

**The Use of Administrative Resources during Elections: A Comparison of New Zealand, the United Kingdom, Germany, France, and Poland.**

Joshua Loud

Transparency International Latvia

[josh.loud@delna.lv](mailto:josh.loud@delna.lv)

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## **The Use of Administrative Resources: A Comparative Approach**

Within the five countries examined in this report (New Zealand, the United Kingdom, Germany, France, and Poland), there are certain trends. Some regulations are common to all five countries. In other instances, things that are prohibited in some countries are not in others. In many cases, it is not a question of allowed or prohibited; rather, it is a question of degree.

All five of the countries require that party financing be made public. Parties must submit election expense reports to the respective election committees outlining where substantial donations to the party and all election expenditures are disclosed. In some cases, such as New Zealand, this report must be accompanied by an official audit.

The individual regulations governing these donations, however, are quite varied. In France, there is a ceiling of €4,600 on all donations, and companies are expressly prohibited from donating to parties. In Poland, donations may be accepted from both individuals and companies, but there are ceilings on how much either of these groups may contribute. In Germany, public corporations may not make donations, and anonymous donations exceeding €500 may not be accepted. In New Zealand, there is not ceiling, but all donations exceeding \$1,000 must be made public. In the UK, donations exceeding £5,000 must be made public, but there are no limits on how large these donations may be.

The regulations governing election expenses are likewise varied. In Germany, there are no campaign spending limits. In the UK, parties are allowed to spend £30,000 for each constituency they are contesting or a minimum spending limit (which varies by region in the UK), whichever is greater. In Polish presidential elections, the limit is 12,000,000 Zlotys. The limit on Polish parliamentary elections is determined by the total number of registered voters and the number of constituencies the party is contesting. Because of New Zealand's mixed member proportional representation election system, the limit for parties and individual candidates is different. Candidates may spend \$20,000, while parties may spend \$1,000,000 plus \$20,000 for each contested constituency. In French parliamentary elections, the limits are less firm; candidates who exceed the limits are simply not eligible for reimbursement from the government. For presidential elections, the limit is €16,000,000, which is extended to €21,000,000 for the two candidates proceeding to the run-off elections.

In some countries, some of these expenses are reimbursed by the government. Germany

and France provide partial reimbursement for election expenses, provided certain criteria are met. In the UK, New Zealand, and Poland, however, parties are privately financed.

Interestingly, in some of the countries, the government actually provides advertising to the parties. In New Zealand and Poland, the government purchases time on national television and radio stations, which is then allotted to the individual parties according to a predetermined formula. In France, political advertising on TV and the radio is forbidden, but the government pays for a packet to be sent to all registered voters, which outlines each candidate's platforms.

There are likewise varying interpretations on how best to limit the misuse of administrative resources. In Great Britain, government employees must resign before they can stand for election, whereas in New Zealand and France, resignation is not necessary, but civil servants are limited in what they can do and are essentially placed on leave. In Poland, the rule is simply that ministers cannot simultaneously serve as civil servants.

Making any judgments on which of these countries has the most transparent election system is not exactly straightforward. Each country is more stringent than the others in some areas and more lenient in others. It is difficult to say which of these categories is most important. Still, the information presented does give a sense of what these countries are doing well, and in what areas they are lagging behind.

## **Party and Election systems:**

### **New Zealand:**

New Zealand's government is a unitary parliamentary system with the Queen Elizabeth II serving as the head of state, although in practice, her duties are conducted by the Governor-General. The prime minister, who is elected by parliament, serves as the head of government with the assistance of a cabinet, which he appoints from among elected members of parliament.

Parliament may be convened and dismissed by the Governor-General, who also has the authority to appoint Prime Ministers. The parliament is known as the House of Representatives and is a unicameral body. Parliamentarians are elected using the mixed member proportional system, where MPs are elected in one of two ways: directly by voters in a first past the post election, or proportionally from party lists. The parliament usually contains 120 members. The maximum term for parliament is three years, though the Governor-General may call for early elections at the behest of the Prime Minister.

The electoral system in New Zealand creates a multi-party system, with eight parties currently represented. Coalition governments are the norm.

