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Studying Electoral Institutions and their Consequences: Electoral Systems and Electoral Laws

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Authors

Bowler, Shaun
Carter, Elisabeth
Farrell, David M

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CSD Center for the Study of Democracy

Organized Research Unit
University of California, Irvine
www.democ.uci.edu

It is a staple assumption of current political science that rules and institutions matter. Although, which rules and institutions matter, and to what/whom they are supposed to matter, are often more muddled topics. Such a lack of clarity is not the case for the study of electoral systems, however. From Duverger's 'tendencies' onwards, it has been quite clear which institutions matter to what: the counting rules for votes matter to the outcome of the election. And a great deal of work has been devoted to showing how different players are advantaged or disadvantaged by various counting rules. This was done relatively informally by early electoral reformers such as Enid Lakeman (1974) and more formally by Rae (1967). Subsequent works have done much to elaborate, amend and extend the original insights (Grofman and Lijphart 1986; Katz 1997; Lijphart 1994; Lijphart and Grofman 1984; Taagepera and Shugart 1989). By the early 1990s, in the last attempt by anyone to produce a consolidated itinerary of publications in the area, Richard S. Katz (1992) listed 2,500 works on the 'forms and effects of representation and electoral systems'. Given the sheer number of new works in the field, clearly the task of producing such a publication was becoming impossible, and since then it has been replaced by a regularly updated website list.[1]

The emergence of new democracies, particularly in the 1990s, gave a new impetus to the practical applications of knowledge developed by this literature. New democracies provided an opportunity to engage in electoral engineering and the crafting of electoral rules in order to produce some desired outcome, usually as measured in terms of the number of parties (for useful reviews, see Reynolds and Reilly 1997; Sartori 1997). For, the central insight of electoral systems remains that different electoral systems produce more or fewer parties, and in particular that proportional systems produce more parties (and sometimes far more parties) than non-proportional systems. It is not surprising, then, to note the large number of efforts made at measuring the (dis)proportionality of a given system within the electoral studies literature. It is worth underscoring that the relationship between seats and votes is, obviously, an important one. General ideas of representation and fairness are affected by how the relationship between seats and votes is played out. And, for the specific political systems the question of which groups gain – or more appropriately, perhaps, which groups do not gain – representation is a cause of some contention (e.g., for U.S. examples concerning racial representation, see Davidson and Grofman 1994; Engstrom 1998; for work outside the U.S., see Lal and Larmour 1997; Reilly 1997). Nevertheless, this general approach of examining the relationship between seats and votes does not answer all the questions we may have, and this is for two broad reasons, one

relating to the issue of electoral change, and the other, more broadly, concerning the difference between electoral systems and electoral laws. We will come to the second of these issues later, but for now we shall deal with the first.

Electoral System Consequences under Conditions of Electoral Change

The approach adopted by much of the electoral system literature remains a largely static one, with relatively few attempts to assess change. Several studies address questions concerning the adoption of an electoral system (e.g., Bawn 1993, on the Federal Republic of Germany; or more recently Reynolds 1999, on South Africa) but relatively few address changes after the adoption of the electoral system. There are, of course, exceptions. Boix's study (1999) of access under changing district magnitudes is one which links changes in the thresholds of electoral systems to the concerns of ruling parties threatened by challengers. Very crudely, in situations where challenging parties threaten to unseat ruling parties under essentially majoritarian rules, the incumbents will make the electoral system fairer in order to limit their losses. Often this means the introduction by bourgeois parties of essentially proportional systems to limit the damage posed by socialist parties. (An interesting twist on this was offered by Mitterrand's blatant reform of the French system in 1986 in part in an attempt to wrong-foot the right by facilitating the entry of far right candidates.) A related body of work is that by Gary Cox (most notably, Cox 1997). While Cox's work is not always explicitly dynamic, per se, his emphasis on strategic negotiations and challenges builds into his picture of electoral systems the idea of debates and discussions unfolding over time. These notable exceptions to one side, however, the study of electoral systems has remained largely cross sectional.

To be sure, this is a reasonable analytical framework. Not only does it allow analytical tractability, it also makes sense given that electoral system change is relatively infrequent. And, after being set up, electoral systems do change only very infrequently. Cases such as New Zealand or Japan, Britain's introduction of proportionality for some (second order) elections, France's 1986 flirtation, or Italy's (stalled?) reforms are few and far between (for summary discussion, see Farrell 2000). Table 1 provides summary details on the types of electoral systems in use in western Europe in the 1960s and 1990s. Unsurprisingly, there is little sign of fundamental electoral system change between the two periods (apart from Italy, of course): certainly this is the case with regard to the electoral formulas. There are a few cases of small changes to the effective threshold—which, on the whole, tends to benefit the smaller parties (we discuss the implications below)—such as the slight reductions in the threshold in Austria, Ireland, Luxembourg, Norway and Sweden (note the increases in the threshold in Switzerland and, of course, Italy). Relatedly in most cases the assembly size also increased, which as Lijphart (1994) has demonstrated, has implications for overall proportionality. Of course, under-pinning many of these changes are likely to be the affects of population shifts, rather than any sort of altruistic program on the part of the established parties to try and make life a bit easier for small parties. In other words, these minor changes are more likely an afterthought, or unintended consequence, than the main target, or policy variable, that is being intentionally manipulated.

