to be of great importance. Consequently, propositions for reform must be cautious and contingent.

Whenever such reforms constitute an appropriate measure, the number, the limits and the magnitude of the districts or wards should be determined on the basis of objective criteria. Moreover, this procedure and every following modification could be led by a body which cannot be influenced by any political group.[1]

2.   Simultaneity of elections

As a general rule, municipal council elections are held simultaneously, that is on the same day across the whole country or region.

Of course there are cases, such as the resignation or the dismissal of the municipal council, where it is necessary to hold new elections only for the municipality(ies) concerned. In these cases, the most frequently adopted solution is the election of a new council for the remaining term.

The question arises whether municipal council elections and elections for higher tiers of local government should be held at the same time in order to facilitate voters' participation.

In fact, the importance of the political stake may foster the mobilisation of voters. On the other hand, multiple appeals for voting may discourage people to participate at elections and generate therefore a social cost in addition to the financial cost.

Nevertheless, other considerations may oppose those mentioned above. As an example, the simultaneity of elections requires more complex electoral campaigns and therefore information that is more difficult to understand. Moreover, where voting procedures are not the same, there is some risk of confusion and error.

In conclusion, it is better to analyse the concrete situation and listen to citizens than follow a general rule.

3.   Full or partial elections of the municipal council

In most cases, municipal councils are elected as a whole. A full election could simplify the

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1   As an example, the Local Government Commission for England reviews local government electoral arrangements, which include ward or division boundaries, and makes recommendations for changes to the Secretary of State for the Environment, Transport and the Regions. The Secretary of State can implement such recommendations by order.

Reviews are undertaken either in response to a direction from the Secretary of State, or in accordance with the commission's duty under the Local Government Act 1992 to undertake reviews every ten to fifteen years. The commission, in conducting reviews, must have reference to the rules set out in a schedule appended to the Local Government Act.

relationship between the council and the mayor, especially when the mayor is elected directly. A system of partial elections may strengthen the elected representatives' accountability to citizens, as those serving on the council will always know that they or their party colleagues will have to face the electorate shortly.

Here again, the balance between the different needs must be determined having regard to citizens' expectations.

4.   Electoral rights

With regard to the right to participate at local elections, the following elements should be given special consideration.

First of all, concerning the age required for participating at local elections, the general trend is to fix it at the age of 18, both for the right to vote and the right to stand at local elections. It would be appropriate if an evolution in this direction took place in countries that have fixed a higher age, in particular for eligibility. In addition, all efforts should be made to stimulate the participation of young people in public life at local level. One possibility would be to lower the age limit to 16, but the results of this measure are yet to be assessed.

Secondly, it would be worth considering if, for the right to vote at least, any requirement of nationality, in addition to that of residence, may be less stringent, subject to provisions which may request a minimum period of residence.

On this issue, it may be noted that the Council of Europe *Convention on the Participation of Foreigners in Public Life at Local Level*[1] recommends granting foreigners the right to vote in and stand for local elections, subject to the same conditions applied to citizens and provided they have been lawfully and regularly resident in the host country during the five years preceding the election (individual states being free to fix a shorter period).

Moreover, the right to stand for election should not depend on inclusion on a political party list, so that independent candidates (or lists of candidates), duly supported by a certain part of the concerned population, could participate at local elections.

Finally, all necessary measures must be adopted in order to guarantee a real possibility for voters to cast their vote, even when they are in a situation that makes it difficult or impossible to get to the polling station where they are registered. It appears that, in some countries, there is still a lack of provision in this respect.

5.   Compulsory voting and minimum participation

Requirements of a minimum participation for the validity of the elections hardly exist and are not appropriate. Although a low participation rate is regrettable (which is especially true for local elections), the freedom to vote should also include the right not to participate in elections. It is illusory to tackle abstentionism by changing a right into a duty; the only result would be to hide the causes of such a phenomenon and thereby to abandon any appropriate solution. Therefore, neither compulsory voting should be introduced, nor should the functional capacity of the democratic institutions be weakened by (several) repetitions of elections because of so-called low participation rates.

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1   Strasbourg 1992 (ETS 144) ISBN 92-871-2061-7.

6.   Terms of office

Within the framework of these conclusions, it seems useful to underline some aspects of the terms under which the local representative holds office.

With regard to the duration of the term of office, it could be of four or five years.

