

ESCE

Electoral System Change in Europe since 1945



Electoral System Change in Europe since 1945: Spain

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With thanks to:





Section 1: Overview of the Spanish Electoral System Changes since 1977

Colomer (2004: 253-4) provides a detailed account of the electoral system in place in Spain during the early years of the twentieth century. This consisted of 307 single-member districts using plurality and 26 multi-member districts of three to eight members. In the latter, voters had fewer votes than there were seats in the district: two in three-member districts, three in four- and five-member districts, five in seven-member districts and six in eight-member districts. Parties presented lists of candidates within which voters voted for individuals. The list coming first won as many seats as voters could cast votes, while the second party won the remaining seats. This system does not correspond to any of the standard types. But it bears the same relationship to the limited vote system as the party block vote system does to block vote system, and it is therefore best to describe it as a system of 'party limited vote'.

During the Second Republic, founded in 1931, this system of party limited vote in MMDs was extended across the country, using 63 multi-member districts containing up to eighteen seats, in which the winning party won 67 per cent of the seats if it secured 40 per cent of the vote and 80 per cent of the seats if it obtained 50 per cent of the vote (Colomer 2004: 255-6; Payne 1985: 9). Under Franco, meanwhile, the Cortes was composed on corporatist principles, with representation by sector. Medhurst (1973: chapter 9) provides details.

The relevant elections for this project begin in 1977 when the new electoral law for democratizing Spain was enacted by a Royal Decree on 18 March (Law 20/1977, on Electoral Norms); building on the Law for Political Reform that was passed by referendum in December 1976. The electoral system was closed list PR with provincial districts – with an average magnitude of 6.7 but including several small or very small districts and two very large districts. The core components of this system were enshrined in the 1978 Constitution and there have been no significant changes (within the terms of this project) in Spanish electoral law since then. One notable amendment however was the introduction of legislation on the gender balance of party lists specifying that neither gender can comprise less than 40% of a party district list in 2007.

Section 2: Relevant Electoral System changes in Spain since 1977

Table 1. Summary of Spanish Electoral Laws and Amendments since 1977

Law	Amendment	Date of enactment	Location	Relevant for the research
Real Decreto- ley sobre Normas ElectORAles (Ley 20/1977)		18 March 1977	http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-1977-7445	Yes



Constitution			http://www.infoelectoral.mir.es/Normativa/normativa_es_detalle.html	Yes
Organic Law 5/1985 on the General Electoral Law	16 June 1985		http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-1977-7445	No
Organic Law 8/1991 , on the improvement of electoral procedure.	13 March 1991		http://www.infoelectoral.mir.es/Normativa/pdf/LE_3-LO_8-1991_mejora_proced_elec_corr.pdf	No
Organic Law 6/1992 .	02 November 1992		http://www.infoelectoral.mir.es/Normativa/pdf/LE_4-LO_6-1992_mod_art_LOREG.pdf	No
Organic Law 13/1994 , on the reduction of costs of the electoral campaigns and institutional publicity in state-owned media.	13 March 1994		http://www.infoelectoral.mir.es/Normativa/pdf/LE_5-LO_13-1994_reducir_gastos.pdf	No
Organic Law 3/1995 , on the elaboration of the electoral census.	23 March 1995		http://www.infoelectoral.mir.es/Normativa/pdf/LE_6-LO_3-1995_censo.pdf	No
Organic Law 10/1995 , changes to the	23 November 1995		http://www.infoelectoral.mir.es/Normativa/pdf	No



Penal Code on electoral issues.			f/LE 7-LO 10-1995_Codigo_Penal.pdf	
Organic Law 6/2002 , on political parties.	27 June 2002		http://www.infoelectoral.mir.es/Normativa/pdf/LE_11-LO_6-2002_Partidos_Politic.pdf	No
Organic Law 3/2007, of 22 March 2007, on the effective equality of women and men, Additional Schedule 2	22 March 2007		http://noticias.juridicas.com/bases_datos/Admin/lo3-2007.htm A full English translation of this law is available at http://webapps01.un.org/vawdatabase/uploads/Spain%20-%20Equality%20Act%203-2007%20(eng).pdf	No
Organic Law 8/2010 , de 4 de noviembre, on the election of the Senate	04 November 2010		http://www.infoelectoral.mir.es/Normativa/pdf/LE_16-LO_8-2010_Ref_LORE_G.pdf	No
Organic Law 9/2007 , de 8 de octubre, on the vote by mail procedures of Spanish citizens living temporarily abroad and on the voting procedures for blind people.	08 October 2007		http://www.infoelectoral.mir.es/Normativa/pdf/LE_15-LO_9-2007_voto_ERT_A_y_proc_disc.pdf	No