### **United Kingdom:**

The United Kingdom is a constitutional monarchy. As a unitary government, most power resides with the national government in London. Queen Elizabeth II is the head of state, but exercises primarily ceremonial roles. The head of government is the Prime Minister with his or her appointed cabinet. The prime minister is responsible to members of the House of Commons, who elect him or her to the position.

The prime minister may ask the queen to dissolve parliament at any time, though elections must be held after a five-year term.

The United Kingdom has two parliamentary bodies: the House of Commons and the House of Lords. The House of Commons is the more powerful of the two. The House of Commons contains 646 members, who are elected in direct first past the post style elections. The House of Lords is constituted of hereditary peers, life peers (who are appointed), and bishops of the Church of England.

England's first past the post system led to a primarily two party system, though third parties are commonly represented in the House of Commons.

### **Germany:**

Germany's government is a federal parliamentary system. An elected President serves as the head of state with an elected Chancellor serving as head of government. The chancellor cannot be removed from office unless the Bundestag has agreed on a successor.

Germany's parliament consists of two houses, the Bundestag and the Bundesrat. Members of the Bundestag are elected to four-year terms through a mixed member proportional system, where half of the members are appointed through first past the post elections in single constituencies and the other half are elected through party lists. Due to the "five percent clause," parties receiving less than five percent of the popular vote are not represented. Members of the Bundesrat are appointed by the individual *Bundesländer* (state governments). There are sixty-nine members, and each of the sixteen *Länder* appoints three to six members, depending on population.

This mixed-member proportional allows many parties to be represented in parliament, with two larger parties who generally rule in coalition governments with the smaller parties.

### **France:**

The French government is a unitary semi-presidential system, where the President serves as head of state and the Prime Minister serves as head of government.

The government of France is divided into executive, legislative, and judicial branches. The President has some executive powers, but most executive power lies in the office of Prime Minister, whom the President appoints with the approval of the National Assembly. The Prime Minister always comes from the majority party in the National Assembly.

The French parliament is bicameral, consisting of the National Assembly and the Senate. Members of the National Assembly are directly elected to five-year terms, whereas Senators are elected to six-year terms with half of the body up for election every three years. Senators are elected by an electoral college consisting of local officials from across the country. The National Assembly is the more powerful body.

The president is elected through a run-off system, which ensures that the President has a majority of votes. If no candidate achieves fifty percent of the vote after the first round of elections, a second election is held between the two candidates receiving the most votes. The president typically has much stronger executive powers when the prime minister comes from his own party. When the prime minister is from the other party, however, the president must accede to many of the demands from the prime minister and the dominant party. This situation, where the President and Prime Minister represent different parties is known as cohabitation.

**Poland:**

Poland uses a parliamentary system for its government. The head of state is a president elected directly by the people, while the head of government is the prime minister, who is appointed by the majority coalition in the Sejm. Although the president has the power to veto legislation, his or her role is mostly to serve as a figurehead. The President is directly elected to a five-year term.

The legislature is bicameral, consisting of the Sejm and the Senate. Parliamentarians are elected to four-year terms through proportional representation for the Sejm and plurality bloc voting to the Senate. In bloc voting systems, several candidates with the highest support in an electorate are elected. There is, however, a five-percent clause to limit splinter parties. The Sejm may dissolve a legislative period for both houses with a two-thirds vote. The President may likewise prematurely end the parliamentary term.

## **Individual country analyses**

### **New Zealand:**

#### **Pre-election Period:**

- After parliament is dissolved, a short period is allowed before nomination day.
- The period of time between nomination day and the actual polling day must be between 20 and 27 days.
- In total, the span of time between parliament's dissolution and reconvening may not exceed 104 days.

#### **Campaign Financing:**

- The Election Committee receives a total sum of \$3,212,000, which it divides among the political parties according to four factors:
  - The party's total number of MPs.
  - The party's success in the previous election.
  - Opinion polls.
  - Total party membership.
- A total of 72 minutes on the television station TVNZ are allotted for opening addresses and 30 minutes for closing addresses, which are apportioned to the parties using the same criteria as above.
- The election committee pays the broadcasters directly, so the money never passes through party hands.
- Following the election, party secretaries must provide an expense report outlining all election expenses for the three months prior to an election.
  - This expense report must be on a form provided by the election committee and must be accompanied by an auditor's report.
- The Electoral Commission has the authority to refer non-compliant parties to the police.
- Donations exceeding \$1,000 must be included in the expense report.
- Receipts and bills exceeding \$50 must be included in the expense report.

