



Electing Presidents in Presidential and Semi-Presidential Democracies

Constitution-Building Primer No. 21





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International IDEA Constitution-Building Primer 21

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Design and layout: International IDEA
Cover illustration: © 123RF, <http://123rf.com>
<https://doi.org/10.31752/idea.2019.30>

ISBN: 978-91-7671-267-2

Created with Booktype: <https://www.booktype.pro>

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1. Introduction

This primer discusses the constitutional rules for choosing presidents in countries where the president exercises significant governance powers. This includes both: (a) countries where presidents perform the functions of both head of state and chief executive (as in Kenya, the Philippines and the United States); and (b) countries where presidents, although required to share power with a prime minister who is responsible to the legislature, nevertheless have an active role in governance and more than merely formal or ceremonial powers (as in France, Romania and Tunisia). In a democracy, presidents with such powers must be chosen by a process that confers upon them a democratic mandate and legitimacy—the norm being direct popular elections.

In contrast, in countries where the president is a non-executive head of state, who acts mainly as a ceremonial figurehead with few if any powers over day-to-day governance, indirect presidential elections are common (e.g. Germany, India and Mauritius). These cases are excluded from this primer, but for more information see International IDEA's Constitution-Building Primer No. 6, *Non-Executive Presidents in Parliamentary Democracies* (Bulmer 2017a).

Structure and content

Constitution-builders considering presidential elections have to make a number of structured choices. Commonly occurring issues include qualifications, eligibility and nomination of presidential candidates (discussed in Section 3), the mechanics of the electoral system (discussed in Section 4) and the timing of elections (discussed in Section 5). In some contexts, alternatives to direct popular election might be considered (discussed in Section 6), or there may be a demand for additional rules that promote inclusivity and power-sharing (discussed in Section 7).

Issues concerning the tenure of office of presidents, term limits and the removal of presidents are also of paramount importance, but these are discussed in an accompanying International IDEA primer, *Presidential Term Limits, Tenure and Removal* (International IDEA, forthcoming).

2. What is the issue?

One of the main functions of a constitution is to provide a framework of rules by which power can be acquired, transferred, regulated, restricted and legitimated. In democracies where the president holds significant governing powers, the election of a president is one of the most important, decisive, potentially divisive political events. The constitutional rules regulating these elections are of vital importance to the health and stability of the polity as a whole.

For this reason, the rules governing the election of the president are nearly always constitutionalized. Having clear, workable and generally accepted rules can help those on the losing side to accept the procedural legitimacy of an election, even if they are disappointed in its outcome'. Such rules can reduce conflict: they ensure that power flows along democratic, constitutional channels, and that contests for power are determined by free, fair and regular elections, not by coups, rebellions and assassinations. The constitutional rules regulating presidential elections should, above all, be impersonal and not subject to easy manipulation. They should apply equally, for example, to candidates representing different groups and interests. They should facilitate, and not unduly restrict or unfairly influence, the democratic choice of the people.

However, no rules are neutral. The way in which the election takes place (such as whether it can be won by a plurality of the votes cast, or whether a run-off between the top two candidates is required in the event of no one winning an absolute majority) can have profound implications for the functioning of the political system as a whole. Electoral rules influence not only who gets to be president, but also the legitimacy of the presidency as an institution, the nature of executive–legislative relations, how easy it is to change or remove presidents, the inclusion of minorities (as viable presidential candidates, vice-presidential running-mates, or 'king-makers' who can swing election results) and the strategic behaviour of political actors. The constitutional rules on presidential elections

may shape the development of political parties, encourage or discourage cooperation and alliances between them, and even change the nature of political campaigning.

Because presidential election rules have great implications for who gets into power, these rules are particularly prone to self-interested calculations during the ‘arguing and bargaining’ stages of constitutional change (Elster 2000; Negretto 2013). The stakes are high, because these rules, once adopted, tend to endure; decisions made at the time of constitution-building might determine the rules of access to the presidency for generations to come.

The role of the president

Even in political systems where presidents have substantial governing powers, the nature and extent of those powers varies. In some countries, the president is primarily the head of an administration, leading the executive and carrying out a policy programme. In others, the president—while certainly more than a mere ceremonial figurehead—is more the head of the nation; he or she stands a little above day-to-day politics, and primarily focuses on strategic issues, such as foreign and defence policy, promoting national interests over the long term, and ensuring the stability and continuity of public institutions. These differences of role determine what sort of personality and character is required of a president: should he or she be a policy specialist who can get down into the details, working closely with the legislature, or a figure of national standing who inspires and sets the tone, while leaving the details to others? This may then have implications for many aspects of constitutional design. For example, a president who is mainly intended to fulfil the head of government role might be elected for relatively short terms (four or five years), at the same time as elections to the legislature, with the aim of reducing the risks of a divided government and increasing public accountability. However, a president who has more of a national leader role might serve for longer terms (six or seven years), with presidential elections decoupled from legislative elections. These are only illustrative examples, not recommendations. The crucial point is that form must follow function.

For more information on the powers of presidents, see International IDEA’s Constitution-Building Primer No. 14 (*Presidential Veto Powers*; Bulmer 2017b) and No. 15 (*Presidential Legislative Powers*; Bulmer 2017c).

Representative and responsible government

Alongside personal and partisan interests, constitutional design preferences can also reflect legitimate ‘public-interest’ concerns about what makes for a healthy democracy. Different rules embody different assumptions and priorities in

relation to the role of presidential elections in facilitating public control and public contestability of decision-making.

A fundamental question here is whether presidential elections should be designed to maximize voter choice through open and representative multi-party politics (representative government) or whether it should be designed to structure choices through two major parties which can offer clear, competing governance programmes (responsible government). There is no clear, uniform answer to this question. If the political system has become a closed, corrupt duopoly of two parties that keep others off the ballot, extending voter choice through electoral rules that promote multi-party politics may better enable the political system to deliver good governance, by responding to legitimate public needs and preferences that would otherwise be ignored. However, a political system that maximizes voter choice through multi-party politics could paradoxically leave people frustrated and disillusioned, as presidents might be put into office by niche, intensely committed minorities rather than by a large plurality of mainstream voters, and once in office might be unable to work constructively with the legislature to deliver a policy agenda acceptable to a majority. Rules that encourage moderate pluralism—structuring choices through a reasonable and practical number of responsible parties, without creating a closed and immovable duopoly—might be the ideal, but this might not be achievable simply by means of constitutional design.

Insiders and outsiders

Another overarching question to consider is whether the constitution should facilitate or discourage the election of ‘political outsiders’ to the presidency. This is related to the number of parties, but not directly. It is possible to imagine a two-party system that, through primary elections and nomination rules, is open to outsiders, or to imagine a multi-party system that resists outsiders. For these purposes ‘outsiders’ may be defined as those who have not previously held high office nor been involved in the senior levels of political life before running for the presidency. Often, they are populists of one sort or another, framing their appeal to the public in terms of speaking for ordinary citizens against establishment elites.

