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Comparative Study of Electoral Systems

Module 2: Macro Report

August 23, 2004

Country: GERMANY

Date of Election: September 22, 2002

NOTE TO COLLABORATORS: The information provided in this report contributes to an important part of the CSES project. Your efforts in providing these data are greatly appreciated! Any supplementary documents that you can provide (e.g., electoral legislation, party manifestos, electoral commission reports, media reports) are also appreciated, and may be made available on the CSES website.

Part I: Data Pertinent to the Election at which the Module was Administered

1. Report the number of portfolios (cabinet posts) held by each party in cabinet, *prior* to the most recent election. (If one party holds all cabinet posts, simply write "all".)

<u>Name of Political Party</u>	<u>Number of Portfolios</u>
SPD	10
Bündnis 90/Die Grünen (Green)	3
non-affiliated	1

- 1a. What was the size of the cabinet before the election?

15 (including the chancellor)

2. Report the number of portfolios (cabinet posts) held by each party in cabinet, *after* the most recent election. (If one party holds all cabinet posts, simply write "all").

<u>Name of Political Party</u>	<u>Number of Portfolios</u>
SPD	10
Bündnis 90/Die Grünen (Green)	3

- 2a. What was the size of the cabinet after the election?

14 (including the chancellor)

3. Political Parties (most active during the election in which the module was administered and receiving at least 3% of the vote):

Party Name/Label	Year Party Founded	Ideological Family	European Parliament Political Group (where applicable)	International Party Organizational Membership
A. SPD	1863	D	3	27; Party of European Socialists
B. CDU	1945	I	1	13; European People's Party
C. CSU	1945	I	1	13; European People's Party
D. B90/Grüne	1980	A	7	18; European Greens
E. FDP	1948	G	4	23; European Liberal Democrats Party
F. PDS	1989	C	5	98; European Left

Ideological Party Families: (These are suggestions only. If a party does not fit well into this classification scheme, please provide an alternative and some explanation).

- | | | |
|-------------------------------|----------------------------------|----------------------|
| (A) Ecology Parties | (G) Liberal Parties | (M) Agrarian Parties |
| (B) Communist Parties | (H) Right Liberal Parties | (N) Ethnic Parties |
| (C) Socialist Parties | (I) Christian Democratic Parties | (O) Regional Parties |
| (D) Social Democratic Parties | (J) National Parties | (P) Other Parties |
| (E) Conservative Parties | (K) Independents | |
| (F) Left Liberal Parties | (L) Single Issue Parties | |

The following lists provide examples of political groups and organizations to which a particular party might belong. Please report any and all international affiliations for each party.

European Parliament Political Groups:

- (1) European People's Party
- (2) European Democrats
- (3) Party of European Socialists
- (4) European Liberal, Democrat and Reform Party
- (5) Confederal Group of European United Left
- (6) Nordic Green Left
- (7) Greens
- (8) European Free Alliance
- (9) Europe for the Nations
- (10) Europe of Democracies and Diversities
- (00) Not Applicable
- (98) Don't Know

International Party Organizations:

- (11) Asia Pacific Socialist Organization
- (12) Caribbean Democratic Union
- (13) Christian Democratic International
- (14) Christian Democratic Organization of America
- (15) Council of Asian Liberals and Democrats
- (16) Democratic Union of Africa
- (17) Eastern European Social Democratic Forum
- (18) Green Movement
- (19) Humanist Party
- (20) International Communist Union
- (21) International Democrat Union
- (22) International League of Democratic Socialists
- (23) Liberal International
- (24) Natural Law Party
- (25) Pacific Democratic Union
- (26) Organization of African Liberal Parties
- (27) Socialist International
- (28) Socialist Inter-Africa
- (00) Not Applicable
- (98) Don't Know

3a. Were there any significant parties not represented in parliament *before* the election?

no

3b. Were there any significant parties not represented in parliament *after* the election?

The PDS is only represented by 2 members, since it missed the 5% threshold or the 3 constituency seat requirement for full representation

3c. Were there any other non-represented parties or independent actors whom you believe to have had a significant effect on the election?

no

4a. Ideological Positions of Parties:

Please indicate Parties A-F's positions on a left-right dimension (in the expert judgment of the CSES Collaborator). If this dimension is not appropriate, please provide an explanation of the salient cleavages, and parties' relative positions.

