

**Subcommittee on Package of Proposals
for the Methods for Selecting the Chief Executive and
for Forming the Legislative Council in 2012**

**Nomination procedures for head of state and head of government in
selected overseas jurisdictions**

At the meeting on 31 May 2010, the Administration was requested to provide information on the nomination procedures for head of state and head of government in selected overseas jurisdictions.

2. The nomination procedures for head of state and head of government differ in various overseas jurisdictions, which adopt different systems of government. There are three main types of government systems:

- (a) presidential system;
- (b) parliamentary system; and
- (c) semi-presidential system.

(a) Presidential system

3. A presidential system is a system of government in which executive authority is concentrated in the president whose office is politically and constitutionally separated from the legislature. The executive and legislative branches are elected independently. The president is both head of state and head of government.

4. The United States is among the countries which adopt the presidential system.

(b) Parliamentary system

5. A parliamentary system is a system in which the government is formed by the majority party or the largest party in the political coalition in the parliament. Thus, there is a clear link between the executive and legislature. Under this system, the prime minister is normally the leader of the majority party or the largest party in the political coalition after the parliamentary election.

6. The United Kingdom, Germany, Japan, New Zealand and Singapore are among the countries which adopt the parliamentary system.

(c) Semi-presidential system

7. A semi-presidential system divides power between a popularly elected president and a prime minister, who is the leader of the majority party or the largest party in the political coalition. The president and the prime minister are both active participants in the administration of the state.

8. France is among the countries which adopt the semi-presidential system.

9. The nomination procedures for the head of state and head of government of overseas jurisdictions are set out in Annex for Members' reference.

Nomination procedures for head of state and head of government in overseas jurisdictions

Country	Nomination procedures for head of state and head of government
United States of America	<ul style="list-style-type: none">• The President of the United States is both the head of state and head of government.• Presidential candidates can be nominated by political parties or if they are independents, they have to demonstrate that they have public support. <p><u>Nomination Procedures for Presidential Candidates by Political Parties</u></p> <ul style="list-style-type: none">• The process to nominate Presidential candidates can be broken down into two stages: <p><i>Stage One: Primary Election or Party Caucus</i></p> <p>The aim of primary election or party caucus is to elect party delegates to the national nominating conventions where party candidates for President and Vice-President are determined and the party's platform approved.</p> <p><i>Stage Two: National Nominating Conventions</i></p> <p>Each party holds its own national nominating convention. At the convention, delegates vote for the person they want their party to nominate for the Presidency office. The candidate who has received the majority vote becomes the party's Presidential candidate. The same rule applies to the election of the candidate for the Vice-President.</p> <p><u>Nomination Procedures for Independent Candidates</u></p> <ul style="list-style-type: none">• An independent candidate is required by law to have a minimum number of registered voters to nominate him as a candidate.

Country	Nomination procedure for head of state	Nomination procedures for head of government
United Kingdom	<ul style="list-style-type: none"> • The Monarch (the Queen) is the head of state. 	<ul style="list-style-type: none"> • The Prime Minister is the head of government. • The Prime Minister is elected as Member of Parliament who is normally the leader of the majority party or the largest party in the political coalition. He is appointed by the Monarch on the basis of his ability to command a majority in the House of Commons.
Germany	<ul style="list-style-type: none"> • The Federal President is the head of state. • A presidential candidate must not be a member of the government or a federal or state parliament and must not hold any other salaried office. • Apart from the general nationality requirement, there are only two statutory requirements for being a presidential candidate, namely being entitled to vote at German Bundestag (i.e. the Lower House) elections and being at least 40 years of age. • The president is elected by the Federal Convention, a constitutional body which convenes for this purpose. The Convention comprises members of the Bundestag and an equal number of members elected by state parliaments. 	<ul style="list-style-type: none"> • The Chancellor is the head of government. • The Chancellor is not required to be a member of the legislature. • Immediately after the Bundestag election, political parties, through negotiations, come up with their preferred Chancellor candidate because it is rare for one party to gain an absolute majority in the Bundestag. The usual practice is that each party pledges its votes to a candidate for the Chancellor nominated in its caucus held before the Bundestag election. Once the Bundestag election determines the number of seats each party receives, the party or coalition of parties that commands the most seats presents a candidate to the President for proposing the candidate to the Bundestag. The

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		President must appoint the Chancellor elected by an absolute majority of all Bundestag Members.
Japan	<ul style="list-style-type: none"> • The Emperor is the head of state. • The Emperor ascends the Imperial Throne which is dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet¹. 	<ul style="list-style-type: none"> • The Prime Minister is the head of government. • The Prime Minister must be a member of the Diet, and is usually the president of the majority party. • In designating the Prime Minister, each House of the Diet conducts a ballot under the run-off system². If the two Houses choose different individuals, then a joint committee of both Houses is appointed to agree on a common candidate. If the two Houses do not agree within 10 days, the decision of the House of Representatives is deemed to be that of the Diet.

¹ The National Diet of Japan is Japan's legislature. It consists of two houses: the House of Representatives and the House of Councillors.

² It is a voting system that ensures a winning candidate will receive an absolute majority of votes rather than a simple plurality.

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New Zealand	<ul style="list-style-type: none"> • The Monarch of the United Kingdom is the head of state. • The Governor-General is appointed by the Monarch of the United Kingdom, on the advice of the New Zealand Government, to be the personal representative of the head of state. 	<ul style="list-style-type: none"> • The Prime Minister is the head of government. • The Prime Minister is appointed by the Governor-General. In making the appointment, the Governor-General, by convention, accepts the outcome of the electoral process and subsequent discussions among political parties as to which party or group of parties is to govern the country and the internal decision of that party or group of parties as to who is to lead the government.
Singapore	<ul style="list-style-type: none"> • The president is the head of state. • The presidential candidate is required to be nominated by a nomination paper signed by two persons as proposer and seconder and by not less than four other persons, all of their names must appear in any register of electors. • Apart from the general requirements (e.g. the candidate must be a citizen of Singapore and be not less than 45 years of age), the candidate must also satisfy the Presidential Elections Committee³ that he is a person of integrity, good character and reputation. Also, the candidate is required to have top management experience 	<ul style="list-style-type: none"> • The Prime Minister is the head of government. • Following a parliamentary general election, the leader of the majority party or the leader of a majority coalition in Parliament is usually appointed the Prime Minister by the President.

³ The Presidential Elections Committee consists of the Chairman of the Public Service Commission, a member of the Presidential Council for Minority Rights, and the Chairman of the Public Accountants Board.

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	<p>in government agencies or large Singapore companies and no membership of any political party on the date of his nomination for election.</p> <ul style="list-style-type: none"> The President is directly elected by the citizens of Singapore. 	
France	<ul style="list-style-type: none"> The President is the head of state. A Presidential candidate must have the public endorsement of at least 500 representatives who are members of certain public bodies such as Parliament and local councils. These representatives must come from at least 30 of about 100 départements (which are geographical administrative units equivalent to counties) and overseas territories, with not more than 10% of the representatives from a single département or territory. The President is elected by direct universal suffrage. 	<ul style="list-style-type: none"> The Prime Minister is the head of government. The Prime Minister is appointed by the President after an election is held for the National Assembly (i.e. the Lower House). The leader of the majority party or the leader of a majority coalition in the National Assembly is usually appointed the Prime Minister.