

EUROPEAN PARLIAMENT

Electoral Laws of Parliaments
of the Member States
of the European Communities

Directorate General for Research and Documentation

Foreword

The first direct elections to the European Parliament are imminent. They will take place in accordance with the electoral law independently adopted by each Member State of the European Community. It is at present too early to predict whether with nine different electoral laws, the path to greater uniformity is being taken. It does, however, seem clear even now that those laws will depart from national electoral legislation in certain respects. One of the reasons for this is that Member States intending to retain the constituency system for elections to the European Parliament will have to create fewer, and therefore larger, constituencies.

It must generally be assumed that every Member State will adhere to the principles of its own electoral system for the first direct elections to the European Parliament.

Article 7 (1) of the Act on direct elections to the European Parliament instructs the latter to 'draw up a proposal for a uniform electoral procedure'. It would be premature at this stage to suggest on which electoral system such a proposal will be based. The European Parliament's Directorate-General for Research and Documentation is convinced that details of the current electoral systems of the Member States are relevant not only to the first direct elections to the European Parliament but also to the adoption of a uniform procedure at a later stage. The following document therefore attempts to summarize and compare all the essential features of the national electoral systems. This information is naturally confined to the procedure for election to the supreme directly-elected national parliament of each country. Regional and local electoral systems have not been taken into account as they will, in all probability, have little influence on the future electoral system adopted for the European Parliament.

It is not the intention of this document to attempt to influence any decision on direct elections or subsequent uniform electoral legislation; it is deliberately confined to collecting and comparing the facts, without giving any political evaluation. Again, no attempt has been made to describe the historical background to each case. Of greater importance is whether the available data reveal the possibility of finding a common denominator. Surprisingly, the facts would appear to suggest that the differences of organizational and technical detail are fewer than the elements of common ground. The great disadvantage of the abovementioned limitation is, however, that the essential differences between the various electoral systems are not immediately apparent. It has proved impossible, for example, to give a full picture of the English majority electoral system or the French electoral system with its two ballots, without going into the political and historical background.

The authors of this document therefore trust that the reader will appreciate why such distinctions, are played down; they hope that such information as is given will be of some assistance.

For a full understanding of this comparative study, with its accompanying tables and references to special features, the reader is referred to the Note which follows.

NOTE TO THE READER

The material forming the basis of this document was arranged in subject sections, divided into headings and sub-headings. The regulations of all nine EEC countries on a given aspect of electoral law are - as far as is feasible - set out on a separate page in each case.

It was necessary to reduce the complex subject-matter to note form to make comparisons possible. Where greater detail was considered necessary, it is to be found in the annex, references being given in the main text.

It is often impossible accurately to render the titles of offices etc. in other languages; approximate translations (indicated by underlinings) have therefore been used, and the original term will be found in the annex for the country concerned.

Example: The text on Denmark refers to constituencies. While this translation gives some idea, it does not quite reproduce the full meaning, since the Danish system is unusual in this respect and cannot be entirely satisfactorily described in terms of another electoral system. The original Danish term 'valgkreds' will be found in the annex under 'Denmark'.

The annex comprises:

- a detailed account of the various vote counting systems (quota or divisor method);
- nine national sections, in which the statutory basis of elections, the system of government, a more detailed account of the electoral system itself and the originals of the approximate translations used in the text will be found.

Abbreviations

The statutory provisions of each country are given in an abbreviated form in the original language. Explanations and translations are to be found in the annex.

COMPARISON OF ELECTORAL SYSTEMS OF THE NINE COMMUNITY COUNTRIES

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I. GENERAL PRINCIPLES

1. Electoral system

(a) Proportional or majority electoral system¹

Belgium	Proportional representation (Const. Art. 48.2)
Denmark	Proportional representation (vgl. § 42 et seq.)
Federal Republic of Germany	Combination of majority system and proportional representation (BWahlG § 6) - In each of the 248 <u>constituencies</u> one candidate is directly elected by the relative majority electoral system (BWahlG § 5). - The other 248 seats are distributed by the proportional electoral system to ('Land') lists (BWahlG § 6).
France	Absolute majority elections in single-member constituencies with two ballots (CE Art. L. 123)
Ireland	Proportional representation (Const. Art. 16.2; Section 17 EA 23)
Italy	Proportional representation (Articles 1 and 77 TU No. 361)
Luxembourg	Proportional representation (Const. Art. 51)
Netherlands	Proportional representation (Grw. Art. 91)
United Kingdom	Relative majority system with single-member constituencies (i.e. only one ballot)

¹ A summary breakdown for easy reference.

For details, see under 'Polling and vote counting methods'.

I. GENERAL PRINCIPLES

1. Electoral system

(b) Polling method and number of votes

Belgium	Each voter has one vote, which he can give either to a list or to the candidate of his choice (Const.Art.47; CE Art. 144).
Denmark	Each voter has one vote, which he can give either to a party or to the candidate of his choice (vgl. § 35.5).
Federal Republic of Germany	Each voter has two votes: - the first for the <u>constituency</u> member (direct election); - the second for the 'Land' list. (BWahlG § 4)
France	Each voter has one vote, which he gives to the candidate of his choice (direct election).
Ireland	Each voter has a single transferable vote. The names of the candidates are set out alphabetically on the ballot paper. The voter can arrange the candidates in order of preference, by writing the numbers 1, 2, 3, etc. beside their names.
Italy	Each voter has one vote, which he gives to a list. Preferential votes can be given to one or more candidates on the list (Art. 59 TU No. 361)
Luxembourg	Each voter has as many votes as there are members to be elected in the constituency. He can either vote for a list, which then receives all his votes (where there are as many candidates on the lists as there are seats to be filled), or for the candidates of his choice (LE Art. 114).
Netherlands	Each voter has one vote, which he can give either to a list or to the candidate of his choice (Grw. Art.90.1; KW. Art. I 32).
United Kingdom	Each voter has one vote, which he gives to the candidate of his choice (direct election).

I. GENERAL PRINCIPLES

1. Electoral system

(c) Vote counting method and allocation of seats

- Belgium Votes are counted and seats allocated at constituency level using the d'Hondt Rule^x (CE Art. 167). Candidates obtaining the most personal votes are elected (CE Art. 170).
- Denmark Votes are counted and seats allocated at constituency level by the 'adjustment method'^x. Where candidates are placed on an equality those obtaining the most personal votes are elected. Votes not given to individual candidates are allocated to the candidates in proportion to the personal votes they have obtained (grl. § 31, vgl. § 39 - 48). Under the list system a combination of personal and party votes is allocated by reference to the candidate's place on the list (vgl. § 47). There are supernumerary seats^x (for details, see annex).
- Federal Republic of Germany Votes are counted and seats allocated at constituency level for half the 496 seats. The candidate who obtains the most first votes is elected (relative majority vote; BWahlG § 5). The other half of the seats is distributed among the 'Land' lists in accordance with the members of the second votes cast, using the d'Hondt Rule^x, (BWahlG § 6). If a party is entitled to more seats, they are filled by reference to the 'Land' list (BWahlG § 6). There are supernumerary seats^x. 22 Bundestag deputies representing Berlin are appointed by the Berlin Chamber of Deputies.
- France Votes are counted and seats allocated at constituency level. The candidate obtaining an absolute majority in the first ballot and at least a quarter of the valid votes cast by registered electors, is elected. In the second ballot, which takes place one week later, a relative majority is sufficient (CE Art. L. 123 - 126)^x.

x See annex

I. GENERAL PRINCIPLES

1. Electoral system

(c) Vote counting method and allocation of seats (cont.)

- Ireland Votes are counted and seats allocated at constituency level using a modified quota method (proportional representation). Candidates who attain or exceed a certain quota of votes are elected^x.
- Italy Votes are counted and seats allocated at constituency level using the d'Hondt Rule (TU No 361 Art. 77). There are supplementary seats (for details, see annex).
- Luxembourg Votes are counted and seats allocated at constituency level using the Hagenbach-Bischoff Rule^x (proportional representation) (LE Art. 136, 137).
- Netherlands Votes are counted and seats allocated at province level using the quota rule^x (KW. Art. N 5-16).
- United Kingdom Votes are counted and seats allocated at constituency level. The candidate who obtains the highest number of votes is elected (relative majority).

* See annex

1. GENERAL PRINCIPLES

2. Principles of electoral law

(a) What are they?

Belgium	universal, direct, equal (Const. Art. 47) secret (Const. Art. 48.3)
Denmark	universal, direct, secret (grl. § 31.1)
Federal Republic of Germany	universal, direct, free, equal, secret (GG Art. 38),
France	universal, direct (L. 1) secret (CE Art. L. 59)
Ireland	universal, direct, equal, secret (Const. Art.16)
Italy	universal, free, direct, equal, secret (Cost. Art. 48.1 and 2)
Luxembourg	universal, direct, secret (Const. Art. 51)
Netherlands	universal, direct, equal (Grw. Art. 90.1), secret (KW. Art. I 17.1)
United Kingdom	universal, direct, equal, secret

1. GENERAL PRINCIPLES

2. Principles of electoral law

(b) Obligation to vote

Belgium	Compulsory (Const. Art. 48)
Denmark	Not compulsory
Federal Republic of Germany	Not compulsory
France	Not compulsory
Ireland	Not compulsory
Italy	Compulsory (Cost. Art. 48.2), although no provision for penalties.
Luxembourg	Compulsory (LE Art. 64) Voters over 70 years of age and those residing at time of the election in a commune other than that in which they are registered, are exempt (LE Art. 260).
Netherlands	Not compulsory
United Kingdom	Not compulsory

II. ENTITLEMENT TO VOTE

1. Minimum age

Belgium	21 (Const. Art. 47, CE Art. 1)
Denmark	20 (vgl. § 1.1)
Federal Republic of Germany	18 (BwahlG § 12)
France	18 (CE Art. L. 2)
Ireland	18 (Const. Art. 16.1 E (Amendment) A 1973)
Italy	18 (Cost. Art. 48.1; Law of 8 March 1975 No. 39)
Luxembourg	18 (Const. Art. 52)
Netherlands	18 (Grw. Art. 90.1; KW. Art. B 1.1)
United Kingdom	18 (Section 1 RPA 1949; Section 1 RPA 1969)

II. ENTITLEMENT TO VOTE

2. Nationality

Belgium	Belgian nationality by birth or ' <u>full naturalization</u> ' (Const. Art. 50)
Denmark	Danish (grl. § 29.1)
Federal Republic of Germany	German within the meaning of the Grundgesetz (Basic Law) (BWahlG § 12)
France	French (CE Art. L. 2)
Ireland	Irish (Const. Art. 16.1, Section 5 EA 1963)
Italy	Italian (Cost. Art. 48.1)
Luxembourg	Luxembourgish (Const. Art. 52)
Netherlands	Dutch, or legal recognition as a Dutch subject (Grw. Art. 90.1, KW. Art. B 1.1)
United Kingdom	British or Irish (Section 1 RPA 1949 and 1969) Commonwealth citizens are also British subjects within the meaning of the Act (British Nationality Acts 1948 and 1965, Immigration Act 1971)

A person acquiring the nationality of any Member State entitles him to exercise voting rights in that country.

There is no transitional period during which entitlement to vote is withheld.

II. ENTITLEMENT TO VOTE

3. Residential obligation

Belgium	In the commune for the previous 6 months (Const. Art. 47, CE Art. 1)
Denmark	In the Kingdom of Denmark (grl. § 29.1)
Federal Republic of Germany	In the Federal Republic of Germany for the previous 3 months (BWahlG § 12)
France	In the commune for the previous 6 months (CE Art. L. 11)
Ireland	In the constituency (Section 5 EA 1963)
Italy	In the constituency (Law of 7.10.1947 No. 1058, amended by the Law of 22.1.1966 No. 1) Special provisions for nationals resident abroad.
Luxembourg	In the Grand Duchy (Const. Art. 52.1; LE Art. 1)
Netherlands	In the commune on the day nominations are declared (KW. Art. B 1 I 3)
United Kingdom	In the constituency on the qualifying date for entry on the electoral register . (Section 1 RPA 1949; Section 1 RPA 1969)

II. ENTITLEMENT TO VOTE

4. Provisions for nationals resident abroad

Belgium	Nationals resident abroad may vote by proxy (CE Art. 147 a)
Denmark	Nationals resident abroad have no voting rights. Exceptions: State officials (and their spouses) required to serve abroad (vgl. §1.2)
Federal Republic of Germany	Nationals resident abroad have no voting rights. Exceptions: Civil servants, members of the armed forces and public service employees required to serve abroad on official business (BWahlG §12)
France	Nationals resident abroad are entitled to vote by proxy (CE Art., L. 71)
Ireland	Nationals resident abroad have no voting rights (Section 5 EA 1963)
Italy	Nationals resident abroad retain their voting rights in their home constituency, and are entitled to return to it for the election (Law of 7.10.1947 No.1058, amended by the Law of 22.1.1966 No. 1)
Luxembourg	Nationals resident abroad have no voting rights.
Netherlands	Nationals resident abroad have no voting rights.
United Kingdom	Nationals resident abroad have no voting rights. Exceptions: Government officials, members of the armed forces and of the British Council (and their spouses) serving abroad (Sections 10, 12 and 25 RPA 1949; RPR 58-60)

II. ENTITLEMENT TO VOTE

5. Grounds for disqualification

Belgium

Permanent disqualification in the case of:

- conviction for a crime (CE Art. 5)

Temporary disqualification in the case of:

- deprivation of rights, isolation on the grounds of mental illness, mental retardation, confinement;
- at least three months' imprisonment,
- being held at the government's pleasure to protect society

Denmark

- deprivation of rights (grl. § 29.1)

Federal Republic
of Germany

- deprivation of voting rights by court order;
- deprivation of rights;
- detention under §63 of the StGB (Penal Code) in a psychiatric institution (provided that: the felony or offence was committed in a state of criminal irresponsibility and there is concern that further offences will be committed) (BwahlG § 13)

France

Permanent disqualification for:

- conviction for a felony;
- imprisonment for theft, sharp practice, abuse, of confidence, embezzlement, false testimony, falsification of documents, corruption, bribery, sexual offences, falsification of signatures;
- non-appearance in court;
- undischarged bankruptcy;
- deprivation of rights;
(CE Art. L. 5)

Temporary disqualification (5 years) for:

- imprisonment for more than 6 days for offending against public morals (CE Art. L. 7);

In passing sentence the courts are empowered to extend temporary disqualification and to declare a person deprived of voting rights for a defined period (CE Art. L. 6).