There are arguments to be made on both sides. Outsiders may refresh and renew politics, putting new issues on the agenda and speaking for previously unrepresented groups. On the other hand, they may lack the experience of ‘getting things done’ in the political arena, and may disappoint once the task of winning an election is replaced by the task of governing effectively. They may also disdain the ‘soft guardrails’ or conventional, unwritten rules of politics, which insiders are more likely to respect (Ziblatt and Levitsky 2018).

3. Who is eligible to be president?

In a democracy, everyone should, in principle, have the right to vote and to be elected to public office. However, certain limited restrictions on the qualifications of presidential candidates are legitimate in a democratic system. Typically these include citizenship and age qualifications and compliance with a formal nomination process that excludes non-viable candidates. Other restrictions on who can be president—for example, health or financial requirements—may also be appropriate.

Citizenship and franchise qualifications

One of the most common qualifications for the presidency is citizenship. Obviously, a president must be a citizen of the country they serve, govern and represent. In many cases, fearful of divided loyalties, the constitution also requires the president to be a ‘natural-born citizen’ (i.e. not a citizen by subsequent marriage or naturalization) or to have held their citizenship for a certain number of years. Persons with dual nationality may also sometimes be ineligible.

It is usual for the constitution to require presidential candidates not only to be citizens, but to be citizens who ‘possess their civil rights’ or who are entitled to vote. These formulations are designed to exclude, for example, people who cannot vote because they are under legal guardianship on grounds of severe mental incapacity, and people who cannot vote because they are serving a custodial sentence for a serious criminal offence. Such restrictions are eminently sensible and justifiable, given the nature of the presidential office. Nevertheless, they may be open to manipulation and abuse. Excluding anyone who is, or has been, imprisoned from being elected to the presidency can be a tool of selective repression, by which authoritarian regimes (especially if they have corrupt police

and compliant judges) prevent opposition candidates from competing in elections.

Age qualifications

Typically, there is a minimum age requirement for the presidency. The principle is that the president should not be someone young, impressionable and foolish, but rather a person whose character and personality have already been forged into maturity. A common minimum age is 35 years (e.g. Chile, Portugal, Rwanda, Senegal and the United States). Another common minimum age for a president is 40, as in the Philippines and Sierra Leone.

Some constitutions also impose upper age limits. The Constitution of Benin, for example, states that a presidential candidate must not be more than 70 years of age at the time of filing for candidacy. Such upper age limits could be justified on the grounds that the office requires a lot of energy and full command of mental faculties.

It must be remembered, however, that all age limits are by their nature arbitrary, and it might be better, in a functioning democracy, to let the people express a judgment on the candidate's maturity and vigour at the ballot box.

Nomination procedures

It is normal in a democracy for a potential candidate to have to go through various steps and to comply with certain requirements in order to register as a candidate, and thereby to have their name included on the ballot. These steps and requirements serve three legitimate purposes. The first is to confirm that the candidates meet the various constitutionally prescribed qualifications for office. The second is as a guard against corruption and illicit electoral practices—for example, by requiring candidates to comply with campaign finance regulations. The third is to reduce the field of candidates to a manageable number through a pre-selection process that demands serious intent and some demonstration of political support.

This narrowing-down of the field of candidates is an important element of the electoral process. A very large field of candidates would make the election impracticable. Ballot papers would be too long. Structured debate between the candidates would be impossible to arrange. It would be difficult for any voter to have a view on the full range of candidates presented and so make an informed choice. In any electoral system, even those which guard to some extent against the spoiler effect (see Section 4) a large field of candidates, resulting in a scattering and splintering of the vote, will weaken the legitimacy of the winner. So, there has to be some pre-selection process that rules out joke candidates, fraudulent

candidates and candidates who have so little support that they cannot be regarded as serious contenders.

One way of narrowing down the field of candidates is to require each candidate to be backed by a political party. In Sierra Leone, for example, a presidential candidate ‘must be nominated by a political party’ (Constitution of Sierra Leone, section 42). In Indonesia, the nomination must be backed by a party or coalition of parties with at least 112 seats or 20 per cent of the popular vote in the most recent legislative elections—although this is prescribed by law, not by the constitution itself.

Another common approach is to require a candidate to obtain a certain number of signatures from voters. In Poland, for example, the Constitution (article 127) requires a presidential candidate to be nominated by ‘the signatures of at least 100,000 citizens having the right to vote’. Given the population of 38 million, that means a candidate must be nominated by about 0.0025 per cent of the population. That is a tiny percentage, but gathering 100,000 signatures is no easy task—it requires funding and organization. The Gambia—a much smaller country than Poland—requires nomination by 5,000 voters (also coincidentally about 0.0025 per cent of the population), which must include at least 200 voters in each of the country’s administrative districts (Constitution of The Gambia, section 47).

In some countries, however, these nominating rules are used for authoritarian purposes, to prevent open democratic competition. They are not only designed to exclude frivolous, joke or no-chance candidates, but also to exclude any candidates who might mount a serious challenge to the incumbent president or ruling party. Constitutions that allow the legislature to impose additional requirements by law may be particularly vulnerable to such manipulation—particularly if the president’s party controls the legislature and if the courts lack the strength and neutrality necessary to carry out judicial review of those laws.

Additional qualifications or requirements

Beyond the usual requirements of citizenship and franchise, age and nominations, some constitutions impose additional qualifications or requirements on presidential candidates, such as health, financial and educational or literacy qualifications, religious criteria, or general standards of ‘good character’.

Health requirements

In many countries, a candidate for the presidency must be ‘of sound mind’ (Constitutions of: Ghana, articles 62 and 94; Malawi, section 80; Nigeria, section 137; Uganda, article 102) or must not have ‘a mental or physical disability that would make the person incapable of performing executive functions’ (Constitution of Zambia, article 100).

Financial requirements

Many countries exclude undischarged bankrupts from the presidency. Three examples are Ghana (articles 62 and 94), Nigeria (section 137) and Uganda (article 102).

Literacy and educational requirements

Being president is a very demanding job; no person would reach a comparable level of authority and responsibility in any other sphere without having the required education and qualifications. Some constitutions seek to establish formal educational requirements. In Uganda, for example, presidential candidates must have 'completed a minimal formal education of Advanced Level standard or its equivalent' (article 102). At the very least, a president should be functionally literate, and some constitutions make this requirement explicit. In Sierra Leone, for example, a presidential candidate must be 'able to speak and to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of Parliament' (sections 41 and 75).

Religious requirements

In some Muslim-majority countries, such as Afghanistan (Constitution, article 62) and Tunisia (Constitution, article 74), the president must be a Muslim. Elsewhere, religious leaders may be explicitly forbidden from the presidency. The Constitution of Mexico (article 82) excludes all priests and ministers of religion from the presidency; a similar rule applies in Nicaragua (Constitution, article 147).

