Chapter 4
Ballot access and campaign finance

Electoral laws and regulations structure opportunities for party competition within each country. Far from being neutral, these can provide formidable constitutional, legal and administrative barriers for smaller parties. This chapter sets out a conceptual framework to understand these issues. The study then analyzes evidence for the impact of the formal rules and legal regulations governing all steps in the process of winning elected office, namely: (i) the *nomination* stage (including ballot access and party registration); (ii) the *campaign* stage (including the distribution of party funds, state subsidies, and access to party political broadcasts); and (in the next chapter) (iii) the *election* stage (including the major type of electoral system, the effective threshold, and the use of compulsory voting). The study examines how formal rules governing this process influence the electoral fortunes of radical right parties, measured by their national share of votes and seats in legislative elections in the nations under comparison. The logic is straightforward: minor parties seeking to break into office (and thus many radical right parties) are generally expected to perform well in political systems which facilitate more egalitarian conditions of party competition, for example where all parties are equally entitled to ballot access, free campaign media, direct public funds, and indirect state subsidies. By contrast, minor parties face a harsher environment where such public resources are allocated in a ‘cartel’ arrangement biased towards established parties already in the legislature, thereby protecting incumbent politicians. Minor challengers face even more serious limitations in regimes holding manipulated elections, where the rules for the allocation of public resources, such as media airtime, are grossly biased towards the ruling party.

The main conclusion, from the case-study evidence considered in this chapter, is that nomination rules are probably important for the electoral success of minor parties on the radical right in some countries, exemplified by the difficulties that American third parties experience in gaining ballot access, the constitutional restrictions on extremist parties in Germany, and limits on hate speech generating legal charges against the radical right in Belgium. Although minor parties should also benefit from rules giving them equitable access to public funds, state subsidies, and free media party campaign broadcasts, in fact no consistent link could be established in the available evidence between the existence of these formal rules and the electoral fortunes of the radical right. Subsequent chapters develop the arguments further by considering the impact of electoral systems, on the grounds that proportional representation elections with low thresholds are commonly regarded as a necessary, although not sufficient, condition facilitating opportunities for extremist parties.

The Conceptual Framework

Most attention in the literature has focused on how electoral systems shape party competition. Yet this represents only the final hurdle faced by minor parties, who may be excluded from the contest well before reaching this stage, either by legal restrictions on ballot access, or by lack of financial resources and media access. In the United States, for example, the use of single member plurality districts in winner-take-all elections makes it difficult for minor parties to mobilize votes, but their task is even harder where they are unable to secure enough signatures to even appear on the ballot or, once on the ballot, if they cannot afford TV ads to mobilize support.

[Figure 4.1 about here]

The process of winning elected office can be understood as a sequential process, illustrated in Figure 4.1, including three stages. *Nomination* includes the legal regulations governing party registration and the process whereby parties nominate candidates on the official ballot paper. The *campaign* stage includes the legal regulations governing access to electoral resources, including the allocation of any free advertising time on broadcast media and the distribution of public funds or state subsidies for parties.
The election stage revolves primarily around the minimum share of the vote required for a party to win a seat. Each stage can be seen as progressively narrowing the opportunities to gain office, where some potential contenders fall by the wayside, while others remain in the contest, rather like a complex game of musical chairs. Moreover the process is not neutral or free from partisan bias, since incumbents holding elected office have the power to shape the legal and constitutional rules of the game (illustrated via the feedback loop), along with the courts and judiciary.

Rules governing the process can be categorized into three broad ideal types. **Egalitarian** regulations are designed to be fairly permeable and open, facilitating plural party competition among multiple contenders at all stages, with equal access to public resources and minimal legal restrictions on which parties and candidates appear on the ballot. **Cartel** regulations, by contrast, limit party competition through a variety of restrictive practices designed to benefit established parties in parliament or in government, including the requirements for ballot access, the regulations governing the allocation of public funding, and the rights to free campaign broadcasts and state subsidies for related services such as postage and staff. Cartels are designed to skew resources towards insiders, with a high effective vote threshold protecting against outside challengers. **Autocratic** regulations are explicitly skewed towards the ruling party, restricting all opposition parties and dissident movements, to prop up repressive regimes and one-party states. Most liberal democracies attempt to strike a balance between totally open competition, which could result in hundreds of parties and candidates on the ballot, extreme party fragmentation in parliament, and political instability in government, and unduly restricted competition, thereby limiting basic political rights and civil liberties.