II. ENTITLEMENT TO VOTE

5. Grounds for disqualification (cont.)

- Ireland
- There are no specific grounds for disqualification under the constitution or electoral law.
- Italy
- Legal incapacity (Cost. Art. 48.3);
 - conviction (Cost. Art. 48.3);
 - moral unsuitability as defined by the law, examples being
 - wilful bankruptcy;
 - being under police surveillance;
 - imprisonment (for the period of imprisonment only)
 - deprivation by court order of the right to hold public office;
 - imprisonment for five or more years; (Art. 2 TU No. 223)
- Temporary disqualification (5 years) for:
- embezzlement and misappropriation of public funds, blackmail, bribery, defamation, perjury, falsification of documents;
 - devastation, looting;
 - fraud and misrepresentation. (Law of 7 October 1947, Art. 2)
- Members and descendants of the House of Savoy have no voting rights (Constitutional transitional provision XIII).
- Luxembourg
- Loss of Luxembourg civil rights;
 - conviction for a criminal offence;
 - conviction for theft, receiving stolen goods, swindle, breach of confidence, forgery, using a forgery, false testimony, false opinion, false interpretation;
 - running a brothel and conviction for an offence against the provisions on immoral earnings;
 - disqualification from guardianship;
 - bankruptcy;
 - deprivation of rights by court order and detention in a security institution. (LE Art. 4)
- Netherlands
- Being of unsound mind;
 - loss of civil rights;
 - previous convictions:
 - prison sentences of more than one year and court-conviction for a repeated offence within a period of three years (Grw. Art. 90; KW. Art. 2-3);
 - imprisonment (for the period of imprisonment only) (Section 4 RPA 1969);
- United Kingdom
- deprivation of voting rights for corrupt or illegal electoral practices (Section 140 RPA 1949)
 - being of unsound mind;
 - peers, excluding Irish peers (Section 5 Peerage Act 1963)

II. ENTITLEMENT TO VOTE

6. Other formal conditions for the exercise of voting rights

Belgium	Name entered in the <u>electoral register</u> (CE Art.14)
Denmark	Name entered in the <u>electoral register</u> (vgl. § 1.3)
Federal Republic of Germany	Name entered in the <u>electoral register</u> or possession of an <u>electoral certificate</u> (BWahlG § 14). An electoral certificate entitles the holder to a postal vote, or to vote in a different ward of the constituency (BWahlG § 14).
France	Name entered in the <u>electoral register</u> (CE Art. L. 9)
Ireland	Name entered in the electoral register (Section 5 EA 1963)
Italy	Name entered in the <u>electoral register</u> (Art. 4 TU No. 223)
Luxembourg	Name entered in the <u>electoral register</u> (LE Art.2)
Netherlands	Name entered in the <u>electoral register</u> ; this entitles the citizen to an <u>electoral certificate</u> , without which he cannot exercise his voting rights. (KW. Art. I 6, 7 & 31)
United Kingdom	Name entered in the electoral register (Section 1 RPA 1949)

III. ELIGIBILITY FOR ELECTION

1. Minimum age

Belgium	25 (Const. Art. 50) for election to the Chamber 40 (Const. Art. 56) for election to the Senate
Denmark	20 (vgl. § 2)
Federal Republic of Germany	18 (BwahlG § 15)
France	23 (CE Art. L. 44)
Ireland	21 (Const. Art. 16.1; Section 51 EA 1923)
Italy	25 (Cost. Art. 56.3)
Luxembourg	21 (Const. Art. 52)
Netherlands	25 (Grw. Art. 94)
United Kingdom	21 (Section 7 Parliamentary Elections Act 1965)

III. ELIGIBILITY FOR ELECTION

2. Nationality

Belgium	Belgian nationality by birth or <u>full natural-ization</u> (Const. Art. 50 and 56)
Denmark	Danish (grl. § 30.1)
Federal Republic of Germany	German for a minimum of one year (BWahlG § 15)
France	French for a minimum of ten years (CE Art. L.44; LO 128)
Ireland	Irish (Const. Art. 16.1; Section 51 EA 1923)
Italy	Italian (Cost. Art. 56.3 and 48.1)
Luxembourg	Luxembourgish (LE Art. 98)
Netherlands	Dutch or legal recognition as a Dutch national (Gr ^w . Art. 94)
United Kingdom	British (Section 31 British Nationality Act 1948)

III. ELIGIBILITY FOR ELECTION

3. (a) Grounds for disqualification

- Belgium
- loss of civil and political rights (Const. Art. 50 and 56)
 - deprivation by court order of the right to vote or eligibility for election (CE Art. 227)
 - incompatibility^{*}.
- Denmark
- Conviction for an offence considered to render the candidate unworthy in the eyes of the public of membership of the Folketing (grl. Art. 30.1; vgl. § 2).
- Federal Republic of Germany
- loss of the right to vote (BWahlG 16);
 - barred from public office by court order (BWahlG § 15).
- France
- deprivation of the right to vote or eligibility for election by court order (CE Art. LO 129, 130);
 - being in need of care (CE Art. LO 130)
 - incompatibility^{*}.
- Ireland
- imprisonment with hard labour for a period exceeding 6 months or penal servitude for any term imposed by an Irish court;
 - undischarged bankruptcy;
 - unsound mind or mental illness;
 - conviction for corruption or other offences in connection with elections (Section 51.2 EA 1923)
 - incompatibility^{*}.
- Italy
- loss of the right to vote (Cost. Art. 56.3 and 65.1);
 - incompatibility^{*}.
- Luxembourg
- loss of the right to vote;
 - deprivation of eligibility for election by court order (LE Article 88).
- Netherlands
- loss of the right to vote (Grw. Art. 94 and 90.3);
 - incompatibility^{*}.
- United Kingdom
- mental illness (Mental Health Act 1959);
 - bankruptcy within the previous five years, unless no blame attached (Sections 32 and 33 Bankruptcy Act 1883, Section 9 BA 1890);
 - conviction within the previous five years for corrupt or illegal practices in connection with elections (Sections 139, 140 RPA)
 - incompatibility^{*}.

^{*} For details see annex

III. ELIGIBILITY FOR ELECTION

3. (b) Authority qualified to deprive candidates of the eligibility for election

Belgium	The courts
Denmark	The Folketing (grl. § 33)
Federal Republic of Germany	The courts
France	The courts
Ireland	The courts
Italy	<p>In the case of candidates whose names have not been entered in the lists, appeal may be lodged with the <u>district electoral committee</u> (Art. 20 TU No. 223).</p> <p>The next instances are the Court of Appeal (Art. 42 TU No. 223) and the Court of Cassation (Art. 45 TU No. 223)</p> <p>In the case of a candidate who has already been elected, the Chamber decides on disqualification (Cost. Art. 66).</p>
Luxembourg	The courts
Netherlands	The Chamber (Grw. Art. 108)
United Kingdom	<p>The courts.</p> <p>The returning officer of the constituency generally decides whether candidatures are admissible (PER 13).</p>

III. ELIGIBILITY FOR ELECTION

4. 'Threshold clauses' for parties

Belgium	None
Denmark	To be represented in Parliament, a party must - win a <u>constituency seat</u> ; - obtain at least 2% of the valid votes cast (about 60,000); - or obtain, in at least two of the three <u>electoral districts</u> as many votes as the average number of votes per constituency seat (about 20,000) (vgl. § 43.1).
Federal Republic of Germany	No seats are allocated to parties which obtain less than 5% of the second votes cast or fewer than 3 seats by first votes (BWahlG § 6.4)
France	None
Ireland	None
Italy	None
Luxembourg	None
Netherlands	None
United Kingdom	None

III. ELIGIBILITY FOR ELECTION

5. Can a party be banned?

Belgium No

Denmark No

Federal Republic of Germany Yes

Parties which, by reason of their aims or by the behaviour of their adherents, seek to impair or abolish the free democratic basic order or to endanger the existence of the Federal Republic, are unconstitutional; decisions regarding unconstitutionality are taken by the Federal Constitutional Court (GG § 21.2)

The extreme right-wing SRP (Sozialistische Reichspartei) and the German Communist Party (KPD) are banned.

France No

Ireland Yes

The Registrar of Political Parties must be satisfied that each party is genuine and is organized to contest elections (Section 13 EA 1963).

Italy No

'Secret associations and associations which pursue political ends, even indirectly, by means of a quasi-military organization are prohibited.'
(Cost. Art. 18.2)

This section of the Constitution relates to criminal associations but not to parties in the constitutional sense.

Luxembourg No

Netherlands No

United Kingdom No

IV. OPERATIONS PRELIMINARY TO ELECTIONS

1. (a) Determination of constituency boundaries

- Belgium The boundaries of the 30 constituencies are fixed by law.
- Denmark The boundaries of the constituencies are fixed by law.
- There are three electoral districts (Greater Copenhagen, the Islands and Jutland), which are each subdivided into 17 constituencies, these being further subdivided into 103 wards.
- Outside the Danish mainland there are two electoral districts (with two seats each), i.e. the Faroes and Greenland.
- Federal Republic of Germany The boundaries of the 248 constituencies are determined by the Standing Boundary Commission appointed by the Federal President (BwahlG § 3) and are fixed by law (BwahlG § 2).
- France The boundaries of the 470 constituencies are determined by the Ministry of the Interior (LO No. 72 521 of 29 June 1972) and must be approved in a law adopted by Parliament (Const. Art. 34).
- Ireland The boundaries of the constituencies (currently 48) are fixed by law (Const. Art. 16).
- Italy The boundaries of the 32 'circiscrizioni' were determined by presidential decree (Presidential Decree of 30.3.1957, No. 361a).
- Luxembourg Under the Constitution the country is divided into 4 constituencies (Const. Art. 51).
- Netherlands The boundaries of the 18 constituencies are fixed by law (Kw. Art. E 1).
- United Kingdom The boundaries of the 635 constituencies are fixed by law (House of Commons (Redistribution of Seats) Act 1949 and 1958)

IV. OPERATIONS PRELIMINARY TO ELECTIONS

1. (a) Criteria for the determination of constituency boundaries (cont.)

Netherlands

The constituencies coincide with the provinces, with the exception of Gelderland and North Brabant, which are divided into two, North Holland, which is divided into three and South Holland, which is divided into four constituencies (KW Art. E 1; Table A).

United Kingdom

- The number of constituencies was fixed at 625 (RPA 1949) subject to variation by Order in Council; in 1970 it was fixed at 635;
 - Administrative boundaries should be respected;
 - Constituencies should be of similar size in terms of population.
- (House of Commons (Redistribution of Seats) Act 1949, Section 2, 2nd sch.)

IV. OPERATIONS PRELIMINARY TO ELECTIONS

2. Electoral authorities (at local, regional and national level)

Belgium

The principal constituency office is chaired by the president of a court of the first instance or the Justice of the Peace; the president appoints four advisory members, four deputy advisory members and a secretary.

It alone is responsible for preparations for the election and the general counting of votes cast in the cantons forming part of the constituency.

The principal canton office is chaired by a judge, who appoints the chairmen and advisory members of the counting offices and electoral offices.

It is principally responsible for supervising electoral operations and is the recipient of the results of counting at canton level.

The counting office is located at the chief town of the electoral canton and comprises a chairman, four advisory members and a secretary.

The polling stations are staffed by a chairman, four advisory members and a secretary.

The college of the mayor and aldermen is in charge of the electoral register. On 1 April of each year it draws up and publishes a list of electors.

The 'Commissaire d'arrondissement' has various administrative duties at constituency level.

IV. OPERATIONS PRELIMINARY TO ELECTIONS

2. Electoral authorities (at local, regional and national level) (cont.)

Denmark

Each ward has an election committee consisting of members of the local councils in the district concerned and possibly voters resident in the ward (vgl. § 18).

