

## Appendix A: Legal Basis for Ethnic Party Bans and Ballot-Access Requirements

### Benin

Article 3 of the Political Parties Law requires all political parties to have as objectives “the safeguard of national unity,” “the safeguard of territorial integrity,” and “the safeguard of the secular character of the State.” Article 12 states that parties must “safeguard cohesion and national unity.”<sup>1</sup> More specific and lengthy prohibitions on ethnoregional parties are contained in Article 5:

Political parties must, in their programs and in their activities, prohibit intolerance, regionalism, ethnocentrism, fanaticism, racism, xenophobia, and/or recourse to violence in all forms. No political party can justify its creation and its action upon a base and/or upon objectives including: sectarianism and nepotism; membership exclusive to a single faith, philosophy, linguistic group, or region; gender, ethnicity, or professional status; membership in a development association or a non-governmental organization.<sup>2</sup>

Article 15 requires that “The number of founding members of a party cannot be less than ten (10) per Department.”<sup>3</sup>

### Brazil

Article 17 of the Constitution states that political parties must have “due regard for national sovereignty” and observe the “precept” of “national character.”<sup>4</sup> Article 7 of the 1995 Law on Political Parties permits the registration only of parties with a “national character” and defines how parties can meet this requirement:

[I]t is considered as one which certifies its share of voters as equal to at least one-half percent of the votes cast in the last general election for the House of Representatives not including the votes blank and void, distributed across one-third, or more, of the States, with a minimum of one-tenth percent of the electorate who have voted in each of them.<sup>5</sup>

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<sup>1</sup> Republique du Benin, Loi No. 2001-21: portant Charte des partis politiques.

<sup>2</sup> Republique du Benin, Loi No. 2001-21: portant Charte des partis politiques.

<sup>3</sup> Republique du Benin, Loi No. 2001-21: portant Charte des partis politiques.

<sup>4</sup> Article 17, Constitution of Brazil.

<sup>5</sup> Article 7, Section 1, Lei dos Partidos Políticos, Lei No. 9096 de Setembro de 1995.

## **Bulgaria**

The Constitution states: “There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent seizure of state power.”<sup>6</sup> The Political Parties Act bans parties “based on a confessional or an ethnic principle or purports to fan up racial, national, ethnic and religious enmity” or if “its activities are aimed against the sovereignty or territorial integrity of the country and the unity of the nation, against the rights and the freedoms of the citizens.”<sup>7</sup>

## **Cape Verde**

Article 126 of the 1992 Constitution prohibited parties of “a local or regional ambit” and required parties to respect “the national independence and unity” and “territorial integrity.” Article 125 barred party symbols “which, directly or indirectly, are identified with any part of the national territory, the church, religion, or religious creed, or . . . which are similar to or can be confused with national or regional symbols.”<sup>8</sup> The heavily revised 1999 Constitution contains very similar, rewritten provisions in Article 56.<sup>9</sup> The 1999 Political Parties Law reiterates the constitutional language and bans the “constitution of regional and local parties, or parties that foment regionalism, racism or discrimination.”<sup>10</sup>

## **Ghana**

The Constitution states: “Every political party shall have a national character, and membership shall not be based on ethnic, religious, regional or other sectional divisions” and requires that each party’s social and economic program have a “national character.”<sup>11</sup> The Political Parties Law reads: “No political party shall be formed (a) on ethnic, gender, religious, regional, professional or other sectional divisions; or (b) which uses words, slogans or symbols which could arouse ethnic, gender, religious, regional, professional or other sectional divisions.” A party falls within the ban “if its membership or leadership is restricted to members of any particular community, region, ethnic group, gender, religious faith or profession, or if its structure and mode of operation are not national in character.”<sup>12</sup> In order to obtain registration, the Constitution and Political Parties Law mandate that parties have (1) at least one founding member who is a registered voter in each district; (2)

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<sup>6</sup> Article 6, Constitution of the Republic of Bulgaria.

<sup>7</sup> Article 3, Section 2 (1) and (3), Political Parties Act.

<sup>8</sup> Constitution of the Republic of Cape Verde (1992).

<sup>9</sup> Constituição da República de Cabo Verde (1999), Lei Constitucional No. 1/V/99 of 23 November.

<sup>10</sup> Section 3, Article 7, “Lei No. 102/V/99,” Boletín Oficial da República de Cabo Verde Series 1: 12(April 19, 1999), 360-68.

