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The ACE Encyclopaedia: Parties and Candidates

Political parties and candidates are key stakeholders in the election cycle. Candidates standing for office are affiliated with political parties which both define a candidate's ideology and policy position while reflecting a list of issues with which the electorate can identify based upon a political party platform as mirrored in the candidate's election promises to the public. Candidates as individuals represent a party platform and with the help and support of their affiliated party apparatus, they compete for public office, carry out election campaigns, and try to convince voting citizens to cast their ballot for them. Ultimately, the ability to openly campaign, receive credible public support through the voting process, assume public office, or form a credible opposition once in government depends on the legal, political, and cultural environment in the country, and on the administration, outcome, and public acceptance of the election results.



THE ACE ELECTORAL NETWORK AND THE ENCYCLOPAEDIA

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The ACE Encyclopaedia is comprised of 13 topic areas that cover key steps of the electoral cycle in depth. (This series presents each of these topic areas in print.)

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TABLE OF CONTENTS

1. INTRODUCTION	7
2. OVERVIEW OF PARTIES AND CANDIDATES	8
3. GUIDING PRINCIPLES OF PARTIES AND CANDIDATES	11
4. CONTEXT OF PARTIES AND CANDIDATES	14
5. EXTERNAL REGULATIONS OF PARTIES AND CANDIDATES	18
5.1 LAWS AND REGULATION THAT CONCERN POLITICAL PARTIES	19
5.1.1 <i>Roles and Definition of Political Parties</i>	19
5.1.2 <i>Registration of Political Parties as Organisations</i>	20
5.2 FINANCIAL REGULATIONS	22
5.2.1 <i>Direct and Indirect Public Funding</i>	23
5.2.1.1 Use of Direct Public Funding	24
5.2.1.2 Timing of Direct Public Funding	25
5.2.1.3 Allocation of Direct Public Funds	26
5.2.1.4 Indirect Public Funding of Parties and Candidates	28
5.2.1.5 Advantages and Disadvantages of Public Funds to Political Parties and Candidates	29
5.2.2 <i>Reporting and Public Disclosure of Party Finance</i>	32
5.2.3 <i>Prohibited Sources of Funds</i>	34
5.2.4 <i>Ceilings on Elections Expenditure</i>	35
5.2.5 <i>Limits on Donations</i>	35
5.3 LEGISLATED QUOTAS	36
5.3.1 <i>Legislated Quotas for Women's Representation</i>	38
5.3.1.1 More about Women's Representation and Quotas	38
5.3.1.2 Advantages and Disadvantages of Legislated Quotas for Women's Representation	38
5.3.2 <i>Some of the main arguments for legislated quotas for women are the following:</i>	38
5.3.3 <i>Arguments against legislated quotas for women's representation</i>	39
5.3.4 <i>Legislated Quotas for National Minorities</i>	41
5.3.4.1 Advantages and Disadvantages of Legislated Quotas for Minority Representation	42
6. INTERNAL FUNCTIONING OF POLITICAL PARTIES	44
6.1 LEGAL REGULATIONS REGARDING INTERNAL FUNCTIONING	45
6.1.1 <i>Internal Elections for Leadership Positions</i>	45
6.1.2 <i>Other Legal Regulations Regarding Internal Functioning</i>	48
6.2 INTERNAL VOLUNTARY PARTY REGULATIONS.....	48
6.2.1 <i>Candidate Selection within Political Parties</i>	49
6.2.1.1 Primary Elections	51
6.2.2 <i>Voluntary Party Candidate Quotas</i>	55
6.2.2.1 Voluntary Party Candidate Quotas for Women	56
6.2.2.2 Voluntary Party Candidate Quotas for other Disadvantaged Groups	57
6.2.2.3 Conditions under which voluntary party quotas are most likely applied	59
6.2.2.4 Advantages and Disadvantages of Voluntary Party Candidate Quotas for Women's Representation..	60
6.2.2.5 Factors influencing the implementation of voluntary party candidate quotas.....	61
6.3 PARTY STRUCTURE.....	62
6.4 PARTY MEDIA	63
6.5 THE ROLE OF MEMBERS	64
7. PARTIES AND CANDIDATES IN THE ELECTORAL PROCESS	67
7.1 POLITICAL PARTY CODES OF CONDUCT	68
7.1.1 <i>Content of Political Party Codes of Conduct</i>	70
7.2 REGISTRATION FOR ELECTION AND NOMINATION OF CANDIDATES.....	75
7.2.1 <i>Registration Requirements of Candidates for Election</i>	76
7.2.1.1 Monetary Deposits for Ballot Access	77
7.2.2 <i>Criteria to stand as a candidate</i>	79
7.3 DE-REGISTRATION OF PARTIES AND CANDIDATES	80
7.4 THE EFFECT OF ELECTORAL SYSTEM ON PARTIES AND CANDIDATES.....	81

7.4.1	<i>District Magnitude and Political Parties</i>	83
7.4.2	<i>Party Magnitude and Candidate Selection</i>	84
7.4.3	<i>The Effect of Electoral System on Party System</i>	84
7.4.4	<i>The Effect of Electoral System on Candidates</i>	85
7.5	BY-ELECTIONS	86
7.6	RELATIONSHIP BETWEEN PARTIES AND CANDIDATES AND THE ELECTORAL MANAGEMENT BODY	87
7.6.1	<i>Parties and Candidates as Stakeholders</i>	88
7.6.2	<i>Types of Involvement</i>	88
7.6.3	<i>Political Parties Liaison Committee</i>	90
7.7	MEDIA IN ELECTION CAMPAIGNS	91
7.8	CAMPAIGNING	92
7.9	COALITIONS AND ELECTIONS ALLIANCES	94
7.10	RESIGNATION, REMOVAL, DEATH OF A CANDIDATE BEFORE AN ELECTION	95
7.11	PARTIES AS ELECTION MONITORS	96
8.	PARTIES AND CANDIDATES IN LEGISLATURES	97
8.1	FORMATION OF GOVERNMENT	98
8.2	PARTY GROUP/CAUCUS.....	99
8.3	FLOOR-CROSSING.....	100
9.	PARTIES AND CANDIDATES CASE STUDIES	102
9.1	INDIA: RESERVATION OF NUMBER OF SEATS FOR MINORITIES	102
9.2	CAMBODIA: CODE OF CONDUCT.....	103
9.3	RUSSIA: ELECTORAL CAMPAIGN OF VARIABLE DURATION	103
9.4	UNITED STATES: STUDY ON PRIMARY ELECTIONS	104
9.5	SOUTH AFRICA: CASE STUDY ON FLOOR-CROSSING	110
10.	SOURCES/BIBLIOGRAPHY	112
10.1	ELECTORAL CYCLE APPROACH	112
10.1.1	<i>I. Pre-electoral preparation period</i>	112
10.1.2	<i>Campaign Finance</i>	113
10.1.3	<i>Women Candidates and the Electoral Cycle with Representation</i>	114
10.1.4	<i>Women's empowerment and the pre-electoral cycle</i>	115
10.1.5	<i>Minority Representation and Quotas</i>	116
10.1.6	<i>Electronic platforms, media and member/voter outreach</i>	118
10.2	II. ELECTION DAY AND ELECTORAL PERIOD OPERATIONS	118
10.3	POST-ELECTORAL PERIOD STRATEGY	119
10.3.1	<i>Internal Voluntary Party Regulations</i>	120
10.4	ELECTORAL CYCLE & TECHNOLOGY (2012)	122
11.	CONTRIBUTORS TO PARTIES AND CANDIDATES	123

1. Introduction

Political parties and candidates are key stakeholders in the election cycle. Candidates standing for office are affiliated with political parties which both define a candidate's ideology and policy position while reflecting a list of issues with which the electorate can identify based upon a political party platform as mirrored in the candidate's election promises to the public. Candidates as individuals represent a party platform and with the help and support of their affiliated party apparatus, they compete for public office, carry out election campaigns, and try to convince voting citizens to cast their ballot for them. Ultimately, the ability to openly campaign, receive credible public support through the voting process, assume public office, or form a credible opposition once in government depends on the legal, political, and cultural environment in the country, and on the administration, outcome, and public acceptance of the election results. Additionally, public acceptance of the outcome must be followed by final validation of the election result by political parties and their respective candidates. If both the voting public and political party candidates do not accept election results due to real or perceived electoral fraud or irregularities, the legitimacy of the resulting legislature or government is threatened.

Parties and candidates are also political actors that have the potential to be a negative force in the election cycle. The illegal practices of vote-buying or illegitimate party finance, the proliferation of defamation and hate speech in campaigns, voter intimidation by party workers, corruption in election-related decision-making, and the systematic exclusion of certain sectors of society constitute examples of where political parties threaten the functioning of democratic systems rather than support it. Laws and regulations regarding campaigning, funding, and functioning of political parties are developed to minimize the potential disruptive influence of political parties while still allowing them enough freedom to contest elections.

The freedom of speech and assembly, freedom of organisation, and the right to vote and stand for election are some of the guiding principles of this topic area.

The Parties and Candidates topic area explores the following themes:

External regulations relating to parties and candidates is a section focusing on laws and regulations on, for example, party finance, registration of political parties, and legislated quotas.

The section on internal functioning of political parties deals with party structure, the role and responsibilities of auxiliary groups, decision-making in the party, and candidate selection.

Parties and candidates in the electoral process aims to explore the issues more closely related to elections, such as candidate nomination, withdrawal of candidacy, contacts with electoral management bodies, and codes of conduct.

Parties and candidates in the legislature explores the formation of governments, coalition-building, and the ties between political parties and elected representatives.

“Elections provide an opportunity for peaceful competition between political ideas and personalities and for political and social debates to play out in an arena of constructive conflict. Maintaining this opportunity for constructive conflict requires attention to the election process beyond Election Day. Voting is only a single event within a cycle of activities and processes that connects one Election Day to the next. Thus, most practitioners and donors have adopted an electoral cycle approach to provide adequate assistance and proper planning. See: An Integrated Approach to Elections and Conflict. (Lisa Kammerud). April 2012.

2. Overview of Parties and Candidates

Parties and candidates are vital for democracy

A country can be said to be democratic only when its elections constitute a real competition among numerous political party-backed and/or independent candidates. Voters need to have a free and informed choice among various policy options and candidates to determine who their post-election representatives will be. Only very few countries are small enough to practice direct democracy in any or all public policy decision-making processes, and it is therefore crucial for most democracies to find ways to organise an effective and democratic system of representation. Political parties and candidates are actors tasked with the electorate’s trust and counted on to perform the representative function of government.

At the basis of such a system, there needs to be an acceptance of the basic human rights and freedoms to speak, organize, stand for election, and hold meetings or publicly-attended campaign rallies without intimidation or threat of arrest. Citizen engagement in and understanding of complex political issues to a large extent depend on the ability of political parties to activate and educate, formulate relevant and demand-driven policy options, and channel public opinion into the electoral and subsequent governing process. Only where parties and their candidates are legally recognized and free to form and function can they fulfil these roles.

Political parties

A political party is an organized group of people who exercise their legal right to identify with a set of similar political aims and opinions, and one that seeks to influence public policy by getting its candidates elected to public office. Even though the presentation of candidates and the electoral campaign are the functions that are most visible to the electorate, political parties fulfill many other vital roles in a democratic society. They are also institutionalized mediators between civil society and the duly-elected representatives who decide and implement policy. For example, political party-affiliated legislators who meet with civil society representatives to solicit individual (or organizational) opinion in the public policy formulation process. By this, they enable their members’ and supporters’ demands to be represented in parliament and in government. Key tasks of political parties include the following:

- Solicit and prioritize needs and policy priorities as identified by members and supporters

- Familiarize and educate voters and citizens in the functioning of the political and electoral system and in generating general political values
- Educate and train party members and leadership on an ongoing basis
- Balance opposing demands and convert them into general policies
- Activate and mobilize citizens toward political participation while demonstrating how they can transform public opinion into viable policy options
- Channel public opinion from citizens to government
- Recruit and train candidates for public office

Internal functioning of political parties

The internal functioning of individual political parties is somewhat determined by external forces such as the domestic electoral system, political culture, and legal regulations. Overall, however, it is internal processes that are the deciding factor in this process. Factors that influence a political party from within include the personality of party leaders and staff, the ideological foundations, party history, and internal political culture. Application of democratic principles and processes applied within a party structure include internal information and consultation processes, internal (formal or informal) rules and bylaws, the internal organisation and decision-making structure, and transparency in the party's functioning at all levels. Party members may also take on more formal roles in decision-making such as participating in internal elections for leadership positions or in selecting the party's candidate(s) to stand in upcoming elections. Many parties also work actively to enhance the role of traditionally under-represented groups in their parties. Gender balance in party membership and adequate internal representation by women in the party's organizational and governing structures is often reflected in the caliber and quantity of women put forth as part of party-based candidate lists.

Independent candidates

Many electoral legal frameworks allow persons to register and participate as candidates in an election even if they are not nominated by a political party or a registered party member. The role of independent candidates is more important in countries with Majority/Plurality electoral systems[1] than in those with proportional representation (PR) systems, but there can be a role for independent candidates in most PR systems as well. Even if independent candidates cannot contest an election, there might still be persons in the legislature who are no longer affiliated with a political party and who wish to run for elected office. Countries have different rules as to what happens to a parliamentary seat if the person who holds it leaves or is expelled from his or her political party. In some countries, the representative can keep the seat, while in others the seat is filled by the political party, remains vacant, or is filled through a by-election.[2]

Key stakeholders in elections

Political parties and candidates are key stakeholders in elections. They compete for public office, carry out election campaigns, and attempt through party issue-based electoral

platforms to convince eligible voters to vote for them. Ultimately, the possibilities for party-affiliated candidates to campaign, assume public office, or form a credible opposition depend on the legal, political, and cultural environment in the country, and on the administration and outcome of the elections. From another perspective, the final validation of the election result is in practice in the hands of the political parties and candidates. If they do not accept the results due to real or perceived electoral fraud or irregularities, the legitimacy of the resulting legislature or government is threatened. Likewise, the voting public—whether affiliated with a particular party through membership or not—must perceive and believe that the results officially declared after Election Day are valid and represent the expressed will of the electorate.

Parties and candidates are also actors that have the potential to be destructive. Practices of vote-buying or illegal party finance, the proliferation of defamation and hate speech in campaigns, voter intimidation by party workers, corruption in decision-making, and the systematic exclusion of certain sectors of the society constitute examples of where political parties threaten the functioning of democratic systems rather than support it. Laws and regulations regarding campaigning, funding, and functioning of political parties are developed to minimize the potential disruptive influence of political parties while still allowing them enough freedom to contest elections.

Parties and candidates in power

"Today women constitute 19 percent of the members of parliaments around the world. Recently, Rwanda superseded Sweden at the number one in the world in terms of women's parliamentary representation — 56.3 percent women against Sweden's 47.3 percent. Rwanda is an example of the new trend to use electoral gender quotas as a fast track to gender balance in politics." The Quota Project website

Depending on electoral success, political parties and party or independent candidates will form the government or legislative opposition of a country. The electoral system is an important factor determining how votes cast translate into an electoral mandate, but the choices of parties and candidates in campaigning, coalition-building, and pre-electoral alliances also have an impact on the final result. The ties between elected representatives and their political parties, the internal functioning of their parties, and the training and resources available to them help shape legislation, budgets, and government policies.

[1] See IFES Kenya white paper on electoral systems: http://www.ifes.org/~media/Files/Publications/White%20PaperReport/1900/1505/ShaneComments_Hybl_Paper_Electoral_System_Kenya.pdf and IFES White Paper on Delimitation of Constituencies (2009), Majority/Plurality electoral systems: <http://www.ifes.org/Content/Publications/White-Papers/2009/Electoral-Systems-and-the-Delimitation-of-Constituencies.aspx>

[2] National Democratic Institute for International Affairs (NDI), *Political Parties in Afghanistan: A Review of the State of Political Parties after the 2009 and 2010 Elections* (June 2011). <http://www.ndi.org/files/Afghanistan-political-parties-july-2011.pdf>

3. Guiding Principles of Parties and Candidates

The following principles guide legislation and practices regarding political parties and candidates. The first three derive directly from basic civil and political rights, while the other seven relate to what is needed in practice for a political system to function democratically.

Freedom of organisation

In this context, the freedom of organisation refers to the freedom to form and join political parties and other political organisations. It also refers to the legal rights of such parties and organisations to, for example, have their name and logo protected, to be legally registered and recognized by the government, and be treated fairly regardless of political conviction or the ethnicity, language, religion or gender of its members.

Freedom to stand for election

The freedom to stand for election refers to an individual's ability to stand for election and to be duly elected to office. This may be either as an independent candidate or as a candidate of a political party or other organisation. Principles to take into consideration when restricting individuals' freedom to stand for election include non-discrimination, relevance, reason, and objectivity. It is critical to ensure that the restrictions on and process of nomination are clearly stated in the electoral law.

Freedom of speech and assembly

Freedom of speech and assembly refers to the right of citizens to express their opinions freely, individually or with others. It also refers to the ability for political parties and candidates to hold meetings and rallies and to freely and openly conduct public election campaigns. If restrictions are imposed, they tend to address issues of protection from, for example, hate speech or incitement of hatred and violence.

Fair and peaceful competition

For the electoral competition to be fair and peaceful, political parties, candidates, and other electoral actors need to agree on the rules of the game. Such rules may include refraining from practices of hate speech, electoral violence, and defamation. This agreement can be informal, through a voluntary Code of Conduct, and/or supported through a legal framework with enforceable sanctions and is usually contained with the Electoral Code^[1]

Plurality

In order for voters to have a real and meaningful choice on election day, the political and legal system of a given country usually considers establishing and maintaining a multi-party electoral system. This system usually includes provision for independent candidates to stand for election – in order for voters to have a choice among several political parties and/or independent candidates.

Inclusion in the electoral process

In all aspects of an election – changes to electoral laws, election administration, codes of conduct, etc – countries need to decide what kind of involvement they want from political parties, candidates, voters, and other key stakeholders. The involvement can take different forms ranging from being informed to being consulted, part of decision-making, or free to observe voting, vote counting, and collation of results. In some countries, this may include active participation of political parties in the election cycle prior to Election Day when the Central Election Commission (CEC) or other electoral governing body is deliberating and determining the content and character of the electoral code.[2]

Level playing field

Political, cultural, legal, and financial realities might lead to a situation where some political parties or candidates have (or are perceived to have) an unfair advantage over others. Equal access to media legislation can help to ensure that all candidates (and their respective parties) receive air time and press access. . Additional measures such as party registration, freedom of assembly, ability to promote party platform in the media, and quotas to enhance the participation of under-represented groups may also be applied.[3]

Media access and reporting

The media are a key channel for voters, political parties, candidates, and other stakeholders to receive information related to an election. Legal frameworks should in protect media freedom to report and scrutinize the workings of political parties and other actors in the electoral process, and should also address ways to ensure that parties and candidates receive an equitable access to and coverage in publicly owned media.

Transparent and accountable political finance

Money is a key element in modern political campaigning, and legal frameworks and administrative practices often regulate party and campaign finance. Regulations may cover possible access to public funds, restrictions on (mis-)use of public resources (by the incumbent party or candidate), provisions for the finances of political parties and candidates to be transparent, or prohibitions on certain sources of funds.

Internal party democracy

If a political party would like the democratic principles of electoral politics to be applied within the party, it may consider practices like internal information and consultation processes,

internal (formal or informal) rules and structures for the organisation and decision-making within the party, and transparency in its functioning at all levels. Party members may also take on more formal roles in the decision-making like participating in internal elections for leadership positions or in selecting the party's candidate(s) for the upcoming elections. Many parties also work actively to enhance the role of traditionally under-represented groups in their parties.[4]

Interpretations of these principles may differ. For example, “equitable treatment” in publicly owned media may for some mean an equal allocation of broadcasting time to all parties and candidates, while others would say that it would be more fair to give new parties more media time on the grounds that they need more time to convey their message to the public than established parties. Other still would say that the party that received the most votes in the last election has earned the right to a bigger share of the broadcast time because it has proven that it represents the views of the largest share of the electorate.

Contradictions between different principles also occur. Take for example societies with a history of severe inter-communal violence, where laws are sometimes passed to discourage or even prohibit political parties that are based on ethnicity or religion. It may be very difficult to draw the line between safeguarding the principle of “fair and peaceful competition” and violating the principles of “freedom of organisation” and “freedom to stand for election”.

[1] See for example, IESA case study, electoral code of conduct in Tanzania: <http://www.eisa.org.za/WEP/tanparties3.htm>. See also the electoral code of conduct, IEC/South

Africa: <http://www.elections.org.za/NationalMediaConference/htm/Electoral%20Code%20of%20Conduct%20-%20Summarised.pdf> and the Inter-Parliamentary Union (IPU) electoral code of conduct: http://www.ipu.org/PDF/publications/CODES_E.pdf

[2] See for example OSCE report on Kyrgyz political party representation on the CEC: <http://www.osce.org/odihr/elections/kyrgyzstan/15828> and also OSCE CEC/Belarus: <http://www.osce.org/odihr/elections/belarus/14928> (2000). For changes to the electoral code to reflect opposition representation on the CEC, see Government of Georgia, *Key Changes to the Election Code of Georgia Prior to the January 5 Presidential Elections*(2007)

[3] See for example Rwanda Media High Council, Equal Access to Media <http://www.mhc.gov.rw/general-information/monitoring/equal-access-to-media.html> and International IDEA: equal access to media for political parties contesting elections: <http://www.idea.int/political-finance/question.cfm?id=276>

[4] See International IDEA party funding: <http://www.idea.int/parties/finance/> and International IDEA Handbook on Political Party Financing: <http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan014975.pdf>. See also National Democratic Institute for International Affairs (NDI), Political Parties and Democracy in Theoretical Practice and Practical Perspectives: Political Finance Policy, Parties, and Democratic Development. (Michael Johnston).

4. Context of Parties and Candidates

Political and governmental arrangements

The political system of a country shapes its political parties. The balance of power between the legislature and the executive affects party functioning in government and opposition, with strong governmental powers diminishing the role of opposition parties between elections.

Presidential systems add another dimension to party politics, both by putting focus more on personalities than party structures and by promoting alliances between parties about which presidential candidate to support. Another important factor is the relative centralization or decentralization of the country. Federal systems tend to produce political parties with more regional ties while parties in unitary countries have more of a national focus.

Population

Socioeconomic and other cleavages in the society tend to be reflected in the political parties. The existence of ethnic, religious, or other minorities often affects parties and party systems, especially if they are geographically dispersed. This is evident in the ethnically-affiliated party electoral outcomes witnessed in post-conflict transitional countries such as Iraq and Afghanistan since 2005, and as recently witnessed in the division along ethnic lines among the voting population in the Arab Spring countries among others.[1]

Violent conflict

New and restored democracies often have a history of violent conflict that affects political parties. Some may be transformed from military groups while others are new or emerge from civil society organisations. The existence or threat of violence in society influences both political parties and individual politicians, who often engage in the political process—including standing for election and serving in government—despite high personal risks.

Electoral Systems and Party Systems

Political parties and party systems are to a large extent affected by electoral systems. Some systems encourage, or even enforce, the formation of political parties; others recognize only individual candidates. The type of party system which develops, in particular the number and the relative sizes of political parties in the legislature, is heavily influenced by the electoral

system. So is the internal cohesion and discipline of parties: some systems encourage factionalism, where different wings of one party are constantly at odds with each other, while another system might encourage parties to speak with one voice and suppress dissent. Electoral systems can also influence the way parties campaign and the way political elites behave, thus helping to determine the broader political climate; they may encourage, or retard, the forging of alliances between parties; and they can provide incentives for parties and groups to be broadly based and accommodating, or to base themselves on narrow appeals to ethnicity or kinship ties.[2]

Political culture and societal norms

The political and societal norms of a country determine how political parties function. Hierarchical and patriarchal norms are reflected in the structure of many political parties, as are cultures of consensus-building and consultation. What is accepted during meetings and election campaigns is shaped by the society in which political parties operate rather than only by their internal culture.

Changing context and a crisis for political parties

Since the mid-1900s, the political landscape has been a field of rapid development. Democracy has spread to new countries and regions, societies have changed with economic development, television and electronic media have come to form an integral part of our societies, and the globalization of politics affects the everyday life of persons all over the world. Political parties struggle – sometimes successfully, sometimes not – to adapt to changing circumstances and keep up with new developments. Political parties need to seek new ways of organizing and functioning if they are to survive in the new millennium. This is particularly evident in the recent transformation of the political landscape in North Africa and the Near East as part of the “Arab Spring.”[3]

Trust

The international development community is in general agreement that political parties are 1 key actors in functioning democracies. Despite this, on all continents and in all countries of the world, political parties and politicians turn up among the least trusted institutions and personalities in public opinion polls.[4] Political parties are perceived as corrupt institutions supporting the rule of special interests and the wealthy elite that are not responsive to members or general supporters. Politicians have gone from being respected personalities to being perceived as distrusted manipulators who are in politics for their own personal gain. This trend was made clearly evident in the recent wave of political and electoral change that swept across North Africa and the Near East in 2011.

In some countries, the label ‘political party’ invokes an immediate negative response from the electorate and as such new political forces choose to call themselves movements or organisations rather than taking the name of political party – even if they claim to fulfil the same roles and meet on the same arena as the traditional political parties.

Professionalization and membership

Politics worldwide has morphed from the basic precept of being a field for interested and engaged citizens to represent community interests through government service to increasingly being a field of professionals. There are many reasons for this. Increasingly complex political systems with decision-making processes that nowadays have implications reaching far beyond the country borders put different demands on politicians – demands that cannot easily be met by enlightened and community service oriented citizens. Many commentators also claim that the increasing power of media in election campaigns have sped up the move towards professional politics. Campaigns are more often run by marketing consultants than by local party members, and one minute's broadcasting on television might have more impact than 100 local meetings and rallies. The influence of political action committees (PACs) and special interest groups that contribute large sums to individual or party-based campaigns should also be considered and recognized in the contemporary political party electoral process.[5]

These factors have also changed the will of citizens to become party members. The membership in political parties is declining both in new democracies and in the Western European countries that are used to having political parties that are based on a strong membership. In some countries, public funding of political parties is blamed for making parties more an institution of the State than private organisations dependent on their members.

Globalization and international contacts

Not only political decisions have international implications. The contacts of political parties are also increasingly global, and the ties to the Party Internationals and sister parties in other countries now help shape policies and formulate election campaigns also at the national level. At the same time, new and trans-national political parties are emerging in intergovernmental and supranational organisations like the European Union.