Following Duverger, the model recognizes that the effects of electoral laws and regulations can be regarded as both mechanical and psychological. **Mechanical** ('formal' or 'direct') effects can be conceptualized as those which depend upon the implementation of the formal rules governing the requirements of nomination, campaigns, and election, for example the legal threshold of exclusion, or the minimum share of the vote stipulated in the constitution to secure a seat. Formal rules are understood here as the legislative framework governing elections, as embodied in official documents, constitutional conventions, legal statutes, codes of conduct, and administrative procedures, authorized by law and enforceable by courts. It is neither necessary nor sufficient for rules to be embodied in the legal system to be effective; social norms, informal patterns of behavior, and social sanctions also create shared mutual expectations among political actors. Formal rules are important as core instruments of public policy which are open to amendment by the political process, whether by legislation, executive order, constitutional revision, judicial judgment, or bureaucratic decree.

By contrast, **psychological** ('informal' or 'indirect') effects concern the way that the legal rules shape the informal norms, attitudes, and behavior of parties and citizens, including their strategic calculations made in anticipating how the formal mechanisms work. Such psychological effects including most importantly strategic contests (whether and where parties contest seats), strategic campaign communications (which electors parties target and why), and strategic voting (whether citizens vote for their second choice party, if they regard ballots cast for smaller radical right parties as 'wasted votes'). Although there is a ‘gray’ over-lapping area, most social norms are altered gradually by informal processes, located outside of the formal policy arena. Although in practice it remains difficult to disentangle mechanical and psychological effects from the analysis of national election results (which combine both), the distinction is an important one which is frequently overlooked in the literature. This chapter focuses upon the ‘mechanical’ or ‘direct’ impact of formal rules on the nomination and campaign stages. How parties react to the context of opportunities set by the formal electoral rules through strategic campaigns, and how the public responds to electoral choices through strategic voting, will be examined in subsequent chapters, using individual-level survey data.

**I: The nomination stage: party registration and ballot access**

The primary mechanical obstacle to the first hurdle - getting nominated - includes any legal regulations or constitutional requirements designed to limit or prevent minor parties from either
registering, nominating candidates for office, or otherwise gaining official ballot access. Under the most egalitarian regulations, parties are only loosely governed by law. Party organizations are regarded as private associations who should freely determine their own internal rules, procedures, and structures, much like other voluntary sector interest groups in civil society. Any intervention or regulation by the state, beyond the normal legal framework governing all voluntary organizations, can conflict directly with the basic principles of civil liberties, free speech, freedom of association, and freedom of assembly, which are central to liberal conceptions of human rights and representative democracy. Given these assumptions, most established democracies have been reluctant to impose any strong regulations limiting party competition. Yet minor parties commonly encounter some cartelized barriers, with varying degrees of severity, including routine administrative requirements for ballot access (exemplified by the United States); civil law affecting all parties, where some radical right organizations have fallen foul of campaign funding and race relations legislation (exemplified by Australia, Belgium, and the Netherlands); outright legal bans on extreme parties advocating violence or terrorist tactics (exemplified by Germany and Spain); and, where autocratic regulations exist, repression and intimidation of opposition parties, manipulation of electoral law, and serious limits on free speech and association in the most authoritarian regimes (exemplified in this comparison by Belarus and Ukraine).

**Registration requirements**

In a few countries, including France, Sweden and Ireland, there are no requirements for parties to register with official authorities before appearing on the ballot. But in many countries requirements have generally increased in recent years, in part due to the provision of public campaign funds, and in some parties face complex and lengthy bureaucratic requirements to register legally, the first step to gaining ballot access. Party registration processes vary cross-nationally (as well as among states in America) but common requirements are that these organizations have to deposit with the electoral authorities a written declaration of principles and the party constitution, statutes, statement about the organizational structure, and rulebook, as well as a list of party officers, and the names of a certain minimum number of party members or signatures. There are sometimes regional distributional requirements and parties need to contest a minimum number of candidacies. Some illustrative examples of these practices, with brief extracts from the official regulations and laws governing parties, published by the national election commissions in each country, are as follows:

**Mexico:** “For an organization to be registered as a national political party, it must fulfill two fundamental requirements: Submit a declaration of principles, as well as a consistent program and bylaws to regulate its activities. Account for three thousand members in at least ten of the thirty-two federal entities, or 300 in at least 100 of the 300 single-member districts in which the country is divided for electoral purposes, although the law sets forth that the total number of its members may never amount to less than 0.13% of the registered voters in the national electoral roll used in the ordinary federal election that preceded the submission of the register application. “

**Canada:** “To become eligible to be registered, a party must include in its application for registration the following information: A resolution of the party appointing the leader, certified by the leader and another officer of the party. The names, addresses and signed consent of at least three officers in addition to the leader. The names, addresses and signed declarations of at least 250 members. A signed declaration by the leader that one of the fundamental purposes of the party is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election. Registered and/or eligible parties must provide an annual statement by the leader about the party's fundamental purpose, in addition to the already required annual update of its registration information. “