Table 1: Indicators of Electoral System Change in Western Europe

Country	Date	Tier	Formula	District Magnitude	Number of Districts	Assembly Size	Legal Threshold	Effective threshold (%)
Austria	1960s	H L	d'Hondt LR-Droop	41.25 6.60	4 25	165	1 const seat	8.5 [†]
	1990s	N H L	d'Hondt d'Hondt LR-Hare	183 20.33 4.26	1 9 43	183	1 const seat or 4% (N)	4
Belgium	1960s	H L	d'Hondt LR-Hare	23.48 7.04	9 30	211.33	0.66 of a Hare q.	4.8 [†]
	1990s	H L	d'Hondt LR-Hare	15.00 7.50	10 20	150	0.33 of a Hare q.	
Denmark	1960s	H L	LR-Hare MSL	175 7.30	1 18.50	175	2% (N)	2
	1990s	H L	LR-Hare MSL	175 7.32 ^a	1 19	175	Special rules ^b	2
Finland	1960s		d'Hondt	13.21	15.15	200	-	5.4
	1990s		d'Hondt	13.33	15	200	-	5.4
France	1960s		Maj-Plur	1	470.14	470.14	12%* (D)	35*
	1990s		Maj-Plur	1	567.67	567.67	-	35*
Germany	1960s	H L	d'Hondt Plurality	496.88 1	1 247.75	496.88 ^c	5% (N) or 3 const seats	5
	1990s	H L	LR-Hare Plurality	656 1	1 328	656 ^c	5% (N) or 3 const seats	5
Iceland	1960s	H L	d'Hondt d'Hondt*	60.33 6.14	1 8	60.33	1 const seat	5.8 [†]
	1990s	H L	d'Hondt d'Hondt*	63 6.25 ^d	1 8	63	1 const seat	5.8 [†]
Ireland	1960s		STV	3.75	40.50	152.00	-	17.2
	1990s		STV	4.05	41	166	-	16.1
Italy	1960s	H L	LR-Hare LR-Imp	625.75 19.55	1 32	625.75	1 const seat and 300K vts s	2.0 [†]
	1990s ^e	H L	LR-Hare Plurality	155 1	1 475	630	4% (N) for higher tier alloc	4 35*

Country	Date	Tier	Formula	District Magnitude	Number of Districts	Assembly Size	Legal Threshold	Effective threshold (%)
Luxembourg	1960s		d'Hondt	14.02	4	56.10	-	5.1
	1990s		d'Hondt	15	4	60	-	4.8
Netherlands	1960s		d'Hondt	150	1	150	0.67% (N)	0.67
	1990s		d'Hondt	150	1	150	0.67% (N)	0.67
Norway	1960s	H	MSL	7.80	19.56	152.44	-	8.9
	1990s	L	MSL MSL	165 8.26f	1 19	165	4% (N)	4
Sweden	1960s	H	MSL	8.27	28	231.67	-	8.4
	1990s	L	MSL MSL	349 11.07g	1 28	349	4% (N) ^h 4% (N) or 12% in 1 const	4
Switzerland	1960s		d'Hondt	8.20	23.91	195.55	-	8.5
	1990s		d'Hondt	7.69	26	200	-	9.0
United Kingdom	1960s		Plurality	1	631.69	632.85	-	35*
	1990s		Plurality	1	655.00	655.00	-	35*

Notes:

[†] see Lijphart, 1994: 38-9.

* approximation (see Lijphart, 1994: 28)

^a in Denmark only 139 seats are distributed among the constituencies.

^b to receive seats at the higher level Danish parties must either i) have won at least one constituency seat, ii) have obtained at least as many votes as on average were cast per constituency in at least two of the three regions, or iii) have obtained at least 2% of all valid votes in the country as a whole.

^c not including Überhangmandaten

^d in Iceland only 50 seats are distributed among the constituencies.

^e from 1994

^f in Norway only 157 seats are distributed among the constituencies

^g in Sweden only 310 seats are distributed among the constituencies

^h Swedish parties that have obtained seats at the lower level through the 12% rule *only* are excluded from representation at the higher tier.

Sources: Lijphart (1994); Gallagher, Laver and Mair (1995); LeDuc et al. (1996); Lijphart Election Archive; IPU Parline Database.

In general, then, the abiding principle for electoral systems seems to be: '[f]amiliarity breeds stability' (Taagepera and Shugart 1989: 218). Indeed there may be valid normative reasons why this may be desirable: endless changes in electoral systems may well undermine the legitimacy of election results. Whatever the reason, the infrequency of changes means that a 'before and after' research design is a reasonable one to adopt. More than that, the results of such comparative statics show the fundamental insight to be borne out: introducing more proportional rules increase the number of parties in the legislature, and in the case of New Zealand dramatically so.

Electoral systems, or the counting rules for elections, might be characterized as changing very little after introduction. This is hardly very surprising. Electoral rules are sometimes part and parcel of a constitution (such as, for example, in Ireland) and therefore are likely to be harder to change than simple statutes. And, typically, the actors being asked to introduce changes will be politicians and political parties who are likely to show a keen awareness of the consequences of electoral system change. The possibility of change is presumably even harder under proportional system where the large number parties increases the number of actors required to agree to any change.

In sum, a relatively static or cross sectional approach is both reasonable and valid. Nevertheless an emphasis on proportionality may be of limited use. Most recently, Richard Katz (1997) has suggested a new take on the long-established view (dating back to Rae) that district magnitude has a greater effect on proportionality than electoral formula. Katz's analysis indicates that, if anything, the electoral formula is more important than district magnitude in separating proportional from non-proportional systems. According to Katz, it is only when we start trying to distinguish the different proportional electoral systems on their own that district magnitude features as the more important determinant. In these cases, 'differences among formulas are nearly irrelevant' (Katz 1997: 137). Degrees of proportionality may not, therefore, matter much after the principle of proportionality is taken as the basis for elections. More recent work, then, has moved away from concerns over proportionality to consider other questions such as the degree to which electoral systems encourage localism and a personal vote (Carey and Shugart 1995) or the tendency to promote extremism or moderation (see Grofman and Bowler 1997). There has also been a growing interest in themes relating to the strategic effects of electoral systems (e.g., Bowler 1996; Cox 1997).

Moreover, to the extent that we are interested in questions of change, the relatively fixed nature of electoral systems may not be a good source of explanations. If we take, for example, questions of party system change, it is certainly plausible to argue that proportionality may help promote splits and may improve the prospects of some parties. However the empirical evidence to suggest that new parties are more electorally successful in response to proportionality is, at best, weak.

