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Philip Manow

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RESEARCH NOTE

Electoral Rules and Legislative Turnover: Evidence from Germany’s Mixed Electoral System

PHILIP MANOW

Germany has a mixed electoral system which combines a nominal vote with simple majority in single-member districts and regional closed-list PR. Studies on the effects of electoral rules therefore find in the German system a testing ground that holds constant many contextual factors, although the possibility of mutual ‘contamination’ of electoral rules prevents the measurement of ‘pure’ effects. The influence that electoral rules have on the chances of re-election recently has attracted increased scholarly interest. This article analyses parliamentary turnover for all 16 German federal elections since 1949. The study reports much lower re-election prospects for German members of parliament than previous studies, but confirms earlier findings as to the impact of electoral rules on turnover: direct candidates have higher chances of being re-elected than list-candidates; being double-listed significantly increases the prospect of re-election; and parliamentary turnover increases with the length of the term.

The German electoral system is the prototype of a mixed electoral system that combines regional closed-list PR with a nominal plurality vote in single-member districts (Nohlen 1978; Klingemann and Wessels 2001; Scarrow 2001; Shugart and Wattenberg 2001; Saalfeld 2005). About half of the seats of the German parliament, the Bundestag, are assigned to candidates who gain a relative majority of ‘direct’ (nominal) votes in one of the – currently – 299 single-member electoral districts. The other half are distributed among the parties according to the relative vote share that the regional party lists receive – after subtracting the number of seats already won by direct candidates. The German electoral system therefore provides all those who are interested in the effects of electoral rules, in particular those interested in the differences between list-PR and the nominal vote in single-member districts, with an almost ideal testing ground. This article takes up one topic of this debate that has met with considerable interest recently, namely whether and how electoral rules affect legislative turnover, i.e. the re-election prospects of members of parliament. Recent research suggests that
re-election prospects differ substantially between proportional and majoritarian electoral systems, with legislative turnover apparently being much higher in the former than in the latter (Matland and Studlar 2004). Studying the likely re-election of German MPs also allows the effect of another feature of Germany’s electoral system to be assessed, namely the possibility of double listing, which apparently also increases incumbency return rates (Matland and Studlar 2004: 102, 104).1

This article analyses legislative turnover of German direct and list candidates for all the 16 federal elections held so far in post-war Germany between 1949 and 2005. A case study framework that analyses the effects of electoral rules in one mixed electoral system has one important methodological advantage over a comparative research design: it allows a number of intervening variables (e.g. district size, term length or other country or context specifics) to be kept constant. A case study therefore allows us to estimate the effects of single electoral rules more precisely. Moreover, analysing all 16 German post-war elections helps us to avoid selection bias, which may result if we select particular and perhaps non-representative elections to calculate the German turnover rate (see more on this below). A potential disadvantage of a case study of a mixed electoral system lies in the danger of possibly observing ‘contaminated’ effects (Cox and Schoppa 2002). Yet mutual contamination of electoral rules should not seriously affect my findings since neither the specific incentives for ticket splitting (Bawn 1999) nor a party’s interest in nominating candidates even in ‘hopeless’ districts (in the expectation that this will improve its performance in the PR ballot) should influence the re-election probabilities of direct and list candidates differently. Of course, by analysing the effect of double listing my study already takes into account one important ‘interaction effect’ between the list and the nominal vote, which has no equivalent in either pure PR or pure single-member district plurality systems.

This research note is structured as follows. The following section discusses two straightforward definitions of legislative turnover and reports turnover rates for all general elections to the German Bundestag since 1949. In the third, I show how re-election prospects have differed between direct and list candidates in Germany’s mixed-member electoral system. I also inquire whether double-listed candidates have more chance of being re-elected than either direct or list candidates. The final section concludes the research note.

Legislative Turnover in Germany, 1949–2005

Before reporting turnover rates, we need to give a precise definition as to what turnover is and just how, exactly, we are to measure it. Turnover can be broadly defined as ‘the proportion of membership that changes from one election to the next’ (Matland and Studlar 2004: 92). For the exact calculation of turnover rates, however, we need a more precise definition. I propose to define turnover as the share of those who either do not return to
the subsequent parliament or are not re-elected. This leads to a broad and a narrow definition of turnover. Legislative turnover is either defined broadly as comprising all who have been members of parliament, but are no longer members of parliament (turnover rate = 1 – return rate), or it is defined more narrowly as comprising all who have been elected to parliament but failed to be re-elected to parliament (turnover rate = 1 – re-election rate).

