

**The vote champion as mayor?  
The influence of electoral legislation on the local political game**

**Sofie HENNAU, Hasselt University**

**Stef KEUNEN, Hasselt University**

**Johan ACKAERT, Hasselt University**

**ECPR 2016 General Conference, Prague**

**S38: Local Democracy and Local Self-Government: Coping with Challenges in Times of Change**

**P234: Local elections**

## 1. Introduction

In various West European countries, institutional innovations have been introduced at local level, pursuing a shift from a model of local party democracy to a model of local citizen democracy.<sup>1</sup> One of the main features of this trend is the introduction of direct elections for mayors. By reducing political parties' impact on the mayor's appointment, and giving citizens more weight in the election process, legislators tried to integrate citizens into a more democratic decision-making process: they aimed to enhance the responsiveness, strengthen public engagement, and boost turnouts in local elections.<sup>2</sup>

In Belgium as well, the appointment of the mayor was one of the most-discussed electoral reforms at the beginning of the 21<sup>st</sup> century. Ever since the founding of Belgium in 1830, mayors were appointed by the King at the proposal of the Minister of the Interior, normally acting on a recommendation from the majority in the council. A parliamentary debate concerning the direct election of the mayor began in Belgium after the 'Lambermont Accord' (2001), which made the Regions responsible for regulating all matters dealing with so-called subordinate powers - namely the provinces and municipalities - including the method of electing the municipal organs.<sup>3</sup> Although the direct election of the mayor dominated public debate in Flanders, the legislation remained largely unchanged. In the Walloon Region, however, the parliament effectively opted for a new way of appointing mayors without any intervention by the executive. The '*Code de la démocratie locale et de la décentralisation*' introduced the semi-automatic election of the mayor. From the local elections of 2006 onwards, the mayor in the Walloon Region is the municipal councillor who received the largest number of preferential votes from the majority party that received the largest number of votes in the municipal elections.<sup>4</sup>

This paper presents a study about the potential impact of a local electoral reform on the choice of the mayor in Flanders. More specifically, we examine the extent to which Flemish municipalities would have had different mayors during the 2012-2018 term if

- (1) the vote champion were elected mayor automatically and
- (2) the Walloon nomination system had been adopted in Flanders.

Additionally, we examine which features (for example scale and political experience) have a possible mediating influence on the legislation's impact on the selection of mayors.

---

<sup>1</sup> A. VETTER, "Citizens versus Parties. Explaining Institutional Change in German Local Government 1989-2008", *Local Government Studies* 2009, 125-142; Congress of Local and Regional Authorities, "Resolution 139 (2002) on relations between the public, local assembly and executive in local democracy"; H.O. LARSEN, "Directly Elected Mayors - Democratic Renewal or Constitutional Confusion" in J.CAULFIELD & H.O. LARSEN (eds.), *Local Government at the Millennium*, Wiesbaden, Springer Fachmedien Wiesbaden, 2002, (111) 111; J. MAGRE & X. BERTRANA, "Exploring the Limits of Institutional Change: the Direct Election of Mayors in Western Europe", *Local Government Studies* 2007, vol. 33, 181-194.

<sup>2</sup> A. VETTER en N. KERSTING "Democracy versus efficiency? Comparing local government reforms across Europe" in N. KERSTING en A. VETTER (eds.) *Reforming Local Government in Europe. Closing the gap between democracy and efficiency*, Opladen, Leske + Budrich, 2003, (11) 17-19; A. VETTER, "Citizens versus Parties. Explaining Institutional Change in German Local Government 1989-2008", *Local Government Studies* 2009, 125-142.

<sup>3</sup> J. BOUVIER, "Local government in Belgium" in A.-M. MORENO (ed.), *Local government in Member States of the European Union: a comparative legal perspective*, Madrid, Instituto Nacional de Administración Pública, 2012, (45) 47.

<sup>4</sup> Art. L1123-4 Code de la démocratie locale et de la décentralisation, BS 4 augustus 2004, 59699.

## 2. Municipalities in Belgium: their structure and organs

The division of Belgium into provinces and municipalities dates from before Belgian independence (1830-1831). The basis for the current municipal structure originated in the French Revolution. In 1831, Belgium was divided into 2,739 municipalities, a figure that remained more-or-less constant until 1961. The law relating to the merger of municipalities, which came into effect in January 1977, reduced the number of municipalities to 596. The merger of municipalities in the Antwerp district in 1983 further reduced their number to 589 municipalities. 308 of these municipalities are located in the Flemish Region, 262 in the Walloon Region and 19 in the Brussels-Capital Region.<sup>5</sup>

Various organs set out the municipal policy: the council, the board of mayor and aldermen and the mayor. The council is elected by proportional representation for a fixed six-year term.<sup>6</sup> This organ could be considered the municipal 'parliament'. It holds the residuary powers. Hence, the council is entrusted with all the powers that are not explicitly granted to another body of the municipal entity.<sup>7</sup> The board of mayor and aldermen is the executive body of the municipality, and is responsible for the preparation and implementation of the council's decisions.<sup>8</sup> The head of the municipality is the mayor. He is the advocate of the local interest, but at the same time also the representative of the Regional and Federal Government at local level.<sup>9</sup>

*De jure*, the council is the heart of the local political institutions. However, in Belgium, the greater part of administrative action lies in practice with the board of mayor and aldermen. *De facto*, the board of mayor and aldermen is responsible not only for the implementation of decisions taken by the council, it also prepares the council diary and formulates the decisions presented to the council.<sup>10</sup> In Flanders, the concept of delegating powers to the board was introduced by the Flemish municipal decree, which also strengthened the power of the board.<sup>11</sup>

The Belgian Constitution of 1831 envisaged a highly centralised national government. Since 1970, a cumulative process has started regarding reform of the Belgian State. As a result of various state reforms, the Belgian Unitarian State evolved into a federal state comprising three Regions and three Communities.<sup>12</sup> Where the Communities have person-related powers (e.g. culture, education, social welfare), the Regions are responsible for territory-related competences in the broadest sense of that term (e.g. employment, agriculture, the environment, foreign trade, supervision of

---

<sup>5</sup> KB 17 september 1975 houdende samenvoeging van gemeenten en wijziging van hun grenzen, *BS* 25 september 1975, 11788; W. 30 december 1975 houdende 1° bekrachtiging van koninklijke besluiten genomen in uitvoering van de wet van 23 juli 1971 betreffende de samenvoeging van gemeenten en de wijziging van hun grenzen; 2° afschaffing van de randfederaties opgericht door de wet van 26 juli 1971 houdende organisatie van de agglomeraties en de federaties van gemeenten, *BS* 23 januari 1976, 784; K. DE CEUNINCK, *De gemeentelijke fusies van 1976. Een mijlpaal voor de lokale besturen in België*, Brugge, Vanden Broele, 2009, 479 p.

<sup>6</sup> Art. 6 Flemish Municipal Decree.

<sup>7</sup> Art. 42 Flemish Municipal Decree.

<sup>8</sup> Art. 57 Flemish Municipal Decree.

<sup>9</sup> Art. 64 et seq. Flemish Municipal Decree.

