

Electoral rights of mobile Union citizens in municipal elections

2021/0373(CNS) - 23/01/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted, in the framework of a special legislative procedure (Parliament's consultation), the report by Joachim Stanisaw BRUDZISKI (ECR, PL) on the proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals (recast).

The committee called on the European Parliament to approve the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission and as amended below.

Definitions

Members include the definitions of:

- 'Union voter' to mean any Union citizen who has the right to vote in municipal elections in this person's Member State of residence in accordance with this Directive;
- 'Union candidate' to mean any Union citizen who has the right to stand as a candidate in municipal elections in this person's Member State of residence in accordance with this Directive.

Ineligibility

Member States of residence may provide that Union citizens who, through an individual decision under civil law or a criminal law decision, have been deprived of their right to stand as a candidate under the law of their home Member State, should be precluded from exercising that right in municipal elections. However, decisions on deprivation of legal capacity due to disability taken by the home Member State should not make Union citizens ineligible from standing as a candidate in municipal elections in their Member State of residence if the law of that Member State upholds that right to all persons with such disabilities without restrictions.

Freedom to choose to vote in the Member State of residence

The report suggests that Member States should endeavour to introduce immediate registration of nonnational Union citizens as Union voters on the electoral roll upon receiving the consent of the Union citizens concerned at the time of registering as a resident in the Member State of residence. Union voters who have opted out of immediate registration should be invited to register well in advance of the election period.

Entry and removal from the electoral roll

In order to have their name entered on the electoral roll, Union voters should produce the same or equivalent documents as voters who are nationals. They should also produce a formal declaration in accordance with the template set out in Annex II.

The report adds that the Member State of residence may also require Union voters to:

- produce a valid identity document;
- indicate the date from which they have been resident in that State or in another Member State;
- if they so wish, indicate one or more language preferences in which they would like to receive the information, selected among the official Union languages, or, where offered by the competent authority, other languages.

Union voters who have been entered on an electoral roll in the Member State of residence should remain thereon, under the same conditions as voters who are nationals, until such a time as they are removed because they no longer satisfy the requirements for exercising the right to vote.

Registration as a candidate

When submitting an application to stand as candidates, non-national Union citizens should produce the same or equivalent supporting documents as candidates who are nationals. The Member State of residence may require the persons concerned to produce a formal declaration drawn up in accordance with the template set out in Annex III.

In case of legitimate doubt regarding the content of the declaration, the Member State of residence may directly request to the home Member State of the non-national Union citizen, before or after the election, a certification that the person has not been deprived of the right to stand as a candidate in that State.

Specific means of voting

Member States should endeavour to provide for the possibility to vote by means of postal voting in municipal elections. Where possibilities of postal voting, advance voting, proxy voting or electronic and internet voting are available in municipal elections to their nationals, Member States should ensure that such means of voting are also available under the same conditions to Union voters.

Provision of information

Member States should ensure that the designated authority should directly and individually communicate to Union voters and Union candidates the following information the specific measures to facilitate the exercise of the right to vote to particular groups of voters, such as persons with disabilities.

A new article is proposed stipulating that the European Commission should ensure that the information relating to the right to vote and to stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals and the relevant information is made available to these citizens in a clear and accessible manner, in all official languages of the Union, where necessary, including via Europe Direct and Your Europe.

In addition, Member States should ensure that information on conditions and detailed rules for registration as a voter or candidate in municipal elections and relevant information is made accessible to persons with disabilities, older persons, people in remote areas, minority groups.