Whereas the first definition includes all those who were not elected but became members of parliament during the term (in Germany the so-called Nachrücker, i.e. substitutes who replace MPs who leave parliament during the term for whatever reason), the second definition excludes them. The difference is non-trivial (see Table 1). For instance, during the 12th term of the Bundestag (1990–94) 10 members of parliament died and 27 resigned and these vacancies were filled from party lists.

Both definitions have straightforward counting rules: the return rate can be calculated by counting the number of MPs sitting in parliament on the last day of the previous parliament and the first day of the next parliament, with the total number of seats in the previous parliament as the divisor. The re-election rate reports the percentage of incumbents who have been elected at one general election and are re-elected at the next general election, i.e. who were members of parliament on the first day of the previous and on the first day of the next parliament.

The basis of my calculation is a data set that contains information on each of the 3,327 MPs who sat in the German Bundestag between 1949 and 2005 (Wissenschaftliche Dienste 1998, together with additions for the 14th, 15th

<table>
<thead>
<tr>
<th>Term</th>
<th>Returned MPs</th>
<th>Re-elected MPs</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st (1949–53)</td>
<td>262</td>
<td>235</td>
<td>410</td>
</tr>
<tr>
<td>2nd (1953–57)</td>
<td>251</td>
<td>235</td>
<td>509</td>
</tr>
<tr>
<td>3rd (1957–61)</td>
<td>365</td>
<td>347</td>
<td>518</td>
</tr>
<tr>
<td>4th (1961–65)</td>
<td>376</td>
<td>350</td>
<td>521</td>
</tr>
<tr>
<td>5th (1965–69)</td>
<td>386</td>
<td>347</td>
<td>518</td>
</tr>
<tr>
<td>6th (1969–72)</td>
<td>376</td>
<td>350</td>
<td>521</td>
</tr>
<tr>
<td>7th (1972–76)</td>
<td>365</td>
<td>347</td>
<td>518</td>
</tr>
<tr>
<td>8th (1976–80)</td>
<td>376</td>
<td>350</td>
<td>521</td>
</tr>
<tr>
<td>9th (1980–83)</td>
<td>376</td>
<td>350</td>
<td>521</td>
</tr>
<tr>
<td>10th (1983–87)</td>
<td>376</td>
<td>350</td>
<td>521</td>
</tr>
<tr>
<td>11th (1987–90)</td>
<td>376</td>
<td>350</td>
<td>521</td>
</tr>
<tr>
<td>12th (1990–94)</td>
<td>376</td>
<td>350</td>
<td>521</td>
</tr>
<tr>
<td>13th (1994–98)</td>
<td>376</td>
<td>350</td>
<td>521</td>
</tr>
<tr>
<td>16th (2005–)</td>
<td>376</td>
<td>350</td>
<td>521</td>
</tr>
</tbody>
</table>

Average: 71.5% (return rate) and 68.3% (re-election rate)

Sources: Schindler 1998; Wissenschaftliche Dienste 1998; Feldkamp 2005, and own calculations.
and 16th terms by the author). The data set contains the name and party affiliation of each MP, his or her date of entry and exit, and whether the MP was elected directly or via regional party lists. This rich data set allows me to reconstruct parliamentary careers in the German Bundestag in great detail.

I start with some descriptive statistics. The 3,327 MPs occupied a total of 9,512 seats in 16 legislative terms; \(5,207\) (54.7 per cent) seats were filled from party lists. The average German MP remains in parliament for 3,612 days (\(N = 3,188\)). Since the parliamentary term of the German Bundestag lasts four years starting from the day the parliament constitutes itself for the first time (Article 39, Section 1 Basic Law (Grundgesetz)), this means that the average Bundestagsabgeordneter remains about two-and-a-half terms in parliament. In order to obtain a more precise estimate we can count the total number of terms and divide this by the number of MPs, which gives an average parliamentary tenure of 2.86 terms. As expected, German direct and list candidates differ considerably with respect to tenure: direct candidates stay for almost three terms (2.92 terms), list candidates for only a little more than two terms (2.31 terms; for more details see below).