<sup>10</sup> J. ACKAERT, "Transformation of the Political Executive in Belgian Local Government" in R. BERG & N. RAO, *Transforming local political leadership*, Hampshire/New York, Palgrave Macmillan, 2005, (168) 169.

<sup>11</sup> T. BLOCK, K. DE CEUNINCK, H. REYNAERT, K. STEYVERS, T. VALCKE, L. VANDEN DAELE & D. VERLET, "De lokale macht in Vlaanderen ontbloot" in C. DEVOS en H. VOS, *Over de dynamiek van de politiek: een kwarteeuw politieke verschuivingen*, Gent, Academia Press, 2007, (21) 45; F. DE RYNCK & E. WAYENBERG, "Belgium" in M.J. GOLDSMITH & E.C. PAGE (eds.), *Changing Government Relations in Europe: From Localism to Intergovernmentalism*, Abingdon, Routledge, 2010, (14) 23.

<sup>12</sup> Art. 1-3 of the Belgian Constitution; J. FITZMAURICE, *The Politics of Belgium. A Unique Federalism*, London, Hurst & Company, 1996, 284 p.

provinces and communes). The fifth State Reform (2001) transferred powers relating to the organisation and functioning of local government to the Regions.<sup>13</sup>

### 3. Limited historical-law analysis of the mayors' appointment in Belgium

The method of electing mayors was debated exhaustively when the Belgian Constitution was established in 1830-1831.<sup>14</sup> After a (failed) proposal for direct election of the mayor, the decision was made to grant the completion of the exact election modalities to the legislature.<sup>15</sup> The former article 108 of the Belgian Constitution of February 1831 stipulated this as follows:

*"Provincial and municipal institutions are regulated by the law. The law guarantees the application of the following principles: (1) the direct election, with the exceptions that the law may introduce relating to the heads of municipalities..."*<sup>16</sup>

The final decision about the mayors' election was referred to the legislature. Although the principle of direct elections was stipulated by the constitutional legislator, a legal exception was made for the election of the mayor. This exemption resulted in interpretation problems when drafting the municipality law in the national parliament.<sup>17</sup> The electoral and functional conditions for the mayoralty had become the focus of a fierce political debate as a result of the introduction of the first Municipal Act in 1836.<sup>18</sup> The question arose as to whether direct election of mayors remained possible under the constitutional provision of the former article 108. Although legally this provision did not constitute a problem for the introduction of direct mayoral elections, the legislator opted for the appointment of the mayor and the aldermen by the King among the elected members of the local council.<sup>19</sup>

Concerning the alderman, appointment by the King was amended by the legislation of 30 December 1887.<sup>20</sup> This law introduced the system of the election of new aldermen by the council among their elected members. This method of appointing the mayor remained unchanged for a long time, just like the law regarding the organisation of local governments.

The New Communal Act of 1988<sup>21</sup> brought no significant changes into the method of appointing the mayor. Article 13 of the New Communal Act retained the (symbolic) appointing of the mayor by the King. Since the Lambertmont Accord, the Regions had gained powers to change the method of appointment. As a result of the federalisation of this power, the appointment of mayors in the

---

<sup>13</sup> D. VANHEE & A. HONDEGHEM, *Rapport: Impact van de staatshervorming op de Vlaamse administratie. Een analyse van de overdracht van de organieke regelgeving betreffende de lokale en provinciale besturen naar aanleiding van de vijfde staatshervorming*, Steunpunt bestuurlijke organisatie Vlaanderen, 2011, 10 ([http://steunpuntbov.be/rapport/SBOV-rapport\\_Vanhee\\_2011\\_Staatshervorming\\_case%20regionalisering%20organieke%20regelgeving.pdf](http://steunpuntbov.be/rapport/SBOV-rapport_Vanhee_2011_Staatshervorming_case%20regionalisering%20organieke%20regelgeving.pdf)).

<sup>14</sup> Congrès national de Belgique, Séance du mardi 25 janvier 1831 (E. HUYTENS, *Discussions du Congrès national de Belgique* (vol. 2), Brussel, 1844, 265 et seq.).

<sup>15</sup> L. MALVOZ, "De plaatselijke instellingen in België van het einde van het ancien régime tot de gemeentewet van 1836", *Gemeentekrediet van België* 1896, no. 158, 31-34; E. BERNIMOLIN, *Institutions provinciales et communales de la Belgique Tome I.*, Brussel, Ferdinand Larcier, 1891, 75.

<sup>16</sup> The old article 108 is the current article 162 of the Belgian Constitution.

<sup>17</sup> *Projet de loi portant organisation des communes*, Chambre des représentants de Belgique, Séance du samedi 26 juillet 1834.

<sup>18</sup> L. MALVOZ, "De plaatselijke instellingen in België van het einde van het ancien régime tot de gemeentewet van 1836", *Gemeentekrediet van België* 1896, no. 158, 35-50; H. REYNAERT & K. STEYVERS, "Towards a direct election of Mayors in Belgium: giving up representation or giving in to political renewal?", *Representation* 2007, vol. 43 (2), (123) 125.

<sup>19</sup> Art. 2 Gemeentewet van 30 maart 1836: "De burgemeester wordt door de Koning benoemd in de schoot van de gemeenteraad, echter kan de Koning, op eensluitend advies der Bestendige Deputatie, de burgemeester buiten de raad tussen de kiezers der gemeente benoemen, welke ten volle 25 jaar oud zijn".

<sup>20</sup> Wet 30 december 1887 houdende wijziging der provincie- en gemeentewet, BS 4 januari 1888; L. MALVOZ, "De plaatselijke instellingen in België van het einde van het ancien régime tot de gemeentewet van 1836", *Gemeentekrediet van België* 1896, nr. 158, 63.

<sup>21</sup> KB 24 juni 1988 tot codificatie van de gemeentewet, als bekrachtigd bij wet van 26 mei 1989. The act was a codification of the communal act of 1836.

Walloon Region differs fundamentally from the appointment of mayors in Flanders. The following paragraph explains each method.

#### 4. Debate in Flanders, reform in Wallonia

##### 4.1. *The appointment of the mayor in Flanders: prerogative of the executive*

In its additional government statement after the Lambermont Accord of 2001, the former Flemish Government (1999-2003) opted for direct elections for the mayor.<sup>22</sup> The aim was to increase the local voters' influence on the choice of their mayor at the expense of the political parties' power.<sup>23</sup> The idea was to strengthen local democracy, improve governability, and enhance the effectiveness of the municipal bodies.<sup>24</sup>

Direct election of the mayor was proposed by the draft Flemish municipal decree (2002). The draft decree abolished the indirect method of appointing the mayor. Where in the past the municipal council had the lead in the choice of the mayor, the draft municipal decree moved the burden of the decision to the level of local citizens.<sup>25</sup> More specifically, local citizens would no longer vote only for the council but also for the candidate-mayor and his running-mate.<sup>26</sup> To be elected, the candidate-mayor should obtain an absolute majority of the votes, if necessary in a two-round ballot. After the elections, the mayor would have 14 days to form a political majority in the council. If no majority was achieved within that period, other political parties could initiate alternative coalition formations.<sup>27</sup> The period of 14 days for the new mayor-elect was important for democracy, and lowered the risk of 'cohabitation'.

