

# Electoral rights of mobile Union citizens in European Parliament elections

2021/0372(CNS) - 14/02/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 500 votes to 143, with 9 abstentions, following a special legislative procedure (consultation), a legislative resolution 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 elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (recast).

Parliament approved 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 subject to amendments.

## *Participation in the democratic life of the Union*

Members stressed that the right to vote and to stand as a candidate also allows citizens to effectively participate in the democratic life of the Union and to have a stake in the European Union as a political entity. It is **imperative that all Union citizens, including mobile Union citizens, citizens with disabilities and citizens in a situation of homelessness, can fully exercise their political rights** in the context of the elections to the European Parliament, both as candidates and as voters.

The right of mobile citizens to vote and stand as candidates should apply in all electoral lists and constituencies, including in the Union-wide constituency in the event of its establishment.

## *Freedom to choose to vote in the Member State of residence*

Union voters should exercise the right to vote in the Member State of residence if they so wish. Non-national citizens of the Union should be able to **register as voters immediately**.

When registering as residents, non-national Union citizens should have the possibility to express their wish to be registered as voters in their Member State of residence and shall be informed about the possibility to stand as a candidate and submit an application in this regard.

Should non-national Union citizens choose not to express their wish to be registered as voters in their Member State of residence at the moment of their registration as residents, they should retain the right to do so afterwards. Member States shall duly **inform non-national Union citizens** that they may vote or stand as candidates either in their home Member State or in their Member State of residence, dependent on their own choice.

## *Entry on the electoral roll and deletion*

Member States should take the necessary measures to enable a Union voter who has expressed the wish to be registered as a voter to be entered on the electoral roll **no later than 14 weeks before polling day**. Member States shall enable registration as soon as the voter concerned is registered as a resident.

Where provisions are in place to notify nationals of such a removal from the electoral roll, these provisions should apply to Union voters as well. Notifications should be provided in an official language of the Union understandable to the Union voters in question.

### ***Registration as a candidate***

National authorities should ensure that the democratic, proportionate and transparent standards which apply to national Union citizens when submitting a list of candidates also apply to non-national Union citizen candidates.

The Member State of residence should inform the persons concerned, in a timely manner, in clear and plain language, and in an official language of the Union understandable to them, of the decision taken concerning their immediate registration or their application for entry on the electoral roll or of the decision concerning the admissibility of their application to stand as a candidate, including the possibilities to appeal those decisions.

### ***Information***

Non-national citizens of the Union should be informed in a timely manner of the conditions and detailed rules for registering as a voter or as a candidate in elections to the European Parliament, as soon as they register as residents of a Member State of which they are not nationals, as well as periodically ahead of European elections. This information should indicate that citizens have the choice to register in their Member State of residence or remain registered in their home Member State, according to their preferences.

EU voters and eligible voters should also be informed about specific measures taken to **facilitate the exercise of the right to vote by vulnerable and marginalised groups** of voters such as persons with disabilities. Civil society organisations should be involved in raising public awareness of the information provided.

Information on the conditions and detailed rules for registration as a voter or as a candidate in elections to the European Parliament should be made accessible to vulnerable and marginalised groups, such as people with disabilities, the elderly, homeless people and prisoners who enjoy the right to vote, in using appropriate means and formats of communication, such as Braille, large print, audio-based information, easy-to-read information and sign language.

Persons entitled to vote and stand as candidates and who have established their residence in a Member State, shall automatically receive information about their rights under this Directive. That information should also be provided to them periodically and sufficiently ahead of the elections to the European Parliament.

### ***Specific voting tools***

Member States should consider introducing complementary voting tools such as postal voting, advance physical voting, proxy voting, mobile polling stations for voters who are unable to go to the polling stations on election day and electronic and online voting, in elections to the European Parliament.

### ***Derogations***

Parliament called for the **deletion** of the so-called ‘derogation’ provisions, which would allow a Member State to restrict the electoral rights of nationals of other EU countries when they represent more than 20% of all EU citizens residing on its territory.