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Efficiency as a descriptive variable of autonomous electoral systems in Spain

by

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Abstract

The homogeneity of the regulations governing the electoral systems of autonomous communities derives from their desire to imitate the system adopted for the Spanish Chamber of Deputies, and from their decision to look to countries with multi-level political structures for inspiration. This paper puts forward the hypothesis that the electoral system in communities which form part of the endogenous party system model built up over the last thirty years has been remarkably effective

Key-words

electoral system, Constituency, Subjective National Identification, Eccentric party system model, Endogenous party system model



Preliminary Remarks

According to the second paragraph of the first Additional Provision of the Spanish Organic Law on the *General Electoral Regime* (*Ley Orgánica del Régimen Electoral General* - LOREG), autonomous communities are subject to most of the rules contained in Title I of the law. This mainly defines issues such as active and passive suffrage, electoral administration, the presentation and proclamation of candidates, the election campaign, the exercise of the right to vote, the proclamation of elected candidates, electoral disputes and the definition of offences. In all, elections for autonomous community legislative assemblies are subject to over half of the LOREG (Biglino, 2009, 17-18). Some argue that legislators have unduly restricted the competences of autonomous communities by establishing such wide-ranging and detailed regulations (Gavara de Cara, 2007, 103). However, it should be borne in mind that LOREG's provisions, even on a matter as sensitive as its application to the legislative assembly elections of autonomous communities, have been well-received. Lastly, there is the latest reform of the LOREG, introducing new rules that also apply to the legislative assembly elections of autonomous communities, which has been unanimously approved.

However, the reason why autonomous legislators have little room for action not only lies in the content of the first Additional Provision of the LOREG, but also in how the different statutes of autonomy have framed their communities' electoral systems. Initially, these documents were not unduly detailed, but subsequent statutory reforms have gradually changed this situation. A tendency developed to - introduce provisions that had originally been included in the autonomous community's electoral regulations, and qualified majorities began to be required for regulations developed by the statutes on these matters.

In spite of public consensus on the construction of this electoral framework, the power of autonomous community legislative assemblies to influence this area is very limited.



1. Description of the main variables of the electoral system

The main variables of the electoral system are limited and little used by autonomous lawmakers. In fact, a description of the main variables of the electoral system of all autonomous communities highlights their similarities to state legislation. Briefly, the characteristics of autonomous electoral systems can be summarised as follows:

- 1) The size of regional parliaments is highly proportional to their population. The number of members oscillates between over one hundred in the Catalan, Andalusian and Madrid Chambers, and below forty in La Rioja and Cantabria.

Table 1. The relationship between number of seats and population by autonomous community

Community	Chamber	Population	Ratio
Andalusia	109	8,202,220	75,250
Catalonia	135	7,364,078	54,549
Madrid	120	6,271,638	52,263
Valencia	99	5,029,601	50,804
Castile-La Mancha	47	2,043,100	43,470
Galicia	75	2,784,169	37,122
Canary Islands	60	2,075,968	34,600
Murcia	45	1,426,109	31,691
Castile-León	83	2,557,330	30,811
Basque Country	75	2,157,112	28,761
Asturias	45	1,080,138	24,003
Aragon	67	1,326,918	19,804
Balearic Islands	59	1,072,844	18,184
Extremadura	65	1,097,744	16,888
Cantabria	39	582,138	14,927
Navarre	50	620,377	12,407
La Rioja	33	317,501	9,621



- 2) Autonomous electoral systems have adopted the proportional formula used in state Parliamentary elections, known as the D'Hondt method. Their reluctance to move away from this is demonstrated by the unclear treatment of the issue in some autonomous electoral regulations, whether they are statutes or electoral laws, sometimes even making direct reference to Article 163 of the LOREG, the electoral formula of the Spanish Chamber of Deputies (the lower Chamber).
- 3) The criteria by which constituencies are determined vary slightly in each community. In the thirteen single or multi-province communities, the electoral district is the province. Conversely, Asturias, the Balearic Islands, the Canary Islands and Murcia have opted for sub-provincial constituencies: in the Balearic and Canary archipelagos, for example, every island is a district. All constituencies are multi-member except for the Island of Formentera.