Organic Law 2/2011 , of 28 January 2011	28 January 2011	http://www.infoelectoral.mir.es/Normativa/pdf/LE_17-Ref_LOREG_ley_2-2011.pdf	No
Organic Law 3/2011 , of 28 January 2011	28 January 2011	http://www.infoelectoral.mir.es/Normativa/pdf/LE_18-Ref_LOREG_ley_3-2011.pdf	No

Note: Electoral laws and amendments concerning European Parliament elections and municipal elections are not included in this summary.

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

3.1 The 1977 Electoral System

The new electoral law for democratizing Spain was enacted by a Royal Decree on 18 March 1977 (Law 20/1977, on Electoral Norms); building on the Law for Political Reform that was passed by referendum in December 1976.

Assembly size. This established a lower house (Congress of Deputies) of 350 members as well as an upper house (Senate) of 207 members.

Districts and district magnitude. The districts set out by the decree (Article 19) are summarized in Table 1. These districts are in all cases based on provinces (as well as the cities of Ceuta and Melilla). As is clear, there is great variation in district magnitude and the smallest districts are too small to allow anything approaching proportionality for all parties. The mean district magnitude is 6.7, but this is heavily skewed by the two very large districts (Madrid and Barcelona); the median district magnitude is 5. It should also be noted that the smaller provinces are significantly over-represented: each province was first allocated two seats; remaining seats were then allocated to provinces in proportion to population.

Nature of votes that can be cast. Voters voted for a single, closed party list.

Party threshold. A district level 3% threshold was established.



Allocation of seats to parties at the lower tier. The electoral system for the Congress of Deputies is one of straightforward closed-list single-tier proportional representation using the d'Hondt formula (Article 20). Seats are allocated entirely within districts.

Table 2: Allocation of seats at district level in 1977

Electoral district	District magnitude
Ceuta	1
Melilla	1
Soria	3
Guadalajara	3
Segovia	3
Teruel	3
Palencia	3
Ávila	3
Huesca	3
Cuenca	4
Zamora	4
Álava	4
Logroño	4
Albacete	4
Lérida	4
Burgos	4
Salamanca	4
Almería	5
Huelva	5
Castellón	5
Lugo	5
Cáceres	5
Orense	5
Gerona	5
Valladolid	5
Toledo	5
Tarragona	5
Ciudad Real	5
Navarra	5
Santander	5
León	6
Baleares	6
Las Plamas	6
Badajoz	7
Jaén	7
Santa Cruz de Tenerife	7
Guipúzcoa	7
Córdoba	7
Granada	7
Zaragoza	8



Pontevedra	8
Murcia	8
Málaga	8
Cádiz	8
Alicante	9
La Coruña	9
Oviedo	10
Vizcaya	10
Sevilla	12
Valencia	15
Madrid	32
Barcelona	33

Table 3: Districts in the Spanish Electoral System of 1977

Number of seats in district	Number of such districts	Number of deputies elected in all these districts combined
1	2	2
3	7	21
4	8	32
5	13	65
6	3	18
7	6	42
8	5	40
9	2	18
10	2	20
12	1	12
15	1	15
32	1	32
33	1	33
Total	52	350

3.2 The 1978 Constitution

After the enactment of the Law for Political Reform and the decree regulating the electoral system (Law 20/1977, on Electoral Norms), the general election held on 15th June 1977 convened the *Cortes Constituyentes* (Constituent Assembly). This Assembly enacted a new Constitution for the country on 31 October 1978. It was put to referendum on 6th December 1978 and supported by 88, 54% of the Spanish electorate.

Assembly size. Congress consists of a minimum of three hundred and a maximum of four hundred deputies. (Article 68.1)



Districts and district magnitude. The electoral district is the province. The cities of Ceuta and Melilla shall each be represented by a Deputy. The total number of Deputies shall be distributed in accordance with the law, each electoral district being assigned a minimum initial representation (not specified) and the remainder being distributed in proportion to the population. (Article 68.2)

Nature of votes that can be cast. It stipulates that proportional representation will be used, but does not specify the particular form this should take. (Article 68.3)

No other change

Subsequent Changes

No changes counting as significant within the terms of this project have been passed since 1977. Nevertheless, two pieces of legislation deserve note here.

