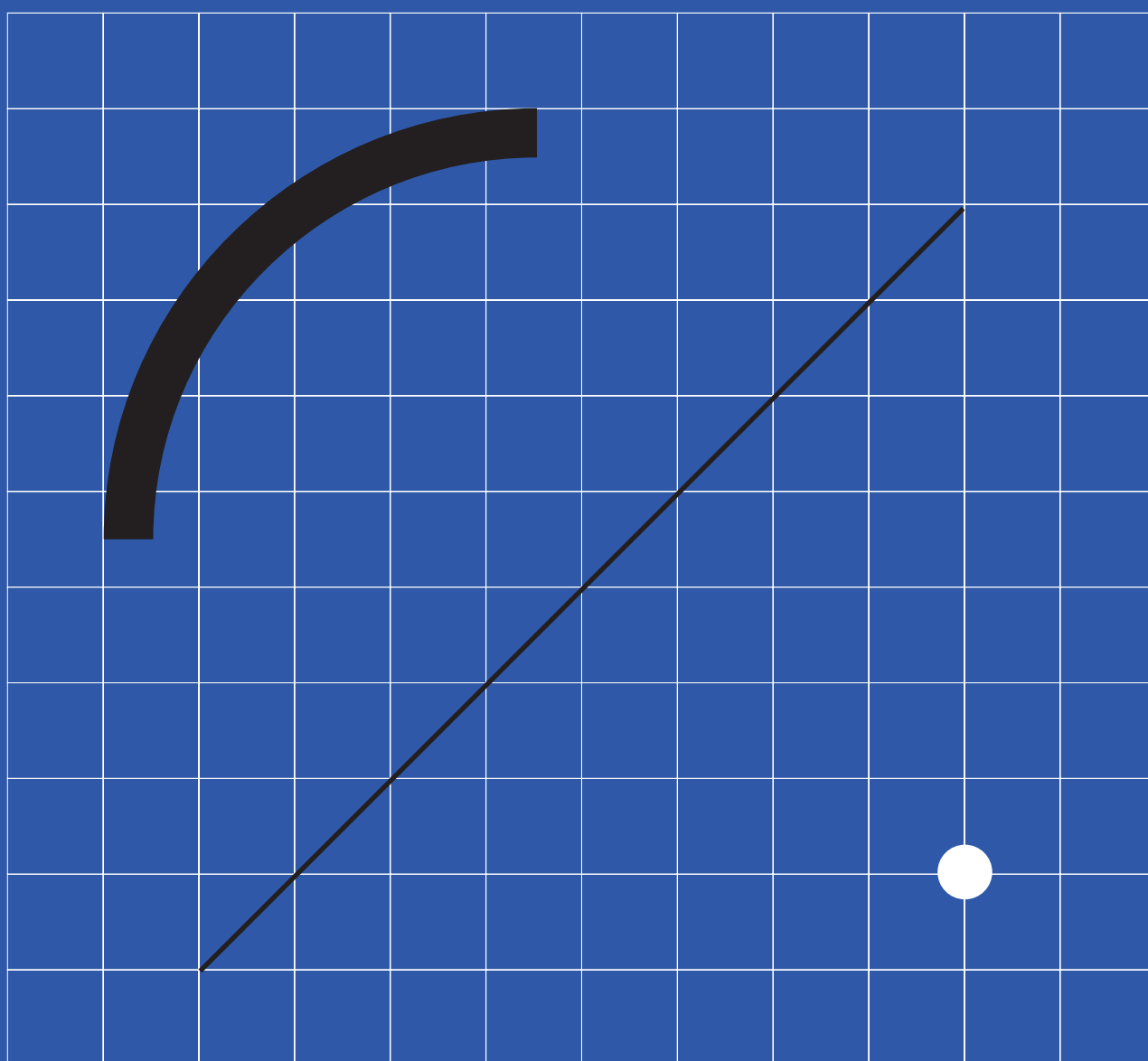


Voting Methods in Regional French Elections: a Democratic Device that has Become Dangerous

POLICY PAPER - JUNE 2021



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RECOMMENDED CITATION

FRANÇOIS HUBLET, VOTING METHODS IN REGIONAL FRENCH
ELECTIONS: A DEMOCRATIC DEVICE THAT HAS BECOME
DANGEROUS, GROUPE D'ÉTUDES GÉOPOLITIQUES, POLICY
PAPER, JUNE 2021.