**Australia:** “Essential features of federal registration are that a party: Must be established on the basis of a written constitution; must have at least 500 members who are entitled to be on the Commonwealth Electoral Roll, or at least one member who is a member of the Parliament of the Commonwealth; cannot rely on a member who has been used by another party for the purposes
of registration (i.e. the list of members upon which a party basis its registration must be unique to that party); may have the registered party name or abbreviation printed beside the names of its endorsed candidates on ballot papers for House of Representatives and Senate elections; qualifies for election funding in respect of those of its endorsed candidates who obtain at least 4% of the formal first preference votes in the election contested; must lodge annual financial disclosure returns; must appoint an agent to be responsible for receipt of funding and its disclosure obligations; and is subject to compliance audits by the Australian Electoral Commission."

**UK:** To register with the Electoral Commission a party must: "complete an application form giving details of: the party name; at least two party officers; where in the UK the party is to be registered; and whether the party will have any accounting units; submit a copy of the party's constitution; submit a financial scheme showing how the party will comply with the financial controls; and include a fee of £150."

Radical right parties are not necessarily unduly disadvantaged by these types of regulations, but insofar as they represent a barrier for all new challengers and minor players then these could deter some contenders, and any specific requirements specifying that parties have to share certain democratic goals and principles, as discussed below in the German case, can certainly affect some of the more extreme right organizations.

**Ballot access**

Once parties are officially registered, regulations intended to limit the nomination of frivolous candidacies include required payment of an official deposit prior to election (common in majoritarian systems), or the collection of a certain number of valid signatures per candidate or party list. In most democracies, the deposit required for a candidate to stand for election is relatively modest, for example (in US dollars per candidate) $125 in New Zealand, $140 in France, $180 in Australia, and $350 in Ireland. The deposit rises to $640 in Canada, $735 in Britain, and a hefty $22,400 in Japan. Deposits are often returnable if candidates or parties achieve a minimal share of the valid votes, for example over 5% in New Zealand and the UK. But when high deposits are combined across multiple candidacies, the requirements can deter serious contenders with limited financial resources; for example, if they lost every deposit by falling below the minimum 5% threshold, it would cost the Greens almost half a million dollars to contest every seat in a UK general election.

The requirements for signature petitions collected prior to nomination are often fairly modest, and parties already represented in parliament are exempt from some of these requirements. Austria and Belgium, for example, specify collecting 200-500 signatures per district, while Italy requires 500 signatures for candidates in single member districts and 1,500-4,000 for party lists. But some petitions are more demanding; Norway, for instance, requires 5000 signatures to register a party. Perhaps the clearest case of overt partisan manipulation of the rules is the United States, where Democrats and Republicans appear automatically on the ballot, but third party and independents have to overcome a maze of cumbersome legal requirements for ballot access which vary from state to state, posing serious barriers, especially in presidential contests. Some formal requirements are fairly easy to achieve, yet other states such as New York, Georgia, and Oklahoma implement stringent limits on which third parties are entitled to ballot access, such as requiring the collection of a certain percentage of valid electors' signatures on petitions within a specified period prior to each contest before a candidates' party affiliation is listed on the official ballot paper. In Georgia, for example, state law requires all third-party candidates to obtain signatures from five percent of the registered voters living in the district they wish to represent. Because of the rigorous validation process, candidates must get substantially more signatures than the state minimum in order to compensate for those that will be discarded because they can not be verified. For candidates seeking statewide or congressional office, this means obtaining tens of thousands of signatures. To qualify for all state ballots, each third party presidential candidate needs volunteers or pay staff to gather over a million signatures. Historically this process has strained the already-limited
resources of many third party candidates over the years, including George Wallace, Eugene McCarthy, and John Anderson, as well as deterring Ross Perot’s Reform Party, as discussed further in Chapter 10. In the November 2004 presidential elections, Ralph Nader secured a place on the ballot in 37 states, including those with close races in Florida, New Mexico, and Pennsylvania. But in the process he faced bitter opposition from the Democrats, with court challenges to his ballot petitions across the nation.

Laws governing civil society

Recent years have seen growing legal regulation of internal party organizations, including the process of nominating legislative candidates and campaign funding. Some radical right leaders have fallen foul of such laws and, because these parties remain poorly institutionalized, they are vulnerable to sudden collapse or setback. Examples include Pauline Hanson’s One Nation party in Australia; when their leader was imprisoned in 1999 on charges of electoral misrepresentation and fraud, after One Nation was found guilty of solicited bribes from candidates in federal election, the party assets were frozen and the party was officially deregistered in New South Wales. Previous instances where party leaders have encountered serious legal problems, dragging down their party support, include Mogens Glistrup, founder of the Danish Progress Party (FP), who was convicted in 1979 of tax fraud and sentenced to three years imprisonment, before being expelled from the Folketing a few years later. Both party leaders and followers have also been associated with protest skirmishes, street fracas, and violent brawls. In France, for example, Jean-Marie Le Pen was convicted of assaulting a French socialist candidate during the 1988 election campaign, and as a result he was temporarily banned by the European Court from taking his seat in the European Parliament, although the resulting media furor may not have damaged his popularity among his supporters.