**Spending Limits:**

- Individuals are not allowed to spend more than \$20,000 on their campaigns, which includes things such as the market value of donated items and postage, but excludes a few things such as the cost of food or travel.
- In addition to the allocated advertising budget, parties may spend up to \$1,000,000 plus \$20,000 for each constituency in which the party has a candidate (Geddis, 2006.)

**Advertising:**

- Candidates are not allowed to attack other parties' or candidates' policies on television or on the radio.
- Due to differing campaign spending regulations for parties and individual candidates, candidates are not allowed to endorse their party while endorsing themselves on television or on the radio.
- Absolutely no campaigning may take place on the day of the election.
- Candidates may only enter the polling place to vote, after which they must promptly leave.
- Following the election, broadcasters must also provide an expense report of all election advertising they broadcast during the three months prior to the election.

**Misuse of Administrative Resources:**

- Government employees who are running for office are prohibited from performing many of their normal duties during the election period to prohibit candidates from using their offices or government resources to assist their campaigns.
- Other government employees must act apolitically and are prohibited from commenting on:
  - “Party political matters”

- “The merits of government policy”
- “Alternatives to government policy” (Chief Electoral Office, 2005.)

**General Integrity of the Election:**

- The practice known as treating, giving voters food, drink, or other gifts with the intention of influencing their vote, is expressly prohibited.
  - Treating is considered a criminal offence and carries a penalty of up to one year in prison and a \$4,000 fine.
  - If a candidate is elected and is subsequently found guilty of treating, he or she will lose the elected position.

**Sources:**

Chief Electoral Office of New Zealand. 2005. *Information for Parliamentary Candidates*.

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[anu.edu.au/papers/20060320\\_fin\\_geddis.pdf](http://democratic.audit.anu.edu.au/papers/20060320_fin_geddis.pdf)> 25 May, 06.

## **United Kingdom:**

### **Pre-election Period:**

- Election day is held 17 business days after the dissolution of Parliament.

### **Party Financing:**

- Parties are privately financed in the UK, primarily through fundraising, donations, and affiliation fees.

### **Spending Limits:**

- The spending limits are different for Northern Ireland and Great Britain.
  - The spending limit in Northern Ireland is £30,000 for each of the constituencies in Northern Ireland the party is contesting
  - The spending limit in Great Britain is £30,000 for each of the constituencies in the particular part of Great Britain the party is contesting, or there is a minimum spending limit for each region, and parties can spend whichever amount is greater.
    - The minimum limit for England is £810,000.
    - The minimum limit for Scotland is £120,000.
    - The minimum limit for Wales is £60,000.

### **Advertising:**

- Regulations are in place limiting the use of official government advertising during the election period.
  - This prohibits the misuse, or perception of misuse, of the government's unique access to the media.
  - "During the Election, arrangements for newspaper articles, interviews and broadcasts by Ministers will normally be made on the political network" (General Election Guidance 2005, 24.)
- Window displays on official premises that are promotional in nature are prohibited.
- Official government advertising is avoided during elections.

### **Misuse of Administrative Resources:**

- “Ministers must not use government resources for Party political purposes” (Ministerial Code 2005, 2.)
- Ministers have the duty “not to ask civil servants to act in any way which would conflict with the Civil Service Code” (Ministerial Code 2005, 7.)
- Ministers may not use work facilities provided at government expense for party political matters.
- “Speeches made in a party political context should be distributed through the party machinery” (Ministerial Code 2005, 34.)
- Special advisors may help their respective ministers in election campaigns only if they first resign from their appointments.
  - Upon resignation, the advisor must return all departmental property.
- “All civil servants are disqualified from election to Parliament and must therefore resign from the Civil Service before standing for election” (General Election Guidance 2005, 16.)
- Participation in National Politics is regulated for civil servants.
  - Members of senior civil service are prohibited from participating in any national political activities.
  - Industrial and non-office grade civil servants may participate in national political matters.
  - Those who don’t belong to either group may only participate with departmental approval and certain regulations apply.
- No Government establishments may be used for campaigning purposes.
  - NHS facilities, including things such as hospitals, may be used provided all parties are given equal opportunities.
  - Decisions regarding the use of other public sector facilities, including schools, are made by the local authorities responsible for the facilities.
    - All parties must be given equal opportunities to use the facilities.