Voting Methods in Regional French Elections: a Democratic Device that has Become Dangerous

FRANÇOIS HUBLET • EDITOR-IN-CHIEF, BLUE (BULLETIN DES ÉLECTIONS DE L'UNION EUROPÉENNE)

TWO ROUND MAJORITY BONUS ELECTIONS — A FRENCH EXCEPTION?

The “mixed” electoral system used for regional French elections is an exception within Europe. In the vast majority of European Union member states – such as Germany, Belgium, Spain, Italy, and the Netherlands – a single round proportional election is used for electing regional assemblies. Only Greece shares the French system of using a two round, majority bonus system.

Since their creation in 1986, France’s regional councils were first elected according to a proportional system (used three times between 1986 and 1998) and then, since 2003, through a mixed system which combines proportional distribution and majority bonus in a two-round ballot. This “tailor-made” election method, which is different than what is used for the National Assembly and departmental councils (two-round binominal system), as well as the European Parliament (single-round proportional election) is similar to that which is used by town councils of cities over 1,000 inhabitants where the majority bonus is greater (50%).

The principle of this system is as follows: During the first round of the election, voters will vote for a single list, presented by a single party or, frequently, a coalition of several parties based on a pre-election agreement. Unless a list wins more than 50% of votes – which was not the case in any region in 2015, and only one in 2010 (Guadeloupe) – no seats will be awarded at this stage. During the second round, only lists that won at least 10% of votes cast in the first round (7% in Corsica) can continue; lists earning at least 5% of votes are allowed to combine with one of the lists admitted to the second round. At the end of this second round, seats are distributed in the following way: the list with the most votes receives a majority bonus corresponding to 25% of seats (18% in Corsica, 20% in Martinique and French Guiana), and the remaining 75% of seats are proportionally divided among the parties that made it to the second round.

For the seats which are proportionally distributed, the “highest averages” rule (the D’Hondt method) is used. Finally, elected councilors are chosen in different departmental sections proportional to how their lists scored in the different departments¹.

ORIGINS IN THE 1998 CRISIS

This particular electoral system was created in the early 2000s in response to a situation of general institutional deadlock following a decade of progressively eroding bipartisanship.

On March 16, 1986, the assemblies of the newly created French regions were elected through a single-round proportional election, with a threshold of 5%. On the same day, legislative elections took place which, in keeping with President François Mitterrand’s agenda, also followed the proportional system. These initial regional elections gave a majority of seats to the center-right bloc (Rassemblement Pour la République or RPR, Union pour la Démocratie Française or UDF and allies) in two regions. In the nine other regions, except for Corsica, the strong showing of the National Front (le Front National or FN) – which won 9.78% of votes nationwide – and occasionally of the far-left, deprived both camps of an absolute majority. In the following election of 1992, the FN won 13.72% of votes and the only seven regions, down from twelve, have a majority. Six years later, in 1998, the FN won even more votes, reaching 14.94%. From that point forward, except for the Limousin region which was carried by the left and the Pays-de-la-Loire and Basse-Normandie regions dominated by the center-right, no region in mainland France gave the absolute majority to

1 — [Loi n° 2003-327 du 11 avril 2003 relative à l'élection des conseillers régionaux et des représentants au Parlement européen ainsi qu'à l'aide publique aux partis politiques](#), JORF n°87 from 12 April 2003.

a single camp. The composition of the Haute-Normandie regional council between 1998 and 2004, in which the balance of power between the different blocs are similar to the national average, illustrates this impasse. The left-wing bloc (25 seats in total) and the right-wing bloc (20 seats in total) both fail to meet the majority of 28 seats due to the presence of 10 FN deputies, which neither the right nor the left can ally themselves with.

Such situations are frequent in the rest of Europe, especially in Germany and Austria where they often result in highly contractualized grand coalition models² between the main center-left (social democrats) and center-right (conservatives) parties. However, in the France of 1998, where the left-right divide was still very pronounced, this solution did not satisfy representatives of the main political parties. Given these circumstances, the election of the presidents of the general councils – who hold the bulk of regional executive power – stirred up controversy³. In Languedoc-Rousillon, Rhone-Alpes, Picardie, and Franche-Comté, the outgoing UDF were re-elected with FN votes: the first three accepted this nomination and were expelled from their party, while the fourth resigned his mandate. In three other regions (Centre, Haute-Normandie, Midi-Pyrénées), the center-right incumbents left the regional presidencies to the PS (le Parti Socialist) in order to avoid such a scenario. In many assemblies, the vote for regional budgets was blocked which prompted the government to introduce an emergency law⁴ allowing the adoption – without a vote – of a budget presented by the president of the regional council in the absence of a stable majority.