Party organizations, along with other associations in the voluntary and public sector, have also found themselves subject to an increasing body of legal regulations governing race relations and hate crimes, and certain court cases implementing these laws have had an important impact upon the radical right. In Belgium, for example, the anti-immigrant Vlaams Blok (VB) was subject to tough financial and operating restrictions in April 2004, just before regional and European elections, when a Ghent court ruled that it had broken anti-racism laws. The court noted that the Vlaams Blok regularly portrayed foreigners as "criminals who take bread from the mouths of Flemish workers" and found it guilty of "permanent incitement to segregation and racism." Associations which managed the party’s finances were severely fined by the court. As a result, the party may have to close down and relaunch itself with a new label and agenda if it is to avoid financial collapse. Moreover proposed legislation would strengthen Belgian anti-racist legislation and allow authorities to ban financing of parties which violate human rights. Similar fines for inciting racial hatred were imposed in the mid-1990s on the Centrum Partij in the Netherlands, contributing towards their electoral decline. Britain has seen attempts to ban mass marches organized by the British National Party near ethnic minority communities, on the grounds that these actions could exacerbate racial tensions, provoke incidents of violent clashes with Anti-Nazi League opponents, and possibly generate outbreaks of mass rioting.

Legal bans on extremist party organizations

Certain important exceptions to liberal principles of party competition have always been made for undemocratic party organizations advocating violence or using terrorist tactics. Post-war Germany developed some of the strictest requirements with the Federal Constitutional Court responsible for banning extremist and undemocratic parties from organizing and contesting elections. These requirements are embodied in Article 21 of the Basic Law (or Constitution) which specifies: “(1) The political parties shall participate in the forming of the political will of the people. They may be freely established. Their internal organization shall conform to democratic principle. They shall publicly account for the sources and use of their funds and for their assets. (2) Parties which, by reason of their aims or the behaviour of their adherents, seek to impair or abolish the free democratic basic order or to endanger the existence of the Federal Republic of Germany shall be unconstitutional. The Federal Constitutional Court shall decide on the question of unconstitutionality.” The Court has outlawed two parties over the
years, including the Sozialistsche Reichspartei (SRP) in 1952, which proclaimed itself neo-Nazi to the extent of acknowledging Admiral Donitz, Hitler’s designated successor, as the only legitimate authority, as well as a far-left Communist party. In 2001 the German Government also tried to disband the far-right National Democratic Party (NDP). But the attempt suffered a serious setback after a number of NDP members brought forward to give evidence in the case were revealed to have been government informants. The Court has also banned many xenophobic skinhead groups, ultra-nationalist organizations, and neo-Nazi movements which were actively engaged in violent acts of intimidation and hate crimes against asylum-seekers, Turkish migrants, foreigners, and the Jewish community, for example the German branch of an international white supremacist group, Blood and Honor.  

Elsewhere, hard-line fringe parties associated with terrorist acts of violence have also been outlawed, such as the Chilean September 7 Command which claimed responsibility for murdering several government opponents following the 1986 attempt on General Pinochet’s life, and the neo-fascist National Alliance, banned by the Czech government in April 2000. In Russia, the deputy leader of the paramilitary and anti-Semitic Russian Revival (Russkoye Vozrozhdeniye), was arrested in 1995 on suspicion of inciting racial hatred and threatening murder, and their Moscow branch was banned for violating federal statutes. In Spain, legal actions have been directed against Batasuna, the political wing of Eta demanding separatism in the Basque region, banned in March 2003 for being associated with a series of terrorist bombings and assassinations of local policemen and political leaders. France has used a 1936 law allowing the government to dissolve private militias to ban a number of far-right groups - such as the neo-fascist New Order and the Defence Union Group (GUD) - as well as the 1970s left-wing urban guerrilla group Action Direct. In July 2002 the French authorities resorted to this law when they outlawed Radical Unity, a tiny neo-Nazi group, after one of its members tried to assassinate President Chirac during a Bastille Day Parade. Radical Muslim parties have also faced bans, such as the Welfare Party, the largest parliamentary party at the time in Turkey, which was shut down in 1998 by the Constitutional Court, despite mobilizing considerable reservoirs of popular support. In March 2003 the Constitutional Court also moved to ban Turkey's only legal Kurdish Party, the People’s Democracy Party (HADEP). The authorities claim that the party has links with the militant separatist Kurdistan Workers’ Party (PKK), which announced in 2002 that it would disband and reform under a new name. In Britain, broadcasting bans were imposed on Sinn Fein by Mrs. Thatcher’s government, although this policy was lifted in 1994, and the party has always been allowed to contest elections, mobilizing growing support in recent years.  