The election committee prepares the elections, i.e.

- announces the polling date (vgl. § 39);
- receives nominations (vgl. § 19);
- checks that candidates fulfil the legal requirements (vgl. § 19);
- submits valid nominations to the 'county governor' (vgl. § 19)'
- decides which votes are invalid (vgl. § 39);
- declares the result of the election within the ward (vgl. § 39);

The 'Amtmand' (county governor) is appointed by the Crown.

- He is informed by the parties of the candidates they have nominated (vgl. § 22).
- The individual election committees submit to him the names of ward candidates (vgl. §§ 19 and 22).
- He informs the election committees in the individual wards which candidates are standing (vgl. § 22).

The central election authority is the Ministry of the Interior which

- registers the parties (vgl. § 23.2-4),
- allocates seats (vgl. §§ 42-48) and
- forwards letters to the successful candidates confirming their election (vgl. § 49).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

2. Electoral authorities (at local, regional and national level) (cont.)

Federal Republic of
Germany

The panel of presiding officers is appointed by the Land Government or by an authority delegated by the Land Government (BWahlG § 9). It

- ensures that the election is carried out in due and proper form (BWahlO § 51);
- assesses the validity of votes (BWahlG § 40);
- declares the result of the election in the ward (BWahlG § 37).

The constituency returning officer (appointed in the same manner as the presiding officer)

- receives and examines nominations for the constituency (BWahlG §§ 19 and 25);
- announces the nominations (BWahlG § 34);
- ~~informs the successful candidates of their election and invites them to announce their acceptance.~~ (BWahlG § 41.2).

The constituency election committee (appointed in the same manner as the presiding officer)

- assesses the admissibility of nominations (BWahlG § 26);
- can verify decisions of the presiding officer concerning the validity of votes (BWahlG § 40);
- declares the election results in the constituency (BWahlG § 41).

The 'Land' returning officer (appointed in the same manner as the presiding officer)

- announces the holding of the election and calls for the submission of lists (BWahlO § 29);
- receives and checks the lists (BWahlO § 19);
- announces which 'Land' lists have been approved (BWahlO § 39);
- informs those elected and calls on them to accept their election (BWahlG § 42.3).

The 'Land' election committee (appointed in the same way as the presiding officer)

- assesses the admissibility of the 'Land' lists (BWahlG § 28.1);
- assesses appeals against decisions of the constituency election committee (BWahlG § 26.2);
- declares the result of the election in the Land (BWahlG § 42).

The Federal election committee (appointed by the Minister of the Interior)

- decides which parties meet the conditions for participation in the election (BWahlG § 18.3);
- assesses appeals against the decisions of the

IV. OPERATIONS PRELIMINARY TO ELECTIONS

2. Electoral authorities (at local, regional and national level) (Cont.)

Germany (cont.)

'Land' election committee (BWahlG § 28.2);

- decides how many seats are to be allocated to the individual 'Land' lists and which candidates are elected (BWahlG § 42.2).

France

The electoral bureau

consists of a chairman, at least four assessors and a secretary appointed from among the electors of the commune. The chairman is the mayor, a deputy mayor or a councillor. The assessors are appointed by the candidates. The electoral bureau is responsible for the conduct of the election. (R.42-44)

The administrative committee

consists of the mayor of the commune, a representative of the administration and a representative of the council.

It reviews the electoral register annually beginning on 1 December (CE Art. L. 17).

Ireland

The returning officer appoints a presiding officer for each constituency; the latter may be assisted by clerks (Section 35 EA 1923).

The returning officer is the county registrar responsible for a constituency provided the constituency has no sheriff; where there is more than one registrar the returning officer is appointed by the Minister of Local Government (Section 11 EA 1963). His duties are:

- to receive the writ issued by the Clerk of the Dáil (Section 12 EA 1963)
- to give public notice of the holding of an election and invite nominations (Rule 1, Part 1, 5th Sched. EA 1923),
- to receive and rule on nominations (Rules 6 and 9),
- to provide local polling stations (Section 31 EA 1923),
- to issue poll cards (Section 23 EA 1963),
- to ensure that the secrecy of the ballot is maintained,
- to conduct the count (Section 27 EA 1923),
- to declare the result of the election (Rule 43, Part I, 5th Sched EA 1923, Section 12 EA 1963),
- to certify the return of members elected to the Clerk of the Dáil (Section 12 EA 1963).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

2. Electoral authorities (at local, regional and national level) (cont.)

Italy

At local level

- The local election committee reviews the electoral registers every six months (Art. 16 TU No. 223)
It is formed by the local council and consists of the mayor and four other members of the local council (Art. 12 TU No. 223);
- The mayor informs the population of the Presidential Decree opening the election campaign and checks the registration of electors and candidates in the registers and lists (Art. 11 and 30 TU No. 361; Art. 8 and 9 TU No. 223);
- The governing body of each electoral district is responsible for the smooth running of the election (Art. 44 TU No. 361).
Its chairman is appointed by the president of the Court of Appeal (Art. 35 TU No. 361), its members by the chairman and the local election committee (Art. 36 and 37 TU No. 361).

At regional level

- The district election committee has no equivalent in other countries. Its area of jurisdiction is identical to former court districts.
It consists of a chairman (a presiding judge) and four other members appointed by him (Art. 22 TU No. 223).
 - . The mayors submit to this committee the electoral registers of each electoral district for scrutiny (Art. 28 TU No. 223)
 - . It assesses applications concerning entries in or deletions from the electoral registers (Art. 29 TU No. 223).
 - . It assesses appeals against action by the local election committee, i.e. it supervises all the latter's activities (Art. 29 TU No. 223).
- The central constituency office consists of three judges, one of whom is chairman; they are appointed by the president of the Court of Appeal (Art. 13 TU No. 361).

Lists of candidates must be submitted to this office, which is entitled to reject candidates (Art. 22 TU No. 361).

It is the appeal body for the governing bodies of the electoral districts and takes decisions regarding doubtful votes (Art. 76 TU No. 361).

It declares the number of votes cast for each list and allocates seats (Art. 77 TU No. 361).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

2. Electoral authorities (at local, regional and national level) (cont.)

Italy (cont.)

It ascertains the number of remaining votes (supernumerary seats) and informs the central national election office of the number of seats not allocated and of the percentage turnout (Art. 77 TU No. 361).

It corrects the order of candidates on the lists (Art. 77 TU No. 361).

At national level

The central national election office is set up within the Court of Cassation and consists of one department head of the Court of Cassation and four councillors appointed by the First President of the court (Art. 12 TU No. 361).

It assesses appeals against action by the central constituency office (Art. 23 TU No. 361).

It declares the total number of votes cast for each list and allocates the supernumerary seats (Art. 83 TU No. 361).

Luxembourg

Each ward (subdivision of constituency) has at least one election office, usually chaired by a judge, who appoints four other members from among the electors and a secretary (LE Art. 54-56). The election office is responsible for the organization of the election and the counting of votes (LE Art. 68-81; 116-127).

There is a principal election office in the principal town of each canton. It is chaired by the president of the district court or a magistrate representing him (LE Art. 55). Other members are judges, according to rank, or persons appointed from among the electors by the chairman (LE Art. 56-58). The principal election office is responsible for organizing the elections, announces the names of successful candidates and receives appeals (LE Art. 52 and 106-108).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

2. Electoral authorities (at local, regional and national level) (cont.)

Netherlands

At local level

The communes are divided into electoral districts controlled by an election office consisting of three members (KW. Art. E 3.2).

The commune executive, consisting of the mayor and the aldermen, appoints the members of the election office from among registered electors in the commune (KW Art. E 4).

The election office is responsible for

- the smooth running of elections (KW Art. I 39.1)
- counting the votes (KW Art. L 6)

The chairman of the election office announces the result for the electoral district (KW Art. L 9.1)

At regional level

Each constituency is administered by a principal election office consisting of five members. It is chaired by the mayor of the commune in which the office is located. Four members and three deputies are appointed for a term of five years by the Minister of the Interior (KW. Art. E 6)

The principal election office

- is responsible for the second count of votes (KW. Art. M 4.1);
- establishes how many votes the various lists (KW. Art. M 4.1 b) and candidates (KW. Art. M 4.1a) have obtained;
- can order a recount (KW. Art. M3) on its own initiative (KW. Art. M 3.1) or at the request of one or more electors (KW. Art. M 3.1).

At national level

The central election authority in The Hague comprises five members and three deputies and is appointed by the Crown for a term of four years (KW. Art. A 1). It

- receives the reports of each principal election office (KW. Art. N 1)
- counts the total number of votes cast for each list and candidate (KW. Art. N 2.1, 2)

IV. OPERATIONS PRELIMINARY TO ELECTIONS (cont.)

2. Electoral authorities (at local, regional and national level)

Netherlands (cont.)

- allocates seats to the candidates elected (KW. Art. N 19)
- announces the overall result of the election (KW Art. N 21).

United Kingdom

A returning officer is responsible for the conduct of the election in each constituency (Section 16 RPA 1949 (Scotland and N. Ireland), Section 40 Local Government Act 1972 (England)). In parliamentary elections this is

- the sheriff in county constituencies
- the mayor in London borough constituencies
- the chairman of the district council in other borough constituencies

His duties are as follows:

- to receive the parliamentary writ (PER 3)
 - to publish notice of the election and invite nominations (PER 6)
 - to receive nominations and deposits, and decide as to their validity (PER 13)
 - to publish a statement of nominations (PER 15).
- In the event of contested elections (i.e. when there are more candidates than seats, as is usually the case)
- to arrange postal ballots (PER 25);
 - to appoint presiding officers (PER 27);
 - to issue poll cards (PER 29);
 - to supervise declarations of secrecy (PER 32);
 - to supervise the conduct of the count (PER 45);
 - to determine void ballots (PER 48);
 - to declare the result (PER 51);
 - to return the writ (PER 52);
 - to deliver voting documents to the Clerk of the Crown (PER 56);
 - to declare the result of the election in the constituency (PER 51).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

3. Polling date

(a) Who fixes it?

Belgium	The executive by royal decree (CE Art. 106)
Denmark	The Prime Minister (formally the King) (grl § 32.2; vgl § 77.1)
Federal Republic of Germany	The Federal President (BVerfG § 16). His order must be countersigned by the Federal Chancellor (GG Art. 58).
France	The government, within the limits set by the Constitution.
Ireland	By order of the Minister of Local Government. The election must, however, take place between the 8th and the 16th day after the end of the nomination period (Section 24 EA 63).
Italy	The President of the Republic (Art. 3 TU No. 361)
Luxembourg	The government, within the limits set by the Constitution.
Netherlands	The day of the election is governed by law (KW Art. F 1 and I 1).
United Kingdom	The election must take place within 17 days of the date of the proclamation summoning the new Parliament (PER 1).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

3. Polling date

(b) Is a specific day of the week prescribed for polling?

Belgium	Yes. Sunday (CE Art. 105)
Denmark	No. Normally Tuesday
Federal Republic of Germany	Yes. Sunday or public holiday (EWahlG § 16)
France	Yes. Sunday (L.55)
Ireland	No. Traditionally Tuesday, Wednesday or Thursday (Section 24 EA 1963)
Italy	No. Normally Sunday and Monday morning.
Luxembourg	Yes. Sunday (Law of 27 July 1956)
Netherlands	Nominations must be submitted by the second Tuesday in April (KW Art. F 1). The election takes place on the 43rd day after that date (KW Art. I 1), i.e. on a Wednesday.
United Kingdom	No. Traditionally Thursday

IV. OPERATIONS PRELIMINARY TO ELECTIONS

4. Electoral registers

(a) Who is responsible?

Belgium	The <u>college of the mayor and aldermen</u> (CE Art. 10 and 17)
Denmark	The local council (vgl. § 3.1)
Federal Republic of Germany	The local authority (BWahlG § 17; BWahlO §§ 13 et seq.)
France	The <u>administrative committee</u> (CE Art. L. 7)
Ireland	According to government area either the county council or the county borough corporation (Section 7 EA 1963)
Italy	The <u>local election committee</u> (Art. 5 TU No. 223)
Luxembourg	The <u>college of the mayor and aldermen</u> (LE Art.6)
Netherlands	The <u>commune executive</u> (KW. Art. D 1)
United Kingdom	The registration officer (Section 7 RPA 1949)

IV. OPERATIONS PRELIMINARY TO ELECTIONS

4. Electoral registers

(b) Who is included in them?

Belgium	All nationals entitled to vote who have resided in the commune for at least six months (CE Art. 10).
Denmark	All persons entitled to vote (vgl. § 3.1).
Federal Republic of Germany	All electors registered on the 35th day before the election in a ward of the commune concerned (BWahlO §15). Special provisions - for persons who change their domicile between the abovementioned date and the date of the election (BWahlO § 15). - for members of the public service working abroad and having no address in Germany (BWahlO § 16).
France	- All electors whose actual residence is in the commune or have resided there for at least six months; - Persons who are included for the fifth consecutive time in one of the four lists for direct taxation or in the list for services rendered in kind; - Persons who, though not resident in the commune, have declared their desire to exercise their right to vote in that commune (CE Art. L.11)
Ireland	All persons having Irish citizenship on 15 September who reside in the constituency and are 18 years of age by the 15 April following the date on which the register comes into force (Section 2 EA 1963; Section 5 Registration of Electors and Juries Regulations Act 1963).
Italy	Nationals who are entitled to vote and are registered in the commune (Art. 4 TU No. 223).
Luxembourg	All electors resident in the commune (LE Art. 6).
Netherlands	All electors resident in the commune (KW Art. B 2).
United Kingdom	All electors (Section 8 RPA 49).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

4. Electoral registers

(c) Is it possible to object to electoral registers?