But how likely is it for a member of parliament to be re-elected? Table 1 presents the return and re-election rates for all German elections between 1949 and 2005. At least two important pieces of information stand out in Table 1. First, legislative turnover varies quite a bit, being relatively high in the early years and then increasing again after the 1990s. Second, average legislative turnover in Germany has been substantially lower than previously thought. In Matland’s and Studlar’s (2004) pioneering 25-country study, in which Germany is included with three elections, Germany is ranked third with a return rate of 78.7 per cent. It clusters with countries like the US, Australia, Ireland and the UK, all countries with electoral systems that are more majoritarian in character. Based on my data and on the less strict return rate, the German electoral system would now be ranked in 9th place instead, and it would cluster with a number of other countries with PR electoral systems like Sweden, Malta, Belgium or Iceland (Matland and Studlar 2004: 93).

What might explain the differences in the reported return rates? Much has to do with the different time span covered by the Matland and Studlar study (for Germany: 1976–87) and my own (1949–2005). First, as can be read from Table 1, the early terms of the German Bundestag were characterised by a relatively high level of legislative turnover. This might have a simple cause. From the 1st to the 4th parliament, the number of parties represented in the German Bundestag decreased from 19 to three (plus three independents), a consolidation that presumably had an influence on overall legislative turnover. Secondly, the period after German unification saw higher levels of legislative turnover – although the first all-German elections in 1990 produced an exceptionally high return rate of slightly more than 80 per cent. Increased post-unification turnover might have something to
do with the fact that the majority of East German voters are only slowly becoming ‘politically socialised’ into an all-German party system dominated by West German parties. Lower party affiliation results in a greater willingness to switch votes, and voter volatility is considerably higher in the ‘new’, Eastern German states (see Rattinger 1994; Gabriel 1997). But higher voter volatility is likely to lead to higher legislative turnover.10

However, increased turnover is not driven by lower party affiliation in the east alone. Although electoral volatility is undoubtedly higher there, volatility is not only a regional but also a secular phenomenon that affects the west as well (Becker and Saalfeld 2005). It is therefore questionable whether increased turnover after 1990 can be explained solely by German unification. If we assume that the dissolution of traditional socio-economic ‘milieus’ and the weakening of ties between voters and parties is a trend that other Western democracies experience as well, a comparative study risks underestimating legislative turnover in Germany when it restricts analysis of German elections to the pre-unification period while taking into account elections up to the mid-1990s in other Western democracies (see Matland and Studlar 2004: 92, note 34, and 108).

Finally, an additional reason for the higher reported German return rate in the Matland and Studlar study seems to lie in the authors’ specific choice of elections. The three elections analysed (elections to the 9th, 10th and 11th terms of the Bundestag, with the 1976 election as the base year) have all led to higher than average return rates, with the election to the 10th German parliament standing out among all 16 elections as the one with the highest return rate ever. This election was a remarkable outlier because the 9th term of the German Bundestag ended with an early dissolution of parliament after only 29 months instead of the regular 48 months. But the shorter the term, the higher, ceteris paribus, the return rate (Matland and Studlar 2004: 102). In fact, the shortest term in the post-war period produced the highest return rate of the post-war period.11

However, taking into account all 16 German post-war elections does not alter Matland and Studlar’s findings about the determinants of legislative turnover – on the contrary, it reinforces them. Since Professors Matland and Studlar were so kind as to provide me with their original data set (see opening acknowledgement) I was able to replicate their results and rerun their multivariate analysis with the additional data on 12 German elections. Table 2 compares the original findings with the replication results.

The replication strengthens all the findings of the original study, with one exception: as was to be expected, with higher turnover in German elections the double-listings coefficient loses a little in strength (Hypothesis 3), although it remains statistically significant (at the 1 per cent level). All of the other electoral system variables gain in strength, and the fit of the model even improves slightly.12 The major findings of the comparative study are
therefore confirmed: list PR leads to higher legislative turnover, the length of the parliamentary term varies positively with turnover, and double listing increases re-election prospects.