As can be seen from Table 2, aside from some changes in new party vote share in the immediate post war period, proportionality (as measured by the Gallagher index) does not seem

automatically to translate into easier entry into the party system. The high proportionality of an electoral system does not seem to produce more new parties. On the face of it, this might not be so puzzling. For one thing new parties have to find some niche in the policy space in order to compete, but multi-party PR systems imply a relatively crowded policy space. New parties in PR systems, then, may face lots of competitors from the outset.

Table 2 Electoral System Proportionality and the Success of New Parties: Correlation Coefficients

	GI50s	GI60s	GI70s	GI80s	GI90s
New 1960s	.51*	.56*			
New 1970s	.11	.26	.08		
New 1980s	.04	.08	.03	.01	
New 1990s	.06	.03	.12	-.19	.14
No. new parties	-.01	-.02	-.26	-.30	.05
Deceased new	.18	.004	-.07	-.11	.07

Notes:

*= significant at .05 level or better

GI: Gallagher index of disproportionality (decade averages)

New: average vote for new parties in that decade

No. new parties: number of new parties polling at least 1% and contesting at least 2 elections (1960-98)

Deceased new: number of these same parties no longer contesting elections by 1998

Source: based on information supplied by Michael Gallagher, Arend Lijphart and Peter Mair

But, and this leads to our second point, the relationship between seats and votes is only one part of the political situation. In fact, measures of proportionality need not tell us very much in this situation. They tell us whether the share of seats was proportional to a given vote share. While they tell us about how ‘fair’ different counting rules are, they do not necessarily tell us how easy it is for candidates to enter the race in the first place or how level the playing field is. For this we need to distinguish between the electoral *law* and the electoral *system*. While systems of counting (the electoral system) comprise a core feature part of the electoral law, the laws themselves embrace a far wider set of considerations than how votes are counted (Farrell 2000: ch. 1).

Electoral Systems and Electoral Laws

Counting rules (i.e., electoral systems) are only part of the bundle of electoral laws and these laws may be worthy of closer attention. Certainly, within other sub fields of political science restrictions on, for example, campaign activity are regarded as having a significant impact on electoral outcomes. The claim that, just as attention is moving away from issues of proportionality to other effects of electoral systems, so, too, we should move to include a fuller description of electoral laws may sound obvious, even trite. But, we believe, two things argue against our vacuity: first there has been relatively little systematic treatment of these questions within the electoral studies literature and, second, these rules may, indeed, be innocuous. This second claim may take a little elaboration. Contemporary political science believes, as we noted at the outset, that rules matter. A common type of scholarship thus becomes the identification of a rule and the elaboration of its consequences. But, not all rules need matter – some may be quite innocuous, even those concerning elections (Bowler 1996). And, in fact, the rules we identify below may well be innocuous in their (lack of) effect. Electoral laws obviously concern a wide variety of issues and topics. Absent any previously established list of criteria for electoral laws, and in anticipation of likely data availability, we propose looking at three dimensions of electoral laws. Admittedly the choices are somewhat arbitrary. The three dimensions we look at are: ballot access; access to media; and state subsidies.

All of these aspects in principle affect the ability of parties to enter the race and run an effective campaign. Ballot access impacts the ability to enter a race. Perhaps the clearest example of this is seen in the U.S. where ballot access laws vary, not just by office, but by state as well. Such laws are often surprisingly difficult to discover and thresholds for qualification—in terms of signatures of voters subject to geographical distributions, for example—are often high. Little wonder, then, that third parties and third party candidates in the U.S. often have enormous difficulties even appearing on the ballot. American's two party system may simply reflect the workings of Duverger's tendency and a presidential system both of which put a premium on building large coalitions. On the other hand the two main parties themselves seem—at least anecdotally – to be skilled at using ballot laws to keep out challengers.

Rules governing access to electronic media are another set of rules which may have consequences for the conduct and outcome of elections. While there are very many critics of campaigns on and by TV as well as a surprising fondness for so called 'retail politics' the reality of the modern world means that TV campaigns are unavoidable, even desirable (Farrell 1996; Norris 2000). Electronic media make reaching out to mass electorates easier and more manageable. Furthermore, given how much recreational time electorates spend watching TV, using it as a major means of communications during campaigns does have its advantages: how else to tell so many voters what is going on? Again there are extreme examples. One hallmark of Russia's presidential campaigns for example, has been government dominance of the electronic media. To the extent that TV images, TV ads and 'spin' matter (as sections of the voting studies literature suggest they might) then having access to electronic media matters.

Finally, we note state subsidies to political parties as a possibly consequential part of electoral law. No election campaign, even for president of the graduate student association, is costless. Campaign spending can help fight and possibly win elections. True, campaign spending is often a proxy for something else (such as, campaign effort, or name recognition) since, other than cases of outright bribery, the act of spending money in and of itself would seem to do little good at election time. Thus, having some subsidy or subvention helps those receiving it at election time, at least if they know how to spend it sensibly (whatever that may mean in terms of micro level voting decisions). Again there are extreme examples. Mexico's PRI, for example, could use their control of state largesse to help election campaigns, not so much by pursuing pork barrel politics but by having a series of campaign workers more or less paid for by the state (rather like the surprising number of supposedly amateur Olympic athletes who are policemen or soldiers). Less dramatically, it is the case the some parties and candidates may receive monies from taxpayers, others may not. Again, minor parties in the U.S. provide an example of how this may work. Crudely speaking, minor parties have to gain 5% of the vote *before* receiving public money. Here a number of points may be made: since the ability to gain 5% of the vote depends on running expensive media campaigns the offer of public money essentially comes too late (assuming, of course, the minor party can get on the ballot in the first place). What is not surprising is that the Democratic and Republican parties receive millions of dollars in public money. The U.S., of course, is not unusual. German parties receive millions of DMs subject to the similar requirement that they already be successful. To some extent this 'the rich get richer' aspect to public subsidy is unavoidable: how else could states give public money; public funds could hardly be given to candidates because they promised to do well at election time. Even so, access to state subsidy, and rules governing the same, affect the flow of resources to candidates and—if resources matter—can affect the outcome and conduct of elections.