- Belgium Any elector wrongly entered, omitted or deleted or whose name, forename, occupation or residence is entered inaccurately in the register can lodge an objection with the college. Objections to the latter's decision may be lodged with the Court of Appeal (CE Art. 27). Appeals against the decision of the Court of Appeal may be lodged with the Court of Cassation (CE Art. 38).
- Denmark The question of inclusion in or exclusion from the register can be raised before the courts (vql. § 15).
- Federal Republic of Germany The electoral register must be made available for public scrutiny between the 20th and 15th day before the election (BWahlG § 17). During this period objections may be lodged with the local authority regarding inclusion or non-inclusion. An appeal against the decision of this authority may be lodged with the constituency returning officer, whose decision is final, except where electoral scrutiny is carried out (BWahlO § 19).
- France Electors may submit objections concerning electoral registers to the administrative committee. An appeal can be made against its decision to the local magistrate. An appeal may also be lodged with the Court of Cassation (CE Art. L. 25-27).
- Ireland The registrar adjudicates on claims regarding inclusion in or deletion from the electoral register at a public hearing. An appeal against his decision may be made to the Circuit Court; an appeal against the latter's decision may be made to the Supreme Court. (Sections 6-8 EA 1963).
- Italy Appeals against the electoral registers are made first to the district election committee (Art. 20 TU No. 223), then to the Court of Appeal (Art. 42 TU No. 223) and finally to the Court of Cassation (Art. 45 TU No. 223).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

4. Electoral registers

(c) Is it possible to object to electoral registers? (cont.)

Luxembourg

Voters must lodge any objections to the electoral registers with the college within 10 days.

(Entries are closed on 30 April.) Any person wrongly entered, omitted or deleted and any third party may lodge an objection to the college's decision with the Justice of the Peace.

There is a right of appeal to the Court of Cassation (LE Art. 10, 17, 18 and 36).

Netherlands

Applications for correction of the electoral registers may be submitted in writing to the commune executive (KW. Art. D No. 8 and 9).

An appeal may be made to a court against the decision of the commune executive (KW. Art. D No. 10 - 12).

United Kingdom

An appeal against the registration officer's decision on inclusion or omission may be made to the county court and then to the Court of Appeal (Section 45 RPA 1949).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

5. Nominations

(a) Form of nomination

Belgium	List candidates (CE Art. 115)
Denmark	List and individual candidates possible (qrl. §§ 24 and 25). A party already holding seats in the Parliament thereby qualifies to participate in an election without further formality. A new party must obtain signatures equivalent in number to 1/175 of the votes cast at the previous election (approximately 17,000) (vgl. Art. 23)
Federal Republic of Germany	Candidates stand as individuals for the 248 directly-elected seats. In general, however, they are proposed by parties (BWahlG § 20). List candidates stand for the remaining 248 seats. 'Land' lists may only be submitted by political parties (BWahlG § 24). A candidate may stand both for a directly-elected seat and as a list candidate.
France	Individual candidates (CE Art. L. 123)
Ireland	Individual candidates (Schedule 5, Rule 3 EA 1923; supplemented by Section 21 EA 1963)
Italy	List candidates (Art. 1 TU No. 361)
Luxembourg	List candidates (Const. Art. 51)
Netherlands	List candidates (KW. Art. G 5)
United Kingdom	Individual candidates

IV. OPERATIONS PRELIMINARY TO ELECTIONS

5. Nominations

(b) Formal conditions

Belgium

- The lists must bear the signatures of 200, 400 or 500 electors, depending on the constituency (CE Art. 116).
- The lists may not contain more candidates than there are seats available in the constituency, and no more than twice as many substitute candidates, and are submitted three weeks before the election date to the principal constituency office by a signatory on the list who is appointed by the candidates (CE Art. 115, 117).

Denmark

- Each candidate must be nominated by 25 to 50 electors in his ward by means of a written personal declaration (vgl. § 24).
- Nominations must be submitted at the latest 10 days before the election and must be signed by the candidate and those nominating him (vgl. § 25).

Federal Republic of Germany

- Constituency nominations may be submitted in writing to the constituency returning officer either by political parties or by groups of electors by the 34th day before the election (BWahlG § 19, 20). 19, 20).
- The nomination may contain only the candidate's name.
- Where the nomination is submitted by a group of electors, it must be signed by at least 200 persons entitled to vote (BWahlG § 20.3).
- 'Land' lists may only be submitted by political parties. They must be signed by the 'Land' party chairman and in the case of splinter groups by one one-thousandth of the number of persons entitled to vote (BWahlG § 27).
- Each constituency nomination and list nomination must be accompanied by a written declaration of acceptance by the candidate concerned (BWahlG § 30 and 35).

France

- Candidates must submit a declaration containing their signature, surname and first name, place of birth, date of birth, place of residence and occupation to the prefecture a minimum of 21 days before the commencement of the elections. The same details must be given for the substitute candidates (CE Art. L. 154, 155).
- Each candidate must place a deposit of 1,000 francs, which is refunded only if he obtains at least 5% of the valid votes cast (CE Art. L. 158).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

5. Nominations

(b) Formal conditions (cont.)

- Ireland
- Nominations must be received by the appropriate returning officer by 12 noon on the 9th day after the day on which the writ is issued.
 - Each nomination must be accompanied by a deposit of £100, which is refunded if the candidate receives at least one third of the electoral quota (Section 20 EA 1923 and Section 20 EA 1963).
 - The nomination must give the candidate's name and address. It may also include the name of the party which the candidate represents.
- Italy
- A candidate may not stand for election in more than three constituencies (Art. 19 TU No. 361).
 - The list of candidates for each constituency must be submitted bearing a minimum of 500 and a maximum of 1,000 signatures of the electors of the constituency (Art. 18 TU No. 361).
 - A list must comprise at least three candidates, but not more than there are seats for the constituency (Art. 18 TU No. 361).
- Luxembourg
- A party's list of nominations may contain no more candidates than there are seats to be filled (LE Art. 106).
 - Each list must bear the signatures of 25 electors registered in the constituency (LE Art. 106).
 - Candidates must submit declarations of acceptance of nomination (LE Art. 106).
 - Each candidate must nominate a deputy who fulfils the conditions of eligibility for election (LE Art. 106).
 - The list of nominations must be submitted to the Justice of the Peace for scrutiny (LE Art. 107).
- Netherlands
- Candidates are nominated on party lists (fixed) for each constituency, which must bear the signatures of at least 25 citizens (KW. Art. G 6).
 - A list may not contain more than 30 names (KW. Art. G 8.3)
 - A deposit of 1,000 guilders must be placed for each list of candidates (KW. Art. G 14.1). This is refunded only if more than 75% of the quota goes to the list concerned (KW. Art. G 14.3)

IV. OPERATIONS PRELIMINARY TO ELECTIONS

5. Nominations

(b) Formal conditions (cont.)

United Kingdom

- Each candidate submits a nomination paper to the appropriate returning officer (PER 7).

- It must be submitted no later than eight days after the proclamation summoning the new Parliament (PER 1).

- It must be signed by a proposer and a seconder and by eight other electors of the same constituency (per 8).

- The nomination must be accompanied by a deposit of £150 which is not returned unless the candidate obtains one eighth of the total votes cast (PER 10 and 54).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

6. Election campaigns

(a) Financing by the state

Belgium	No provisions
Denmark	No provisions
Federal Republic of Germany	Election campaign costs are calculated as a lump sum on the basis of DM 3.50 per elector (ParG § 18.1). This sum is distributed to the parties in proportion to their share of second votes cast. Only parties which have obtained a minimum of 0.5% of the second votes, or 10% of the first votes cast in a <u>constituency</u> if they have not drawn up 'Land' lists are considered (ParG § 18.2). In certain circumstances independent candidates may also claim the reimbursement of costs.
France	The state reimburses candidates obtaining a minimum of 5% of valid votes cast, for the cost of paper, printing of ballot papers, election posters, leaflets and displaying election posters (CE Art.L. 166 - 167)
Ireland	The state provides for the <ul style="list-style-type: none">- use of school rooms free of charge in the period between the issue of the writ and polling day;- postal distribution free of charge of one leaflet to all registered electors in the constituency (EA 1923).
Italy	Election campaign expenditure is covered by the State (Law of 2.5.1974 No. 195; Article 120 TU No.361)
Luxembourg	No provisions
Netherlands	No provisions
United Kingdom	The state provides for the <ul style="list-style-type: none">- use of public buildings for election meetings; (Sections 82 & 85 RPA 1949).- the postal distribution free of charge of one leaflet per elector (Section 79 RPA 1949).

IV. OPERATIONS PRELIMINARY TO ELECTIONS

6. Election campaigns

(b) Statutory provisions governing election campaign expenditure

Belgium	No provisions
Denmark	No provisions
Federal Republic of Germany	No provisions
France	No provisions
Ireland	No provisions
Italy	Election campaign expenditure is limited by statute (Law of 4 April 1956, No.212)
Luxembourg	No provisions
Netherlands	No provisions
United Kingdom	<p>The sum which each candidate may spend on his election campaign is limited by statute:</p> <ul style="list-style-type: none">- £1,075 plus 6p for every 6 registered electors in a county constituency;- £1,075 plus 6p for every 8 registered electors in a borough constituency (Section 8 RPA 1969; Section 1 RPA 1974). <p>Candidates' personal expenses are not included in this sum, but many not exceed £100 (Section 62 RPA 1949).</p> <ul style="list-style-type: none">- Election campaign expenses may, with certain exceptions, only be paid by the candidate himself or his election agent (Sections 61 and 63 RPA 1949).- A statement of expenses must be submitted to the returning officer. Deliberate falsification of this statement is a punishable offence (Section 69 RPA 1949; Section 8 RPA 1969). The candidate or his agent must also make a declaration as to expenses to a magistrate (Section 70 RPA 1949; Section 8 RPA 1969)

IV. OPERATIONS PRELIMINARY TO ELECTIONS

6. Election campaigns

(c) Duration of election campaign

Belgium	No provisions
Denmark	No provisions
Federal Republic of Germany	No provisions
France	The campaign begins 20 days before the elections (CE Art. L. 164).
Ireland	No provisions
Italy	No provisions
Luxembourg	No provisions
Netherlands	No provisions
United Kingdom	No provisions

IV. OPERATIONS PRELIMINARY TO ELECTIONS

6. Election campaigns

(d) Access to media and industrial premises

- Belgium Broadcasting time on the RTB-BRT (television) network is made available free of charge according to the relative strength of parties applying for such time. No further provisions.
- Denmark After proclamation of elections, the state television and radio authority determines the amount of broadcasting time to be allotted to the political parties during the election campaign. Apart from this, politicians are permitted no broadcasting time during this period. No further provisions.
- Federal Republic of Germany The broadcasting stations may not themselves deny access to political parties admitted to Bundestag elections, but they may take account of their importance when allocating broadcasting time (Federal Constitutional Court).

Political parties are denied access to industrial premises to hold election meetings or otherwise disseminate information (BetrVG § 45).
- France - French radio and television allow the political parties and groups broadcasting time during parliamentary election campaigns.

- Before the first ballot, a total of 3 hours broadcasting time is made available to political parties and groups represented in Parliament. This time is divided equally between opposition and government parliamentary parties.

- Each party or political group nominating a minimum of 75 candidates for the first ballot is entitled to 7 minutes' broadcasting time on radio and television for the first and 5 minutes for the second ballot, as long as none of their candidates is a member of one of the political parties or groups to whom broadcasting time is allocated in accordance with the previous paragraph (Art. 167.1 of the Law of 29 December 1966 No. 66 - 1022).

No further provisions.

IV. OPERATIONS PRELIMINARY TO ELECTIONS

6. Election campaigns

(d) Access to media and industrial premises (cont.)

Ireland	Under an agreement between the political parties and the broadcasting authorities, the parties have access to radio and television. No further provisions
Italy	No provisions
Luxembourg	No provisions
Netherlands	Political groups with candidates in all 18 <u>constituencies</u> are allocated broadcasting time on radio and television by the Minister for Cultural Affairs.
United Kingdom	From the day on which the dissolution of Parliament is announced no item about a constituency may be broadcast on television or radio in which a candidate takes part without the consent of all the other candidates at a parliamentary election (Section 9 RPA 1969). There are no other statutory provisions, but the five major political parties have a 'gentleman's agreement' on the allocation of broadcasting time between parties.