The following section investigates whether list candidates in Germany’s mixed-member electoral system are more at risk than direct candidates when it comes to not returning to the Bundestag, and whether the possibility of double listing lowers turnover rates.

**Direct, List and Double-Listed Candidates: Do Their Electoral Fates Differ?**

Since the comparative evidence suggests that electoral rules have quite a substantial impact on legislative turnover, we should expect that different types of candidates in Germany’s mixed electoral system face different electoral fates. This is indeed what candidate-type-specific return rates confirm. As Table 3 shows, list candidates are much less likely to be re-elected than direct candidates. The share of list candidates among all Bundestag members is 54.7 per cent, but their share among those who return to parliament is on average only 48.4 per cent (see Table 3; see note 6 for an explanation of why the mix between list and direct candidates is not 50:50).

Table 3 is in line with what we already know about the different lengths of parliamentary tenure of list and direct candidates reported above. The same picture emerges once we look at survival estimates for both types of candidates (see Stata 2003; Cleves *et al.* 2004). The higher electoral risks of list candidates are clearly visible in Figure 1.

### Table 2

<table>
<thead>
<tr>
<th>Determinants of Turnover – A Replication of the Matland/Studlar Analysis with Additional Data for 12 German Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Original model</strong></td>
</tr>
<tr>
<td>(Constant)</td>
</tr>
<tr>
<td>H1 PR system</td>
</tr>
<tr>
<td>H2 PR-STV (single transferable vote)</td>
</tr>
<tr>
<td>H2 SNTV (single non-transferable vote)</td>
</tr>
<tr>
<td>H2 PR-preferential vote</td>
</tr>
<tr>
<td>H3 Double listings</td>
</tr>
<tr>
<td>H4 Electoral volatility</td>
</tr>
<tr>
<td>H5 Time (months)</td>
</tr>
<tr>
<td>H6 Seats controlled by traditional conservatives</td>
</tr>
<tr>
<td>H7 Seats controlled by leftist parties</td>
</tr>
<tr>
<td>New democracy</td>
</tr>
<tr>
<td>Portugal</td>
</tr>
<tr>
<td>Observations</td>
</tr>
<tr>
<td>Adjusted R-squared</td>
</tr>
</tbody>
</table>

*Note: Absolute value of t statistics in parentheses; *significant at 5%; **significant at 1%.

1Cf. Matland and Studlar (2004: 104, Table 3).
How much these differences in tenure reflect voluntary or involuntary exit is hard to say. A relatively strong indicator of an involuntary exit is if somebody stands for re-election but fails. But, historically, only a quarter (24.1 per cent) of those who did not make it into the next parliament actually stood for re-election. For the other three-quarters of candidates,
we cannot be sure whether they did not want to run again or they wanted to run but were not nominated. However, what seems clear from the data is that, for a German MP, his or her nomination is presumably the far more critical event than the election itself, the selectorate being more important than the electorate – which would give a partial explanation for the strong role that parties continue to play in Germany’s electoral system (see Shugart 2001; Shugart and Wattenberg 2001). Among those who stood for re-election but failed, list candidates and direct candidates account for almost equal shares (21 per cent and 23 per cent respectively) with double-listed candidates representing the largest share (with over 55 per cent).

This brings us to the effects of double listing. First of all we would like to know how widespread double listing actually is. A little more than one-quarter of all candidates in German general elections both run in a district and have a place on a party list (Statistisches Bundesamt 2005: 16–17). This share has remained fairly stable since the first Bundestag elections. Once we look only at those actually elected, however, the number of double-listed MPs increases strongly, from around 50 per cent in the 1950s and 1960s to more than 80 per cent today. This already might indicate higher chances for double-listed candidates to be elected – and re-elected. Yet, this number certainly is inflated. We get a more reliable estimate if we subtract those candidates placed at the lower, unpromising ranks of a party list or those being a direct candidate in a district that is a party’s stronghold. This leads to a more realistic share of ‘truly’ double-listed members of parliament of around 50 per cent.