Despite the detailed draft decree, the Flemish Government was unable to get the decree approved by the Flemish Parliament before the 2004 regional elections.<sup>28</sup> The original compromise by the Flemish governmental coalition lost political ground owing to disagreements.<sup>29</sup> After the 2004 regional elections, a classic three-party government (Socialists, Liberals and Christian Democrats) came to the fore. The majority parties considered the implementation of a municipal decree an important task. After a wide-ranging discussion of the provisions of the draft decree, the direct election of the mayor was removed from the final text. The existing system of appointment by the executive remained unaltered.<sup>30</sup>

---

<sup>22</sup> Regeringsverklaring van de Vlaamse Regering- Aanvullende verklaring (Additional government statement of the Flemish Government), *Parl. St. VI. Parl. 2000-2001*, nr. 31/2, 2.

<sup>23</sup> J-B. PILET, P. DEWIT & E. VAN HAUTE, "Eerste lessen uit de automatische benoeming van burgemeesters in Wallonië", *Res Publica* 2007/1, (34) 34-35.

<sup>24</sup> Regeringsverklaring van de Vlaamse Regering, Aanvullende Verklaring, *Parl. St. VI. Parl. 1999*, nr. 31/2, 7.

<sup>25</sup> K. STEYVERS, J-B. PILET, H. REYNAERT & C. DEVOS, "Idool 2006: Naar een rechtstreekse verkiezing van de burgemeester in België?", *Burger, Bestuur en Beleid* 2004, (95) 95.

<sup>26</sup> The running-mate could succeed the mayor in the event of hindrance or any incompatibilities that may emerge at some point during their term of office.

<sup>27</sup> Explanatory memorandum of the Flemish Municipal Decree, 8-12.

<sup>28</sup> F. SCHRAM & E. WAYENBERG, "Het Vlaamse gemeentedecreet: tussen continuïteit en vernieuwing" in F. SCHRAM & E. WAYENBERG (Eds.), *Het Vlaamse Gemeentedecreet: Tussen continuïteit en vernieuwing*, Brugge, Vanden Broele, 2006, 11-12.

<sup>29</sup> Vraag om uitleg van de heer Jan Loones tot de heer Paul Van Grembergen, Vlaams minister van Binnenlandse Aangelegenheden, Cultuur, Jeugd en Ambtenarenzaken, over de timing van totstandkoming van het gemeente- en provinciedecreet, *Hand. VI. Parl. 2003-2004*, 4 November 2003, no. C45-BIN5, 15; H. REYNAERT & K. STEYVERS, "Towards a direct election of Mayors in Belgium: giving up representation or giving in to political renewal?", *Representation* 2007, vol. 43 (2), (123) 126.

<sup>30</sup> MvT bij ontwerp van gemeentedecreet, *Parl. St. VI. Parl. 2004-2005*, nr. 347/1, 10; H. REYNAERT & K. STEYVERS, "Towards a direct election of Mayors in Belgium: giving up representation or giving in to political renewal?", *Representation* 2007, vol. 43 (2), (123) 126.

The current municipal decree maintains the appointment of mayors by the central government (i.e. Flemish Government), among the elected members of the council.<sup>31</sup> The members of the council can propose a candidate-mayor in the proposal document. To be legal, the proposal has to be signed by a majority of the municipal councillors, elected from the same electoral list as the proposed mayor as well by an overall majority of the members of the council. To prevent abuses, one can draw up only one proposal document.<sup>32</sup>

However, the mayor must be appointed by the Flemish Government, which always has the right to request a new proposal.<sup>33</sup> The Flemish Government has a certain level of appreciation in appointing a mayor. The Government has to examine the suitability of the candidate-mayor. Relevant facts are relating to the political management of the municipality and the personal qualities of the candidate.<sup>34</sup> The candidate must possess the required qualities in order to pursue good governance of the municipality, as well as offer sufficient guarantees for proper and loyal representation of the central authority within the municipality.<sup>35</sup>

The appointment itself is an official act which must comply with the general principles of good governance. The decision of the Flemish Government to appoint or not appoint must be prepared with due care and has to be based on complete and accurate information.<sup>36</sup>

#### 4.2. *The semi-automatic election of the mayor in the Walloon Region*

In the Walloon Region, the appointment of the mayor by the executive was considered outdated. In the duality of the mayoralty, the focus has shifted to a more contemporary interpretation of the mayoralty, putting more emphasis on the local political mandate.<sup>37</sup>

A lack of legitimacy was one of the drivers after the electoral reform in Wallonia, especially regarding the way of appointing the mayor. Appointment by the executive would be neither transparent nor democratic. The Walloon legislator would increase the influence of local citizens on their choice of mayor.<sup>38</sup>

The Decree of the Walloon Parliament of 18 December 2005 amended the *Code de la Démocratie Locale et de la Décentralisation* of 22 April 2004 concerning the election procedure for the mayor and aldermen. The mayor will be the councillor with the most preferential votes among the representatives of the largest party participating in the coalition agreement.<sup>39</sup> The election of the mayor is not fully direct, but either indirect or semi-automatic.<sup>40</sup> The coalition agreement indicates which political parties will govern in a coalition. It includes a list of the aldermen and the mayor.

---

<sup>31</sup> Art. 59 Flemish Municipal Decree.

<sup>32</sup> Art. 59, §1 Flemish Municipal Decree.

<sup>33</sup> A. DE BECKER, "Local government in Belgium: A 'Catch 22' between autonomy and hierarchy" in C. PANARA & M.R. VARNEY, *Local Government in Europe: The Fourth level in the EU Multi-Layered system of governance*, Abingdon, Routledge, 2013, (26) 36.

<sup>34</sup> Council of State 10 August 1982, nr. 22.459, Van Den Berghe; Council of State 30 September 1986, nr. 26.492, Broers e.a.; Council of State 14 June 1995, nr. 53.703, Michiels; Council of State 20 June 2014, nr. 227.775, Caprasse; Council of State 18 December 2014, nr. 229.602, Thiéry; *Vr. en Antw.Senaat* 1993-94, 1 February 1994, nr. 4841.

<sup>35</sup> Council of State 20 June 2014, nr. 227.775, Caprasse.

<sup>36</sup> A. DE BECKER, "Benoeming" in J. DUJARDIN & W. SOMERS (eds.), *Burgemeester. Statuut.*, Recht in de Gemeente, Brugge, die Keure, 2012, 72.

<sup>37</sup> J. RODENBACH, K. STEYVERS & H. REYNAERT, "Tussen Dorpsstraat en Wetstraat? Burgemeesters als stemmenkampioen en cumulards?" in H. REYNAERT & K. STEYVERS (eds.), *De verkiezingen van 14 oktober 2012. De kracht van verankering?*, Brugge, Vandebroele, 2013, (141) 142-143.

<sup>38</sup> Projet de décret modifiant certaines dispositions du Code de la démocratie locale et de la décentralisation, *Parl. St. Wl. Parl.* 2004-2005, nr. 204/1, 2 ; Projet de décret modifiant certaines dispositions du Code de la démocratie locale et de la décentralisation, *Parl. St. Wl. Parl.* 2004-2005, nr. 204/64, 4-5 en 12-13 ; T. BOMBOIS, "Les modes de désignation du bourgmestre en Belgique", *RBDC* 2006/1, (79) 86-88.