IV. OPERATIONS PRELIMINARY TO ELECTIONS

6. Election campaigns

(e) Other rules concerning electoral conduct

Belgium	None
Denmark	The Minister of Justice may issue provisions for the maintenance of law and order on the public highway in main thoroughfares and in other public places (grl. § 82a).
Federal Republic of Germany	Any attempt to influence voters on the premises of the polling station is prohibited (BWahlG §32). Otherwise the election campaign is exclusively governed by the general statutory provisions (laws on assembly and the press, penal, police and road traffic laws).
France	<p>During the 20 days of the election campaign, the candidates in each constituency are allocated a fixed and equal amount of space for displaying election posters (CE Art. L. 51).</p> <p>The number and size of election posters and the number of display areas are limited by law (CE Art. R. 28)</p> <p>Two days before the first ballot and one day before the second no further election posters may be displayed (CE Art. R. 26)</p> <p>The use of the national colours of red, white and blue is prohibited on election posters (CE Art. R. 27)</p> <p>Each candidate may distribute to his electors no more than one leaflet of statutorily prescribed size (CE Art. R. 30).</p> <p>During the election campaign commercial press advertising is prohibited (CE Art. L. 52.1).</p>
Ireland	None.
Italy	The number and size of election posters are governed by law (Law of 4 April 1956 No. 212).
Luxembourg	None.
Netherlands	None.
United Kingdom	<p>Each candidate must have an election agent (Section 55 RPA 1949), who appoints campaign helpers, hires meeting rooms and pays the campaign expenses.</p> <p>The remuneration of persons for canvassing is prohibited (Section 96 RPA 1949).</p>

V. ORGANIZATION OF VOTING

1. Polling hours

- Belgium From 8.00 a.m. to 1.00 p.m. (CE Art. 142)
- Denmark From 9.00 a.m. to 9.00 p.m. (vgl. § 34)
In small communes (under 6,000 inhabitants) a shorter period is permissible.
- Federal Republic of Germany From 8.00 a.m. to 6.00 p.m. (BWahlO § 43)
Where there are valid reasons the 'Land' returning officer may fix an earlier opening time and extend polling hours to 9.00 p.m.
- France From 8.00 a.m. to 6.00 p.m. (CE Art. R. 41)
The prefect may issue special provisions
- Ireland Between 8.30 a.m. and 10.30 p.m., but not less than 12 hours. The precise time is fixed by the Minister of Local Government and is the same for all polling stations (Section 24 EA 1963).
- Italy From 6.00 a.m. to 10.00 p.m. on the first day and from 7.00 a.m. to 2.00 p.m. on the second (Art. 46, 64 and 65 TU No. 361).
- Luxembourg From 8.00 a.m. to 2.00 p.m. (LE Art. 68).
- Netherlands From 8.00 a.m. to 7.00 p.m. (KW Art. I 5).
- United Kingdom From 7.00 a.m. to 10.00 p.m. (PER 1).

V. ORGANIZATION OF VOTING

2. Organization of ballot

(a) Postal voting

Belgium	Not possible.
Denmark	Limited postal voting (vgl. Chapter VI). Voters (resident abroad) must report to a Danish embassy or consulate or (in Denmark) to a <u>registration office</u> , where they can cast their vote (vgl. §. 56.1 & 5). Special rules apply to hospital patients, prison inmates and inhabitants of remote islands and seamen.
Federal Republic of Germany	Available to voters temporarily absent from their constituency (BWahlO § 22).
France	Available to voters prevented by occupational, health or other compelling reasons from casting their vote in their own constituency (CE Art. L. 80).
Ireland	Available only to members of the armed forces and the police (Section 7 EA 1963).
Italy	Not possible.
Luxembourg	Not possible.
Netherlands	Not possible.
United Kingdom	Available to persons unable to visit the polling station by reason of the general nature of their occupation, or of physical incapacity or of absence from their qualifying address for other compelling reasons (Section 12 RPA 1949).

V. ORGANIZATION OF VOTING

2. Organization of ballot

(b) Proxy voting

Belgium	Available to invalids, physically handicapped persons, voters unable to visit the polling station by reason of their occupations, and persons detained in a penal institution or unable to visit the polling station for religious reasons, (CE Art. 147a).
Denmark	Not possible. The handicapped and blind may, however, be assisted when casting their votes (vgl. § 35.10).
Federal Republic of Germany	A voter who cannot read or by virtue of physical handicap is unable to mark the ballot paper may avail himself of the services of a person in whom he has confidence. The latter's assistance must be confined to acting as the voter requests. (BWahlO: §53).
France	Available to voters resident abroad or unable to vote for occupational reasons, and certain other categories (seamen, soldiers, civil servants) (CE Art. L. 71).
Ireland	Blind and physically handicapped persons and illiterates who are unable to mark the ballot papers themselves may enlist the assistance of another person (Section 47 EA 1963).
Italy	Not possible
Luxembourg	Not possible (LE Art. 64).
Netherlands	Possible (KW. Art. K 1.1).
United Kingdom	Available to service voters and their spouses, to persons and their spouses who are temporarily resident abroad for occupational reasons (Section 12, RPA 1949) and to blind persons (PER 40).

V. ORGANIZATION OF VOTING

2. Organization of ballot

(c) Provisions for hospitals, penal institutions, etc.

- Belgium Invalids may make use of their right to vote by proxy (CE Art. 147 a). Prisoners are not entitled to vote (CE Articles 6 and 7).
- Denmark (Postal) voting is also available to persons
- in hospitals (vgl. § 56.2)
- in penal institutions (vgl. § 56.3)
- on small, remote islands (vgl. § 56.4)
- on ships (vgl. § 56.6)
- Federal Republic of Germany In hospitals, prisons, monasteries, convents, etc. mobile polling stations may be installed (BWahlO § 57 et seq.).
- France Voters in hospitals, etc. may vote by post (CE Art. L.80). Prisoners are not entitled to vote (CE Art. L.5)
- Ireland No special provisions.
- Italy
- Members of the armed forces may vote in the town where they are stationed (Art. 49 TU No. 361).
- Seamen may vote in the port in which they happen to be (Art. 50 TU No. 361).
- A polling station is installed in hospitals having a minimum of 200 beds (Art. 52).
- In smaller hospitals, votes are collected by the presiding officer of the nearest polling station (Art. 53 TU No. 361).
- Luxembourg Hospitalized electors must submit evidence to the Justice of the Peace to account for their absence from the polling station (LE Art. 259).
Prisoners are not entitled to vote (LE Art. 4).
- Netherlands Hospitalized electors may make use of their right to vote by proxy.
Prisoners are not entitled to vote (KW. Art. B 4)
- United Kingdom Hospitalized electors may vote by post (Section 9 RPA 194a).
Prisoners are not entitled to vote (Section 4 RPA 196a).

VI. ELECTION RESULTS

1. Authority responsible for the account

- Belgium The principal constituency office collects the results forwarded by the counting offices and announces the result of the count of all votes cast - the constituency. Where declarations grouping the lists of more than one constituency have been admitted, the central provincial office makes the necessary calculations for the sharing of seats not yet allocated and announces the result (see page 74).
- Denmark The election committee (vgl. § 39) and the Ministry of the Interior (vgl. §§42 - 49),
- Federal Republic of Germany - The panel of presiding officers determines the result of the vote in his ward (BWahlG § 40).
- The constituency election committee determines the number of votes polled in the constituency for constituency candidates and the 'Land' list (BWahlG § 41).
- The 'Land' election committee determines the number of votes polled in the 'Land' for the individual 'Land' lists, and which candidates have been elected (BWahlG § 42 II).
- France The election offices draw up a declaration giving the election result, which is posted on the door of the election office. The result is immediately notified to the mayor, then to the prefect and finally to the Minister for the Interior (CE Art. R. 67-69)
- Ireland The returning officer makes a public declaration of the election result in his constituency (Section 27 EA 1923; Rules 30,31,46 5th Schedule EA 1923; Section 41 EA 1963).
- Italy The president of the central constituency office (Art. 78 TU No. 361).
- Luxembourg The general election result and the names of the successful candidates are publically announced by the presiding officer of the principal election office (LE Art. 125, 141 and 142).
- Netherlands The principal election office determines the result (KW. Art. L.9 and 10).
- United Kingdom The returning officer declares the result (PER 51).

VI. ELECTION RESULTS

2. Void ballot papers

- Belgium
- Where other than the statutory ballot papers are used;
 - where the ballot paper contains more than one vote;
 - where a vote is cast simultaneously for the list and for an individual candidate;
 - where a ballot paper is marked in such a way as to reveal the identity of the voter (CE Art.157).
- Denmark
- Where it is not clear for which party or which candidate the voter intended to vote;
 - where the ballot paper is not the one officially provided;
 - where the ballot paper indicates who the voter is or is otherwise deliberately marked in a distinctive manner (vgl. § 37.3).
- Federal Republic of Germany
- In certain cases of error in form;
 - where the ballot paper does not convey the intention of the voter unambiguously;
 - where the ballot paper contains additions or reservations (BWahlG § 39).
- France
- Where the ballot paper is not adequately marked;
 - where the voter's identity can be established;
 - where the ballot paper is deposited in the ballot box without an envelope;
 - where the ballot paper contains additions (CE Art. L.66)
- Ireland
- Where the ballot paper does not bear the official mark;
 - where the ballot paper does not show a first preference;
 - where the figure 1 is placed opposite the name of more than one candidate;
 - where the ballot paper contains any mark identifying the voter (Section 36 EA 1963).
- Italy
- Where the ballot paper does not contain the number, stamp or signature of a member of the election committee (Art. 58 TU No. 361);
 - where it is not clear for whom a vote has been cast (Art. 59 TU No. 361);

VI. ELECTION RESULTS

2. Void ballot papers (cont.)

- Italy (cont.)
- where preference votes are cast for candidates from other constituencies or lists (Art. 60 TU No. 361);
 - where the vote is not cast in the polling booth (Art. 62 TU No. 361).
- Luxembourg
- Where other than the statutory ballot paper is used;
 - where the ballot paper contains more votes than there are seats to be filled;
 - where the ballot paper contains no vote;
 - where the ballot paper contains identifying marks (LE Art. 121).
- Netherlands
- Where other than the official ballot paper is used;
 - where the vote is not cast in the prescribed manner (KW. Art. L. 7).
- United Kingdom
- Where the ballot paper does not bear the official mark;
 - where votes are given for more than one candidate;
 - where the ballot paper contains any marks identifying the voter;
 - where the ballot paper is unmarked or is marked ambiguously (PER 48).

VI. ELECTION RESULTS

2. Void ballot papers

(a) Adjudicating authority

Belgium	The <u>counting office</u> or its presiding officer (CE Art. 156).
Denmark	The <u>election committee</u> (vgl. § 39).
Federal Republic of Germany	The <u>panel of presiding officers; the constituency election committee</u> may also check (BWahlG § 40).
France	The <u>election office</u> (CE Art. L. 65)
Ireland	The returning officer (Section 36 EA 1963).
Italy	Sequence of authorities: <ul style="list-style-type: none">- the presiding officer of the polling station (Art. 34 and 35, TU No. 361);- the presiding officer of the <u>electoral district</u> (Art. 13 TU No. 361);- the <u>central constituency office</u> (Art. 76 TU No. 361);- the <u>central national election office</u> (Art. 12 TU No. 361)
Luxembourg	- The <u>election office</u> (LE Art. 120).
Netherlands	- The <u>election office</u> (LE Art. L 8).
United Kingdom	- The returning officer (PER 48, 49).

VI. ELECTION RESULTS

3. Validation of election

- Belgium The Chamber of Representatives alone rules on the validity of the electoral conduct of its members and their representatives (CE Art. 231). If an election is declared void, all the formalities, including the nomination of candidates, must be repeated (CE Art. 231).
- Denmark The Folketing is the responsible authority (grl. § 33). The decision of the Folketing is prepared by a provisional election validation committee, which is appointed as soon as the Folketing first sits (Rules of Procedure of the Folketing, Rules 1,2 - 9).
- If the Folketing regards the election result in a certain ward as void (vgl. § 54), the credentials of the candidates in the constituency are not verified and a second poll takes place.
- Federal Republic of Germany The Bundestag rules on the validity of elections (GG Art. 41.1; WPG § 1). Complaints may be lodged with the Federal Constitutional Court (GG Art. 41.2). The decision of the Bundestag is prepared by an election validation committee appointed by the Bundestag for the life of the Bundestag (WPG § 3).
- France The Constitutional Council validates the election (Const. Art. 59; Art. 33 et seq. LO of 7 November 1958). There is no right of appeal against the decision of the Constitutional Council.
- Ireland There is no procedure, as such, for validating an election.
- Italy The election is validated by the Chamber of Representatives. Its decision is final (Cost. Art. 66; Art. 87 TU No. 361).
- Luxembourg The Chamber decides on the eligibility of its members for election and decides whether they have been duly elected (Const. Art. 57).

VI. ELECTION RESULTS

3. Validation of election (cont.)

Netherlands

The Chamber itself validates the election results (Grw. Art. 108; KW. Art. U 7).

If the election is declared void, the elected candidates are denied access to the Chamber and the election is repeated within an interval of 1 month (KW. Art. U 7).