Good character and conduct requirements

Many constitutions exclude from the presidency those who have been convicted of a criminal offence. The Constitution of Cyprus (article 40) excludes anyone who has been convicted 'of an offence involving dishonesty or moral turpitude or is not under any disqualification imposed by a competent court for any electoral offence'. Sometimes such prohibitions have time limits associated with them. The Constitution of Malawi (section 80) excludes those who have been convicted of a crime involving dishonesty or moral turpitude, or electoral offences, only if that conviction occurred in a period of seven years before the date of the election. The Constitution of Benin (article 44) goes further, requiring presidential candidates to be 'of good morality and of great honesty'. Unlike requirements not to have been convicted of a criminal offence, 'good morality and great honesty' are subjective. Benin's Constitution does not offer a definition of 'good morality and great honesty', nor set a standard by which they can be assessed; it is not clear whether these standards are supposed to be enforced, and if so how.

Military service

Countries with compulsory military service sometimes exclude from the presidency anyone who, being liable for military service, has evaded or not completed that obligation (e.g. Constitution of Bolivia, article 234). Unless carefully phrased, such requirements may (whether deliberately or inadvertently) discriminate against those candidates who were unfit for service for medical reasons, or who were conscientious objectors.

Conflicts of interest

A president is chosen to serve in a public office for the sake of the public good. They are not supposed to use their office for self-enrichment or the furthering of personal, familial, business or other interests. A clear separation must be made between these private interests and the president's public role.

In some countries, well-established conventions (such as the convention that a president should put his or her personal assets into a blind trust) have traditionally safeguarded the public interest in this regard, although like all conventions this relies on the goodwill of the president to honour it, and may not be an effective remedy against a president who is deliberately seeking to abuse public office for private gain.

Conflicts of interest may also be handled by constitutional provisions, which at least set out certain clear principles. In The Gambia, for example, the Constitution (article 68) states: 'The President shall not undertake any activity inconsistent with his or her official position or expose himself or herself to any situation which carries with it the risk of a conflict developing between his or her official concerns and his or her private interests.' The Constitution of Kenya has a whole chapter (Chapter 6) on the conduct and probity of those in public office, according to which the president, like other public officers, must behave 'in a manner that avoids any conflict between personal interests and public or official duties' and must 'not participate in any other gainful employment' (article 77).

Of course, a constitution alone cannot root out corruption when it is deeply entrenched in society, but provisions such as these can help in two ways. Firstly, they provide 'hard rules' regulating conflicts of interest between public and private life. These can then be made binding and enforceable (especially if paired with a robust Anti-Corruption Commission). Secondly, they provide 'soft rules'; they proclaim, and thereby affirm and reinforce, good norms and high aspirations. In other words, these constitutional rules have both the teeth and the voice that mere conventions lack.

Anti-dynastic provisions

Political dynasties, where particular families tend to hoard and monopolize public office, are found even in functioning democracies where access to office is determined by free and fair elections. One example is the Nehru-Gandhi family in India, which has provided three prime ministers and several more members of Parliament. Similarly, the Bush family in the United States has provided two presidents, the governors of Texas and Florida and a senator from Connecticut.

Yet the idea of a political dynasty sits uncomfortably with democratic principles. The difficulty is not simply that they give some people an unfair advantage in attaining office, because all sorts of other unfair advantages—not least those of wealth, education and connections—may also give people unfair advantages. Rather, the problem is that these dynasties erode the public nature of public office; if persistent, they can enable the state to become entangled with the rise and fall of particular families, and allow family interests, rather than public interests, to dominate politics. Some constitutions therefore seek to limit political dynasties by excluding family members of the president from being eligible for election.

- In Nicaragua, for example, the Constitution (article 147) states that ‘family members within the fourth level of consanguinity or the second level of marital relations’ of the immediately preceding or incumbent president are disqualified from election.
- In Costa Rica, ‘Whoever is by consanguinity or affinity an ancestor, descendant, or sibling’ of the (current or immediately preceding) President is ineligible for election’ (Constitution, article 132).
- The Constitution of the Philippines (section 26) refers to the exclusion of dynasties by law, but no effective law has so far been enacted, and dynasties continue to dominate Filipino politics; fixing this has been a recurrent theme of debates on constitutional reform in the Philippines.

4. How is the president elected?

The electoral system is the mechanism by which votes are cast and then translated into election outcomes. The basic choice in presidential electoral systems is between: (a) plurality systems (known as first-past-the-post), in which the candidate who wins more votes than any other candidate is elected; (b) the majoritarian two-round system, in which a second round of voting (known as a 'run-off election') between the two leading candidates is required if no candidate wins more than 50 per cent of the votes in the first round; (c) the alternative vote (AV) system (also known as 'instant-run-off' or 'ranked preference'), in which voters rank several preferences and votes are transferred to subsequent preferences until a majority winner is found; and (d) modified two-round systems in which a candidate needs more than a plurality in order to win the election outright on the first round, but less than an overall majority.

Note: proportional systems, which are applicable to legislatures and other multi-member bodies, are not applicable to presidential elections because there can only be one winner.

To frame what follows, two general points must be borne in mind. Firstly, whenever there is an election between more than two candidates, there is a risk that the plurality winner (the one with the most votes) will not have a majority (more than half of the votes). The question is what to do in those situations. Should the plurality winner take office regardless, even if they have only a small percentage of the total votes? Or should there be some mechanism, with or without a second round of voting, to ensure that the winner has a sufficiently broad basis of support?

Secondly, the answer to this question has implications for the degree of political diversity in the party system. In general, a system that awards plurality winners will tend towards the formation of two big parties or blocs. This can provide stable and moderate competition, but at the risk of freezing out new or

minor parties and making the political system exclusionary and unresponsive. An electoral system that requires majority support and allows voters to express secondary preferences (by means of a run-off election or otherwise) will tend to open up the political field to more candidates, but may also result in extreme and debilitating fragmentation.

Plurality system ('first-past-the-post')

Principles

The plurality system, colloquially known as 'first-past-the-post', is the simplest form of election system. The candidate with the most votes (known technically as a 'plurality' of the votes) wins the election. There is no need to win an overall majority of the votes, only more votes than any other single candidate.

Distribution

The plurality system is the oldest mechanism for electing a president and was the most commonly used prior to the so-called 'third wave' of democratization and constitutional reforms. Since the 1990s, it has generally fallen out of favour in new constitutions, but continues to be used in many countries (including the Philippines, Tanzania, Mexico and South Korea).

Advantages

The main advantages of the plurality system are its simplicity and cheapness. It is simple for voters to understand: the candidate with the most votes wins. It is simple to cast ballots: there is no need for complicated ranking of preferences. This makes it accessible even in contexts where voter education is limited and literacy rates are low. It produces a winner at the first attempt, saving time, reducing uncertainty during the electoral period, and reducing the costs both of electoral administration and political campaigning.