Repression of opposition parties  

Cases of autocratic regulations can be found among the most repressive regimes which hold flawed plebiscitary elections and have employed a variety of draconian tactics to restrict opposition party activities and to limit challenges to their rule, including using rigged and manipulated polls, and employing intimidation and imprisonment of party leaders and dissidents who challenge the government. Amnesty International, Freedom House, and Human Right Watch document multiple cases of such malpractices in one-party regimes around the globe which outlaw, persecute, intimidate, or repress opposition movements, including Syria, Eritrea, Laos, Saudi Arabia, and North Korea. One of the best known cases concerns the Burmese military junta’s refusal to hand over power, and the house arrest of Aung San Suu Kyi and party members, after the National League for Democracy won an overwhelming landslide in the 1990 election.  

Among the countries included in this comparison, Belarus exemplifies the poorest human rights record. The government staged deeply flawed parliamentary elections in 2001 and President Lukashenka maintained his grip on power by manipulation and repression. State agents were associated with the ‘disappearance’ of some well-known opposition figures, and the country witnessed a spate of political show trials staged against government critics by the Supreme Court. In the run-up to 2001 parliamentary elections the government intensified its crackdown on the opposition, which struggled to remain unified in calling for a boycott. Due to extensive election violations, no intergovernmental organization recognized the legitimacy of the election results. Human rights observers also report that Ukraine and Russia have suffered from recent incidents of informal political censorship, pro-government
bias in television election news, and even outright manipulation of election results, depressing support for opposition movements. In the comparison, these states also registered the lowest Freedom House ratings in their record of civil liberties and political rights.

Therefore the case-studies suggest that, even in liberal democracies, under certain conditions, cartelized rules can seriously limit the opportunities for party competition, including those regulations facing radical right parties. Restrictions range from cumbersome and onerous administrative requirements for third parties to register and obtain ballot access in the United States, to constitutional bans on extremist parties and legal regulations covering hate crimes found in some Western European states, and even outright intimidation or repression of opposition parties found in a few of the undemocratic regimes under comparison. Court cases and judicial decisions, implementing the legal and constitutional hurdles, generate the ‘mechanical’ or direct effects of these rules on patterns of party competition.

But, as Duverger noted, as well as certain ‘mechanical’ effects, we would also expect that certain ‘psychological’ or indirect effects would flow from these rules, concerning the strategic calculations that parties make about whether it is worthwhile to fight certain contests or districts. If parties regard their chances of ballot access or their electoral prospects as poor, or even hopeless, then they may well be discouraged from running, preferring to conserve their limited organizational and financial resources for other campaigns. In majoritarian electoral systems, for example, minor parties such as the BNP are highly selective in targeting just a few selected council seats and parliamentary constituencies in their heartland regions, such as Burnley, Bradford, and Oldham, after estimating that they cannot mobilize sufficient support to stand a realistic chance of winning many seats across the whole country. All other things being equal, the more stringent the formal requirements for party registration and ballot access, the stronger we expect the psychological effects of electoral rules to be on the strategic nomination decisions of smaller radical right parties. Like Sherlock Holmes ‘dog which didn’t bark’, the strength of minor parties needs to be assessed where they did, and did not, stand. In this regard, it is misleading to compare the average party share of the vote achieved in selected districts or heartland regions which they contested, such as VB’s vote in the Antwerp town hall or the FPÖ’s success in the southern Austrian province of Carinthia, rather than their share of the national vote across all seats which they could legally contest.

II: The campaign stage: funding and media access

Once parties are officially entitled to nominate candidates, then the next stage in the process concerns the official rules and statutory regulations governing direct public funding, indirect state subsidies, and access to campaign broadcasting. All of these requirements can limit opportunities for minor party challengers to campaign effectively or on an equal basis with the major players. Access to money and television are two of the most important factors that help parties in conveying their message and mobilizing potential supporters. Studies suggest that many West European parties have experienced steady erosion in their mass membership since the 1960s, losing activists who used to function as an important source of revenue and volunteer labor during campaigns. As a result, parties have become increasingly dependent upon other sources of funding to sustain the costs of routine inter-electoral activities and election campaigns, particularly revenue streams from direct public funding provided for members of parliament, parliamentary party groups, or national and regional party organizations. Parties also receive many indirect state subsidies, such as the provision of matching funds, tax incentives, and services. Another important resource concerns the allocation of party political and election broadcasts, free of charge, provided in all established democracies except the United States. The growth of public resources has driven greater demands for transparency and accountability in how campaign funds are used, and more stringent regulatory policies, including bans and limits restricting either campaign fundraising or expenditures. Katz and Mair argue that in countries where campaign finance regulations function to protect established political cartels, then parties that are already in office can use their control over the allocation of resources to promote their interests and thereby deter challengers: “Because these subventions are often tied to prior party performance or position, whether defined in terms of electoral success or parliamentary representation, they help to ensure the maintenance of existing parties while at the same time posing barriers to the emergence of new groups.” More egalitarian systems of public
finance and state subsidies, however, such as those used by Electoral Commissions to allocate public funds and campaign broadcasts equally to all parties in Mexico and Russia, should generate a more level playing field for challengers and for smaller parties struggling to enter office.