The three kinds of rules we look at are, as we noted somewhat arbitrary. But they are—on the face of it at least—moderately relevant to elections and there exists some academic literature outside the literature on electoral systems – which would argue for their importance. It is also the case that our discussion of electoral laws has an underlying theme: electoral laws favor existing parties. There are several different ways to phrase this theme which is, it must be said, is hardly original to this paper. Different kinds of rules have different kinds of outcomes. Some rules—which side of the road we drive on, whether we use the metric or Imperial system of measurement—may have only limited effect in dividing people into 'winners' and 'losers'. Some institutions are, in Tsebelis's terms 'efficient' (Tsebelis 1990). Other rules and institutions are, however, 'redistributive' and produce clear winners and losers, so that changing the rule changes these outcomes. Plainly electoral systems are redistributive institutions and the anecdotal examples we presented of how election laws are used was obviously colored by this property. An underlying similarity to those anecdotes was the thought that election laws are used by those currently in power to keep themselves in power by handicapping challengers (as, for instance, suggested by the 'cartel party' thesis, see Katz and Mair 1995).

Furthermore, it is plausible to suppose that, unlike electoral systems, electoral laws may be changed more readily and—possibly—more frequently. Laws governing ballot access may not

be part of the constitution and so may be as easy to change as ordinary statutes. Moreover, it is plausible to suppose that seemingly minor proposals to regulate ballot access or adjust campaign financing may be done both out of the public eye and without public involvement. We may well, then, see more change in electoral laws than electoral systems. Furthermore, the argument that victorious parties change the rules of the game to keep themselves victorious thus provides an evolutionary dynamic to accounts of electoral laws. That is, not only may we expect to see electoral laws change we may expect to see them change in specific ways. The question is—do we?

Table 3 shows a general summary of the areas in which there has been change in electoral law and the direction of change. The appendix tables (A1-A3) list, in detail, the changes that have taken place and from which we derive the entries in Table 3. The bottom line is that the environment within which political parties compete has undoubtedly changed since the 1960s: in a number of respects, the laws concerning ballot access, media access and state subventions have changed. Generally speaking, it is more difficult today for new parties to gain access to the ballot than it was in the 1960s. In a number of countries the deposit parties or candidates must pay to compete in the ballot has been raised. In the Netherlands for instance, parties must now pay a deposit of Dfl25,000 to participate in the ballot. Although this deposit allows parties to compete in all electoral sub-districts, it is still substantially more than the Dfl1,000 deposit required per sub-district in the 1960s. In the United Kingdom, the deposit has also been raised. Today candidates must pay £500 to gain access to the ballot as compared to £150 in the 1960s. Elsewhere, parties or candidate must be supported by more signatures today than in the 1960s. In Austria, parties now require up to 500 petitions as compared to 200 in the 1960s, whilst in Finland candidates must now muster 100 signatures to form an electoral association as compared to 30 in the 1960s. In Norway, too, the number of signatures required has been increased. Whilst 3,000 petitions were required to register a party in the 1960s, today 5,000 are needed.

In some countries it has also become more difficult for new parties to gain access to the media. In France, for example, air-time during parliamentary campaign periods is no longer distributed equally among the parties represented in the legislature as it was in the 1960s. Instead, broadcasting time is today distributed according to the share of the seats parties have in the Assemblée Nationale. Small parties represented in parliament thus receive considerably less air-time than they did in the 1960s. For those parties not represented in the parliament, a minimum amount of air-time is still available on public channels, but paid political advertising has been forbidden in France since the early 1990s. In the Netherlands, media access has also become more difficult to obtain for small and new parties. Whilst in the 1960s participation in the ballot in one electoral sub-district was sufficient to gain access to free broadcasting time, today parties must compete in all electoral sub-districts to gain media access.

Table 3: Changes in the Electoral Law and their Impact on Small Parties

	Ballot Access	Media Access	State Subsidy	Summary
Austria	slightly harder (0.5)	no change (0)	easier (-2)	(-1.5)
Belgium	no change (0)	no change (0)	easier (-2)	(-2)
Denmark	no change (0)	no change (0)	easier (-2)	(-2)
Finland	slightly harder (0.5)	no change (0)	no change (0)	(0.5)
France	n/a	slightly harder (0.5)	easier (-2)	(-1.5)
Germany	no change (0)	no change (0)	easier (-2)	(-2)
Ireland	no change (0)	slightly easier (-0.5)	easier (-2)	(-2.5)
Italy	no change (0)	easier (-1)	no change (0)	(-1)
Netherlands	slightly harder (0.5)	slightly harder (0.5)	no change (0)	(1)
Norway	slightly harder (0.5)	no change (0)	easier (-2)	(-1.5)
Sweden	slightly harder (0.5)	slightly easier (-0.5)	slightly harder (1)	(1)
UK	harder (1)	no change (0)	no change (0)	(1)

Notes: Positive scores indicate that the electoral laws are becoming more restrictive, and that small parties are finding it harder to gain access to the ballot, to media and to state subventions. Negative scores indicate that the electoral laws are becoming more liberalized, and that small parties are finding it easier to gain access to the ballot, to media and to state subventions. Codes are weighted with state subventions considered twice as important as ballot access or media access.

Sources: Appendices

This said, however, and unlike the requirements for ballot access, media access has become more liberalized in a number of countries. In Ireland, for instance, whilst parties were required to have seven MPs to be eligible for free broadcasting time in the 1960s, today they are

only required to field seven candidates to gain access to the media. In Italy the rules governing media access have also been loosened. Today parties not yet represented in parliament have access to free air-time, whilst in the 1960s this privilege was reserved only for parties already in the legislature.