Disadvantages

The plurality system has a number of flaws. Firstly, it enables a president to be elected with only minority support. In 1992, Fidel Ramos won the Philippine presidency with fewer than 24 per cent of the votes. In 2004, Bingu wa Mutharika was elected President of Malawi with 36 per cent of the national vote. The winner of a plurality election may not be the people's preferred choice against any other individual candidate, if they had been compared head to head. Such lack of broad support may weaken the legitimacy and undermine the effectiveness of the presidency, and perhaps contribute to the destabilization of the political system as a whole. A president elected under such circumstances might also lack a solid base of support in the legislature—either freezing the

political system into a stasis of inactivity, or raising tensions through inter-institutional struggles for power.

Secondly, the plurality rule reinforces two-party politics. Traditionally, this was often seen as an advantage, since it can result in the formation of two large, moderate parties, with an incentive to compete for the centre ground. It also encourages the parties themselves to be broad, ‘big tent’ or ‘catch-all’ movements, because whichever party can bring the biggest single coalition into its fold is likely to win elections. This locking in of two-party dominance can, however, have corrosive long-term effects on the quality of democracy. Because voting for a third-party candidate is only likely to help the voter’s less preferred of the two main candidates into office—the ‘spoiler effect’—any new or minor parties experience high barriers to entry. Since third parties cannot transform themselves from marginal protest movements into parties of government, new pressures and demands must be expressed through one of the two major parties. The major parties have the power to neutralize and to co-opt any new movement. If they collude, they can keep alternatives permanently out of power. This may lead to frustration and cynicism among those who feel that they have no real choice, which may be reflected in decreased election turnouts and a loss of legitimacy for the political system as a whole (McClintock 2018: 102). Higher entry barriers for new or small parties may encourage political groups to seek influence outside the electoral process, including in some cases through political violence that undermines the stability and security of a democratic polity.

Thirdly, in a regionally or ethnically divided society, where voting behaviour is based on regional or ethnic allegiances, plurality voting may enable a candidate from the single largest ethnic group to win the election simply by appealing to their ethnic base, without having to form any sort of coalition or seek broader support. So long as the other ethnic groups do not form an alliance around a common candidate, the presidency will always be won by a candidate of the largest ethnic group—to the detriment of both national development and national unity.

Notes and nuances

The well-recognized tendency of plurality elections to reduce the field of candidates to just two viable contenders is more evident in situations where incumbents can be re-elected. In these circumstances, all those who wish to defeat the incumbent have a strong incentive to unite around one main opposition candidate, to the exclusion of any ‘spoilers’ who, by dividing the opposition, might allow the incumbent to gain re-election. Where an incumbent cannot be re-elected (because of term limits, or in an election following the death, resignation or impeachment of the incumbent), this tendency is less pronounced. When the election takes place without an incumbent candidate, genuinely competitive three-way or even four-way elections may arise.

Majoritarian system ('two-round' system)

Principles

The main alternative to the election of the president by a plurality is election by a majority—i.e. by an 'overall' majority, defined as 50 per cent +1 of the valid votes cast. If no candidate wins 50 per cent +1 of the votes, a second round of voting, or 'run-off election', takes place between the two leading candidates.

Distribution

The majoritarian two-round system is used in France, Nigeria, Brazil, Indonesia, Kenya, Cote d'Ivoire, Senegal, Zambia (since 2016), and many other countries. Indeed, since the global wave of democratization in the 1990s, election by a majority vote through a two-round system has become the 'most common way of directly electing presidents.

Advantages

The majoritarian two-round electoral system has three major advantages over the plurality system, which together are likely to lead to a more inclusive multi-party politics, in comparison with the closed two-party duopoly encouraged by the simple plurality system.

Firstly, it ensures that the winner is supported—either in the first or the second round of voting—by a majority of the voters. This removes the risk of a president being elected by a minority of the votes, with a narrow base of public support and a fragile democratic mandate.

Secondly, the spoiler effect is greatly reduced. This system tends to encourage a wider field of candidates than plurality systems, especially when an incumbent is not running (Jones 2018) and in countries with high levels of social heterogeneity (Golder 2006). 'Barriers to entry' faced by third parties or new political movements are lower, making the system more responsive to changing societal needs.

Thirdly, voters have the opportunities to switch their votes based on an awareness of other people's first-round preferences. This distinguishes the two-round system from the alternative vote (instant run-off) system discussed below. People can vote for their genuinely preferred candidate in the first round and vote against their least favoured candidate in the second round. There is a chance to exercise 'buyer's regret'. For example, if people support a 'protest vote' candidate in the first round to express their frustrations, they can, having made their point known, switch to a different candidate in the second round. Candidates may also use the period between the first and second rounds of voting to build a broader coalition of support. In this way, it is possible for the runner-up in the first round

ultimately to win the election in the second round, as happened in the 2008 presidential elections in Ghana.

Disadvantages

Practically, holding a second round of voting imposes costs and demands on organizational capacity. Organizing a second vote must often be done within a relatively short period of time, usually specified in the constitution. In some cases, electoral cycles may be associated with increased crisis or violence, and a second round of voting may exacerbate security concerns. Indeed, some countries, particularly in Africa, have reverted to the plurality system (e.g. DRC, 2011; The Gambia, 2001; Togo, 2002; Tanzania, 2000) ostensibly on the grounds of reducing the cost and logistical challenge of organizing run-off elections. The logistical capacity of the country, and in particular the ability of its electoral machinery to manage two elections in quick succession, may need to be reinforced if this system is adopted.

Although the spoiler effect is reduced, it may still be present in a crowded field of candidates. This can happen if candidates with little realistic chance of winning decide to enter the race, perhaps to add visibility to their party or to bargain for concessions from front-runners in return for endorsement. In the French presidential election of 2002, smaller left-wing parties acted as ‘spoilers’ for the main centre-left candidate, Lionel Jospin of the Socialist Party; the left was so divided that none of its candidates qualified for the second round, which was then a run-off between the centre right and far right.

Notes and nuances

The question of what constitutes an overall majority in the first round may be answered in different ways. Normally, a majority of the valid votes cast is required. That means blank and spoiled votes are not counted. However, there are exceptions. In Colombia, the overall majority required for victory in the first round is calculated on the basis of the *total* votes cast (including blank and spoiled votes, as well as valid votes). In Romania, it is based on the total number of registered voters (including therefore those who do not vote). Such rules raise the effective majority threshold, increasing the likelihood of a second-round election being necessary in order to produce a winner (Jones 2018: 286).

Alternative vote (also known as ‘instant run-off’ or ‘ranked preference’ voting)

Principles

This electoral system allows voters to rank candidates in order of preference. The candidate who receives the absolute majority of first-preference votes is elected. If no candidate wins an absolute majority, the candidate with the fewest first-

preference votes is eliminated and the votes cast for that candidate are redistributed according to second preferences. This process of elimination and redistribution continues until one candidate emerges with an absolute majority.

Distribution

Only Ireland and Sri Lanka (which has a non-executive president) have adopted this system for election of national presidents.

Advantages

Alternative vote is a majoritarian system. It has many of the same advantages as the majoritarian two-round system. Chiefly, it ensures that the winner is supported by a majority of voters, while removing the spoiler effect and facilitating multi-party competition.