Political parties and candidates fund their campaigns not only through support from local citizens but also through donations from exile communities, multi-national organisations, and international support groups. Many countries have enacted laws prohibiting foreign sources of funds in politics, but loopholes and new practices render many of those laws ineffective.

Increasing costs

The access to funds and the regulations on what they can be used for influence political party behaviour. The costs of running a political party with offices, local branches, membership registers, and frequent meetings is escalating, but it is mainly campaign expenses that drive political parties to seek ever more funds.[6] Even though there is no empirical evidence to suggest that the party that spends most on an election will also win, the money put into a campaign does affect the number of voters that will hear the party message.

Especially in countries where paid political advertising is the main means of communicating with the public, election expenditure is rising. In a bid to cut campaign costs, many countries have chosen to ban paid political advertisement and offer free advertisement in publicly-owned

media instead, including providing free airtime on state-owned media for political debates, coverage of campaign rallies, and airing of town hall meetings sponsored by political parties during the pre-election period. In some instances, this has increased party and candidate access to the media (and indirectly to the voting public), but the competitive environment of elections and the powers vested in legislators and governments still attract large sums of money from donors.

Representation

Of the areas in which political parties are most frequently criticized, the issue of representation often comes out on top. Political parties are perceived as distant from their members and supporters and having failed to include all segments of society in politics. Women are still largely excluded from politics; at the turn of the 21st century, they constituted only 15% of representatives in elected legislatures around the world. Ethnic, religious, and social minorities are also often excluded from political power, and political parties have been blamed for systematically favouring the dominant elite.

“Around the world, a lack of gender balance in decision-making positions in government persists. Women continue to be underrepresented in national parliaments, where on average only 17 per cent of seats are occupied by women. The share of women among ministers also averages 17 per cent. The highest positions are even more elusive: only 7 of 150 elected Heads of State in the world are women, and only 11 of 192 Heads of Government. The situation is similar at the level of local government: female elected councillors are underrepresented in all regions of the world and female mayors even more so. UN Department of Economic and Social Affairs (2010). *The World's Women 2010: Trends and Statistics*

The ability and interest of political parties to broaden their base and recruit leaders and candidates from non-traditional groups are also said to be crucial for the peaceful articulation of their interests. The risk that some groups might resort to violence is greater if they do not feel that their demands are taken seriously by the established political parties.

Adapting to a new political landscape

There is a rising concern in political parties about the low levels of trust and membership, and in many countries and regions, political parties have embarked on self-assessment projects to comprehend where they might have gone wrong and learn how to better represent the public. Quotas and other positive measures are adopted to deal with problems of representation, opinion polls are developed as new consultation tools, and codes of conduct are utilized to agree on fair campaigning procedures. Parties try to engage their members and interact with civil society groups at the same time as they try to adjust to new, international circumstances.

Also, legal frameworks attempt to help foster stable and trusted political parties. Ceilings are put on election expenditure to avoid constant increases in campaign spending, transparency is

enforced in party financing, legal quotas enhance the role of women and minorities, and political advertisement is provided free of charge in many countries.

[1] See for example: Bhardwaj, Maya. *Development of Conflict in Arab Spring Libya and Syria: From Revolution to Civil War*. The Washington University International Review // Washington University in St. Louis, March 2012 and Simonsen, Sven Gunnar. *Addressing Ethnic Divisions in Post-Conflict Institution-Building: Lessons from Recent Cases*. International Peace Research Institute, Oslo (PRIO), Norway (2005): PRIO, www.prio.no SAGE Publications, <http://sdi.sagepub.com>

[2] See UNDP Africa (2009), elections, women's participation, post-conflict and progress to date: <http://web.undp.org/africa/governance.shtml>. See also UNDP/Liberia electoral reform programme: <http://www.lr.undp.org/elections.htm> (2012). This was also acutely evident in the division along ethnic lines as a result of the creation of a single electoral district Iraq-wide prior to the January 2005 Iraqi National Assembly elections. See: <http://www.un.org/News/dh/infocus/iraq/election-fact-sht.htm> and Middle East Forum/Iraq: <http://www.meforum.org/634/iraqs-electoral-system-a-misguided-strategy>

[3] See Carnegie Endowment for International Peace/Jordan: <http://carnegieendowment.org/2012/07/05/jordan-s-ongoing-election-law-battle/ck59> and the joint UNDP/European Commission project Partnership on Electoral Assistance: <http://www.ec-undp-electoralassistance.org/> and

[4] See for example Pew Global Attitudes Project: <http://www.pewglobal.org/>

[5] See: Demos.org (USA 2012), *Auctioning Democracy: The Rise of PACs and the 2012 elections*. <http://www.demos.org/sites/default/files/publications/AuctioningDemocracy-withAppendix.pdf>

[6] Note: Consideration is also given to the parallel expectation that as political party positions are increasingly viewed as “professional posts,” party members tend to expect commensurate compensation for fulfilling the duties and obligations of these positions on a full-time basis.

5. External Regulations of Parties and Candidates

Constitutions, electoral laws, political party laws, and various regulations have an impact on political parties and candidates. This section deals with laws and regulations that concern parties and candidates such as the registration requirements for political parties as organisations and roles and functions that are attributed to political parties in the political system by constitution or party law. In particular, this section discusses the funding of political parties and the financial regulations that stipulate income, expenditure, and reporting rules for political parties and candidates. Another topic that is dealt with is legislated quotas, i.e., constitutional quotas or quotas defined by the electoral law.

The internal functioning of political parties, and the regulations that concern parties and candidate in the electoral process and in the legislature, are covered in subsequent sections.

5.1 Laws and Regulation that concern Political Parties

This section deals with laws and regulations that concern parties and candidates as key stakeholders in a political system, such as registration requirements for political parties as organisations, and roles and functions that are attributed to political parties in the political system by constitution or party law.

The financial laws and regulations concerning political parties, as well as legislated quotas, will be discussed in separate sections.

5.1.1 Roles and Definition of Political Parties

A political party is defined as an organised group of people with at least roughly similar political aims and opinions, that seeks to influence public policy by getting its candidates elected to public office.

Parties tend to be deeply and durably entrenched in specific substructures of the specific society in a sustainable and well functioning democracy. They can link the governmental institutions to the elements of the civil society in a free and fair society and are regarded as necessary for the functioning any modern democratic political system.

Political parties perform key tasks in a democratic society, such as

1. Soliciting and articulating public policy priorities and civic needs and problems as identified by members and supporters
2. socialising and educating voters and citizens in the functioning of the political and electoral system and the generation of general political values
3. balancing opposing demands and converting them into general policies
4. Activating and mobilising citizens into participating in political decisions and transforming their opinions into viable policy options
5. Channelling public opinion from citizens to government
6. Recruiting and training candidates for public office

Political parties are often described as institutionalized mediators between civil society and those who decide and implement decisions. As such, they enable their members' and supporters' demands to be addressed in parliament and in government. Even though parties fulfil many vital roles and perform several functions in a democratic society, the nomination and presentation of candidates in the electoral campaign is the most visible function to the electorate.

To perform the above mentioned tasks and functions, political parties and citizens need some rights and obligations guaranteed or ruled by constitution or law. These include

- Freedom of organisation
- Freedom to stand for election
- Freedom of speech and assembly
- Provision of a fair and peaceful competition among parties and candidates
- Mechanisms to ensure plurality
- Inclusion in the electoral process and contacts with electoral bodies
- A level playing field and freedom from discrimination
- Media access and fair reporting guarantees
- Transparent and accountable political finance

The internal functioning of individual political parties is to some extent determined by forces that are external to political parties, such as the electoral system, political culture, and legal regulations. However, internal processes of political parties, such as the personality of leaders and staff, the ideological foundations, party history, and internal political culture are considered to be even more influential on the internal functioning. If a political party would like the democratic principles of electoral politics to be applied within the party, they may consider practices like internal information and consultation processes, internal (formal or informal) rules and structures for the organisation and decision-making within the party, and transparency in the party's functioning at all levels. Party members may also take on more formal roles in decision-making like participating in internal elections for leadership positions or in selecting the party's candidate(s) in the upcoming elections. Many parties also work actively to enhance the role of traditionally under-represented groups in their parties.

5.1.2 Registration of Political Parties as Organisations

Registration of political parties generally refers to the registration as organisations, though it can also be used to denote a separate process of registering to present candidates for election, which is usually a part of the process of candidate nomination. Even if the procedural requirements for gaining access to the ballot are the same as for the initial registration of parties, the legal framework has the possibility of clearly differentiating between the two.

While the registration of political parties as associations gives them a legal status, protects their name and logos, and conveys their intention to function as a voluntary organisation, the registration to gain ballot access confirms their intention to contest a specific election.

The guiding principle for the registration of political parties is the “freedom of organisation”, which concerns the freedom to form and join political parties and other political organisations. The principle deals with the legal rights of such political parties or organisations, such as the protection of their name and logo, and protection from discrimination based on political conviction or the ethnicity, language, and religion of its members.

It is good political practise to ensure that the legal framework clearly specifies when, how, and where registration procedures must be undertaken, what the requirements for registration are, and how the verification of registration will take place. The electoral legal framework should provide for uniformity in the registration process so that the same registration process applies to

all political parties at all levels. To ensure fairness, the grounds for rejection of a registration application have to be based on objective criteria, explained clearly to the applicant or applying party, and have to be clearly stated in the legal framework for elections, along with the mechanism for appealing against such rejection. Correctly applied, this protects political parties against arbitrary discrimination and ensures equal access to the electoral process for all qualified candidates—whether party-based or independent

In systems where registered political parties have access to public funds, broadcasting time on radio and television, free or discounted postal services, or other forms of public support, requirements are often stricter and demanding enough to discourage the registration of groups with little or no intention of trying to influence politics or contest elections. In countries without those kinds of benefits for registered political parties, registration can be a relatively simple process so as not to undermine the freedom of organisation.

Common requirements to register a political party

Countries can choose to have a minimalist approach with few requirements in order to encourage the registration of a large number of parties, or a maximalist approach with more demanding requirements to discourage parties that are not serious or well-organized. The possible requirements can be grouped into five different categories:

- Party Identity

Indication of a party name which does not resemble the names of already registered political parties, is not provocative or offensive against public decency, and does not incite violence or hatred. Further limitations on party names may be formulated, such as prohibitions on the use on individuals' names as part of party names.

Indication of a party symbol or logo which does not resemble the symbol of any already registered party or private company. In some countries, the use of religious or national symbols is also prohibited. Colours with a symbolic value such as the colour of the national flag are sometimes proscribed.

List of office-bearers or otherwise of party leadership, often with full addresses or other form of identification.

- Programmatic Documents

Provision of party statutes or constitution and often a protocol that states that the statutes have been approved by an executive board of the party. In many countries, the party statutes have to clearly state that the party adheres to the rules of the democratic process.

- Popular Support or Adherence

List of a certain number of registered members or/and supporters of the party, usually with signatures and addresses or other identifying information such as voter registration number. The more maximalist the approach, the higher the number of registered members required.

- Geographic Coverage

Proof of geographical presence, often in the form of membership or supporting signatures from a certain number of regions or districts.

- Economic Viability

Payment of registration fees ranging from smaller administrative fees to more substantial sums.

Payment of monetary deposits that may or may not be returned to the political party on the basis of election results. This exists especially in cases where political parties need to register separately for each election they wish to contest.

Clear procedure and timetable

Deciding that a political party or candidate cannot contest an election will arouse anger and resentment – both from the affected party or candidate and from their followers and potential voters. In order to avoid such problems as much as possible, the conditions and timing for registration and nomination can be communicated in detail well before the election, and the EMB can maintain close contact with the parties and candidates seeking acceptance.

A well communicated and thought through timetable is of great help. The EMB or other responsible agencies need time to scrutinize the registration, verify signatures of party supporters and members, perhaps exhibit the registration papers for review by other interested individuals or parties, and give parties the chance to appeal if they feel that their registration has been unduly denied. Therefore, political parties are often required to register and to nominate candidates well in time before an election, since after the scrutinizing procedure, the EMB still needs time to print the ballot papers and distribute them to the polling stations.

In some countries, a formal application from a number of party members starts the process. Once that application has been approved, party representatives have a set number of weeks or months to present their signatures, statutes, and other proofs that they meet the requirements. A formal decision by the responsible authority finally determines the legal status of the party.

5.2 Financial Regulations

Motives for regulating political finance may vary considerably and with them also the focus of the regulations. At least four different motivations can be identified: preventing abuse; enhancing fair political competition; empowering voters; and strengthening parties as effective democratic actors.

Preventing financial and electoral process abuse is the driving force behind legal regulations such as limits on donations and prohibitions on sources of funds. The risk of political corruption and the distorting effects money can have on politics can be limited with this kind of regulation.

Enhancing fair political competition and levelling the playing field can be done by providing political parties with public funds, using positive action to enhance representation of under-represented groups, or by putting a ceiling on election expenditure.

Empowering voters can also be done through legislation. Requiring public disclosure of party income and expenditure gives voters a chance to know who is supporting which parties or candidates and to decide for themselves which sources of funding they find acceptable, and vote accordingly.

Strengthening political parties is often the most difficult goal to meet. Countries can help foster strong and democratic political parties with strong links to their members by providing matching grants for donations, giving extra funds for training and development, and in general providing legislation that is coherent and functioning.

The financial regulation of political parties and candidates is an area in which enforceability is critical to the credibility of the effort to control political corruption. In general, legislation that cannot be enforced should not be enacted. It is good practice to draft laws with their implementation in mind, also looking at the resources available to the body that will monitor and enforce the laws.

5.2.1 Direct and Indirect Public Funding

Public funding refers to funds or resources provided by the State/Government to political parties and/or candidates.

Political parties and candidates should have equitable access to public funds, and the rules regarding public funding should be clearly stated in law. It is particularly important that there be no misuse of public resources by the incumbent party or candidate. The legal framework should encourage the founding and sustainability of a multi-party system.

Public funding is divided into direct public funding or indirect public funding, depending on the form in which public resources are made available.

Direct public funding is given to political parties in the form of money – usually as bank transfers.

Indirect public funding refers to resources with a monetary value that the Government provides to political parties. For additional detail, see the file about indirect public funding of parties and candidates.

5.2.1.1 Use of Direct Public Funding

If public funds are given to political parties and/or candidates, the state may have an opinion on what the money should be used for. Sometimes, this can be expressed as recommendations to the political parties or candidates, while in other cases funds are earmarked for specific purposes, or certain uses are prohibited.

One main difference is whether or not it is expected that the funds will be used for election campaign purposes (more common where public funds are given to candidates) or for routine, non-election related operations (more common where funds are given to political parties). Specific funds may either be earmarked for specific purposes, or accepted purposes can be listed and it can be allowed that the party or candidate allocate the funds between them.

Apart from general election campaign purposes and routine operations of the party, funds are commonly earmarked for:

- The work of the parliamentary group/caucus, which may include administrative staff, legislative research, and publications or other information needed.
- Training of party members or candidates in everything from party ideology to membership recruitment and citizen outreach.
- Research, including research staff, information material, and opinion polls.
- Party solidarity work in other countries, often in the form of funds provided to a political party foundation to support sister parties in developing democracies.
- Activities aimed to support the participation of under-represented groups such as information campaigns aimed at increasing the participation of national minorities, immigrant communities, young voters, or voters in areas where voter turnout is lower than in the rest of the country.
- Electoral deposits in countries where political parties or candidates have to present a deposit to register for the elections.
- Support for collecting signatures in countries where signatures are a requirement for registration.
- Voter education, which is at times a responsibility of the political parties and/or candidates. If it is, they can often receive funds to cover their costs. In societies where there have been major changes to electoral systems, processes, and procedures and in the case of the newly enfranchised and first time voters, voter education may play an extra important role.
- Civic education, which may also be a responsibility of the political parties and/or candidates. Civic education deals with broader concepts underpinning a democratic society such as the respective roles and responsibilities of citizens, government, political and special interests, the mass media, and the business and non-profit sectors as well as the significance of periodic and competitive elections.
- Publishing of election manifesto, ideological publications, or party press.

5.2.1.2 Timing of Direct Public Funding

The timing of when political parties and/or candidates get public funds varies between countries. The timing is closely linked to two things: what parties and/or candidates are supposed or allowed to use the public funds for and how the public funds are allocated between parties and candidates.

Public funds can be distributed on the basis of election cycles, calendar or fiscal year, or both.

Distribution per election cycle

This is common in, but not restricted to, countries where the public funds are meant to be used for election campaign purposes.^[1] The public funds can be given before or after the election, depending on the allocation formula.

If the allocation is based on how many candidates a party is putting forward in an election, on the number of seats each party holds in the national legislature, or on the number of registered members it has, or if the country wants to support new parties that might not be able to fund their first campaign, there is the option of distributing funds before the election.

If political parties or candidates receive reimbursements for election expenses, or if they receive funds depending on how many votes or seats they gained, the funds are naturally distributed after the elections.

It is also possible to advance some funds to a party in advance of an election and some afterwards, with the final accounts adjusted after the election on the basis of votes received or seats won.

Distribution per year (calendar year or fiscal year)

In countries where funds are earmarked for the routine operations of the party rather than for election campaigns, funds are often distributed per year. This is sometimes expressed as the distribution taking place between elections rather than before or after.

Given that the public funds within the same country can both be earmarked for specific purposes and allocated according to a combined formula, parties and candidates often receive parts of the funds at different intervals and different stages of the election process.

[1] See for example public funding for elections in Muslim societies (IFES/USIP): Walecki, Marcin (et al). IFES and USIP (2009): *Public Funding Solutions for Political Parties in Muslim-Majority Societies* <http://www.ifes.org/~media/Files/Publications/ManualHandbook/2009/1497/PublicFundingSolutionsforPoliticalPartiesinMuslim%20MajoritySocieties.pdf>

5.2.1.3 Allocation of Direct Public Funds

The allocation of direct public funds^[1] is based on a formula on which a decision is taken on how much each party or candidate should receive. There are three main principles that can guide the allocation: **equality, proportionality and need**. The most common option is to use a formula combining elements of the three principles. All parties or candidates represented in parliament may for example receive a small, equal sum, or they may receive a larger part in proportion to the votes they gained in the last election, and a third part may be given only to parties that contest the election for the first time. One way of dividing the sums is to use different formulas depending on what the funds are supposed to (or allowed to) be used for.

Allocation based on equality can be of the following types:

An equal amount is given to all parties and/or candidates that contest an election This allocation can prove very costly and risks encouraging political parties who are not in the game to win or try to influence politics, but rather to get a share of the public funds

An equal amount is given to all political parties that received a certain number of seats/mandates in the last election

Restricting the equal funds to political parties with a certain representation in the body concerned by the election limits the risk of funds being allocated to parties that are not a serious election alternative, but also risks discouraging political parties and candidates who are new to the political arena. This risk is aggravated by the fact that all electoral systems reduce the number of parties that obtain seats and thereby discriminate against small parties. This discrimination fills a function in providing a body able to take decisions, but may unintentionally have a more far-reaching effect if the number of seats are used as allocation formula for public funding. Given that this allocation is based on political parties, it is common in countries with electoral systems based on political parties rather than candidates.

An equal amount is given to all political parties and candidates represented in the national legislature

If funds are given to all political parties and candidates represented in the body concerned by the election, small and new parties are still discouraged but a wider range of actors are included.

An equal amount is given to all parties and candidates that received a certain number of votes in the last election

Widening the target group even more would mean that parties and candidates that received a certain amount of public support in the last election would receive public funds, even if they did not reach the vote threshold for representation. The threshold is usually set between 1 and 2 percent of the national vote. It is less common that the threshold is set in real number of votes.

Proportional allocation refers to systems where parties or candidates receive more funds depending on the amounts of candidates presented, votes received etc. Common criteria for proportional allocation are:

Funds are given in proportion to the number of candidates put forward

The allocation of funds depending on the number of candidates put forward for election by a political party is mostly used in countries with electoral systems based on political parties rather than candidates.

Funds are given in proportion to the "representational level" of the candidate list put forward

Public funds are sometimes used to increase the participation of under-represented groups by encouraging political parties to field both men and women, and to field candidates of diverse backgrounds.

Funds are given in proportion to funds raised (matching grants, aka “matching funds”)

One often mentioned criticism against direct public funding of parties and candidates is that they would become increasingly independent from their members and supporters. With this independence there is a risk that they will tend to not listen to their members and supporters on issues of leadership selection and policy decisions. To counteract this, systems of “matching grants” where political parties and candidates receive public funds in proportion to what they have been able to raise from members and supporters have been introduced. This may work to the disadvantage of new or small parties unable to mount successful fund-raising campaigns.

Funds are given in proportion to seats/mandates held

As mentioned above, all electoral systems tend to discriminate against small parties in order to create a legislature apt to take decisions. This discrimination may have more far-reaching implication and prove even more disadvantageous if funds are allocated depending on the number of seats held. The advantage is that parties that already have representation have thereby proven the level of their public support.

Funds are given in proportion to votes received

Funds given in proportion to votes cast in favour of the party or candidate in the last election is a system which is still disadvantageous for new and small parties, but to a lesser extent than allocation based on seats.

Funds are given in proportion to party membership or other signs of support

Allocation based on seats or votes stems from the idea that the political party should have to prove its public support before obtaining public funds. Other ways of ensuring that a party has support may be to base the allocation formula on membership registers. This would give new parties with a significant level of public support better chances to gain access to public funds.

Membership levels are however not automatically a clear indication of how much support the party would get in general elections, and membership registers may be difficult and time consuming for the election authorities to verify.

Lastly, **political parties with special needs** may get access to funds aimed at levelling the playing field. The following are some allocation types based on special needs:

- **Funds given to new political parties** Party systems need to be open to new political parties, and public funding is often perceived as preserving a status quo where the established political parties remain in power much because of the allocation of public funds. This can be counteracted by providing special grants for new political parties.
- **Funds given to small political parties** Allocation criteria based on number of seats held or votes received in the last election work to the disadvantage of small political parties. At times special funds are set aside for small political parties if it is perceived as a common good to have small parties in addition to the bigger ones. In other cases, proportional allocation can be used to work to the advantage of small parties by for example letting the first percentage of votes translate into more funds than the following percentages.
- **Funds given to minority parties or candidates** Public funds can be used to encourage the participation of under-represented groups. Parties or party lists fielding national minority candidates can either receive special funds or be exempt from fulfilling threshold criteria mentioned above.

[1] See also: **Kupferschmidt, David. International IDEA (2009). *Illicit Political Finance and State Capture***. http://www.idea.int/resources/analysis/upload/IDEA_Inlaga_low.pdf

Carlson, Dahl, Walecki. IFES (2006): *Contemplating Political Finance Reform in Post-Conflict Environments* .

<http://www.ifes.org/publication/0b087c527792ae130507f80957ad3f2b/Political%20Finance%20in%20Post-Conflict%20Societies-small.pdf>

Governance and Social Development Resource Centre (GSDRC), Helpdesk Research Report: Political Party Financing. 05/06/08. <http://www.gsdr.org/docs/open/HD532.pdf>. See also: GSDRC website resources on Political Party and Candidate financing during an elections campaign (2012): <http://www.gsdr.org/go/topic-guides/political-systems/political-finance>

5.2.1.4 Indirect Public Funding of Parties and Candidates

Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding.

Direct public funding is given to political parties and/or candidates in the form of money – usually as bank transfers but at times in cash or cheque.

Indirect public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. It is generally less controversial than direct public funding but also has less impact even though it can at times amount to quite a large monetary value.

Indirect public funding can take a number of different forms, the most common of which are the following:

- Media access, which in practical terms usually means free advertising slots in publicly owned media. Publicly owned media broadcasting multi-party election debates does not constitute indirect public funding.
- Interest-free loans for paying registration fees or mounting a basic election campaign.
- Free printing and distribution of ballot papers in multiple ballot systems where parties are responsible for providing their own ballots and in some cases basic campaign information.
- Free or subsidized office space for political party headquarters or local branches.
- Free or subsidized public transportation for candidates, key party activists, or in some cases even for supporters going to political rallies.
- Use of Government buildings like schools, administrative buildings, and sports arenas for meetings and rallies.
- Special taxation status for political parties, meaning that parties do not pay normal taxes on receipts and expenditures, that they are exempt from paying Value Added Tax (VAT), or that they are exempt from paying any taxes at all.
- Tax-free donations is a form of indirect public funding that provides the donor with tax incentives for contributing to a political party.
- Free or subsidized postage for disseminating informational material to voters or, in some cases, for any purpose.
- Free or subsidized telephone lines and telephone calls.

5.2.1.5 Advantages and Disadvantages of Public Funds to Political Parties and Candidates

Public funding are funds or resources provided by the State/Government for political parties and/or candidates. Provisions often state that political parties and candidates should have an equitable access to public funds. Oftentimes, the rules regarding public funding are not clearly stated in law, and even if they are, there is often a (real or perceived) misuse of public resources by the incumbent party or candidate. The legal framework can be drafted in a way as to encourage the founding and sustainability of a multi-party system. Ongoing oversight from a responsible government body combined with public (civil society) oversight through CSO watchdog capacity also can improve the monitoring and full disclosure of funding across party lines and in lines and consistent with the intent of full disclosure and fairness in campaign financing.^[1]

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Indirect public funding is when resources with a monetary value is provided by the Government to political parties and/or candidates.

Arguments against public funding

Those who oppose public funds to political parties or candidates often use one or several of the following arguments:

Public funding increases the distance between political elites (party leadership, candidates) and ordinary citizens (party members, supporters, voters) When political parties and candidates do not depend on their supporters or members neither for monetary contributions (membership, donations) nor for voluntary labour, they might be less likely to involve them in party decisions or consult their opinions on policy issues.

Public funding preserves a status quo that keeps the established parties and candidates in power Public funds are often allocated among political parties and candidates in the national legislature. This may make it more difficult for new political forces to gain representation. The legal framework can limit this negative influence by providing special funds for new political parties or candidates.

Through public funds, taxpayers are forced to support political parties and candidates whose views they do not share

Many believe that ordinary taxpayers should not be forced – through the public purse – to support political parties or candidates that they would never choose to vote for. Instead they should have the possibility to decide if and when they want to donate money to a political party or candidate.