In regard to multiple office holding, an analysis of the problems of multiple office holding must take account of the nature of the offices held. In this respect, restrictions on holding executive office at different tiers of authority are common. On the other hand, it is harder to find a homogeneous approach in relation to holding deliberative and executive offices in a single authority (for example, combining the offices of municipal councillor and mayor) and the simultaneous council membership at different levels.

In general, it is doubtful whether the simultaneous holding of several elective offices is really in keeping with the interests of the voters, given the ever increasing commitment demanded of local representatives, especially in the larger communities. In general terms, multiple office holding should not prevent an elected representative from carrying out his duties appropriately. For the sake of the electorate, it is undesirable that the same person holds a number of elective offices that endanger the proper and full execution of each one of those offices.

In addition, multiple office holding leading to conflicts of interest must be banned; the example could be presented of an elected representative who sits on a supervisory body and on a body under its jurisdiction.

7.   Financing electoral campaigns

The financing of party activities and electoral campaigns is a question of extreme complexity. Its importance stems from the fact that the functioning of pluralist democratic systems depends, among other things, on the setting up of conditions which ensure equality in the competition between parties. The aim of any system of financing political parties must be to ensure such a balance.

Methods for achieving this are devised particularly in relation to elections for national parliaments. Nevertheless, it must not be forgotten that regulations for financing the electoral campaign can be of great importance at local level as well, as they can influence the relationship between the voters and their local representatives on the one hand and the structure of local political representation on the other.

Aspects that should be regulated are well known:

–   funds from private sources;
–   (possible) allocation of public funds;
–   the transparency of party finances;
–   (possible) electoral campaign spending thresholds;
–   mechanisms for checking that applicable rules are complied with.

Considering the extent of work already carried out or currently being carried out in this field – including work by the Council of Europe, notably in the framework of the action programme against corruption – only brief comments will be given here.

First, rules on the financing of the electoral campaign should, on no account, be less strict than those applied at national or any other higher level.

Secondly, it can be noted that the obligation of the parties and candidates to be open about the origins and amount of their finances, as it is regulated in some of the countries considered, contributes to a greater transparency and, therefore, to a greater legitimacy of the local political system.

Finally, if a system of public funding of the local electoral campaign exists it must be fair. A public financing of (national) political parties although independent from the local electoral campaign and results (as it exists in some of the countries considered) may influence the local structures of political representation in a way that – especially in bigger municipalities – the chances of the established national parties winning the elections are much better than those of regional/local groups or individual candidates.

One solution could be the combination of a minimum amount of money being granted to the parties and groups per candidate standing for election, and a complementary amount determined on the basis of votes obtained at the last elections.

8.   Types of lists

The types of lists are a determining factor in the voter's freedom of choice and, therefore, for the degree of participation in the electoral system.

In general, "open" lists (that offer voters a choice of candidates within parties) are not common; they are used depending on local circumstances.

Non-blocked lists and closed and blocked lists are both more frequent than "open" lists. In the countries of the sample, they are more or less equally used. The choice probably depends on the balance to be achieved, in a given situation, between the role for the parties and the role for individuals.

In the case of "closed and blocked" lists, the influence of the parties on the outcome of local elections (that is on which candidates are elected) is stronger than in the case of "non-blocked" lists, where candidates within a list are elected in the order determined by the voters.

9.   Voting procedures for local council elections

Decisions regarding the degree of proportionality of the voting system, voter choice between candidates and not only between parties, the casting of preferential votes within a list, or cancellation of single candidates, and, consequently, proposals for reform, presuppose a precise analysis of the situation based on historical circumstances and the experiences of a given country, including the criteria of representation, concentration and participation.

It has to be stressed that the functions mentioned can be reinforced or reduced by reforms within the type of representation in multimember constituencies.

In most of the countries considered, councillors are elected by a proportional electoral system in multimember constituencies. This type of voting system has the advantage that its technical elements and political consequences can be easily adapted to the historical circumstances and the aims of the political players.

In fact, there are many possible variations within this type of voting system; number of seats for each constituency, nearly all forms of list imaginable, different methods and heterogeneous electoral formulae. Given that the effects of this type of voting procedure depend on the specific technical details and their combination, a particular proportional electoral system in multimember constituencies can generate relatively proportional, but also very disproportional results.

The main risks that a proportional system produces are the proliferation of small parties and the instability of local majorities and governments. Where a given system results in ungovernability, it becomes necessary to modify it.

