

ESCE

Electoral System Change in Europe since 1945



Electoral System Change in Europe since 1945: France

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Section 1: Overview of French Electoral System Changes since 1945

Since 1945, France has experimented with several systems of proportional representation and runoff voting, as well as a mixed system during a brief period. Systems of proportional representation, in effect from the beginning of the Fourth Republic until 1951, allowed the election of deputies by party list, in districts allocating for most a small number of seats.

The electoral reform of 1951 introduced a mixed system, through the system of “apparentements”, in which several allied party lists had the ability to receive all seats in the department by obtaining an absolute majority of votes cast. In 1958, runoff voting, previously employed mostly in the Third Republic, was reintroduced by General De Gaulle and has remained in force ever since, except in 1985-6, when a governmental electoral reform briefly reintroduced the system of proportional representation by district. In 1986, the National Assembly passed a law returning to the runoff system. This system is still in used today.

Section 2: Relevant Electoral System changes in France since 1945

Table 1. Summary of French Electoral Laws and Amendments since 1945

Law	Amendment	Date of enactment	Location	Relevant for the research
Ordinance n°45-1837		17 August 1945	<i>Journal Officiel de la République Française</i> , 19 August 1945, pp. 5155-5156	Yes
Law n° 48-2151		5 October 1946	<i>Journal Officiel de la République Française</i> , 8 October 1946, pp.8494-8498	Yes
Law n° 51-519		9 May 1951	<i>Journal Officiel de la République française</i> , 10 May 1951, pp.4859-4851	Yes
Ordinance n° 58-945		13 October 1958	<i>Journal Officiel de la République française</i> , 31 October 1958, pp.9358-9359	Yes
	Law n° 66-1022	29 December 1966	Third paragraph of article L. 162 of electoral code	Ambiguous
	Law n° 76-665	19 July 1976	Third paragraph of article L. 162 of electoral code	No
Law n° 85-690		10 July 1985	<i>Journal Officiel de la République française</i> , 11 July 1985, pp.7801-7803	Yes
Law n° 86-825		11 July 1986	<i>Journal Officiel de la République française</i> , 12 July 1986 pp.8700-8702	Yes



Section 3: Details of previous electoral systems and electoral system changes.

3.1 The 1945 electoral system for the election of the provisional consultative assembly

The electoral system adopted for the first legislative elections in France after World War II was proportional representation in districts with a low number of seats, with no possibility for the voter to use preferential voting. The election of the assembly was held together with a referendum asking voters if they wanted to give a constituting mandate to the new assembly. Proportional representation has been chosen to represent as fairly as possible the various political sensitivities of the country to allow the establishment of a new political regime in good conditions.

The seats were allocated according to the method of quotients, with the allocation of remaining seats according to the highest average method.

Assembly size: 586 members including 64 for overseas. The number is not fixed by the fundamental Texts. It follows from the provisions of Article 2 of the Ordinance of 17 August 1945.

Districts and magnitude: Each district corresponds to a “département”. Each “département” has minimum of two seats. Additional seats are allocated according to the number of inhabitants of the “département”, with a rule of one additional seat per 100,000 inhabitants, with a last seat according to districts with a minimum of 25,000 people after allocation of the other seats. If a “département” is able to provide more than nine seats according to these rules, it must be divided in two or more districts, with a minimum of three seats per district.

Nature of the votes that can be cast: The voter can only vote for a list (closed lists). Seats are allocated to candidates in order presented on the list.

Party threshold: No threshold is specified in the text, but the low number of seats in most districts and the use of the highest average method are advantages for major parties.

Allocation of seats: seats are distributed in the districts among the different lists by proportional representation by direct application of the D'Hondt quota for direct seats. Remainder seats are allocated using the highest average method of allocation.

3.2 The 1946 electoral system for the election of the members of the National Assembly

Proportional representation was maintained after the establishment of the Fourth Republic in order to preserve national harmony and contain the rise of the Communist Party, which was the best structured and the best established political party at the time. This system is very similar to the 1945 system, but it created the opportunity for voters to rank candidates in order of preference. However, the expression of these



preferential votes is only taken into account if their number corresponds to at least half the votes for the list.

Assembly size: 618 members, including 553 seats for metropolitan France and the departments of Guadeloupe, Martinique and Réunion (Table Annex No. 2), 30 for Algeria (art 21), 34 for overseas territories (Table Annex 3) and 1 for Guyana (art 2).

Districts and magnitude: In metropolitan France (including Guadeloupe, Martinique, and Réunion), each district corresponds to a “département”. The “départements” with the biggest population are split into separate districts. The number of seats in each district varies from three to eleven in metropolitan France. However, in several districts overseas, there is only one seat. In some of these districts as well as Algeria, distinct colleges separate voters having the status of French citizens and natives. The number of seats increases with the number of registered voters on the electoral roll of the district.

