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## SHOULD THE BAN ON MULTIPLE MANDATES ALSO APPLY TO SENATORS?

### Summary

Senators have radically amended the law banning the simultaneous holding of parliamentary and local government functions: arguing for the principle that they have a particular right to be simultaneously elected at the local level, they voted up an amendment designed to reject the policy. This study shows, however, that the senators are little different from National Assembly deputies : there are no more of them with dual mandates and nor does their electoral survival depend more on keeping their local position. On the other hand, like deputies, senators who head a local collectivity participate much less in parliamentary activities than those who do not. Compared with the initial law completely banning multiple mandates, the effect of a prohibition targetting only the largest collectivities would be to limit the improvement of the participation of deputies and senators in the work of the parliament. ■

- The rate of multiple mandates is the same among senators as among deputies. It does not differ significantly according to the way in which senators are elected.
- Holding a local executive position does not help a candidate win a senatorial position.
- In general and regardless of the mandate situation, senators are 30 per cent more active in parliament than deputies; the senators who hold no local position are 40 per cent more active than those who do.
- Not to apply the ban on simultaneous multiple mandates to the mayors of small towns would reduce by 25 per cent the benefits of the law as originally proposed in relation to the participation of senators and deputies in the work of the parliament.

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On 19 September last year, the Senate significantly amended the law banning the accumulation of mandates. The initial text intended to prohibit the simultaneous holding of a parliamentary position, deputy or senator, and a local executive position such as mayor or president of a regional assembly. But senators decided not to apply this prohibition, citing a particular link uniting the Senate and its locally elected members. However, the facts do not justify such an exemption. Multiple mandates do not occur more frequently in the Senate than in the National Assembly, and occupying a local position neither enhances nor reduces a candidate's chances of becoming either a senator or a deputy. On the other hand, holding a local position slightly reduces a senator's participation in the work of the Senate. It seems, therefore, inopportune to reject the initial formulation of the law, which took sound account of the question of the participation of our parliamentarians in national political life.

### Is leading a local community a necessity for a senator?

It is certainly true that the Senate has a special link with local political life since, according to article 24 of the Constitution, it "assures the representation of the local governments of the Republic", which is expressed in the fact that senators are elected by a college of elected local officials. Hence it seems natural to believe that the locally elected officials have a particular legitimacy in becoming senators.

However, the Senate does not include more locally elected officials than the National Assembly. Currently, 82 per cent of mainland French senators also occupy a local seat – as do 82 per cent of deputies<sup>1</sup>. The figures are almost the same for local executive positions (municipalities, inter-council offices, regional general councils): Fifty-three per cent of senators hold such a position, compared with 46 per cent of deputies. In other words, the Senate is not naturally more of a chamber of locally-based representatives than the National Assembly. This surprising similarity could arise from the fact that many senators are elected via a proportional system and are therefore less obliged to hold to a local position. Our analysis of the multiple mandate reveals, nevertheless, that the mode of election of senators makes scarcely any difference.

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1. Source: Internet sites of the Sénat and the l'Assemblée Nationale, accessed 15 September 2013.  
2. « Faut-il abolir le cumul des mandats ? », Editions des presses de la rue d'Ulm, Paris, 2012.

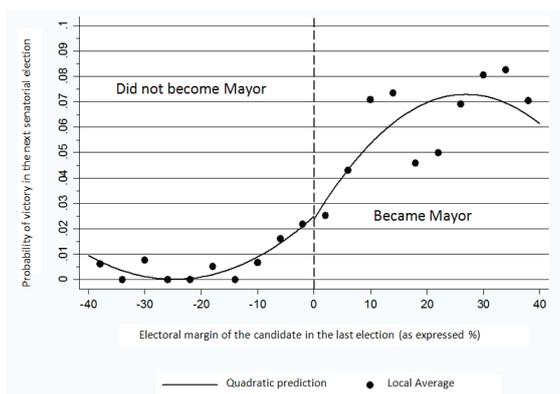
In reality, the Senate's lack of particularity regarding the multiple mandates question confirms that **the powers of the Upper House are as general as those of the Chamber of Deputies** and it never confines itself to subjects directly affecting local communities: since the turnover of senators in 2011, the government has first tabled its bills in the Senate in more than 40 per cent of cases (except for international conventions).

