



Regional Representation in National Elections

Brazil • Canada • Egypt • France • Germany • Japan
South Africa • Sweden • United Kingdom

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BRAZIL

REGIONAL REPRESENTATION IN NATIONAL ELECTIONS

I. Election System

The National Congress exercises the legislative power in Brazil, which consists of a bicameral system composed of the Chamber of Deputies and the Federal Senate.¹ A proportional representation system is used to elect the representatives of the people to the Chamber of Deputies in each state, territory and in the Federal District.² The number of federal deputies is proportional to the population, which encompasses the collection of people of the states and the Federal District. It will not exceed five hundred and thirteen federal deputies,³ and no state shall have less than eight or more than seventy federal deputies. Each territory shall elect four federal deputies.⁴ The candidate who reaches the electoral coefficient that consists of the division of the number of valid votes by the number of positions available is considered elected.

A majority system is used to elect the representatives of the states and of the Federal District to the Federal Senate,⁵ and each state and the Federal District shall elect three senators. In the presidential elections, performed in two rounds, if necessary, the candidate elected is the one who, duly registered by a political party, obtains the majority of votes, not counting blank and void votes.⁶

II. Voting Eligibility Requirements

The electoral enrollment and voting are mandatory for persons over eighteen years of age and optional for the illiterate, for those over seventy years of age, and for those over sixteen and under eighteen years of age.⁷ Foreigners cannot register as voters and neither can conscripts during their period of compulsory military service.⁸

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¹ Constituição Federal, art. 44.

² *Id.* art. 45.

³ Lei Complementar No. 78 of December 30, 1983, art. 1.

⁴ C.F., *supra* note 1 art. 46.

⁵ *Id.* art. 46, § 1.

⁶ *Id.* art. 77.

⁷ *Id.* art. 14, § 1.

⁸ *Id.* § 2.

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CANADA
REGIONAL REPRESENTATION

I. Introduction

The 308 seats in the Canadian House of Commons are filled through elections in separate electoral districts. Each province has a number of seats that is roughly based upon its population, subject to guarantees respecting a minimum number of seats for each province. In adjusting electoral districts, census data is used that counts citizens and other non-temporary residents. A Member of Parliament's constituents include both citizens and non-temporary residents. Although they may be counted in the creation of electoral districts, non-citizens are ineligible to vote in federal elections. The election laws limit voting to Canadian citizens who are at least eighteen years of age.

II. Electoral Districts

Canada's Parliament has both a Senate and a House of Commons. The Senate is an appointed body. The House of Commons is elected through an electoral system that is based upon a regional representation formula set out in the Constitution¹ and the Electoral Boundaries Readjustment Act.² The Constitution provides that the House of Commons shall consist of 282 Members. In 1976, Ontario was given ninety-five seats; Quebec seventy-five seats; British Columbia twenty-eight seats; Alberta twenty-one seats; Saskatchewan fourteen seats; Manitoba fourteen seats; Nova Scotia eleven seats; New Brunswick ten seats; Newfoundland seven seats; Prince Edward Island four seats; and the Yukon and the Northwest Territories each received one seat.³ However, the Constitution does allow for increases in the membership of the House of Commons to better provide for proportional representation subject to one major exception. The exception is that all provinces are guaranteed at least as many seats in the House of Commons as they have in the Senate. The Senate has 105 seats. Ontario and Quebec both have twenty-four seats; Nova Scotia has ten seats; New Brunswick has ten seats; Manitoba, Saskatchewan, British Columbia, Alberta, and Newfoundland all have six seats; Prince Edward Island has four seats; and the Yukon, Nunuvut, and the Northwest Territories all have one seat.⁴ Thus, the guarantee that all provinces and territories will have as many seats in the House of Commons as they do in the Senate is of most significance to the Maritime provinces of Newfoundland, Nova Scotia, New Brunswick, and Prince Edward Island which were given a disproportionate number of seats in the Senate. The other provinces are all well above the floor contained in the Constitution.