Public funds to political parties and candidates takes money away from schools and hospitals to give to rich politicians

When introduced, public funding is often unpopular among the public. Public resources are scarce and needed for everything from schools and hospitals to roads and salaries for staff. To many people, using public funds to give to political parties and candidates would be far down their list of priorities.

Political parties and candidates both take the decision and collect the money

The decision to allocate public funds to parties and candidates is most often taken in the national legislature (or in some cases in the Government). This means that the political parties and candidates who will collect the money, also take the decision.

Political parties risk becoming organs of the State rather than parts of civil society

If all or a substantial amount of the party income comes directly from the State rather than from voluntary sources, political parties risk losing their independence and become organs of the State, thereby losing their ties to the civil society.

Arguments for public funding

A majority of the countries in the world give some form of public funds to political parties and/or candidates. Convincing enough as the arguments above might seem, there are also several good arguments for public funding.

Public funding is a natural and necessary cost of democracy

Political parties and candidates need money for their electoral campaigns, to keep contacts with their constituencies, to prepare policy decisions and to pay professional staff. If a country wants to have stable political parties and/or independent candidates, some argue that they also need to be prepared to help pay for them.

Public funding can limit the influence of interested money and thereby help curb corruption

If political parties and candidates get at least a basic amount of money from the public purse this has the potential to limit the likelihood of them feeling the need to accept “interested money” from donors who want to influence their policies, rhetoric or voting behaviour in the legislature.

With public funding the State can encourage or demand changes in for example how many women candidates a party fields

In the same way as private donations can come with demands on party or candidate behaviour, the State can use public funds to level the playing field and encourage (or force) political parties to undertake reforms, hold internal elections or field a certain number of women candidates, youth or persons from an ethnic minority on their ballots.

Public funding can increase transparency in party and candidate finance and thereby help curb corruption

If political parties and candidates receive a substantial amount of their income from the State, they can more easily be required to disclose their income and expenditure. If their financial statements are made publicly available, voters can decide which sources of funds are acceptable to them, and they will also have better opportunities to hold politicians accountable.

If parties and candidates are financed with only private funds, economical inequalities in the society might translate into political inequalities in government

In many countries, the support base of political parties and candidates are divided along socioeconomic lines. The support base of labour or dalit parties for example, are traditionally less wealthy than the support base of other parties. If political parties receive all their income from private donations, there is a risk that (mostly accepted) socioeconomic differences in the society will translate into (mostly not accepted) differences in representation and access to political power.

Political parties and candidates need support in meeting growing costs of campaigning

Politics and political campaigning is an increasingly costly business. While parties and candidates used to rely heavily on voluntary labour for door-to-door canvassing, they now need to pay for expensive advertising in newspapers or on posters, or buy time on radio or television to get their message through to the voters. Staff costs have risen in many political parties over the last decades.

In societies with high levels of poverty, ordinary citizens cannot be expected to contribute much to political parties

In societies where many citizens are under or just above the poverty line, they cannot be expected to donate large amounts of money to political parties or candidates. If parties and candidates receive at least a basic amount of money from the State the country could have a functioning multi-party system without people having to give up their scarce resources.

[1] See also ICNL and international law regarding NGO/CSO oversight of government and governing bodies:http://www.icnl.org/research/journal/vol12iss1/special_1.htm

5.2.2 Reporting and Public Disclosure of Party Finance

Very often, political parties and/or candidates are required to report their income and/or expenditure to the Electoral Management Body or other authority, or to have their accounts audited by the electoral authorities. [1] If this is the case, the accounts are then often disclosed to the public after auditing. In reporting and disclosure regulations, there is a need to strike a balance between the wish by outsiders to know (**transparency**) and the wish by donors and recipients to maintain their private sphere (**privacy**). There is a bigger need to respect privacy in countries where the risk of harassment against donors to specific parties is greater. In societies with a low level of public trust in political parties, there is usually a higher demand for transparency and consequently more public disclosure of finances.

Reporting and public disclosure can serve many purposes ranging from assisting the election authorities to ensure that money is not accepted from illegal sources; to being an empowerment of voters in deciding which party or candidate they want to vote for. The main dividing line in reporting and disclosure regulations is whether or not the information gathered is made available to the public.

In cases where the information is made public, it is often argued that voters have the right to know where the political parties and candidates got their money from, to be able to make an informed choice on Election Day. If the reporting information is made available to the public it can:

Help expose corruption

If a political party or candidate has received large amounts of money from an individual or a company, and is later seen to initiate or vote for decisions that would directly benefit the donor, public disclosure gives media and private citizens a better chance to question the grounds for the decision.

Give taxpayers information about what public funds have been used for

In cases where political parties and candidate campaigns are wholly or partly financed by public means, disclosure gives taxpayers information about what the money has been used for.

Serve as an alternative or complement to prohibitions and ceilings

Laws and regulations prohibiting certain sources of funds or expenditure items – and laws on ceilings and limits on how much a party or candidate can raise and/or spend – can be difficult and costly, or even impossible, to enforce. Public disclosure can either be an alternative to these laws or serve as a complement. By making the sources and expenditure known to the general public, voters can clearly indicate what they think is acceptable by not voting for parties and candidates who have received their funds from dubious sources.

There are four primary principles underpinning successful regulation on public disclosure. The information provided to the public needs to be: [\[2\]](#)

Accurate, which means that the enforcement agencies need to have the means to audit the reports and ensure that they give a correct picture of the finances of the party or candidate's campaign.

- Timely, in the sense that information on election expenditure published long after the elections can neither affect the voters' choice on election day, nor serve as a good basis for reasonable sanctions.
- Include the right amount of detail, and not overburden the reader with a level of detail that is not useful. If the reports are to be read by an informed public, they need to be presented in a way and with a level of detail to make them understandable to a non-professional.
- Publicly available, not only on public display in a government office in the capital during office hours, but rather published in a way that gives the maximum number of citizens the chance to read the reports. Depending on the country, this may mean publication in main newspapers or on the website of the enforcement agency (EMB or other) or even posting summaries on public notice boards.

[1] See also: Transparency International & The Carter Center (2007). The Crinis Project: Money in Politics, Everyone's Concern. http://archive.transparency.org/regional_pages/americas/crinis

[2] Karl-Heinz Nassmacher (2003): "Monitoring, Control and Enforcement of Political Finance Regulation", in Austin, Reginald and Maja Tjernström (2003): Handbook on Funding of Political Parties and Election Campaigns, International IDEA, Stockholm, p. 144.

5.2.3 Prohibited Sources of Funds

Apart from receiving money from public funding schemes, political parties can receive their funds from membership dues, private (or sometimes corporate) donations, or income from properties or businesses. Too much reliance upon public funds is claimed to reduce the linkage between political parties and their members, and turn them into organs of the state rather than voluntary organisations. Most countries in the world therefore accept, and sometimes even encourage, political parties to seek funds from other sources. All sources of funds are, however, associated with specific risks that may endanger the successful operation of a democracy. Therefore, donations from dubious sources are often prohibited or limited altogether. Grass-roots funding and membership dues are probably the only two sources of funds that are always allowed.

The sources that are most likely to be prohibited are:

- Funds coming from foreign governments, individuals, corporations, or (in some cases) exiled communities. If a political party relies heavily on funding from foreign sources – especially if it is in government – there is a risk that the national sovereignty could be threatened and that political decisions will be taken with foreign rather than domestic needs in mind. Many object to anyone who does not have voting rights in the country still being able to influence politics.
- Donations from government contractors are prohibited in many cases. The risk is that elected representatives would feel compelled to reward government contracts to those who have contributed to his or her campaign, or demand donations in exchange for contracts.
- Corporate donations from national, multi-national, and foreign companies are often prohibited on the grounds that they may corrupt politics by leading the donors to expect favours from elected politicians. It is mainly the fact that corporations can donate very large sums of money that has proven problematic.
- Donations from State entities (that are not part of public funding schemes involving all political parties) are prohibited on the grounds that donations from State entities would compromise the neutrality and impartiality of the State administration.
- Trade union donations are prohibited where there is a feeling that the trade union organisations should be kept separate from the political parties.

- Funds from illegal sources like organized crime, gambling, and the drug trade are banned in many countries and unacceptable in all, regardless of legal provisions, again on the grounds that the donors might expect favours from elected politicians.
- Religious groups are sometimes prohibited from donating funds to political parties following an argument that organized religion is a domain that should be kept separate from politics.

Prohibitions may be difficult to enforce since they demand that authorities keep a close eye on all funds – including cash, which is notoriously difficult to trace – that come into political party accounts and pockets. The administration of prohibition laws is difficult and consumes both time and resources. Many argue, however, that the importance of the protection it gives democratic politics is important enough to invest resources, while others seek other ways of regulating or monitoring party income. If prohibitions seem like a line that is hard to draw, introductions of limits on donations can help curb the potentially distorting effect of donations but still give political parties a wider range of acceptable sources of funds.

See also:

Campaign Legal Center (USA). [A Guide to the Current Rules for Federal Elections \(2010\)](#).

Party Funding and Campaign Financing in International Perspective (Columbia-London Law Series, 2006). Keith Ewing and Samuel Issacharoff, ed.

5.2.4 Ceilings on Elections Expenditure

Most political parties around the world have experienced an increase in the costs of running electoral campaigns. This leads to situations where unequal access to funds limits some political parties' ability to campaign. Limits on election expenditure aim to put a lid on these increasing costs, thereby also levelling the playing field between different political parties.

Ceilings on election expenditure are often set by the legislature, the electoral management body (EMB), or other authority tasked with implementing political finance regulations. In the cases where the ceilings are set in law, they are often set not in absolute figures but in multiples of the minimum wage or with a provision for adjustment according to prevailing levels of inflation.

5.2.5 Limits on Donations

Apart from receiving money from public funding schemes, political parties can receive their funds from membership dues, private or (in some countries) corporate donations, or income from properties or businesses. All sources of funds are, however, associated with specific risks that may endanger the successful operation of a democracy. Many countries therefore choose to either limit donations from dubious sources or prohibit them altogether. For information on legal prohibitions, read the file about "Prohibited Sources of Funds".

Limits on donations attempt to draw the line between “participating financially” and “buying access or influence” by setting a limit on how much a donor can contribute or how much a political party or candidate can accept from one single donor. Limits can discourage big donations but also encourage a more balanced and diverse funding base for political parties. This can be especially effective when combined with a sufficiently robust public disclosure requirement.

5.3 Legislated Quotas

A quota is an allocation rule through which offices, goods, or political functions are distributed in accordance with a certain formula. A quota system is mostly deployed if an unregulated distribution causes unintentional imbalances and inequalities.[1]

In the political realm, quotas introduced to guarantee a fair representation of all members of a society by facilitating their access to elected positions. The core idea of a quota system is to produce a more accurate microcosm of society in the legislature that does not leave any otherwise disadvantaged social group unrepresented. Therefore, quotas are often established for women or for minorities based on regional, ethnic, linguistic, or religious cleavages. Almost all political systems apply some kind of quotas to ensure a minimum representation for minorities, and quotas are increasing in popularity worldwide.

Comparing quotas with other measures to enhance the representation of otherwise under-represented groups (financial incentives, information campaigns, positive action, etc.), quotas are by far the most effective.

Quotas can be of three types: *constitutional quota* (mandated in the Constitution), *electoral law quotas* (determined by electoral law), and *voluntary party quotas* adopted and implemented by individual political parties. The first and the second quota type are legislated quotas, whereas the third type is a non-legislated quota.

Types of Legislated Quotas

Quota requirements can be on three levels:

- Quotas for the pool of potential candidates This quota type is designed to open up the possibilities for party selection committees or voters in primary elections to select candidates from a more diverse pool of potential candidates than is normally presented to them. “Women only shortlists” is one way of broadening the pool of potential candidates. It is not very common to have legislated quotas at this stage of the process.
- Quotas for candidates/candidate lists Most legislated quotas fall into this category, where a fixed number or percentage of the places on the candidate lists or total number of candidates is set aside for persons belonging to the group targeted by the quota. For this type of legislated quota to be really effective, it is often combined with placement criteria whereby the disadvantaged groups are promised not only nomination but nomination to “winnable” seats. This is sometimes called a “double quota”. Quotas for candidate lists are mostly in place in proportional representation systems and are often

part of the electoral or political party laws. One example is the so called “zipper” system, where every second or third candidate on the list is a woman.

- Quotas for the elected representatives Quotas for the elected representatives targets the outcome of the elections. This type of quota is often called “reserved seats” because a certain number or percentage of the seats in the national or sub-national legislature are set aside for persons from the under-represented group. Quotas for elected representatives are more common in majoritarian electoral systems and are often enshrined in the constitution, underlining the strong effort of the state to enhance minorities' representation.

Effectiveness and enforcement of quota systems Whether a quota system achieves its goal of fair representation largely depends upon the correct implementation of the legislated quota system, its enforcement mechanism, and sanctions for non-compliance. Whether or not it is supported by the major political parties, and amongst the general public, also has a bearing on their compliance with that particular quota.

Implementation of a quota system is said to be easier in a new political system than in an older one, where seats are occupied by incumbents. Incumbents in general have better chances to be elected than newcomers and are often reluctant to endorse the introduction of quota systems because they fear losing their seats.

Sanction systems are vital for compliance with legislated quotas. In order to be effective, sanctions must be relevant (related to the election or the functioning of the political party), effective (constitute a serious set-back for non-compliers), and reasonable (administrative rather than criminal). It is also important that a specific body (the Electoral Management Body or other) be tasked with enforcing the law and that they have enough human and financial resources to do so.

In general, one can state that where legislated quotas are properly enforced, they can be extremely effective in fostering a more balanced participation in politics.[2]

Notes:

[1] See: Krook, Mona Lena. Candidate gender quotas: A framework for analysis. Washington University in St Louis, USA European Journal of Political Research (2007) <http://people.stfx.ca/x2008/x2008kxt/Women%20and%20Politics%20research%20paper/framework%20for%20analysis.pdf>. See also: Krook, Mona Lena. e-International Relations topic articles (June 18, 2010): Gender Quotas and Women’s Political Empowerment. <http://www.e-ir.info/2010/06/18/gender-quotas-and-women%E2%80%99s-political-empowerment/> and Coleman, Isobel. Quotas for Women’s Political Participation (Council on Foreign Relations, January 10, 2012). http://blogs.cfr.org/coleman/2012/01/10/quotas-for-womens-political-participation/?cid=oth_partner_site-atlantic%22

[2] Ballington, Julie (2004): Strengthening Internal Party Democracy: Candidate Recruitment from a Gender Perspective”, Paper presented at EISA/NIMD workshop on ‘How to Strengthen

Internal Party Democracy?’ at the World Meeting for Democracy: Third Assembly, Durban, South Africa, 2 February 2004.

5.3.1 Legislated Quotas for Women's Representation

5.3.1.1 More about Women's Representation and Quotas

A quota is an allocation rule through which offices, goods, or political functions are distributed in accordance with a certain formula. A quota system for women’s representation is generally employed in situations where an unregulated distribution would cause unintentional imbalances and inequalities. It is aimed to give women equal or more balanced access to political power by applying positive measures. Why women?

Three main arguments lie behind the call for quotas to enhance women’s representation [1]

- Women represent (more than) half the population and hence have the right to half of the seats (the justice argument)
- Women have different experiences (biological or socially constructed) that ought to be represented (the experience argument)
- Women and men have partly conflicting interests, and thus men cannot represent women (the interest group argument)

The types of legislated quotas are set out in the section about Legislated Quotas.

Notes:

[1] Dahlerup, Drude (2003) “Comparative Studies of Electoral Gender Quotas” in International IDEA (2003) The Implementation of Quotas: Latin American Experiences, International IDEA, Stockholm.

5.3.1.2 Advantages and Disadvantages of Legislated Quotas for Women's Representation

5.3.2 Some of the main arguments for legislated quotas for women are the following:

- **Quotas are empirically the most effective way of achieving a better gender balance**

The biggest leaps towards equal representation of men and women have happened in elections where quotas (legislated or voluntary) have been introduced.

- **Legislated quotas can circumvent conservative party leadership**

In some cases, a conservative and male-dominated party leadership is seen as the main obstacle to women’s nomination and election. Legislated quotas circumvent these entrenched elites and force them to look for suitable women candidates.

- **Once some women are elected, they serve as role models for other women**

One of the reasons why few women put themselves forward for election is said to be a lack of female role models in politics. If legislated quotas can get a first number of women elected, more women will follow.

- **Legislated quotas engage political parties in finding suitable women candidates**

By tradition, habit, and networks, male-dominated selection committees in political parties tend to nominate fewer women than men. Legislated quotas force political parties to seek, find, and train women candidates – efforts that they may not have made otherwise.

- **If women are represented in the legislature, they can help remove some of the structural barriers that prevent women from being elected**

Female legislators are more likely than male legislators to press for legislation that will remove barriers to more women being elected.

- **Legislated quotas are not discriminatory but rather compensate for an already existing discrimination**

If one believes that there are as many competent potential female candidates in a country as there are competent potential male candidates, the main reason behind the low representation of women must be structural discrimination. Quotas are therefore not discriminatory in themselves, but merely compensate for an already existing discrimination.

- **Rather than limit the freedom of choice, quotas give voters a chance to elect both women and men**

Some argue that quotas do not limit the freedom of choice of voters, but rather enhance it, giving voters the chance to vote for both women and men – something they may not have had the possibility to do otherwise.

5.3.3 Arguments against legislated quotas for women's representation

Legal quotas to enhance women's representation, while increasingly common, are still highly controversial and heavily debated. Regardless of whether a person thinks that an equal representation of men and women is desirable, there are a number of arguments that speak against the introduction of legislated quotas for women's representation. Those who oppose legal quotas often use one or several of the following arguments:

Legislated quotas are discriminatory against men

Some say that quotas are discriminatory against the men who would have won the seat if the quota had not been introduced. The counter-argument is that quotas merely compensate for a structural discrimination (see above).

Legislated quotas result in a less competent legislature

Some opponents to legislated quotas claim that the women elected through quotas are less competent than their male counterparts, and that the main reason for the low level of women candidates is that there are fewer competent potential women candidates. Women are in this case perceived to have been nominated only because of their gender.

Women elected through legal quotas are less respected and have no real power

Women elected through quotas may find it more difficult as they are not perceived as being equally competent as their male counterparts. Women may therefore prefer to be elected without a quota.

Legislated quotas take the freedom of choice away from the voters

Some argue that the basic freedom of choice of voters is taken away from voters if a certain number of seats in the legislature is reserved for women.

Quotas distort the idea of representation and work against women

Some argue that quotas give the erroneous idea that only women can represent women – while men can represent both men and women. This would work against women in gaining representation based on the political ideas they represent rather than on their gender.

Legislated quotas benefit the wrong women

Legislated quotas tend to benefit the wives, daughters, sisters, cousins, etc. of traditional male politicians, rather than women who have developed constituencies of their own.

Legislated quotas (especially constitutional quotas) are very difficult to pass

Some argue that legal quotas are too difficult to pass and require a very strong majority in the legislature. From this point of view, legislated quotas would not work as a ground-breaking rule since a majority of both elected members and political party leadership must be committed to achieving gender equality already. Some argue that it is easier and just as effective to lobby for voluntary party quotas instead.

Legislated quotas can act as an upper ceiling to women's participation rather than a lower floor

Some argue that legislated quotas place a ceiling on women's participation rather than a lower floor, and that this hinders women from achieving real parity.

Legislated quotas (especially reserved seats) make women compete against women rather than struggle together for more influence

Some argue that reserved seats foster an environment where women compete against each other rather than working together to achieve more influence in politics.

5.3.4 Legislated Quotas for National Minorities

A quota is an allocation rule through which offices, goods or political functions are distributed in accordance with a certain formula. A quota system for minority representation is generally employed in situations where an unregulated distribution would cause unintentional imbalances and inequalities.[1]

In the case of national minorities, such imbalances and inequalities could be particularly destabilizing if the minority contested the legitimacy of the political system. The institution of a quota in such a situation is aimed at achieving an equal or more balanced access to political power by applying positive measures.

Regional quotas are among the most commonly applied quotas. The quota distributes parliamentary seats to representatives of all regions of a country, not just according to their share of the population, but giving non-proportional seats to certain regions over others. Over-representation for certain regions works to the advantage of minority groups that are concentrated in those parts of the country.

The advantages and disadvantages of legislated quotas for minority representation are covered in the file "Advantages and disadvantages of legislated quotas for minority representation".

Fair minority representation is very often referred to in the constitution and can be achieved through any of the types of quotas. The reserved seats system is a widely used quota system to ensure the representation of minority groups in the legislature by setting aside a certain share of parliamentary seats for candidates representing the minority group. Representatives from these reserved seats have in most cases been elected in the same manner as other representatives, but at times only members of these minority groups are entitled to vote for their candidates.[2] Some countries with clearly defined ethnic or religious groups have taken minority representation and reserved seats to their logical extreme: all or almost all seats in the legislature are reserved for specific groups, and only members of a group can vote for the representatives of their group. Each ethnic or religious group has a separate voter's roll. This system has in some cases been used to try to deal with post-conflict situations. However, in the long run, systems of communal representation tend to undermine the path of accommodation between the different groups, given that there are no incentives for political intermixing between communities. The system also runs the risk of cementing a constituency situation resulting from ethnic cleansing.

[1] See: *IILHR Comparative Review of Minority Representation in Electoral Legislation* (Institute for International Law and Human Rights, 2009):<http://lawandhumanrights.org/documents/compreviewminorityrepinelectoralleg.pdf>

[2] See: Guidelines to Assist National Minority Participation in the Electoral Process. Published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Aleje Ujazdowskie 19 00-557 Warsaw Poland

www.osce.org/odihr © OSCE/ODIHR 2001, Reprint 2003. See also: *Draft Joint Opinion on the Act on the Elections of Members of Parliament of Hungary*. European Commission for Democracy Through Law (Venice Commission) and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), Opinion No. 662/June 2012. [http://www.venice.coe.int/docs/2012/CDL\(2012\)033-e.pdf](http://www.venice.coe.int/docs/2012/CDL(2012)033-e.pdf)

5.3.4.1 Advantages and Disadvantages of Legislated Quotas for Minority Representation

Legal quotas to enhance minority representation are highly controversial and heavily debated.

Arguments against legislated quotas for minority representation

Those who oppose legal quotas often use one or several of the following arguments:

Legislated quotas are discriminatory to the majority group and breed resentment

Some say that quotas are discriminatory to the members of the majority group who would have won the seats if the quota had not been introduced. The counter-argument is that quotas merely compensate for a structural discrimination (see below).

Legislated quotas give a less competent legislature

Some opponents of legislated quotas claim that the persons from the minority group elected through quotas are less competent than their majority counterparts. It is sometimes argued that persons holding reserved seats are perceived as less competent than their colleagues elected to the non-reserved seats – given that they are perceived to have gained their seats because of their ethnic or religious background rather than their personal aptitude. Reserved seats might breed resentment on behalf of the majority group and thereby undermine trust between ethnic groups.

Persons elected through legal quotas are less respected and have no real power

Persons elected through quotas may find their legislative work more difficult as they are not perceived as being equally competent as their majority counterparts.

Legislated quotas takes the freedom of choice away from the voters

Some argue that the basic freedom of choice of voters is taken away from them if a certain number of seats in the legislature is reserved for minorities.

Legislated quotas (especially constitutional quotas) are very difficult to pass

Some argue that legal quotas are too difficult to pass and require a very strong majority in the legislature. From this point of view, legislated quotas would not work as a ground-breaking rule since a majority of both elected members and political party leadership must be committed to achieving an ethnic and religious balance already. Some argue that it is easier and just as effective to lobby for voluntary party quotas instead.

Legislated quotas can act as an upper ceiling to minority participation rather than a lower floor

Some argue that legislated quotas place a ceiling on minority participation rather than a lower floor, and that this hinders persons of minority background from achieving a more balanced representation.

Arguments for legislated quotas for minority representation

Some of the main arguments in favor of legislated quotas are the following:

Quotas are the most effective ways of achieving a more balanced representation

The biggest leaps towards a more balanced representation have happened in elections where quotas (legislated or voluntary) have been introduced.

More balanced representation can increase minority support for the political system in general and increase political stability

Legislated quotas can circumvent conservative party leadership

In some cases, a conservative party leadership dominated by a social elite is seen as the main obstacle to nomination of minority candidates. Legislated quotas circumvent these entrenched elites and force them to look for suitable candidates from different ethnic and religious groups.

Elected representatives serve as role models

If persons from minority backgrounds are elected to the legislature, they will serve as role models for younger persons who might be more inclined to put themselves forward for election in the future.

Legislated quotas engage political parties in finding suitable candidates

By tradition, habit, and networks, selection committees in political parties tend to be conservative and nominate fewer persons from disadvantaged groups. Legislated quotas force political parties to seek, find, and train a more diverse pool of candidates – efforts that they may not have made otherwise.

Legislated quotas are not discriminatory but rather compensate for an already existing discrimination

The main reason behind the low representation of minorities in some countries is a structural discrimination against them in the society. Quotas are therefore not discriminatory in themselves, they merely compensate for an already existing discrimination.

Rather than limit the freedom of choice, quotas give voters a chance to elect candidates for a more diverse pool

Some argue that quotas do not limit the freedom of choice of voters, but rather enhance it, giving voters the chance to vote for candidates from a more diverse pool – something they may not have had the possibility to do otherwise.

6. Internal Functioning of Political Parties

Political parties perform many tasks both during election campaigns and between elections. Since much of the work of policy-making, ideological changes, and candidate selection take place within the parties rather than in the public domain, it is important to look at the internal functioning of political parties. It is common to demand a certain degree of internal democracy in political parties, and even though the concept is not very well defined, some features can be identified. Accountability of party leadership, procedures for consultation with party members (and the electorate as a whole), local and regional presence, and transparent candidate selection are some building blocks for internal democracy.[1]

Internal functioning and operations of political parties may depend to some extent on legal regulations – such as the constitution or a political party law – but is more commonly guided by internal party regulations. The internal functioning of political parties has an impact on how different needs, interests, and social demands in the society get represented in parliament.

Legal regulations regarding internal functioning may include standards for intra-party democracy, such as regulations for internal elections for leadership positions or women's representation in the party leadership.[2]

Internal voluntary party regulations stipulate candidate selection processes, such as primary elections that are held in some countries, or voluntary party candidate quotas, e.g. for women or ethnic minorities. Political parties select and nominate candidates for elections, support them in the elections campaign, and furnish them with all necessary equipment to stand as candidates.