Party Name	Left										Right	
	0	1	2	3	4	5	6	7	8	9	10	
A. SPD					X							
B. CDU									X			
C. CSU										X		
D. B90/Grüne					X							
E. FDP								X				
F. PDS			X									

4aa. Do you believe there would be general consensus on these placements among informed observers in your country?

Based on the subjective importance of the policy domains, variation on the left and on the right is possible, but no-one would place a party in the other side of the ideological spectrum

4b. If you have asked respondents to rank political parties on an alternative dimension, other than the left-right dimension, please also provide your own rankings of the parties on this dimension.

Name of dimension:

Label for left hand position:

Label for right hand position:

Party Name	Left										Right	
	0	1	2	3	4	5	6	7	8	9	10	
A.												
B.												
C.												
D.												
E.												
F.												

4bb. Do you believe there would be general consensus about these placements among informed observers in your country?

5. In your view, what are the five most salient factors that affected the outcome of the election (e.g. major scandals; economic events; the presence of an independent actor; specific issues)?

1. personnel; leadership qualities of the chancellor and of the foreign minister
2. economy and unemployment
3. war on iraq
4. social justice
5. flood (primarily in East Germany)

5a. Do you believe there would be general consensus about the importance of these factors among informed observers in your country?

No. Most observers think that the flood in East Germany and the position on the war on Iraq have been decisive (for the governing parties). The Iraq issue had an impact, while the flood only enabled the political actors to underline their leadership qualities. Yet, both the chancellor and the foreign minister had been far ahead of their challengers for months before the election took place; Schröder had always been the preferred chancellor. The economy/unemployment were the issues that worked in favor of the opposition parties.

6. Electoral Alliances:

Sometimes, electoral alliances are made at the constituency level as, for example, in Finland. Documenting who is allied with whom, and how, in each constituency is a large task and we do not expect you to do more than make some general reference to the existence of constituency-level alliances. Sometimes, electoral alliances are made at the national level -- these are the alliances that we would like you to identify. Information is sought on who is allied with whom and on the nature of the electoral alliance.

a) Were electoral alliances permitted during the election campaign?

- No
 Yes

If yes, please complete the following:

Alliance Name Participant Parties (please indicate dominant members with an *)

Alliance 1: none

Alliance 2:

Alliance 3:

Alliance 4:

Alliance 5:

7. Party Leaders and Presidential Candidates:

In legislative elections, please report the leader of each party.

In presidential elections, list presidential candidates and their parties. If candidates were endorsed by more than one party, please indicate this below.

<u>Party of Candidate</u>	<u>Name of Party Leader or Presidential Candidate</u>
A. SPD	Gerhard Schröder (chancellor and party chairman)
B. CDU	Angela Merkel (party chairwoman)
C. CSU	Edmund Stoiber (party chairman and CDU/CSU chancellor candidate)
D. B90/Grüne	Fritz Kuhn/Claudia Roth
E. FDP	Guido Westerwelle
F. PDS	Gabi Zimmer

Part II: Data on Electoral Institutions

If possible, please supplement this section with copies of the electoral law, voters' handbooks, electoral commission reports, and/or any other relevant materials.

A. QUESTIONS ABOUT ELECTORAL DISTRICTS.

Definitions: An electoral district is defined as a geographic area within which votes are counted and seats allocated. If a district cannot be partitioned into smaller districts within which votes are counted and seats allocated, it is called primary. If it can be partitioned into primary districts, and during the counting process there is some transfer of votes and/or seats from the primary districts to the larger district, then the larger district is called secondary. If a district can be partitioned into secondary districts (again with some transfer of votes and/or seats), it is called tertiary.

In some electoral systems, there are electoral districts that are geographically nested but not otherwise related for purposes of seat allocation. In Lithuania, for example, there are 71 single-member districts that operate under a majority runoff system, and also a single nationwide district that operates under proportional representation (the largest remainders method with the Hare quota). Neither votes nor seats from the single-member districts transfer to the nationwide district, however. The two processes are entirely independent (with voters having one vote in each district). In this case, the nationwide district, although it contains the 71 single-member districts, is not considered to be secondary. It is primary. One might say that there are two segments to the electoral system in such cases.