The Electoral Boundaries Readjustment Act established a second guarantee respecting provincial representation in the House of Commons. This guarantee is that a province's representation cannot, as a result of readjusting, fall below their 1976 totals. This provision is of greatest benefit to the Provinces of Quebec and Saskatchewan, because their populations have been declining as a percentage of the total

¹ Constitution Act, 1867, R.S.C. No. 5, s. 51 (1985).

² Electoral Boundaries Readjustment Act, 1985, R.S.C. c. 6 (2nd Supp. 1988).

³ Constitution Act, 1867, R.S.C. No. 5, s. 51 (1985).

⁴ *Id.* s. 22.

Canadian population. The Electoral Boundaries Readjustment Act does allow for the addition of new seats for provinces that have experienced growth. Thus, in 2003, the number of seats in the House of Commons was increased to 308 to reflect growth in the populations of Ontario, British Columbia, and Alberta.

III. Eligibility Requirements

Electoral districts are adjusted in accordance with the Electoral Boundaries Readjustment Act.⁵ The Electoral Boundaries Readjustment Act requires the use of census data to determine whether electoral boundaries need to be adjusted. For many years, Canada conducted a census every ten years. More recently, censuses have been conducted every five years.⁶ The last two censuses were conducted in 1996 and 2001. In conducting a census, Statistics Canada attempts to count all residents. The census counts not only adult citizens, but also minors, resident aliens, and other persons who can establish that they are living in Canada indefinitely. Persons who are staying in Canada as temporary visitors or workers are not counted in Canadian censuses.

Canada bases its electoral districts on the number of persons counted in the census rather than the number of citizens or registered voters in a region on the theory that Members of Parliament are expected to represent the interests of all residents of their electoral district.⁷ Members of Parliament often assist persons in attempting to obtain permanent resident status even though Canada does not have a large population of illegal immigrants. Members of Parliament do not consider their constituents to be limited to Canadian citizens.

While some non-citizens are counted in the drawing of electoral districts, voting in Canada is restricted to Canadian citizens.⁸ Resident aliens and other non-citizens are not allowed to vote in federal elections. Canada maintains a national Register of Electors.⁹ This list originally was compiled in 1996 through enumeration. The Register of Electors has since been updated through information obtained from tax authorities, provincial governments, driver's license applications, and other sources. Social insurance numbers are not reported to Elections Canada.¹⁰

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⁵ Electoral Boundaries Readjustment Act, R.S.C. c. E-3 (1985), as amended by R.S.C. c. 6 (2nd Supp. 1988).

⁶ STATISTICS CANADA, 1996 CENSUS HANDBOOK, available at http://www12.statcan.ca/english/census01/info/96_%20Handbook-2002.pdf.

⁷ Information obtained from Elections Canada in interview conducted on November 28, 2005.

⁸ Canada Elections Act, 2000 S.C. c. 9, s. 3.

⁹ *Id.* s. 44.

¹⁰ STATISTICS CANADA, 1996 CENSUS HANDBOOK, *supra*, note 6.

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EGYPT

REGIONAL REPRESENTATION IN NATIONAL ELECTIONS

I. Voting System Representation

The national election system in Egypt is based on regional representation. For the People's Assembly or parliament as well as the Consultative Council, Egypt is divided into individual districts. Each is represented by two members elected through direct balloting.¹

II. Apportionment of Voting Districts

Egyptians who attain eighteen years of age normally are eligible to vote. A naturalized person, however, cannot become a voter until after five years from the date of his naturalization.² Apportionment of voting districts for the Parliament is fixed through a presidential decree,³ and for the Consultative Council, by statute.⁴ The law does not express the basis upon which apportionment is made.

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¹ Law No. 38 of 1972, arts. 1 & 3; Law No. 120 of 1980, arts. 1 & 2.

² Law No. 73 of 1956, arts. No. 1 & 4.

³ Official Gazette No. 39 bis b, 10, 2, 1990.

⁴ Law No. 120 of 1980, art. 2.