The reasons for such a rate of multiple mandates in parliament might, however, be very different for the two houses. In earlier work<sup>2</sup>, we showed that the multiple mandates in the National Assembly are not the result of a hypothetical complementarity between the position of deputy and that of an elected local official, but of a purely electoral logic. In fact, since local and legislative elections have a number of points in common (type of ballot, territory, type of electors), the political parties in France are all interested in presenting the best possible local candidate - who is often the same for the two kinds of election. **At first glance, we might think that such logic does not apply in the same way to the Senate:** the electoral territory for senatorial candidates is broader than that of a deputy's constituency, the electoral college is not very representative of the population that votes in local elections, and the plurinominal ballot system itself, leaves little room for personalising the candidates. Taking for granted the complementarities between the local and senatorial campaigns, the strong propensity for multiple mandates in the Senate might well come from a symbiosis between local and senate elections: if that were the case, then a ban on them, which would do little damage to the National Assembly, might inflict more damage on the Senate.

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If there really is an affinity between the work of an elected local official and that of a senator, then it would seem logical that it be sanctioned at the polls, giving an advantage to candidates holding local positions. That is a hypothesis that can be tested statistically, because in the case of a very tight finish in a municipal election, we might think that the position of mayor is won by a sort of drawing of straws. The effect would be that a very slight shift in votes would mean very a different election result.

Figure 1 : Becoming mayor has no impact on the probability of becoming a senator



Source : Ministère de l'Intérieur, Le Monde

Note : The point (-2 ; 0,022) reads in the following way: the average probability of victory in the next senatorial election is equal to 2.2 per cent for those politicians who lost in the municipal elections in the same department with a deviation from the winner of between 0 and 4 points of votes cast. The probability of victory in the senatorial elections is expressed here unconditionally to an official candidacy in these elections. The data comes from the municipal elections between 1983 and 2008 in towns of more than 9,000 inhabitants and the administrative centres of departments.

In Figure 1 above, we show the probability of becoming a senator following a municipal election, using the scores in the second round of that election. It is clear that the probability of the winner of a very close municipal election becoming a senator is not greater than that of his rival. In other words, **being a mayor is no guarantee that someone can become a senator.**

On the other hand, the graph shows that the quality of a candidate in municipal elections predicts her success in senatorial elections, in the same way that it predicts success in legislative elections. The origins of multiple mandates are therefore the same in the two houses and should be sought in an electoral competition that leads political parties to stand their rare "big men" of an area in both local and national elections.

### Des sénateurs plus appliqués que les députés...sauf lorsqu'ils cumulent

It is true that the Senate functions very differently from the National Assembly. Because of the direct election and the renewal of the whole legislature, deputies are forced to spend more time in their constituencies and to take a highly partisan approach in the Palais Bourbon. Not surprisingly, holding a

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local executive position leads deputies to neglect activities that are not electorally profitable, including legislative work and monitoring the government<sup>3</sup>. Senators are not subjected to the same re-election pressures, which seems good for fundamental

parliamentary work, if we believe the statistics collected by the association Regards Citoyens and in our work on the period 2004-2013 (Table 1).

3. Cf. « Faut-il abolir le cumul des mandats ? », ibid.

Table 1. Senators are more active than deputies on matters of national interest

	Average Senators	Average Deputies	Difference (S-D)	Interpretation as %
<b>Open sessions</b>	3,98	3,69	0,29	+34%
<b>Committies</b>	3,13	2,93	0,20	+23%
<b>Written questions</b>	2,09	3,11	- 1,01	-64%

Source: Website of the Assemblée Nationale and JO Lois et Décrets (Official Journal of Laws and Decrees) for deputies between 2004 and 2007; other observations come from Regards Citoyens.