<sup>39</sup> J-B. PILET, P. DEWIT & E. VAN HAUTE, "Eerste lessen uit de automatische benoeming van burgemeesters in Wallonië", *Res Publica* 2007, (34) 35-36.

<sup>40</sup> Art. L1123-1 Code de la Démocratie locale et de la Décentralisation; C. HAVARD, *Manuel pratique de droit communal en Wallonie*, Brugge, die Keure, 2011, 127.

The majority pact (coalition agreement) must be signed by all candidates for the positions of mayor and aldermen. It has to be signed by the majority of representatives who are elected from the same list as the proposed mayor and aldermen as well. If the coalition agreement fulfils these legal requirements, it has to be adopted by a simple majority vote in the council.<sup>41</sup> If the person with the most preferential votes of the largest party participating in the coalition refuses the mayoralty, or if that person is permanently unable to perform his/her duties, the mayor in law is the councillor of Belgian nationality belonging to the same political party who obtained the second most preferential votes on that list.<sup>42</sup>

If the board of mayor and aldermen resign en-bloc, the coalition agreement is considered broken. Within a period of 30 days after the resignation, a new majority pact has to be set up. The new mayor will be the councillor with Belgian nationality who is a member of one of the new majority parties. The requirement of the most votes on the largest list of the coalition no longer applies in this situation.

In this hypothesis, an opportunity exist to appoint a mayor outside the council. In this event, the mayor has no right to vote in the council, where he is limited to a consultative function. However, the Coalition Agreement has to indicate the mayor's affiliation (from outside the council) to one of the political parties in the coalition.<sup>43</sup> To replace a member of the board during the legislature, an amendment must be voted by the council. The new member of the board assumes the mandate of the person he or she replaces.<sup>44</sup>

If a person refuses the appointment as mayor, he or she can become neither mayor nor alderman in the current legislature. This provision was added to the *Code* in order to prevent the new system from being circumvented.<sup>45</sup> In 2012 a provision was added in order to apply this 'sanction' only with regard to the first three candidates on the voting list.<sup>46</sup> This sanction is not applicable in the case of a collective resignation of the college.

## **5. The potential impact of changing electoral legislation on the Flemish mayoral landscape**

The following section examines the electoral legislation's impact on the Flemish mayors' nomination process. We answer the question whether a different method of appointment would imply changes in the mayoral landscape in Flanders.

The method of direct mayoral elections as elaborated in the Flemish draft municipal decree (see above) makes it impossible to assess the potential impact of the proposed reform on the choice of mayor. After all, it is to be expected that voters will take different factors into account for either the mayor's or the municipal council's election. As a consequence, the next section elaborates on the potential changes in the Flemish mayoral landscape if (1) the candidate with the highest number of votes in the municipality would automatically be mayor, or (2) the Walloon system had been applied in the 308 municipalities of the Flemish Region.

---

<sup>41</sup> Art. L1123-1, §3 Code de la Démocratie locale et de la Décentralisation

<sup>42</sup> Art. L1123-4, §2 Code de la Démocratie locale et de la Décentralisation.

<sup>43</sup> Art. L1123-1, §5 Code de la Démocratie locale et de la Décentralisation.

<sup>44</sup> Art. L1123-2 Code de la Démocratie locale et de la Décentralisation

<sup>45</sup> Adoption du projet de décret modifiant le Code de la démocratie locale et de la décentralisation en ce qui concerne les subventions à certains investissements d'intérêt public, *Parl. St. Wl. Parl. 2005-2006, CRI 8*, 33.

<sup>46</sup> Art. 14 Decr. Wl. 26 avril 2012 modifiant certaines dispositions du Code de la démocratie locale et de la décentralisation, *BS 14 mei 2012* ; art. 1123-4, §3 Code de la Démocratie locale et de la Décentralisation.

In addition, we examine the municipal, political and personal characteristics that explain why a candidate other than the vote champion (from the majority party) is appointed mayor.

The analyses use the results of the October 2012 municipal elections as a starting-point. These elections produced major shifts in the Flemish local landscape and meant the breakthrough of the Flemish nationalist party N-VA at local level. Since the 1976 merger round in Belgium, no other party has made such great strides in local elections as N-VA did in 2012: in the 271 municipalities where the party submitted a list, they won 23.9% of the vote. This happened at the expense of the three traditional parties: socialists, Christian democrats and liberals lost votes and obtained their worst election result since the merging of municipalities in 1976. The extreme-right party Vlaams Belang lost voters to N-VA as well.<sup>47</sup>

### 5.1. *The Flemish mayor as vote champion (of the coalition)?*

Of the 308 Flemish mayors who took office after the 2012 elections, 241 (78.5%) figured as vote champion in their municipality. In 66 municipalities<sup>48</sup> a mayor was appointed who had not won the most preferential votes. A large majority of them figured as head of the party's list: eight out of ten Flemish mayor-party heads were vote champions. Over 31% of mayors who did not figure as party head managed to be appointed mayor as vote champion. Nearly a fifth of the appointed mayor-party heads became mayor without winning the highest number of votes in their municipality.

Introduction of the Walloon system in Flemish municipalities would have had minor consequences in 2012: in 281 Flemish municipalities the newly-appointed mayor was the candidate of the largest coalition party with the highest number of votes (91.5%). 97% of those mayors were the first candidate on the party list during the election.

In summary, the above results show that preferential voting has an impact not only on who is elected municipal councillor, but also indirectly on the composition of the local government in general and the executive positions in particular. Previous research has indicated preferential votes as the main criterion for acquiring an executive position in the local government for 80% of mayors and aldermen.<sup>49</sup>

### 5.2. *Explanatory analyses*

Explanatory analyses will help us identify the factors explaining why someone who did not win the most votes (of the majority coalition) had become mayor. Based on earlier research on the use of preferential voting, we formulate different hypotheses on the subject in a subsequent section.

#### 5.2.1. Hypotheses

The Flemish local-level electoral system can be defined as a flexible-list system: voters have the choice to support a list or to vote for one or more candidates from the same list.<sup>50</sup> Candidates attaining the threshold of eligibility with their preferential votes are, generally speaking,

---

<sup>47</sup> Calculations based on the election results as registered by the Flemish government on [www.vlaanderenkiest.be](http://www.vlaanderenkiest.be)

<sup>48</sup> In the small Flemish community Herstappe, no elections were organized, since only one party handed in a list to take part in the elections.

<sup>49</sup> J. ACKAERT, "De kiezers delen de kaarten uit, de partijen spelen ermee..." in J. BUELENS & K. DESCHOUWER (eds.), *De dorpsstraat is de wetstraat niet*, Brussel, VUBPress, 1996, (49) 65-66.