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FRANCE

REGIONAL REPRESENTATION IN NATIONAL ELECTIONS

The National Assembly consists of 577 members known as *députés* (deputies), elected for five-year terms by direct universal suffrage. Deputies are elected in a two-ballot system from single-member constituencies, including 555 in metropolitan France, and twenty-two in the overseas *départments* and dependencies. The constituencies are drawn up within each *département* (metropolitan France is divided into twenty-two regions which are then divided themselves into ninety-six *départements*) depending on population. Constituencies have an average of 100,000 inhabitants. There are two to twenty-four constituencies per *département*.¹

A candidate, who obtains a majority of the votes cast, comprising at least a quarter of registered voters in his constituency, is elected on the first ballot. If no candidate wins a majority on the first round, a second ballot is held, at which a relative majority suffices and the candidate obtaining the most votes is elected.²

Only a French citizen who is eighteen years old and is in possession of his civil and political rights is eligible to vote in national elections.³ To vote, he must be registered in a *commune* (smallest unit of local government in France) either (a) where he is domiciled or, irrespective of domiciliary status, where he has lived continuously for at least six months; or (b) where his name has appeared on the direct tax register for five consecutive years without interruption. He may only register in one *commune*.⁴

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¹ L'élection des députés, National Assembly's official website at <http://www.assemblee-nationale.fr/connaissance/election-depute.asp> (last visited Nov. 23, 2005).

² *Id.*

³ CODE ELECTORAL, art. L.2. (Daloz 2004).

⁴ *Id.* arts. L.9 to L.11.

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GERMANY

REGIONAL REPRESENTATION IN NATIONAL ELECTIONS

I. Voting System

In German national elections, regional representation plays a limited role. The election system for the Federal Diet, the representative chamber of the bicameral federal legislature, combines elements of proportional representation with a winner take all within constituencies approach. Under this system, one-half of the members of the Federal Diet are elected by the constituency vote, and the other half by the proportional vote, though the proportional vote determines the number of seats that a party obtains.

The ballot for the Federal Diet elections allows two votes to be cast: one for the constituency candidate who represents the election district, and who usually belongs to one of the campaigning political parties, and one for a list of candidates, that usually is a political party list. The constituency candidates for the districts are elected by majority vote within each district. The votes for the list of candidates are totaled within each German state, so that each party gets the number of representatives that is proportional to the total votes cast for it in the state.¹

Usually this system produces the effect that the number of seats obtained by a party in the proportional votes allows for the seating of all its winning constituency candidates. However, when a party wins more constituency seats than is in accordance with the proportionality principle of the list vote, the constituency candidates nevertheless become members of the Federal Diet, so that in some legislative periods the Federal Diet has a few more member than is foreseen by law.² Thus, in the fifteenth legislative period that commenced in 2002, the Federal Diet had 603 members instead of 598.³

II. Voting in Constituencies

The right to vote in national elections is granted to all German citizens over the age of eighteen.⁴ They exercise this right within the constituency where they reside.⁵ The electoral districts are adjusted periodically according to demographic criteria to ensure that they are of approximately equal size to ensure the one man one vote principle.⁶

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¹ Bundeswahlgesetz [BWG] repromulgated July 23, 1993, Bundesgesetzblatt [BGBL, official law gazette of the Federal Republic of Germany] I at 1288, as amended, §§ 1-7.

² W. SCHREIBER, HANDBUCH DES WAHLRECHTS ZUM DEUTSCHEN BUNDESTAG 194 (Köln, 1998).

³ Deutscher Bundestag, <http://www.bundestag.de> (last visited Nov. 23, 2005).

⁴ Grundgesetz für die Bundesrepublik Deutschland, May 23, 1949, BGBL 1, art. 38.

⁵ BWG, § 6.

⁶ BWG § 3.