Note: The average activity is calculated on a sample of mainland France MPs elected in a general election and sitting for a whole year's session, that is, 7,164 annual observations between October 2004 and August 2013.

The indicator for open sessions is a logarithm of the number of interventions made in an open sitting during an annual session. The indicator of committee activity is the logarithm of the number of committee meetings attended taken from the Official Journal for an annual session. The indicator for the written questions is the logarithm of the number of questions written to the government by a member of parliament during a session.

Where the problems of a national order are on the parliamentary agenda, in committee and in open sessions, senators are much more active than deputies, by around one-third when it concerns parliamentary sessions and about one-quarter when it comes to committee work. On the other hand, deputies are much more active in addressing local grievances, as is demonstrated by the fact that deputies write almost three times as many letters to ministers as senators do.

*« On the other hand, deputies are much more active in addressing local grievances »*

A quick look at the statistics might suggest that senators, freed from the burden of the constituency, have more time than deputies and that they are therefore able to carry both a parliamentary position and a significant local position without the latter affecting their senatorial work. A simple comparison between the senators at the head of a local executive and other senators (Table 2), does not confirm this hypothesis, far from it. In fact, like "simple" deputies, the senators who do not head local administrations intervene much more in open sessions of parliament (44 per cent more) and participate more in committee work (25 per cent more). On the other hand, we see no impact of the local executive position on written questions to government.

Certainly, there is no proof that senators with multiple mandates are absent only because of that, which might contribute to artificially increasing the differences in activity between those with multiple mandates and those without. This is why we repeated the comparison, focussing on parliamentarians who hold at least one local position (not necessarily an executive position), who come from the same department, are in the same kind of party and have been in national political life for the same length of time. Our analyses indicate that even taking into account external causes, **the negative impact of multiple mandates on parliamentary activity, in the Senate as well as in the National Assembly, remains significant.**

Table 2. Senators with multiple mandates are less active than deputies

	Difference no multiple mandate – multiple mandate (Senate)	Interpretation as %	Difference no multiple mandate – multiple mandate (Nat. Ass.)	Interpretation as %
<b>Open sessions</b>	0,37	+44%	0,34	+40%
<b>Committies</b>	0,23	+25%	0,16	+17%
<b>Written questions</b>	-0,03	-3%	0,05	+5%
<b>Session fixed effects</b>	Yes		Yes	

Source: Annual trombinoscopes of the Sénat and the 'Assemblée Nationale, website of the Assemblée Nationale, JO Lois et Décrets, Regards Citoyens.

Note: The regressions are made on the same sample as in Table 1. A parliamentarian is considered as holding multiple mandates when he occupies the head post of a local administration (municipal, inter-municipal, general or regional council), which is the case for 53 per cent of the deputies and 53 per cent of the senators in our sample. The indicators of activity are defined in the margins of Table 1.

## Are the alternatives to the government's proposal pertinent?

Our analysis shows that the significant benefits (in terms of total parliamentary activity) and the insignificant costs (slightly less freedom of choice for voters) in limiting multiple simultaneous mandates are the same for both chambers. It remains to determine which positions to proscribe, and which of those deputies and senators can occupy simultaneously without negatively affecting their parliamentary activity. Given this aim, it is useful to estimate the effect of several reform options on the aggregate activity in each chamber. The results of such an analysis are presented in Table 3. It shows that the reform envisaged by the government implies for each MP an average increase in session attendance of 17 per cent in the National Assembly and 24 per cent in the Senate. The impact on their presence in committees would be relatively low for the National Assembly, mainly because of the concentration of meetings on Tuesdays and Wednesdays, and an increasingly close scrutiny of parliamentary clocking on and off. On the other hand, in the Senate, the envisaged reform would entail an increase in committee presence of around 19 per cent.