Moreover, alternative vote rewards candidates who can reach out, beyond their demographic base or core supporters, to win the second or third preferences of voters. It enables a runner-up, in terms of first preferences, to ultimately win the election once subsequent preferences are counted. This happened in Ireland in 1990, where Mary Robinson won the election on transfers, despite receiving around 5 per cent fewer first-preference votes than her leading competitor. The need for candidates to consider voters' subsequent preferences is believed to promote moderation, to reduce incentives for negative campaigning, and even to be an instrument of reconciliation in divided societies (Reilly 2002).

Because the alternative vote system records all preferences simultaneously, there is no need for a second round of voting. This means that the cost, complexity and logistical constraints of the two-round system are avoided—not only for election organizers, but also for parties and candidates.

Disadvantages

The alternative vote requires voters to write numbers on the ballot paper, rather than simply put a cross, make a mark, or press a button. It also requires voters to be able to express preferences between several candidates, including relative preferences between minor candidates who may not be well known. That demands a relatively high degree of political awareness. Alternative vote may therefore be unsuitable in contexts with low literacy rates or poor communications. Another difference between alternative vote and the two-round majoritarian system is that the absence of a second round of voting means that there is no opportunity for realignment, coalition-building, or 'buyer's regret' after the first and only vote.

Think point 1

What is the electoral infrastructure like? How practical would it be to hold two rounds of presidential elections in quick succession? Would alternative vote—requiring only one round of voting, but demanding more educated voters—be a better option?

Hybrid (modified run-off) systems

Principles

In an effort to combine the advantages of both plurality and majoritarian systems, a number of countries in Latin America have devised modified versions of the run-off system. Instead of needing an overall majority to win the election on the first round (50 per cent +1), a lower threshold is set. In the simpler form of this system, this threshold is expressed as a percentage of first-round votes (e.g. 40 per cent in Costa Rica). In its more complex form, the percentage of first-round votes and the ‘lead’ (or the percentage-point gap in votes between the plurality winner and the nearest runner-up) are combined. Some complex formulas have been proposed for this purpose (see Shugart and Taagepera 1994; Shugart and Carey 1992: 216–219), but in most cases the required lead is set at either 5 or 10 percentage points.

- In Ecuador and Bolivia, an absolute majority is needed to avoid a run-off, except in cases where a presidential candidate wins at least 40 per cent of the votes, with at least 10 percentage points more than the second-placed candidate.
- In Argentina, a candidate can be elected at the first round, without a run-off, if he or she wins at least 45 per cent of the votes, or at least 40 per cent of the votes with at least a 10 percentage-point lead over the second most popular candidate.
- In Nicaragua, a candidate must win at least 40 per cent to avoid a run-off, or 35 per cent with a lead of at least 5 percentage points over the runner-up.

Distribution

As the above examples show, this system is endemic to Latin America, where it has become increasingly widespread in recent years.

Advantages

These modified run-off systems are an attempt to provide a compromise between the advantages of the two-round majoritarian run-off and the advantages of the simple plurality system. They may still enable the election of a candidate who receives less than half of the total votes cast, but they preclude possibilities of a candidate winning the election with a very small share of the popular vote and/or with a small margin of victory. This ensures that the president has a sufficiently broad basis of support necessary to sustain the legitimacy of the office, while also (a) rewarding pre-electoral coalitions that prevent excessive fragmentation of the party system; and (ii) increasing the chances of a first-round win. In Costa Rica, for example, the 40 per cent threshold resulted in the need for a second round in 2002, 2014 and 2018, but not in 2006 or 2010.

Presidential primaries

A primary election is an election held among the members or supporters of a party to decide who the party's candidate for the presidency should be. Originating in the United States during the early 20th century, primary elections have now spread to several other countries where presidential elections are combined with relatively stable and institutionalized parties. Presidential primaries may be combined with various types of electoral system (plurality, two-round, instant run-off or modified run-off systems).

Two main arguments are made in favour of primaries. Firstly, it is argued that primaries are an inherently democratic process. They ensure that the president is not merely the nominee of party leaders, doing secret deals behind the scenes in proverbial 'smoke-filled rooms' at a party conference or convention, but is instead someone who has had to campaign openly and win the support of a significant number of ordinary party supporters. Secondly, in a country with plurality elections and just two viable major parties, the primaries enable different factions and interests within each party to campaign openly, and allow the people (or at least, those who are supporters of the party) to show their preferences. Primaries might be messy, but at least they get the mess out in the open, allowing greater scope for citizen participation and engagement. The internal diversity and internal democracy of parties compensates, to an extent, for the lack of viable choices outside the two-party duopoly. This mitigates the tendency of two-party systems to exclude newcomers and outsiders: previously unrepresented opinions and interests, which cautious party leaders might otherwise obstruct, can build support in the primaries and nudge the political discourse and policy platforms in their direction.

Primaries are not, however, without problems. Those who vote in primaries are usually the most active and committed supporters of each party, and they also

tend to be more extreme ideologically than most citizens. Primaries encourage potential candidates to appeal to these voters at the extremes and to abandon voters in the middle ground. Over time, this can increase polarization in the political system as a whole, making compromise more difficult, and potentially increasing institutional deadlocks and instability if overall governability suffers in the face of intransigence. Another problem associated with primaries is the cost. Although intended to break the power of party oligarchs in favour of the ordinary voter, primaries have, in some cases, resulted in an increase in the power of rich donors, whether corporate or individual, whose backing candidates need in order to finance the costs of a long primary campaign. Finally, primaries may make it impossible for party leaders to keep dangerous, unsuitable candidates off the ballot. Party leadership is disempowered and internal party discipline weakened. In some cases, parties can be reduced to just hollow vessels into which the personal ambitions of particular candidates are poured. The role of parties as mechanisms for the articulation and aggregation of interests, for the formulation of policies and for enabling responsible government to be extended over time, despite changes of personnel at the top, are undermined.

In countries where primary elections take place, they are normally held under internal rules adopted by each political party, perhaps within a framework established by ordinary law. In those rare cases where the constitution does mention primaries, it is usually just to establish general principles for permissive regulation by law, rather than to set out detailed provisions. For example:

- The Constitution of Nigeria (section 228) states: ‘The National Assembly may by law provide guidelines and rules to ensure internal democracy within political parties, including making laws for the conduct of party primaries, party congresses and party conventions’; it also allows the National Assembly to confer powers on the Electoral Commission ‘to ensure that political parties observe the practices of internal democracy, including the fair and transparent conduct of party primaries, party congresses and party conventions’.
- The Constitution of Ecuador (article 108) states that political parties ‘shall choose their board members and candidates by means of internal electoral processes or primaries’.

It is interesting that these two examples do not make primaries compulsory. Alternatives, such as ‘party congresses and party conventions’ and ‘internal electoral processes’ remain available. There is recent literature on the risks of primaries—their vulnerability to oligarchic capture and their tendency to promote polarization, populism, corruption and irresponsibility (Rosenbluth and

Shapiro 2018)—so keeping options open and not hard-wiring compulsory primaries into the constitution is probably a wise choice in most circumstances.