Proposed in 1999 by the government of Lionel Jospin (PS), election reform⁵ had two interrelated goals: 1) offer a quasi-guarantee that a stable regional leadership could be formed through the bonus of 25% of seats; 33% of second-round votes being sufficient for the first-place list to obtain 50% of seats and 2) maintain the “cordon sanitaire” which kept the FN away from executive responsibilities by avoiding the need for left-right agreements.

While it is a bit vague on the second goal, the bill was clear on the first: “it has been observed, since the first election of regional councilors by direct universal suffrage, and even more so after the regional elections of March 15, 1998, that the majorities achieved by this voting system are very narrow, fragmented and often unpredictable, circumstances that are ultimately detrimental to the assertion of the regional character of our country.”⁶ The bill proposed incorporating the voting system for municipal elections and the Corsican Assembly, combining proportional and majority approaches, into the regional framework, with certain modifications.

JUSTIFICATION FOR REFORM — FOUR CONDITIONS

At least four elements contributed to justifying this reform: a) a pronounced left-right division; b) the FN’s inability to win in the second round; c) the certainty that at least one list would win 33% of votes in the second round; d) the fear of instability which has characterized France’s political system since 1958.

Each of these four elements contribute in a crucial way to the relevance of the adopted measures:

- a. Without such a strong two-party system, executive alliances probably could have been formed between center-left and center-right parties in regions with no natural majority. Such a culture of coalitions, which is very noticeable in Germany, Austria, and the Netherlands for example, is not found in modern France. The long-standing attitude of mutual rejection practiced by French socialists and conservatives, either of whom were sure to win the majority of power in the second round of each national election, contributed to this situation lasting until 2015.
- b. If the FN had been in a position to win the second round in certain regions in 1998, the proposed

2 — HUBLET François and SCHLEYER Johanna, Lère des Très Grandes Coalitions et l’Allemagne ingouvernable, Le Grand Continent, 20 April 2019.

3 — DOWN William M., The front national as kingmaker... again: France’s regional elections of 15 March 1998, Regional and Federal Studies, Vol. 8, No. 3, 1998, p. 125-33.

4 — Loi n°98-135 du 7 mars 1998 relative au fonctionnement des conseils régionaux, JORF n°57 from 8 March 1998.

5 — Loi n°99-36 du 19 janvier 1999 relative au mode d’élection des conseillers régionaux et des conseillers à l’Assemblée de Corse et au fonctionnement des conseils régionaux, JORF n°16 from 20 January 1999.

6 — Projet de loi relatif au mode d’élection des conseillers régionaux et des conseillers à l’Assemblée de Corse et au fonctionnement des conseils régionaux, n°975, 10 June 1998.

reform would have been counterproductive: in fact, by giving a 25% majority bonus to the list that came in first, the new election method makes it easier for a strong FN to obtain an absolute majority. It would only need 33% of votes in the second round whereas more than 50% would be required in a proportional system. Yet at the beginning of the 2000s, no region saw such a situation. Even in Provence-Alpes-Côte d'Azur where it had won 30.08% of votes, the FN was almost 10 points behind the left-wing union, which garnered 39.84% of votes.

- c. The reform is also ineffective when no list wins 33% of votes in the second round. In that case, the majority bonus of a quarter of the seats is no longer sufficient, and the elected assembly may lack a stable majority. This scenario was highly unlikely in 1999 when the system of French parties was centered around only three blocs (center-left, center-right, FN). The 25% threshold was therefore not chosen at random – this is the exact threshold necessary to guarantee a majority in the second round in a three-party system. In fact, between 2004 and 2015, the only cases of second rounds that included more than three lists were in Corsica (seven lists in 2004, four in 2010 and 2015) and Guadeloupe (four in 2010), which have their own specific party systems.
- d. The preference for stability at the expense of representativeness shown by the main French political forces of the 5th Republic played a major role in implementing this new voting system. A clear example of this stance can be found in the legislative report issued by the Senate in 2003 concerning a bill which would reform the way in which regional councilors were elected: “The growing abstention rate (22.1 per cent in 1986, 31.3 per cent in 1992 and 41.9 per cent in 1998) most certainly reflects the public’s general frustration and its rejection of the incessant negotiations that a lack of a clear majority requires.” In the absence of serious studies on this subject, it is difficult to know if this is a cultural prejudice specific to the French political environment, an ideological posture aimed at discrediting the proportional representation system, or a true cultural reality. But it is clear that without this prejudice, other solutions could have been found. For example, it is possible to work with a minority government. This is in no way