Rules concerning state subventions have also been loosened in a number of countries. In Austria parties may now receive state funds in election years if they poll just 1% of the vote. They are also entitled to public funds if they have representation in the Nationalrat. This contrasts to the 1960s where only parties with parliamentary Fraktionen (minimum of 5 MPs) could gain access to state subsidies. The rules governing state subsidies have also been altered in Denmark in a way which makes it easier for small parties to gain access to state funds. Today, small parties benefit from a per vote reimbursement (if they have polled a minimum of 1,000 votes). A similar subsidy is also available in Norway, where parties are now eligible for reimbursements as long as they poll over 2.5% of the vote. Furthermore, in Norway the financial support for small party parliamentary groups is substantially greater than that for larger party groups.

Two possible—and indeed contrasting—conclusions may be drawn from these changes in the rules governing ballot access, media access and state subventions. On the one hand, it can be concluded that, on balance, small parties face a less restrictive environment today than they did in the 1960s. It can be argued that the loosening of the regulations regarding media access and state subventions by far outweighs the greater restrictions on ballot access. The costs small parties incur from having to gather more signatures to participate in the ballot in Austria and Norway for example, are by far offset by the benefits these parties derive from gaining access to state subsidies.

The situation might not be this simple, however. A closer examination of the changes in the regulations regarding state subsidies reveals that, although small parties in a number of countries have indeed gained access to state funds in the 1990s, subventions to large, established parties have, at the same time, been significantly raised since the 1960s. Therefore, even though small parties may benefit from some state money, the increased financial resources of the larger parties continues to hinder the competitive potential of small parties. This suggests that the large, established parties—the very ones able to alter the electoral laws—appear prepared to liberalize the environment within which parties compete and grant slight concessions to smaller competitors if it means, as Katz and Mair (1995) suggest in their ‘cartel party’ thesis, that they can still continue to nest-feather themselves.

Establishing the consequences of such developments is a lot harder than showing them, for several reasons. If we think of a notional measure of how restrictive election laws are we can note that, first, the developments outlined in the appendix show changes in a given measure, but do not provide an index which allows us to rank order countries. While we can tell the broad direction of change in, say, Belgium and Switzerland, we cannot tell if Belgium has a more restrictive set of rules than Switzerland or vice versa. Second, if restrictions do have

consequences one of them is inherently un-measurable—namely, the number of parties which did not form. Hence we are not likely to find the same kinds of robust statistical relationships which characterize much of the voting systems literature.

In Table 3 we have attempted to provide some (admittedly, still rather rudimentary) coding for each of the entries.[2] Positive scores indicate that the electoral laws are becoming more restrictive, and that small parties are finding it harder to gain access to the ballot, to media and to state subventions. Negative scores indicate that the electoral laws are becoming more liberalized, and that small parties are finding it easier to gain access to the ballot, to media and to state subventions. The codes are weighted with state subventions considered twice as important as ballot access or media access.

With the exception of measures of ballot access, however, we do not find any significant statistical patterns in terms, for example, of new party victory. For example, the number of new parties between 1960 and 1998 is negatively correlated with increases in restrictions on ballot access (-0.61).[3] This suggests that increases in ballot access limitations do help to crimp new party development. There is a similar picture with regard to restrictions on state subsidy—here there is a -0.15 correlation between tighter restrictions on state funds and this measure. On the other hand, the presence of a positive relationship between the Gallagher measure of proportionality and increases in ballot access restrictions suggests that it is the least proportional systems which are putting in place even more restrictions. The correlations between the GI for the 1960s and increasingly restrictive ballot access is 0.59; for the 1970s it is 0.64 and for the 1980s 0.67. These measures of proportionality also show smaller, but still positive correlations with media access (for example there is a 0.24 correlation between GI in the 1980s and tighter restrictions on media access, 0.21 for the 1970s and 0.39 for the 1960s GI figures).

One interpretation of this pattern is the following. While parties may want to rig rules in their favor, this is easier in some circumstances than in others. More specifically, proportionality rules make it very hard to get any rule change and will likely make it especially hard to see changes in the rules of the game. It is not surprising then that we should see more barriers constructed in places where there are disproportional outcomes since there are typically fewer actors to veto any proposed changes. Equally, it is not surprising to see a negative correlation (-0.47) between the effective numbers of parties in the 1980s and changes in ballot access rules, as well as a similar correlation (-0.48) for the number of parties in the 1990s and the same rules. Rules of proportionality in counting votes, then, may have, as their consequence, an in-built property of having the principle carry over into electoral law. One reason for that carry over, however, may be less a matter of principle and more a matter of the practicalities of what kinds of agreements may be reached when many actors are involved (Tsebelis 1995).

This is, of course, just one interpretation of these patterns, and, for that matter, a very tentative interpretation. We are, after all, discussing relatively few cases (12) using some crude measures of electoral law change. Hence the interpretation just advanced is a tentative one that requires more work. Still, in our own defense we ought to note that, unlike looking at seats/votes

relationships, measures of electoral law, to date, are not well established empirically or theoretically.

Conclusion

Two broad conclusions can be drawn from this discussion. First, we do see evidence of changes in the electoral laws we have identified. There is considerably more development and change in these laws than in the counting rules. As can be seen from Table 3 and the tables in the appendix, the environment within which political parties compete has changed since the 1960s as the laws concerning ballot access, media access and state subventions have been altered.

Second, the general evolution of these rules appears to have been towards a more liberal environment for all political parties, which on the face of it suggests an easier ride for small and/or new parties wishing to break into the system. But, as we have suggested, these developments can have another interpretation, which is that, if anything, they suggest an even easier ride for the established parties, flushing them with ever more resources, and benefitting them disproportionality better than the smaller parties. This conclusion is suggestive of a cartel-type situation with a twist: nest-feathering and liberalizing of electoral laws to the benefit of all parties, but disproportionality more so for the established parties than for the new and/or small parties.