Furthermore, the party structure is essential to the study of the internal functioning of political parties. It determines who has influence on the decision making process and how much influence they have.

Important to the understanding of the internal functioning of political parties is also the role of the party media.

How the members of a political party may exercise influence on the leadership and on the internal party decision-making process will be discussed in the file "The Role of Members".

[1] See: *Regional Meeting on Political Parties and Internal Party Democracy in ECOWAS Member States*. (Final Communiqué, Abidjan, Republic of Cote D’Ivoire, July 2010). [http://www.comm.ecowas.int/dept/h/h1/en/rapport/Abidjan Meeting on Pol Parties Communiqué.pdf](http://www.comm.ecowas.int/dept/h/h1/en/rapport/Abidjan_Meeting_on_Pol_Parties_Communique.pdf). See also: Simba, Dr. S.K. *Internal Governance Structures of Political Parties in Democratic Governance*. Department of Political Science and Public Administration, Makerere University. Paper presented at the 1st EAC Consultative Meeting for Political Parties in East Africa, (Nairobi, Kenya, September 2011).

[2] See UNDP Governance Assessment Portal/Political Parties: <http://www.gaportal.org/areas-of-governance/political-parties>

6.1 Legal Regulations Regarding Internal Functioning

This section deals in particular with the legal regulations that concern the internal functioning of political parties, such as laws and regulations for nomination and leadership elections and women’s representation in the party leadership, such as membership requirements, rights and duties of party members, and forbidden activities of the party.

6.1.1 Internal Elections for Leadership Positions

Most of the political parties in democratic societies try to involve their members by giving them a role in the process of selecting local and national party leaders as well as candidates for a range of elected offices. Here, the focus will be on internal selection of party leaders only. To read about candidate selection within political parties, see the file "Candidate Selection within Political Parties".

There are three concepts that are central to the issue of party selection of leaders. One is *centralisation*, which is what level in the party – local, regional, or national – controls the candidate selection. The second is *participation*, meaning who – ordinary members or top leadership – controls the process at the level where the decision is taken. A third is mediation, the mechanism through which organized interests within the party can gain influence.[1]

Centralisation

In an extremely centralised system, a national party agency would decide on the leadership selection without any involvement by the local branches of the party. At the other end of the scale would be a system where the most local branches of the party would decide on their leaders and possibly also representatives on national leadership bodies without any approval or participation from the national level. As in so many other fields, the actual practice is usually somewhere between the two extremes.

In most political parties, local selection processes deal mostly with local candidates to general elections, while the national leadership is selected on a national basis. In both cases, the party has to strike a difficult balance between national level strategies and local sensitivities while considering the party’s overall role in the political process at all levels.

Participation

A situation with extremely low participation would be if the party leader alone would decide on his or her leadership body. The other extreme would be if the ordinary members of the party would decide with limited or nonexistent participation by current party leaders.

Parties in different countries have chosen varying degrees of member participation in the selection process, from party-run primary elections to indirect elections where party branches send delegates to a national congress.

Mediation

Mediation describes the problem of recognizing, and the process of mediating, the distinct interests in a political party and its organisations. Most political parties consist of different wings, subunits or special groups, which constantly seek to influence the party's leadership and therefore also the selection process of party leaders. High mediation of different interests would lead to a fair representation and participation of all distinct groups in the leadership selection and as a consequence in the leadership committee, too.

Mechanisms of party leadership selection[2]

The three concepts of centralisation, participation, and mediation need to be balanced in party leadership selection processes. Some parties put more emphasis on one of them while others try to include all, and it will ultimately depend on issues of political culture, party ideology, and organisational traditions what the outcome will be. Some parties also apply internal quotas to diversify the representation on the top national leadership body.

Common mechanisms of leadership selection include the following:

Only the **members of the party's parliamentary caucus** decide. The group that makes the decision about who is going to be the next party leader therefore consists of a small number of people. This shows a high level of centralization and low levels of participation and mediation.

Another selection method is election by an **Electoral College**, which consists of a limited group of, for example, the parliamentary caucus, representatives of constituency associations, and representatives of any affiliated trade unions or trade associations. Each of the groups usually holds an equal share of the votes necessary to elect the party leader. This mechanism reflects a compromise and the aim to mediate between different interests.

Some parties let **widely open party conventions** (also called direct party vote or open primary) decide rather than the parliamentary party. A certain similarity to American primary elections for election candidate selection cannot be overlooked. This method emphasizes participation.

Another type of selection method would combine restricted participation in the election with a wide mediation of interests (especially those linked to de-centralization) called the **indirect party vote** (Carty and Blake 1999). Voting can be restricted to party membership or parliamentary membership and can be set up with fees to pay. A fair mediation of the votes is

achieved through weighing the votes with results of the constituency associations or voting results in the regions in order to ensure representation of regional interests in the political party's decision on leadership.

The last type can be named a **structured selection**, because the voting is on the one hand **universal to everybody** who wants to participate, while the results are strongly **structured through mediation**, i.e. different interests are recognized more than others. This means that the result of the leadership election will be modified ex post in a way that the votes of for instances regional party branches, women's wings and subunits will gain more influence than others,

Consequences of different selection methods

The leadership selection mechanism a political party applies has implications on what types of leaders are selected.

Leadership selection through only parliamentary party members by caucus tends to lead to the election of a leader from within the parliamentary circle, usually with long experience in the parliamentary arena.

When the concept of mediation dominates the process, organized party branches and/or auxiliary organisations get a bigger role, and the negotiation between them can be clearer than in internal struggles between member interests. In the best-case scenario, leaders selected through this process enjoy legitimacy within the party, but mediation processes can also leave the general membership with no or little influence over the decision.

Mechanisms with emphasis on decentralization clearly shift the balance towards candidates from states or regions and open opportunities for persons outside traditional areas of office to be selected.

Open selection processes^[3] with a high level of participation from ordinary party members tend to lead to the election of the most popular and well-known candidate, often irrespective of the candidates level of experience in legislative and party work. Since the party leadership has no influence on the selection process (such as through mediation of certain interests), even party leaders with rather short parliamentary careers or with no experience in an elective office may be elected.

The opening of internal leadership selection mechanisms to more general participation or democratization has also led to unintended consequences such as to the rise of internal battles between party groups and factions or even to the phenomenon of candidates taking part in leadership elections without any dedication to the party itself but rather to a single issue that in their view needs to be addressed publicly.

In general, political parties all over the world tend to want to have a wide involvement in their leadership selection, but decisions vary on how to balance different regional, issue-based, and participatory interests.

[1] See: Janda, Kenneth. *Political Parties and Democracy in Theoretical and Practical Perspectives*. (National Democratic Institute for International Affairs, 2005). http://www.ndi.org/files/1948_polpart_janda_110105.pdf

[2] See also: *The selection of party leaders: Origins, methods and consequences*. European Union/Workshop directors: William Cross, Carleton University, Ottawa and Jean-Benoit Pilet, Université Libre de Bruxelles. http://www.ecprnet.eu/joint_sessions/st_gallen/documents/outlines/7.pdf

[3] See: Swart, Brian. *Behind Closed Doors or Open Selection Process: Party preference and voter trust in candidate selection* (Indiana University, October 2008). http://www.indiana.edu/~econdept/workshops/Fall_2008_Papers/Swart_Proposal.pdf

6.1.2 Other Legal Regulations Regarding Internal Functioning

This section deals in particular with the legal regulations that concern the internal functioning of political parties, other than laws and regulations for nomination and leadership elections and women's representation in the party leadership.

Some countries have codified general principles of the internal functioning of political parties in their electoral or party laws. In some cases, the regulations are vague and only require political parties to adhere to (unspecified) principles of internal democracy – in other cases, the law prescribes specific procedures such as the holding of internal elections for leadership positions and candidatures.

The membership of political parties can be regulated specifying the minimum age for party membership, rights and obligations of members, etc.

Depending on the requirements to register a political party or to present candidates for election, political parties can be required to have a certain number of members, present an election manifesto, have party statutes, or organize local branches in different parts of the country.

6.2 Internal Voluntary Party Regulations

In contrast to legal regulations, i.e. constitutional provisions, party law, and electoral law provisions that concern the internal functioning of political parties, regulations may also be voluntarily introduced by political parties themselves in order to ensure internal democratic processes and operations. As noted elsewhere in this module, it is also of notable and increasing import for parties to incorporate voluntary regulations on minority inclusion and gender balance in party membership, leadership, and candidate selection.[1]

Most political parties have a Party Constitution or similar document adopted by the highest decision-making body in the party. Many also have an internal rule-book or set of regulations (by laws) that are internal to the party and guide decisions and procedures.

These voluntary regulations can concern for example:

- The structure of the party, especially the relative independence of local branches and auxiliary groups
- Decision-making procedures
- Membership
- The election or selection of leaders and candidates
- Mechanisms for conflict resolution within the party
- Ethical rules of behaviour of party members and staff
- Inclusion of women and minorities at all levels

[1] See: Ballington, Julie (et al). UNDP and NDI (2012): Empowering Women for Stronger Political Parties, A Guidebook to Promote Women's Political Participation. <http://www.undp.org/content/dam/undp/library/gender/gender%20and%20governance/EmpoweringWomenFor%20StrongerPoliticalParties.pdf>

6.2.1 Candidate Selection within Political Parties

Candidate selection is the process by which political parties decide who will be on the ballot paper as their recommended candidate(s). The way in which they make that choice is mainly determined by their own internal rules and procedures. *Nomination* is the legal process by which election authorities screen the candidates recommended by the party, approve their candidacy, and print their names on the ballot paper.

In each election, thousands of persons could potentially stand for election, but it would be impossible for voters to make an informed choice among them. Political parties therefore act as useful and necessary gate-keepers narrowing down the list of candidates to a small enough pool.

Parties can select their candidates in many different ways. In numerous cases, the existing legal framework establishes that political parties should “democratically” elect their candidates, but this concept is very vague, and there are few if any applicable legal provisions. Only in a few cases does legislation lay down the process by which candidates should be selected, and the selection process can have a direct impact on the depth and breadth of the democratic process—particularly if a given party’s candidate selection process is non-transparent[1]

There are two concepts that are central to the issue of party selection of candidates. One is *centralisation*, that is, what level in the party – local, regional or national –controls the

candidate selection. The second is *participation*, meaning who – ordinary members or top leadership – controls the process at the level where the decision is taken.

Centralisation

In an extremely centralised system, a national party agency would decide on the candidate selection without any involvement by the more local branches of the party. At the other end of the scale would be a system where the most local branches of the party would decide on candidates without any approval or participation from the national level. As in so many other fields, the actual practice is usually somewhere between the two extremes.

In most political parties, candidates are chosen at the local level even though the national level of the party has a varying degree of influence. The influence can be pro-active by encouraging, recommending, or forcing the local branch to choose a particular candidate – or negative by the national level party reserving the right to veto candidates. In both cases, the party has to strike a difficult balance between national level strategies and local sensitivities.

Participation

A situation with extremely low participation would be if the party leader alone would decide on the candidates. The other extreme would be if the ordinary members of the party would decide without any participation or involvement of the party leaders.

The latter can be illustrated with the case of the United States, where members (or in some states, all registered voters) can elect the party candidate(s) through direct votes in primary elections. The election is between all candidates that present themselves, and the process takes place under the supervision of the government – largely outside the control by the party organisation. The government also ensures that the person who won the primary election is the one who will be on the ballot paper representing the party.

Other parties in different countries have chosen to have varying degrees of member participation in the selection process, from party-run primary elections to indirect elections where party branches send delegates to a national congress.

What determines the selection process?

Factors such as electoral system, party ideology, political culture, and the organisation of government have been thought to have an influence on the centralization and participation in the candidate selection process. However, there is no evidence that any of them is decisive.

It would be natural for national party agencies to be more influential in multi-member district systems (where more than one person is elected to the legislature from each constituency), while single-member constituencies would give more power to local branches.

In the same logic, federal systems would tend to favour decentralized candidate selection, parties with an inclusive political ideology would favour participatory selection procedures, and

parties in countries with a hierarchical political culture would foster non-participatory processes.

However, all these (and more) criteria are mixed in all political parties, and conclusions are therefore hard to draw. Not even in cases where legislation stipulates a particular selection process is it always possible to say if the law has determined the processes, or if they simply reflect practice.

[1] See for example: Field, Bonnie N. and Siavelis, Peter M. *Endogenizing legislative candidate selection procedures in nascent democracies: evidence from Spain and Chile* (Democratization, vol 8, No. 3, May 2011) and Ashiabgor, Sefakor (et al). *Political Parties and Democracy in Theoretical and Practical Perspectives: Selecting Candidates for Legislative Office*. (National Democratic Institute for International Affairs, 2008). http://www.ndi.org/files/2406_polpart_report_engpdf_100708.pdf

6.2.1.1 Primary Elections

Primary elections are internal party processes that choose a political party's candidate(s) for the next general election by holding an internal election. Exactly how this is done depends on the legal framework, internal party rules, and informal practices.

Primary elections are an example of a selection process with a high level of participation, meaning that ordinary members (or in some cases all voters in the electoral district) control the process.[1]

Arguments for primary elections

Those who argue for primary elections tend to say that:

- Primary elections help the political party select the candidate who is most likely to win a general election by consulting a considerable number of those who are likely to vote for the party's candidates.
- Primary elections start the democratic process even before the general elections
- Primary elections give the candidate(s) a clear mandate and legitimacy since the decision has been taken by party members in general and not only by the top leadership.
- Primary elections give a party, its candidate(s), and perhaps even its platform significant public visibility.
- Primary elections empower the ordinary members and engage them in party strategy and key decisions.
- Primary elections help members overrule unpopular but entrenched party elites

Arguments against primary elections

Those who argue against primary elections claim that:

- Primary elections do not produce the candidate(s) most likely to win the general election since only a small fraction of party members (usually hard-liners) tend to vote in the primary elections. Strategically, it might be better to choose candidate(s) who can also appeal to other parties' members or supporters rather than only to the party's own core members.
- Primary elections are very expensive and (unless organized and paid for by the public purse, which they are in some cases) take funds away from the general election campaign.
- Primary elections encourage internal party strife instead of fostering an environment of negotiation, consultation, and compromise at a time when efforts need to be focused on defeating external challengers, not internal ones.
- Primary elections take the decision away from the most experienced, the office holders, and party leadership. Instead, ordinary party members with little or no experience of running for or holding public office get to decide.
- Primary elections weaken the party structures by putting the focus on individual candidates rather than on the party manifesto or policies.

Legislated and non-legislated primary elections

Legislated primary elections refer to cases where the country's legal framework stipulates that political parties must choose their candidates by holding internal elections. In some cases, the laws or regulations (or, in other cases, the Constitution) merely state that parties must select their candidates democratically, while other countries have chosen to lay down the details of how primary elections must be held. Where this is the case, the law sometimes gives the Electoral Management Body (EMB) the responsibility to organize, monitor, and supervise the primary elections. Legislated primary elections are often membership based; otherwise, they can be open to all voters in the constituency.

Laws also differ on sanctions for non-compliance with the provisions requiring internal party elections. In some countries, the law does not stipulate any sanctions, while in others, having held primary elections is a prerequisite for registering a political party for election or for nominating candidates.

Political parties that hold primary elections even though it is not required by law are often guided by their own party constituencies or internal rules for candidate selection. Party system, electoral system, and party ideology tend to influence this decision, and even in the cases where legislation exists, it is not always possible to say if the law has determined the processes or if they simply reflect practice.

Types of primary elections

There are three main types of primary elections: the Congress (or Convention/Caucus) election, the membership election, and the open voter election.

The Congress election is a common internal party mechanism where the election takes place at a party meeting, often called a party congress, convention, or caucus. Some political parties

allow all their members to attend and vote at the selection congress, while others restrict attendance to delegates from the subunits of the party. The advantages of this system are that the Congress allows the participants to discuss and reach compromises before a vote is held, the subunits of the party can be given a clearer voice than in other systems, and, in general, the Congress system strengthens the role of the party organisation vis-à-vis the individual candidates. Disadvantages include the often unrepresentative participation, the risks of manipulation (such as not calling the meeting on time or closing deals behind closed doors), and the lack of division of power within the party. Voting in party Congresses is also sometimes done by acclamation or other methods that do not allow for secrecy of the vote, which might inhibit the democratic process.

Membership elections are sometimes called “closed” primary elections given that they are open to all members of the party but closed to other voters. Membership elections are at times operated by the Electoral Management Body (EMB) but can also be organized internally by the party itself. Advantages of this system are that it is more open and transparent than the Congress elections, empowers the ordinary members, and involves them more in the business of the party. It limits the dominance of the party elites but may in that process also take the decision away from those who are more experienced and might be in a better position to take a good decision. Another disadvantage might be that the decision is taken only by those who want to be publicly affiliated with a political party, and not by supporters or potential supporters who might help the party get a better indication of which candidates(s) would do well in a general election. In volatile or polarized political environments with high levels of political violence, voters may not want to publicly display their affiliation by turning out to vote in a membership election.

Open voter elections are primary elections where all registered voters in a constituency, even those who are members of other parties or of no party, can participate. This is not a very common method. EMBs tend to organize open voter elections since they require enrolling all those who could vote in a general election. The advantage of this system is that political parties do not need a formal and fully updated membership register, and voters do not have to declare their affiliation through membership. Open voter elections take one of the main functions away from the party: that of acting as gate-keepers and recruiters of candidates. Given that primary elections tend to inspire a lower voter turnout than general elections, there is also a significant risk that the result does not reflect the view of the majority of voters who will vote in the general election. Since supporters of other parties can also take an active part in the primary election, they may seek to ensure that the candidate with least possibilities of winning the general election would win the primary – and thereby take competition away from their preferred party’s candidate.

Factors influencing primary elections

The electoral system and election law influence the conduct of primary elections, not only because requirements to hold primary elections are often included in election laws, but also because the electoral system in itself influences politics. In single-member constituencies, the regional and local branches of political parties would naturally tend to have greater influence, while the central party organisation would be more influential in systems with multiple-

member districts. This tendency is, however, not clear-cut, and there are many cases that would contradict this. Electoral laws may also include legislated quotas that have an impact on the selection of candidates. Quota laws can reserve seats in the national legislature to ensure gender equality or to enhance the participation of under-represented groups such as national minorities. They may also stipulate the number of, for example, women on the parties' candidate lists and in some cases even dictate the placement on the list.[2]

The party system is heavily influenced by the electoral system but also by legal regulations such as the threshold to win seats in the national legislature, the political geography of the country, and other contextual issues. The number of political parties contesting an election, the number of parties likely to win seats in the legislature, and other issues can determine the need for coalition-building and other party strategies that can influence the selection process.

The political context and culture are major factors in deciding on primary elections. As has been mentioned above, polarization and political violence can for example affect voters' will to publicly display their affiliation. The level of trust in a society can set different needs for transparency and participation, and cleavages in the society can be reflected in internal party practices.

The political party culture, lastly, is another of the major factors influencing the process of candidate selection. If the party is membership based or not, if it is built on a strong ideology or on the leadership of an individual, and what its ideological values and traditions are ultimately decide if the party chooses to voluntarily select its candidates through internal elections.

[1] See: Rose, Gavin M. *Taking the Initiative: Political Parties, Primary Elections, and the Constitutional Guarantee of Republican Governance*. Indiana University School of Law (Indiana Law Journal, vol. 81, No. 2, April 2006). And Salih, M. A. Mohamed (et al). *Political Parties in Africa: Challenges for Sustained Multiparty Democracy*.

International Institute for Democracy and Electoral Assistance (2007). <http://dspace.cigilibrary.org/jspui/bitstream/123456789/25258/1/Political%20Parties%20in%20Africa%20-%20Challenges%20for%20Sustained%20Multiparty%20Democracy.pdf?1>

[2] See: Lu, Carmen. *Forging Iron Ladies: Dissecting the Global Spread of Parliamentary Gender Quotas*. (Yale University Department of Political Science, April 2012). http://www.yale.edu/polisci/undergrad/docs/Prize-Winning%20Senior%20Essays/Lu_Carmen.pdf. See also: Interview: Push for Female MP Quota Continues in PNG (Online Dialogues & Blogs). Radio Australia. June 19, 2012. http://www.peacewomen.org/portal_initiative_initiative.php?id=1363

6.2.2 Voluntary Party Candidate Quotas

Candidate selection processes in democratic systems are mostly controlled by political parties rather than by voters' decisions. Political parties act as gate-keepers and effectively decide who stands the chance of being elected and who does not.

Quotas may guide the political party's candidate selection process for general elections and for internal party posts. These may be either legislated in the Constitution or in the electoral law, or be voluntary introduced by political parties.

Voluntary party quotas can be either quotas for internal party posts or quotas for different stages of the candidate selection process in the political party. For the former, please read Internal elections for Leadership positions and top national leadership selection. This file deals only with voluntary party candidate quotas.

Internal voluntary party quotas for candidates to general elections are targets set by political parties to include a certain percentage of, for example, women or national minorities as candidates. The quota has voluntarily been adopted by the political party and is not required by law. Parties can choose to stipulate their internal quota in their constitution or in other internal regulatory documents.

With an internal quota system, political parties can clearly demonstrate their willingness to encourage disadvantaged groups and to put the idea of fair representation and equal opportunities into practice – even in countries without legislated quotas. Where legislated quotas exist, parties can still choose to go even further in their internal quotas.

Given that internal voluntary party quotas are not mandated by law, they are not legally binding, and there is no sanction system in place. However, since these quotas stem from an internal decision within the party, they are often just as respected as legislated quotas and thereby also as effective.

Types of voluntary party candidate quotas

Voluntary party quota requirements can be on three levels:

- **Quotas for the pool of potential candidates**

This quota type is made to open up the possibilities for party selection committees or voters in primary elections to select candidates from a more diverse pool of potential candidates than is normally presented to them. “Women only shortlists” is one way of broadening the pool of potential candidates by including more women on the party list than would have been represented otherwise

- **Quotas for candidates/candidate lists**

Most voluntary party quotas fall into this category, where a fixed number or percentage of the places on the candidate lists or total number of candidates is set aside for persons belonging to

the group(s) targeted by the law. For this type of voluntary quota to be really effective, it is often combined with a placement criteria whereby the disadvantaged groups are promised not only nomination but nomination to winnable seats. This is sometimes called a “double quota”. Quotas for candidate lists exist in plurality/majority systems but tend to be most effective in proportional representation systems (see also Factors influencing the implementation of voluntary party candidate quotas).[1]

- **Quotas for the elected representatives**

Quotas for the elected representatives target the outcome of the elections. A political party can decide that out of the seats they win in an election, a certain number or percentage should be set aside for women or minority groups. This is only applicable to systems where parties are able to determine who is going to occupy the seat. (see the example of Niger)

[1] See: The Quota Project, different forms of quotas:
<http://www.quotaproject.org/aboutQuotas.cfm>

6.2.2.1 Voluntary Party Candidate Quotas for Women

A quota is an allocation rule through which offices, goods, or political functions are distributed in accordance with a certain formula. A quota system for women’s representation is mostly deployed because an unregulated distribution causes unintentional imbalances and inequalities. It is aimed to achieve a more equal or balanced access to political power for women by applying positive measures.

Gender quotas can be of three types: constitutional quotas, electoral law quotas (also called legislated quotas), and voluntary party quotas adopted and implemented by individual political parties.

Voluntary party candidate quotas for women are targets set by political parties to include a certain percentage of women as election candidates. Given that voluntary party quotas are not mandated by law, they are not legally binding, and there is no sanction system in place. However, since these quotas stem from an internal decision within the party, they are often just as respected as legislated quotas and thereby also as effective.

Why women?

Three main arguments lie behind the call for quotas to enhance women’s representation [1]:

- Women represent (more than) half the population and hence have the right to half of the seats (the justice argument)
- Women have different experiences (biological or socially constructed) that ought to be represented (the experience argument)
- Women and men have partly conflicting interests, and thus men cannot represent women (the interest group argument)

Types of Quotas

Internal party quota requirements can be on three levels:

- **Quotas for the pool of potential candidates**

This quota type is designed to open up the possibilities for party selection committees or voters in primary elections to select both male and female candidates. "Women only short lists", which only contain women candidates to choose from, is one way of broadening the pool of potential candidates.

- **Quotas for candidates/candidate lists**

Most voluntary party quotas fall into this category, where a fixed number or percentage of the places on the candidate lists or total number of candidates is set aside for women. For this type of quota to be really effective, it is often combined with placement criteria whereby women are promised not only nomination but nomination to "winnable" seats. This is sometimes called a "double quota". The "zipper quota" where women are put in every second place on the candidate lists is an example of this. Quotas for candidate lists are sometimes used in majority/plurality systems but tend to be more effective in proportional representation systems.

Quotas for candidate lists are sometimes phrased as targeting a gender balance rather than increasing women's participation (even though in most, if not all, cases women are the under-represented sex). Quotas can, for example, state that neither sex may hold more than 60 percent of the candidacies, or that there should be a 50/50 distribution.

- **Quotas for the elected representatives**

Quotas for the elected representatives target the outcome of the elections. A political party can decide that out of the seats they win in an election, a certain number or percentage should be set aside for women. See for example the case of Niger)

Notes:

[1]Dahlerup, Drude (2003): "Comparative Studies of Electoral Gender Quotas" in International IDEA (2003) The Implementation of Quotas: Latin American Experiences, International IDEA, Stockholm.

See also : The Quota Project, different forms of quotas: <http://www.quotaproject.org/aboutQuotas.cfm>

6.2.2.2 *Voluntary Party Candidate Quotas for other Disadvantaged Groups*

Voluntary party quotas can be either quotas for internal party posts or quotas for different stages of the candidate selection process in the political party.

Internal voluntary party quotas for candidates in general elections are targets set by political parties to include a certain percentage of, for example, women or national minorities as candidates. The quota has voluntarily been adopted by the political party and is not required by law. Parties can choose to stipulate their internal quota in their constitution or in other internal regulatory documents.

With an internal and voluntary quota system, political parties can clearly demonstrate their willingness to encourage disadvantaged groups and to put the idea of fair representation and equal opportunities into practice – even in countries without legislated quotas. Where legislated quotas exist, parties can still choose to go even further in their internal quotas.

Given that internal voluntary party quotas are not mandated by law, they are not legally binding, and there is no sanction system in place. However, since these quotas stem from an internal decision within the party, they are often just as respected as legislated quotas and therefore also just as effective.