Think point 2

What characteristics should a president possess? Should a list of desirable characteristics be specified in the constitution as a way of shaping norms and expectations, or be left to the political process? Would the recognition of any such requirement narrow the pool of presidential candidates, thereby potentially undermining the representativeness of the office?

Turnout requirements

Countries may impose minimum turnout requirements for presidential elections. For instance, in Bulgaria, half of the registered voters must participate in the presidential election, otherwise the result is invalid. Similar rules were in effect in Russia before 2006 and in Serbia until 2004.

Such rules can be justified on democratic grounds: what legitimacy does a president have, if elected—even by an overwhelming majority of the votes actually cast—on a very small turnout?

However, a turnout requirement can also have disrupting consequences. It might encourage electoral boycotts or the casting of invalid votes as a ‘protest vote’, which may then lead to the need to hold another election. A party that looks set to lose the election might tell its supporters not to vote, in the hope that low turnout will negate their opponent’s victory. This could create a sense of crisis and illegitimacy, damaging the reputation of the political system as a whole.

If there is a concern about low turnouts, perhaps compulsory voting (as practised, for example, in Argentina, Brazil, Ecuador and Uruguay) may be a less disruptive alternative. Rather than encouraging boycotts, it prompts parties to try to reach out and win the votes of the otherwise disengaged.

5. Timing of presidential elections

First-round presidential elections may be held concurrently with legislative elections or non-concurrently. In semi-presidential democracies, where legislatures may be dissolved before the end of their full term, presidential and legislative elections are generally non-concurrent, while presidential democracies tend to conduct both elections concurrently in accordance with a fixed schedule (although in some cases there may also be ‘mid-term’ elections for part of the legislature) (Jones 2018: 293).

Concurrent elections for the presidency and legislature may be advantageous to the president’s party. This can increase the chances of the president having a supportive majority in the legislature, reducing the risk of executive–legislative gridlock (although potentially with the disadvantage of weakening checks and balances). Presidential elections timed to take place shortly before the parliamentary elections also have similar effect for the winning president’s party (e.g. in France), without allowing the presidential elections to dominate media coverage in a way that overshadows legislative elections.

Nevertheless, in cases where a run-off presidential election is needed, concurrence of legislative and first-round presidential elections may not lead to the dominance of the president’s party in the legislature. In fact, in cases where the runner-up in the first round goes on to win the election in the second round, the president is unlikely to have a supportive legislative majority (see Box 1).

Box 1. Elections in Peru and Guatemala

In the 2016 Peruvian presidential elections, the front-runner won around 40 per cent of the votes, while the runner-up won around 21 per cent of the votes. The party of the front-runner won 73 of the 130 parliamentary seats in the unicameral legislature, while the party of the runner-up only won 18 seats. Nevertheless, in the run-off election, the runner-up won the presidency with 50.1 per cent of the votes. As the new president did not have a supportive legislative contingent, he faced an impeachment in December 2017 and was forced to submit a resignation in March 2018.

Similarly, in 1991, Jorge Serrano won the run-off election in Guatemala after receiving a mere 24 per cent of votes in the first round. His party won fewer than 20 per cent of the seats in Parliament. A few years into his presidency, Serrano sparked a political and constitutional crisis after attempting a self-coup by suspending the Constitution, Parliament and the Supreme Court. Under pressure from the military, which enforced decisions of the courts, Serrano resigned and fled the country.

Where legislative elections occur with considerable delay after presidential elections, the ‘pull effect’ of the outcome of the presidential election is likely to have faded. In fact, the party of the president may fare less well in mid-term elections (McClintock 2018: 108).

In cases where presidential and parliamentary electoral terms are different, holding legislative elections before presidential elections could allow voters to focus on the former without the domineering influence of presidential candidates. It also increases the chances that the president’s party may not win a legislative majority, enhancing the chances of executive–legislative gridlock.

Executive–legislative fragmentation may not always be a result of the sequencing of elections. The electoral system used for elections to the legislature is another critical factor. In general, proportional electoral systems tend to create more fragmented legislatures, and therefore are likely to deny the party of the president a legislative majority. The timing of presidential elections will therefore be particularly important in countries with a proportional electoral system for the legislature.

6. Alternatives to direct popular election

Election by an electoral college

The United States, although the original and perhaps the archetypical example of a presidential system, differs from most presidential democracies in that the president is indirectly elected through an electoral college. The people do not vote directly for the president; they vote for ‘electors’ at state level, who then meet in their respective state capitols to cast their votes for the president. The winner is decided by a majority of the electoral college votes, not a majority of the popular vote.

Although the electoral college was originally conceived as an anti-populist institution (which would ‘filter’ popular votes through a body of elected notables active in state-level politics), that idea has been undermined by the rise of organized parties and of ‘pledged’ electors, who merely record and transmit the people’s votes without exercising any independent judgement. Today, those who seek to justify the electoral college do so on grounds of regional inclusion. The number of electors for each state is equal to the number of senators and representatives for that state in the US Congress. Because each state, regardless of its population, elects two senators, this arrangement over-represents the least populated states. Most states award their whole bloc of electoral votes to the candidate who has won a plurality of the popular votes cast in that state. This can sometimes result in the candidate who came second in the popular vote winning the election on electoral college votes (as in 2016).

An electoral college was also formerly used for the election of the President of Finland. However, the Finnish electoral college consisted of delegates who would meet, deliberate and vote. If no candidate’s delegates won an overall majority, the

members of the electoral college could exercise independent judgement and choose the winner after negotiation.

Assembly-independent systems

An ‘assembly-independent’ system is one in which an executive president is elected for a fixed term by the legislature (Shugart and Carey 1992: 78–85). This is very rare in consolidated democracies, since it involves placing executive power in the hands of an individual who is neither popularly elected nor directly responsible (as a prime minister in a parliamentary system would be) to the people’s representatives. It has, however, been used in some transitional contexts (e.g. El Salvador 1982–84). It is currently used in Myanmar.

Legislative run-off

Some countries have experimented with allowing the legislature to choose the president, by means of a run-off election held between the leading candidates, if no candidate receives an absolute majority of the votes in the popular election. This rule was used in Bolivia before 2009, and in Chile between 1925 and 1973. The advantage is that it saves the expense and potential polarization of a second round of popular voting, while in principle reducing the chances of ‘divided government’ (where the president is not backed by a legislative majority).

However, similar rules adopted in Bolivia and Chile had different effects (Shugart and Carey 1992: 86–87). In Chile, there was a strong convention for the legislature to ratify the people’s plurality choice. In effect, the electoral rule was a plurality one, and legislative run-off did nothing to promote inclusion. In Bolivia, the result was very different. The legislature became ‘king-maker’, fundamentally changing the nature of the political system and the character of executive–legislative relations. The presidential candidate who could build the biggest coalition of support in the legislature, not the one who topped the presidential poll, would ultimately be elected. Bolivian presidents under this rule were bound to work closely with the legislature.