For example a proportional system with a majority bonus results in a deviation from proportionality which is deliberate, as the construction of the electoral system is mainly oriented on the criterion of concentration (efficiency) and that is appropriate in cases of local government functional problems. Reforms in this direction have been carried out in Italy; in Spain they are being discussed.

In the countries where local elections take place under majority rule, the situation should be avoided whereby minority political parties and groups, at least those which represent a considerable number of the population, have no voice within the council. Where the system in force leads to this result, the appropriate corrective measures should be adopted.

For example, the introduction of a quota of seats reserved for parties which have obtained a given minimal score, to be distributed on the basis of a proportional formula, allows the increase in the degree of representation to a more appropriate level, without prejudging its effectiveness and the stability of the local government.

10.   Election of the mayor

There is a tendency to examine the two methods of electing mayors (direct and indirect elections) focusing on the criteria of representation. Contrary to a generally accepted idea, there is no clear advantage in terms of the degree of representation between direct and indirect mayoral election. For example, where the council has to designate as mayor the candidate winning the majority of preferential votes, this mayor is as representative as the mayor directly elected by a single round relative majority.

In this regard, the possibility for the voters to express their preference(s) and have a real choice among several candidates for mayor is more important than the modalities of the election of the mayor.

The major difference between the two systems is in the nature of the relationship between the mayor and the population in the community and the relationship between the mayor and the council.

The mayor elected by the council cannot keep the office without having the confidence of the council's majority. The existence of a relationship of confidence gives the mayor the legitimacy that he needs for acting. If this relationship is broken, the mayoral mandate can be revoked.

This is not the case when the mayor is directly elected: when appropriate, his dismissal must be decided by the voters themselves. On this question it is possible – and it seems better – to increase the legitimacy and stability of directly elected mayors by demanding an absolute majority for their election, possibly even in the small communities. Where appropriate a preferential majority vote would allow the election to be held in one single round.

11.   The electoral system and the size of the local authority

The size of local authorities is not a neutral factor in relation to the functioning of an electoral system and calls for the utmost consideration. On this issue, the experience of certain countries seems to show clearly that the technical solutions which are appropriate for major cities and medium-sized towns are not necessarily seen as the most appropriate for the situation in small towns, and *vice versa*.

It is interesting to note that it is easier to accept a voting procedure that is weakly representative, but relatively more simple, where the population (and therefore the number of voters) is below a certain size. The proximity of councillors to citizens is no doubt stronger in a small town of 1 000 inhabitants than in a major city of a million inhabitants; this proximity, which plays a role regardless of political membership, constitutes in some ways a natural remedy to the deficit of representation in the system.

In general, it can be said that the bigger the community, the more it becomes politically necessary to ensure a minimum level of representation in the system, in order for it to maintain its legitimacy. Different measures can be envisaged for this purpose.

As an example, the division of major cities (on the territorial basis of districts or wards), favours a balanced geographical representation. In addition, in capitals (and generally in major cities) two levels of local authority frequently exist, each ward or urban district having an elected council, with sometimes particular functions; this also allows the specific interests of each urban area to be taken into account when defining local policies.

In the same way, the system of representation may be improved by distributing a given number of reserved seats following a geographical criterion. A similar solution can be achieved in order to ensure a certain representation of minority political parties by the adoption of methods which ensure a minimum number of seats to the (principal) minority parties in towns over a given size.

Finally, it is important to ensure that the results of the electoral system are, in all communities, in line with citizens' understanding and expectations.

A system that is sufficiently flexible may resolve concerns about appropriateness to the underlying social structure. In other cases, it may become impossible to apply one single system for all the municipalities – the size of which may vary considerably – and therefore it becomes necessary to introduce differentiated voting procedures, each one adapted to the specific needs that size difference generates.

12.   Calendar of reforms

One final consideration must be given to the reform of the voting procedure. A sufficient interval should be left between the coming into force of any modification to the voting procedure and the following elections, in order to reduce the risk of unfair political advantage in any imminent elections being gained from the changes.

PRINCIPAL METHODS AND ELECTORAL FORMULAE FOR CONVERTING VOTES INTO SEATS

1.   Principles of representation

There are two principles of representation:

i.   *the principle of majority representation* is intended to guarantee the existence of a majority, even if this results in disproportion between votes cast and seats allocated;

ii.   *the principle of proportional representation* is intended to ensure that seats are distributed among the various political groups in proportion to the number of votes that they obtained. The term *integral proportional representation* is used when there is only one electoral constituency, and gives the best correspondence between electoral results and representation. *Approximate proportional representation* describes the situation where elections take place in several constituencies and the distribution of seats is carried out at this level.