United Kingdom

Two High Court judges are appointed as the Election Court to rule on petitions questioning an election (Section 108 RPA 1949).

This Court informs the Speaker of its decision. The House of Commons either confirms the result of the election or issues a writ for a new election in the constituency concerned (Section 124 RPA 1949).

VI. ELECTION RESULTS

4. Contesting the result

- Belgium An objection to an election result must be lodged with the Chamber before the verification of credentials. (Const. Art. 34; CE Art. 232).
- Denmark An objection to an election result must be submitted to the Folketing via the Ministry of the Interior on the weekday following the election. The Folketing decides whether and to what extent votes should be recounted (vgl. §§ 75, 53, 54).
- Federal Republic of Germany An objection to an election result must be presented to the Bundestag in writing within one month of the election. It may be submitted by any elector (WPG § 2).
- An election is repeated if it is declared wholly or partly void by a legal decision (BWahlG 44).
- France The election of a representative can be challenged before the Constitutional Council within ten days of the election by any registered elector in the constituency concerned or by the candidates (CE Art. L. 180).
- Ireland The election result can be challenged by an election petition. Petitions may be submitted by any candidate or elector.
- The Election Court decides whether a candidate has been duly elected or whether the election is void. The Court reports its findings to the chairman of the Dáil. The Dáil must either confirm the election or issue a new writ in the constituency concerned (Parliamentary Elections Act 1868, as continued by EA 1960).
- Italy An election may be challenged by applying to the district election committees for the decision being taken by the central constituency office, the Chamber of Deputies (Art. 87 TU No. 361).
- Luxembourg Any objection to the election must be lodged before credentials are verified (LE Art. 89). (LE Art. 89).

VI. ELECTION RESULTS

4. Contesting the result (contd.)

Netherlands

Anyone present in the polling station may lodge a complaint against the result of the count.

United Kingdom

An election may be challenged by the presentation of a petition. £1,000 must be deposited as a security. The procedure takes place in the constituency for which the election result is being challenged. The judges (of the County Court in the first instance and of the High Court in the second) decide whether or not the election is void. The House of Commons, as the last instance, may decide to support the Court's decision or not, as the case may be (Sections 107 to 111, 119 to 159 RPA 1949).

VI. ELECTION RESULTS

5. By-elections

Belgium	If a vacant seat in one of the two Chambers cannot be filled by a runner-up (suppléant), the <u>constituency electoral college</u> meets within, 40 days of the seat becoming vacant. If the vacancy arises in the three months before the re-election of one or both Chambers, the meeting of the electoral college may only be convened by the decision of the members of the Chamber in which the seat has become vacant (CE Art. 106).
Denmark	No provisions
Federal Republic of Germany	No provisions
France	When a seat in the National Assembly becomes vacant, a by-election is held within three months (CE Art. LO 176 and 178), except during the twelve months preceding the expiration of the powers of the Assembly.
Ireland	No provisions
Italy	No provisions
Luxembourg	No provisions
United Kingdom	When a seat becomes vacant in the House of Commons, it is filled by a by-election.

VI. ELECTION RESULTS

6(a) When can an elected candidate take his seat?

- Belgium As soon as his election has been declared valid and the candidate has taken the oath (CE Art. 236).
- Denmark The day of the election (vgl. § 75).
- Federal Republic of Germany As soon as the candidate's declaration of acceptance of election is received by the appropriate 'Land' returning officer, but not before the dissolution of the previous Bundestag (BWahlG § 45).
- France At the time of the first ordinary or extraordinary meeting of the new parliament (CE Art. LO 121 and 227).
- Ireland As soon as the candidate has signed the list of members in the presence of the Clerk of the Dáil (Dáil Eireann Standing Orders I).
- Italy Immediately following the proclamation by the chairman of the appropriate central constituency office (Rule 1 of the Rules of Procedure of the Chamber of 18 February 1971 and Art. 78 TU No. 361).
- Luxembourg At the time of the first ordinary or extraordinary meeting of the Chamber following the election (LE Art. 95).
- Netherlands As soon as he has taken the oath (Gw. Art. 97).
- United Kingdom After taking the oath of loyalty to the Crown (Section 1, Parliamentary Oath Act 1866 or affirming under the Oaths Act 1888, the member signs the test roll. He is then qualified to take his seat.

VI. ELECTION RESULTS

6. (b) In what circumstances does a member lose his seat?

Belgium

A member may lose his seat as a result of death, resignation or the dissolution of the Chamber or for reasons of ineligibility or incompatibility (Const. Art. 51, 55, 71; CE Art. 235).

Denmark

A member loses his seat if he ceases to meet the conditions of eligibility. Otherwise seats are not lost until new elections take place. (grl. § 32).

Federal Republic
of Germany

A member loses his seat in the event of

1. invalidity of the election, which is determined by the election scrutiny procedure;
2. revision of the election result, by decision of the Council of Elders of the Bundestag;
3. loss of his eligibility for election; in the event of disqualification owing to an offence against criminal law, the decision is taken by the Council of Elders, in other cases by the election scrutiny procedure;
4. resignation; the decision is taken by the President of the Bundestag, who accepts the letter of resignation;
5. declaration by the Federal Constitutional Court of the unconstitutional nature of the party to which he belongs; decision taken by the Council of Elders of the Bundestag. (For each of these cases see BWahlG § 47).

France A member loses his seat as a result of death, resignation, end of the legislative period, dissolution of the National Assembly, for reasons of ineligibility or incompatibility (Const. Art. 12; CE Art. LO 121, 129 ff, 137 ff)

Ireland A member loses his seat following the loss of his eligibility for election and in the event of his election being declared invalid by the Election Court.

Italy A member loses his seat if he ceases to meet the conditions of eligibility for election, as a result of the dissolution of the Chamber, or on his death (Cost. Art. 53 ff, 74; LE Art. 144).

Netherlands A member loses his seat when he ceases to fulfil the conditions of eligibility for election (KW Art. W 1 and 4).

United Kingdom A member loses his seat

- when he ceases to be eligible for election;
- if he is found to be suffering from mental illness following two medical examinations separated by an interval of six months (Mental Health Act 1958);
- if he is found to be unfit for membership of Parliament.

VI. ELECTION RESULTS

7. Legislative term

Belgium	4 years (Const. Art. 51 and 55)
Denmark	4 years (grl. §32.1)
Federal Republic of Germany	4 years (GG §39)
France	5 years (Art. 3 LO of 7 November 1958)
Ireland	5 years (Const. Art. 16.5; Section 10 EA 1963)
Italy	5 years (Cost. Art. 60)
Luxembourg	5 years (Law of 27.7.1956)
Netherlands	4 years (Grw. Art. 94)
United Kingdom	5 years (Section 7 Parliament Act 1911)

The power to dissolve Parliament before the end of its term exists in each of the countries.

PART I

ANNEX

Vote counting methods

The many vote counting methods used can be divided into two main types, on which a number of various methods have been based. These are the quota method and the largest average method. The basic difference between these two methods lies not so much in the method of calculation - both use the principle of division - as in the result.

In their commonest forms quota methods do not usually result in the allocation of all the seats. A number of seats are left over, which then have to be allocated by means of another method of calculation. Divisor methods, on the other hand, invariably permit the allocation of all seats.

The quota method

This method is based on the principle that a seat should be allocated for a given number of votes. The quota is a quotient: the dividend is as a rule the number of valid votes cast in the constituency, while the divisor can vary. It is either equivalent to the number of seats to be allocated in the constituency or this number plus one, two, three, etc. An increase in the divisor produces smaller quotas. Consequently, the larger the divisor, the larger the number of seats which can be allocated by the quota method.

The commonest type of quota method is the Hagenbach-Bischoff method, the quota being obtained by dividing the number of votes cast by the number of seats to be allocated in the constituency plus one.

Examples:

In a particular constituency ten seats are to be allocated; 330,000 valid votes have been cast for five parties as follows:

Party A	98,000 votes
Party B	65,000 votes
Party C	90,000 votes
Party D	50,000 votes
Party E	27,000 votes

Applying the simple quota method the quota would be

$$\frac{330,000}{10} = 33,000$$

Parties	A	B	C	D	E
Votes	98,000	65,000	90,000	50,000	27,000
<u>divided by</u> <u>quota gives</u>	<u>2 seats</u>	<u>1 seat</u>	<u>2 seats</u>	<u>1 seat</u>	<u>0 seats</u>
Remainder	32,000	32,000	24,000	17,000	27,000

Vote counting methods (cont.)

Only six of the ten seats can be allocated by this method; the remaining four seats must be distributed by a second method.

If the Hagenbach-Bischoff method is used, the quota is:

$$\frac{330,000}{10 + 1} = 30,000$$

Parties	A	B	C	D	E
Votes divided by quota gives	98,000 3 seats	65,000 2 seats	90,000 3 seats	50,000 1 seat	27,000 0 seats
Remainder	8,000	5,000	0	20,000	27,000

Only nine of the ten seats can be allocated by this method; the remaining seat must be allocated by a second method.

Largest average methods (also known as divisor methods)

Here the number of votes obtained by the parties in the constituency or electoral district is divided by a series of numbers (divisors). The seats are allocated according to the size of the resulting quotients.

The various methods use different series of divisors as follows:

d'Hondt method	1 - 2 - 3 - 4 -
Imperiali method	2 - 3 - 4 - 5 -
Sainte-Lagué method	1 - 3 - 5 - 7 -
Adjustment method or modified Sainte-Lagué method	1.4 - 3 - 5 - 7 -
Danish method	1 - 4 - 7 - 10 -

Examples:

Ten members are to be elected in a given constituency; 330,000 valid votes have been cast for five parties as follows:

Party A	98,000 votes
Party B	65,000 votes
Party C	90,000 votes
Party D	50,000 votes
Party E	27,000 votes

Vote counting methods (Cont.)

The d'Hondt method produces the following results:

Divisor	Party A	Party B	Party C	Party D	Party E
1	98,000 (1)	65,000 (3)	90,000 (2)	50,000 (4)	27,000 (9)
2	49,000 (5)	32,500 (8)	45,000 (6)	25,000 (10)	13,500
3	32,656 (7)	21,656	30,000	16,666	9,000
4	24,500	13,000	22,500	12,500	7,250

The Imperiali method produces the following results:

Divisor	Party A	Party B	Party C	Party D	Party E
2	49,000 (1)	32,000 (4)	45,000 (2)	25,000 (6)	13,500
3	32,656 (3)	21,666 (9)	30,000 (5)	16,666	9,000
4	24,500 (7)	16,250	22,500 (8)	12,500	7,250
5	19,600 (10)	13,000	18,000	10,000	5,400

The Sainte-Laquë method:

Divisor	Party A	Party B	Party C	Party D	Party E
1	98,000 (1)	65,000 (3)	90,000 (2)	50,000 (4)	27,000
3	32,656 (5)	21,666 (7)	30,000 (6)	16,666 (10)	9,000
5	19,600 (8)	13,000	18,000	10,000	5,400

The adjustment method:

Divisor	Party A	Party B	Party C	Party D	Party E
1.4	70,000 (1)	46,428 (3)	64,285 (2)	35,714 (4)	19,285 (9)
3	32,656 (5)	21,666 (7)	30,000 (6)	16,666	9,000
5	19,600 (8)	13,000	18,000 (10)	10,000	5,400

The Danish method:

Divisor	Party A	Party B	Party C	Party D	Party E
1	98,000 (1)	65,000 (3)	90,000 (2)	50,000 (4)	27,000 (5)
4	24,500 (6)	13,000 (9)	22,500 (7)	12,500	7,250
7	14,000 (8)	9,285	12,857 (10)	7,142	3,857

PART II

Parliamentary and electoral systems of Member States

BELGIUM

Legal basis

- Const. = Constitution of 7 February 1831, last amended 1967 to 1971.
- CE = Code électoral = Electoral Law, last amended on 29 July 1976.

Parliament

- Bicameral system:
- Sénat, Senaat (Senate)
 - Chambre des Représentants, Kamer van Volksvertegenwoordigers (Chamber of Representatives)

Legislative term

4 years (Const. Art. 51)

Number of members: 212 (Present number Art. 49 of the Const. currently provides that there should be one representative for every 45,200 inhabitants)

Terms

Central provincial office	Bureau central provincial
College of the mayor and aldermen	Collège des bourgemestre et des échevins
Constituency	Arrondissement
Constituency electoral college	Collège électoral de l'arrondissement
Counting Office	Bureau de dépouillement
Electoral register	Liste électorale
Full naturalization	Grande naturalization
Polling station	Bureau de vote
Principal canton office	Bureau principal de canton
Principal constituency office	Bureau principal d'arrondissement

Vote counting method

Seats are distributed among the constituency lists by the d'Hondt method. In the event of equal quotients the seat is awarded to the list with the higher overall number of votes. In the event of a tie the seat is awarded to the older of the two candidates or the one polling the higher number of personal votes. Where a list obtains more seats than it has candidates and substitutes, the unfilled seats are distributed among the lists with the next highest quotients (CE Art. 167,168).