unusual: it is estimated that in the post-war period, around a third of governments in industrialized nations have not had a parliamentary majority.⁷ On an institutional level, the law can provide for the dissolution of the assembly in the event that a majority is unable to be reached within a reasonable time, as is the case in Lower Saxony⁸, for example. Another, more radical, solution is to distribute executive positions in proportion to the votes received by the different lists. This is the «consociational» system used in Switzerland and Upper Austria.⁹

2015-2021: OUTDATED CONDITIONS

At least three of these four conditions, which were present at the beginning of the 2000s, are no longer applicable twenty years later. As a result of the political reorganization of the French party system, the «democratic device» of the two-round majority-rule voting system now needs to be questioned.

The risk of far-right leadership

The 2015 regional elections saw the FN earn 27.7% of votes in the first round and 27.1% in the second round. Anchoring itself in all regions of mainland France, the far-right party finished at the top in the first round of voting in Alsace-Champagne-Ardenne-Lorraine (36.08%), in Bourgogne-Franche-Comté (31.48%), in Centre-Val de Loire (30.49%), in Languedoc-Roussillon-Midi-Pyrénées (31.8%), in Nord-Pas-de-Calais-Picardie (40.64%), and in Provence-Alpes-Côte d'Azur (40.55%).

In Alsace-Champagne-Ardenne-Lorraine, Philippe Richert’s list (LR, les Républicains) benefited from a “tactical vote”, largely prevailing in the second round. In Bourgogne-Franche-Comté and Centre-Val de Loire, the center-left lists beat the FN list by two and five points respectively in a tight second round, narrowly avoiding a takeover of the regional councils by the far-right. Finally, in Nord-Pas-de-Calais-Picardie and Provence-Alpes-Côte d'Azur, where the FN’s showing was the highest, the far-right lists were only defeated in the second round at the cost of an unprecedented “democratic sacrifice”: between the two rounds, the center-left lists withdrew

7 — CHEIBUB José Antonio. Minority governments, deadlock situations, and the survival of presidential democracies, *Comparative political studies* 35.3, 2002, pp. 284-312.

8 — *Niedersächsische Verfassung*, art. 30.

9 — HUBLET François, *Mario Draghi e la sfida della concordanza*, *Il Grand Continent*, 1 March 2021.

to give the center-right lists an advantage. This move allowed the outgoing LR party to win the majority of seats but prevented the PS and its allies any representation.

The latest polls published in anticipation of the June 2021¹⁰ elections give the RN (le Rassemblement National or National Rally, formerly the National Front or FN) 25% of votes nationwide, which is 5 points less than its showing in 2015. The RN has a good chance of winning in at least three regions. In Hauts-de-France, the list of Sébastien Chenu (RN) was tied with that of Xavier Bertrand (LR) in the second round in a recent study¹¹. In Normandy, the list led by Nicolas Bay (RN) would obtain 3 points less than that of Hervé Morin (LR).¹² In Centre-Val de Loire, Aleksandar Nikolic's (RN) candidate would be on a par with the centre-left candidate in a four-party second round.¹³ In Bourgogne-Franche-Comté, Julien Odoul (RN) could also win in such a scenario.¹⁴ In Provence-Alpes-Côte d'Azur, the list of Thierry Mariani (RN) is given the lead in the first and second round in all scenarios, receiving up to 51% of the vote.¹⁵ Such a situation will once again require the center-left lists to withdraw in order to ensure that the RN take a minority position, recreating the problem of 2015. The scenario of regional leadership shifting to the far-right now has to be seriously considered.

The 2015 election therefore saw condition b) outlined above, concerning the FN's inability to win in the second round, become less relevant. This trend should be confirmed in 2021.

Polarized three-way partisanship

Since 2017, the French political party system has undergone significant changes. The center-left (ecologists aside) has become greatly divided. With La République en Marche (LREM), a party with a social-liberal leaning has emerged at the center of the political landscape. Les Verts (the Green Party) have gained influence, broken

away from the PS and partly reoriented themselves. La France Insoumise (FI) has asserted itself as the main actor of the radical left. Finally, the LR, torn between its Christian-democratic and national-conservative factions, is now at a crossroads.