In the various overseas territories, some districts are single-member districts, where elections are by plurality, while other districts are multi-member districts, with elections by proportional representation, as elsewhere. There are 27 single-member districts.

The total number of districts is 141, including Algeria and the overseas territories; there are 105 districts in metropolitan France.

Nature of the votes that can be cast: The voter may rank candidates by writing a number in front of the names of the candidates on the ballot. Voters are free to rank as many candidates as they want. For each list, if the number of ballots containing ranking modifications is higher than half of the number of list votes of the list, the elected candidates are those that are most favourably ranked.

Party threshold: No threshold is specified in the text, but the low number of seats in most districts and the use of the highest average method are advantages for major parties.

Allocation of seats: In multi-member districts (that is, in all of metropolitan France and in some of the overseas territories), the seats are distributed among the different lists by proportional representation using the highest average method (D’Hondt).

Seats are then allocated to candidates according to rankings. If fewer than half of all of a party’s voters in a district have altered the party’s list, the party’s original list order is used. If half or more of the party’s voters have altered the list, the following procedure is used:

- incomplete rankings are completed in following the party’s original ranking;



- the Commission establishes how many ballot papers (whether altered or unaltered) rank each candidate first; the candidate with the most first ranks is ranked first overall;
- the Commission establishes which candidate (except the first-ranked) has most first or second places; this candidate is ranked second;
- this is repeated until all the party's seats are filled (Article 16).

In those overseas districts electing only one member, single-member plurality is used (Articles 2 and 42).

3.3 The 1951 electoral reform

The reform of 1951 significantly altered the 1946 system by transforming it into a conditional mixed system (i.e., there are some conditions under which a "block-list" part of the system to become effective). Under the new law, the lists have the opportunity to ally with each other in each district through an "apparentement". If the sum of the votes obtained by the "apparented" lists corresponds to at least half of the votes cast, these lists take all the seats allocated in the district. If no list or group of lists obtains an absolute majority of votes cast, the seats are distributed among all the lists in accordance with the highest average formula (D'Hondt method).

This reform was voted by the government of the "Third Force", which was an alliance of socialists, radicals, conservatives and Christian Democrats, who wanted to retain their majority in the National Assembly against the Gaullist and Communist parties, who were very powerful but isolated in terms of party alliances. To hold the weight of the Communists in their areas of strength, the law provides a specific electoral system in the districts of Seine and Seine-et-Oise, which was proportional representation under the rule of the largest remainder.

Assembly size: 618 members, as well as Law of 5 October 1946.

Districts and magnitude: The districts remained virtually the same as in the Law of 5 October 1946. The only exception was that the department of Gironde was split into two districts.

Nature of the votes that can be cast: As in 1946, voters can alter the order of candidates on the list. But they cannot present their own ordering. Rather, they can place a cross by the names of as many candidates on the list as they wish (Article 15). They can also employ "panachage", i.e., remove the names of certain candidates to reduce their chances of being elected.

Party threshold and allocation of seats to parties: This is a conditional mixed system. In each district, before the election, lists can make an "apparentement", i.e., declare themselves as allies. If the total votes cast for those joined lists is equal to or greater



than an absolute majority of the votes cast in the district, these lists receive all the seats in the district. If they have not obtained an absolute majority of votes, then the district's seats are allocated by proportional representation according to the rule of the highest average between all lists that have won at least 5 per cent of the votes in the district. Joined lists are at first treated as one for this purpose, and seats are then allocated among the lists using highest averages.

To participate in "apparentement", a list must be affiliated to or have all its candidates affiliated with a national group or a national party. A group can be a national group or a national party if it has candidates under the same political label in 30 different districts.

Note that in the districts of the Seine, Seine-et-Oise, Guadeloupe, Martinique and Reunion, the system is not applied: the seats are allocated by proportional representation according to the rule of the largest remainder, and "apparentements" are not possible. In every district, the lists must reach a minimum threshold of 5% of the votes cast to receive seats.

Allocation of seats to candidates: For each list that receives seats, the number of ballots with changes (i.e., including preferential votes or panachage or both) is added up. If this number is more than half the total votes cast for the list in the district, the candidates elected for this list are those with the most preferential vote. Otherwise, the party's original ordering is preserved.

3.4 The Electoral system of 1958

After the transition to the Fifth Republic, the French electoral system was radically changed. For the legislative elections, proportional representation was abandoned in favour of runoff voting, with a threshold of access to the second round was very low (5% of the vote) and there was the possibility of being elected in the first round by obtaining an absolute majority of votes cast and a number of votes equivalent to one quarter of registered voters in the constituency. In the second round, the candidate who receives the largest number of votes is elected.