3.3 The 1985 Electoral Reform.

This replaced the Royal Decree of 1977, but made no change to the basic substance of the law. It did, however, clarify apportionment procedures (the 1977 decree simply stated the number of seats apportioned to each province).

Assembly size. Congress consists of 350 deputies.

Districts and district magnitude. According to Article 162 of the 1985 law, Ceuta and Melilla are each assigned one seat. Each of the 50 provinces is initially assigned two seats. Thereafter, the remaining 248 seats are allocated proportionally among the provinces using the Hare quota and largest remainders. The results of these apportionment procedures for the 2008 election are shown in Table 2. The 2008 election was the first in which a province (Soria) received no seats in addition to the two that it received by right. Overall, however, the figures are not very different from those in 1977: the number of districts and the mean and median district magnitude remain unchanged.

No other change

Table 4: Allocation of seats at district level in Districts in the Spanish Election of 2008

Number of seats in district	Number of such districts	Number of deputies elected in all these districts combined
1	2	2
2	1	2
3	8	24
4	9	36
5	7	35
6	8	48
7	4	28



8	5	40
9	1	9
10	2	20
12	2	24
16	1	16
31	1	31
35	1	35
Total	52	350

3.4 The 2007 Electoral Reform

The second noteworthy law is the Law on the Equality of Women and Men, which inserted a new Article 44bis in the 1985 electoral law requiring that at least 40 per cent of the candidates on a party's list should be women and 40 per cent men, and that this same proportion should be achieved in each block of five candidates within the list (*). In small districts, where lists contain fewer than five names, the numbers should come as close as possible to equality (Organic Law 3/2007, of 22 March 2007, on the effective equality of women and men, Additional Schedule 2).

No other change

Appendix

Table 6: Allocation of seats at district level in 1979

Electoral district	District magnitude
Alava	4
Albacete	4
Alicante	9
Almeria	5
Avila	3
Badajoz	7
Baleares	6
Barcelona	33
Burgos	4
Caceres	5
Cadiz	8
Castellon	5
Ciudad_Real	5
Cordoba	7
Coruna	9
Cuenca	4



Gerona	5
Granada	7
Guadalajara	3
Guipuzcoa	7
Huelva	5
Huesca	3
Jaen	7
Leon	6
Lerida	4
La_Rioja	4
Lugo	5
Madrid	32
Malaga	8
Murcia	8
Navarra	5
Orense	5
Asturias	10
Palencia	3
Las_Palmas	6
Pontevedra	8
Salamanca	4
Sta._Cruz_de_Tenerife	7
Cantabria	5
Segovia	3
Sevilla	12
Soria	3
Tarragona	5
Teruel	3
Toledo	5
Valencia	15
Valladolid	5
Vizcaya	10
Zamora	4
Zaragoza	8
Ceuta	1
Melilla	1

Table 7: Allocation of seats at district level in 1982

Electoral district	District magnitude
Alava	4
Albacete	4
Alicante	9
Almeria	5



Avila	3
Badajoz	7
Baleares	6
Barcelona	33
Burgos	4
Caceres	5
Cadiz	8
Castellon	5
Ciudad_Real	5
Cordoba	7
Coruna	9
Cuenca	4
Gerona	5
Granada	7
Guadalajara	3
Guipuzcoa	7
Huelva	5
Huesca	3
Jaen	7
Leon	6
Lerida	4
La_Rioja	4
Lugo	5
Madrid	32
Malaga	8
Murcia	8
Navarra	5
Orense	5
Asturias	10
Palencia	3
Las_Palmas	6
Pontevedra	8
Salamanca	4
Sta._Cruz_de_Tenerife	7
Cantabria	5
Segovia	3
Sevilla	12
Soria	3
Tarragona	5
Teruel	3
Toledo	5
Valencia	15
Valladolid	5
Vizcaya	10
Zamora	4
Zaragoza	8
Ceuta	1
Melilla	1