Does being double-listed improve re-election prospects? This might not be as self-evident as one might think. Clearly, being double-listed ought never to hurt, but only improve, a candidate’s chance of being re-elected. But effects may be negligible because many list ranks are unsafe and many district races unpromising for the respective candidate. Parties often place candidates on unsafe list ranks or nominate them in unpromising districts out of symbolic or aesthetic reasons: parties want to submit ‘complete’ lists and want to be present in every electoral district, even in those districts where their candidate has virtually no chance of winning. For instance, the German Liberal Party (FDP) always seeks to nominate direct candidates in every district, even though it gained no direct mandate between 1957 and 1990. It is therefore not clear whether being double-listed really improves re-election prospects significantly (see Table 4).

Restricting our analysis to the sub-sample of ‘truly’ double-listed candidates (meaning subtracting candidates with high list ranks or those running in safe districts), can we confirm that being double-listed enhances re-election probabilities? Since information about candidates’ exact list rank is available only from the 8th term of the Bundestag on, the following analysis is restricted to the period from 1976 to 2005. Table 4 reports the shares of double-listed candidates among all those candidates returning to the next parliament. When compared to the total share of double-listed candidates
among the members of the previous parliament, we see that the re-election probability of double-listed candidates has indeed been significantly higher in all elections.

Another more indirect way of estimating the effect of double listings is to look at the re-election prospects of those MPs who have always been elected into the Bundestag as either direct or list candidates and at the re-election prospects of those who have used both paths (see Table 5). This is not a perfect indicator of ‘double listing’, but this approach avoids defining what qualifies as a ‘true’ double listing. In order to secure comparability when comparing parliamentary tenure of those with either ‘pure’ or ‘plural paths’ into parliament, we need to restrict the sample to those MPs with at least two terms in parliament since, by definition, one can only take both paths into the German Bundestag if one has been re-elected at least once (see Table 5 and Figure 2). Table 5 reports the average length of tenure for these different types of candidates; Figure 2 displays the survival estimates.

As is evident, being able to use both tracks into parliament significantly extends the time of membership in the Bundestag. To some extent this will be a ‘celebrity effect’. On the one hand, the more prominent and well-known a politician is, the more he or she is likely to win his or her district directly; on the other hand, prominent politicians are too important for the party to
risk them failing to re-enter parliament and therefore they will also occupy a relatively safe position on the regional party list. Again, we might rather measure the effects of parties’ nomination strategies than the effects of electoral rules ‘as such’. However, the clearly differing lengths of tenure for a relatively high number of cases suggest that more than just a celebrity effect is at work here.

**Conclusion**

This research note analysed legislative turnover in a prototypical mixed-member electoral system, the German one. It reported return rates for German members of parliament for all 16 elections that have so far taken place in the Federal Republic. One central finding is that legislative turnover is significantly higher than previously reported. Whereas Germany was qualified as an outlier in previous comparisons of legislative turnover, it now seems to be much more in line with countries with similar electoral systems. Generally, my case study of a mixed electoral system could confirm most findings from the comparative study of legislative turnover: list-PR leads to higher legislative turnover; direct candidates have a higher chance of being re-elected to the Bundestag; being double-listed apparently enhances the electoral chances of members of parliament; shorter terms increase incumbency return rates. The empirical evidence presented also showed that, under the German electoral system, the nomination seems to be far more important than the election itself. Given that parties have more authority
when compiling a party list than when nominating district candidates, the different electoral fate of direct and list candidates might have more to do with party strategies than with voter decisions.

Acknowledgements

Helpful comments by André Kaiser, Peter Mair, Richard Matland, Donley Studlar, Thomas Zittel and two anonymous referees are gratefully acknowledged. I am also very grateful that Professors Matland and Studlar were kind enough to provide me with their original data set on legislative turnover, which allowed me to rerun their analysis with my additional turnover data.

Notes

1. Given that the empirical evidence on which this finding of the Matland and Studlar study is based is rather small (only two of the 25 countries covered by the study allow for double listing (Malta and Germany) and the study covers only three elections in each country), it seems worthwhile to check against additional data whether double listing does indeed improve the prospects of being re-elected.