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Appendix

Table A1. Requirements for Ballot Access

Country	1960s	1990s
Austria	Until 1970, 200 petitions per electoral district (25 districts).	Since 1971, 200-500 petitions per electoral district according to size of population. Parties with 3 or more MPs do not need petitions.
Belgium	Candidates must be supported by at least 500 voters in constituency of Brussels, at least 400 in Gent, Charleroi, Antwerpen and Liège, and at least 200 in other constituencies.	As in 1960s, but since 1976 candidates may alternatively be supported by three MPs.
Denmark	1960-1965: Parties represented in parliament do not need petitions. Other parties need 10,000 signatures. From 1965 number of signatures changed to 1/175 of total valid votes in last general election (~ 20,000).	As late 1960s.
Finland	Until 1969: an electoral association must be formed for every candidate by at least 30 voters in the constituency. 1969: introduction of Party Act requiring registration of parties and requiring parties to have at least 5,000 adherents eligible to vote. Parties not succeeding in getting any candidates elected in the two latest elections to be struck off. Only registered parties may present candidates.	Since 1975, an electoral association can be formed for every candidate by at least 100 voters in the constituency.
France		
Germany	Parties which have been represented in the Bundestag or in a Land parliament with at least 5 MPs are automatically eligible. Other must prove that they have a democratically elected leadership, a written programme and a written statute. Land lists must be signed by 1/1000 voters in the respective Land to a maximum of 2,000.	As 1960s.
Iceland		

Country	1960s	1990s
Ireland	From 1963, parties must be registered (providing a name, HQ address and name of persons certified to sign certificates authenticating candidates). Only registered parties can have their names on the ballot paper.	As 1960s.
Italy	Party symbol and name must be submitted to ministry of interior. At constituency level, lists of candidates must be promoted by at least 300 electors for each constituency. Parties with one seat in either house do not need signatures.	As 1960s.
Luxembourg		
Netherlands	Parties need 25 signatures and must pay Dfl. 1000 to present a list in an electoral sub-district. Parties already represented need not pay this deposit.	Since 1989 only 10 signatures are required to present a list in a sub-district. A deposit of Dfl. 25,000 must be paid to present a list in one or more sub-districts. Parties already represented are exempt from both requirements. Parties must be fully recognized legal entities.
Norway	3,000 signatures required to register a party. Continuous registration unless party fails to nominate any candidate in any constituency in two consecutive elections. List of candidates can be submitted by 500 registered voters in the constituency or by a registered party.	As 1960s except 5,000 signatures required to register a party.
Sweden	No requirements to participate in ballot. Party can register to protect a party name with 1,000 members who are eligible to vote.	As 1960s, except 1,500 members required to protect party name.
Switzerland		
United Kingdom	£150 deposit per candidate.	Since 1988 £500 deposit per candidate.

Source: Katz and Mair (1992)

Table A2. Requirements for Media Access

Country	1960s	1990s
Austria	No rules until 1966. From 1966, representation in Nationalrat required. Shares according to party strength.	As 1960s but paid political advertising allowed since early 1980s.
Belgium	Access to French-speaking media: no rules until 1964. From 1964 political ‘tribunes’ of eight minutes each allocated proportionally according to the number of seats of the groups in the Conseil Culturel. Access to Dutch-speaking media: no rules until 1979.	Access to French-speaking media: as 1960s. Access to Dutch-speaking media: since 1979 every group represented by at least 10 members of the Nederlandse Cultuurraad can create an organization that gets the right to make programs on radio and television. Time is allocated equally for 50% and proportionally for 50%. Since 1982 every Fraktion in the Vlaamse Raad can create a broadcasting organization.
Denmark	Equal shares to any party participating in ballot.	As 1960s.
Finland	Equal shares.	As 1960s.
France	For presidential campaigns, each candidate allowed approx. 2 hours free air time. Candidates going through to second ballot allocated an extra 2 hours. Parliamentary parties: 20 minutes free time available every month for parties represented in Assemblée Nationale. During election campaigns parties represented in parliament receive additional air time at no charge- approx. 3 hours distributed equally amongst parties prior to first ballot. Parties not represented in parliament given 7 minutes of free air time for first ballot and another 5 minutes for second ballot if they had nominated at least 75 candidates for first ballot.	Since 1986 air-time during campaign period no longer distributed equally but according to party strength. Paid political advertising forbidden since early 1990s.
Germany	Free broadcasting. Media time in campaign periods allocated in proportion to party’s previous voting strength. Minimum time allotments for new or previously unsuccessful parties.	As 1960s but paid political broadcasting allowed since early 1980s.

Country	1960s	1990s
Iceland		
Ireland	Parties may broadcast election broadcasts. RTE must provide 'objective' coverage. Government may intervene to prevent any particular broadcast from going on air. From 1965 parties with minimum of 7 TDs given election broadcasts. Others given short spots during news programmes. Coverage obliged to be 'balanced'.	Election broadcast time given to any party or group fielding at least 7 candidates. Amount of time based on i) votes in last election and ii) number and geographical spread of candidates.
Italy	Only parties represented in parliament have media access.	Since 1976, parties participating in the election and not yet in parliament have media access. Paid political advertising allowed since early 1980s.
Luxembourg		
Netherlands	Radio: during campaign times equal shares to any party that presents a list in at least one electoral sub- district. During inter-campaign period equal shares to any party represented in Second Chamber. Television: until 1962 as for radio but only during campaign periods. After 1962 as for radio including inter-campaign periods.	Since 1982 during the election period media access is limited to parties that participate in all electoral sub-districts. During inter-campaign periods, media access is distributed equally to any party represented in Second Chamber.
Norway	No official rules yet the national broadcasting corporation requires parties to have been represented in parliament in at least one of the last two parliamentary periods, nominate candidates in a majority of the constituencies and have a national organization. For participation in local programs, parties must nominate candidates in at least a quarter of the municipalities.	As 1960s.
Sweden	No formal rules-decisions made by television and radio companies. Election broadcasts generally restricted to parties represented in parliament although exceptions have occurred on a few occasions. Smaller parties have been given smaller spots and/or interviews.	As 1960s. (Greens and Christian Democrats exceptionally allowed broadcasts in 1988). Paid political advertising allowed since early 1980s.
Switzerland	Free broadcasting distributed proportionally amongst the parties.	As 1960s.