**What would happen if the limitation on simultaneous multiple mandates were looser than currently proposed?** It is often suggested, for example, that the mayors of small villages (fewer than 9,000 inhabitants) and the presidents of communities of communes be allowed to hold multiple positions simultaneously. According to our calculations, this kind of exemption would reduce by more than 40 per cent the number of MPs affected by the reform, and mainly for this reason its positive impact on parliamentary participation would be significantly reduced (by around 25 per cent). Not surprisingly, the choice of a much higher threshold (towns of fewer than 30,000 inhabitants) would reduce even further the reform's impact.

4. Cf. Laurent Bach, *ibid.*

We must remember that our assessment apparently underestimates the effects of the prohibition on multiple mandates on the activities of MPs insofar as it takes into account neither the fact that deputies and senators can no longer assume the duties of vice-presidents or deputy-mayors (these functions being difficult to count), nor the fact that local electoral campaigns provoke a further fall in the activity of MPs seeking an additional position<sup>4</sup>.

*« The arguments in favor of the amendments proposed [...] for exemptions to the limitation of multiple simultaneous mandates seem not to be confirmed by the facts »*

In the end, the arguments in favour of the amendments proposed by some senators and deputies for exemptions to the limitation of multiple simultaneous mandates seem not to be confirmed by the facts. Yet it remains true that the ban on multiple mandates as currently proposed should be conceived only as a prerequisite to restoring the functioning of parliament. Indeed, the very existence of the multiplicity of mandates among our senators and deputies, and the disregard for the agenda difficulties it entails, reveal **a rather widespread habit among our parliamentarians of retreating from national political life**. In the face of this behaviour, other measures, coercive and/or encouraging, might be envisaged. Most importantly, electors should be more aware of this state of affairs than they are at present.

## References

Laurent Bach, *Faut-il abolir le cumul des mandats ?*, Editions des presses de la rue d'Ulm, Paris, 2012

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Table 3. Conceding exemptions to "little" mayors would slightly reduce the impact of the multiple mandate reform on parliamentary activity

	Government's reform	Exemptions for the mayors of small towns	Exemptions for mayors of small and medium towns
<b>Proportion of senators affected</b>	53%	30%	21%
<b>Proportion of deputies affected</b>	53%	34%	20%
<b>Impact on meetings of the Senate:</b>			
Difference between no limit on executive positions and ban on executive positions	+44%	+52%	+68%
Mean impact of the reform on participation (Gap*Proportion)	+24%	+16%	+15%
<b>Impact on the Senate committees:</b>			
Difference between no limit on executive positions and ban on executive positions	+35%	+48%	+57%
Mean impact of the reform on participation (Gap*Proportion)	+19%	+14%	+12%
<b>Impact on the meetings of the National Assembly</b>			
Difference between no limit on executive positions and ban on executive positions	+32%	+35%	+60%
Mean impact of the reform on participation (Gap*Proportion)	+17%	+12%	+12%
<b>Impact on the committees of the National Assembly</b>			
Difference between no limit on executive positions and ban on executive positions	+12%	+16%	+26%
Mean impact of the reform on participation (Gap*Proportion)	+6%	+6%	+5%

Source: Trombinoscopes annuels du Sénat et de l'Assemblée Nationale, site de l'Assemblée Nationale, JO Lois et Décrets, Regards Citoyens.

Note: Differences in activity between MPs with a single mandate and those who combine their parliamentary seat with a banned position are calculated using the same sample as in Table 1, with the help of an explanatory model that takes into account the effects of session, the department where the election took place, age, national political experience, political affiliation and whether they hold a local position (including non-executive). The proportion of MPs affected by the reform is calculated according to the proportions seen in metropolitan France in the period 2004-2013. We assume that each reform only bans the accumulation of a position as head of a collective. A small mayor's town has fewer than 9,000 inhabitants; a medium mayor's town has between 9,000 and 30,000 inhabitants. The indicators of activity are defined in the Notes for Table 1.