In this context, condition a) regarding the strict left-right division, is no longer met. The dissolution of the old dichotomy, the strengthening of Les Verts, and the emergence of a centrist force of between 15% and 25% in recent polls is reshuffling the cards: in a scenario where no list wins an absolute majority of seats, new forms of centrist agreements between the PS, LR-UDI, LREM-MoDem, and ecologists are now conceivable. The LREM and MoDem (Mouvement Démocratique or Democratic Movement) lists, capable of forming special alliances with each of the two blocs, can take part in a range of majorities. Should a return to a proportional system be considered, the difficulties of forming alliances will certainly be less than they were when an exacerbated left-right divide prevailed.

The guarantee of an absolute majority following the second round

At the same time, with the emergence of a centrist bloc independent of the traditional center-left and center-right ones, along with the increasing tensions within each of these political forces, the number of second rounds where four, or perhaps even five, parties will compete is likely to significantly increase. The RégioTrack survey conducted by OpinionWay in April 2021 suggests that, barring alliances, it is likely that four lists will be in the running in the second round in June 2021 in each of mainland France's regions excluding Corsica, with the exception of the Hauts-de-France.¹⁶ In each case, the four parties or groups concerned are all the same: center-left and Les Verts, LR and its allies, LREM-MoDem and RN. It is likely that in some of these second rounds, that no party attains 33% of votes, which

10 — See the notices published on the site [Commission des sondages](#).

11 — See the notices published on the website of the [Commission des sondages](#).

12 — Ipsos, [Les élections régionales en Normandie](#), Technical notice, 9 June 2021.

13 — Ipsos, [Les élections régionales en Centre-Val de Loire](#), Technical notice, 9 June 2021.

14 — Ipsos, [Les élections régionales en Bourgogne-Franche-Comté](#), Technical notice, 9 June 2021.

15 — Ipsos, [Les élections régionales en Provence-Alpes-Côte d'Azur](#), Technical notice, 9 June 2021.

16 — OpinionWay, [RégioTrack vague 5](#), May 2021.

is the threshold needed to secure an absolute majority of seats. According to the latest polls, this situation could arise in Normandy, Pays de la Loire, Grand Est and Bourgogne-Franche-Comté, where the leading lists in the second round only obtain 32% of the vote. In two other regions (Centre-Val de Loire, Nouvelle Aquitaine), the score of the leading list varies between 34 and 36%, which also makes such a scenario possible.

In order to understand the emerging patterns of this four-party second round, we can take into consideration the election results in Normandie as projected by the most recent polls. Consider, for example, the OpinionWay poll of April 2021.¹⁷ According to this survey, the list of the outgoing president (LC-LR-MoDem) would win would win 49 seats, against 19 for the RN, 17 for the left-wing list, and 17 for LREM. IN order to reach the absolute majority of 52 seats, the center-left list should team up with another list, most likely the LREM, after the election. If the seats were divided in a fully proportional manner based on the results of the second round (or with a threshold of 10% for the first round), the center-right and LREM together would obtain 54 seats, allowing them to form a majority while restoring a more representative balance of power in the assembly and its majority.

With the emergence of a four-party system, condition c), guaranteeing a majority of seats to the leading list in the second round will no longer be applicable as of the 2021 election. As we have seen with the example of the regional council in Normandie, the current voting system will no longer be able to guarantee an absolute majority to any of the lists following the second round. Post-election coalitions, which will then need to be negotiated, will often be the same as what would have happened with a proportional one-round vote. This scenario, which in the worst case could concern up to half of the regions of mainland France following the election, suggests that the added value of the current system of proportional representation is increasingly weak in terms of executive stability.

Critical regions

The added value of the current system is also very weak in regions, such as Provence-Alpes-Côte d'Azur (PACA), where the RN is in a position to win the election. According to recent opinion polls, the election in PACA

could lead to either an absolute majority for the RN (in case of a second-round victory), or an absolute majority for LR or LR-LREM after the left-wing lists are eliminated in the second round.

Conversely, if this were a one round proportional election with a threshold of 6% or 10%, seats could be distributed as follows: 20 seats to the left and ecologists, 47 seats to the joint list of the center-right and 56 to the RN. In order to obtain the majority of 62 seats, a post-election alliance between the two lists of the left and center-right will be necessary. However, this alliance is exactly the same as that would be necessary to prevent the RN from winning an absolute majority. While a portion of the center and right may find it convenient to consider a unilateral withdrawal of the left-wing list, it is unlikely that the latter will definitively relinquish all representation in the absence of a quid pro quo. In PACA, the threat of an RN leadership, created by the device of the majority bonus, can only be prevented in the long-term by restoring the proportionality of the allocation of votes – and by reviving the much-needed dialogue between political factions.

