



Strasbourg, 30 May 2013
Study n° 721/2013

CDL-EL(2013)005*
Or. Engl/Fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**THE METHOD OF NOMINATION OF CANDIDATES
WITHIN POLITICAL PARTIES**

DRAFT QUESTIONNAIRE

On the basis of comments by

Ms Maria del Carmen ALANIS FIGUEROA (Member, Mexico)
Mr Paul CRAIG (Substitute Member, United Kingdom)
Ms Josette DURRIEU (Expert, France)
Mr Jordi XUCLA I COSTA (Expert, Spain)

**This document has been classified restricted on the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules set up in Resolution CM/Res(2001)6 on access to Council of Europe documents.*

1. Questions concerning national legislation:

- Are there rules for nominating candidates in political parties a) in the Constitution b) in the electoral law, the law on political parties or another law?
- Do the general principles of constitutional or administrative law have an impact on the procedure for nominating candidates within political parties? What is this impact?
- Does the law set a gender quota for the underrepresented gender in the candidate nomination procedure? What is the penalty for not complying?
- Does the law set a quota for minorities or ethnic groups in the candidate nomination procedure? What is the penalty for not complying?
- In the case of closed lists, do the rules on quotas impose an obligation regarding the order of candidates on the list? In the case of open lists, are the quotas reflected in the election results?

2. Questions concerning political parties:

- Are there rules for the nomination of candidates in the statutes or other internal documents of political parties? Does the method for selecting candidates vary from party to party or is it more or less the same?
- What proportion of candidates is elected by party members and what proportion is nominated by the leadership? Is this process transparent? Can it be contested? Can it be contested internally or brought before an electoral management body (such as an Electoral Commission) or a Court?
- Can persons who are not members of a political party be candidates? Under what conditions?
- Is the selection process meritocratic? Does it take into consideration party loyalty, community leadership, seniority or youth?
- Can the electoral management bodies interfere in the process of choosing candidates within a political party if the process is deemed to be unfair?
- Are there specific rules which apply when incumbents are involved? Is there a limit on the number of terms?
- Is the method of choosing candidates permanent or does it change from election to election?
- What rights do minorities (including political) have within parties?
- What rules must candidates follow to participate in an internal nomination process? Do political parties promote specific activities (training programmes, leadership courses, etc.) to foster the participation of women in politics?
- Are the internal political party quotas stricter than the ones provided for by law?