Although the logic is clear, we are only starting to develop a systematic classification of the formal statutes and regulations governing state funding of political parties in many countries across the world. The most comprehensive guide currently available is the handbook published in 2003 by International IDEA: Funding of Political Parties and Election Campaigns. This source includes a matrix classifying the major finance laws and regulations governing parties and elections at the national level in 111 countries around the world, including 33 nations under comparison in this book. The study was developed from primary sources, including the original laws, administrative decrees, and official regulations. The 28 categories in the IDEA matrix focused on the official regulation and enforcement of the financing of political parties, the disclosure of income, ceilings of expenditure, and both direct and indirect public funding provisions. Of these, ten criteria were chosen as most relevant to shaping the electoral opportunities for minor parties. The assumption behind the selected indicators is that smaller parties (and therefore radical right minor parties) should face a more equal election contest where states specify maximum ceilings on levels of campaign contributions and/or spending, and where parties have access to campaign resources derived from direct public funding, rules governing free media access, and/or state subsidies. By contrast, elections are expected to provide more unequal competition, with biases towards established parties, where there is minimal regulation over campaign spending and fund-raising (thereby benefitting incumbents over challengers) and where there is no provision of state subsidies, free media, or public funding of parties.

Table 4.1 list the indicators included in this study. Summary scales were constructed by adding items (all coded as binary variables where yes=1) covering the regulation of party finances and access to public resources, as well as an overall score on all these items. In addition, the way that public funding and media access are allocated may also prove important. For example, if resources are distributed based on the percentage of seats in the current legislature, as in Switzerland or the Netherlands, such provisions can act as a cartel allocating public goods to incumbent politicians and established parliamentary parties. On the other hand, minor challengers have more opportunities to benefit if these resources are distributed on a more egalitarian basis, either via the percentage of votes cast in the previous or the current election (such as in Spain), the number of candidates running in the present election (used to determine party broadcasts in the UK), or on a wholly equal basis across all registered parties (as in Russia). For comparison, to ‘eyeball’ the data, the last two columns in Table 4.1 summarize the share of the votes and seats won by radical right parties in the most recent national elections. The IDEA Matrix classification indicates substantial contrasts in the regulations of campaign funding across the countries included in the study, with minimal provisions in Austria, Finland, Iceland and Switzerland and, by contrast, the most equitable formal regulations of campaign funding and broadcasting access in countries such as Russia, Italy, Mexico and Spain. The countries are ranked in the table according to the summary scale from the least regulated down to the most regulated, in the assumption that, all other things being equal, greater regulation of party finances and greater access to campaign resources should benefit minor parties (including those on the radical right).

[Table 4.1 and 4.2 about here]

Despite the plausible arguments that more egalitarian provision should logically benefit minor parties (and thereby many smaller parties of the radical right), in fact the results of correlation analysis provide no support for this hypothesis. Table 4.2 indicates no significant relationship could be established between the share of votes or seats won by the radical right and the indicators of party funding regulations and access to public resources. Moreover this pattern cannot simply be attributed to the small number of nations included in the comparison, as the direction of the relationship between electoral support for the radical right and each of the regulatory indicators usually proved in the contrary direction (negative) to that predicted. This means that radical right parties did better where there was less regulation of party funding and access to public resources, not more. The cases of Austria and
Switzerland illustrate the way that radical right parties have sometimes been extraordinarily successful in elections despite minimal regulation of campaign financing or access to public resources in these countries, while by contrast such parties are marginalized in Spain, Mexico, and Portugal, where these regulations are some of the most egalitarian for all parties. Examining the allocation criteria used to distribute direct public funding and free broadcasting time also failed to unravel this puzzle. Distribution of resources can be equal among all parties, or given out on the basis of current representation in the legislature, the vote performance at the previous or the current election, the number of candidates nominated in the present election, or some mixed criteria combining some of these requirements. Logically, systems where these resources were distributed on a more egalitarian basis (either equally among all parties contesting an election or as a proportion of votes won) should benefit minor parties more than cartel arrangements, where these resources served to reinforce incumbents (through being distributed on the basis of the proportion of seats held in parliament at a previous election). Yet in fact the share of votes and seats for radical right parties was higher under cartel allocation criteria, such as in Switzerland.