2. There are no by-elections in Germany. MPs leaving parliament are substituted from the party lists.

3. I count a total of 689 substitutes or non-elected members for all 16 terms (on average 46 MPs per term), including the 144 MPs sent to the Bundestag from the East German Volkskammer in September 1990 (see note 9) – but excluding the MPs sent by the Berlin Senate.

4. One is confronted with a further subtlety when calculating return or re-election rates: how to treat those members of parliament whose career has been interrupted for one, two or even three terms? Since I calculate return or re-election rates by looking at two subsequent elections/parliaments only, I treat MPs with an interrupted spell of membership as ‘new’. The Datenhandbuch zur Geschichte des Deutschen Bundestags treats these MPs as ‘returning’ and therefore reports a slightly lower rate of legislative turnover (Schindler 1998). Again, differences are not that trivial: over all 16 terms, 129 MPs returned to parliament after a spell of one, two or even three terms of absence.

5. Average total number of seats in the Bundestag is 551. The higher figure that results by dividing 9,512 seats by 16 terms (=594) is explained by the fact that we have double counting of MPs whenever an MP leaves parliament during the term and is replaced by a list candidate (a so-called Nachrücker).

6. Why does the share of list candidates fail to equal the number of directly elected members of parliament? Three factors explain the – admittedly slight – deviation. First, the German electoral system does not have by-elections. If an MP resigns or dies during the term, he or she will be substituted by the highest-ranking candidate on the party list who failed to make it into parliament at the last election. Second, until 1990, Berlin’s members of parliament were not elected by the citizens of Berlin, but instead were elected by the parties in the city parliament. I have coded these MPs as list candidates as well. Third, during the process of German unification, the East German parliament (Volkskammer) sent delegates to the Bundestag before general elections were held in a unified Germany in October that year. Again, I coded these MPs as list candidates.

7. Differences to the total N in the data set (=3,327) are due to right censoring.

8. This is the definition Matland and Studlar themselves seem to follow (see Matland and Studlar 2004: 92–3).
9. The reason for this high return rate is that on 28 September 1990 the East German Volkskammer sent 144 members of parliament to the Bundestag. General elections in unified Germany were held on 2 December. In other words, these MPs enjoyed a tenure of little more than two months. Yet, short terms lead to high return rates (Matland and Studlar 2004: 102). At the same time, the total number of seats in the Bundestag increased from 519 in the 11th term to 662 seats in the 12th term as a reflection of the larger Germany.

10. The relatively high return rates in the most recent September 2005 election do not really indicate a reversal of this trend because the 15th term of the German Bundestag ended early, after only 36 months. Given that the decision of Chancellor Schröder to call new elections was challenged before the German Constitutional Court and the court did not issue its ruling before early August (the election was held in September), the election campaign was extremely short, and neither parties nor candidates had much time to prepare themselves. It seems safe to assume that all this contributed to the relatively high return rate. Apart from the 2005 election, post-unification elections reveal relatively low return rates.

11. Selecting the election to the 10th German Bundestag is unproblematic for a multivariate analysis, such as the one on page 104 of the Matland and Studlar (2004) study, in which the authors can control for the time that has elapsed between two general elections.

12. Some of the changes in the coefficients are not simply due to the integration of the additional German data. I have also corrected some errors in the M/S ‘time’ variable (see Matland and Studlar 2004: 108, Table A): the period between the 3rd and 4th Danish elections was 44 not 34 months; the period between the 2nd and 3rd French elections was 39 not 27 months; the period between the 5th and 6th elections in Portugal was 51 not 39 months; the period between the 5th and 6th elections in Japan was 43 not 31 months; and the 4th German election was in January 1987 and not in November, so therefore the period between the 3rd and 4th elections was 47 not 56 months. I have also made some minor changes for Austria (2nd election was in May), Italy (4th election was in June), the UK (the 5th election was in April), and Portugal (the 1st election was in October). See Mackie and Rose (1991), and Internet resources.

13. I code a district as a stronghold if a party gained more than 55 per cent of the vote in the last general election (see Schindler 1998). I code list-ranks higher than 10 as unsafe.

14. Presence is not an entirely ‘symbolic’ issue, though, since the presence of a direct candidate in a district seems to increase a party’s PR-ballot district vote.

References