<sup>11</sup> Constitution of the Republic of Ghana (1992), Article 55, Sections 3 and 4.

<sup>12</sup> Political Parties Law, Republic of Ghana, Act 574 (2000), Section 3.

an organized branch not just in each of Ghana's ten regions but also in at least two-thirds of the districts within each region; and (3) a national executive committee with at least one member from region.<sup>13</sup> The Constitution requires that a party's "name, emblem, colour, motto or any other symbol has no ethnic, regional, religious or other sectional connotations or gives the appearance that its activities are confined only to a part of Ghana." The Political Parties Law mirrors the Constitution's language.<sup>14</sup>

### **Hungary**

Part of the electoral system; see text and Benoit 2005.

### **Lesotho**

The Electoral Law bars the registration of a party if "its sole intention is to advocate or promote the interests of any religious belief or group, or of only a specific area or part of the Kingdom of Lesotho" or "its intention is to advocate or promote the interests of any ethnic or racial group." The law further prohibits any party from using a name or symbol that might promote violence or cause offence on the basis of "race, colour, sex, age, language, or culture, religion, conscience or belief, disability or national social or ethnic origin, property, birth or other status."<sup>15</sup>

### **Namibia**

The 1992 Regulations for Registration of Voters and Political Parties prohibits parties from limiting membership on the basis of "sex, race, color, ethnic origin, religion, creed or social or economic status" (Basedau et al 2007, 628; Bogaards 2007, 179).

### **Peru**

Party registration required 100,000 signatures spread across 50% of the provinces from 1979 through 1990; parties that gained under 5% of the national vote lost registration. Peru lifted the spatial requirement in 1993 but quadrupled the number of required signatures (Van Cott 2003, 14; Birnir 2004, 11-12, 17-18; Van Cott 2005, 163, 173-5). The 2001 electoral law eliminated the 5% threshold but

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<sup>13</sup> Constitution of the Republic of Ghana (1992), Article 55, Section 7; Political Parties Law, Republic of Ghana, Act 574 (2000), Section 9.

<sup>14</sup> Constitution of the Republic of Ghana (1992), Article 55, Section 7 (c); Political Parties Law, Republic of Ghana, Act 574 (2000), Section 9 (e).

<sup>15</sup> The National Assembly Election (Amendment) Act, 1997, Government Gazette 42: 49(21 July 1997), 528-9; The National Assembly Election (Amendment) Act, 2001, Government Gazette 46: 11(1 February 2001), 102-8.

simultaneously switched from allocating seats in a single national constituency to within the 25 provinces (Van Cott 2003, 13, 19, 34-5fn3).<sup>16</sup>

### **Portugal**

Portugal's Constitution states: "No party shall be formed with a name or manifesto that possesses a regional nature or scope."<sup>17</sup>

### **São Tomé and Príncipe**

Articles 3 and 4 of the Political Parties Law requires that parties have a "national character and scope" and forbids parties of a "regional or local character" and party names that the name of a person or a religion.<sup>18</sup>

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<sup>16</sup> "Los procesos electorales en el Perú" (Oficina nacional de procesos electorales, ONPE 2005); Legislación Electoral del Peru (Jurado Nacional de Elecciones, JNE 2001); Legislación que Regira en el Proceso Electoral 1990 (JNE); Decreto Ley 14250; Decreto Ley 22652; Constitution of Peru.

<sup>17</sup> Article 51, Section 4, Constitution of Portugal.

<sup>18</sup> Lei n. 08/90, Lei dos partidos politicos.