Where candidates on one or more lists have declared that their list is to be combined with other lists (lists of the same party in different constituencies), the d'Hondt method with counting at constituency level is not used; instead seats are initially allocated by a modified quota method in the constituency and the remainder by a modified divisor method at province level.¹

¹ See the example on page 74. This has been taken from the practical guide compiled by Mr Alfred Delacroix.

BELGIUM (cont.)

For this purpose, the total number of votes cast in the constituency is first divided by the number of seats to be filled to give the electoral divisor. The number of votes on each list is then divided by the divisor to give the electoral quotient. Whole quotients correspond to the number of seats obtained directly by the lists (CE Art. 174).

Where all the seats cannot be distributed directly in the constituency the remainder (sièges complémentaires) are distributed at province level among all groups of lists which have obtained at least 66% of the electoral divisor in a constituency. The votes are calculated by a special divisor method (modified d'Hondt method), the first divisor always being one greater than the number of seats directly obtained by a list and each subsequent divisor being one greater than its predecessor (CE Art. 176).

The supplementary seats are distributed among the combined lists in descending order of quotients. Supplementary seats obtained during the second allocation procedure are distributed within combined lists according to the electoral quotients of the lists in the individual constituencies (CE Art. 177).

Where a list obtains more seats than it has candidates and substitutes, the unfilled seats are transferred to the group's next lists. Where the list in the last constituency still obtains more seats than it has candidates, the remainder are transferred to the list in the constituency with the next highest quotient (CE Art. 177).

Seats are usually allocated to candidates on the lists according to the order in which they are entered. The first candidate obtains, in addition to his personal votes, the number of list votes necessary for him to attain the quota for the list, which is obtained by dividing the number of votes polled by the list by the number of seats awarded to it plus one. The remaining list votes are added to the personal votes of the next candidate. This method is repeated until all the list votes have been distributed. Where a list obtains more votes than it has candidates, the surplus list votes are awarded to the substitutes (CE Art. 170 and 171).

The calculation of 'local fractions' enables the allocation of seats to the various constituencies.

PROVINCE DU HAINAUT (32 Représentants)

Arrondissement	Nombre de sièges à combler	Nombre de votes valables	Diviseurs électoraux	A Liste 1 Socialistes		B Liste 2 Communistes		C Liste 3 P.S.C.		D Liste 4 Libéraux		E Liste 5 Classes Moyennes		Listes Isolées		Nombre de sièges acquis à la 1 ^{re} répartition	Nombre de sièges restant à répartir
				Chiffres élect.	Quot. élect.	Chiffres élect.	Quot. élect.	Chiffres élect.	Quot. élect.	Chiffres élect.	Quot. élect.	Chiffres élect.	Quot. élect.	Chiffres élect.	Quot. élect.		
Mons	7	156.600	22.372	71.085	3.177	29.320	1.310	32.811	1.460	17.393	0.777	6.000	0.266	—	—	5	2
Soignies	4	101.602	25.400	47.888	1.885	12.793	0.503	23.920	0.941	13.383	0.526	3.616	0.142	—	—	1	3
Tournai-Ath	6	142.608	23.778	43.582	1.832	18.849	0.792	46.940	1.974	27.877	1.172	6.420	0.227	—	—	3	3
Charleroi	11	258.951	23.541	122.280	5.194	39.872	1.693	57.679	2.450	33.873	1.438	4.401	0.189	766	0.033	9	2
Thuin	4	79.201	10.800	30.066	1.518	10.759	0.543	24.320	1.228	11.473	0.570	2.436	0.123	147	0.007	2	2
	32	739.031		314.001		111.503		185.670		104.001		21.933				20	12
Chiffres électoraux provinciaux				314.001		111.503		185.670		104.001		21.933					
Nombre de sièges acquis à la première répartition				11		2		5		9		0		0			
Quotients électoraux provinciaux				12) 20.241 VI		3) 37.107 I		6) 30.046 III		3) 34.007 II							
				13) 24.223 VIII		4) 27.898 IV		7) 26.624 V		4) 20.000 VII							
				14) 22.492 X		5) 22.318 XI		8) 23.208 IX		5) 26.800 XII							
				15) 20.993 XII		6) 18.598		9) 20.630									

Fractions locales.

Mons	4) 0,794	2) 0,653	2) 0,733	1) 0,777
	6) 0,636	3) 0,436	3) 0,488	2) 0,388
Soignies	2) 0,943	1) 0,503	1) 0,941	1) 0,526
	3) 0,620	2) 0,261	2) 0,470	2) 0,263
Tournai-Ath	2) 0,916	1) 0,792	2) 0,087	2) 0,586
	3) 0,610	2) 0,396	3) 0,658	3) 0,391
Charleroi	6) 0,865	2) 0,847	3) 0,817	2) 0,719
	7) 0,742	3) 0,564	4) 0,658	3) 0,479
Thuin	2) 0,759	1) 0,543	2) 0,814	1) 0,579
	3) 0,506	2) 0,271	3) 0,409	2) 0,289

DENMARK

Legal basis

- grl. = grundlov = Constitution, of 5 June 1953.
- vgl. = valglov = Electoral Law, of 10 August 1970.

Parliament

Unicameral system: Folketing (House of Representatives)

Legislative term

4 years (grl. § 32,1)

Number of members

179 (i.e. for a population of approx. 5 million, one representative for 28,000 inhabitants)

Terms

Ballot paper	Stemmeseddel
Constituency	Valgkreds
Constituency seat	Kredsmandat
County Borough	Amtskommune
County Constituency	Amtskreds
County governor	Amtmand
Election Committee	Valgbestyrelse
Electoral District	Hovedområde
Electoral register	Valgliste
Large constituency	Storkreds
Presiding officer	Valgstyrer
Provisional election validation committee	Foreløbigt udvalg til valgs prøvelse
Registration office	Folkeregister
ward	Opstillingskreds

Vote counting method

In each constituency, the seats are shared among the parties (and independents) in proportion to their totals of list and personal votes, using a modification of the d'Hondt rule. The seats thus allocated total 135. There are in addition 40 supplementary seats, which are used to make the final result as accurately proportional as possible. To share in their distribution, a party must fulfil at least one of three conditions: it must have won a minimum of one seat in the constituencies; or have obtained in at least two zones at least as many votes as the average per constituency seat in that zone; or have polled at least 2% of all the valid votes in the country.

To decide which candidates fill a party's seats, a candidate is credited with all the personal votes given to him, plus his party's votes in the district where he appears first on the list. The candidates obtaining the most votes are elected; the rest, in the order of their votes, serve as substitutes in case of a casual vacancy in that constituency.

A party may, however, change this in two ways; it may place all its candidates in a constituency on an equality, making their election depend solely on their personal votes and not on their position on the ballot paper. Or it may place all its candidates in a constituency in a definite order. In that case, a quota is obtained by dividing that party's total votes in the constituency by one more than the number of seats it has won, and any candidate whose personal votes reach this quota is elected. Any surplus votes he may have are transferred to the candidate the party has put next in order, and if all seats are not filled in this way, votes are similarly transferred from the candidate(s) with the fewest votes.

FEDERAL REPUBLIC OF GERMANY

Legal bases

- GG = Grundgesetz = Basic Law of the Federal Republic of Germany of 23 May 1949.
- BWahlG = Bundeswahlgesetz = Federal Electoral Law of 7 May 1956, as amended on 1 September 1975.
- WPG = Wahlprüfungsgesetz = Law on the Validation of Elections of 12 March 1951
- ParG = Parteiengesetz = Law on Political Parties of 24 July 1967, as amended on 24 July 1974.
- BWahlO = Bundeswahlordnung = Federal Electoral Code of 3 September 1975.
- BetrVG = Betriebsverfassungsgesetz = Law on the Constitution of Enterprises of 11 October 1952
- BVerfGG = Bundesverfassungsgerichtsgesetz = Law on the Federal Constitutional Court of 3 February 1971

Parliament

- Bicameral system:
- Bundestag (House of Representatives)
 - Bundesrat (representation of the governments of the Länder, which appoint 45 delegates)

Legislative term

Four years (GG Art. 39)

Number of Members

518 Members in all.

496 Members with full voting rights, plus 22 Members appointed by the Berlin House of Representatives, not fully entitled to vote.

(This means that, with a population of 60 Million, there is one representative for every 115,000 inhabitants.)

Terms

commune	Gemeinde
constituency	Wahlkreis
constituency election committee	Kreiswahlausschuss
constituency returning officer	Kreiswahlleiter
Council of Elders	Ältestenrat
district	Kreis
electoral certificate	Wahlschein
electoral register	Wählerverzeichnis
Federal Constitutional Court	Bundesverfassungsgericht
Federal election committee	Bundeswahlausschuss
'Land' election committee	Landeswahlausschuss
'Land' government	Landesregierung
'Land' returning officer	Landeswahlleiter
Panel of presiding officers	Wahlvorstand
Standing Boundary Commission	Ständige Wahlkreiskommission
ward	Wahlbezirk

FRANCE

Legal basis

- Const. = Constitution of 4 October 1958, last amended on 30 December 1963.
- CE = Code électoral = Electoral Code of 30 March 1955, last amended on 22 August 1974.
- The Loi organique (LO) is part of the electoral law.
- L = Loi = law
- R = réglementation = rule

Parliament

- Bicameral system:
- Assemblée Nationale (National Assembly)
 - Sénat (Senate), which has 283 members and a life of 9 years; one third of the senators is elected every 3 years.

Legislative term (of the National Assembly)

5 years (CE Art. LO 121)

Number of members

490 (this means that, with a population of about 52,700,000 there is one representative for every 107,000 inhabitants)

Terms

administrative committee	commission administrative
assessor	assesseur
by-election	élection partielle circonscription
constitutional Council	conseil constitutionnel
deputy Mayor	adjoint
election office	bureau de vote
electoral register	liste électorale

FRANCE (cont.)

The following are ineligible:

- inspectors-general of the administration on special missions and prefects in all constituencies located in the area in which they hold or have within the last three years held such office;
- sub-prefects and secretaries-general of the prefecture in all constituencies of the department in which they hold or have within the last year held such office;
- mayors and deputy mayors of Paris in all constituencies in which they hold or have within the last year held such office.

Senior Officials representing the Government (prefects of police, rectors, etc.) and magistrates are ineligible for election in all constituencies forming part of the area in which they exercise or have exercised their duties for less than six months:

A representative, senator or substitute member of a Chamber may not act as substitute for a candidate standing for election to the National Assembly. A substitute who has taken over the seat of a representative because the latter has become a member of the government, may not stand against this former representative at the next elections.
(CE Art. L 44 LO 127-135)

Incompatibility of offices

Membership of the National Assembly or the Senate is incompatible with the holding of any government post. The simultaneous membership of both Chambers is prohibited (CE Art. 23, CE Art. LO 137).

The office of representative is incompatible with:

- membership of the Economic and Social Council;
- membership of the Constitutional Council;
- membership of the Government Council of an overseas territory;
- the office of judge;
- regular service in the armed forces;
- membership of a departmental commission;

FRANCE (cont.)

- any public office not filled by election. The following are exempt from this last provision:
 - (a) professors, who at the time of their election, occupy a chair awarded to them following a proposal by the staff of the establishment in which the chair became free, or who are responsible for directing research projects;
 - (b) the clergy and representatives of the government in the religious administration in the Haut-Rhin, Bas-Rhin and Moselle departments;
- paid office in the employment of a foreign state or international organization;
- the performance of a special government mission lasting longer than 6 months;
- the chairmanship or membership of a board of directors and the office of director-general or ~~deputy director-general of national undertakings and public institutions, or any permanent position as adviser in such~~ undertakings or institutions. Exceptions: representatives appointed members of the boards of directors of national undertakings or institutions in their capacity as Members of Parliament;
- the positions of head of business, chairman of the board of directors, director-general, deputy director-general or managing director in:
 - (a) companies, undertakings or institutions which enjoy advantages granted by the state or a public authority in the form of interest guarantees, subsidies, etc., except where these advantages result from the automatic application of general legislation and regulations;
 - (b) companies which pursue financial business only and receive public savings deposits or issue loans;
 - (c) companies or undertakings whose activities consist chiefly in the execution of projects, the supply of goods or services for or subject to the control of the state, a public authority or a national undertaking, or half of whose capital consists of holdings of companies or undertakings engaged in the same activity; exceptions are possible where the activity of the representative in such undertakings, institutions or companies is unpaid;
- On becoming a representative, a lawyer admitted to the bar may not exercise his profession either directly or indirectly through a partner, associate or secretary, except before the supreme court in connection with cases involving criminal proceedings for crimes or offences against the public good or the press or concerning savings and credit. He is also forbidden to plead or advise against the state, national companies, public authorities or institutions or to plead or advise in favour of or at the expense of one of the abovementioned companies, undertakings or institutions unless he was their regular adviser before his election. Exceptions are possible;

FRANCE (cont.)

- No representative may allow his name followed by his official title to be used for advertising purposes by a financial, industrial or commercial undertaking.

All representatives must give up posts incompatible with their office within 15 days of their election. Any representative failing to do so is declared legally deprived of his office by the Constitutional Council.