There have been efforts among political parties to recruit ethnic minority candidates, especially in local, but also in national, elections on a voluntary basis. One means to increase minorities' participation is to introduce voluntary quotas, but there are several other steps that have been undertaken by political parties, such as the establishment of ethnic liaison units in order to promote the party's principles within ethnic communities, or to serve as recruitment centres for ethnic minorities to become political candidates.

Types of voluntary party candidate quotas

Voluntary party quota requirements for minorities can be on three levels:

- **Quotas for the pool of potential candidates**

This quota type is designed to open up the possibilities for party selection committees or voters in primary elections to select candidates from a more diverse pool of potential candidates than is normally presented to them. One way of broadening the pool of potential candidates would be to secure the representation of ethnic minorities in the possible pool of candidates. In a very few cases, ethnic groups have created their own lists, only containing candidates representing the minority.

- **Quotas for candidates/candidate lists**

Most voluntary party quotas fall into this category, where a fixed number or percentage of the places on the candidate lists or total number of candidates is set aside for persons belonging to the group targeted. For this type of voluntary quota to be really effective, it is often combined with a placement criteria whereby the disadvantaged groups are promised not only nomination but nomination to winnable seats. This is sometimes called a "double quota". Quotas for candidate lists exist in plurality/majority systems but tend to be most effective in proportional representation systems.

- **Quotas for the elected representatives**

Quotas for the elected representatives target the outcome of the elections. A political party can decide before an election that out of the seats they win in an election, a certain number or percentage should be set aside for ethnic minority groups.

6.2.2.3 Conditions under which voluntary party quotas are most likely applied

Liberal political culture

Regarding women's possibilities for gaining political power, traditional cultural values are said to work against the participation of women in any political process. Quota systems are therefore said to be more often applied in modern and liberal political systems. Political parties there may have internalised the progressive values and thus try to foster gender equality in all spheres of the society.

Furthermore, voluntary party quotas often result from a general women's movement in the society and hence in the political parties themselves. As the Scandinavian example indicates, voluntary party quotas have often been introduced only after women already have gained powerful positions inside the party structure. These finding suggests that the presence of mobilised women groups in the party are of great importance for the emergence of voluntary party quotas.

Interventionist party policy and tolerant party culture

Positive discrimination of unprivileged groups by quota systems is said to be more consistent with certain political parties than with others, for instance with Labour or welfare state parties. Their party culture or main policy of intervention and redistribution to struggle against social or economic inequalities is very similar to the intervention by a quota system and its allocation rules.

Not surprisingly, the voluntary gender quotas have been first introduced by social democratic and left parties in the Scandinavian countries in the 1970s.^[1]

Relations to party organisation

Clear operational practices and procedures for candidate selection in a political party are claimed to be of great advantage to women, especially when there are specific rules or quotas that aim to guarantee women's representation. In general, the absence of an institutionalised candidate nomination system often fosters hierarchical and hence patriarchal selection process.

Intended implementation can only be ensured by the establishment of an adequate policy plan that governs the process of implementation. Such a policy requires that the quota should be considered from the very beginning of the candidate nomination and selection processes. Quota systems are usually more successfully implemented when they evolve through mobilization movements, than if their introduction just mirrors the wide integration of the disadvantaged social group in the society.

[1] See: *Electoral Gender Quota Systems and Their Implementation in Europe: Women's Rights and Gender Equality*. EU Directorate General Internal Policies (September 2008). <http://www.europarl.europa.eu/document/activities/cont/200903/20090310ATT51390/20090310ATT51390EN.pdf> and Pande, Rohini, Deanna Ford. *Gender Quotas and Female Leadership Development Report 2012: Gender Equality and Development*. World Bank background paper (2012). <http://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1322671773271/Pande-Gender-Quotas-April-2011.pdf>

6.2.2.4 Advantages and Disadvantages of Voluntary Party Candidate Quotas for Women's Representation

The arguments for and against voluntary party candidate quotas for women are almost identical to those concerning legislated quotas. This is due to the fact that both quota types often raise the same concerns by people who generally object to quotas for women or minorities.

This section will therefore only mention those arguments for and against voluntary party candidate quotas for women's representation that are different to those discussed in the file about advantages and disadvantages of legislated quotas for women's representation. Arguments **against** voluntary party quotas for women's representation

Those who oppose quotas or voluntary party quotas in particular often raise that

Voluntary party quotas cannot be enforced by law and are therefore not implemented effectively

Given that voluntary party quotas are not mandated by law, they are not legally binding and there is no sanction system in place. Political parties may or may not implement the party quotas.

Arguments **for** voluntary party quotas, additionally to those mentioned for legislated quotas

Some of the main arguments for voluntary party quotas are the following:

Voluntary party quotas are the most effective ways of achieving a better gender balance, because they are voluntarily introduced

Since voluntary party quotas stem from an internal and voluntary decision-making within the party, one can assume that parties intend to implement them properly. Voluntary party quotas are just as respected as legislated quotas by the political party and therefore just as effective.

Voluntary quotas build on party values

Since voluntary party quotas stem from an internal and voluntary decision-making within the party, they are often seen as a conscious demonstration and expression of a liberal and progressive party culture. Voluntary party quotas, as opposed to legislated quotas, give political parties a chance to show their electorate in practice that they are committed to gender equality – maybe as opposed to other parties.

Voluntary party quotas do not interfere in internal party affairs

Some argue that legislated quotas interfere too much with the internal organisation of political parties. Voluntary party quotas, however, are drafted and passed by the parties themselves under no obligation and thus do not constitute interference by outsiders.

Voluntary party quotas are easier to pass than legislated quotas

Legislated quotas are very difficult to pass and require a majority (or in the case of constitutional quotas usually a two-thirds majority) in the legislature, while party quotas only require an internal decision by the party.

6.2.2.5 Factors influencing the implementation of voluntary party candidate quotas

One factor that can influence the implementation of voluntary party quotas is the electoral system. Proportional representation systems in particular are claimed to facilitate the election of a diverse pool of representatives.

In single-member constituencies (which are common in majority/plurality electoral systems), each party organisation can generally nominate only one candidate. In practice, parties tend to select the candidate to whom they attribute the greatest chances of winning: in practice, this is often a man and often a member of the majority group. This makes it more difficult to implement voluntary quotas, and women and members of minority groups are often nominated only in constituencies where the party does not see any chance of winning. Therefore, quotas in majority/plurality systems tend to produce fewer elected women and minority candidates than quotas in proportional systems.^[1]

Political parties compete for a larger number of seats per constituency in a proportional representation system and can therefore “balance the party ticket” between competing factions inside the party (ibid). Otherwise disadvantaged party members often benefit from this balancing process. Given that the seats in proportional representation systems are allocated to the party in proportion to their share of the national vote, the party can also, under some PR systems, decide over the rank ordering of the candidates. Certain candidates can be placed in more promising party list positions than others. This makes voluntary party quotas work better in proportional representation systems where a share of the candidacies can be allocated to under-represented groups. To make voluntary party quotas even more effective, political parties often have a placement criteria (also called “double quota”) that ensures that persons who take advantage of the quota are not only placed on the candidate list, but placed in winnable

positions – i.e., in positions the party expects to win. If a party expects to win five seats in a fifteen-seat constituency, positions one through five on the party’s candidate list are “winnable” while positions six through fifteen are not.

Another important factor for the implementation of voluntary party quotas is the political culture in the country. If greater representation is encouraged by the political elite, media, and ultimately the voters, political parties are more likely to see the advantages of voluntary party quotas. The openness of a political culture determines the opportunities underprivileged social group members have to gain influence over political decisions.

Party culture has an impact on the implementation of quotas. Positive discrimination in favour of underprivileged groups by quota systems is said to be more consistent with certain political parties than with others, for instance with Labour or welfare state parties. Their party culture or main policy of intervention and redistribution to combat social or economic inequalities is very similar to the intervention by a quota system and its allocation rules.

[1] See: Ballington, Julie (et al). UNDP and NDI (2012): *Empowering Women for Stronger Political Parties, A Guidebook to Promote Women’s Political Participation*. <http://www.undp.org/content/dam/undp/library/gender/gender%20and%20governance/EmpoweringWomenFor%20StrongerPoliticalParties.pdf>

6.3 Party Structure

A political party may be guided in its structure and functioning by external regulations, such as the Constitution or laws and regulations, by internal party rules, such as the Party Constitution, or by both. Practice, however, may differ from written Party Constitutions or internal rules. Given that political parties perform such important tasks in democracies today, their internal functioning becomes very important. Aspects of this include the policy-formulation and general decision-making process of the political party, the involvement of members and party groups, and the accountability of the party leadership.

Common organisational structures in a party include the following:

National leadership committee, i.e. the national executive body

This is usually the “party government” making and implementing decisions on a day-to-day basis. The decision as to who is to be a member in this body determines much of the party functioning. The composition of the national executive body varies between political parties: sometimes just a few party leaders form the leadership, while in other cases, representatives of party wings, such as the women’s wing, members of local branches, or auxiliary groups are represented in the leadership committee. How members of this committee are appointed differs between political parties and countries: some parties hold elections for leadership committees where for instance delegates from the party organisations, such as regional and local groups,

are entitled to vote, while others do not. When elections are held, quotas for women or ethnic minority groups may be applied. There is also a difference between countries and parties as to whether the members of the national executive body are paid by the political party or not. This may have a great influence on the professionalism, responsibilities, and dedication of the leadership committee.

National Conference, Congress, or Convention

The National Congress is usually the highest decision-making body of the party and meets one to five times a year. Attendance at the conference may include delegates from regional and local branches, auxiliary groups, the women's wing, and the youth wing of the party, if any. Ordinary members may also be welcomed. Sometimes, Congress resolutions are binding upon the party leadership, while in other cases they are just suggestions or guidelines.

Local and regional party branches

Most political parties try to have local and regional party branches, sometimes in up to five layers below the national level. Internal party rules determine who is in control of the decision-making process – the national level or the local levels of the party. Local and regional party branches can be more or less independent from the national party organisation in leadership, budget, and campaigning. The local levels often play important roles in connecting with the electorate, nominating candidates, and carrying out local election campaigns.

Auxiliary groups

Youth wings and women's wings are the most common auxiliary groups in political parties all over the world. They are usually part of the party organisation and lobby the party leadership on issues of specific concern to their members. The independence of the auxiliary groups differs in terms of rights to have their own membership registers and budgets and to make independent decisions. Auxiliary groups often have the right to send their own delegates to National Conventions and are sometimes even represented on the National Executive Committee. The degree of internal fractionalization in the political party denotes how heterogeneous the internal party structure is. In some political parties, distinct factions are independently organized and elect their own leadership.

Affiliated groups

Affiliated groups are usually not formally part of the party organisation, but constitute independent organisations with strong links to the party. Trade unions or employer's organisations are typical examples of affiliated groups. At times, membership in the affiliated group automatically gives membership in the political party, and even if large and regular donations between them are common, the organisations' budgets are separate.

6.4 Party Media

Many political parties have their own media outlets to communicate with their members, supporters, and the general public. What type of media outlet the party owns determines and is

determined by the rules by which it is bound. The variety and scope of media outreach is currently in transition due in large part to the increasing prevalence of technology as a source of media outreach and the use of various technologies by the electorate and party membership.

Political party media fall into one of the three following categories.

Party Propaganda outlets that are distributed mainly to party members but can also function as an outreach to the general public. Party propaganda does not usually fall under general media regulation and is therefore generally free to write whatever it wants as long as it adheres to prohibitions against hate speech and defamation. In some cases, legislation may regard Party Propaganda outlets as elements of campaign spending, and they may fall under campaign funding regulations.

Conventional private media that just happen to be owned by a party or one of its leaders or eminent members.

Private media is often regulated both by media laws and by electoral law. Regardless of who owns private media, they will have to conform to the prevailing standards or regulations. Legal frameworks often deal with all or some of the following when dealing with *election coverage*:

- how time or space will be allocated to candidates and political parties
- whether political advertising is permitted
- what duty the media have to carry voter education material
- whether there is a right of reply to factual misrepresentation in the media
- news blackouts or “reflection periods”
- restrictions on reporting of opinion polls
- policies on hate speech and defamation

Government media, in a situation in which the ruling party and government have been intertwined. In that case, media using public funds should conform to the same standards as any other public media - which in practice probably means that they cannot campaign for the party at all. It is generally accepted that public media should not be politically partisan in their editorial coverage, as they are a resource for the entire electorate. Many argue that it is an obligation of the state-owned media to give voice to a variety of opinions and not to be a propaganda organ for one particular political party. Also, they have particular obligations to provide civic education, as well as to provide a platform for the different political parties.

Use of a public resource for partisan political campaigning carries all the same legal and ethical implications whether the resource is funds, a vehicle, a building, or a radio station. That is why there are so often clear laws or regulations protecting public media against government interference.

6.5 The Role of Members

The definition of party membership varies considerably among different countries. In some countries, a voter who reports supporting a party when registering to vote is automatically

considered being a member of that party, whereas in others, membership requires an active decision to join the party and support it financially through payment of membership dues. Different forms of indirect membership, such as in affiliated trade unions, may also be interpreted as forms of party membership.

Parties with a large number of members and a good membership organisation have significant advantages in elections campaigns, particularly in relation to tasks such as publicity, voluntary information collection, and mobilization through door-to-door canvassing as well as contemporary outreach through texting, Twitter, Facebook and other electronic direct-to-voter platforms.

There is a general trend that party membership is declining. Political parties in new democracies are often not built on membership the way the Western European parties used to be, and all over the world, a growing professionalisation of political campaigns, reliance on public funds, and media domination seem to lead to lower membership numbers. There is also an argument to be made that political activism through political party membership is waning while direct political engagement through social media, blogging and on-line communities of common interest is increasing.^[1]

It has also proven very difficult to estimate the membership base of political parties in a comparative perspective. One important source of comparative data derives from the official figures compiled by parties. These figures may be unreliable, particularly where parties exaggerate their support or where central record keeping is simply inefficient or erratic. Political parties are often not obliged to maintain public records.

One means to analyse the role of members in a political party is to distinguish between the different kinds of party organisations and which role they attribute to their members, if they rely on membership base at all.

Classification of party organizations

The most well-known and often cited classification of party structure is that one by Maurice Duverger (1954)^[2], who identified three major types of party organisations; more recently, a fourth type has been added by other scholars.

Cadre parties are considered to be the oldest and most traditional form of political party, being rather loose associations of legislators, with a minimal role for a wider membership, and a formal organisational structure. Caucus-cadre organisations are essentially based on political elites and leadership factions, usually created within parliament.

In the so-called militia parties, party membership may be widespread, but it doesn't have any role in influencing the party leaders' decisions and the policy process. Nor do members exercise any real power in the political party, e.g. holding political leaders accountable for their actions, or remove them if necessary. Militia parties are dominated by a top-down command structure and strong mechanism of control. Party supporters are enrolled along military lines, and the party maintains its power on the basis of control of the military and the civilian

bureaucracy. Party leaders often use patronage, corruption, and intimidation to encourage local party supporters and as another means to exert control over the general population.

In contrast, mass membership parties can rely on a large membership organisation and therefore attribute a larger involvement to members in the party. The prevailing motivation for getting involved in party work will be the sharing of a common ideology and strong beliefs in party goals. The so-called “parties of social integration” have foreseen a very high involvement of party members in party activities, such as cultural activities, mainly through membership in related organisations. Some mass membership parties have affiliated extra-parliamentary organisations, like trade unions, through which they obtain group memberships.

The rising importance of public funding for political parties and, as a consequence, the growing reliance on the state as a service provider for the political parties have given rise to a debate about a fourth type of party organisation; the so-called ‘cartel’ party or electoral-professional party. This type of party has a shrinking membership base and tends to loose contact with its members and the electorate. It does not rely on volunteer activists or members to spread its political messages. Mass communication media are fully taking over this function for the electoral-professional party. Politicians have become professionals and focus on the governmental and parliamentary sphere instead of on the civic society.

Consequences of shrinking or low party membership

Party membership is especially weak in many newer democracies, while levels of membership have fallen considerably in many established democracies in the last couple of decades. This development gives rise to concern for various reasons:

- limiting the opportunities for political participation of citizens
- widening the gap between professional politicians and the electorate
- disconnecting the people from the parties and all their services regarding voter education, social activities, and other awareness raising activities
- diminishing the accountability of leaders to followers
- decreasing the legitimacy of party leaders and political decisions in general
- lessening popular involvement in and knowledge of political processes and the functioning of political parties in society
- causing misunderstanding of difficult political processes
- strengthening party centralization and empowering party leaders due to diminished control through party members

On the other hand, it is less clear that declining party membership implies a parallel trend in decreasing party activism. It is possible that the active party members remain in the party, due to their greater ideological commitment. Moreover, the impact of a decline in membership upon the structure of the party remains unclear. There is no general correlation between decreasing members and increasing centralization of power.

[1] See, for example: Boyd, Danah. *Can Social Network Sites Enable Political Action?* In Allison Fine, Micah Sifry, Andrew Rasiej and Josh Levy (Eds), *Rebooting America: Creative Commons*, pp. 112-116 (2008). http://www.danah.org/papers/Rebooting_America.pdf

[2] Duverger, Maurice. *Political Parties: Their Organization and Activity in the Modern State*. London, Methuen (New York, Wiley, 1954).

7. Parties and Candidates in the Electoral Process

For political parties and candidates, elections are a key period. This is the time where they are most active, most visible in media, and in closest contact with large numbers of voters and supporters. Some political parties seem to exist mainly as campaign machines, while they are hardly visible at all between elections. Other parties maintain high levels of engagement between elections but still increase their activities during election campaigns. The success or failure in the election process determines not only if a party or candidate comes to power, but may also have an impact on levels of support and funding between elections.

This section of the topic area Parties and Candidates deals with the principles, rules, and mechanism that guide parties and candidates and the effects they have on the electoral processes, such as:

General rules and regulations

The rules and regulations that concern registration of parties and candidates, and the nomination of candidates for printing on the ballot, including regulations for de-registration.

The different effects that the electoral system may have on parties and candidates.

What happens if a candidate dies, withdraws, or leaves his or her political party after the ballots are printed but before the election is held?

Campaigns

How political parties and candidates campaign in the elections campaign.

Codes of conduct that may guide the political parties as organisations and the candidates taking part in the elections.

The role of media in election campaigns.

Election administration

The relationship between parties and candidates and the Electoral Management Body (EMB). When does a political party act as an election monitor and what implications does that have?

Coalitions and pre-election alliances

Pre-election alliances and coalitions, and their effect on government formation.

7.1 Political Party Codes of Conduct

A code of conduct for political parties is usually a voluntary agreement on rules of behaviour for political parties and their supporters during an election campaign. Especially in transitional countries where the rule of law is not yet developed and trusted, the goal of establishing a code of conduct can help political parties agree on accepted rules of the game and increase confidence in the electoral process. Codes of conduct that involve encouraging or requiring political parties and candidates to meet regularly during the election campaign can contribute to avoiding violent conflicts and increase public support for the democratic process.

A code of conduct for political parties may be developed in any of several ways and can be quite diverse in character:

1. It may be a part of the electoral law, determined by the sovereign authority in a country.
2. It may be agreed by political parties, as an outcome of negotiations entirely among themselves, or, more commonly, as a result of negotiations moderated by a third party.
3. It may be agreed by the parties, and then embodied in law.
4. It may be determined by a third party, such as the electoral management body (EMB).

Voluntary Codes of Conduct

An emphasis is often put on the importance of the voluntary aspect of the codes of conduct. The reasons for this include:

1. Political parties are more likely to feel bound by commitments into which they have freely entered, and therefore may be more likely to fulfil those commitments.
2. Parties to a voluntary code of conduct are able to bind themselves, and each other, to conduct or refrain from conduct that might otherwise conflict with international or constitutional obligations such as the freedom of speech or association.
3. By participating in consultation, development, and use of a voluntary code, political parties contribute positively to the style and culture of campaigning.

Who does the Code of Conduct apply to?

A code of conduct should explicitly bind at least:

1. The parties, including political parties and independent candidates; and
2. through the control of each party, its leader, officials, candidates, and, ideally, its members.

To the extent that is reasonable in the prevailing local circumstances, a party should be expected to:

1. exercise control over the activities of its supporters; and
2. be responsible for violations of the code by its supporters, or at least make a good-faith effort to make supporters aware of the code and encourage them to abide by it.

If a voluntary code of conduct is subsequently incorporated in a law, the law or the general legal framework will determine who is bound by the Code.

During what period will the Code apply?

The period will vary from case to case: in some circumstances, it will be the election period as provided by law; in other cases, the Code itself may specify a time for its application.

The Code^[1] should always apply to the period from the specified beginning of campaigning until the announcement and certification of the results.

Beyond that, a Code should apply to any period during which violations of it might have a particularly dramatic effect on the integrity of the election process. This could include the periods for political party registration, voter registration, and candidate nomination, all of which will fall before an official campaign period.

Many of the provisions in a typical code of conduct, for example those that reflect and reinforce general human or political rights, would be operative at all times.

Relationship of a Code of Conduct to the electoral law Electoral legislation will generally set out the procedures and mechanisms to be used when dealing with complaints and disputes regarding the electoral process. Those provisions will differ from country to country, both in detail and in content and may affect how the code of conduct is enforced. For example, a country's electoral law may provide for adjudication or other mechanisms, such as mediation, to deal with infringement of a code of conduct or disputes arising from such an infringement.

What sanctions will apply to breaches of the Code?

The most basic sanction, which should apply in virtually all cases, is the public exposure of a failure to comply with the Code by a party, or by those persons for whose conduct a party has some responsibility. The type of sanction may vary from country to country.

If the Code is incorporated in a law, criminal or civil penalties could apply, and other specific electoral penalties, such as the disqualification of candidates or parties, may also be possible.

Whatever legal or other sanctions are established, a party and its members have to be able to clearly understand their obligations. Therefore, it is important that both the obligations and the sanctions be clearly spelled out in legal form.

Relationship of a Code of Conduct to Human Rights Codes Typically, a code of conduct will incorporate generally accepted provisions embodying basic human and political rights. However, some of its more valuable provisions may be:

1. those that require self-restraint by the parties in the exercise of their rights; and
2. the procedures which are to apply when the rights of different parties may potentially be in conflict.

Desirable forms of self-restraint, and the procedures for managing conflicting rights, will be determined by such factors as:

1. the political traditions and culture of a country;
2. the threats which may exist to the electoral process; and 3. the prevailing institutional framework.

In the past, the importance of each country's specific circumstances has been reflected in considerable variations in national codes.

Implementing the Code of Conduct

For a voluntary code of conduct to be useful, the parties must be committed to it, viewing it not merely as a set of mechanical rules, but as a set of principles to be honoured in spirit as well as in letter. No single Code can ever anticipate and make appropriate prescriptions for the diversity of situations that may be encountered in the course of elections. In all cases, a code of conduct must be implemented with common sense and in good faith.

The parties who negotiate a code of conduct should expect to:

1. Meet regularly after the Code has been adopted to discuss observing and implementing the Code over the campaign period. The duty to participate in these meetings could be an obligation in the Code.
2. Meet before, and in the early stages of, an election campaign to discuss the Code. These meetings can be a valuable step towards a tolerant electoral campaign.

[1] See: *Code of Conduct for Political Parties Campaigning in Democratic Elections*. Copyright © International Institute for Democracy and Electoral Assistance (International IDEA) 1999 and Goodwin-Gill, Guy S. *Codes of Conduct for Elections: A Study Prepared for the Inter-Parliamentary Union*. (IPU 1998).

7.1.1 Content of Political Party Codes of Conduct

The following are core prescriptions generally accepted as applicable to the behaviour of political parties during a democratic election campaign.

Application of the Code

In this code, "party" includes:

- a) any entity that subscribes to this Code of Conduct, including political parties, independent candidates, alliances or coalitions of parties, and political movements other than parties; and
- b) the leader, officials, candidates, members, agents, and representatives of any entity that subscribes to this Code of Conduct. However, the party isn't fully liable for its members if it makes a good-faith effort to inform its members of the code and encourage them to abide by it.

Principles of the Code

- a) The legitimacy of a government chosen through democratic multi-party elections rests on these principles
 - that as a result of being informed through the electoral campaign of the policies and qualities of all political parties and candidates, voters are able to make an informed choice; and
 - that voters are able to vote freely, without interference, fear, undue influence, or bribery.
- b) All parties, having accepted this election campaign Code of Conduct, commit themselves to these principles and undertake voluntarily and in good faith to adhere to the Code so that:
 - these principles will be upheld;
 - the elections will be recognized as expressing the free choice of the voters; and
 - the result of that choice will be respected by all
- c) In any matter relating to the election process, a party will conduct itself in conformity with the prescriptions set out below.

Compliance with the Code

- a) A party that has subscribed to this Code:
 - is bound by the Code
 - will take decisive steps to prohibit leaders, officials, candidates, and members from infringing the Code;
 - will take all reasonable steps to discourage any type of conduct by their supporters which would, if undertaken by a party official, candidate, or member, be in breach of the Code; and
 - will not abuse the right to complain about violations of the Code, nor make false, frivolous, or vexatious complaints.
- b) The leader of a party that has subscribed to this Code will issue directives to the party's officials, candidates, members, and supporters, requiring each of them to:
 - familiarize themselves with the Code;
 - observe the Code; and

- take all other necessary steps to ensure compliance.

Adherence to the law

A party that has subscribed to this Code will adhere to existing election laws, rules, and regulations as well as any that are legally instituted subsequent to the signature of this Code.

Campaign management

a) A party that has subscribed to this Code will

- respect the right and freedom of all other parties to campaign, and to disseminate their political ideas and principles without fear;
- conduct itself in a manner that respects the rights of other parties, and respects the rights of voters and other members of the community;
- respect the freedom of the press;
- use its good offices to seek to ensure reasonable freedom of access by all parties to all potential voters; and
- seek to ensure that potential voters wishing to participate in related political activities enjoy the freedom to do so.

b) A party that has subscribed to this Code will not

- harass or obstruct journalists who are engaged in their professional activities, or disrupt, destroy, or frustrate the campaign efforts of any other party;
- prevent the distribution of handbills and leaflets, and the display of posters, of other parties and candidates;
- deface or destroy posters of other parties and candidates;
- prevent any other party from holding rallies, meetings, marches, or demonstrations;
- seek to prevent any person from attending the political rallies of another party; or
- encourage its supporters to do anything prohibited by this section or condone such actions.