1. How many segments (as just defined) are there in the electoral system?

- 1 segment
- 2 segments
- more than 2

Please answer the following questions (questions 2 through 11) for each segment of each directly elected house of the legislature:

2. How many primary electoral districts are there?

299

3. For each primary electoral district, how many members are elected from each district?
(If district variation exists, answer 3a)

1

3a. If districts elect varying number of members, please list the districts, indicating the number of members elected from that district. (Attach separate sheets, as required).

<u>District</u>	<u>Number of Members</u>
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4. How many secondary electoral districts are there?

16

5. How many tertiary electoral districts are there?

1

If possible, please summarize the information above for questions 1-3 and 4-5 in the table here:

<u>Chambers/Houses</u>		<u>Lower</u>			<u>Upper</u>		
<u>Segments</u>	<u>Number</u>	<u>1</u>	<u>2</u>	<u>3 or more</u>	<u>1</u>	<u>2</u>	<u>3 +</u>
Primary districts	Number	299	—	—	—	—	—
	No. of members*	299					
Secondary districts	Number	16	—	—	—	—	—
	No. of members*	304					
Tertiary districts	Number	(1)	—	—	—	—	—
	No. of members*	(598)					

*Please report the total number of members for all districts, per segment.

B. QUESTIONS ABOUT VOTING.

6. Exactly how are votes cast by voters?

Ballot with list of constituency candidates (first vote) and party lists (second vote)

6a. How many votes do they or can they cast?

2

6b. Do they vote for candidates, for lists, or for both? (please explain)

Both

7. Are the votes transferable?

No

8. If more than one vote can be cast, can they be cumulated?

No

9. Are there any other features of voting that should be noted?

advanced postal voting possible

C. QUESTIONS ABOUT CONVERTING VOTES INTO SEATS.

10. Exactly how are votes converted into seats?

Constituency candidates with a relative majority (first vote) in one of the 299 constituencies win a seat.

Parties with more than 5% of the valid party votes (second vote) nationally (tertiary district) or who have won three of the 299 constituency seats receive a seat share of the 598 regular seat total based on their national vote share.

Party seats are distributed on the state level (secondary district) based on each party's vote distribution (not: vote shares) among the 16 states. Constituency seats already won in a state are subtracted from each party's seat total in this state. Remaining party seats are filled by the (closed) party lists for each state (secondary district) according to the ranking of the candidates. If there are more constituency seats won by a party in a state than a party's seat share would be based on the party vote distribution, constituency winners remain in parliament as so-called additional members (Überhangmandate). In 1998, there were 13 additional members (all SPD), in 2002 five (4 SPD, 1 CDU). While regular MP seats can be filled by alternates (in the case of death or resignation of the MP), additional members are not replaced during an electoral term.

10a. Are there legally mandated thresholds that a party must exceed before it is eligible to receive seats?

If so, what is the threshold?

5% or three constituency seats.

10b. What electoral formula or formulas are used?

Hare-Niemeyer, equal to the Hare quota and largest remainder.

11. If there are lists, are they closed, open, or flexible?

- closed
- flexible, but in practice virtually closed
- flexible
- flexible, but in practice virtually open
- open

Definitions: A list is closed if the seats that are awarded to that list are always occupied by the candidates in order of their appearance on the list (i.e., if the list gets x seats then necessarily the top x names on the list get the seats). A list is open if the question of which candidates on the list get the seats that are awarded to the list is determined solely by the votes that each candidate receives. A list is flexible if parties place their candidates in the order they would like to see them elected, but voters can, with varying degrees of ease, change this order through votes they cast for individual candidates.

D. QUESTIONS ABOUT THE POSSIBILITIES OF ELECTORAL ALLIANCE.

Definitions: A joint list refers to one on which candidates of different parties run together.

Apparentement refers to a legal agreement between two or more lists to pool their votes for the purposes of an initial seat allocation, with seats initially allocated to the alliance then reallocated to the lists in the alliance.

12. What are the possibilities of forming alliances in the system?

Various Parties could agree to only run under one party's label and to put other candidates on their party lists.

12a. Can parties run joint lists?

- Yes
 No

12b. Is there apparentement or linking of lists

- Yes
 No

12c. Can candidates run with the endorsement of more than one party?