The three conditions a), b), and c) which, in 1999, made the two-round voting system with majority bonus in line with its objectives are no longer present today. Far from guaranteeing the stability of the regional executive branch and limiting the RN's ability to act, the current electoral system 1) does not guarantee a stable majority in the current four-party system; 2) risks leading to the election of RN leadership, even though this party does not represent the majority of public opinion; 3) forces withdrawal strategies which harm the representativeness of assemblies; 4) will ultimately lead to post-election negotiations similar to those that would take place with a single-round proportional system with a threshold of 10%; 5) maintain the illusion that transpartisan dialogue is useless or even dangerous.

AN UNREPRESENTATIVE, UNPREDICTABLE, AND OVERLY STRATEGIC SYSTEM

Added to all this is the weakness inherent in the inadequate proportionality of voting. The two-round election and the 25% majority bonus given to the first-place list in the second round warps the power balance within the assemblies. Whereas the distribution of seats and votes between 1986 and 1999 followed a similar pattern, the

change to the electoral system in 1999 created significant disparities which only benefited the far-right. And so, in 2004 and 2010, the center-right and right bloc received a proportion of seats between 5 and 10 points below its share of votes, while the center-left and left blocs captured up to 15 points more. In 2015, with the rise of the parliamentary right in many areas, this trend was reversed: this time it was the center-right and the right which earned more seats (43%) than votes (32%) while the center-left, left, and ecologists for the first time found themselves slightly worse off (35% of seats for 38% of votes). In 2021, with the presence of a fourth political bloc (LREM-MoDem), there is a risk that this trend will become more acute. If the parliamentary right can once again hope to gain an advantage from the current electoral system, the center-left – and especially the center LREM-MoDem – blocs risk taking a share of seats that is far below their actual electoral representation. The new or growing political blocs have everything to lose in a system which systematically deprives them of any significant representation, weakening their ability to negotiate, and forcing them into alliances which are costly in terms of their independence.

With low proportional representation, the electoral results are also unpredictable. With just one vote in the second round, a quarter of seats can change hands, making future distributions in the assembly very difficult to predict. This threshold effect creates an uncertainty that the parties try to control by focusing on a few key regions and by intensifying tactical manoeuvres. But this gives little incentive for political parties to be more accountable and to project themselves into the future.

The situation is even more critical in regions, such as PACAS, where maintaining the “cordon sanitaire”, leads to the withdrawal of certain lists. In the current regional council for PACA, about a third of voters who went to the polls have no representative from the party they voted for in the first round. By contrast, the LR-UDI-MoDem-CPNT list, which received 27% of the votes in the first round, ended up with 66% of the seats. Such discrepancies make no sense democratically when we consider what would have been the “organizational cost” of maintaining the “cordon sanitaire” in the proportional voting system: the need for the right and left blocs to engage in

post-election negotiations in order to vote on budgets, as well as the need to reach agreements on major regional issues. In terms of democratic quality, the second solution, which restores at one the representative nature of the assembly – meaning respect for the expression of universal suffrage – and the need for transpartisan dialogue on matters of public interest, is much more preferable than the first solution which places the executive in the hands of a strong minority without giving the withdrawing list any capacity for negotiation.

By imposing complex strategic calculations on the various political parties, the two-round voting system with majority bonus diverts attention away from the important issues of a campaign. Debates over the possibility of a pre-election LR-LREM alliance,¹⁸ the appropriateness of string messaging to avoid an RN victory in the second round,¹⁹ or even or on the alliance terms between the PS and ecologists²⁰ have stirred up public opinion much more in the beginning of 2021 than opposition campaigns. Already partly hijacked from its regional role through the media’s presentation of it as a “dress rehearsal” for the 2022 presidential elections, the regional electoral campaigns are being stripped of their democratic significance through exclusive emphasis on technical considerations. The political parties, along with their candidates, are forced to draw a transpartisan roadmap before even knowing the real electoral weight of these groups. They also face considerable uncertainty, and the two days given to the lists to create alliances following the first round is too short a time window for any serious negotiations.