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JAPAN

REGIONAL REPRESENTATION IN NATIONAL ELECTIONS

I. Election System

Japan's regional representation system is partly adopted by the elections of the House of Representative and the House of Councillors of the Diet (Japanese parliament). Among 480 House of Representative members, 300 members are elected from 300 regions and 180 members are elected by the nation-wide proportional representation system.¹ Among 242 House of Councillors' members, 146 members are elected from forty-seven prefectures and ninety-six members are elected by the nation-wide proportional representation system.² The proportional votes of constituents determine the number of seats that each party obtains. At the national elections, constituents cast two votes: one for the constituency candidate in the region and one for a political party.

II. Constituent Eligibility

The right to vote in national elections is granted to Japanese nationals whose age is twenty or over, with some exceptions.³ In order to vote, a person needs to be listed in a constituent list. An election management committee of a municipal government makes a constituent list.⁴ If a person resides in a new place for less than three months, the person is not listed in the constituent list that covers the new residence.⁵ In such case, the person may be listed as a constituent in the municipal government where he resided previously.

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¹ Kōshoku senkyo hō [Election Law], Law No. 100 of 1950, as amended, art. 4, para. 1.

² *Id.* art. 4, para. 2.

³ *Id.* art. 1, para. 1.

⁴ *Id.* art. 19.

⁵ *Id.* art. 21, para.1.

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SOUTH AFRICA

REGIONAL REPRESENTATION IN NATIONAL ELECTIONS

The South African parliament consists of the National Assembly and the National Council of Provinces.¹ The National Council of Provinces is composed of ten delegates from each of the nine provinces defined in the Constitution based on geographical boundaries. The delegates include the Premier of the province, his or the provincial legislature's designee; three other special delegates; and six permanent delegates appointed by the provincial legislature.² The National Assembly is composed of 400 members directly elected for a term of five years by universal adult suffrage. The composition of the National Assembly is determined by proportional representation. One-half of the seats in the National Assembly - 200 seats - is filled from regional lists submitted by the political parties, while the remaining half is filled from national lists submitted by the parties, or from regional lists where national lists are not submitted. Regional seats are allocated among the nine South African provinces in proportion to their electorates.³

To vote in the national elections a person must be a South African citizen eighteen years or older whose name appears on the voters' roll. The law provides that a person's name must be entered in the voters' roll "only for the voting district in which that person is ordinarily resident and for no other voting district."⁴

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¹ The Constitution of the Republic of South Africa 1996, Act No. 108 of 1996, as amended, S.AFR.CONST. 1996, art. 42(1), *Republic of South Africa*, CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Gisbert H. Flanz & Patricie H. Ward, eds.)

² The Constitution of the Republic of South Africa 1996, Act No. 108 of 1996, as amended, *id.* §60 & 103.

³ Manuel Alvarez-Rivera, *Elections to the National Assembly*, ELECTIONS RESOURCES ON THE INTERNET: THE REPUBLIC OF SOUTH AFRICA ELECTORAL SYSTEM, <http://electionresources.org/za/system/> (last visited Nov. 28, 2005).

⁴ Electoral Act No. 73 of 1998, §8(3), 1998 SA Constitutional Law 73, available at www.lexis.com (last visited Nov. 22, 2005).

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SWEDEN

REGIONAL REPRESENTATION IN NATIONAL ELECTIONS

I. Regional Representation

According to the Swedish Constitution the Swedish form of government is based on the right to form free opinions and universal and equal suffrage. This is realized through a representative and parliamentary form of government and through local self-government.¹

Sweden is divided up into constituencies for elections to the Parliament, the Riksdag.² The Swedish Elections Act states that “there shall be constituencies for elections. A constituency is a geographically defined area for which members shall be elected to the decision-making assembly to which the election relates.”³ For elections to the Riksdag Sweden is divided up into twenty-nine constituencies.⁴

The Swedish electoral system is based on proportional representation.⁵ The Riksdag consists of a single chamber and has three hundred and forty-nine members.⁶ Three hundred and ten of those seats are permanent constituency seats and 39 constitute adjustment seats.⁷ The Riksdag is appointed through free, secret and direct elections. When voting a constituent votes for a party, with the option to express preference for a particular candidate.⁸

Every Swedish municipality is divided into geographically defined voting areas, which are called electoral districts. All who are entitled to vote at the same land unit are referred to the same electoral district.⁹ Electoral districts are comprised of 1,200 –2,000 people who are entitled to vote. If special reasons exist, an electoral district can be comprised of fewer than 300 people or more than 2,000.¹⁰

¹ Ch. 1 §1 Regeringsformen [RF] [Constitution] (Swed.). The Swedish Constitution is made up of four fundamental texts: the Instrument of Government, the Freedom of the Press Act, the Act of Succession, and the Fundamental Law on Freedom of Expression.