- Yes
 No

12d. Do parties withdraw their lists or candidates in some constituencies, urging their supporters there to vote for an ally's list or candidate?

- Yes
 No

12e. Other?

13. Are joint lists possible?

No

13a. If joint lists are possible, are they subject to different regulations than single-party lists?
For example, higher thresholds, different numbers of candidates that may appear on the list, etc.

14. If apparentement is possible, what lists can participate in such agreements:

- lists of the same party in the same constituency
- lists of the same party from different constituencies
- lists of different parties in the same constituency
- lists of different parties in different secondary districts

15. If candidates can run with the endorsement of more than one party, is this reflected on the ballot?

No

- No party endorsements are indicated on the ballot paper
- Yes, candidate's name appears once, together with the names of all supporting parties
- Yes, candidate's name appears as many times as there are different parties endorsing him/her, each time with the name of the endorsing party
- Yes, other (please explain):

Part III: Data on Regime Type

Below are various questions about the type of regime--presidential, parliamentary, semi-presidential--in your country. There are two potential problems with these questions that should be noted at the outset. First, in some countries there may be a discrepancy between the *de jure* (or legal) situation and the *de facto* (or practical)situation. For example, in Great Britain the Queen still possesses a legal right to veto legislation, but this right has not been exercised since 1707. In the case of such obviously obsolete powers, please answer according to the de facto situation. Otherwise, describe the *de jure* situation. A second potential problem is that the questions may not be phrased optimally for the situation in your particular country. In such cases, please answer as best you can, providing some indication of the difficulties as you see them.

A. QUESTIONS REGARDING THE HEAD OF STATE.

Definitions: The Head of State is typically the highest ranking official in the executive branch of government. Often, this position is held by a president or a monarch, and may be more ceremonial than effective. The Head of Government is usually the highest ranking official in the legislative branch of government. In some systems, this may be someone other than the Head of State (i.e. the prime minister in the Westminster systems), while in other cases, the roles of the Head of State and Head of Government are combined (i.e. in the United States, the president serves as both the Head of State and the Head of Government).

1. Who is the Head of State?

- President
- Monarch
- Prime Minister serves as ceremonial head of state
- Other (please specify)

2. How is the head of state selected?

- Direct election
- Indirect election
- Birth right
- Divine right
- Other (Explain)

2a. If by direct election, by what process?

- Plurality election
- Run-off or two-ballot system
- Other (Explain)

2a1. If by run-off system, how are the candidates selected for the final round?

- The _____(#) candidates with the highest vote totals advance to the second round
- Any candidate with at least _____% of the popular vote advances to the second round

2b. If by indirect election, by what process?

- Electoral college
- Selection by the legislature
- Other (Explain):

All Members of the Bundestag and the same number of electors from the states based on the seat shares in the state legislatures (called “Bundesversammlung”).

2b1. If by electoral college, how are electors chosen?

2b2. Does the electoral college deliberate?

- Yes
- No

2b3. What is the voting procedure used by the electoral college?

2b4. If by the legislature, by which chamber(s) of the legislature? What is the voting procedure used?

2b5. If by other: What is the voting procedure used?

Up to three rounds of voting: absolute majority in the first and second round; relative majority in the third round.

3. Does the Head of State have the following powers? Please check all that apply:

3a. Introduce legislation?

- Yes
- No

3b. Require expedited action on specific legislation? (i.e., set a deadline by which the legislature is required to act on the bill)?

- Yes
- No

Definitions: A Head of State possesses a partial veto when he or she can target specific clauses of a piece of legislation for veto, while promulgating the rest. In the U.S., such vetoes are sometimes called line item vetoes. A Head of State possesses a package veto when he or she can veto the entire piece of legislation submitted by the legislature, but cannot veto some parts and accept others.

3c. Package veto?

- No
 Yes, and the requirement to override the veto is:

3d. Partial veto?

- No
 Yes, and the requirement to override the veto is:

3e. Issue decrees with the power of law?

- Yes
 No

3f. Emergency powers?

- Yes
 No

3g. Negotiate treaties and international agreements?

- No
 Yes, provided the following additional requirements are met:

3h. Commander of the armed forces?