Table 2. Electoral constituencies by autonomous community

Community	Constituency	Number	Average Size
Andalusia	Provinces	8	13.6
Aragon	Provinces	3	22.3
Asturias	Group of municipalities	3	15.0
Balearic Islands	Island	4	14.7
Canary Islands	Island	7	8.5
Cantabria	Province	1	39.0
Castile-La Mancha	Provinces	5	9.4
Castile-León	Provinces	9	9.2
Catalonia	Provinces	4	33.7
Extremadura	Provinces	2	32.5
Galicia	Provinces	4	18.7
Madrid	Provinces	1	120.0
Murcia	Group of municipalities	5	9.0
Navarre	Province	1	50.0
Basque Country	Provinces (Hist. Territories)	3	25.0
La Rioja	Provinces	1	33.0
Valencia	Provinces	3	33.0



The constitutional principle of autonomous territorial representation involves some recognition of internal (territorial) pluralism in the autonomous communities, normally expressed through the corresponding territorial subdivisions (provinces, counties, islands, groups of islands, etc.). Article 152 appears to introduce the criterion of “guaranteed territorial representation”, under which proper representation of the territory can be ensured by establishing territorial electoral districts and guaranteeing each a minimum number of seats. By providing this guarantee, the Spanish Constitution also introduces a potential source of voting inequality if the corresponding compensation mechanisms are not put in place, since disproportion in distribution also undermines the principle of equality.

- 4) If the four autonomous communities with a single district are excluded, pro-rata electoral mechanics can be found in three variations:
 - a. First, Asturias, Castile-León, Castile-La Mancha, Extremadura, Galicia and Murcia assign a minimum number of deputies to each constituency and the rest are distributed via pure proportionality depending on the standing population. The only exception is Castile-León, where the ratio of one seat per 45,000 inhabitants is applied for the remaining seats.
 - b. Second, Andalusia, Aragon and the Valencian Community establish a maximum limit for disproportionality among provinces, with the peculiarity that, concerning the latter, the D’Hondt formula is used for the demographic distribution of the remaining seats.
 - c. Finally, regarding the Balearic Islands, the Canary Islands, Catalonia and the Basque Country, each has its own procedure. Regarding the first two, a set-number of seats is directly assigned to each island; in Catalonia, a limit in the form of a minimum number of deputies is set for Gerona, Lleida and Tarragona and a maximum for Barcelona, while the remaining seats are distributed according to different ratios: one deputy for every 40,000 inhabitants in the first three provinces and one for



every 50,000 in the last. In the Basque Country, the same set number of seats is assigned to each province.

5. Territorial representation in relation to the principle of the effectiveness of decision-making centres has also been used as a factor in the definition and legitimisation of electoral barriers. Therefore, all communities have set legal barriers to prevent excessive fragmentation in the composition of their legislative assemblies. Minimum barriers have been set at 3 or 5% of votes cast in either constituencies or communities. The Valencian electoral system, which takes into account the votes cast, and the Canary Island system, which provides for two thresholds, one insular and the other autonomous, have uniquely differentiating features. The differing percentages of barriers at the autonomous and insular level are justified by the special geographical nature of the archipelago and are designed to prevent fragmentation and ensure adequate representativeness in terms of seats in the smaller islands, where an electoral barrier of 30 percent is applied. In the case of the Canary Islands, this voting inequality is justified in the same way as in the single-member district of Formentera in the Balearic Islands, where global or overall proportionality has been imposed.

The only changes made to the autonomous electoral systems between 1980 and 2000 affected their legal barriers. The communities of the Basque Country, Extremadura, the Balearic Islands and Galicia raised their barriers from 3 to 5% of valid votes cast in each district. Asturias and Castile-La Mancha moved from a barrier of 5% throughout the community in the first legislature to a 3% barrier in the second and successive legislatures.

2. Autonomous legislators' scope of action

Although the space in which autonomous legislators move is limited, this does not mean that they lack capacity for action. In spite of the restrictions imposed by the Constitution, the LOREG and their statutes, autonomous parliaments retain decision-making power over some important issues. In fact, there is an appreciable scope for action



in regulating important aspects of the electoral system such as electoral lists, the voting system, surveys and polls, the electoral campaigns and the composition and working of the autonomous electoral boards.

Regarding electoral lists and voting systems, although all autonomous electoral systems use closed, blocked lists, the Constitution does not prevent them from using open lists as the basis for the vote, or to introduce preferential voting. Similarly, while the LOREG makes no reference to electronic voting, one interpretation shows that there is no bar to possibly introducing it in electoral colleges. Moreover, in Spain, although the central electoral board did not hesitate to “authorise” the holding of electronic voting trials, so far this aspect has only been regulated in the electoral law of the Basque country.