<sup>50</sup> M. MARSH, "The voters decide? Preferential voting in European list systems", *European Journal of Political Research* 1985, 13 (4), 365-378.



automatically elected. Other candidates can make use of the list votes in order to reach the threshold. Those list votes are distributed among the candidates according to the list order. As a consequence, the chances of getting elected depend largely on the candidate's position on the list: candidates at the top of the list have a substantial advantage.<sup>51</sup> This designation method implies a certain degree of competition between candidates of the same list. This tendency is further enhanced by the large number of preferential votes cast at municipal elections, resulting in a relatively high number of candidates being elected "outside" the list order. As a consequence, the local electoral system more closely resembles an open-list system in practice.<sup>52</sup>

We shall formulate some hypotheses based on earlier studies regarding preferential voting and electoral results. A first rather surprising finding concerns the experience of the actors involved: previous term experience proves to be of great importance in Belgium on the road to the mayor's office. Approximately 80% of mayors had previously held a local office. Specifically, an alderman office acts as a breeding-ground for becoming a mayor: 60% of mayors consider the alderman mandate as the main office before being designated mayor.<sup>53</sup>

In similar vein, research has shown that outgoing candidates in elections win more preferential votes than their challengers.<sup>54</sup> At local level as well, an incumbency effect can be seen in outgoing mandate-holders receiving an electoral bonus.<sup>55</sup> The magnitude of this effect depends on the political weight of the position: the electoral benefit for mayors is larger than the aldermen's bonus. The latter achieve in turn a larger vote share than municipal councillors.<sup>56</sup> These observations lead to the following expectation:

**Hypothesis 1:** *Outgoing mayors are more often vote champions (from the majority coalition) than newly-appointed mayors.*

Secondly, research shows the number of preferential votes to be related to the position on the list. This relationship is not linear: both higher- and lower-placed candidates generally receive more preferential votes than other candidates.<sup>57</sup> Additionally, our data show that only 17 Flemish mayors were not highest-placed on their parties' list. Five mayors were lowest-placed. These data yield the following expectation:

---

<sup>51</sup> A. ANDRE, B. WAUTERS & J-B. PILET, "It's Not Only About Lists: Explaining Preference Voting in Belgium", *Journal of Elections, Public Opinion & Parties* 2012, 7-8.

<sup>52</sup> B. WAUTERS, *De kracht van de voorkeurstem in stad en dorp. Een analyse bij de gemeenteraadsverkiezingen van 1994 in Vlaanderen*, Leuven, KU Leuven, 2000, 32-34; J. ACKAERT, K. DE CEUNINCK, H. REYNAERT, K. STEYVERS & T. VALCKE, "Doen (wijzigende) instituties ertoe? De invloed van het gemeente(kies)decreet op de gemeenteraadsverkiezingen van 2006", *Res Publica* 2007, (15) 20-23; B. MADDENS, K. WEEKERS, S. FIERS & I. VANLANGENAKKER, "Op zoek naar een verklaring voor de persoonlijke score van de kandidaten bij lokale verkiezingen", *Res Publica* 2007, (132) 132-134.

<sup>53</sup> H. REYNAERT & K. STEYVERS, "Een Noord-Zuid kloof in de lokale politiek? Een vergelijking tussen de Vlaamse en de Waalse burgemeester", *Burger, Bestuur & Beleid* 2005, (223) 230.

<sup>54</sup> P. VAN AELST, B. MADDENS, J. NOPPE & S. FIERS, "Politicians in the News: Media or Party Logic? Media Attention and Electoral Success in the Belgian Election Campaign of 2003", *European Journal of Communication* 2008, (193) 200-203.

<sup>55</sup> B. MADDENS, K. WEEKERS, S. FIERS & I. VANLANGENAKKER, "Op zoek naar een verklaring voor de persoonlijke score van de kandidaten bij lokale verkiezingen", *Res Publica* 2007, (132) 146; J. TROUNSTINE, "Evidence of a Local Incumbency Advantage", *Legislative Studies Quarterly* 2011, (255) 271; J. RODENBACH, B. WAUTERS & K. STEYVERS, "Van goudwaarde in verkiezingstijden? Electorale presidentialisering van het burgemeesterschap in Vlaanderen", *Res Publica* 2015, (33) 46; J. RODENBACH, K. STEYVERS & H. REYNAERT, "Tussen Dorpsstraat en Wetstraat? Burgemeesters als stemmenkampioenen en cumulars?" in H. REYNAERT & K. STEYVERS (eds.), *De kracht van verankering? De verkiezingen van 14 oktober 2012*, Brugge, Vanden Broele, 2013, (141) 150-153.

<sup>56</sup> B. MADDENS, K. WEEKERS, S. FIERS & I. VANLANGENAKKER, "Op zoek naar een verklaring voor de persoonlijke score van de kandidaten bij lokale verkiezingen", *Res Publica* 2007, (132) 137-138.

<sup>57</sup> J. ACKAERT, "Het gebruik van de voorkeurstem bij de gemeenteraadsverkiezingen. Een terreinverkenning in de provincie Limburg", *Res Publica* 1994, (107) 112-116; J-B. PILET, P. DELWIT & E. VAN HAUTE, "Eerste lessen uit de automatische benoeming van burgemeesters in Wallonië", *Res Publica* 2007, (34) 40-41; B. MADDENS, K. WEEKERS, S. FIERS & I. VANLANGENAKKER, "Op zoek naar een verklaring voor de persoonlijke score van de kandidaten bij lokale verkiezingen", *Res Publica* 2007, (132) 136-137.

**Hypothesis 2:** *Mayors who were highest-placed on the list are more often vote champions (from the majority coalition) than mayors who were lower-placed.*

A third possible influencing factor concerns the candidate-mayor's mandates. Article 48 of the municipal decree forbids mayors and aldermen from being members of the federal and Flemish Government, or the European Commission. Consequently, local executive officers can combine their office with a parliamentary mandate. Such a parliamentary mandate does not cause any harm to politicians participating in municipal elections. On the contrary, voters in municipal elections are more likely to vote for candidates with different political mandates.<sup>58</sup> Additional research in France shows the number of challengers in a re-election to be lower if the incumbent candidate accumulates his/her mandate with other positions.<sup>59</sup> These observations lead us to the following hypothesis:

**Hypothesis 3:** *As mayors fulfil more mandates, they are more often vote champions (from the majority coalition).*

With regard to the gender of candidate-representatives, local-election studies generally conclude that female candidates win slightly more preferential votes than men.<sup>60</sup> Nevertheless, Flemish female mayors are less frequently vote champions in their municipality than their male counterparts.<sup>61</sup> To assess whether this finding also applies when we - in accordance with the Walloon method - focus on the vote champion of the majority parties, our hypothesis is:

**Hypothesis 4:** *Female mayors are less likely to be vote champions (from the majority parties) than their male counterparts.*

Another factor possibly related to the number of preferential votes is the candidate's party. Traditionally, the Christian Democratic parties obtain - at least in federal elections - the most preferential votes in Belgium.<sup>62</sup> In order to verify whether this finding also applies at local level in Flanders, we start out from the following hypothesis:

**Hypothesis 5a:** *Mayors of CD&V are more often vote champions (from the majority parties) than mayors from other parties.*

Secondly, new parties and parties who bet strongly on a party campaign instead of individual campaigns (in the Flemish case Vlaams Belang and Groen) attract fewer preferential votes.<sup>63</sup> However, while Vlaams Belang provides no mayor owing to the *cordon sanitaire*<sup>64</sup>, only one Flemish municipality is led by a green mayor. This makes it impossible to verify whether this relationship

---

<sup>58</sup> J. ACKAERT, *Politiek in mijn gemeente*, Leuven, Davidsfonds / Politeia, 2006, 122; B. MADDENS, K. WEEKERS, S. FIERS & I. VANLANGENAKKER, "Op zoek naar een verklaring voor de persoonlijke score van de kandidaten bij lokale verkiezingen", *Res Publica* 2007, (132) 148.