Combined executive–legislative elections

Another unusual feature of the Bolivian system before 2009 was the linking of presidential and legislative elections on a combined ‘ticket’. This effectively made ‘split ticket voting’ (choosing the presidential candidate of one party and the candidates of a different party for the legislature) impossible. Such systems are rare. The only current example is Angola (since 2010). The legislature is elected by proportional representation based on party lists. Each party puts its presidential nominee at the top of its list. The party that receives a plurality of the

votes provides the president, with its nominee automatically being elected to the presidency. The combination of proportional election for the legislature and plurality voting for the president theoretically could allow the selection of a president who enjoys only a slim plurality of support in a fragmented multi-party legislature. However, because the plurality winning party provides the president, there is a strong electoral incentive for similar small parties to combine into one list, with one presidential candidate, to offer the best chances for their candidate to be elected.

A similar arrangement is used in Botswana. Each parliamentary candidate indicates which presidential candidate he or she supports. If there is a parliamentary majority in favour of one presidential candidate, then that presidential candidate becomes president. However, unlike in Angola, this system is more parliamentary than presidential, because Parliament can pass a vote of no confidence in the president, which triggers a dissolution of Parliament and therefore new elections for Parliament and the presidency.

Think point 3

1. What are the relative merits of: (a) encouraging close cooperation between branches of government and reducing the risk of divided government; and (b) ensuring proper checks and balances and a separation of the powers?
2. What would be the effects, in terms of the president's democratic legitimacy, party discipline and the conduct of election campaigns of: (a) allowing the legislature to choose the president in case of a run-off; or (b) tying legislative and presidential elections together on a common ticket?

7. Special provisions for divided societies

Only one person can be president. No president can ever adequately represent all the diverse interests in a pluralistic society. As an individual, the president can only be of one party, one ethnicity, one religion and one gender, from one region, and committed to one programme. Nevertheless, it is possible to design presidential election rules in ways that encourage candidates to appeal to voters across these divisions.

Supermajority rules

Sierra Leone has an unusual variation on the two-round system. Instead of it being necessary to win an absolute majority of the votes on the first ballot, a supermajority of 55 per cent is needed (Constitution of Sierra Leone, section 42). This is presumably intended to encourage the formation of broad, inclusive pre-electoral coalitions. In practice, the higher threshold merely increases the chances of a run-off election. Sierra Leone has had run-off elections in four of the five presidential elections since the restoration of democracy in 1991 (the exception being 2002, when the incumbent president won with 70 per cent of the votes in the first round). It is very unlikely, in any case, that a candidate who has won between 50 and 55 per cent of the votes in the first round would lose a run-off election, so the rule is effectively redundant.

Double-majority rules (geographical distribution of votes)

Nigeria uses a double-majority rule, according to which a candidate must, in order to be elected as president, win both a plurality of the votes nationwide and at least 25 per cent of the votes in at least two-thirds of the 36 federal states (Constitution of Nigeria, section 134). If no candidate achieves this double

majority, a run-off election is held between the candidate with the highest number of votes nationwide and the candidate who won a majority in the highest number of states. This latter candidate may not necessarily be the second most popular candidate nationwide, but rather the candidate who has the most geographically spread appeal. The same double-majority rule applies even at the run-off election. There is therefore a possibility of a third round of voting. At that stage, whoever wins the national majority will be elected, regardless of the geographical distribution of the votes.

In Indonesia, a candidate wins the presidency if he or she wins an absolute majority nationwide and at least 20 per cent of the votes in at least half of the provinces (Constitution of Indonesia, article 6A). The geographical distribution rule only applies in the first round of elections. If a second round is needed, the candidate with the higher number of nationwide votes wins.

Kenya adopted similar rules in 2010. A candidate must win an absolute majority nationwide and at least 25 per cent of the votes in at least half of the counties (Constitution of Kenya, section 138). Again, the geographical distribution rule does not apply in case of a run-off election

Disregarding the geographical distribution requirement in the final run-off election (third round in Nigeria, second round in Indonesia and Kenya) is a pragmatic solution to ensure that there is an eventual winner. Nevertheless, a person who has won a nationwide majority of the votes in the first round, but has not satisfied the double-majority requirement, is unlikely to lose a run-off election. This may weaken the effect of the double-majority rule, merely making additional rounds of voting more likely. Nevertheless, the requirement to achieve a geographical spread of support may encourage the formation of pre-election coalitions, leading to the emergence of two strong candidates who both compete for support outside of their own core constituencies.

Alternating presidencies

One rare solution may be for the presidency to alternate between major cultural, regional or demographic groups. This ensures that, over time, the interests of different groups are represented, and that no group is permanently excluded from access to power, status and patronage. In Nigeria, for example, the main division in the country is between the (majority Muslim) north and the (majority Christian) south. In addition to the double-majority electoral rules described above, there was also (from the restoration of democracy in 1999) an informal convention that the presidency should alternate between a president from the north and a president from the south. Conventions, however, are neither written down nor enforceable—they are effective only so long as the political leaders choose to honour them.

In Colombia, between 1958 and 1974, there was an agreed alternation in power between the rival Liberal and Conservative parties. This was designed to stabilize the political system and return it to civilian rule after a period of military intervention. Known as the *Frente Nacional* (National Front), this agreement to alternate in power was placed on a formal, institutionalized basis, and endorsed by a referendum.

Singapore provides a rare example of alternating ethnic representation being incorporated into the Constitution. The rules are complicated (see Constitution of Singapore, article 19B), but the essence is that each of the recognized ethnic groups (Malay, Chinese, and ‘Indian and Other minority’) should have the right to the presidency once in every five terms, and if five terms have elapsed without a candidate from that group being elected, then at the next election the right to be a candidate is reserved only to members of that group. If for example an ethnic Malay were to hold the presidency for five terms in succession, at the next election Malay candidates would be excluded, and only Chinese or Indian and other minority candidates would be eligible. This arrangement does not ensure that each individual president is representative of the whole society, but it does ensure that the presidency, as an institution, is representative of the different ethnic groups over a person’s lifetime. No group is permanently excluded

The representative role of vice-presidents

Another way of improving the representation of minorities in a diverse society is to elect a vice-president alongside the president on a ‘joint ticket’. Because this joint ticket must be voted upon by the entire electorate, there may be an incentive for candidates to present a ‘balanced ticket’—including not only ethnic, linguistic or religious balance, but also perhaps gender balance and ideological balance. In the United States, for example, it is usual for presidential candidates to pick vice-presidential running mates who come from a different demographic base to themselves in order to broaden support.

In some countries (e.g. Afghanistan, Burundi, Costa Rica), two vice-presidents are elected, offering an additional opportunity for inclusion. However, while the election of vice-presidents may offer symbolic or representative inclusion, it rarely contributes to genuine power-sharing. This is because, although in some countries the vice-president may preside over the Senate, or perhaps be a member of the Cabinet, the general rule is for vice-presidents to have limited powers and to be clearly subordinate to the president.

