

Electoral rights of mobile Union citizens in municipal elections

2021/0373(CNS) - 14/02/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 504 votes to 79, with 69 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 municipal elections by Union citizens 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.

Definitions

Members clarified the concept of ‘**Union voter**’, i.e. any Union citizen who has the right to vote in municipal elections in this person’s Member State of residence in accordance with the Directive, and ‘**Union candidate**’ means 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.

Freedom to choose to vote in the Member State of residence

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.

In addition, 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 Member 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 languages of the Union, or, where offered by the competent authority, other languages.

Registration as an applicant

In case of legitimate doubt regarding the content of the formal declaration, the Member State of residence could 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 Member State.

Specific voting tools

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

Provision of information

Information on the conditions and detailed rules of registration as a voter or as a candidate in municipal elections should be provided by the relevant authorities in a coordinated way and, whenever possible, in cooperation with civil society organisations, upon registration as a resident and in a timely manner ahead of elections.

The designated authority should communicate directly and individually to Union voters and eligible Union citizens: (i) as soon as this information is known, the date of the elections and how and where to vote, including, where appropriate, specific voting arrangements; (ii) specific measures to **facilitate the exercise of the right to vote by particular groups of voters, such as people with disabilities**; (iii) information on the electoral and political system, including the powers of local authorities.

Information provided directly and individually to Union voters and eligible Union citizens should be provided to the person concerned in a language of this person's preference.

The 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 is made available to those citizens in a clear and accessible manner, in all official languages of the Union, where necessary, including via Europe Direct and Your Europe.

Information should be made accessible to persons with disabilities, older persons, people in remote areas, minority groups and those who face difficulties in voting generally. Member States should ensure that persons with disabilities receive, at their request, assistance in voting by a person of their choice.

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.

As regards **ineligibility**, Members called for the deletion of provisions allowing Member States to stipulate that only their own nationals may hold the office of elected head, deputy or member of the governing college of the executive of a basic local government unit if elected to hold office for the duration of their mandate.