<sup>59</sup> A. FRANCOIS, "Testing the 'Baobab Tree' Hypotheses: The *Cumul des Mandats* as a Way of Obtaining More Political Resources and Limiting Electoral Competition", *French Politics* 2004, (269) 281-284.

<sup>60</sup> B. MADDENS, K. WEEKERS, S. FIERS & I. VANLANGENAKKER, "Op zoek naar een verklaring voor de persoonlijke score van de kandidaten bij lokale verkiezingen", *Res Publica* 2007, (132) 146.

<sup>61</sup> J. RODENBACH, K. STEYVERS & H. REYNAERT, "Tussen Dorpsstraat en Wetstraat? Burgemeesters als stemmenkampioen en cumulards?" in H. REYNAERT & K. STEYVERS (eds.), *De verkiezingen van 14 oktober 2012. De kracht van verankering?*, Brugge, Vandenbroele, 2013, (141) 149-150.

<sup>62</sup> B. WAUTERS & K. WEEKERS, "Het gebruik van de voorkeurstem bij de federale parlementsverkiezingen van 10 juni 2007", *Res Publica* 2008, (49) 58-59.

<sup>63</sup> B. WAUTERS, D. VERLET & J. ACKAERT, "Giving More Weight to Preferential Votes: Welcome or Superfluous Reform? The Case of the Local Elections in Flanders (Belgium)", *Local Government Studies* 2012, (91) 103-104; K. WEEKERS & B. MADDENS, *Het geld van de partijen*, Leuven/Den Haag, Acco, 2009, 89 et seq.

<sup>64</sup> G. VANGOIDSENHOVEN & J-B. PILET, "Politicisation of immigration in Belgium" in W. VAN DER BRUG, G. D'AMATO, D. RUEDIN & J. BERKHOUT (eds.), *The Politicisation of Migration*, Routledge, London/New York, 2015, (52) 71.

applies at local level for the 2013-2018 term. However, these findings may be relevant in light of the election results of the Flemish nationalist party N-VA. Compared with the municipal elections of 2006 - when the N-VA took part independently in local elections in only 7.5% of the municipalities - in 2012 the party has opted for maximum participation without its former cartel partner CD&V. In the 2012 elections, the party took part independently in local elections in almost 88% of municipalities.<sup>65</sup> From this perspective, the Flemish nationalist party can be considered a new player on the local yard.

Moreover, the party's campaign had a strong national focus, not only thematically but also concerning its figureheads, with chairman Bart De Wever occupying a central place in all cities and municipalities.<sup>66</sup> Consequently, our hypothesis reads:

**Hypothesis 5b:** *Mayors of N-VA are less likely to be vote champions (from the majority parties) than mayors of CD&V.*

Another important feature at Flemish local level is the presence of local lists, representing a wide range of parties participating independently – not under the flag of national parties - in local elections. Local parties are generally less structured and ideologically less pronounced and give people who are more familiar with the district a more prominent place on their list of candidates.<sup>67</sup> In general, local list voters are motivated by personal ties to the candidates and local motives than by ideology.<sup>68</sup> On the basis of this information, it is to be expected that the local lists will attract more preferential votes. The hypothesis is:

**Hypothesis 5c:** *Mayors of local parties are more often vote champion (from the majority parties) than mayors of CD&V.*

Using CD&V as the reference category may be motivated by the character and tradition of the party and its position in the Flemish local landscape. Traditionally, CD&V is well entrenched at Flemish municipal level and “delivers” the majority of Flemish mayors.<sup>69</sup> Additionally, the party may be considered a centrist party.<sup>70</sup>

A sixth factor frequently being associated with the number of preferential votes at local elections is the municipality's scale. Belgian studies find a negative correlation between the municipality's population size/degree of urbanisation and the percentage of preferential votes. This relationship can be explained by the concept of 'social distance': in less urbanised municipalities politicians are closer to the people and come into contact with the public more frequently. These contacts increase

<sup>65</sup> K. STEYVERS & K. DE CEUNINCK, “De kracht van verandering of *plus ça change*? De gemeenteraadsverkiezingen van 2012 in het licht van de trends sinds de fusies van 1976” in H. REYNAERT & K. STEYVERS (eds.), *De kracht van verankering? De verkiezingen van 14 oktober 2012*, Brugge, Vanden Broele, 2013, (15) 17-21.

<sup>66</sup> K. STEYVERS & K. DE CEUNINCK, “De kracht van verandering of *plus ça change*? De gemeenteraadsverkiezingen van 2012 in het licht van de trends sinds de fusies van 1976” in H. REYNAERT & K. STEYVERS (eds.), *De kracht van verankering? De verkiezingen van 14 oktober 2012*, Brugge, Vanden Broele, 2013, (15) 15; M. VAN DE LOOVERBOSCH, *De wissel van de macht. Kroniek van een wetstraatwatcher*, Tielt, Lannoo Uitgeverij, 2015, 467; M. SWYNGEDOUW, “Over het verdriet van Janssens”, *Sampol* 2012/10, 12.

<sup>67</sup> K. STEYVERS, H. REYNAERT, K. DE CEUNINCK & T. VALCKE, “All Politics is Local, Partisan or National? Local Lists in Belgium, in M. REISER & E. HOLTMANN (eds.), *Farewell to the party model? Independent local lists in east and west European countries*, Wiesbaden, VS Verlag, 2008, (169) 188-190.

<sup>68</sup> S. MARIEN, R. DASSONNEVILLE & M. HOOGHE, “How Second Order Are Local Elections? Voting Motives and Party Preferences in Belgian Municipal Elections”, *Local Government Studies* 2015, (898) 908-909.

<sup>69</sup> J. ACKAERT, *De burgemeestersfunctis in België. Analyse van haar legitimering en van de bestaande rolpatronen en conflicten*, Leuven, Katholieke Universiteit Leuven, 2006, 142-146; J. RODENBACH, K. STEYVERS & H. REYNAERT, “Tussen Dorpsstraat en Wetstraat? Burgemeesters als stemmenkampioenen en cumulards?” in H. REYNAERT & K. STEYVERS (eds.), *De verkiezingen van 14 oktober 2012. De kracht van verankering?*, Brugge, Vandenbroele, 2013, (141) 148.