Country	1960s	1990s
United Kingdom	Limited amount of free access to major parties according to mutually agreed definition of 'balance'. (1960-62 ratio 5:5:1 for Conservative: Labour: Liberal; 1963-73 ratio 3:3:1).	As 1960s. (ratio now 1:1:1).

Sources: Smith (1981); Gunlicks (1988); Nassmacher (1989); Katz and Mair (1992); Drysch (1993); Avril (1994); LeDuc et al. (1996); Farrell and Webb (2000).

Table A3. Requirements for State Subvention

Country	1960s	1990s
Austria	Subsidies to parliamentary Fraktionen-5 MPs required to form a Fraktion. From 1967, funds to Fraktionen for public relations work.	Subsidies to parliamentary Fraktionen (still 5 MPs required to form a Fraktion). Education institutions also receive subsidies-one institution per party with at least 5 MPs in Nationalrat. Subsidies to central party organizations: i) fixed sum for parties with at least 5 MPs, ii) funds for public relations for parties represented in Nationalrat according to party vote strength in last election iii) in election years funds for parties according to share of the vote as long as they have won 1% iv) per voter campaign reimbursements for parties represented in Nationalrat v) yearly funds for parties represented in Nationalrat according to strength in last election.
Belgium	No state subventions to parties. (From 1971 subsidies per parliamentary Fraktion and per member in both House of Representatives and Senate)	House of Representatives: subsidy per member and administrative assistance per Fraktion and per member (3 members required to form Fraktion). Senate: subsidy per member and per Fraktion as long as Fraktion is present in majority of parliamentary commissions; administrative assistance for Fraktionen with over 12 members. Subsidies to central party organization since 1989: parties with at least 1 MP receive subsidy of 3 mil BF and 10 BF per valid vote in last election. Expenditure limits since early 1990s.
Denmark	1960-1964 no state subventions to parties. From 1965 administrative assistance to national parliamentary groups in proportion to number of seats (1 MP required to form parliamentary group) . From 1969 parliamentary groups receive 3,000 Dkr per month per seat plus 15,000 Dkr per opposition parties in committees.	Subsidies to parliamentary party: since 1986 each parliamentary group receives 15,000 Dkr per month per seat plus 60,000 Dkr (still 1 MP required to form group). In addition, groups receive 90,000 Dkr/member for administrative assistance-index-tied. Subsidies to central party: 1987-1994 5 Dkr/vote in general elections if minimum of 1,000 votes received (in regional elections 2Dkr/vote if minimum of 500 votes; in local elections 3 Dkr/vote if minimum of 100 votes). From 1995, amount raised to Dkr 19.50/vote in general elections (raised to Dkr 2.50 in regional elections and to Dkr 4 in local elections).

Country	1960s	1990s
Finland	Since 1967 state subventions to parliamentary groups and to central party in proportion to number of MPs (1 MP required to form parliamentary group).	As 1960s.
France	<p>Parties granted no direct subsidies from treasury, instead focus was on candidates.</p> <p>From 1964 presidential candidates who received more than 5% of votes on first ballots were entitled to a flat rate for campaign costs. They were also reimbursed their deposit of 10,000 francs. Cost of campaign materials covered by the state for all candidates - even those with less than 5%.</p> <p>Candidates with less than 5% lost their deposits.</p> <p>For parliamentary elections candidates who received more than 5% of the vote on the first ballot were reimbursed costs of campaign letter, flyers and posters. They also were reimbursed their deposit of 1,000 francs. This was lost for candidates with less than 5%.</p>	<p>Subsidies to candidates: Above and beyond the previous reimbursement of campaign expenses, since 1988 there is also a flat rate reimbursement for campaign costs for presidential candidates. Candidates winning less than 5% of the votes on the fist ballot receive 6 mil francs, candidates winning more than 5% receive 30 mil francs. The two candidates going through to the second ballot received an extra 5 mil francs in 1988, whereas from 1995 they receive a total sum of 40 mil francs. Reimbursement is only allocated if the money has been spent in the first instance.</p> <p>Since 1988 for elections to the Assemblée Nationale, candidates who receive less than 5% of the vote are reimbursed for printing and mailing of programs, posters and ballots only. Candidates winning more than 5% are reimbursed 40,000.</p> <p>Since 1988 public funding to parties exists and is distributed in two equal parts: i) funds allocated to parties which have presented candidates in at least 75 districts during last session of Assemblée Nationale, distributed in proportion to number of vote won by candidates on first ballot (applied from 1993) ii) funds allocated to parties on basis of their parliamentary representation (applied from 1989).</p>