The election process

a) A party that has subscribed to this Code will:

- co-operate with election officials in order to ensure: *peaceful and orderly polling; and complete freedom for voters to exercise their right to vote without being subjected to any annoyance or obstructions* ensure the safety and security of electoral officials before, during, and after the polls; * maintain and aid in maintaining the secrecy of the voting.

b) A party that has subscribed to this Code will not:

- procure votes by forcible occupation of polling stations or through illegal activities in the polling stations;
- interfere unjustifiably or in bad faith with the duties of election officials, or disturb the process of casting or counting votes; or
- falsely assert to voters that their votes will not be secret.

Accepting the outcome of a free and fair election

A party that has subscribed to this Code will:

- accept the outcome of an election that has been certified;
- submit any grievance only to the relevant dispute settlement agency; and
- accept and comply with, and encourage its members and supporters to accept and comply with, the final decision of the dispute settlement agency.

Language

a) A party that has subscribed to this Code will:

- organize and conduct its election campaign in a manner that contributes toward a congenial and peaceful atmosphere during the campaign period, the polling, the counting, and the post-election period; and
- act with a sense of responsibility and dignity befitting its status.

b) Speakers at political rallies will avoid using language that:

- is inflammatory, or defamatory; or
- threatens or incites violence in any form against any other person or group of persons

c) A party that has subscribed to this Code will not issue, either officially or anonymously, pamphlets, newsletter, or posters containing language or material that threatens or incites violence.

Symbols

A party that has subscribed to this Code will not:

- imitate the symbols of another party;
- steal, disfigure, or destroy political or campaign materials of another party; or
- encourage its supporters to do anything prohibited by this section or condone such action.

Intimidation and violence

a) A party that has subscribed to this Code accepts that intimidation, in any form, is unacceptable, and will:

- issue directives expressly forbidding its officials, candidates, members, and supporters to intimidate any person at any time;
- campaign against violence or threats of violence, and against any acts of vandalism or public disorder committed by or threatened by their officials, candidates, members, or supporters, and publicly denounce any such action; and
- respect other persons and parties, and their property

b) The leader of a party that has subscribed to this Code will instruct the party's officials, candidates, members, and supporters that no weapon of any kind, including any traditional weapon, may be brought to any political rally, meeting, march, or other demonstration.

c) A party that has subscribed to this Code will not:

- engage in or permit any kind of violent activity to demonstrate party strength or to prove supremacy;
- cause damage to any private or public property; or
- permit its supporters to do anything prohibited by this section.

Abuse of position

a) A party that has subscribed to this Code will not:

- Abuse a position of power, privilege, or influence for a political purpose, by offering a reward, threatening a penalty, or by any other means; or
- use official State, Provincial, Municipal, or other public resources for campaign purposes.

b) In this section, a "position of power, privilege, or influence" includes a position of parental, patriarchal, governmental, police, military, or traditional authority.

Corrupt practices

A party that has subscribed to this Code will not:

- coerce or offer monetary or other kinds of inducements to persons, directly or indirectly, to vote for or against a particular party or candidate, to surrender or destroy their voter registration card, or to abstain from voting;
- coerce or offer monetary or other kinds of inducements to persons, directly or indirectly, to stand or not to stand as candidates, or to withdraw or not to withdraw their candidacies; or
- procure the support or assistance of any official or civil servant to promote or hinder the election of a candidate.

Continued Communications

a) A party that has subscribed to this Code will:

- make every effort to maintain communication with other parties that have subscribed to this code;
- participate in forum for the discussion of issues of common concern during an electoral campaign established by the parties that have subscribed to this Code.
- The committee will comprise representatives of: *political parties* contesting candidates; and * officials from the Electoral Management Body (EMB).

7.2 Registration for Election and Nomination of Candidates

The registration for election (registration to gain ballot access) confirms a political party's or candidate's intention to contest a specific election and is often linked to the process of nominating candidates. The registration of a political party as an organisation or association is sometimes different from the registration to gain ballot access.

Even if the registration of political parties as organisations is different from the registration of parties to gain ballot access, the legal framework could be structured in a way as to make it easier, or sometimes even automatic, for registered parties to gain access to the ballot.

It is good practise to ensure that the legal framework clearly specifies when, how, and where registration procedures must be undertaken, what the requirements for registration are, and how the verification of registration will take place. The legal framework should provide for uniformity in the registration process so that the same registration process applies to all political parties and candidates at all levels. To ensure fairness, the grounds for rejection of a registration application have to be based on objective criteria and have to be clearly stated in the legal framework for elections, along with avenues of appeal against such rejection. Correctly applied, this would protect political parties against arbitrary discrimination. In order to make sure that the registration procedure, including possible appeals, is finalized well in time for the EMB to print and distribute ballot papers, it is advisable to have a clear and transparent schedule with deadlines by which appeals have to be submitted, etc.

Criteria for registration

The criteria for registering a political party or candidate for election are often the same or similar as for registering a political party as an organisation, (see Registration of political parties), such as proof of popular support or adherence, proof of geographical presence, often in the form supporting signatures from a certain number of regions or districts, and proof of economic viability.

Nomination of candidates

The nomination of candidates (to gain ballot access) is the formal procedure by which political parties and/or individuals put candidates forward for election, and the acceptance of the EMB of that nomination. In list systems, parties put forward a list of candidates selected within the

political party. In constituency systems, candidates are nominated individually (not as part of party lists). Depending on the country, they can be nominated either by a political party or by an individual.

Legal frameworks can place requirements on the composition of party lists. In some cases, there are requirements aimed at increasing the representativity of the list by, for example, asking or requiring the party to have a certain number of women (or members of other traditionally under-represented groups) on its list. In some cases, not only the number but the placement on the list is specified.

Criteria to stand as a candidate

To read more about what is required of candidates to gain ballot access, see the file about criteria to stand as a candidate.

7.2.1 Registration Requirements of Candidates for Election

The registration of candidates for election (registration to gain ballot access) confirms a candidate's intention to contest a specific election and is often linked to the process of nominating candidates.

It is good practise to ensure that the legal framework clearly specifies when, how, and where registration procedures must be undertaken, what the requirements for registration are, and how the verification of registration will take place. To ensure fairness, the grounds for rejection of a registration application have to be based on objective criteria and have to be clearly stated in the legal framework for elections, along with avenues of appeal against such rejection. Correctly applied, this would protect candidates against arbitrary discrimination. In order to make sure that the registration procedure, including possible appeals, is finalized well in time for the EMB to print and distribute ballot papers, it is advisable to have a clear and transparent schedule with deadlines by which appeals have to be submitted, etc.

Criteria for registration

The criteria for registering as a candidate for election are often the same or similar as for registering a political party as an organisation.

Requirements may include:

List of signatures in support of the candidate registration. If full addresses or other forms of information that can be used as identification (voter registration number, social security number, address, profession, workplace) are required, this makes it easier for the authorities to verify that the signatures are real.

Proof of geographical presence, often in the form of supporting signatures from a certain number of regions or districts.

Economic Viability through payment of registration fees ranging from smaller administrative fees to more substantial sums; or through payment of monetary deposits that may or may not be returned to the political party or candidate on the basis of election results.

In addition to these legal requirements for registration, candidates must also fulfil a number of qualifications to stand as a candidate.

Clear procedure and timetable

Deciding that a political party or candidate cannot contest an election is sensitive and will arouse anger and resentment – both from the affected party or candidate and from their followers and potential voters. In order to – as much as possible – avoid such problems, the conditions and timing for registration and nomination should be communicated in detail well before the election, and the EMB should maintain close contact with the parties and candidates seeking acceptance.

A well communicated and thought-through timetable is of great help. The Electoral Management Body or other responsible agencies need time to scrutinize the registration, for example, verifying signatures of party supporters – and to give parties the chance to appeal if they feel that their registration has been unduly denied. Therefore, political parties are often required to register and candidates be nominated well in time before the election. After the scrutinizing procedure, the EMB still needs time to print the ballot papers and distribute them to the polling stations.

Nomination of candidates

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7.2.1.1 Monetary Deposits for Ballot Access

It is good practice for a democratic political system to try to encourage the citizens to put themselves forward as candidates for election to public office. To make sure that only citizens with serious intentions try to gain a seat in parliament in the elections some democracies place financial deposits on the access to the ballot.

This is not only done to keep away irresponsible candidates from the ballot but also to alleviate the number of candidates who want to stand for election. Voters need some kind of a limitation of the number of candidates to select between.

One can distinguish between **payment of a fee** and a **monetary deposit that is returned to the candidate after the elections if she/he has gained a certain amount of votes**.

The monetary deposit system is applied in different ways in different electoral systems (Katz 1997: 255).

The deposits are usually higher in candidate-oriented Majority/Plurality systems than in more party-oriented Proportional Representation Systems. The Majority/Plurality electoral system tends to encourage the two major parties and hence discourage third parties and independent candidates. It is therefore said to be easier for frivolous candidates to gain votes and a seat in parliament in Plurality/Majority systems.

It is still unclear if there is a correlation between financial deposits for candidates and the number of candidates that are actually included in the ballot. One would assume in the first instance that the higher the deposit, the lower would the number of candidates be. Not all parties are as much affected by financial deposits as others. Minor parties who nominate candidates only in a few constituencies where the candidate has good hope to win the run are said to be less affected by those financial restrictions.

The example of the UK, where the financial deposit was raised by law in 1985 and the threshold of necessary vote shares to return the deposit likewise lowered, indicates that the effect of raising the deposits and lowering the threshold is rather marginal for major parties but can be significant for independent candidates (Katz 1997: 260). Although it seems very difficult to separate the effect of the lower threshold from the higher deposit. Richard Katz interprets the data as follows: the higher the deposit the lower the number of candidates of subminor parties and independents, the higher the threshold the more costs of competition for smaller and middle size parties that are placing their candidates on the ballot no matter how high the deposit will be (ibid).

Other effects of deposits, like societal implications – ie. who has wealth in society has more possibilities to stand as a candidate – or gender implications have not been explored in detail yet. But one can assume that the richer a candidate is the less deterred will he or she be by higher deposits. Serious but poor candidates may not want to contest an election because they cannot afford to potentially lose the fees (Maley 2000).

Higher deposits may also lead to a lower representation of women in parliament because they are usually faced by more financial drawbacks than men in political systems all over the world. But again, there is no clear evidence for that correlation/connection.

To avoid the deterring effects on those candidates and to discourage frivolous but rich candidates, alternative ways of requirements can be introduced, as for instance the stipulation of a specific number of nominators for one candidate.(ibid). This may however lead to

discrimination as well if the required number of nominators is excessively high and only achievable for well equipped parties and candidates.

In the table (see the dynamic sidebar at the right hand side) "Table of Financial Requirements for Parliamentary Ballot Access" adapted from Katz (1997) and supplemented with other data you find a compilation of ballot access deposits in a number of countries. The inflation rate in a country is influencing the significance of the amount of the deposit.

7.2.2 Criteria to stand as a candidate

In addition to the qualifications that each political party may expect of the persons that will be their candidates, the legal framework can place qualification requirements on individual candidates.

The basic legal qualifications to stand as a candidate are those that apply to voters: citizenship, being of age, and in full possession of civil and political rights. If any other requirements are imposed, it is good practice to ensure that they are rational, reasonable, and objective. In order to avoid the nomination procedure being used in a discriminatory way, countries should make sure that it is clearly stated in the law what the qualifications are.

Legal qualifications to become a candidate can aim at any of the following:

- Support from a strong network or organisation by requiring candidates to be endorsed by a political party. (Such a requirement would make it impossible for an independent candidate to stand for election).
- A certain level of maturity by requiring a higher age than that required to vote. It is common for the minimum age to vary according to the importance of the office – the more important the office, the higher the minimum age for candidacy.
- Neutrality or commitment to the country by requiring the candidate to be a “natural born citizen”, not be a citizen of any other country, and/or having resided in the country (or in some countries, the relevant constituency for local or legislative elections) for a certain period before the election. Candidates may be disqualified if they have been convicted of treason or treachery. In some cases, a proof of commitment could also include having completed the military service (especially for men) and/or being a registered voter. (In countries with compulsory voting, the person may be required to have voted in the last elections.)
- Personal competence by requiring a certain level of education, that the candidate has a working level of the official language(s), and that the person is physically and (more commonly) mentally sound.
- Precluding conflicts of interest by stipulating that candidates may not hold a position in a company that is a government contractor.
- Moral aptitude by disqualifying persons that have been convicted of certain categories of crime such as crimes related to the election process, or corruption, or persons who are bankrupt.

- Ability to assume office by disqualifying persons who are under current criminal incarceration (though generally not simply under arrest prior to trial).
- Allegiance to certain societal norms like democracy, support for peaceful ethnic co-existence, non-violent competition, etc.

Any qualification, especially those based on criteria of competence, moral aptitude, and allegiance to societal norms, can be used in a discriminatory manner. If opposition politicians are subject to quasi-legal persecution, court cases could be used to stop them from contesting an election. In other cases, the requirements may not have the desired effect. Where a certain level of education is required, that often discriminates against women who have not had the same access to formal education as their male counterparts.

In general, the imposition of too many requirements always carries with it the risk of creating legislatures or other elected bodies that are dominated by an unrepresentative elite.

7.3 De-Registration of Parties and Candidates

De-registration procedures need to be in place for occasions where a political party or a candidate wants to withdraw from the election, or is forced by circumstances to withdraw, as well as for cases where the de-registration is not voluntary but decided by the Electoral Management Body or similar authority. To read about rules for registration of political parties and candidates for elections, see the file "Registration for Election and Nomination of Candidates".

De-registration practices have often been employed as a tool to oppress opposition parties and candidates. Therefore, the stipulation of clear de-registration rules is considered an important issue for democratizing countries.

If a candidate has been registered and the ballot papers printed, countries have different ways of dealing with the situation. For examples, read the file "Resignation, Removal, Death of a Candidate Before an Election".

Voluntary de-registration

A registered political party or a candidate may voluntarily apply to be de-registered for several reasons. If a candidate has been approved for the elections, but wants to withdraw his or her nomination just before the elections, electoral laws often stipulate the necessary administrative actions.

A registered party may often apply for de-registration at any time; however, a registered political party often cannot be de-registered during the campaign period of a general election. For voluntary de-registration, there usually has to be a formal application. Sometimes, the electoral law stipulates who has to sign the application to de-register, such as the party leader, a minimum number of party members, or the parliamentary party group. In many countries, the

Chief Electoral Officer decides whether the application will be granted or not, possibly after having considered the reasons for de-registration.

Involuntary de-registration

Sometimes involuntary de-registration may be used as a penalty against political parties and individual candidates in case of serious infractions of the electoral law. De-registration of political parties and candidates is the strongest sanction and in liberal democracies only applied for very limited and well-defined infractions in order to prevent abuses of the sanction itself, e.g., to exclude bona fide parties and candidates of the opposition parties from the elections.

The party that is in danger of being de-registered often has a certain timeframe to respond to accusations. In particular, the de-registered candidate or party needs a certain time to appeal for reinstatement. Some candidates and parties may refuse to accept their de-registration for election, in particular if they are not aware of the reasons for de-registration. The appeals process is an essential part of a free and fair election.

Several reasons can lead to involuntary de-registration of a registered political party, generally involving situations where the political party is no longer able to fulfil the requirements defined by the electoral or party law. Examples are cases where:

- The party has failed to nominate candidates in time for election
- The party has failed to report in time about internal party changes, such as change of party name, logo, or replacement of party leader
- The party has failed to report financial transactions, such as election expenses and incomes
- The party no longer fulfills membership requirements
- The registration was gained through corruption or other unlawful means
- In the case of candidates, de-registration can occur if the candidate for example
 - Starts campaigning before he or she has officially registered as a candidate
 - Campaigns during the blackout period (if any)
 - Dishonours other candidates in the election campaign or in other ways violates important aspects of the electoral law

7.4 The Effect of Electoral System on Parties and Candidates

There are several elements of electoral systems that may influence political parties in their magnitude, organisation, and campaigning and the opportunities for independent candidates in a political system.

One of the most important factors is the electoral system's ability to translate votes cast into seats won proportionally. Determining this is to a large extent the district magnitude, which is the number of members to be elected in each electoral district.

Under a Plurality/Majority system such as FPTP, AV, or the Two-Round System, there is a district magnitude of one; voters are electing a single representative.

By contrast, all PR systems, some plurality/majority systems such as Block Vote and PBV, and some other systems such as Limited Vote and SNTV, require electoral districts which elect more than one member. Under any proportional system, the number of members to be chosen in each district determines, to a significant extent, how proportional the election results will be.

There is generally a strong positive correlation between average district magnitude and average party magnitude. The party magnitude is an important factor in determining who will be elected. If only one candidate from a party is elected in a district, that candidate is likely to be male and a member of the majority ethnic or social group in the district. If two or more are elected, balanced tickets may have more effect, making it likely that more women and more candidates from minorities will be successful.

Different kinds of electoral system are likely to encourage different kinds of party organisation and party system.

Highly centralized political systems using closed-list PR are the most likely to encourage strong party organisations; conversely, decentralized, district-based systems like FPTP may have the opposite effect. The type of electoral system may influence the type of party system that evolves. The FPTP system, for instance, mostly sustains a party system that consists of two major parties, often gravitating towards a party on the left and one on the right, alternating in power. Proportional Representation Systems, on the other hand, encourage the formation of several political parties, thereby better reflecting the policy, ideology, or leadership differences within society.

The electoral system design is crucial for the understanding of the position of individual candidates in the political system as a whole. Different kinds of electoral systems result in different relationships between individual candidates and their supporters. In general, systems which make use of single-member electoral districts are seen as encouraging individual candidates to see themselves as the delegates of particular geographical areas and beholden to the interests of their local electorate. By contrast, systems which use large multi-member districts, such as most PR systems, are more likely to deliver representatives whose primary loyalty lies with their party on national issues.

The electoral system design can influence the way a party campaigns and the way political elites behave. Proportional representation list systems, where voters choose between parties and policy programmes, are said to foster campaign centralization. Proportional representation systems also encourage parties to campaign beyond the districts in which they are strong, because the political parties aim to increase their overall votes regardless where the votes come from. In Plurality/Majority Systems, on the other hand, voters tend to choose between

candidates rather than among political parties and programmes. In a single-member-district system, the campaigning would focus on that particular candidate.

Additionally, under a Plurality/Majority system, a party may practically abandon its campaign in a district where it sees no chance of winning.

7.4.1 District Magnitude and Political Parties

The district magnitude refers to the number of legislative seats assigned to a district, ranging anywhere from the exclusive use of single-member districts to a system where the entire country functions as a single district. District magnitude is the primary determinant of an electoral system's ability to translate votes cast into seats won proportionally.

The district magnitude also has an impact on political parties, candidates, and campaigning. Small district magnitude, for example, fosters stronger links between individual candidates and their local constituencies. On the other hand, large districts give a stronger proportionality, and when more persons are elected from one district, they are more likely to represent various points of view, so more voters will feel that their opinion is represented in the legislature. District magnitude thus has an effect on the extent to which voters feel that their views are represented.

Large districts (together with a relatively small number of parties) increase party magnitude, the number of representatives from one political party elected from the district. This tends to affect candidate selection by political parties, since if the party magnitude is large, it is more likely that the legislature will consist of members from different ethnic and social groups, both sexes, etc. since parties will feel that they can win the most seats by presenting a wider variety of candidates.

The district magnitude also has implications for campaigning. If the district is small and the party magnitude less than one, political parties may decide to spend their campaign resources elsewhere instead of “wasting” them in districts where they are not likely to win any seat.

Because of this, there has been a lively debate about the best district magnitude. The systems which want to achieve the greatest degree of proportionality will use very large districts, because such districts are able to ensure that even very small parties are represented in the legislature. In smaller districts, the effective threshold is higher.

The problem is that as districts are made larger—both in terms of the number of seats and often, as a consequence, in terms of their geographic size as well—the linkage between an elected member and his or her constituency grows weaker.

Large districts can have serious consequences in societies where local factors play a strong role in politics or where voters expect their members to maintain strong links with the electorate and act as their ‘delegate’ in the legislature. Accountability can be diminished and people can become disengaged from politics if they cannot clearly see who represents their region or district in the legislature.

7.4.2 Party Magnitude and Candidate Selection

Party magnitude can be defined as the number of seats a party wins in a specific electoral district.

The party magnitude is an important factor in determining who will be elected. If only one candidate from a party is elected in a district, political parties will seek to field a candidate that they are relatively certain will win. This often means that the candidates fielded in electoral districts where the party magnitude is one will often be from the dominant ethnic and social group of the district, and will in most cases be a man since their chances of winning the seat are perceived to be greater. If, on the other hand, the political party believes that more than one of their candidates will be elected from the district (i.e. that the party magnitude is greater than one), they have the opportunity to put together what they think will be a “winning team” or a “balanced ticket”. Women, youth, and persons from other ethnic and social groups than the majority are more likely to get a place on such a candidate list. The further down the party goes on their candidate list in the specific district, the more likely it is that the elected candidates will be a diverse group, more representative of the overall population of the district.

There is generally a strong positive correlation between average district magnitude (i.e. the total number of seats distributed to all parties in an electoral district) and average party magnitude. As the number of seats per district increases, parties will go further down their lists (that is, win more seats), and more parties will have multi-member delegations. Larger districts (seven or more seats in size) and a relatively small number of parties will increase the party magnitude.

7.4.3 The Effect of Electoral System on Party System

Some electoral systems encourage the evolution of political parties more than others. Also, the type of party system that evolves is greatly influenced by the electoral system in place.

The FPTP (First-Past-the Post) system, as the simplest example of Plurality/Majority systems, generally provides voters in a district a clear choice between two parties, often gravitating towards a party on the left and one on the right, alternating in power. This can be explained by the inherent disadvantages faced by smaller parties under FPTP. Typically, FPTP gives rise to a single-party government and to a coherent opposition party. The FPTP system advantages broadly based political parties that try to encompass many elements of the society and thus disadvantages extremist parties and those that focus on a single issue. On the other hand, the FPTP system excludes smaller parties and minorities from fair representation.

Proportional Representation Systems, on the other hand, encourage the formation of several political parties that generally reflect policy, ideology, or leadership differences within society. Also, minority parties gain easier access to representation. Under certain conditions, PR Systems can result in stability and continuity in government and public policy decision-making. Having said that, the greater number of parties that PR systems tend to give rise to may, at the worst, lead to a destabilizing of the political system in general.

For instance, in an extreme pluralistic system, the need for coalition governments sometimes forces parties to cooperate with tiny extremist parties in order to form a majority. PR systems can also offer an opening to extremist parties, because they, as all small parties, get a disproportionately large amount of power when larger parties need their support in order to form a government.

Other impacts of different types of electoral systems on political parties and party systems in democratic societies can be summarized as follows:

- Highly centralized political systems using closed-list PR are the most likely to encourage strong party organisations; conversely, decentralized, district-based systems like FPTP may have the opposite effect.
- Not only the shape of a party system but also the internal cohesion and discipline of parties may be affected by the electoral system design. Some electoral systems encourage more factionalism than others. This often leads to internal party disputes where one wing is constantly at odds with another wing. Other systems, in contrast, tend to foster the unity of a party, e.g. to speak with one voice.
- Besides the electoral system design, there are many other electoral variables that can be used to influence the development of party systems. For example, new democracies like Russia and Indonesia have attempted to shape the development of their nascent party systems by providing institutional incentives for the formation of national rather than regional political parties. Other countries, such as Ecuador and Papua New Guinea, have used party registration and funding requirements to achieve similar objectives.
- Access to public and/or private funding is a key issue that cuts across electoral system design, and is often the single biggest constraint on the emergence of viable new parties.

Just as electoral system choice will affect the way in which the political party system develops, the political party system in place affects the evolution of the electoral system. Existing parties are unlikely to support changes that are likely to seriously disadvantage them, or changes that open the possibility of new, rival parties gaining entry to the political party system, unless there is a strong political imperative. The range of options for electoral system change may thus be constrained in practice.

7.4.4 The Effect of Electoral System on Candidates

One should keep in mind that the different kinds of electoral systems result in different relationships between candidates and their supporters.

In general, systems which make use of single-member electoral districts, such as most plurality/majority systems, especially the FPTP system, are seen as encouraging individual candidates to consider themselves as the delegates of particular geographical areas and beholden to the interests of their local electorate.

The FPTP System tends to encourage voters to make their choice rather among the individual candidates than between the different political parties and programmes. A popular independent candidate has therefore much better chances to gain support than in PR systems. This may be

particularly important in developing party systems, where politics still revolve more around extended ties of family, clan, or kinship and is not based on strong political party organisation. Additionally, plurality/majority systems are said to maximize the ability of the electorate to throw out unsatisfactory individual representatives.

By contrast, systems which use large multi-member districts, such as most PR systems, are more likely to deliver representatives whose primary loyalty lies with their party on national issues. Both approaches have their merits, which is one of the reasons for the rise in popularity of mixed systems that combine both local and national-level representatives.

Holding individual representatives accountable The question of accountability is often raised in discussions of political parties and electoral systems, especially in relation to individual elected members. Accountability at the individual level is the ability of the electorate to effectively check on those who, once elected, betray the promises they made during the campaign or demonstrate incompetence or idleness in office and to ‘throw the rascals out’.

The relationships between electors, elected members, and political parties are affected not only by the electoral system but also by other provisions of the political legislative framework such as term limits, provisions regulating the relationship between parties and their members who are also elected representatives, or provisions barring elected members from changing parties without resigning from the legislature. The freedom for voters to choose between candidates as opposed to parties is another aspect of accountability.

7.5 By-Elections

Due to death, resignation, or expulsion of elected representatives from a party, parliamentary seats sometimes become vacant between elections. How often vacancies arise largely depends on the term of the office: the shorter the term, the less frequently there are likely to be vacancies.

Related to this is the question of whether or not elected representatives can keep their seats if they leave or are expelled from their political party, which can be dealt with in different ways in legislation. If they are allowed to keep their seat, there is no need for a by-election. For more information about this, read the file about [Floor-Crossing](#).

How to fill the vacant seat

If a seat becomes vacant between elections, List PR systems often simply fill it with the next candidate on the list of the party of the former representative, thus eliminating the need to hold another election.

However, plurality/majority systems often have provisions for filling vacant seats through a by-election. A by-election offers the opportunity to fill the vacant seat with a fresh candidate, and it allows the voters to express their will again. Voters may vote differently and thereby express discontent with the government. In a FPTP, single-member district system, by-elections are held in the constituency with the same rules applying as at general elections but often with

other types of candidates, e.g., more publicity-seeking individuals who gain more attention in by-elections than they would in a countrywide general election.