**APPENDIX B: VARIABLES INCLUDED IN MODELS PRESENTED IN TABLE 2**

COUNTRY	MEAN ETHNOREGIONAL PARTY VOTES	MEAN ETHNOREGIONAL PARTY SEATS	ETHNIC PARTY BAN	BALLOT-ACCESS REQUIREMENTS	EFFECTIVE NUMBER OF ETHNIC GROUPS (FEARON)
Andorra	6.26 (MAJ), 0.00 (PR)	11.92 (MAJ), 0.00 (PR)			3.18
Antigua and Barbuda	1.43	5.90			1.20
Argentina	9.84	8.45			1.34
Australia	0.01	0.00			1.17
Austria	0.00	0.00			1.14
Bahamas	0.00	0.00			1.36
Barbados	0.00	0.00			1.23
Belgium	36.92	40.58			2.31
Belize	0.00	0.00			3.09
Botswana	4.45	0.45			1.54
Brazil	0.00	0.00	X	X	2.22
Bulgaria	N/A (MAJ), 8.73 (PR)	5.50 (MAJ), 9.86 (PR)	X		1.43
Canada	10.56	13.83			2.48
Cape Verde	0.00	0.00	X	X	1.72
Chile	1.16	0.82			1.99
Costa Rica	3.32	1.82			1.31
Cyprus	0.00	0.00			1.56
Czech Republic	2.61	2.57			1.47
Denmark	0.10	0.09			1.15
Dominica	0.00	0.00			1.31
Dominican Republic	0.02	0.00			1.63
El Salvador	0.00	0.00			1.25
Estonia	3.08	1.97			2.05
Finland	5.23	5.42			1.15
France	0.28	0.00			1.37
Germany	10.02	9.88			1.10

COUNTRY	SIMULTANEOUSLY ELECTED STRONG PRESIDENT	PROPORTIONAL REPRESENTATION	DECENTRALIZED	PURCHASING POWER PARITY (\$1000)
Andorra		X (mixed)		38.8
Antigua and Barbuda				10.9
Argentina	X (1995, 1999, 2003, 2007, 2011)	X	X	15.2
Australia			X	33.3
Austria		X	X	34.7
Bahamas				21.6
Barbados				18.4
Belgium		X	X	33.0
Belize				8.4
Botswana				10.9
Brazil	X	X	X	8.8
Bulgaria		X (mixed in 1990)		10.7
Canada			X	35.7
Cape Verde		X		6.0
Chile		X		12.6
Costa Rica	X	X		12.5
Cyprus		X		23.0
Czech Republic		X		22.0
Denmark		X		37.1
Dominica				3.8
Dominican Republic	X (1990, 1994)	X		8.4
El Salvador		X		4.9
Estonia		X		20.3
Finland		X		33.5
France				31.2
Germany		X	X	31.9

COUNTRY	MEAN ETHNOREGIONAL PARTY VOTES	MEAN ETHNOREGIONAL PARTY SEATS	ETHNIC PARTY BAN	BALLOT-ACCESS REQUIREMENTS	EFFECTIVE NUMBER OF ETHNIC GROUPS (FEARON)
Ghana	2.63	1.15	X	X	6.50
Greece	0.22	0.08			1.06
Grenada	0.00	0.00			1.45
Hungary	0.13 (MAJ), 0.05 (PR)	0.10 (MAJ), 0.00 (PR)		X	1.23
Iceland	0.27	0.00			1.13
India	29.17	28.17			5.29
Ireland	0.04	0.00			1.21
Israel	7.75	7.37			2.11
Italy	2.97 (MAJ), 7.93 (PR)	3.73 (MAJ), 7.67 (PR)			1.04
Jamaica	0.00	0.00			1.20
Japan	0.00 (MAJ & PR)	0.00 (MAJ & PR)			1.01
Latvia	20.71	22.14			2.41
Lesotho	0.00 (MAJ & PR)	0.00 (MAJ & PR)	X		1.34
Liechtenstein	0.00	0.00			1.82
Lithuania	4.35 (MAJ), 4.22 (PR)	3.03 (MAJ), 2.38 (PR)			1.51
Luxembourg	0.00	0.00			2.33
Malta	0.00	0.00			1.22
Mauritius	6.32	6.50			2.71
Monaco	0.00	0.00			3.16
Mongolia	0.00	0.00			1.37
Namibia	7.63	7.65	X		3.63
Netherlands	0.06	0.00			1.08
New Zealand	1.18	1.34			1.57

COUNTRY	SIMULTANEOUSLY ELECTED STRONG PRESIDENT	PROPORTIONAL REPRESENTATION	DECENTRALIZED	PURCHASING POWER PARITY (\$1000)
Ghana	X			2.7
Greece		X (1990)		24.0
Grenada				3.9
Hungary		X (mixed)		17.6
Iceland		X		38.0
India			X	3.8
Ireland		X		44.5
Israel		X		26.8
Italy		X (1992, mixed in 1994, 1996, 2001)	X	30.2
Jamaica				4.7
Japan		X (1996, 2000, 2003, 2005, 2009, 2012 mixed portion)		33.1
Latvia		X		16.0
Lesotho		X (2002, mixed in 2007)		2.6
Liechtenstein		X		25.0
Lithuania		X (mixed)		15.3
Luxembourg		X		71.4
Malta		X		21.3
Mauritius				13.7
Monaco				30.0
Mongolia				2.1
Namibia	X	X		7.5
Netherlands		X		32.1
New Zealand		X (majoritarian in 1990, 1993)		26.2