Country	1960s	1990s
Germany	<p>1959-1966: direct public subsidies to parties represented in Bundestag (outlawed by Constitutional Court in 1966).</p> <p>1967-1968: election reimbursement of DM 2.50 per eligible voter shared out proportionally according to vote percentage received by the parties. Only parties winning 2.5% of second (list) votes or 10% of first votes eligible for reimbursement.</p> <p>From 1969: threshold lowered by decision of Constitutional Court-now 0.5% of second votes required to receive public funds.</p> <p>From 1967 the Constitutional Court ruled that only 50% of parties' income may come from state sources.</p> <p>Funds to parliamentary Fraktionen (15 MPs required to form Fraktion until 1969; thereafter 26 MPs-5% of Bundestag - required).</p> <p>Funds for educational activities since 1959.</p>	<p>As late 1960s but also:</p> <ul style="list-style-type: none"> * since 1984 election reimbursement raised to DM 5.00 per eligible voter. * since 1974 independent candidates also entitled to reimbursement if they win 10% of the vote in their constituency. * 1989-1993 parties winning at least 2% of the votes in the prior elections are eligible for very modest reimbursement of campaign costs (Sockelbetrag) - declared unconstitutional in 1992 with effect from 1994.
Iceland	<p>Grants to party foundations since 1962.</p>	
Ireland	<p>Small sums payable to leaders of opposition parties which contested previous election as an organized party and had at least 7 TDs.</p>	<p>Early 1990s: as 1960s, and extended to leaders of governmental parties.</p> <p>Late 1990s: state funding of party organization and of party campaigns introduced. Parties must win at least 2% of the vote in previous election to be entitled to funds.</p> <p>Expenditure limits since early 1990s.</p>

Country	1960s	1990s
Italy	No state subventions to political parties.	<p>Until 1993 Subsidies to parliamentary party: Since 1974 parliamentary groups receive annual contribution from state (normally 20 MPs required for parliamentary group in Chamber of deputies although smaller groups allowed if parties participated in at least 20 constituencies and qualified for seat allocation at the national level). 2% of this money is shared equally amongst all parliamentary groups, 75% is allocated proportionally to parliamentary groups on the basis of their membership, and the remainder is allocated according to a mixed system. Vast majority this money is ploughed back into central party.</p> <p>Campaign subsidy: state contribution for national elections to parties which contest two thirds of the constituencies for the Chamber of Deputies and either get one quotient and at least 300,000 votes at the national level or which win at least 2% of the valid votes at the national level. 20% of these funds are distributed to all national parties, remaining 80% is divided proportionally to all parties according to number of votes obtained.</p> <p>After 1993: Public subsidies to political parties discontinued after referendum.</p>
Luxembourg		
Netherlands	<p>Until 1964 no state subventions except some money to produce media programmes. From 1964 subvention to parliamentary parties - fixed amount per parliamentary group (1 MP required) plus proportionate amount according to number of seats held in Chamber of Deputies.</p>	<p>As 1960s but also:</p> <ul style="list-style-type: none"> * subvention for research institutes since 1970-fixed amount per party plus additional amount on basis of number of seats. This must be matched with equal amount of private resources. One institute per party. * subvention for assistance to MPs since 1974 * subvention for educational institutes since 1975-fixed amount per party plus additional amount on basis of number of seats. Private resources must make up at least 30% of funds of educational institutes. * subvention for parties' youth organizations since 1976.

Country	1960s	1990s
Norway	<p>Since 1966 subventions to parliamentary parties - 1966-1969 Kr. 17,500 per party plus Kr. 2,500 per MP with minimum of 35,000 per party.</p> <p>Also, secretarial assistance for parliamentary parties in line with number of MPs.</p>	<p>Subsidy to parliamentary party: since 1991 basic support for small party groups: Kr. 432,136; basic support for large party group Kr. 216,279; support per MP: Kr. 30,856; secretarial support per representative: Kr. 29,757; extra support for small party groups: Kr. 188,423.</p> <p>Subsidy to central party organization: since 1977 parties entitled to per vote subsidy - sums adjusted annually (1991 = Kr. 22.10). Parties must obtain at least 2.5% of the votes to be eligible for this per vote subsidy.</p>
Sweden	<p>State subvention to party central organization: per seat subsidy to parties with at least 2% of the vote AND representation in Riksdag (1966 = SEK 60,000 per seat).</p> <p>State subvention to parliamentary Fraktions: (no rule as to how many MPs needed to form Fraktion) awarded on per seat basis with opposition parties granted more than government parties.</p>	<p>State subvention to party central organization: per seat subsidy. For parties with more than 4% of the vote but no seats, subsidy given for every 0.1% above 2.5% of the vote. For parties with seats but less than 4% of the vote seat subsidy awarded and subsidy also awarded for every 0.1% above 2.5% of the vote.</p> <p>State subvention to parliamentary Fraktions: basic subsidy per party. Smaller subsidies awarded to those parties with seats but less than 4% of the vote, and to those parties with less than 4% of the vote but which won 4% of the vote in previous election. Additional subsidies awarded to governmental and other parties on seat basis (with other parties awarded more than government parties).</p> <p>Subventions to parliamentary Fraktions paid by parliament: basic subsidy per party with 4% or more in last parliamentary election (1988 = SEK 1,800,000 per party). Seat based subsidy for all parties (1988 = SEK 27,000/seat).</p> <p>Parliamentary office support: one clerk per 4 seats in 1989.</p>
Switzerland		<p>Parliamentary groups receive subsidies. Financial support is not on an equal basis. Administrative support to parties with parliamentary group and at least 5 MPs.</p>
United Kingdom	No state subvention to political parties.	State subvention available to opposition parliamentary parties since 1974. Funds awarded on a seat basis and on a vote won basis.

Sources: Ciaurro (1989); Nassmacher (1989); Katz and Mair (1992); von Arnim (1993); Drysch (1993); Avril (1994); Koole (1994); Landfried (1994); Linton (1994); Bille (1996); Gentile and Kriesi (1998).

Endnotes

[1] See www.indiana.edu/~playpol/REShome.html.

[2] For useful discussion of the development of scales and how to weight indicators, see Pennings et al. (1999: ch. 4). It is our intention, in later drafts, to try and replicate the approach suggested here by Pennings and his colleagues.

[3] Our measure of the number of new parties (courtesy of Mair, 1999) is the number of new parties polling at least 1% and contesting at least 2 elections between 1960 and 1998.