Effects of by-elections

By-elections are smaller and therefore less costly than normal elections, but in some countries they will nevertheless put a significant burden on the budget, and seats are sometimes left vacant for long periods because of a lack of capacity to arrange by-elections. This is an especially salient problem in some countries in Africa, where the HIV/AIDS epidemic often leads to a large number of vacant seats between elections.

Since it usually takes time to hold and organise by-elections, the seat remains vacant for a while. This may cause problems for party groups in parliament, if they need every single member to vote for passing or rejecting legislation.

In some circumstances, by-elections can have a wider political impact than merely replacing individual members, and are seen as a mid-term test of the performance of the government. If the number of vacancies to be filled during a parliamentary term is large, this can lead to a change in the composition of the legislature and an altered power base for the government, or even a change in government.

Voting in by-elections generally differs from that in a general election, in that voters tend to express discontent with the current government in by-elections. The more the by-election is in the middle of the legislative term, the more losses a government in power usually has to expect. Furthermore, since only one member of the legislature is being elected in the by-elections, voters sometimes feel encouraged to vote for parties that would not gain a lot of support in a general election. Another difference between by-elections and general elections is the fact that by-elections usually receive less publicity and therefore voter turnout rate is mostly lower.

It is possible to avoid by-elections by electing substitutes at the same time as the ordinary representatives. If a member of parliament needs to leave the seat, the elected substitute simply replaces her/him. These substitutes may also replace the elected representative and therefore participate in voting and parliamentary work if the principal suffers from a sickness, travels, or is on parental leave.

7.6 Relationship between Parties and Candidates and the Electoral Management Body

This section deals with the relationship between the Electoral Management Bodies (EMB) and the political parties and candidates as key stakeholders in the electoral process. Since the parties and candidates are involved in every step of the electoral process, it is in the interest of both the EMB and the parties and candidates to maintain close relations and regular meetings throughout the process.

The section "Parties and Candidates as Stakeholders" will discuss how political parties may perform their function as key stakeholders in the electoral process, depending on how intense their involvement in the electoral management is. The type of relationship between political parties and candidates and the EMB differs between countries. In some, parties may be important parts of the election commission itself, while in other cases they are only involved through consultation mechanisms. For more information on the types of involvement of parties and candidates in the EMB, read the section "Types of Involvement".

Consultative meetings can be formalized through Party Liaison Committees or similar bodies.

7.6.1 Parties and Candidates as Stakeholders

When the Electoral Management Body (EMB) designs and implements its policies and activities, it needs to take into account the concerns and needs of political parties and candidates. Parties and candidates are key stakeholders in the elections – they are the ones carrying out campaigns, monitoring the process, and ultimately gaining or losing elected office. It is in the interest of both the EMB and the parties and candidates to maintain good relations throughout the process. Unless the EMB has an open-door policy and treats all parties and candidates equally, its policies and programs will attract opposition and criticism that will make it difficult for the EMB to enjoy widespread support. Regular joint meetings with political parties – at least one per month and perhaps more frequently during an election period – can provide a framework for this mutual communication.

It is important that political parties be involved in consultations about setting the EMB's strategic objectives and in evaluations of its performance. As a key customer, political parties' and candidates' opinions on the EMB's focus, priorities, and service provided are a useful ingredient in improving electoral management. During election periods, regular consultation with political parties and candidates can promote agreement on the EMB's timetables, processes, and outputs, as well as ensure that parties and candidates remain fully informed of all aspects of the electoral process. After each election, it is useful for the EMB to include political parties in general consultations with stakeholders on how to improve the electoral framework.

The type of relationship that the political parties and candidates may have with the EMB differs between countries. At times, parties form part of the election commission itself, while in other cases, there are even few consultation mechanisms.

7.6.2 Types of Involvement

Electoral Management Bodies (EMBs) can legitimately be constituted in a non-partisan way, in a multi-partisan way, or through a mixture of both. The same holds true for boundary delimitation committees. The type chosen determines the extent to which political parties and candidates are involved.

Non-partisan Electoral Management Bodies

In non-partisan EMBs, political parties and candidates have no representation. The persons on the board are there in their capacity as election administrators, trusted public figures, election experts, or other professionals seen as impartial and independent of political powers.

Multi-partisan Electoral Management Bodies

Many countries, especially those that experienced difficult transitions from authoritarian rule to multiparty democracy, have opted to use what are called multiparty-based or partisan EMBs. The fight against authoritarianism in these countries may have polarised society to the extent that it is difficult to find public figures widely accepted as ‘independent’ to serve on the EMB for a transitional election. Multiparty EMBs comprise a mixture of political party nominees and may also include some technocrats, such as judges, academics, and career public servants.

There is a belief among some electoral analysts that having political party representatives on the EMB engenders consensus among actors in the electoral contest and contributes to enhanced transparency, all of which lead to improved confidence in the electoral process. On the other hand, a political party-based EMB can imperil or cripple decision-making, especially in situations where vital party interests are at stake and members are unwilling to reach workable compromises. The presence of politicians on the EMB may undermine confidentiality in matters such as the security of balloting materials. Multiparty-based EMBs also tend to generate dissatisfaction, especially among minority parties which might be excluded from sitting on the EMB, either because they are not represented in parliament or they did not participate in the negotiation leading to the initial appointments of EMB members.^[1]

Mixed Electoral Management Bodies

Some electoral legal frameworks specify that the EMB’s members should be partly drawn from independent experts and partly from appointments by political parties. This may merge advantages from both models, producing even-handed bodies that have both political party buy-in and transparency in operations.

This ‘mixed’ model can be implemented in various ways. For instance, a standing EMB made up of 5 members of the legal profession could be augmented for election periods by 3 members of each of the majority and opposition blocs in parliament, all with equal voting rights. Thus only if opposing political tendencies agree can the independent members be outvoted. Another option could be that the EMB is a permanent body comprising 8 expert members, with a representative of each parliamentary group in the legislature and of each national political party as non-voting members.

[1] See: López-Pintor, Rafael. Electoral Management Bodies as Institutions of Governance. UNDP Bureau for Development Policy (2000). <http://www.pogqr.org/publications/other/undp/elections/electoralmgmtbodies-e.pdf>

7.6.3 Political Parties Liaison Committee

The organisation of elections necessarily requires the EMB to be in contact with political parties through their organisational structure, their candidates, agents, and other party volunteers. The EMB plays a vital role in ensuring the integrity of the election process, but it must be remembered that political parties have a similar role to play in ensuring fairness of the process and engendering confidence in the system by playing by the rules and, in particular, the acceptance of results. The EMB should establish a process whereby there is a regular contact with political parties. During non-election periods, communication may be in the form of letters, briefing notes, newsletters, or circulars supplemented by quarterly meetings.^[1]

Once an election is called, party representatives should be invited to attend a pre-election briefing where issues can be discussed such as:

- election timetable
- allocation of broadcasting time
- media monitoring arrangements
- polling place allocation
- party rally arrangements
- nomination process
- election day arrangements
- counting of the votes

Agreement among the political parties to any code of conduct or, in the absence of such a code, agreement to play by the rules, may be a useful tool for the EMB to use to demonstrate a public commitment to fair elections. Whether or not parties play a role in any aspect of election implementation, there is a strong argument to be made for weekly or regular meetings at all levels between election administrators and party representatives and those of independent candidates to ensure that the parties and candidates have a clear understanding of the process and are generally satisfied with the process. This becomes particularly important when last minute changes, however justified, are made (for example, the late addition of polling stations, voters list alterations, or revised boundary delimitation). Meetings of this type also provide the parties with the opportunity to make comments and suggestions, air complaints and concerns, and “let off steam”. This can serve to resolve situations before they become major issues as well as to develop mutual sensitivity and understanding between parties and electoral officials.

An “advisory” or “consultative” committee can be provided for in the electoral law. Such provisions would stipulate the establishment of the group, comprising one or more representatives from each party or independent candidate, require regular meetings with the commission or at least a dedicated subcommittee, and give them certain rights (such as the inspection of documents).

In some contexts political parties establish their own political party dialogue mechanism. This kind of interparty dialogue mechanism can be informal or more institutionalized in nature, for instance in the case of a multiparty foundation, and can be used by the EMB as an entry point

to reach out to political parties throughout all phases of the election cycle.

[1] See: *Electoral justice in Africa: placing trust in informal mechanisms*. International IDEA, on-line article, posted December 13, 2010. http://www.idea.int/elections/ej/electoral_justice_africa.html

7.7 Media in Election Campaigns

Political parties and candidates tend to find the media, and in particular television, more and more important for campaigning and seek to appear as much as possible on the television. Television is widely regarded as the most important instrument for campaigning and communication to the voters in countries with widespread coverage and audience.

If there is to be some regulation of what the media may or may not do during an election, then logically this is likely to apply to a specified campaign period. There is usually a period of official campaigning during which the regulations will apply, while otherwise normal practice will prevail.

The official campaign period is a period just before an election. Nevertheless, campaigning for public office usually takes place for a longer period of time than the "official" campaign period specified in the electoral calendar.

In some countries, there are also regulations specifying a period of "campaign silence", a time frame or a certain number of days immediately before the elections during which no campaigning at all is permitted and there are strict limitations on what the media may write or broadcast.

In recent electoral cycles, technology has become increasingly prevalent during the pre-electoral portion of the electoral cycle. These include the use of texting/SMS through widespread cell phone use even in rural areas, smart phone use predominantly in urban areas, and either private or internet café-based on-line platform access (such as Facebook, Twitter). A number of specific examples are addressed in the Case Study portion of this module.

Role of Media in Elections Campaign

The media has a role to inform the citizens about the competing political parties and their programmes and candidates, and to contribute to the formation of opinion of the electorate. This may include formal voter education material provided by the electoral management body; alternatively or additionally, the media themselves may produce their own voter education materials.

The overall aim of media coverage during elections campaigns in democracies is fair and objective reporting and information dissemination. This can, for instance, be achieved through measures such as a just allocation of broadcasting time between all the competing parties and

candidates, (voluntary) agreements on fair news programmes, reports, and non-news programmes, or debates between party leaders. It is crucial in the first instance to ensure that every party and/or independent candidate has access to the media, in particular radio and / or television, since most voters gain their knowledge about politics via the media. That means that a broadcaster is not entitled to influence the public opinion by different treatment of one or another candidate or party. But still it is often the broadcaster who decides who is gaining access to the debates and discussion programmes.

Media is sometimes manipulated by the governing party (especially if the media is state-owned) to report in their favour. Manipulation can take place during the designing of the programmes, reports and news, discussion programmes, and even non-news programmes, such as pure entertainment shows and movies. Propaganda may be disseminated under the guise of objective public information by the government. The danger of misuse of government power for campaigning purposes can be limited if laws and regulations are in place to regulate the role of the media in the elections campaign.

Laws and Regulations concerning the media in elections campaign may define:

- If parties and candidates are allowed free political advertisement
- How time or space will be allocated to candidates and political parties
- Whether paid political advertising is to be permitted
- If election expenditures that affect advertising campaigns are limited
- Whether time and content of electoral broadcasts is to be restricted
- What duty the media has to carry voter education material (Link to Regulation of Content of Direct Access Material)
- Whether there is to be a right of reply to factual misrepresentation in the media
- If opinion poll findings are to be published.
- What the regulations should be about policies on "hate speech" and defamation.

The public media are thought to have a special duty to publish or broadcast election statements by competing parties. It is generally accepted that the publicly funded media have some obligation to allow parties and candidates to communicate directly with the electorate on an equal basis, whereas the private media have the right to publish or broadcast more often statements of the parties and candidates they prefer.

7.8 Campaigning

Electoral campaigning is the process by which a campaign organisation (be it a party, candidate, or special interest organisation) seeks electoral support in a bid to win political office (see Farrell 1996, Kavanagh 2000:29 and Nelson 1999). This has most recently been adopted as a comprehensive Campaign Cycle Approach by many international assistance providers and indigenous political parties and other electoral actors. This approach involves the pre-electoral preparation period, the electoral (Election Day) operational period, and the post-electoral strategy period.[1]

The campaign period is the period just before an election. Many countries choose to define a set campaign period during which special rules apply to parties, candidates, and media. In reality, campaigning for public office is usually done for a longer period of time than the "official" campaign period specified in the electoral calendar. In other countries, there are no laws or regulations at all to define a clear electoral campaign period.

In some countries, there are also regulations specifying a period of “campaign silence”, a time frame or a certain number of days right before the elections in which no campaigning at all is permitted. This regulation may be restricted only to the visual media, like television or cinemas.

There are several campaign issues that can affect the fairness and integrity of the election. These include the timing of the campaign, ability to campaign freely, the neutrality of electoral officials during the campaign, security for participants, and free access to media.

Factors influencing Electoral Campaigning

Electoral campaigns can be very different in different countries and between elections. Many factors influence the nature of the campaign, including the type of office the election is for; the legislative framework for electoral campaigning (such as electoral laws), cultural habits, and media outreach; the electoral and party systems, etc. Campaign strategies are on the one hand influenced by the political context in which they occur, and on the other hand affected by the political parties who conduct the electoral campaign. (Kavanagh 2000)

Electoral campaigning varies heavily depending on the type of political system. A presidential system tends to promote candidate-centred campaigns, while parliamentary systems favour political parties (see Farrell 1996). In general terms, federalism tends to promote decentralized campaigns, whereas a centralized political system leads to a national electoral campaign.

The electoral system design can influence the way a party campaigns and the way political elites behave. The type of the electoral system may, for instance, determine the broader political climate, encourage rough competitiveness between parties, or promote the building of alliances between parties. Electoral system design may also encourage parties to be broadly based and accommodate widely varying perspectives. Proportional representation list systems, where voters choose between parties and policy programmes, are said to foster campaign centralization. They encourage parties to campaign beyond the districts in which they are strong, because the political parties aim to increase their overall vote totals regardless where the votes come from.

In Plurality/Majority Systems, on the other hand, voters tend to choose between candidates rather than among political parties and programmes. In a single-member-district system, the campaigning tends to focus on the particular candidate and his or her electoral campaign and issues relevant to that particular district.

The type of the party system may also influence the campaigning strategies of the political parties. In two-party systems, which often evolve out of Majority/Plurality Systems, the

campaign is often heavily competitive, and the parties compete for the marginal votes to gain a majority (see Farrell 1996). In multiparty systems, on the other hand (which often emerge out of proportional representation systems), parties don't necessarily compete for the marginal votes, because these usually aren't crucial for the parties' seats in parliament. But still, the major parties may compete very intensively against each other in PR Systems, especially if the parties are forming opposing blocks and pre-election alliances.

The availability of campaign finance partly determines the nature of the campaign, especially the professionalisation of campaigns.

[1] See: [UNDP GPECS Electoral Cycle Approach](#)

7.9 Coalitions and Elections Alliances

Political parties form a pre-electoral coalition by publicly stating that they intend to form a government with each other if they receive enough votes in the up-coming elections. In many cases, however, political parties contest the elections completely independently, and voters therefore do not have any opportunity to accept or reject the post-election discussions leading to a new governing coalition.

By coordinating their campaigning strategies and sometimes even by harmonizing their political programmes, parties try to improve their chances to win as many seats as possible in the legislature. Sometimes, a political party may even give their supporters tactical recommendations to vote for the potential coalition partner, in order to ensure that all the political parties that are part of the pre-electoral coalition will gain enough votes to be represented in parliament. This is especially done in electoral systems where voters can cast two votes on one ballot and have the possibility to split their votes and may therefore support two different parties with the one ballot cast. If, for instance, supporters of a major party cast one of their votes in favour of the potential coalition partner, this may help both parties to gain representation in parliament.

Pre-election alliances are a common phenomenon in liberal democracies. Only in Western Europe, more than 200 pre-election coalitions were formed between 1946 and 2012. The forms of pre-electoral coalitions vary from party to party and from country to country, ranging from a loose promise to govern together to shared manifestos and voting recommendations.

One can classify pre-electoral agreements between political parties by the clarity of the commitment to govern together.

According to Carroll and Cox, the weakest form would be the **pure announcement to work together**, the second would be that parties **announce a joint platform**, the third that the partners would **run joint district lists or a joint national list**, and the strongest form would be that the coalitions **negotiate mutual withdrawals**, i.e. a candidate of one party in one district and a candidate of the other party in another district so that the two partners are not competing against each other in any district. In addition to these forms, the authors stress that looser forms

of electoral cooperation between parties, i.e., as running just a few joint candidates or encouraging voters to vote for an ally, may occur (ibid).

Effect on representative nature of government

If a party receives the majority of vote shares and forms the government by itself, the voters may demand the government be accountable to them. Voters then have a direct influence over government policy. If, on the other hand, parties have to seek a coalition partner in order to gain a majority of seats, voter preferences are not necessarily reflected in the final coalition government.

Pre-election coalitions are said to be helpful in these cases, as they enable the voters to identify possible government alternatives even before the votes are cast. The voters may directly support one of the proposed coalitions and therefore furnish the new government with more legitimacy.

Conditions of forming pre-electoral alliances

Although the conditions of forming pre-electoral coalitions have not been explored systematically, one can find two major hypotheses about the factors influencing coalition formation.

The so-called disproportionality hypothesis states that pre-election alliances are more likely to arise in disproportional electoral systems if there are many or at least more than two parties. The basic assumption would be that the electoral system may have a considerable effect on coalition forming and alliances in the pre-election period.

Majority/plurality electoral systems usually advantage larger parties. If there are more than two competing parties in the party system, the major parties would tend to seek pre-election alliances in order to enlarge their chances of achieving a majority in the legislature and thus being part of the government. In these kinds of electoral systems, parties may for instance share their votes or even systematically transfer votes within their electoral alliances.

Another approach to explain the formation of pre-election arrangements would be the so-called *signalling-device theory*. The formation of party coalitions before elections is interpreted as a *signal* or a *clear demonstration* to the electorate that the party would be able to govern the country in a stable coalition. This can be especially valid in cases where opposition parties manage to form electoral coalitions against the ruling one-party government. If a major party has ruled for a very long time, the opposition parties may want to move closer together (i.e. ideologically), and to form alliances in order to try to replace the government.

7.10 Resignation, Removal, Death of a Candidate Before an Election

If a candidate dies, withdraws, or leaves his or her political party after the ballots are printed but before the election is held, there are different ways in which legislation can deal with the problem. It is useful to define in legislation or regulations for the election the administrative

actions to be taken on the death or withdrawal (due to resignation or expulsion) of a candidate, whether as an individual candidate or a member of a party or group list for election.

It is good practice that whatever administrative or legal actions are taken following the death or withdrawal of a candidate are formally communicated by the election administration to all other candidates, groups, or parties whose candidature has been accepted for the affected election.

The administrative actions taken would generally be of greater sensitivity where the candidate has been nominated for an election in which each candidate appears individually on the ballot, as any replacement candidate would ideally have to go through the same nomination process the original candidate went through – e.g., collecting signatures, public inspection of nominating petitions, etc. – which would be very time consuming. Where only party or group list names appear on the ballot, equitable election systems would contain mechanisms for substitution of another candidate from the list, or another party or group nominee, were the candidate to be elected.

Sometimes a candidate wants to withdraw his consent to nomination. It is generally not practicable, and may invite intimidation of candidates, for systems to allow withdrawal after the closing time for nominations (however, this is allowed, within a short period after close of nominations, in some jurisdictions, particularly at the local government level).

Countries often require that a request for withdrawal of candidacy be in the form of a signed, witnessed statement by the candidate.

7.11 Parties as Election Monitors

An important responsibility of political parties is to act as watchdogs during the election process, to protect the party's interests by closely monitoring the correctness of the procedures used during the elections. The crucial role of party representatives is to witness the entire procedure and to check for irregularities that might constitute fraud. This requires the presence of the parties during the registration process, when the ballot boxes are sealed, during the voting process, when the ballot boxes are opened, when votes are counted, and when ballot boxes are transported.

Advantages of the involvement of party and candidate agents monitoring the election include that they contribute to the legitimacy and trust of the process. Political parties that have observed the electoral process are less likely to oppose the official results unless they have evidence of fraud. It can also reduce the cost of the elections by employing voluntary observers during, for example, the transportation of votes, instead of relying on costly security and expensive material. The risks of such an approach, on the other hand, may be that the party and candidate agents dominate the process and intimidate voters and candidates.

Countries have different ways of registering voters. A task normally expected of parties in countries where registration is voluntary and not automatic, is to ensure that their supporters are included on the voter's roll. They may also have the task of objecting to the registration of

those they feel are not entitled to be on the register. In many counties, the public authorities leave it to the rival parties to conduct the policing of the register (voter's list) on the assumption that their local organisations will have local knowledge and that it will be in their self-interest to object to the inclusion of ineligible individuals placed on the register by their political opponents. In order to allow this "policing by party", the system in many countries is to publish a draft or provisional register; followed by a period of complaints and objections, only after which the final register comes into force.

The presence of agents of candidates and parties during the voting is a strong anti-fraud device. However, this depends on the ability of each party to recruit and train the necessary number of local representatives. It has proven difficult for parties in some countries to recruit poll watchers in areas where they were politically weak. The opposite problem can also occur, i.e., the polling stations become overcrowded with dozens of agents. Monitoring the transport of ballots and sensitive election equipment can be done by party monitors or independent observers. In many cases, police or other security personnel accompany the transported material. In established democracies, sometimes a high trust level results in no monitoring of the transport whatsoever. Polling station staff might transport the votes themselves. One of the most difficult and yet essential parts of the process to monitor is the vote count. Mechanisation, or a complex count, may lead to suspicion on the part of the party monitors. A clear understanding of procedures is essential to present proper challenges to inaccuracies or unfairness at the count.

8. Parties and Candidates in Legislatures

This section deals with political parties and candidates in the legislature. Political parties and candidates stand in elections and engage in electoral campaign in order to win seats in the legislature. Legislation and or internal party rules may deal with certain issues concerning parties and candidates in the legislature, such as the ties between elected representatives and their political party or rules concerning building of party factions and caucuses in the legislature.

After the elections are held, parties need - depending on the electoral result - to engage in government formation processes, or to form the parliamentary opposition. The following section focuses on the process of government formation, analyzing coalition talks, bargaining processes and portfolio allocation between the political parties.

Political parties inside the legislature often form parliamentary groups or caucuses. These party groups function differently from the part of the political parties mainly acting outside the parliament. Issues as joint voting, party discipline and policy formulation are often dealt with in the party caucus.

This section also discusses what happens when Members of Parliament want to leave their party and what happens to the seat. There are different ways that legislation can deal with this, one will be to allow the Members of Parliament to keep their seat and to cross the floor, others to let the party keep the seat and fill it with another person, or to hold a by-election for the seat.

8.1 Formation of Government

Unless one political party or pre-election alliance wins an absolute majority of the seats in the legislature, a new government is formed only after a bargaining process between the political parties in the post-election phase. Political parties that have not formed pre-election alliances negotiate to form coalitions in order to ensure that the government is supported by a majority of the legislators. During the coalition talks, the parties negotiate about cabinet seats, portfolio allocation, and a common policy programme.

It is not always predictable how the outcome of the elections and the allocation of seats in the new legislature will affect the formation of a government. Which political parties aspire to form the government, what alliances they can form with other parties and independent candidates, and how successful they are in the negotiations will determine the shape of the new government.

Likelihood of forming government together

- The smaller the ideological distance between political parties, the more likely it is that they will form a coalition government together. They are more likely to be able to agree on policy decisions, and their voters are more likely to accept the coalition.
- The political party occupying a core position in the policy space is able to form a coalition with more parties than any other political party. The party holding the core position has the highest bargaining power of all other actors, because it has the most alternatives to form coalitions with other parties and is therefore most likely to be part of the final government. This can lead to situations where a very small political party can have a very good bargaining situation.
- If political parties at one end of the political spectrum have large ideological differences between them, it will be more difficult for them to form government together. This also means that minority governments are more likely to succeed the larger the ideological divisions are within the opposition they are facing.

These factors are considered the most relevant in government formation:

- The major party in the legislature is most likely a part of the new government, even if it does not have an absolute majority on its own. It is also often the largest party that nominates the Prime Minister.
- Coalitions need support from a majority of the legislators, but parties forming the coalition also want as few competitors as possible for the government posts. The most likely type of coalition to form is therefore a minimal winning coalition where parties try to gain support from as many legislators as possible while involving as few political parties as possible.
- Negotiation processes often lead to situations where the political parties that in the end form the government decide to share the government positions (ministers etc) proportionally according to seats gained in the legislature. (Gamson 1961).

- In contrast to the above assumption, the formateur of the government (usually the party that has received the most votes/seats) would act as the agenda-setter and as the leader in the coalition talks and would use its power to achieve the greatest payoffs.
- Incumbency may have a positive effect on a party's participation in the formation of a new government. It is more likely for the governing party to re-form government than for a new political party or coalition to take its place, even if the votes for the two sides are equal. This is said to be especially true for cases when the party of the incumbent prime minister obtains most of the seats in the legislature.

Moreover, they may be other determinants that in particular guide political parties in the government formation talks and the bargaining process.

- Pre-electoral announcements like pre-electoral coalitions may have a great influence on the formation of the government: If a party publicly states that it intends to form a coalition with another party in case of winning the majority of seats, the likelihood that this coalition will form government is much higher than otherwise
- Some political parties tend to aim to hold a particular ministry position, such as socialist parties bargaining for the ministry for labour and social affairs, and green parties preferring the ministry for environmental issues.
- Individual career objectives of important party members or leaders have to be taken into account.
- Mixed motives are most likely to dominate coalition formation processes in practice: neither pure office-seeking nor pure ideological policy-pursuing motives lead parties to form (part of) a government.

8.2 Party Group/Caucus

Much of what is seen of political parties is their work outside the legislature in election campaigns, policy formulation, etc. Political parties, however, work inside the legislature as well. The political party formation in the legislature is usually called the parliamentary group or caucus.

The party caucus consists of the elected representatives of the party (sometimes of a coalition of parties) and tries to solve collective problems of individual legislators, coordinate their interests, and discipline those who violate the party rules.