At the instigation of General de Gaulle, the new President of the Republic, the runoff voting, often used during the Third Republic, is fully restored in place of the party-list system. The aim of this reform was to promote the victory of the supporters of the General by dividing socialists and communists, who were unable to withdraw in favour of one another during the second round. The parliamentary elections of 1958 have thus resulted in a landslide victory of right-wing parties and a virtual disappearance of the Communist Party, which remained the largest party in terms of voters.

Assembly size: 475 MPs, including overseas districts. 67 other MPs are elected in Algeria and 4 in Saoura and the Oasis with a different electoral system (see below).



Districts and magnitude: one candidate per district. Each candidate has a substitute to replace him/her in case of death or resignation. A district is composed of several “cantons” which include several communes.

Nature of the votes that can be cast: The voter can only choose one candidate in each round (one person, one vote).

Party threshold: to be elected in the first round, a candidate must have obtained an absolute majority of votes cast and a number of votes equal to at least one quarter of registered voters in the district.

To reach the second round, a candidate must have obtained at least 5% of the votes cast in the first round. Candidates must have participated in the first round in order to be able to participate in the second round.

Allocation of seats: The candidate elected in the second round is the one who obtained the largest number of votes.

SPECIFICS: In 1966, another reform of the electoral code made access to the second round much more difficult. The threshold increases to 10% of the votes of registered voters in 1966. Some new rules can prevent low turnout in the first round, ensuring the qualification of a minimum of two candidates in the second round if none of them is able to be elected in the first round. In 1976, the threshold increases once again to 12.5% of the votes of registered voters. These two reforms were intended to limit the number of candidates in the second round, in order to enhance the polarization of French political system.

3.5 The electoral system of 1985

With the reform of the Electoral Code of 1985, proportional representation is introduced. According to this reform, MPs are elected by proportional representation districts, according to the method of the highest average. To receive seats, a list must have earned 5% or more of the votes cast. No preferential voting is possible: the candidates are elected in accordance with the order of presentation shown in the list.

This reform, which was part of the promises of Socialist President Francois Mitterrand during his election in 1981, was intended to complicate a victory of right-wing parties, who were popular in the polls, by preventing them from obtaining an absolute majority of MPs. Despite their internal divisions, the right-wing parties did secure a bare absolute majority in the parliamentary elections of 1986, and could form a new government that quickly repealed the 1985 reform.



Assembly size: 577 members, including 7 seats for overseas territories¹. The number of seats in metropolitan France is fixed by organic law n° 85-688 (“The number of members of National Assembly elected in districts is 570”, art.L.O.119 of the electoral code as modified by the first article of the Law).

Districts and magnitude: Each district corresponds to a “département”. The number of seats in each district varies from two to 24 in metropolitan France, this number increases with the number of registered voters on the electoral roll of the district. The total number of districts is 105, including the overseas; there are 100 districts in metropolitan France.

Nature of the votes that can be cast: The voter can just vote for a list, he or she cannot rank candidates in any way. Seats are allocated to candidates in the order presented on the list.

Party threshold: In each district, a list has to obtain a minimum of 5% of votes cast to obtain seats.

Allocation of seats: seats are distributed in the districts among the different lists by proportional representation using the method of the highest average.

3.6 The electoral system of 1986

In 1986, the new government repealed the 1985 Law and reintroduced single-member districts with a majority runoff voting. The new system is identical to that was applied before 1985: runoff voting with a threshold to enter the second round corresponding to 12.5% of the votes of registered voters, and the possibility of being elected in the first round with an absolute majority of votes cast and at least one quarter of the votes of registered voters. The number of constituencies has however increased significantly: the total number of deputies was maintained at 577 to preserve the mandates already acquired.

Assembly size: 577 members, including overseas territories.

Districts and magnitude: one candidate per district. Each candidate has a substitute to replace him/her in case of death or resignation. A district is composed of several “cantons” which include several communes except districts created in Paris, Lyon, Marseille and “départements” including cantons without continuous territory, which disrespect the cantonal limits.

¹ According to organic Law n° 85-689 and Law n° 85-691, two MPs are elected by proportional representation in districts of Nouvelle-Calédonie and Polynésie française. In Wallis-et-Futuna, Mayotte and Saint-Pierre-et-Miquelon, only one MP is elected, by runoff voting.



Nature of the votes that can be cast: The voter can only choose one candidate in each round.

Party threshold: to be elected in the first round, a candidate must have obtained an absolute majority of votes cast and a number of votes equal to at least one quarter of registered voters in the district.

To reach the second round, a candidate must have contested the first round and obtained a minimum number of votes equivalent to 12.5% of registered voters in the district.

Allocation of seats: The candidate elected in the second round is the one who obtained the largest number of votes (plurality).

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