This is a puzzle which cannot be resolved by the available evidence but there are several reasons why the hypotheses may have failed to be supported by this evidence. First, it should be noted that although IDEA provide the most comprehensive available cross-national data, the handbook matrix reflects the formal requirements for campaign media and party funding. This provides only an imperfect guide to practice, as implementation depends upon whether courts and election officials enforce the regulations, as well as many detailed matters within specific statutes. For example, in Russia, by law all registered parties are entitled to equal access to the free party political advertising which is broadcast on television during campaigns. This should level the playing field but, with the multiplicity of parties and television ads, the impact of this access in mobilizing support for any one party is inevitably diluted. Every party, large or small, gets its 30-second moment of fame. By contrast many reports by official observers have documented a heavy pro-government bias in the television campaign news shown on all main channels, which strongly benefited Presidents Boris Yeltsin and Vladimir Putin in successive elections.

Moreover, many other factors are generating support for the radical right, so their effects may outweigh specific provisions regulating party funding and campaign media. What might matter more, for example, is the organizational ability of parties to raise independent funds from private sources and voluntary contributions, and their ability to use multiple channels of communications to get their message out during elections through free media, exemplified by the extensive publicity (albeit much of it negative) which radical right parties often attract in the news headlines. The cumulative effects of newspaper and TV news throughout the campaign may easily outweigh the impact of one or two party election broadcasts. In addition, as with many attempts to measure institutional effects, the indicators of campaign regulation and funding remain extremely crude and imperfect. If ‘the devil is in the details’, patterns of party competition may be influenced by the specific level of any ceiling on campaign spending, whether the free access to party political broadcast is supplemented by the ability to purchase paid advertisements, or the extent to which parties depend upon direct public campaign funds versus independent sources of revenue. Any campaign finance regulation and public funding may effect all parties fighting an election fairly evenly, in which case those on the radical right would not be particularly advantaged compared with other minor challengers, such as the Greens or left-libertarians.

Or the hypotheses, no matter how intuitively plausible, may simply be wrong. Others have tested the impact of changes in ballot access, media access, and state subsidy rules from the 1960s to the 1990s, and also found no systematic link between these rules and the measures of party system change, such as in the proportion of independents, in the effective number of electoral parties (ENEP), or the effective number of parliamentary parties (ENPP). The soundest judgment we can probably make is that the available evidence considered here provides no support for the claim that minor parties on the radical right necessarily benefit from more egalitarian regulations governing financial and media access, but given limitations in the available cross-national evidence, this proposition cannot be conclusively ruled out. The detailed case studies later in the book provide another opportunity to consider these issues in greater depth.
Conclusions

This chapter outlined the main reasons why the laws and regulations governing ballot access for nominations and funding access for campaigning are expected to generate a permissive or inhospitable structure of opportunities for minor party challengers and analyzed the cross-national evidence in the 39 nations under comparison. The results suggest certain main findings relating to the processes outlined in the conceptual model.

**Nomination:** Case-studies suggest that the legal requirements governing party registration and ballot access at nomination probably play an important role in limiting opportunities for radical right parties under four main conditions:

- Where the process of ballot access proves cumbersome and burdensome for minor parties (as in the United States);
- Where these parties fall foul of civil law, notably race relations legislation governing hate speech (as in Belgium and the Netherlands), or campaign finance regulations (as in Australia and Denmark);
- Where constitutional provisions and court decisions ban extremist or anti-democratic parties (exemplified by Germany, Chile, and Spain); and
- In repressive regimes holding manipulated and flawed elections where the ballot access and campaign rules are grossly biased towards the ruling party (illustrated by Belarus).

Few liberal democracies ban radical right parties outright, or even implement strict limits on party competition, on the grounds that this would interfere with basic human rights and civil liberties in free elections. But there are specific cases -- in Germany, Spain, and Chile -- where fringe extremist right party organizations associated with violence or terrorism have been forced to disband and sometimes reorganize under new labels. The fragile institutionalization of minor parties also means that the fortunes of radical right parties remain vulnerable to specific legal challenges, such as the prosecution of party leaders charged with electoral irregularities or the propagation of hate speech.