The major functions or tasks of parliamentary groups in the legislatures can be summarized as follows:

- Choosing floor leaders and presiding officer
- Allocating committee chairmanships and negotiating committee assignments among their members
- Deliberation among the party members
- Identifying different and distinctive interests and wings in the party group
- Formulation of party position regarding bills and wider policy principles in specialized party committees before they are introduced into parliament

- Persuasion of party members and disciplinary action to take a common position on important issues (see below)

The joint vote

The parliamentary party groups often seek to ensure that joint voting in the parliament is possible by disciplining the members to the party line and by adjusting controversial opinions and positions inside the party. The cohesiveness of political parties in the legislature varies considerably between the parliamentary democracies: in some countries, the parties strive to be highly cohesive and have almost achieved complete party discipline. Party discipline is in many cases ensured through a system of announced parliamentary whips link to glossary. In other political systems, relatively few decisions are placed under strict compulsion, depending on the content of the bill to decide on and the required majority of votes.

8.3 Floor-Crossing

The term floor-crossing can be used in two different ways. The definition used here is the process when one Member of Parliament (or Council) ultimately leaves his or her political party in order to join another party or become an independent candidate.

The term was first used to describe the process when Members of the British House of Commons crossed the floor to join the group of people (members of another political party) that was seated on the opposite site of the floor.

In some cases, the term floor-crossing is used to denote the singular event of voting with another party on one particular and special question. This is the case in a few countries, where the Members of Parliament vote through their seating position and are allowed to change their seat for every vote, particularly in decisions without required party discipline.

When Members of Parliament leave their political party, the question is what happens to the seat. There are three main ways that legislation can deal with this:

The seat belongs to the political party

- If this is the case, the person who leaves (or is expelled from) his/her political party will lose their seat, and the party can decide whom they want to give it to. This strengthens the party organisation and keeps the political balance that voters decided on in the last election. This system is most common in countries with List PR electoral systems.
- One can argue that internal party democracy and consensus-building are strengthened if the seat is kept by the political party. If there are disagreements in the party or parliamentary group, the individual Member of Parliament may be more inclined to try to solve the problem if the seat is held by the party and does not belong to the Member of Parliament. Political party members are also empowered by this system, given that they have a say in deciding who gets the seat. In practice, it is often the next person on the list of the last election who gets the seat.

- On the other hand, party discipline may go too far, and individual Members of Parliament may be threatened with expulsion from the party (and thereby the parliament) if they do not vote according to the party line.

The seat belongs to the individual Member of Parliament, and he or she can keep the seat regardless of if they stay in the same political party

- This strengthens the role of the individual and also his or her links to the constituency. In this case, party discipline may be weakened, and some argue that individual Members of Parliament are less likely to seek consensus with party members and in the parliamentary group if they have the option to leave the party but to keep their seat at the same time. Floor-crossing is also seen by some as a justified way to respond to a changing political context and something that should be part of a dynamic and vivid party democracy.
- Floor-crossing tends to favour the ruling party and thus the government. An already weak opposition may shrink considerably through floor-crossing, which can have a negative impact on the balance of power and foster a climate of political instability and insecurity. Intensive floor-crossing of Members of Parliament leads to a low accountability in politics and may affect the legitimacy of the government.
- Floor-crossing practices have historically fostered bribery and corruption when parties try to convince other Members of Parliament to switch parties. Floor-crossers are also often disliked by the general public and accused of political opportunism and corruption. They are often perceived as having their own agenda outside the political party, trying to pursue their personal career objectives.
- Extensive floor-crossing undermines the principle of Proportional Representation, where votes are proportionally translated into seats. When a Member of Parliament crosses the floor, the balance of representation that is determined by the voters is distorted (Faull 2005). It is sometimes argued that floor-crossing violates the will of the voters and their right to choose between the candidates of one particular party. Voters do in fact rather elect candidates on the basis of party affiliation than on the basis of pure candidate preferences in most of the cases. The representatives should therefore not be free to choose party membership by themselves without regard to the voters (Faull 2005). Others say that those who claim that floor-crossing is violating the will of the voters do not understand the concept of a mandate and representation (Rapoo 2002a). They say that representation in fact means that Members of Parliament have a clear mandate to make decisions in the name of their constituents without having to seek approval of the voters between the elections.
- A high level of floor-crossing may reinforce alienation towards politics, mirrored in a decreasing voter turnout (Faulls 2005) among the population in a country. Voters may feel unrepresented and ignored and have no trust in the accountability and honesty of politicians. A lack of trust of the citizens in politics and the political system is fostered, and the ongoing process of democratization may be threatened. The legitimacy of a newly established political system may be in danger if the citizens lack trust in it. This is less true in cases where floor-crossing is allowed but not widespread.

The seat belongs neither to the party nor to the individual Member of Parliament.

- A by-election must be held to fill the seat. This system is used in countries with majority/plurality electoral systems. A by-election offers the opportunity to fill the vacant seat with a fresh candidate, and it allows the voters to express their will again. Voters may vote differently and thereby express discontent with the ruling parties.
- By-elections are smaller and therefore less costly than normal elections, but in some countries they will nevertheless put a significant burden on the budget, and seats are sometimes left vacant for long periods because of a lack of capacity to arrange by-elections.
- In some circumstances, by-elections can have a wider political impact than merely replacing individual members, and are seen as a mid-term test of the performance of the government. In addition, if the number of vacancies to be filled during a parliamentary term is large, this can lead to a change in the composition of the legislature and an altered power base for the government, or even a change in government.

9. Parties and Candidates Case Studies

9.1 India: Reservation of Number of Seats for Minorities

The Constitution of the Indian Union establishes the reservation of the number of seats for certain castes and tribes, apart from a special clause for the Anglo-Indian community. The constitutional text envisages the following, under the title "SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES":

"330.Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People. (1) Seats shall be reserved in the House of the People for - (a) the Scheduled Castes; (b) the Scheduled Tribes in the autonomous districts of Assam. (2) The number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes under clause(1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State in the House of the Peoples, in respect of which seats are so reserved, bears to the total population of the State. 331.Representation of the Anglo-Indian community in the House of the People. - Notwithstanding anything in article 81, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People."

This is a mechanism of positive discrimination, insofar as it protects the election of candidates of certain groups to ensure their representation. We have already made reference to the legal problems these mechanisms pose: insofar as they give priority to particular candidates for belonging to a group, they apply a criterion opposed to "one person, one vote", to the equal value of each vote. Therefore, even though the need for these can be justified in contexts where representation helps overcome serious cases of inequality, the effects on the groups that do not receive such special treatment, should be assessed. Thus it is reasonable for provision to be made for the number of positions reserved to be in some proportion to the population of the constituency

9.2 Cambodia: Code of Conduct

The code of conduct in Cambodia, published by the Inter-parliamentary Union in its report on the Cambodian elections in 1993, has a peculiar nature, as it was incorporated into the Electoral Law itself by the Cambodian Parliament.

At the time it was adopted by the parties competing in the elections, its contents were typical of a code elaborated in the framework of an electoral process with international assistance: a declaration on the obligation of the parties and all the subjects that took part in the process one way or another, to keep to its rules and to the electoral regulations as a whole; a declaration on the right to free and fair elections and the obligation to respect the freedom of the rest of the parties and a set of elaborated rules of conduct: some that forbid intimidating behaviour and the use of weapons, establishing rules to avoid any verbal incident, interference or restriction of liberty regarding public events or protest marches by any party; others establishing compulsory communications systems, co-operation and mediation among the parties and with the international observers, to avoid, settle or resolve incidents or conflicts of any kind among the contenders.

However, before it was incorporated into the electoral law, there was no way that this code could have been considered as a legal regulation, as it lacked essential elements for such a description: it was a non-public agreement among subjects and was devoid of the power to dictate or enact laws. Likewise, it lacked the legal consequence in case of non-compliance therewith, imposed by the legal system itself.

Its incorporation into the electoral law converts the rules of the code into legally established obligations, backed by the penal consequences envisaged in the Cambodian legal system, should it not be observed. This is an example of legislative crystallisation, by which a set of rules initially agreed upon among private subjects (although within the framework of an electoral process of evident public relevance), whose compulsory nature is derived from the commitment by the subjects that entered into the agreement, is converted into legal rules whose compulsory nature is derived from this feature.

9.3 Russia: Electoral Campaign of Variable Duration

Article 34 of the Law on Presidential Elections in Russia establishes a complicated mechanism for the naming of candidates, which includes the provision that each one of them has to present a million signatures of citizens backing their candidacy. This means that the formal naming takes place step by step, as they fulfil this requisite.

This leads to electoral campaigns of variable duration for each of the candidacies, as even though the final date is officially set for all of them, their initiation will vary depending on the date they manage to meet the legal requisites.

This situation creates an extraordinary inequality among the candidates, above all in favour of those who already hold the position for which the election is being held. This is so, not only because they are probably in a position to fulfil the legal requirements to be named sooner and will constantly have the benefit of a longer campaign, but also inevitably because of the latter,

they will be considered news by the media and the very collecting of signatures, will be dealt with as such.

Electoral laws should therefore avoid this type of campaign of variable duration for each candidate; they should establish exactly how long the electoral campaign should be and this, usually coinciding with the periods during which the different candidates enjoy particular public advantages, must be identical for all contenders.

9.4 United States: Study on Primary Elections

Introduction

Nomination procedures in the United States are unlike those of most other democratic systems. The primary election system in the strict sense, often called the direct primary election system, is used only in the U.S., and only in a few of the states. Primary elections are internal party processes that choose a political party's candidate(s) for the next general election by holding an internal election. Through this primary election process, candidates for elective offices in the U.S. are selected by voters rather than by party leaders. Exactly how this is done depends on the legal framework, internal party rules, and informal practices. Since the primary election system operates under the laws of the federal states, there can be some important differences from state to state in the operation of primaries, such as "open" or "closed" primaries.

Historical background of the primary election system in the U.S.

The primary election system in the USA emerged in the late 19th and early 20th century in an era of progressiveness as a reaction against strong party organisations and their control over nominations. Two major developments are said to have led to the emergence of statewide primary elections:

- the introduction of secret ballots that enabled free voting for party nominees
- the rejection of the party convention system for candidate selection

The evolution of primaries mirrors the wish to reduce control from the conservative organisations that dominated the Republican Party. Consequently, the growth of primaries in U.S. politics is considered to be rooted in the concern that party conventions (or caucuses) were controlled by the political machines. The first statewide primary was held 1899 in Minnesota. Two years later, Minnesota instituted the first mandatory statewide primary system. The first presidential primary election was organised in 1901 in Florida. The importance of primaries in the US voting and candidate selection system has grown considerably in recent decades. As a result, voters have gained more influence over candidate selection while the power of party leaders and organisations has declined. However, primary elections are still not held in all US states. By 2004, Alaska, Colorado, Nevada, and Utah did not have some form of presidential primary. In these states, delegates are selected at caucuses and conventions by party activists and officials at each level of the party organisation within a state. Lastly, the state conventions choose the delegates to the national convention. Caucus meetings tend to be dominated by party activists who are sufficiently committed to the party's cause to take part in each stage.

Common features of US primary elections

Variations in direct primary elections are characterized by which voters are eligible to vote in the party's primary. One can distinguish between closed, open, blanket (crossover), and nonpartisan primaries. However, there are some general features that all primaries have in common in the US.

At first, a person who seeks a party's nomination for a particular elective office makes an application for nomination. This petition has to be signed by a legally stipulated number of voters in the jurisdiction. All candidates for each party's nomination to each office appear on ballot papers. Voters mark their ballots in (governmentally supervised) primary elections, registering their preferences for one nominee for each office. Thereafter, the person with the most votes (for each office in each party's primary) is confirmed as that party's nominee. The nominees' names and party affiliations are printed on the ballot for the general election, when voters choose among candidates of various parties to fill offices.

The candidates in a presidential primary (or the state caucuses) are in fact delegates, who will themselves vote for presidential nominees at the national party conventions. Most delegates are committed to support a specific party candidate. The allocation of delegates to the presidential candidates varies considerably between the primaries in the U.S. states. How the allocation takes place can be of great importance, because a majority of the delegates' votes at the national party convention is needed for a presidential candidate to receive the party's nomination. There are three methods of candidate allocation:

One possible system applied is the *winner-take-all* system (WTA). All delegates from a state go to the candidate who wins the most votes in the state's primary election. Another system is used in Louisiana for all state, local, and congressional elections, the run-off (two-round) system, where a run-off-election is held if no candidate receives a majority of votes. The proportional representation primary (PR) allocates delegates in proportion to the number of votes each candidate received in the primary. The PR system is said to increase the voice of minorities, while the WTA system may raise the political influence of the candidate in the further nomination process.

Types of primary elections

As mentioned above, the primary election system varies between the US states in terms of who is entitled to vote in the party's primary election.

In open primaries, voters of the state can participate in one of the primary elections, irrespective of their party affiliation. Thus, voters usually don't have to make a public statement of party choices as in the closed primaries mentioned above. But still they have to decide in which primary election they want to vote in that particular election. This system allows the most popular candidate to be put forward regardless of his or her party affiliation. Although it is claimed to be a very democratic method, there is some space for abuse of the open primary method. For example, it has happened that strongly dedicated party members intentionally voted for the worst candidate in another party's primary election. The open primary system was

by 2005 employed in 20 U.S. states. Half of them require public declaration of party affiliation, the other half permit private declaration. In semi-open primaries, registered party voters may only vote in the primary of the party that they are registered in. Independents in some states can choose in which primary they prefer to vote. In a few U.S. states, parties are able to determine whether independent voters can vote in their primaries or not. For instance, in West Virginia, Republican primaries are open to independents, but Democratic primaries are closed. In some states, a voter registered as an independent who decides to vote in a party primary is then automatically registered as a member of that party and must affirmatively re-register if they wish to retain their independent status.

In crossover or blanket primaries, all voters can vote in the primary elections of any party they publicly choose. Today, these kinds of primary elections are not in use anymore (see below). They allowed voters to vote in either primary at both the Republican and Democrat primaries and to switch party primaries with each office. The only restriction was that voting was only allowed in one's party primary for each office. Blanket primaries thus offered the widest possible participation to the voters. The state of Washington employed a crossover primary system until 2003, in which voters could vote irrespective of party membership. In 2003, however, the US Supreme Court handed down a judgment that outlawed this kind of election system, because it infringed upon the rights of the political parties to select the candidates. The United States Supreme Court also struck down the blanket primary system in California in the case California Democratic Party v. Jones, decided in June 2000.

The form of primary election system which is most restrictive in terms of participation is called the closed primary election system, in which only party members are authorized to vote. Voters are not allowed to switch parties on primary election day.

Caucuses or conventions are, however, even stricter than the strictest form of primary elections for candidate selection.

To examine the difference these primary types make on voting behavior and electoral results, if any, one must look carefully at each case. There is some evidence that in states with closed primaries, voters tend to identify more with one party, and in states with open primaries, voters tend to vote in a more candidate-oriented manner.

Candidate selection through primary elections can take place for both legislative candidates as well as for presidential candidates.

Legislative Primaries

Candidates for statewide office, as well as for seats in the Congress and in the state legislatures, are selected in primary elections in virtually all states. Only in some states are candidates nominated by convention. In the latter case, two-stage elections are held, with a primary election as a first stage and a run-off if no candidate has the majority in the direct primary election.

Presidential Primaries

The presidential primary system was, as mentioned above, established to break down the power of political party organisations on candidate nomination procedures. The first presidential primary election was held in 1901 in Florida, and by 1916, presidential primary laws had been passed in 26 states. More than 40 of the 50 states hold primary elections by 2005.

The presidential candidates are officially and formally nominated by national party conventions. A couple of months before the national conventions meet, almost all U.S. states hold primary elections to select the party candidates.

Front-loading

Public interest in the primary elections is usually very high, and this has contributed to so called *front-loading*, a process of shifting the primary elections to the beginning of the election year. The huge media coverage of primary elections forces the candidates to enter the race early to gain publicity. The first primary was held in late January in New Hampshire, with the Iowa caucuses held slightly earlier. These traditionally mark the starting points of the so called *primary season* that begins in January and ends with the parties' summer conventions. The candidates have to spend a lot of time on their electoral campaign in these two states, even though they are not considered to be representative of the whole country. The results of these early elections receive a lot of media attention, and the winner is considered the *front-runner* candidate for that party. In February, 16 more states hold primaries and caucuses, and on the first Tuesday in March, so called *Super Tuesday*, 13 states hold primaries, among them the largest and most important states like California and New York. The party's nominee is virtually decided after Super Tuesday. (This information is correct as of the 2004 presidential elections.)

The primary season furnishes the candidates with a forum to gain publicity, to debate policy issues, to criticise one another, and to disseminate their campaign platform to the wider electorate.

The *front-loading* process increases the advantages of a candidate who can win most of the early primaries and can gather momentum. So, a good start to the primaries is considered important. George W. Bush, however, made a poor start in primary elections but ultimately won the Republican Party's nomination in 2000.

The most commonly mentioned critiques against the presidential primary front-loading process are

- that the frontloading process reinforces candidate-centred campaigns throughout the whole election process
- that it places high demands upon the candidates, such as:
- Front-loading leads to a compressed campaign schedule, which can be overwhelming for the candidates
- Candidates have to spend large amounts of money for primary election campaigns before the general election campaign starts. This means that candidates who can raise great amounts of money very early in the process have an advantage

- Candidates need to plan carefully for the whole primary season
- Candidates must win favour with the media very early to obtain a positive media image
- Candidates have to network early with party members to gain support for the primary elections
- Candidates must communicate their political ideas very carefully to satisfy both primary voters and the general electorate (see below)

Reform proposals for presidential candidate selection mostly concern the shortening of the campaign season to balance advantages that may arise from the frontloading process.

- One proposal aims to thwart the frontloading process through “time zone primaries” (Conley 2005: 35). All primary elections and caucuses could be moved to particular dates to achieve a time schedule that diminishes the impact of New Hampshire’s and Iowa’s primaries and equalizes the importance of different state elections in the nomination procedure.
- The National Association of Secretaries of State (NASS), many of whose members are the senior-most election official in their respective state, has put forward a proposal for a rotating regional primary system
- Another suggestion would be to hold a blanket national primary on the same day to constrain the bandwagon effect, whereby an early winner in a few small states is designated the front-runner.

Having said that, proponents of the front-loading process claim that

- The compressed election campaign during the “primary season” prepares the candidates for the real battle with their opponent(s) in the general election campaign
- Competition is generally encouraging candidates to reach out and mobilize new supporters during the primary process and that front-loading intensifies this process due to the limited time-frame Effects of primary election system

As mentioned above, the primary election system increases the voter’s influence and diminishes party leaders’ influence. To buck this trend, some party organisations try to exert influence over the nominating process by making pre-primary endorsements of candidates. Then, candidates who win support from the pre-primary gain some advantage in getting on the primary ballot. To get on the primary ballot, candidates have to win a certain percentage of pre-primary votes. Candidate with the largest pre-primary vote may gain top position on the primary ballot.

Hence, benefits of pre-primary elections will occur only if the party endorsee actually wins the primary. In that case, this may help unify the party and may reduce the impact of campaign financing on the outcome of the primary. By that, party responsibilities are combined with the final decision of the voters (see Peirce 2005).

However, the pre-primary system leads to the absurd result of another extension of the election campaign in addition to the front-loading process.

The primary election process also has caused detrimental effects that have to be stressed. Due to the primary election process, the election campaign starts a couple of months before the election takes place. This produces unnecessarily high costs. Another aspect is that all the “hand-shaking tours” (Pitts 2002) on the primary election arrangements may lead to exhaustion of the candidates. On the other hand, we could say that it allows time for a wide range of issues to be discussed. In general, it is sometimes said that the whole process of primary elections and front-loading places too much emphasis on media image and leads to an oversimplification of the political process. Policy programmes of the political parties take a back seat since the candidates and campaign events become more and more important. Candidates prefer to focus on a good media image and performance than a substantial political debate.

Another argument against primaries would be that voters lack in-depth knowledge and experience to choose the most competent candidate. Party leaders and office-holders might have more insight into the technical qualities candidates need. The primary election mechanics therefore do not necessarily guarantee that a party will nominate the candidate with the best chance of winning the general election.

On the other hand, there are a lot of positive effects of the US primary election system compared to all other candidate selection systems.

The primary election system privileges American voters compared to voters in other democracies: Voters have both the right to vote for one political party over another in the general election as well as the right to decide who their party's nominees should be. Furthermore, voters enjoy the power to vote without assuming any obligation to the party. They neither have to pay party dues nor to subscribe to the party's principles, nor do they have to vote for the party's candidates in the general election

Concluding Remarks

The case of US presidential primary elections shows that voter turnout is far lower in primaries than the turnout in the ensuing general elections. This is due to the fact that it is mainly only the most dedicated and strongly committed party members who are interested in voting in primary elections. The low turnout in the US primary elections thus leads to an exaggerated influence of a small group of ideological voters. This then puts pressures on the party candidates to cater to the often more ideological and extreme positions of primary voters during the primary season and then emphasize more moderate positions to appeal to the more centrist general electorate during the election campaign following the party convention.

Furthermore, voter turnout is generally higher in primaries for the majority party, because the winner of that primary is said to have a better chance to win the general election. Hence, one can observe tactical voting tendencies to achieve the desired result for the political party preferred. Especially in states where the open primary system is applied, voters decide tactically in what primary election to vote to strengthen the position of their favorite candidate. For example, in southern states, one can note high voter turnout including conservative “Republican” votes in Democratic primaries. As a result, a conservative Democrat has been selected several times.

9.5 South Africa: Case Study on Floor-Crossing

The term floor-crossing can be used in two different ways.

1. Sometimes “floor-crossing” denotes the singular event of voting with another party on one particular and special question. In a few countries, the Members of Parliament vote through their seating position and are allowed to change their seat for each vote, particularly in decisions without required party discipline.
2. The term may also describe the process when one Member of Parliament or Council ultimately leaves her political party in order to join another party.

The latter of the definitions is used in this case-study.

In South Africa, the Constitution used to penalize the second type of floor-crossing in the Anti-Defection-Clause (Schedule 2, Clause 23 A). The article stipulates that floor-crossers would lose their seat in parliament if they left the political party on whose list they initially gained their seat. A complementary regulation in the 1996 Constitution allows the adjustment of this article if needed. These changes can be made through simple legislation without the necessity of a two-thirds majority in parliament.

The sanctioning of floor-crossing is said to have had some major advantages in particular for the newly established democracy in South Africa (Myburgh 2003).

The prohibition of floor-crossing not only implied that votes for a party were accurately translated into seats in parliament, but also that parties had no chance to gain more seats except in the general elections. After having experienced the suppressive governance of the Apartheid system, it seemed to be very important to tame possible expansionism of the ruling party.

On the other hand, weaknesses of the prohibition were often mentioned (Myburgh 2003): the system had strengthened the party organisations and their power to select the representatives for the general public through their internal candidate selection processes. A seat in parliament was closely connected to membership in a particular political party, which implied that a Member of Parliament had no other option than to be strongly committed to the party line if he or she hoped to keep the seat.

In 2001, problems within the opposition alliance led to discussions about a change in the law. The so-called DA problem (from the Democratic Alliance) raised the discussion about the regulation of floor-crossing in South Africa and led to the evolution of a new legislation (see Knirsch/Schwab 2002).

The DA (Democratic Alliance) was an alliance between the Democratic Party (DP), the New National Party (NNP), and the Federal Alliance (FA) until November 2001, when the NNP left the alliance. Since the DA had gone to the polls at the local government elections in 2000 with only one common party alliance list, no distinction could be made between the representatives of the different political parties. Since the law stipulated that Members of Parliament could only keep their seats if they still represented the list on which they had been elected, they would technically lose their seats. The parties saw two possible solutions: either the elected

representatives could be allowed to decide by themselves to which party they wanted to belong in the future (through floor-crossing), or by-elections could be held to fill the vacant seats (for more information about by-elections click [here](#)).

Those representatives who were members of the NNP but campaigned on behalf of the DA, wished to return to the NNP in order to form a new alliance between the ANC and the NNP. Therefore, a new law that could modify the Anti-Defection-Clause of the Constitution and allow the floor-crossing of the elected representatives was highly desired. The bill that was presented in November 2001 still sanctioned floor-crossing practices but opened up the opportunity for the Members of Parliament to cross the floor without losing their seats within a two-week time period. The President of South Africa could now in consultation with the party leaders and the province premiers stipulate the time period for floor-crossing.

The new legislation was passed and now provides the opportunity for Members of Parliaments to cross the floor on two occasions in a five-year-term without losing their seats. The actual regulation of floor-crossing allows defection only when a ten-percent threshold is exceeded. A minimum of ten percent of the representatives of one party has to be willing to defect. This was inserted in order to prevent political opportunism.

Technically, floor-crossing now works like this: those who intend to cross the floor have to inform the Independent Electoral Commission (IEC). It is in the IEC's mandate to decide within which stipulated time period the floor-crossing may take place. The whole decision-making process is kept secret in order to avoid manipulation or interference from other politicians.

The results of the first floor-crossing period showed that around seven percent of the elected representatives in local, provincial, or central government made use of this possibility.

Scholars sometimes stress that the current legislation has conserved the disadvantages of the former system while abolishing the advantages for democratic consolidation in South Africa: through the two-week period of floor-crossing in March 2003, the ruling party, ANC, indeed gained several new seats and obtained a two-thirds-majority. The ANC had failed this broad voter support in the general elections in 1999 (see Myburgh 2003).

Also, in the provinces, the ANC gained more power through the floor-crossing-legislation: the party made it to an absolute majority in several provincial parliaments. Interestingly, these cases have proven the argument right that usually the largest party in parliament is favoured by floor-crossing practices. As long as the majority of the ANC seems to be wide and stable, the party will have a set of new seats from defectors from smaller parties every mandate period.

The threshold stipulation of the new law also has consequences favouring the largest party in parliament: It is much easier to fulfil the ten percent-requirement to defect from a small opposition party (a single Member of Parliament could then be enough) than from a bigger party.

Likewise, Members of Parliament will not dare to defect from a big to a smaller party. Smaller parties are in general less sure about how many seats they can win in the next elections. Therefore the individual Member of Parliament cannot rely on a seat in parliament for himself/herself for a minor party. Members of larger parties can feel more confident in gaining a seat again in the next term.

Furthermore, the new floor-crossing-system may disturb the accurate South African - Proportional Representation System.

The overarching power and majority of a major party may have dangerous consequences for the democratic processes in a newly established democracy or a country in transition: i.e. the clear separation of powers is threatened. The parliament as the legislative power may not be able to control the government anymore due to this huge identity of members of government and members of parliament and likewise a rather weak and fragmented opposition.

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11. Contributors to Parties and Candidates

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