(CE Art. L 46. LO 137 - 151)

Electoral system

Election by absolute majority in two ballots. To be elected in the first ballot a candidate must obtain an absolute majority and at least one quarter of the valid votes cast by registered electors. In the second ballot, which takes place one week later, a relative majority is sufficient.

Only candidates polling at least 10% of the valid votes cast by registered electors in the first ballot may take part in the second.

Should only one candidate fulfil this condition, the candidate with the second highest number of votes is admitted to the second ballot.

Should no candidate fulfil this condition, a second ballot is held between the two candidates polling the most votes at the first ballot.

No candidate or substitute may stand for election in more than one constituency.

IRELAND

Legal basis

- Const. = the Irish Constitution (Bunreacht na h'Eireann) of 1 July 1937.
- EA = Electoral Act 1923, amended several times, in particular in 1969 and lastly in 1974.

Parliament

Bicameral system: - Dáil Eireann (House of Representatives)
- Seanad Eireann (Senate)

Legislative term

Five years (Const. Art. 16.5; Section 10 of EA 1963).

Number of Members

144 (at present; varies according to population; see Section IV.1.a.

This means that, with a population of 3,100,000, one member represents about 20,000 inhabitants.)

The following offices are considered incompatible with that of representative:

- President of the Republic (Const. Art. 12.6.1)
- Controller and Auditor General (Const. Art. 33.3)
- Judge (Const. Art. 35.3)
- Members of the defence forces or any police force in the state on full pay (Section 51 EA 1923).
- Civil servants unless permitted by their terms of employment to be a member of the Dáil (Section 51 EA 1923).
- Membership of one House of Parliament disqualifies from membership of the other (Const. Art. 15.14).

Vote counting method

Voting is on the system of proportional representation by means of the Single Transferable Vote. The names of the candidates appear in alphabetical order on the ballot paper. The voter who has one transferable vote indicates the order of his choice by writing 1 opposite the name of his first choice, 2 opposite the name of his second choice, 3 opposite the name of his third choice and so on. He is free to indicate a preference for one candidate only, or for a limited number of candidates or for each of the candidates in the order of his choice. In this way the voter gives instructions to the returning officer to transfer his vote to the candidate of his second choice if the candidate of his first choice receives more than the quota of votes necessary for election or if his first choice is eliminated (through receiving so few votes as to have no chance of election). If the same situation applies to his second choice the vote may be transferred to his third choice and so on. The quota of votes which is the number of votes necessary for election of a candidate is ascertained by dividing the total number of valid papers by the number of seats plus one and adding one to the result; e.g. if there were 40,000 valid papers and 4 seats to be filled the quota would be 8,001, i.e. $\frac{40,000}{4 + 1} + 1$. It will be seen that in this example only four candidates could possibly reach the quota.

At the end of any count any candidate who has received a number of votes equal to or greater than the quota is deemed to be elected. If a candidate receives more than the quota his surplus votes are transferred to the remaining candidates in the following way. If the candidate's votes are all first preference votes, all his ballot papers are sorted into separate parcels according to the next preference shown on them. A separate parcel is made of his non-transferable votes (papers on which a subsequent preference is not shown). If the surplus is less than the number of transferable votes each remaining candidate then receives from the top of the appropriate parcel of transferable votes a number of votes calculated as follows:

$$\frac{\text{Surplus}}{\text{Total number of transferable votes}} \times \text{number of papers in parcel.}$$

If the surplus is equal to or greater than the number of transferable votes, each candidate will receive all the votes from the appropriate parcel of transferable votes. If the surplus arises out of transferred papers, the papers in the parcel last transferred to that candidate are examined and this parcel is then treated in the same way as a surplus consisting of first preference votes. If two candidates exceed the quota

the larger surplus is distributed first. If no candidate has a surplus the lowest of the remaining candidates is eliminated and his papers are transferred to the other remaining candidates according to the next preference indicated on them. If a ballot paper is to be transferred and the second preference shown on it is for a candidate already elected or eliminated the vote passes to the third choice and so on. Counting continues until all the seats have been filled. If the position is reached where the number of seats left to be filled is equal to the number of candidates still in the running these candidates are declared elected without having obtained the quota. Similarly, if only one seat remains to be filled and one candidate has more votes than all the other remaining candidates together with any surplus votes not yet distributed, that candidate is deemed to be elected without having reached the quota.

ITALY

Legal basis

- Cost. Costituzione = Constitution of 1 January 1948, last amended on 25 November 1967.
- TU = Testo unico delle leggi per la elezione della Camera dei Deputati = Electoral Law, Presidential decree of 30 March 1957, No. 361.
- Supplement to the above (Testo unico delle leggi per la disciplina dell'elettorato attivo e per la tenuta e Revisione delle liste elettorali). Presidential Decree of 20 March 1967. No 223.

Parliament

- Bicameral system:
- Camera dei Deputati (Chamber of Representatives)
 - Senato (Senate)

Legislative term

Five years (Cost. Art. 60)

Number of members

630 (with a population of 55,000,000, each member represents about 87,000 inhabitants)

Terms

central constituency office	ufficio centrale circoscrizionale
central national election office	ufficio centrale nazionale
constituency	collegio
district election committee	commissione elettorale mandamentale
electoral district	sezione elettorale
electoral register	lista elettorale
governing body of electoral district	seggio elettorale
local election committee	commissione elettorale comunale

ITALY (cont.)

The following are disqualified:

- Members of the Senate (Cost. Art. 652)
- Members of regional parliaments;
- Presidents of the supreme provincial administrative authorities;
- Mayors of communes of over 20,000 inhabitants;
- Chiefs, deputy chiefs and inspectors-general of the police;
- Minister's chiefs de cabinet;
- Representatives of the government in the autonomous region of Sardinia;
- The State Commissioner in the region of Sicily;
- Prefects and their representatives;
- Vice-Prefects and police officials;
- Generals, admirals and senior officers of the armed forces within the area of their territorial command
- Admirals of the armed forces within their sphere of authority.
(Art. 7 TU No 361)
- Judges in constituencies within their jurisdiction (Art. 8 TU No. 361)
- Diplomats, consuls, vice-consuls, embassy, legation and consulate employees (Art. 9 TU No. 361)
- Representatives of private undertakings bound to the state by public works or supply contracts. Representatives, directors, managers and legal and administrative advisers of state-subsidized undertakings
(Art. 10 TU No. 361)

Vote counting method

'Seats shall be distributed among the constituencies in the following manner: the number of inhabitants of the Republic as recorded in the latest population census is divided by 630 and the seats are distributed in proportion to the number of inhabitants in each constituency according to the overall quotient and taking into account the highest remainders.'
(Cost. Art. 56.4)

The number of votes cast in a constituency is divided by the number of seats to be allocated in the constituency plus two. The figure thus obtained is the quota. Each list is allocated as many seats as the quota can be divided into the total number of votes casts for the list. Within the individual lists seats are awarded on the basis of preference votes
(Art. 77 TU No. 361).

Seats which have not been filled in the constituencies are distributed proportionally at national level by the method of the largest remainder, but only to parties polling at least 300,000 votes in the whole country
(Art. 83 TU No. 361).

LUXEMBOURG

Legal basis

- Const. = Constitution of 17 October 1868, last amended on 27 January 1972
- LE = Loi électorale = Electoral Law of 31 July 1924, last amended on 31 July 1973

Parliament

Unicameral system: - Chambre des Députés (Chamber of Deputies)

Legislative term

Five years (Law of 27 July 1956)

Number of members

59 (at present; varies according to population. One member represents about 5,500 inhabitants, Const. Art. 53.3; LE Art. 84).

Terms

college of the Mayor and Aldermen	collège des bourgmestres et échevins
election office	bureau électoral
electoral register	liste électorale
principal election office	bureau principal

Vote counting method

Seats are allocated by the Hagenbach-Bischoff method. (The quota is obtained by dividing the number of votes cast by the number of seats to be filled plus one; each list obtains as many seats as the quota can be divided into the number of votes cast for the list). If any seats remain, a second allocation method is applied, the number of votes obtained by each list being divided by the number of seats it has already obtained plus one. Any remaining seats are allocated to the lists with the highest quotients (modified d'Hondt method). In the event of several lists having the same quotient the seat is allocated to the list obtaining the most votes (LE Art. 137)

NETHERLANDS

Legal basis

- Grw. = Grondwet = Constitution of 29 March 1814, last amended on 17 April 1972;
- KW. = Kieswet = Electoral Law of 13 July 1951, last amended on 1 February 1974

Parliament

- Bicameral system:
- Eerste Kamer (Senate)
 - Tweede Kamer (House of Representatives)

Legislative term

4 years (Grw. Art. 94)

Number of members

150 (i.e. with a population of approx. 13,500,000, one member for approx. every 90,000 inhabitants)

Terms

central election authority	kiesraad (outside the period of an election)
commune executive (consisting of mayor and elected assessors)	college van burgemeester en wethouders
constituency	kieskring
election office	stembureau
electoral district	kiesdistrikt
electoral register	kiezersregister
polling card	stembiljet
principal election office	hoofdstembureau
quota	kiesdeler

Incompatibility

- President and members of the Council of State
- Ministers
- Member of or Attorney-General or Director of Public Prosecution with the Supreme Council;
- Auditor-General or member of the Audit Office;
- Royal Commissioner in a Province (Grw. Art. 106.1)

NETHERLANDS (cont.)

Method of allocating seats

The quota is obtained by dividing the total number of votes cast for all lists by the number of seats (150) (KW. Art. N 4).

Each list or group of lists obtains as many seats as the quota can be divided into the number of votes cast (KW. Art. N 5).

The remaining seats are distributed in accordance with the rule of the largest average, provided that they number at least 19. If there are fewer than 19, they are allocated in accordance with the rule of the largest remainder (KW. Art. N 7).

Seats won by a group of lists are distributed among the individual lists by re-applying the quota method (number of votes cast for the group of lists divided by the number of seats allocated to it gives the group quota) (KW. Art. N 10). The remaining seats are distributed in accordance with the rule of the largest remainder.

The quota method is then applied a third time for the purpose of distributing the list seats among the various candidates.
(List quota: number of votes obtained by the list divided by the number of seats allocated to it; KW. Art. N 13)

Candidates achieving the list quota are elected (KW. Art. N 14).

Should any seats remain unfilled after this procedure, the votes of elected candidates which exceed the list quota are transferred to the next candidates on the list (KW. Art. N 15.2).

Any seats still unfilled are allocated to the candidates with the highest number of votes (KW. Art. N 16.1), provided they have obtained at least half the quota. Otherwise the seats go to the candidates highest on the list (KW. Art. N 16.2).

UNITED KINGDOM

Legal basis

- RPA = Representation of the People Act 1949, which also contains
PER = Parliament Election Rules and Representation of the People
Acts 1969 and 1974
- RPR = Representation of the People Regulations 1974
- House of Commons (Redistribution of Seats) Acts 1949 and 1958
- House of Commons (Disqualification) Act 1957

Parliament

- Bicameral system:
- House of Commons (lower house)
 - House of Lords (upper house)
823 Members (total number variable, membership
hereditary)
257 life peers (appointed by the Queen at the
suggestion of the Government)
42 other ex-officio Members (High Court judges,
bishops)

Legislative term (lower house)

5 years (Section 7. Parliament Act 1921)

Number of Members

635 (i.e. with a population of about 56.000.000. approx. one member per
87.000 inhabitants)

Disqualifications

- Peers, except Irish peers, provided that the latter do not intend to
stand as candidates in a Northern Irish constituency.
Under the Peerage Act 1963 peerages may be renounced, thus creating
an entitlement to vote and to be elected.
- Ordained clergymen of the three established Churches, (House of Commons
(Clergy Disqualification) Act 1801) and priests of the Roman Catholic
Church (section 9 of the Roman Catholic Relief Act 1829);
- Holders of Offices of profit under the Crown (House of Commons Disqual-
ification Act 1957):
holders of judicial office, excluding Justices of the Peace provided
their office is not in the constituency in which they wish to stand
for election:

- . members of the regular armed forces and the police;
- . members of the boards of nationalized industries;
- . civil servants with administrative and executive functions. This rule applies to the entire ministerial civil service of Whitehall, including scientific advisers and clerical staff, plus all administrative officials in the other state and local authorities. A member of this group is not permitted to stand for Parliament, i.e. candidature is a disqualifying factor for public service, with no possibility of restitution.

Members of the Civil Service who fulfil no administrative function, e.g. employees of the nationalized railways or post office in the lower echelons, may stand as candidates, they need only resign their office in the event of election, and are entitled to claim restitution to public service.

- Aliens (Section 3 of Act of Settlement, 1700 - 01, section 3 of Status of Aliens Act 1914, section 31 of British Nationality Act 1948).
- Persons under 21 years (section 7 of Parliamentary Elections Act 1695).
- Persons insane (common law)
- Bankrupts (sections 32-33 of Bankruptcy Act 1883).
- Persons convicted of treason (Forfeiture Act 1870).
- Persons convicted of corrupt practices at elections (common law).

Vote counting method

Election is by relative majority in a single ballot in each constituency. To be elected, a candidate must obtain more votes than any other candidate.