### **General Integrity of the Election:**

- Ministers should avoid accepting any gifts that might compromise or appear to compromise their judgment.
- Meetings with lobbyists and other special interest groups should be documented, including a list of all persons present and the reason for the meeting.

**Sources:**

The Electoral Commission. 2005. *Election 2005: Campaign spending*. Accessed at < <http://www.electoralcommission.org.uk/templates/search/document.cfm/14985>>. 31 May, 2006.

Cabinet Office. 2005. *Ministerial Code. A code of ethics and procedural guidance for ministers*. Government of the United Kingdom. July.

Cabinet Office. 2005. *General Election Guidance 2005*. Government of the United Kingdom. 5 April.

**Germany:**

**Pre-election Period:**

- Information on who the candidates are for an upcoming election is released approximately five weeks prior to the day of the election.
- “If the Bundestag is dissolved, new elections shall be held within sixty days” (Grundgesetz, article 39:1)

**Party Financing:**

- The State provides partial funding for parties, leaving parties responsible to procure some funding through donations and membership fees.
- These State funds are reimbursed to the parties following the election, with the total sums depending on each party’s success in the election, total received contributions, and membership fees.
- The maximum that each party may be reimbursed is 245 million marks.
- Parties must receive .5% of the vote to be eligible for reimbursement.

- Parties are not allowed to accept donations from public corporations.
- Foreign nationals may not donate more than €1,000.
- Donations exceeding €500 where the donor is undisclosed may not be accepted.

### **Spending Limits:**

- Germany does not have any laws limiting the amount that candidates can spend on their campaigns.

### **Misuse of Administrative Resources:**

- Political parties “must publicly account for their assets and for the sources and use of their funds.” (Grundgesetz, article 21:1)
- Donations to political parties where an expectation of economic or political advantage is clear may not be accepted.
- Members of the Bundestag must inform the President in writing of past employment and any involvement in the management of a firm prior to his becoming an MP.

### **General Integrity of Election**

- Election offences are criminal offences and carry prison sentences.
- These offences include:
  - Bribery of voters
  - Electoral forgery
  - Coercion of voters (ABC-der Bundeswahltag)
- Much emphasis is placed on elections being secret, which ensures that voters can cast their votes without fear of reprisals.

### **Sources:**

Das Grundgesetz. Available at < <http://www.lib.byu.edu/~rdh/eurodocs/germ/ggeng.html>>.

Statistisches Bundesamt. 2005. Election abc. Available at < <http://www.bundeswahlleiter>.

## **France:**

### **Pre-election Period:**

- French presidential elections occur every 5 years on a fixed schedule.
  - The election must be held between 20 and 35 days before the end of the current president's term.
- The President may dissolve the National Assembly before the fixed deadline.
  - Elections must be held between 20 and 40 days following the dissolution.
  - The National Assembly may not be dissolved again for one year following the election.

### **Party Financing:**

- The French government partially reimburses election expenses.
  - \$180,000 for Presidential elections, in addition to 8% or 36% of the spending limit, depending on whether the party won more than 5% of the vote.
- Parties must publish an account of all election expenses.
- Parties are prohibited from being funded by businesses.
- For legislative elections, candidates are provided up to € 38,000 plus €0.15 for each person living in the constituency to be used for campaign advertising.
- 50% of remaining election costs may be reimbursed by the state (French National Assembly, 2006.)
- Gifts to parties may not be made by companies.
  - There is a ceiling of €4,600 on all donations.
  - Gifts over €150 must be made by check.
  - The total amount of cash donations may not exceed 20% of the expenditure ceiling.