As regards autonomous legislation on electoral campaigns, it would certainly be possible for communities to regulate important aspects, including the role of public authorities, the criteria for distributing free space in the public media and the regulation of surveys and polls, concerning which only the Basque Country has published regulations, echoing the content of Article 69 of the LOREG. Other important issues that can be regulated include the holding of the vote itself, expenses and grants as well as the system for dealing with electoral administrative breaches.

Finally, as regards the composition and functions of their electoral boards, all autonomous electoral regulations have established a similar structure, using the somewhat questionable technique of copying the competences established in state electoral regulations, therefore, adding to the impression that autonomous boards are dependent on hierarchy. When compared to the composition of similar organs –all over the world, this tendency to imitate produces legalisation and over-sizing in Spanish autonomous boards. For example, the Basque Country’s electoral board has over three times as many members as its Indian equivalent.

3. Causes and assessment of autonomous electoral homogeneity

Apart from the aspects of the electoral system into which autonomous legislators have not ventured, it is still significant that not even the main elements of the electoral system have been given priority treatment. The fact that homogeneity is a general characteristic is



obviously not enough to justify it, though it certainly should not be seen as entirely negative either.

Traditionally, two possible explanations are given for the homogeneity of autonomous electoral systems:

- 1) The prevailing principles in the design of electoral institutions have oscillated between a tendency to imitate the system used for the Spanish Chamber of Deputies and the desire to introduce a relatively homogeneous system, following the agreements on autonomy reached between the *Unión de Centro Democrático* (UCD) and the *Partido Socialista Obrero Español* (PSOE). Criteria which range from the use of similar territorial criteria across all electoral processes, the institutional homogeneity arising from the use of the same form of government in the state and the autonomies, and the long-standing nature of the regulations on electoral organisation and procedure (Oliver, 2011, 98-99).
- 2) Countries with multi-level political structures generally have a common source of inspiration spanning all political levels.

Without detracting from earlier theses, which I am sure have helped explain why autonomous legislators have succumbed to a degree of “regulatory indolence” in the configuration of their electoral systems (Presno, 2007, 130), I think that a third aspect should be taken into consideration, one which the doctrine has rarely addressed. That is, that the homogeneity of the electoral systems may be a result of the limited influence of territorial pluralism on a significant number of autonomous communities, making it insufficiently effective as a mechanism of representation. In this regard, the result of the different autonomous electoral systems in terms of proportionality shows that in most cases a very close relationship is established between the popular vote and seats. Applying Rose’s index, it can be seen that in almost all of these communities, this is more than 90%¹. In the party system, which has developed as electoral history has been laid down, two main territorial models can be distinguished: one general, as developed in twelve of the autonomous communities, and another eccentric, which can be found with some variations in the Canary Islands, Catalonia, Galicia, Navarre and the Basque Country. The



dominant model is characterised by the practically exclusive support given to state-wide parties. As in the state model, party sub-systems have a bipolar structure. This means that by far the majority (over 75 percent) of votes and almost all seats (80 percent) are concentrated in the top two parties. There is low fragmentation and a correspondingly low number of effective parties, both in their electoral and Parliamentary versions. Conversely, in the eccentric models, although allowing for appreciable differences, party systems are more fragmented and polarised, structured in a way that is defined along ideological and nationalistic lines. So there is no dual-party system, state-wide in general elections as well as in all autonomous communities and eccentric in autonomous elections. Conversely, there are several “electoral Spains” (Ocaña and Oñate, 2000) in which the autonomous party system is reproduced across all electoral contexts, admittedly with greater intensity in the autonomous elections.

The arguments used to account for this duality usually refer to the process by which the autonomous state was created. This process has undergone several phases and its pace has fluctuated throughout the various autonomous communities also regarding electoral matters. The autonomous communities which followed the procedure set out in Article 151 of the Constitution (the Basque Country, Catalonia, Galicia and Andalusia) have each undergone their own political-electoral process. Of these, nine autonomous elections have been held in the Basque Country and Catalonia, and eight in Galicia and Andalusia. The political-electoral processes of Navarre and the autonomous communities of the so-called “normal” procedure have coincided over time as a result of the 1981 autonomous agreements. Some authors (Wert, 1998) argue that differences in electoral pace and circumstances enable a more specifically autonomous dimension in the elections of the so-called Article 151 autonomous communities, and a more homogeneous-statised dimension in Article 143 communities. In other words, the dual autonomous configuration is reflected in patterns of electoral behaviour and the configuration of the party system.

Without underestimating the influence that institutional variables may have on the configuration of the party system, we feel that this concept provides a less likely explanation than that of the “national cleavage”. This has crystallised into two complementary electoral results: the existence of significant variations between communities in voting distribution, and the presence of nationalist parties in some communities.