2.   Electoral constituencies

A constituency is the territory in which the electorate is called on to vote for its representatives. There are two types of constituency:

i.   a single-seat constituency: there is one seat to be filled in the constituency;

ii.   a multiseat constituency: several representatives are elected for the same constituency.

A single-seat constituency provides a favourable context for close contact between the electorate and its elected representative, while multiseat constituencies imply a more distant relationship.

Dividing a constituency into districts implies an awareness of a distortion between the number of votes cast for each list and the number of elected representatives it obtains, since, in purely mathematical terms, the less seats available in a constituency, the more difficult it is to ensure their proportional distribution.

The practice of boundary changing may be abused – the practice of drawing electoral district boundaries with political parties' interests in mind. This manipulative tactic is named after Elbridge Gerry, Governor of Massachsetts in 1812, who cut out a safe "salamander-shaped" district for his own party in Boston. This political manipulation of a deliberate nature where the varying geographical distribution of support for the various political parties is exploited therefore became known as "gerrymandering".

3.   Types of lists

The type of party list controls mainly the relationship between the voter and the candidates or between the candidates and their political parties or groups. There are three types of list:

i.   *Closed and blocked lists* leave the voter with no freedom, and permit voting only *en bloc* for a political party. It is up to the parties to decide the ranking of the candidates on the ballot paper. Such lists give the electorate no freedom. On the other hand, the parties can plan the composition of their representation in the assembly (experts, minorities, women, etc).

ii.   *Closed but non-blocked lists* permit voters to have a preferential choice as to who should represent the party in the assembly. The suggested ranking on the ballot paper is merely pre-structured by party committees.

iii.   *Open list (that is, non-closed and non-blocked)* allows voters to cross party lines and to compile their own list of individuals. The lists offer straightforward options.

4.   Majority voting

Different systems of majority voting are possible, depending on whether the elections take place in a single or multiseat constituency, the number of ballots (one or two), the majority required (relative or absolute), and on whether or not preference voting is permitted.

a.   Uninominal majority election

There are basically three models of uninominal majority elections:

i.   *Single-ballot (first-past-the-post) election* – The candidate who receives the greatest number of votes is elected, even if s/he has not won an absolute majority of the votes cast.

ii.   *Double-ballot election* – A candidate is elected after the first round if s/he has obtained more than 50 per cent of the valid votes cast. If none of the candidates obtains this number of votes, a second round of voting takes place. In this case, the second ballot is either between the two candidates who obtained the most votes in the first ballot (so that the winner clearly obtains an absolute majority) or between more than two candidates and a relative majority is then enough for election.

iii.   *Preference or alternative ballot* – The voters vote for one candidate, but also express their preferences with regard to the other candidates in descending order. If none of the candidates receives an absolute majority at the first count, the candidate who has received the lowest number of votes is eliminated and the second choices of his/her voters are added to the totals of the other candidates. This operation is repeated for subsequent preferences until one of the candidates has obtained an absolute majority through these successive transfers.

b. *Plurinominal majority election*

Three parallel models of majority voting can be applied in plurinominal constituencies:

i.   *Single-ballot plurinominal election* – If this method of voting is used together with a closed-list system, the list that gains the most votes wins all the seats in the constituency. If the lists are open, or if individual candidates are standing, the voters indicate on the ballot paper which candidates they have chosen, up to the number of seats to be filled. The candidates who receive the highest number of votes are elected.

ii.   *Double-ballot plurinominal election* – If there is a closed-list system, the list that gains an absolute majority wins all the seats; if none of the lists obtains this majority, a second round is organised. The ballot is between the lists (usually either two or three) which received the most votes in the first round. When cross-party voting is permitted, or there are individual candidacies, the second ballot may concern only the seats that were not filled in the first ballot.

iii.   *Preference or alternative plurinominal voting* – The procedure described under point 4a.iii is used for every seat to be filled. After the first seat has been allocated, subsequent counting takes account of the second preferences on the ballot papers for the successful candidate, and so on.