### **Spending Limits:**

- For presidential elections, candidates may spend \$16 million during the year prior to the election
- For the two candidates in the run-off election, the amount is extended to \$21 million.
- Candidates in legislative elections who exceed the provided advertising budget (€ 38,000 plus €0.15 for each person living in the constituency) are not eligible for reimbursement.

### **Advertising:**

- Several weeks prior to the election, voters receive packets in the mail containing information on each candidate in the election and his or her platforms.
  - This is provided at government expense.
- Political advertising on television or the radio is prohibited.

### **Misuse of Administrative Resources:**

- Members of parliament are not allowed to simultaneously work as civil servants.
  - They do not need to be fired, but cannot perform their duties as civil servants as long as they serve in parliament.
- Members of parliament are banned from holding positions in companies while they are parliamentarians.
- Deputies are required to provide a statement outlining all personal assets prior to beginning.
- They are not allowed to appear in advertisement for private companies while serving in parliament.
- Franking privileges do not extend outside of the parliamentarian's official duties.

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French National Assembly. 2006. The National Assembly Organisation & Operation: Election.

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French National Assembly. 2006. Rules of Procedure of the National Assembly.

At< <http://www.assemblee-nationale.fr/english/8ac.asp>> 6 June 2006.

## **Poland:**

### **Pre-election Period:**

- Elections to the Sejm and the Senate are for four-year periods.
  - The President must announce upcoming elections no later than 90 days prior to the end of this four-year period.
  - Election day must be held within 30 days of the end of this four-year period.
- The Sejm may prematurely end a legislative period (for both bodies) with the vote of two thirds of the legislators.
  - The President may also prematurely end the legislative period.
  - In this case, elections must be held within 45 days of the official announcement of the dissolution the legislature.
- The president is elected to a five-year term.
  - Presidential elections must be held between 75 and 100 days before the end of his or her term.

### **Party Financing:**

- Election financing must be made public.
- Individuals may not donate more than 15 times the minimum monthly wage of a worker.
- Organizations may not donate more than 100 times the minimum monthly wage of a worker.
- Contributions exceeding 2 times the minimum monthly wage of a worker must be made by check, bank draft, or bankcard.
- Foreign nationals may not donate to parties.

- According to article 128 of *The Act of 12 April 2001 on Elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland*, parties may receive partial compensation for each seat gained according to a predefined formula.

### **Spending Limits:**

- Presidential campaign expenditures cannot exceed 12,000,000 zlotys.
- For elections to the Sejm or Senate, a system is in place that determines a spending limit for each party based on the total number of registered voters and the number of seats the party is vying for.

### **Advertising:**

- Demonstrations and similar activities may not be conducted 24 hours prior to an election.
  - Distributing leaflets is prohibited during this period.
- It must be clear on all campaign advertising what the origin of the material is.
- Election advertising may not be displayed on public buildings or grounds.
- Election advertising that displays false information may be subject to penalties if a formal petition is made.
- 15 days prior to the election, the Polish Television Joint-Stock Company and the Polish Radio joint stock company will broadcast free election programming.
  - 25 hours are available for TV and 35 for radio (15 and 30 for election to the Sejm and Senate), which will be allotted to parties by the National Electoral Commission.
- Parties may also pay for TV or radio advertising, but the time for paid advertising may not exceed 15% of the total time allotted to them the Commission.
  - Broadcasters may not refuse to offer these services to parties.
  - The costs of this paid advertising may not exceed 50% of the costs of commercial advertising.
- Parties must submit an expense report to the National Election Committee within 3 months following an election.
  - This report must be accompanied by an audit prepared by an auditor

appointed by the National Electoral Commission.

- The report must be published within one week of its reception by the Commission.
- Individuals not complying with election laws are subject to fines.
- It is forbidden to purchase signatures for the nomination of a candidate.
- No campaigning may take place in a polling station.
- Campaigning that may alter the normal day-to-day functioning of a workplace or public institution is forbidden.

### **Misuse of Administrative Resources:**

- Individuals not complying with election laws are subject to fines.
- Deputies may not simultaneously serve in government administration.
- In 2005, the Sejm passed legislation that restricts the practice of 'log rolling,' where elections are followed by shake-ups in government personnel at every level, mostly based on nepotism.
- There is no legislation in place governing the relationships between MPs and interest groups.

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