COUNTRY	MEAN ETHNOREGIONAL PARTY VOTES	MEAN ETHNOREGIONAL PARTY SEATS	ETHNIC PARTY BAN	BALLOT-ACCESS REQUIREMENTS	EFFECTIVE NUMBER OF ETHNIC GROUPS (FEARON)
Norway	0.72	0.24			1.11
Panama	0.00	0.00			2.03
Peru	0.52	0.13		X	2.76
Poland	1.26	1.24			1.05
Portugal	0.04	0.00	X		1.04
Romania	9.35	11.75			1.43
Samoa	0.00	0.00			1.16
St. Kitts and Nevis	17.70	27.30			1.05
St. Lucia	0.00	0.00			1.44
St. Vincent and the Grenadines	0.00	0.00			2.09
San Marino	0.00	0.00			1.10
Sao Tome and Principe	0.00	0.00	X		1.54
Slovakia	11.06	10.56			1.50
Slovenia	0.00	0.00			1.30
South Africa	26.43	29.03			8.30
South Korea	0.00 (MAJ), 0.06 (PR)	0.00 (MAJ), 0.00 (PR)			1.00
Spain	11.10	9.03			2.01
Suriname	9.28	7.04			3.75
Sweden	0.13	0.00			1.23
Switzerland	1.32	0.83			2.35
Taiwan	0.00 (SNTV), 0.25 (MAJ), 0.20 (PR)	0.00 (SNTV), 0.00 (MAJ), 0.00 (PR)			1.34
United Kingdom	4.98	4.02			1.48
USA	0.05	0.00			1.93
Uruguay	0.00	0.00			1.28

COUNTRY	SIMULTANEOUSLY ELECTED STRONG PRESIDENT	PROPORTIONAL REPRESENTATION	DECENTRALIZED	PURCHASING POWER PARITY (\$1000)
Norway		X		46.3
Panama	X			8.2
Peru	X	X		6.6
Poland		X		14.4
Portugal		X	X	19.8
Romania	X	X		9.1
Samoa				2.1
St. Kitts and Nevis			X	8.2
St. Lucia				4.8
St. Vincent and the Grenadines				3.6
San Marino		X		34.1
Sao Tome and Principe		X		1.2
Slovakia		X		18.2
Slovenia		X		23.4
South Africa		X		13.3
South Korea		X (2004, 2008, 2012 mixed portion)		24.5
Spain		X		27.4
Suriname		X		7.1
Sweden		X		32.2
Switzerland		X		34.0
Taiwan		X (2008, 2012 mixed portion)		29.6
United Kingdom			X (2001, 2005, 2010)	31.8
USA	X (1992, 1996, 2000, 2004, 2008, 2012)		X	43.8
Uruguay	X			10.9

COUNTRY	MEAN ETHNOREGIONAL PARTY VOTES	MEAN ETHNOREGIONAL PARTY SEATS	ETHNIC PARTY BAN	BALLOT-ACCESS REQUIREMENTS	EFFECTIVE NUMBER OF ETHNIC GROUPS (FEARON)
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Note: For mean ethnoregional party votes and seats, the majoritarian and proportional tiers are reported separately for mixed systems with two votes with MAJ indicating the majoritarian tier and PR the proportional tier. The exception is mixed-member proportional (MMP) systems, which are treated as proportional systems. Taiwan switched from the single-non-transferable vote (SNTV) to a mixed system in 2008. Although means are reported here, the statistical models utilize votes and seats from each election as the dependent variables, which are then pooled into a cross-sectional time series clustered by country to account for the link between results in the previous election on the one that follows. For mixed systems the proportional representation variable is coded as 1 for the proportional tier and 0 for the majoritarian tier. Following Robert Moser and Ethan Scheiner (2012), the majoritarian and proportional tiers are included separately in the model for countries with mixed systems other than MMP with two votes (i.e. Bulgaria in 1990, Hungary, Italy in 1994, 1996, and 2001, Lesotho in 2007, Lithuania, South Korea in 2004, 2008, and 2012, and Taiwan in 2008 and 2012). Although Lesotho had an MMP system in 2007, the parties manipulated it so that it operated like a mixed system and it is treated as such.