

# European elections: exercise of the right to vote and stand as a candidate in elections to the European Parliament, preventing citizens from voting or standing twice

2006/0277(CNS) - 12/12/2006 - Document attached to the procedure

**PURPOSE:** Commission report on the participation of EU citizens in Member States elections.  
**CONTENT:** this report concerns the participation of EU citizens in the elections of the Member State of residence (Directive 93/109/EC) and on the electoral arrangements (Decision 76/787/EC as amended by Decision 2002/772/EC, Euratom) notably in the framework of the European elections in 2004.

To recall, the right to vote and stand as a candidate in elections to the European Parliament in the Member State of residence is enshrined in Article 19(2) of the EC Treaty and was put into effect by

Council Directive 93/109/EC. The 2004 elections were the sixth direct elections to the European Parliament. They were held in the 25 Member States of the enlarged EU, with the number of seats increased to 735.

In order to evaluate the participation of non-national citizens of the EU in elections in the Member State of residence and to obtain a complete overview of the application of the Directive, the Commission invited Member States to provide both statistical and qualitative information on the elections, using a questionnaire. The report is based principally on information provided by Member States in response to the questionnaire. Its purpose is to assess the application of the Directive. In line with its assessment, the Commission proposes amendments to the Directive concerning the exchange of information between Member States, with a view to preventing people from voting twice or standing for election in two places and as regards the administrative formalities for standing as a candidate.

Several problems have come to light as a result of this evaluation:

**1) The problem of double voting or double candidature:** Directive 93/109/EC prohibits EU citizens from voting or standing as a candidate in more than one Member State in the same election. To that end, Member States are obliged under Article 13 to exchange information on EU citizens who have

been entered on the electoral roll or have stood as a candidate in the Member State of residence. An information exchange system was set up in order to apply Article 13: on the basis of information sent by the Member State of residence to the home Member State, the latter deletes from its own electoral roll any persons who have been added to the electoral roll in the Member State of residence.

As from the 1994 elections, the Commission found that the information exchange system was not functioning as it should. Consequently, efforts were made with Member States to implement a series of practical measures to increase the operability and effectiveness of the system: a standard form and format of personal data to be sent to the Member State of origin was adopted, practical arrangements for information exchange were laid down and a list of the national authorities responsible for receiving data was circulated among the Member States.

Despite all efforts almost all Member States concluded that there were shortcomings in the operability of the information exchange system and its effectiveness was hampered by a number of difficulties: serious

problems with data being exchanged (such as maiden name, or place and date of birth that were necessary to allow such persons to be identified in the home electoral roll); or data arriving too late to be processed without additional emergency measures or in many cases even to be taken into account.

In short, all the previous efforts made by the Commission with the Member States to improve the operability and effectiveness of the system had only limited impact and failed to meet expectations. Overall, only five Member States considered the present system adequate to prevent double voting without the introduction of further changes. On the other hand, in several cases implementation of the current system led to EU citizens being deprived of the right to vote in the elections in their home Member State as a consequence of the exchange of information on non-national EU citizens, because they were incorrectly considered as still wishing to vote in their previous Member State of residence when they had in fact returned to their home Member State and exercised political rights such as voting in local elections

While the aim of the system is solely to prevent people from voting or standing twice and it does not allow detection of attempts to do so, information provided by the Member States seems to indicate that the number of cases of double registration or double voting by non-national EU citizens is low. These cases tended to be linked not to deliberate abuse but to mistakes and misunderstandings.

**2) Participation of non-national EU citizens in the Member States of residence as candidates:** statistics on non-national EU citizens standing as candidates in the elections reflect weak participation in the political life of the Member States of residence. Several factors can be assumed to lie behind this downward trend. In some Member States, there was criticism of the heavy administrative burden that candidates have to face when submitting an application to stand. This applies to the requirement that a

Community national must also produce an attestation from the competent administrative authorities of the home Member State certifying that he/she has not been deprived of the right to stand as a candidate in that Member State. Cases were reported where non national EU citizens wishing to stand as a candidate had difficulty identifying the authorities in their Members State of origin designated to issue such attestations.

Non-national voters may therefore be deprived of the opportunity to exercise their right to stand as a candidate, as in practice candidates are in the majority of cases put forward by political parties. The Commission encourages Member States to offer to non-national resident EU-citizens the possibility to become members of national political parties under the same conditions which are open to their nationals. This would considerably facilitate the citizens' participation in the political life of the Member States where they live as well as their integration and it would enrich the political life and enhance democracy.

**3) Problems detected in the implementation of the 1976 Act concerning the election of representatives of the European Parliament:** the Commission detected that the interpretation by certain Member States of Article 9(2) concerning the timing of publication of the electoral results in 2004 elections had led to early publication of the results in these Member States. Another problem related to the participation in European elections of citizens holding the nationality of more than one Member State which could be a source for double voting.

Proposed amendments: in view of the problems identified and of voter apathy during European elections (in 2004, EU-15 voter turnout was 49.1%, thus below the 49.8% turnout in 1999, and EU-10 voter turnout was 26.9%) the Commission proposes amendments to the Directive in order to:

- strengthen the information exchange system and prevent double voting and double candidature and
- take steps to reverse citizens' weak participation in the elections, as voters and candidates.

These amendments are the subject of a Commission proposal (please see the summary dated 12/12/2006.)