Given the process by which the Spanish nation was formed and the existence of sectors which question their inclusion in the Spanish nation, feelings of national belonging have been being studied since the transition (Magre, 2008, 41). A range of instruments have been used to measure them, including the *Subjective National Identification*. This is an indicator of affective feelings which helps to capture individuals' identification with certain communities, and can be used to assess the distribution of these supports throughout the population by grading the comparison between state and rival references.

Table 3 shows the results of this indicator according to the latest autonomous barometer (*“barometro autonómico”*) of the *Centre for Sociological Research (Centro de Investigaciones Sociológicas – C.I.S.)* carried out in 2010. Autonomous communities are graded by the percentage of citizens whose feeling of regional or national belonging is higher than those who show this feeling towards Spain.

Table 3. Self-grading of the electorate on the national identification axis by autonomous community (2010)*

	S>C	S=C	S<C	DK-NA
Basque Country	10.6	36.3	47.8	5.3
Canary Islands	5.4	47.9	45.5	1.2
Navarre	8.3	38.9	41.1	11.8
Catalonia	17.2	41.3	39.2	2.4
Balearic Islands	16.5	56.3	25.5	1.7
Galicia	6.5	68.7	24.1	0.7
Andalusia	12.2	68.9	17.2	1.7
Asturias	21.9	60.8	14.2	3.2
Extremadura	11.1	74.4	12.6	1.9
Cantabria	16.7	68.6	10.8	3.9
Valencia	31.4	56.1	10.5	2.0
Aragon	16.6	67.6	10.3	5.5
La Rioja	15.9	70.2	8.5	5.3
Murcia	14.8	79.1	4.3	1.8
Castile-León	39.2	53.5	3.9	3.2
Madrid	38.9	38.4	2.9	19.8



Castile-La Mancha 27.4 66.7 2.3 3.7

* The question is formulated as follows: “Which of the following statements do you most identify with?” The possible replies for the subjects are: “I only feel Spanish”, “I feel more Spanish than (autonomous community: Catalan, Basque, Galician, etc.)”, “I feel just as Spanish as I do (autonomous community: Catalan, Basque, Galician, etc.)”, “I feel more (Catalan, Basque, Galician, etc.) than Spanish”, “I only feel (Catalan, Basque, Galician, etc.)”. I have grouped the responses into three categories to make the table easier to read: the first category contains the responses that show Spain as their choice (“I only feel Spanish”, “I feel more Spanish than (autonomous community)”; the second includes feelings of split loyalty: “I feel as Spanish as I do (autonomous community)”, and the third contains sectors with feelings linked affectively to the autonomous community.

Source: *Centro de Investigaciones Sociológicas. Barómetro autonómico*. January 2010.

The results identify a first group of autonomous communities, led by the Basque Country, in which the number of citizens with feelings of belonging to the autonomous community oscillates around 40 percent of the total population. There is a second block formed by Galicia and the Balearic Islands where the latter represent a quarter of the population, and a third group of regions (the largest group), in which the percentage of citizens affectively loyal to the autonomous community is less than twenty percent. This long list of communities with a more diffuse profile and less intense regional feelings should come as no surprise. In most cases, their borders had not yet been defined when the autonomous process generated by the 1978 Constitution began, and had no specific ethno-territorial basis.

The “national cleavage” measured by the *National Subjective Identification* is particularly important since it explains the territorial differences that mark the Spanish case. In fact, national identity and the appearance of nonstate-wide political parties embodying this feeling may explain the territorial differences referred to. In this respect, the relationship between national identification and political behaviour, expressed through voting and party allegiance, demonstrates how communities with more intense national awareness have sub-systems of political parties with particular characteristics which are especially evident in autonomous elections, and more diffuse at the state level.

We can therefore establish an explanation which will require corroboration in future work: i.e. that the electoral system has been markedly effective in the twelve autonomous communities which subscribe to the territorially dominant party system model. The two-party system, low fragmentation and a low number of effective parties participating in both general and autonomous elections provide no incentive for changing



the main components of their electoral system. Conversely, as regards eccentric models with more fragmented party systems and greater polarisation, structured along ideological and nationalistic lines, the fact that their regulations coincide with other communities may seem surprising.

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¹ Rose’s index is calculated based on the following formula: $MR=100-\frac{1}{2}\sum |v_i-e_i|$, where v and e are the percentage of votes and seats of party i . The index varies between 0 (minimum proportionality) – and 100 (maximum proportionality).