Finally, the practice of joint lists between center-left and center-right blocs in the first round, which is a tactical consequence of the high retention threshold introduced by the 1999 reform, is detrimental to ascertaining different political trends and makes it impossible to estimate their true level of representation. The true weight of MoDem in certain center-right alliances, and those of the Greens with the PCF (Parti Communiste Français) in certain center-left alliances is difficult to determine. Therefore, on what basis can the negotiation and distribution of roles between these different groups be built? How can parties (particularly centrist) consider multiple alliances which would allow them to obtain a majority?

18 — Régionales en Paca: l’alliance entre LR et LREM fait vivement réagir, Le Figaro, 2 May 2021.

19 — FAYE Olivier, LEMARIÉ Alexandre, Régionales : Eric Dupond-Moretti, candidat dans les Hauts-de-France pour « chasser le RN », Le Monde, 7 May 2021.

20 — CRÉHANGE Philippe, Alliance avec les Verts : Chesnais-Girard mis sous pression, Le Télégramme, 9 April 2021.

The problem seems unresolvable under the current electoral system.

ALLOW THE RETURN OF A PROPORTIONAL SYSTEM

With its lack of transparency for citizens, complications for parties, low levels of representation, and its contribution to focus pre-election debate on strategic considerations rather than issues, the two-round majority bonus voting system appears more and more as an obstacle to democratic regional government. In contrast, returning to a proportional system would limit the magnitude of pre-election strategies, ease and simplify the work of different political parties and, above all, make the campaign more understandable to citizens. Restoring proportional representation would postpone interparty negotiations until after the election, with a set deadline, but certainly longer than the current two-day period dedicated to merging lists, with full knowledge of the balance of power. Centrist parties would therefore be able to participate in a variety of majorities based on their actual representation in the regional electorate.

This change in system would certainly require questioning of condition d) outlined above, concerning the “fear of instability” which characterized electoral reforms under the 5th Republic. But this questioning is necessary because the current party system is more complex, fragmented, and diverse than the three-way system that has long prevailed and is incompatible with the current voting system. The electoral divide – meaning among the citizens – is a political, social, and economic reality that legislation cannot erase or silence. Restoring each political party’s true representative nature and requiring elected officials to make clear agreements based on the balance of power does not mean betraying the electorate’s desire for stability. On the contrary. It is accepting the reality of a politically divided society and working to restore dialogue between the different forces that comprise it in order to reach the necessary compromises. The fear of instability resulting from the diversity of opinions is, above all, a fear of democracy.

In an increasingly diverse French political system, characterized by the emergence of social-liberal forces independent of the two classic blocs (LREM-MoDem), of

ecologist parties asserting their own identity (Les Verts), of a radical left which is distinct from social-democrats (LFI), and distinctive independent forces, it is becoming imperative to regain the spirit of coalitions and transparent negotiations. Without such a change, this democratically intractable dilemma between weak representation in the assemblies and ungovernability will remain. The introduction of a proportional system for the regional councils would be a first step in that direction. Raising the specter of the 4th Republic and its proverbial instability in this context is to kid oneself: proportional systems are the most common ones in European parliamentary regimes and democracies, a regional council is not the National Assembly, and proportional voting has already been used, in a context marked by an even greater left-right divide between 1986 and 1998.

However, if proportional representation were to be restored, it is worth considering further institutional changes that could be implemented to improve the way the assemblies function once proportional representation is reinstated. Without going into the details of such a consideration, we will suggest here a series of directly applicable measures.

The current method of electing the regional executive branch (president and vice-president of the regional council) already provides for a simple majority vote in the third round of voting. It is therefore not necessary to change the current method of election to guarantee the election of a regional executive. The instability observed prior to 2004 mainly concerned the budget vote, for which a block vote mechanism was introduced on a provisional basis. This mechanism allowed regional leadership to adopt a budget without a vote unless the parliament passed a « constructive » motion of censure – i.e., one which mentions the name of a new regional Council president.²¹ In order to guarantee the adoption of a budget in the absence of a single party majority we could:

- restore such a blocked vote mechanism in a sustainable way by adapting it;
- impose the automatic dissolution of a regional Council and hold early elections in the event that a budget vote is not possible; this would allow voters to directly address the deadlock in the assembly;
- introduce a mechanism of automatic « provisional

21 — Loi n° 99-36 du 19 janvier 1999 relative au mode d'élection des conseillers régionaux et des conseillers à l'Assemblée de Corse et au fonctionnement des conseils régionaux, JORF n°16 from 20 January 1999.

twelfths », inspired by the Belgian approach.²² In the event that the budget cannot be voted on, this would provide automatically adopted monthly appropriations based on the last full-year budget.