² Ch. 3 § 6 Regeringsformen [RF] [Constitution] (Swed.).

³ Ch 2 § 1 Vallag (Svensk författningssamling [SFS] 1997:157) (Swed.). For an English translation please visit the election authority's homepage at www.val.se (last visited Nov. 28, 2005).

⁴ *Id.* Ch 2 § 2.

⁵ Elections in Sweden 2002, Election Authority, available at <http://www.val.se/> (last visited Nov. 28, 2005).

⁶ Ch. 3 § 1 para. 2 Regeringsformen [RF] [Constitution].

⁷ Ch. 3 §§ 1 and 6 Regeringsformen [RF] [Constitution] (Swed.). See also Ch 3 § 1 Vallag (Svensk författningssamling [SFS] 1997:157) (Swed.). For information on how the seats in the Riksdag are distributed based on election results please see chapters 18 and 20 of the Elections Act.

⁸ Ch. 3 § 1 Regeringsformen [RF] [Constitution].

⁹ Ch. 4 § 1 Vallag (Svensk författningssamling [SFS] 1997:157).

¹⁰ Ch. 4 § 3 Vallag (Svensk författningssamling [SFS] 1997:157).

II. Eligibility Requirements

According to the Swedish Constitution every Swedish citizen who lives in Sweden, or who has ever been domiciled in Sweden is entitled to vote in the elections to the Riksdag, if the person is eighteen years old on or before Election Day.¹¹ The right to vote is established on the basis of an electoral roll.¹² For every electoral district an electoral roll is prepared by the Central Election Authority.¹³ The information in the population registration database is used as the basis for the information in the electoral rolls.¹⁴ This means that voters who are residents of Sweden are included on the electoral rolls in the electoral district if they are registered thirty days prior to Election Day.

The population registration database on which the electoral rolls are based contains information on who resides legally in Sweden. Normally the tax authority receives notification on information that needs to be added or amended in the database from other public authorities. In some instances the individual must notify the tax authority in order to be registered. This is the case for foreign citizens who move to Sweden. Foreign citizens need to visit the tax authority in order to register, and to bring a passport, documents that show civil status, birth certificates for children if any, and a residence permit.¹⁵

Swedish citizens who reside abroad are included on the electoral rolls if they moved from Sweden during the past ten years or if they have notified the Tax authorities that they wish to be included on the electoral roll. A vote, from a Swedish citizen who resides abroad, which arrives before noon on September 14 means that the voter may be entered into the electoral roll for that election if the person fulfills the other requirements that must be met. A vote that arrives later than noon on the specified date from a Swedish citizen abroad is registered as a notification as to the person's desire to be included on the electoral roll for future elections and referenda.¹⁶

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¹¹ Ch. 3 § 2 Regeringsformen [RF] [Constitution].

¹² Ch. 3 § 2 Regeringsformen [RF] [Constitution].

¹³ Ch. 7 § 4 Vallag (Svensk författningssamling [SFS] 1997:157).

¹⁴ Ch. 7 § 4 Vallag (Svensk författningssamling [SFS] 1997:157).

¹⁵ Skattemyndighete (Swedish Tax Authority), at <http://www.skatteverket.se/folkbokforing/ovrigt/flyttain.4.18e1b10334ebe8bc80002966.html> (last visited Nov. 28, 2005).

¹⁶ Elections in Sweden 2002, Election Authority, Election Information 2002, p. 3, available at <http://www.val.se/>.