<sup>70</sup> K. DE KOSTER, J. KAMPEN, D. CALUWAERTS, A-S. DE CLOEDT, S. DEPAUW & K. DESCHOUWER, *Democratie en de kloof tussen discours en praktijk*, Gent, Academia Press, 2010, 51.

the personal connection, resulting in residents of smaller communities being more likely to cast a preferential vote for these locally well-known candidates. Urban anonymity, on the other hand, seems to be an incentive to cast a list vote.<sup>71</sup> Based on these findings, we can formulate the following hypothesis:

**Hypothesis 6:** *As mayors fulfil their mandate in a smaller community, they are more often vote champions (of the majority parties).*

Regarding the number of parties' influence on the percentage of preferential votes, the literature is ambiguous. On the one hand WAUTERS, VERLET and ACKAERT (2012) conclude the percentage of preferential votes as being higher in municipalities, with only a limited number of parties taking part in local elections. The authors consider the voters' strategic voting behaviour as a possible explanation: the limited choice between parties makes casting a preferential vote the only opportunity for voters to express their preferences.<sup>72</sup> According to RODENBACH, WAUTERS and STEYVERS (2015) on the other hand, a higher number of lists submitted to the elections implies a higher percentage of preferential votes for the final mayor.<sup>73</sup> Building on the latest research, our hypothesis is:

**Hypothesis 7a:** *In municipalities where more lists are submitted to the municipal elections, mayors are more often vote champions (of the majority parties).*

Regarding the number of parties participating in municipal elections, one-man parties or fringe parties cannot be considered full alternative choices. In order to avoid giving the same weight to these smaller and larger parties, we control - following WAUTERS<sup>74</sup> - additionally for the number of parties taking seats in the municipal council. WAUTERS (2000) found a declining trend in the percentage of preferential votes as the number of parties on the municipal council increases.<sup>75</sup> Our hypothesis is therefore:

**Hypothesis 7b:** *In municipalities where more parties are elected to the council, mayors are more often vote champions (of the majority parties).*

A final variable with a potential influence on the appointment of the mayor concerns the composition of the board of mayor and aldermen. Political power is considered the primary precondition to penetrate the majority. At Flemish local level, a positive correlation can be found between the number of seats a party obtains and its chances of being part of the governing majority. Nevertheless, in one out of five Flemish municipalities, the largest political party does not

---

<sup>71</sup> B. WAUTERS, *De kracht van de voorkeurstem in stad en dorp. Een analyse bij de gemeenteraadsverkiezingen van 1994 in Vlaanderen*, Leuven, KU Leuven, 2000, 41-43; B. WAUTERS, D. VERLET & J. ACKAERT, "Giving More Weight to Preferential Votes: Welcome or Superfluous Reform? The Case of the Local Elections in Flanders (Belgium)", *Local Government Studies* 2012, (91) 100; A. ANDRE, B. WAUTERS & J-B. PILET, "It's not only about lists: Explaining preference voting in Belgium", *Journal of Elections, Public Opinion and Parties* 2012, (293) 302; J. RODENBACH, B. WAUTERS & K. STEYVERS, "Van goudwaarde in verkiezingstijden? Electorale presidentialisering van het burgemeesterschap in Vlaanderen", *Res Publica* 2015, (33) 47.

<sup>72</sup> B. WAUTERS, D. VERLET & J. ACKAERT, "Giving More Weight to Preferential Votes: Welcome or Superfluous Reform? The Case of the Local Elections in Flanders (Belgium)", *Local Government Studies* 2012, (91) 99 & 103-104.

<sup>73</sup> J. RODENBACH, B. WAUTERS & K. STEYVERS, "Van goudwaarde in verkiezingstijden? Electorale presidentialisering van het burgemeesterschap in Vlaanderen", *Res Publica* 2015, (33) 47.

<sup>74</sup> B. WAUTERS, *De kracht van de voorkeurstem in stad en dorp. Een analyse bij de gemeenteraadsverkiezingen van 1994 in Vlaanderen*, Leuven, KU Leuven, 2000, 45-46.

<sup>75</sup> B. WAUTERS, *De kracht van de voorkeurstem in stad en dorp. Een analyse bij de gemeenteraadsverkiezingen van 1994 in Vlaanderen*, Leuven, KU Leuven, 2000, 45-46 & 49.

take part in the governing majority.<sup>76</sup> This suggests that a coalition with multiple partners reduces the likelihood that the vote champion becomes mayor. This brings us to the following hypothesis:

**Hypothesis 8:** *As the number of majority parties increases, it becomes more likely that the mayor will not be the vote champions (of the majority parties).*

### 5.2.2. Results

We test the various hypotheses using binary logistic regression analyses. The table below shows the results of the analyses for the mayor vote champion of the municipality, or of the majority parties. The relationships with independent variables will be examined on the basis of 'odds ratios' (Exp (B)). An *odds ratio* indicates the likelihood of a particular phenomenon occurring compared with the reference category. A value below 1 means the likelihood of belonging to the reference category is lower at a higher value of the independent variable. A value greater than 1 implies a higher probability of the phenomenon occurring as the independent variable increases.<sup>77</sup>

To distinguish significant from non-significant associations, we use the generally accepted and frequently-used significance level of  $p \leq .05$ . A p-value less than or equal to .05 indicates that the relationship between two or more variables can be generalised to the wider population. In addition, we also identify the relationships in the analyses with  $p \leq .1$ .

**Table1: Results of the binary logistic regression analysis**

	Vote champion		Walloon method	
	Exp(B)	Sig.	Exp(B)	Sig.
<b>Population size</b>	1.000	.702	1.000	.998
<b>Submitted lists</b>	1.269	.209	1.095	.722
<b>Number of fractions</b>	.187	.517	4.738	.629
<b>Political party (ref. CD&amp;V)</b>		<b>.059</b>		.116
<b>N-VA</b>	<b>.331</b>	<b>.033</b>	<b>7.992</b>	<b>.047</b>
<b>SP.a</b>	4.995	.158	2.092	.540
<b>Open VLD</b>	1.277	.674	.866	.852
<b>Other</b>	.896	.811	.531	.281
<b>Number of majority parties</b>	<b>.527</b>	<b>.048</b>	.499	.121
<b>Political experience</b>	<b>4.471</b>	<b>.001</b>	<b>7.880</b>	<b>.001</b>
<b>First on the party list</b>	<b>12.903</b>	<b>.001</b>	<b>22.627</b>	<b>.000</b>
<b>Number of mandates</b>	<b>1.109</b>	<b>.021</b>	.997	.954
<b>Female</b>	1.011	.982	1.609	.494
<b>Constant</b>	.438	.575	.287	.466
<b>Nagelkerke R<sup>2</sup></b>	0,423		0,335	

<sup>76</sup> J. ACKAERT, L. DE WINTER, P. DUMONT & S. HENNAU, "Met man en macht. Over mensen, macht en beleid bij lokale coalitievorming" in K. DESCHOUWER, T. VERTHE & B. RIHOX (eds.), *Op zoek naar de kiezers. Lokale partijafdelingen en de gemeenteraadsverkiezingen van oktober 2012*, Brussel, ASP nv, 2013, (147) 154-155; F. WILLE & K. DESCHOUWER, *Coalitievorming in de Belgische gemeenten. Over mensen en macht*, Brussel, ASP, 2012, 124-125 & 128.

<sup>77</sup> A. FIELD, *Discovering Statistics Using IBM SPSS Statistics*, Londen, Sage Publications Ltd, 2012, 767.

Neither the municipal scale nor the number of lists submitted or the number of parties represented on the municipal council are related to the likelihood of Flemish mayors being vote champion in their community or in the governing coalition.