**Campaigning:** There are many reasons why the legal statutes and formal regulation governing access to campaign media and party funding could also either serve as a political cartel, reinforcing the power of incumbent parties already in elected office, or could generate a more level playing field which could boost opportunities for minor party challengers, including those on the radical right. Despite this logic, the evidence compared here could find no significant relationship between the formal legal requirements for financial and media access and national levels of support for the radical right (or more general patterns of party competition). Several limitations mean that we should be cautious about drawing any strong inferences from the available evidence, but at best the claim must be regarded as essentially ‘unproven’. Subsequent case studies allow us to return to this issue later. The next step is to examine the role of the electoral system, the final stage in the pursuit of elected office, to which we now turn.
### Table 4.1: Regulations governing party funding and campaign media access

<table>
<thead>
<tr>
<th>Nation</th>
<th>Degree of party financial regulation</th>
<th>Access to public resources</th>
<th>ALL</th>
<th>Allocation Criteria (b)</th>
<th>Most recent election</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Is there a system of regulation for financing parties? (i)</td>
<td>Is there a ceiling on contributions to parties? (ii)</td>
<td>Is there a ceiling on party election spending?</td>
<td>Do parties receive direct public funds? (v)</td>
<td>Are parties entitled to free media access? (vi)</td>
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<tr>
<td>1 Austria</td>
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<td>Yes</td>
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<td>Yes</td>
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</tbody>
</table>

**Notes:**
(a) For the relevant coding, see the IDEA matrix of each column labeled ‘Col’.

(b) *Equal:* All parties get an equal allocation; % votes: Depends upon the proportion of votes won in the previous or current election; % seats: Depends upon the proportion of seats won in the previous or current election; _N.cand:_ Depends upon the number of candidates fielded in the previous or current election; *Mixed:* A mixture of these rules are used; *None:* No campaign funds or media access are allocated.

**Source:** International IDEA. 2003. *Funding of Political Parties and Election Campaigns.* Stockholm: International IDEA.
Table 4.2: Campaign regulations and support for radical right parties

<table>
<thead>
<tr>
<th></th>
<th>Elections 1990-2004</th>
<th>Most recent election</th>
<th>Number of countries</th>
</tr>
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<tr>
<td></td>
<td>% Votes</td>
<td>% Seats</td>
<td>Ratio</td>
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<tr>
<td>Degree of party financial regulation scale</td>
<td>-.18</td>
<td>-.27</td>
<td>-.24</td>
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<tr>
<td>Access to public resources scale</td>
<td>-.05</td>
<td>-.06</td>
<td>.00</td>
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<tr>
<td>All campaign regulations scale</td>
<td>-.15</td>
<td>-.22</td>
<td>-.16</td>
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</tbody>
</table>

Notes: The figures represent the simple correlation coefficients between support for the radical right parties and indicators of campaign regulations, without any prior controls. None of the correlation coefficients proved significant at the conventional 0.05 level (2-tailed).

Scales:

Degree of party financial regulation: A summary 4-pt scale constructed from columns i-iv in Table 4.1.

Access to public resources: A summary 4-pt scale constructed from columns v-viii in Table 4.1.

All campaign regulations: A summary 8-pt scale constructed from columns i-viii in Table 4.1.

ENPP: Effective number of parliamentary parties, calculated following the method of Laakso and Taagepera (1979).

% Votes and seats won by radical right parties and the ratio: See table 3.1.
Figure 4.1: The sequential model of the main stages to elected office

**Mechanical effects:** due to constitutional requirements, legal statutes, or administrative procedures.

- **Nomination**
  - *Ballot access:* The legal regulations for party registration and for parties to nominate candidates on the official ballot paper.

- **Campaigning**
  - *Media and funding access:* The legal regulations governing access to free campaign media and public funds or subsidies for parties.

- **Election**
  - *The effective vote threshold:* The minimum share of the vote required for a party to win a seat.

- **Legislative office**

**Psychological effects:** due to the strategic incentives facing parties and citizens under electoral rules.

- **Strategic contests:** Tactical calculations by parties whether to contest electoral districts.
- **Strategic campaign communications:** Tactical calculations by parties about how to target their campaign communications.
- **Strategic voting:** Tactical calculations by electors whether to vote for minor parties or their second-preference choice.

**Feedback loop**
1 Given limitations of space, this chapter will set aside the impact of partisan bias arising from any malapportionment or gerrymandering of constituency boundaries, which could also disadvantage minor parties. This is an important but complex topic. See Richard S. Katz. 1997. 'Districting: Apportionment and Gerrymanders' In Democracy and Elections (Oxford: Oxford University Press).

2 For the argument that many established democracies have been moving towards a cartelized party system, see Richard S. Katz and Peter Mair. 1995. 'Changing models of party organization and party democracy: The emergence of the cartel party.' Party Politics 1: 5-28.


4 For a discussion, see J. M. Carey. ‘Parchment, equilibria, and institutions.’ Comparative Political Studies 33 (6-7): 735-761.


21 Information was not classified by the IDEA Handbook (Op cit) for six nations under comparison: Belarus, Greece, The Republic of Korea, Luxembourg, Slovenia, and Taiwan.