Table 8: Allocation of seats at district level in 1986

Electoral district	District magnitude
Alava	4
Albacete	4
Alicante	10
Almeria	5
Avila	3
Badajoz	6
Baleares	6
Barcelona	33
Burgos	4
Caceres	5
Cadiz	9
Castellon	5
Ciudad_Real	5
Cordoba	7
Coruna	9
Cuenca	3
Gerona	5
Granada	7
Guadalajara	3
Guipuzcoa	7
Huelva	5
Huesca	3
Jaen	6
Leon	5
Lerida	4
La_Rioja	4
Lugo	5
Madrid	33
Malaga	9
Murcia	8
Navarra	5
Orense	5
Asturias	9
Palencia	3
Las_Palmas	7
Pontevedra	8
Salamanca	4
Sta._Cruz_de_Tenerife	6
Cantabria	5
Segovia	3
Sevilla	12
Soria	3



Tarragona	5
Teruel	3
Toledo	5
Valencia	16
Valladolid	5
Vizcaya	10
Zamora	4
Zaragoza	8
Ceuta	1
Melilla	1

Table 9: Allocation of seats at district level in 1989

Electoral district	District magnitude
Alava	4
Albacete	4
Alicante	10
Almeria	5
Avila	3
Badajoz	6
Baleares	6
Barcelona	32
Burgos	4
Caceres	5
Cadiz	9
Castellon	5
Ciudad_Real	5
Cordoba	7
Coruna	9
Cuenca	3
Gerona	5
Granada	7
Guadalajara	3
Guipuzcoa	7
Huelva	5
Huesca	3
Jaen	6
Leon	5
Lerida	4
La_Rioja	4
Lugo	5
Madrid	33
Malaga	10
Murcia	9



Navarra	5
Orense	5
Asturias	9
Palencia	3
Las_Palmas	7
Pontevedra	8
Salamanca	4
Sta._Cruz_de_Tenerife	7
Cantabria	5
Segovia	3
Sevilla	12
Soria	3
Tarragona	5
Teruel	3
Toledo	5
Valencia	16
Valladolid	5
Vizcaya	10
Zamora	3
Zaragoza	7
Ceuta	1
Melilla	1

Table 10: Allocation of seats at district level in 1993

Electoral district	District magnitude
Alava	4
Albacete	4
Alicante	10
Almeria	5
Avila	3
Badajoz	6
Baleares	7
Barcelona	32
Burgos	4
Caceres	5
Cadiz	9
Castellon	5
Ciudad_Real	5
Cordoba	7
Coruna	9
Cuenca	3
Gerona	5
Granada	7
Guadalajara	3
Guipuzcoa	6



Huelva	5
Huesca	3
Jaen	6
Leon	5
Lerida	4
La_Rioja	4
Lugo	5
Madrid	34
Malaga	10
Murcia	9
Navarra	5
Orense	4
Asturias	9
Palencia	3
Las_Palmas	7
Pontevedra	8
Salamanca	4
Sta._Cruz_de_Tenerife	7
Cantabria	5
Segovia	3
Sevilla	12
Soria	3
Tarragona	6
Teruel	3
Toledo	5
Valencia	16
Valladolid	5
Vizcaya	9
Zamora	3
Zaragoza	7
Ceuta	1
Melilla	1

Table 11: Allocation of seats at district level in 1996

Electoral district	District magnitude
Alava	4
Albacete	4
Alicante	11
Almeria	5
Avila	3
Badajoz	6
Baleares	7
Barcelona	31
Burgos	4



Caceres	5
Cadiz	9
Castellon	5
Ciudad_Real	5
Cordoba	7
Coruna	9
Cuenca	3
Gerona	5
Granada	7
Guadalajara	3
Guipuzcoa	6
Huelva	5
Huesca	3
Jaen	6
Leon	5
Lerida	4
La_Rioja	4
Lugo	4
Madrid	34
Malaga	10
Murcia	9
Navarra	5
Orense	4
Asturias	9
Palencia	3
Las_Palmas	7
Pontevedra	8
Salamanca	4
Sta._Cruz_de_Tenerife	7
Cantabria	5
Segovia	3
Sevilla	13
Soria	3
Tarragona	6
Teruel	3
Toledo	5
Valencia	16
Valladolid	5
Vizcaya	9
Zamora	3
Zaragoza	7
Ceuta	1
Melilla	1