The political affiliation of mayors does play a significant role. The analyses show that the likelihood of being vote champion in a municipality is significantly higher for CD&V than for N-VA mayors. This finding is consistent with the hypotheses. Application of the Walloon system in Flemish municipalities leads to a negative correlation: the mayors of N-VA are more likely than the mayors of CD&V to be the vote champion of the majority parties. The hypothesis relating to mayors of local parties cannot be confirmed: the mayors of local parties and CD&V do not differ significantly in the extent to which they act as vote champion of the municipality, or of the majority parties.

A third important conclusion: as the number of majority parties increases, the likelihood that the mayor will be vote champion decreases. This result confirms the hypothesis, and suggests that several smaller parties in municipalities will enter into a coalition without the vote champion of the municipality - and possibly without the largest party in the municipality.

Additionally, the mayor's personal characteristics seem to be of importance. In line with expectations, an incumbency effect exists at Flemish local level: mayors who already fulfilled their mandate before the 2012 elections more often obtained the most preferential votes in their community and from the majority parties' candidates. The position on the list is of importance for the first candidates, who are significantly more likely to become vote champion.

Finally, the extent of the Flemish mayors' network gives an electoral advantage: as the number of mandates of mayors - as recorded on the *Cumuleo* database - increases, the likelihood of being vote champion in their municipality rises significantly as well. This finding cannot be confirmed for the vote champion of the majority parties. The gender of Flemish mayors is not significantly related to the dependent variables.

## **6. Concluding remarks and discussion**

In 2001, the discussion about the appointment of the mayor was reopened in Belgium. This debate goes back to the foundation of the Belgian Constitution in 1831 and the drawing-up of the first municipal act of 1836. The discussion was then settled by reserving the appointment of the mayor for the King. The fifth State Reform (2001) and accompanying regionalisation of legislation relating to local elections have given the Regions jurisdiction over the appointment procedure. Both Flanders and Wallonia reflected about and discussed a new method of appointment, in which the public would be more involved.

The result in Wallonia was a new method of appointment, namely an indirect method of mayoral elections: the person with the most preferential votes on the largest party of the coalition would be appointed mayor automatically. Despite the aims of the Walloon legislator, questions could be raised regarding the transparency of the appointment system. Although the majority parties are bound by the party size and the number of preferential votes, there exists no full transparency. Political parties can conclude pre-electoral agreements with their preferred coalition partner(s). Such pre-electoral agreements are not disclosed before the elections and remain opaque. So the innovation in the Walloon system does not exist to retain the post of mayor for the largest political

party in the coalition; political use already knows such a principle.<sup>78</sup> The innovation exists in the automatic appointment of the person with the most votes of the largest party of the coalition, which should lead to the greatest possible democratic legitimacy.<sup>79</sup> However speaking of democratic legitimacy, the Walloon system does not prevent the largest party from still ending up in opposition.<sup>80</sup> The Walloon system combines the direct mayoral elections (as it exists in for example in Germany and Italy)<sup>81</sup> and the election by councillors (as it exists in for example Denmark and Norway)<sup>82</sup>.

In Flanders, however, the idea of direct mayoral elections, though much discussed, was not enshrined in law. This article investigated what the effect would be at local political level if more direct mayoral elections were to be introduced in Flanders. The impact is researched by verifying whether the mayor is the vote champion of the municipality. Notwithstanding this, the objection must be made that direct election of the mayor would result in other voting intentions by the local citizenry. In addition, this paper discusses the potential impact of introduction of the Walloon system in Flanders.

In general, the impact of amending legislation would have been minimal in Flanders: almost eight out of ten Flemish mayors figured as vote champion in their municipality after the 2012 local elections. The introduction of the Walloon system would have had minor effects as well: more than nine out of ten Flemish mayors were the candidates of the largest coalition party with the highest number of votes. In our opinion however, these results do not have to herald the end of the debate concerning the appointment of the Flemish mayor. The limited practical effects of the proposed reforms do not detract from the democratic and legitimate objectives of the Walloon legislator, who wanted to lower the political parties' power in the selection of the mayor in favour of the voters' influence.

A second remarkable result concerns the mayor's political party. While the likelihood of being vote champion in a municipality is higher for CD&V than for N-VA mayors, the latter are more often the vote champion of the majority parties. These results might suggest that, during the formation of majority coalitions, N-VA choose frequently not to include the Christian Democrats, even though they are the biggest party. This suggestion is supported by our finding that the likelihood of a vote champion being appointed mayor is lower as the number of majority parties increases. Furthermore, this result is not surprising in the light of theories relating to coalition formation: frequently political parties look for the smallest possible majority in order to increase their relative weight in the majority. After the 2012 municipal elections the percentage of so called *minimal weight coalitions* increased in Flanders from 29% to 36%.<sup>83</sup>

---

<sup>78</sup> On this principle are different exceptions, especially when a certain smaller political party is necessarily for forming a majority. This remark was also made in the parliamentary debate on the Code de la Démocratie Locale et de la Décentralisation (*Parl. St. Wl. Parl. 2005-2006, CRI 8., 33*).

<sup>79</sup> T. BOMBOIS, "Les modes de désignation du bourgmestre en Belgique", *RBDC* 2006/1, (79) 87.

<sup>80</sup> Except in the case that this party has obtained an absolute majority.

<sup>81</sup> H. WOLLMANN, "The directly-elected mayor in German local government" in R. BERG & N. RAO (eds.), *Transforming Political Leadership in Local Government*, Hampshire/New York, Palgrave Macmillan, 2005, 29-41; G. BARONE & G. DE BLASIO, "Electoral rules and voter turnout", *International Review of Law and Economics* 2013, (25) 27

<sup>82</sup> H. HEINELT & N-K. HLEPAS, "Typologies of Local Government Systems" in H. BACK, H. HEINELT & A. MAGNIER (eds.), *The European Mayor. Political Leaders in the Changing Context of Local Democracy*, Wiesbaden, VS Verlag für Sozialwissenschaften, 2006, (21) 22.

<sup>83</sup> J. ACKAERT, L. DE WINTER, P. DUMONT & S. HENNAU, "Met man en macht. Over mensen, macht en beleid bij lokale coalitievorming" in K. DESCHOUWER, T. VERTHE & B. RIHOUX (eds.), *Op zoek naar de kiezers. Lokale partijafdelingen en de gemeenteraadsverkiezingen van oktober 2012*, Brussel, ASP nv, 2013, (147) 155-157.

Additionally, previous experience is of major importance to a mayor's career: mayors who already fulfilled their mandate before the 2012 elections more often obtain the most preferential votes. As a consequence, a more direct appointment method for mayors would possibly raise the threshold for new candidate-mayors to get elected.

Furthermore, both the position on the list and the number of mandates do matter: mayors with more mandates and who were on the first place of their party's list are more likely to be the vote champion of their municipality. In this context we need to emphasise that Walloon mayors and aldermen are not allowed to combine their local mandate with a parliamentary mandate. The discussion concerning the *cumulation* of local mandates with a position in the Flanders or federal parliament is also very topical in Flanders, with the socialist party prohibiting mayors and aldermen from large municipalities from combining their local mandate with a parliamentary one. Our results show that this debate could have important consequences on the choice of mayor.