



SPANISH CONSTITUTIONAL COURT  
Cabinet of the President  
Press Office

## INFORMATION NOTE No. 9/2015

### THE TC UNANIMOUSLY DISMISSED THE APPEAL LODGED BY THE SOCIALIST GROUP IN THE SENATE AGAINST THE REFORM OF THE ELECTORAL ACT OF CASTILLA-LA MANCHA

The Plenary Meeting of the Spanish Constitutional Court (TC) has unanimously dismissed the unconstitutionality appeal lodged by the Socialist Parliamentary Group in the Senate against the reform of the electoral act of Castilla-La Mancha. The TC rejects that the reduction to 33 of the number of members of Parliament in the Senate breaches, as the appellants state, the constitutional principle of political pluralism, the proportional representation system, the right to equal access to the public office, the constitutional prohibition of arbitrariness and the political autonomy of the Autonomous Community of Castilla-La Mancha. Judge Andrés Ollero acted as Reporting Judge.

The Plenary Meeting repeats the reasons used in the judgment which, on 4 December 2014, had dismissed the appeal lodged by the appellants, for the same reasons, against the reform of the Statute of Autonomy of Castilla La-Mancha. Thus, the Court considers that they are again basing their reasoning on assumptions regarding the future outcome of forthcoming elections.

Regarding the alleged breach of the principle of proportionality, which is the main reason for the appeal, the judgment admits that the reduction of the number of eligible representatives in an electoral constituency does not favour a greater proportionality of the electoral system. However, as stated in the previous judgment, there are other factors, “*external to any legal determination*”, which also affect greater or lesser proportionality, such as “*the number of candidacies presented and the varying degree of concentration or dispersion of the suffrage of voters*”.

Constitutional case-law on the proportionality principle does not agree that the reduction in the number of members of parliament eligible for each constituency “*hinders*” any proportionality in the electoral system of Castilla-La Mancha. In this case, the challenged rule allocates an initial minimum of three members of Parliament to each of the five provincial constituencies and distributes the remaining 18 according to their respective population.

According to the Judgment, this allocation of seats “*is far from preventing, as stated in the appeal, any possible display of proportionality arising from Arts. 152.1 of the Spanish Constitution and 10.2 of the Statute of Autonomy of Castilla-La Mancha*”. The electoral system “*has not lost as a result of the challenged rule (...) its ability to reflect, depending on the voters’ decision, the main political options available; as far as this appeal is concerned, this is what non-transgression of the constitutional mandate of proportionality should be based, as previously stated*”.

Madrid, 6 February 2015