



**Resolution 2037 (2015)<sup>1</sup>**

Final version

## **Post-electoral shifting in members' political affiliation and its repercussions on the composition of national delegations**

Parliamentary Assembly

1. Changes in political affiliation by a parliamentarian – or a group of parliamentarians – in the course of a national electoral mandate are a common phenomenon in many Council of Europe member States.
2. In Council of Europe member States, imperative mandates are prohibited and parliamentarians are free to exercise their mandates as they see fit. Nevertheless, the mandates are moral contracts between voters and the parliamentarians, based on the principles, values and opinions championed in their election manifestos. Switches in political affiliation after elections therefore raise questions and criticisms – in particular in ethical and moral terms – relating to political opportunism, potential threats to public confidence in the political class and the internal discipline of political parties.
3. Apart from these general criticisms, parliamentarians switching from one group to another after elections or withdrawing from a group to sit as independents has an impact on the working of the parliamentary institution. In the case of members of the Parliamentary Assembly, switching of this kind may influence the balance of political representation within the national delegations to the Assembly.
4. The Assembly notes that there are great differences at national level in positions regarding floor-crossing and in the regulations that apply in national parliaments; it notes that in the vast majority of States – and in the Assembly itself – there are no legal regulations which specifically cover switches in political allegiance in the course of mandates. It therefore considers that it is not necessary to determine whether or not switching political affiliation should be formally authorised or, on the contrary, prohibited.
5. The Assembly points out that, under Rule 6.2 of its Rules of Procedure, the fair representation of the political forces existing in national parliaments is a requirement for the validity of the national delegations to the Assembly. In accordance with their internal regulations or established practice, however, many national parliaments appoint delegations to inter-parliamentary assemblies for the full length of the parliamentary term. Changes which occur in the composition of political groups during a parliamentary term, including changes in party affiliation, may affect the representativeness of national delegations and constitute a ground for challenging credentials.
6. With a view to increasing the transparency and effectiveness of its procedures, the Assembly therefore calls on national parliaments to take due account of switches in political affiliation by their members which may alter the representativeness of their delegations:
  - 6.1. before the opening of each ordinary session of the Assembly, by submitting credentials which take account of any changes in the composition of political groups and the balance of forces between the majority and the opposition; by indicating the regulations and the procedure which apply to the appointment of delegations and the distribution of seats within delegations, and the references and dates of the appointment decisions; and by supplying up-to-date statistics on the breakdown of the political groups represented in parliament;

---

1. *Assembly debate* on 29 January 2015 (8th Sitting) (see [Doc. 13666](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Jordi Xuclà). *Text adopted by the Assembly* on 29 January 2015 (8th Sitting).



- 6.2. in the course of a session, by notifying the Assembly presidency of any switches in political affiliation by their members.
7. The Assembly notes that there is a general rule in all member States that parliamentarians who switch political allegiance during the life of a parliament retain their seats. It nevertheless believes that account must be taken of the principles of transparency, integrity, accountability and trust on which the contract between elected members and citizens is based.
8. The Assembly therefore invites national parliaments to:
  - 8.1. look in depth at the switching of political affiliation by members so as to determine whether measures should, or should not, be taken to restrict switching between political groups, by prohibiting switches to another parliamentary group – for the remainder of a parliamentary term or for a certain period of time – and requiring the members concerned to sit as non-registered/independents, or depriving them of certain participation and representation rights;
  - 8.2. revise their internal regulations if they do not already include provisions providing for or prohibiting the switching of political affiliation, as well as the requirements for, and consequences of, switches in political affiliation and the suspension, expulsion or resignation of members from their political groups;
  - 8.3. take switches in political affiliation during the life of a parliament into account in the composition of parliamentary bodies and in their chairs; determine or clarify the rules and procedures governing the consequences for political groups and their members, in particular in terms of participation and representation in parliamentary bodies, of changes in their composition in the course of a year; and resolve any dispute between groups by means of dialogue;
  - 8.4. promote specific rules of conduct concerning members' integrity, if appropriate by supplementing existing laws or codes of conduct or ethics, so as to prevent and punish certain forms of corruption such as vote buying or selling or bribing members to change groups;
  - 8.5. draw up a record of switches in affiliation by their members, in particular indicating the reasons.
9. In terms of taking account, in the Assembly's political groups, of the consequences of switches in political affiliation within national delegations, and also with a view to fostering greater transparency in affiliation, the Assembly invites the political groups in the Assembly to:
  - 9.1. supplement their statutes or rules of procedure, as appropriate, so that they:
    - 9.1.1. set out more clearly the values and principles on which the group is based and the objectives it pursues;
    - 9.1.2. include provisions specifying the procedure and requirements for, and consequences of, switches in political affiliation as well as the suspension, expulsion or resignation of members;
  - 9.2. draw up a record of switches in affiliation by their members at national level and in the Assembly;
  - 9.3. invite affiliated national political parties to promote in their internal regulations specific rules laying down the requirements for and consequences of switches in political affiliation and the suspension, expulsion or resignation of members.
10. In order to promote its recommendations, the Assembly decides to conduct an active and constructive dialogue with the national parliaments of the Council of Europe member States, and with parliaments enjoying observer and partner for democracy status with the Assembly, whose regulations do not adequately address issues raised by post-electoral changes in the political affiliation of their members.