Table 12: Allocation of seats at district level in 2000



Electoral district	District magnitude
Alava	4
Albacete	4
Alicante	11
Almeria	5
Avila	3
Badajoz	6
Baleares	7
Barcelona	31
Burgos	4
Caceres	5
Cadiz	9
Castellon	5
Ciudad_Real	5
Cordoba	7
Coruna	9
Cuenca	3
Gerona	5
Granada	7
Guadalajara	3
Guipuzcoa	6
Huelva	5
Huesca	3
Jaen	6
Leon	5
Lerida	4
La_Rioja	4
Lugo	4
Madrid	34
Malaga	10
Murcia	9
Navarra	5
Orense	4
Asturias	9
Palencia	3
Las_Palmas	7
Pontevedra	8
Salamanca	4
Sta._Cruz_de_Tenerife	7
Cantabria	5
Segovia	3
Sevilla	13
Soria	3
Tarragona	6
Teruel	3
Toledo	5
Valencia	16



Valladolid	5
Vizcaya	9
Zamora	3
Zaragoza	7
Ceuta	1
Melilla	1

Table 13: Allocation of seats at district level in 2004

Electoral district	District magnitude
Alava	4
Albacete	4
Alicante	11
Almeria	5
Avila	3
Badajoz	6
Baleares	8
Barcelona	31
Burgos	4
Caceres	4
Cadiz	9
Castellon	5
Ciudad_Real	5
Cordoba	7
Coruna	9
Cuenca	3
Gerona	6
Granada	7
Guadalajara	3
Guipuzcoa	6
Huelva	5
Huesca	3
Jaen	6
Leon	5
Lerida	4
La_Rioja	4
Lugo	4
Madrid	35
Malaga	10
Murcia	9
Navarra	5
Orense	4
Asturias	8
Palencia	3
Las_Palmas	8
Pontevedra	7



Salamanca	4
Sta._Cruz_de_Tenerife	7
Cantabria	5
Segovia	3
Sevilla	12
Soria	3
Tarragona	6
Teruel	3
Toledo	5
Valencia	16
Valladolid	5
Vizcaya	9
Zamora	3
Zaragoza	7
Ceuta	1
Melilla	1

Table 14: Allocation of seats at district level in 2008

Electoral district	District magnitude
Alava	4
Albacete	4
Alicante	12
Almeria	6
Avila	3
Badajoz	6
Baleares	8
Barcelona	31
Burgos	4
Caceres	4
Cadiz	9
Castellon	5
Ciudad_Real	5
Cordoba	6
Coruna	8
Cuenca	3
Gerona	6
Granada	7
Guadalajara	3
Guipuzcoa	6
Huelva	5
Huesca	3
Jaen	6
Leon	5



Lerida	4
La_Rioja	4
Lugo	4
Madrid	35
Malaga	10
Murcia	10
Navarra	5
Orense	4
Asturias	8
Palencia	3
Las_Palmas	8
Pontevedra	7
Salamanca	4
Sta._Cruz_de_Tenerife	7
Cantabria	5
Segovia	3
Sevilla	12
Soria	2
Tarragona	6
Teruel	3
Toledo	6
Valencia	16
Valladolid	5
Vizcaya	8
Zamora	3
Zaragoza	7
Ceuta	1
Melilla	1

Table 15: Allocation of seats at district level in 2011

Electoral district	District magnitude
Alava	4
Albacete	4
Alicante	12
Almeria	6
Avila	3
Badajoz	6
Baleares	8
Barcelona	31
Burgos	4
Caceres	4
Cadiz	8
Castellon	5
Ciudad_Real	5



Cordoba	6
Coruna	8
Cuenca	3
Gerona	6
Granada	7
Guadalajara	3
Guipuzcoa	6
Huelva	5
Huesca	3
Jaen	6
Leon	5
Lerida	4
La_Rioja	4
Lugo	4
Madrid	36
Malaga	10
Murcia	10
Navarra	5
Orense	4
Asturias	8
Palencia	3
Las_Palmas	8
Pontevedra	7
Salamanca	4
Sta._Cruz_de_Tenerife	7
Cantabria	5
Segovia	3
Sevilla	12
Soria	2
Tarragona	6
Teruel	3
Toledo	6
Valencia	16
Valladolid	5
Vizcaya	8
Zamora	3
Zaragoza	7
Ceuta	1
Melilla	1

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Project funding provisions

The ESCE project team wishes to acknowledge that this research was made possible due to the financial support that the project has received from: the FRS-FNRS, the McDougall Trust and the Nuffield Foundation.