Multi-member presidencies

The Constitution of Bosnia and Herzegovina tries to achieve power-sharing in a divided society by creating a three-person co-presidency, with one member of the

presidency being directly elected from each of the three constituent elements of the federation: the Serbs, Croats and Bosniaks. This secures balanced representation of these main groups, but necessarily excludes other, politically unrecognized, minorities. Moreover, as with all forms of constitutionally prescribed power-sharing, such arrangements may have the effect of freezing ethnic relations, especially as candidates for each 'seat' in the collective presidency only have to appeal to their own ethnic group.

Think point 4

Is the country in question (that is, the country where constitutional change is being considered) 'divided society' that requires inclusion and representation of diverse groups in high executive office? If so, what constitutional measures would be appropriate to require or encourage such inclusion and representation? Would there be disadvantages, in terms of entrenching divisions or weakening democratic responsibility for the delivery of national policy? Should other (parliamentary) systems of government be considered?

8. Decision-making questions

1. What is the role of the president in the political system? Is the president primarily supposed to be the head of a party, pursuing a programme of government? Or a national leader who guarantees the long-term interests of the state and stands above day-to-day politics? How does that relate to: (a) who can be president; and (b) what electoral system is used for presidential elections?
2. What is the ‘direction of travel’ in terms of constitutional reform? Is the intention to strengthen the presidency? Or is the intention to reduce presidential power in a country where the previous presidents have been authoritarian? What implications does this have for the design of the electoral system?
3. Should the presidential election rules reflect that existing party system, or seek to change it into a different one? What electoral system is used for the legislature, and what effect will this have on the number, size and mutual relations of the political parties? How do legislative election rules relate to the patterns of party competition likely to be found in presidential elections?
4. How have executive–legislative relations worked in the recent past? Do people tend to vote for presidential and legislative candidates from the same party, or split their votes? Is there a culture of working together, or of executive or legislative dominance? Should the constitution try to improve harmonious relations between the executive and the legislature, or to maintain a critical balance between these two branches—that is, to facilitate and empower, or to divide and constrain, government?

5. How diverse is the country? Do candidates and political parties have a tendency to seek the vote of people along specific ethnic, linguistic, religious or regional lines? What measures (double-majority rules, alternating presidencies, additional vice-presidencies etc) could be taken to make the presidency more inclusive? What negative effects would these measures have on efficiency, good governance and accountability? Would recognizing this diversity in the presidential election rules heal or worsen the divisions in society?
6. Does the country have the capacity and resources to conduct several elections within a short period of time? Are elections generally associated with a level of insecurity and violence? Do voters have the literacy and capacity to deal with a ranked-preferential (instant run-off) voting system? Could these difficulties be overcome—for example, through better electoral management and administration, better security arrangements, and better voter education?
7. What should the role of parties be? Is there a need for more openness (in terms of an outsider being nominated as a candidate, primary elections etc)? Or a need for stronger, more coherent and responsible parties?
8. How can the privatization or personalization of public power be prevented? What measures—such as term limits and/or restrictions on political dynasties might be required?

9. Examples

Country	Eligibility requirements	Election rule	Geographical distribution requirement	Vice-president
Argentina (presidential system)	Candidates must be born in Argentine territory or be born from native Argentinians, should have attained the age of 30 years, and must enjoy an annual income of 2,000 pesos or its equivalent.	<p>Modified run-off.</p> <p>To avoid a second round, a candidate must win more than 45% of the validly cast affirmative votes.</p> <p>There is also no second round if a candidate obtains at least 40% of the validly cast affirmative votes and, in addition, there also exists a difference greater than 10 percentage points over the second most popular candidate.</p>	None.	Elected on a joint ticket with the president.

9. Examples

Country	Eligibility requirements	Election rule	Geographical distribution requirement	Vice-president
Indonesia (presidential system)	<p>A candidate shall be an Indonesian citizen since birth, shall never have acquired another citizenship by his/her own will, shall never have committed an act of treason, and shall be mentally and physically capable.</p> <p>Candidates shall be proposed prior to the holding of general elections by political parties or coalitions of political parties which are participants in the general elections.</p> <p>Under a supplementary law, only a party or coalition of parties with at least 112 seats or 20% of the popular vote in the most recent legislative elections can propose candidates.</p>	Run-off, if no candidate wins an absolute majority in the first round.	A candidate must win at least 20% of the votes in more than half of the total number of provinces in Indonesia.	Elected on a joint ticket with the president.

Country	Eligibility requirements	Election rule	Geographical distribution requirement	Vice-president
<p>Nigeria (presidential system)</p>	<p>Candidates must be citizens by birth; have attained the age of 35 years; be members of and sponsored by a political party; and be educated up to at least school certificate level or its equivalent.</p> <p>Candidates must not be under sentence of death or imprisonment or fine for any offence involving dishonesty or fraud (by whatever name called) or for any other offence; or to have been convicted of dishonesty or violation of the code of conduct within 10 years of the candidacy; or be an undischarged bankrupt or be a member of a secret society.</p>	<p>If there are only two candidates in an election, the winner must obtain 50% +1 majority.</p> <p>If there are more than two candidates, a simple majority is enough.</p>	<p>A candidate must win not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the states in the federation and the Federal Capital Territory.</p> <p>In cases where there are more than two candidates and no candidate fulfils the geographical distribution requirement, a run-off is held between the candidate with the largest number of votes, and the candidate who wins a majority in the most states (who may not necessarily be the second most popular candidate in the first round).</p> <p>If no candidate achieves the geographical distribution requirement in the run-off, a third round is held, in which case the geographical distribution requirement does not apply.</p>	<p>Vice-president, who must be from the same party as the president, is elected on a joint ticket.</p>

9. Examples

Country	Eligibility requirements	Election rule	Geographical distribution requirement	Vice-president
Romania (semi-presidential system)	<p>Candidates should be Romanian citizens domiciling in Romania.</p> <p>They must be 35 years old.</p> <p>They must be eligible to become members of a political party.</p> <p>During his/her term, the President of Romania may not be a member of a party.</p>	Run-off, if no candidate wins an absolute majority in the first round.	None.	No vice-president, but there is a prime minister designated by the president and appointed with the confidence of Parliament.
Tunisia (semi-presidential system)	<p>Candidates must have Tunisian nationality since birth, be Muslims, and be 35 years old on the day of submission of the candidacy.</p> <p>If the candidate has a nationality other than the Tunisian nationality, he or she must submit an application committing to abandon the other nationality if elected president.</p> <p>Under the election law, a presidential candidate must be supported by 10 Members of Parliament, 40 chairpersons of elected councils, or 10,000 registered voters distributed over at least 10 constituencies with a minimum of 500 voters per constituency.</p>	Run-off between the two top candidates if no candidate wins an absolute majority in the first round.	None.	No vice-president, but there is a prime minister selected by the party or coalition of parties with the highest number of seats or votes, and formally appointed by the president.

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Annex

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ISBN: 978-91-7671-266-5 (Print)
ISBN: 978-91-7671-267-2 (PDF)