More generally, it is important to be certain that the complementary reforms introduced will encourage transparent compromise (coalition or special agreement) and discourage obstructionist behavior, while at the same time providing an emergency solution in the event that an agreement cannot be reached.

Furthermore, the prominent role of the regional president in the regional executive branch could be an obstacle to establishing balanced coalitions. Compared to the German, Spanish, or Italian assemblies, French regional councils are unique in that they do not have a true, cohesive «regional government» in which there is a clear division of powers. In the public opinion, only the regional president is perceived as having executive power, while the standing committees of the regional councils, composed at least of the president and the vice-presidents, are not very visible. This hybrid role of the vice-presidents, who are both «regional ministers» as well as being responsible for organizing sessions, leads to the election of all the vice-presidents from the ranks of the majority, contrary to the practice in the National Assembly and in many European assemblies. The number of vice-presidents (between 13 and 15 in all mainland regions) sometimes reach a third of the size of the majority party and the executive. This blurring of executive and legislative functions not only marginalizes the role of the regional opposition, but also makes the assembly's structure unclear because of the proliferation of delegations. In the case of a multi-party coalition, the distribution of responsibilities would be much clearer – and much more easily negotiated – if a more collegial and cohesive council took over executive functions, separate from the function of vice-president of the assembly. A precedent exists in this regard: that of the Assembly and the Executive Council of the collectivity of Corsica. The two vice-presidents of the Corsican Assembly have a purely parliamentary function, while the eleven executive councilors (including its president) have clearly established government responsibilities. The distribution of positions among the various parties following the 2015 territorial elections demonstrated this model's ability to encourage the distribution of responsibilities among several parties. Such a system could

easily be applied to all French regions.

POLITICAL COST

It should be noted that even considerations of pure political opportunity cannot be an obstacle to the introduction of such reform, since the current electoral system is an obstacle to the work of each of the left, center, and right political parties:

- It almost systematically deprives the radical left of parliamentary representation due to the difficulty of reaching the second round;
- It requires the center-left (PS and allies) to give up any representation in the event of a showdown between the center-right and the far-right, at the risk of seeing the RN win the executive with a relative majority;
- It limits the capacity of the Greens to present independent lists and to establish various post-electoral alliances, a position that would nevertheless give it a vital role as arbiter;
- It risks depriving the center (LREM, MoDem) of executive roles wherever it does not reach an agreement with one of the blocs beforehand. Instead of being a key partner in negotiations and post-election coalitions on the right and left in a large number of regions, the center will be under-represented in most of them;
- Within the center-right of the right (LR, UDI and allies) it is causing unprecedented tension as a result of the need to form alliances ahead of the election.

The current electoral system, designed to resolve a specific crisis situation at the beginning of the 2000s, is no longer relevant. The conditions that justified its introduction are no longer present, and its effects on citizen trust, the level of representation of assemblies, the work of parties, and the quality of public debate are largely negative. This «democratic artifice» is no longer up to contemporary challenges. It must therefore be reformed.

PROPOSITIONS

We therefore suggest:

1. Starting in 2027, to restore a one-round proportional representation system at the regional level, with a threshold of 5% or 10%;
2. To establish, in order to guarantee the vote of the

22 — Belgian governments use the mechanism of «provisional twelfths» (a vote by parliament of a monthly budget equal to one twelfth of the last full-year budget) to allow for operation in periods of ongoing political issues. It is suggested here that it be adopted automatically.

regional budgets in the absence of a clear majority :

- a. Either a blocking vote mechanism (absolute majority given to a counter proposal necessary to prevent the adoption of the budget presented by the executive),
 - b. Either a mechanism for the automatic dissolution of the regional council in the event that a budget cannot be passed,
 - c. Or a mechanism of temporary budgets automatically allocated (principle of « provisional twelfths ») in the absence of a full budget;
3. To establish in all French regions an executive council of 10 to 15 members based on the Corsican Community model, which would replace the current permanent commission in the regional executive functions, and limit the number of vice-presidents of the regional council to 5;
 4. To increase the awareness of French national and regional politicians, as well as public opinion, of the need for more frequent, more structured, and more contractualized post-electoral agreements, which have become indispensable due to the evolution of the party system.