LAW LIBRARY OF CONGRESS**UNITED KINGDOM****REGIONAL REPRESENTATION IN NATIONAL ELECTIONS****I. Introduction**

In the United Kingdom the electoral system used is that of a simple majority for each constituency, more commonly known as the “first past the post system.” National elections are known as General Parliamentary Elections.¹ These elections occur after Parliament has been dissolved, either through Royal Proclamation² upon the advice of the Prime Minister or because the five-year maximum term of Parliament has expired.³ The effect of the Proclamation is to vacate all the seats in the House of Commons. A General Election is held and the political party that wins the most seats then goes on to form the government. There are no set timetables for when an election should be held, other than it occurs within the five-year maximum life of Parliament. As a result, the Prime Minister has a political and tactical advantage in being allowed to decide the date of the general election.

II. Electoral Districts

Electoral Districts in the United Kingdom are known as parliamentary constituencies, with each of these constituencies electing one Member of Parliament. There are currently 659 constituencies in the United Kingdom, with the average population represented by a Member of Parliament being 68,000.⁴ The distribution of these seats is under continuous review by four non-Departmental government bodies, known as the Boundary Commissions, which cover England, Wales, Scotland and Northern Ireland, respectively. The Boundary Commissions recommend changes to the boundaries of the constituencies they are responsible for reviewing to ensure that each Member of Parliament represents a proportionate number of constituents who are eligible to vote.⁵

II. Eligibility to Vote

Eligibility to vote in general elections in the United Kingdom is subject to a number of criteria. Primarily, the individual wishing to vote must be registered in the register of parliamentary electors for their relevant constituency.⁶ To be able to register a name on the register of parliamentary electors, the

¹ “The Interpretation Act 1978, c. 30 § 5, sched. 1, defines Parliamentary Election as “the election of a Member to serve in Parliament for a constituency.”

² The Representation of the People Act 1983, c. 2 sched. 1.

³ Septennial Act 1715 1 Geo. 1 Stat. 2 c. 38, as amended by the Parliament Act 1911, 1 & 2 Geo. 5 c. 13, s. 3. The average length of Parliament since 1945 has been three years and seven months. ROBERT ROGERS AND RHODRI WALTERS, *HOW PARLIAMENT WORKS* (5th ed. 2004) at 22.

⁴ NATIONAL STATISTICS, UK 2004: THE OFFICIAL YEARBOOK OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, 2003.

⁵ Parliamentary Constituencies Act 1986, c. 56, sched. 2 (as amended).

⁶ ERSKINE MAY’S TREATISE ON THE LAW, PRIVILEGES, PROCEEDINGS AND USAGE OF PARLIAMENT, (Sir William Mckay et. al. eds., 23rd ed. 2004).

individual must be a British subject, which includes Commonwealth citizens,⁷ or a citizen of the Republic of Ireland resident in Britain,⁸ and aged eighteen years or older. A British citizen resident overseas can vote for up to fifteen years after they leave the country.⁹

Individuals who are disqualified from voting are Members of the House of Lords; aliens encompassing either legal or illegal immigrants; individuals of unsound mind; individuals guilty of corrupt or illegal practices at elections; and prisoners detained while serving their sentence. This latter restriction is currently under review as a result of a successful challenge before the European Court of Justice, although the current government has stated it has no plans to provide prisoners with a vote.¹⁰

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⁷ Representation of the People Act 1983 c. 2, § 4(6). Commonwealth citizens are individuals who do not require leave to enter or remain in the United Kingdom. *See also* British Nationality Act 1981, c. 61, §§37 and 51(2).

⁸ Ireland Act 1949, 12, 13 & 14 Geo. 6, c. 41.

⁹ Representation of the People Act 1983 c. 2, § 4(1)

¹⁰ Electoral Commission, *Factsheet: Who Can Vote?*, http://www.electoralcommission.org.uk/files/dms/Whocanvote_17067-6144_E_N_S_W_.pdf (last visited Nov. 25, 2005).