5.   Election by proportional representation

In proportional representation systems, seat distribution requires the use of more or less complex methods of calculation. The different possibilities can be classed according to whether they use an electoral quota or a divisor method.

a.   *Systems based on an electoral quota*

As a general rule, systems based on an electoral quota require two operations; an initial distribution using the electoral quota, and, if necessary, a second allocation based on the remainder of votes.

The electoral quota can be defined as a single divisor used to establish the number of seats given to each list during the first distribution; each list or coalition receives a number of seats that is equal to the proportion between the votes obtained and the electoral quota. At this initial stage, fractions less than one do not lead to allocations. The most frequently used electoral quotas are given below:

i.   *The simple or Hare quota,* obtained by dividing the number of votes cast (V) by the district magnitude (M), that is, by the number of seats in the constituency [V/M].

ii.   *The Hagenbach-Bischof quota*, obtained by dividing the number of votes cast in each constituency (V) by the district magnitude (M) plus 1 [V/(M + 1)]. The use of this fictitious seat has the effect of reducing the electoral threshold required for a party to obtain a seat.

iii.   *The Droop quota*, obtained in the same way as the Hagenbach-Bischof quota, the result being increased by one [V/(M + 1) + 1].

iv.   *The Imperali quota*, obtained by dividing the number of votes cast in each constituency (V) by the district magnitude (M) plus 2 [V/(M + 2)].

It should be noted that when the number of fictitious seats to be added to the number of constituency seats is increased (and therefore the electoral quota is less), the number of seats left to be allocated in relation to the remaining votes is reduced, to the point that they can all be allocated in a single operation.

If some seats are not allocated, the remainder of the votes is taken into account at the second stage in order to complete the distribution. The distribution of the remaining seats according to the remaining votes can be carried out by two methods:

i.   In the *highest remaining votes* method, the first remaining seat is allocated to the list with the highest number of remaining votes at the end of the first distribution, and so on until all the seats have been allocated.

ii.   In the *highest average* method, the total number of votes obtained by a list is divided by the number of seats it has already obtained plus one. The first remaining seat goes to the list that obtains the highest average by this operation, which is continued until all the seats have been allocated.

The highest remaining votes method is more favourable to small parties, while the highest average system favours large parties.

The *single transferable vote system (STV) or the de Hare system* is a particular kind of quota system. It can be used where there are individual candidacies in a constituency with a limited number of seats to be filled. Voters vote for one candidate, but may indicate their preferences with regard to the others. The electoral quota is established using the Droop quota and the candidates who obtain this quota on the basis of first choice are elected. Any surplus votes (above the quota) obtained by these successful candidates are distributed among the remaining candidates, according to the percentage of second choice votes they received on the ballot papers selecting the successful candidate. If none of the candidates obtains this quota, the last- placed candidate is eliminated and his/her votes are redistributed on the basis of the second choices made, and so on.

Examples of the functioning of systems using an electoral quota

The data references for the following examples are:

Votes cast [S]   50 000
Seats to be assigned [M]   10
Votes for list A   26 000
Votes for list B   12 400
Votes for list C   7 600
Votes for list D   4 000

i.   Application of the Hare quota

The Hare quota is equal to the ratio between votes (50 000) and seats (ten), that is 5 000. Each list receives the same number of seats as the number of times the votes cast can be divided by the quota. In this example, there are two seats left to be allocated. It can be seen that the highest remaining votes method and the highest average method give very different results.

Distribution using the highest remaining votes

	Votes received	Seats following the quota	Remainder of the votes	Seats added	Total seats
List A	26 000	5	1 000	-	5
List B	12 400	2	2 000	-	2
List C	7 600	1	2 600	1	2
List D	4 000	-	4 000	1	1

Distribution using the highest average

	Votes received	Seats following the quota	Average 1	Average 2	Seats added	Total seats
List A	26 000	5	4 333	3 714	1	6
List B	12 400	2	4 133	4 133	1	3
List C	7 600	1	3 800	3 800	-	1
List D	4 000	-	4 000	4 000	-	-

It is interesting to note that if the distribution of votes had been slightly different, the result would have greatly changed; if list B loses more than 100 votes to list D, list D removes a seat from list B.

	Votes received	Seats following the quota	Average 1	Average 2	Seats	Total seats
List A	26 000	5	4 333	3 714	1	6
List B	12 299	2	4 099	4 099	-	2
List C	7 600	1	3 800	3 800	-	1
List D	4 101	-	4 101	4 101	1	1

ii.   Application of the Imperiali quota

The Imperiali quota is equal to the ratio between votes cast (50 000) and the number of seats increased by two units (10 + 2 = 12) that is 4 166. In the example given, the application of this quota and the highest remaining votes method produce the following results.