- Yes
 No

3i. Initiate referenda or plebiscites?

- Yes
 No

3j. Refer legislation to the judicial branch for review of constitutionality?

- Yes
 No

3k. Convene special legislative sessions?

- Yes
 No

B. QUESTIONS ABOUT THE HEAD OF GOVERNMENT.

Definitions: In some countries, the Head of Government is directly elected, in elections that may or may not occur concurrently with legislative elections. In these cases, the Head of Government is said to be elected independently of the legislature. In others, the Head of Government is the leader of the governing party or governing coalition in the legislature, and so, the selection of the Head of Government depends upon the distribution of seats in the legislature. In these cases, the Head of Government is not elected independently of the legislature.

4. Is the Head of Government elected independently of the legislature?

- Yes
- No

4a. Is the Head of Government also the Head of State?

- Yes
- No

4b. If the Head of Government is not elected independently of the legislature, how is the Head of Government selected?

- Appointed by the head of state alone
- Appointed by the legislature alone
- Nominated by the head of state, and approved by the legislature
- Nominated by the legislature, and approved by the head of state
- Other (Please explain):
if not approved, parliament can nominate an different candidate

5. What authorities does the Head of Government have over the composition of the cabinet?

Please check all that apply.

- Names ministers and assigns portfolios alone
- Nominates ministers for approval by the president
- Reviews and approves ministerial nominations made by the president
- Dismisses ministers and reassigned portfolios at own discretion
- Other (Please explain):

6. What authorities does the Head of Government have over the policy making process?

Please check all that apply:

- Chairs cabinet meetings
- Determines schedule of issues to be considered by the legislature
- Determines which alternatives will be voted on by the legislature, and in which order
- Refers legislative proposals to party or legislative committees
- Calls votes of confidence in government
- Other (Please explain):

C. QUESTIONS REGARDING THE CABINET

7. By what method(s) can the cabinet be dismissed? Please check all that apply:

- By the head of state acting alone
- By the prime minister acting alone
- By majority vote of the legislature where a majority of all legislators is required
- By majority vote of the legislature where a majority of those legislators voting is required
- By some combination of the above, acting in concert (Please explain):
- Other (Please explain):

D. QUESTIONS REGARDING THE LEGISLATURE

8. Can the legislature be dissolved prior to regularly scheduled elections? _____ No Yes:

- By the head of state acting alone
- By the prime minister acting alone
- By majority vote of the legislature
- By some combination of the above, acting in concert (Please explain):
- Other (Please explain):

If a vote of confidence is not obtained by the chancellor, the president may dissolve parliament following a proposal by the chancellor within 21 days. If the parliament is able to elect a new chancellor with absolute majority, parliament can no longer be dissolved.

9. If the legislature can be dissolved prior to regularly scheduled elections, are there restrictions on when and how the legislature can be dissolve? Please check all that apply:

see description above.

- On the timing of dissolution (e.g. not within one year after a legislative election)
(Please explain):
- As a response to action/inaction by the legislature (e.g. only when the legislature has censured the cabinet; only if the legislature fails to pass the budget) (Please explain):

Other (Explain):

10. Is there a second chamber of the legislature? No Yes _____, it is:

- directly elected
- indirectly elected through the following process:

10a. If there is a second chamber and it is indirectly elected, are those who choose its members:

- wholly regional and/or local officials?
- partly regional and/or local officials?
- not necessarily regional and/or local officials?

10b. If there is a second chamber, does it have specific and exclusive legislative powers (i.e. the power to reject the executive's proposed budget)?

- No
- Yes (Please explain):

10c. If there is a second chamber, does it have the power to remove the cabinet or censure its ministers?

- Yes
- No

E. FEDERALISM

11. Is there a constitutionally guaranteed division of power between the central government and regional and/or local governments?

- Yes
- No

12. Does the central government have the power to remove elected officials of regional and/or local governments?

- Yes
- No

F. REFERENCES

Please list any resources that were consulted in the preparation of this report, or that the CSES community may find especially helpful in understanding the political system described here.

Germany's Basic Law:

(http://www.bpb.de/wissen/AQEPI,0,0,Grundgesetz_f%FCr_die_Bundesrepublik_Deutschland.html)

Germany's electoral office: www.bundeswahlleiter.de