	Votes received	Seats following the quota	Remaining	Seats added	Total seats
List A	26 000	6	1 004	-	6
List B	12 400	2	4 068	1	3
List C	7 600	1	3 434	-	1
List D	4 000	-	4 000	-	-

The application of the highest average method would give the same end result, as the average for list B [12 400 / (2+1) = 4 133] would be the highest.

b. Systems based on a sequence of divisors

The use of calculation methods based on sequences of divisors means that it is always possible to allocate all the seats in one operation. The number of votes for each list is divided by the sequence of divisors, and the results are grouped in decreasing order; the seats are allocated to the lists according to this order. The most common methods are as follows:

i.   *The d'Hondt method*, which uses the sequence one, two, three, four, etc., up to the number of seats that are to be filled.

ii.   *The Imperiali method*, with the sequence of divisors two, three, four, five, etc.

iii.   *The St. Lagüe method*, which uses the odd divisor sequence (one, three, five, seven, etc). In the *modified St. Lagüe method*, the first divisor is 1.4.

The effect of the d'Hondt method is to favour the majority party. The Imperiali method increases this effect. The St Lagüe method makes it easier for smaller parties to obtain a seat and gives more proportional results, whereas the modified St Lagüe method lessens this effect. The following examples illustrate this.

Examples of the functioning of systems using a sequence of divisors

Votes cast	14 000
Seats	4
List A votes	7 000
List B votes	4 800
List C votes	2 200

i.   The d'Hondt method (sequence of divisors 1 - 2 - 3 - 4)

Divisors	1	2	3	4
List A	**7 000**	**3 500**	2 333	1 750
List B	**4 800**	**2 400**	1 600	1 200
List C	2 200	1 100	733	550

ii.   The Imperiali method (sequence of divisors 2 - 3 - 4 - 5)

Divisors	2	3	4	5
List A	**3 500**	**2 333**	**1 750**	1 400
List B	**2 400**	1 600	1 200	960
List C	1 100	733	550	440

iii.   The St. Lagüe method (sequence of divisors 1 - 3 - 5 - 7)

Divisors	1	3	5	7
List A	**7 000**	**2 333**	1 400	1 000
List B	**4 800**	1 600	960	685
List C	**2 200**	733	440	314

iv.   The modified St. Lagüe method (sequence of divisors 1.4 - 3 - 5 - 7)

Divisors	1,4	3	5	7
List A	**5 000**	**2 333**	1 400	1 000
List B	**3 428**	**1 600**	960	685
List C	1 571	733	440	314

6.   Corrective measures

The results obtained through the voting methods outlined above are not always entirely satisfactory in a given situation. Indeed, the adoption of the majority principle should not mean that all representation is denied to minority parties, and the choice of proportional representation should not result in a proliferation of parties or political groups, an unstable majority or ungovernability. Three examples of corrective measures that minimise these disadvantages are given below.

a.   *Majority (list) voting or systems with a majority bonus, with guaranteed representation for minorities*

The list with the most votes obtains a high percentage of the seats (50 per cent or more), although perhaps subject to other conditions. Depending on the individual case, the remaining seats are distributed, either to the list that came second, or between the minority lists (or certain of them) according to their respective results.

b.   *Majority voting with a proportional compensatory formula*

Some of the seats (50 per cent or more) are allocated on the basis of a majority ballot (usually a first-past-the-post election with a single winner per list), and the remaining seats are allocated on a wider territorial basis as compensation, using modalities that make it possible to obtain a result which is either proportional overall, or more proportional in the composition of the elected assembly.

c.   *Electoral thresholds*

The introduction of an electoral threshold implies that the lists must obtain a certain number of votes, determined by law, in order to benefit from the distribution of seats. It does not apply to the individual candidate of a party who keeps his seat when he has won it, for example, by reaching a relative majority in a uninominal majority election.

In proportional representation elections, there may be a requirement that each list obtains a minimum percentage of votes in order to be included in the distribution of seats. This electoral threshold results in a certain distortion in representation, but may contribute to parliamentary stability.

In double-ballot majority elections, an electoral threshold makes it possible to reduce the number of lists (or candidates) eligible for the second ballot.