

Electoral rights of mobile Union citizens in European Parliament elections

2021/0372(CNS) - 16/05/2024 - Amended legislative proposal for reconsultation

The Council decided to consult the European Parliament again on the draft 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 Union citizens residing in a Member State of which they are not nationals (recast).

The main elements of the draft Council Directive are as follows:

Provision of information

Member States shall designate one or more authorities with responsibility for taking the necessary measures to ensure that non-national Union citizens are informed in a timely manner of the conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament.

General information on the national framework for the organisation of elections to the European Parliament, including the conditions for registration as a voter or candidate, the date of the election and how and where to vote shall also be available in at least one other official language of the Union that is broadly understood by Union citizens residing on its territory.

Right of vote and eligibility of non-national Union citizens

In order to ensure that Union citizens who reside in a Member State of which they are not nationals (non-national Union citizens) are able to exercise their right to vote and to stand as candidates in elections to the European Parliament under the same conditions as nationals of their host Member State, the conditions governing registration and participation in such elections should be clarified in order to ensure equal treatment between national and non-national Union citizens. In particular, Union citizens seeking to vote and to stand as candidates in elections to the European Parliament in their Member State of residence should be **treated equally** as regards any periods of residence that are to be fulfilled as a condition for the exercise of the right, as well the proofs for demonstrating compliance with such a condition.

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 sufficiently in advance of polling day.

In order to have their name entered on the electoral roll, Union voters shall produce the **same documents** as voters who are nationals. The formalities applicable to their registration should be as simple as possible. It should be sufficient for the Union citizens concerned to **produce a valid identity document and a formal declaration** that includes elements evidencing their entitlement to participate in the elections. Once registered, non-national Union citizens should remain on the electoral roll under the same conditions as Union citizens who are nationals of the Member State concerned, for as long as they satisfy the conditions for exercising the right to vote.

Where applicable, Union citizens should be able to provide the competent authorities with contact information, enabling those authorities to keep them informed on a regular basis.

In order to facilitate the accurate identification of voters and candidates registered both in their home Member State and in their Member State of residence, Member States should be able to require that the list of data provided by the Union citizens, when submitting an application to enter the electoral rolls or to

stand as candidates in the Member State of residence, include also the personal identification number or the serial number of a valid identity or travel document.

Information exchange mechanism

In order to prevent multiple voting or instances where the same person would stand as a candidate more than once at the same elections, Member States shall exchange the information collected sufficiently in advance of polling day. To that end, without prejudice to national provisions on the entry of voters on the electoral roll and the submission of candidates, the Member State of residence shall begin supplying that information to the home Member State, no later than six weeks before the first day of the electoral period concerning the election of the members of the European Parliament by direct universal suffrage.

Specific means of voting

Member States that provide for the possibilities of advance voting, postal voting, and electronic and internet voting, in elections to the European Parliament shall ensure the availability of those voting methods to Union voters under similar conditions as the ones applicable to their own nationals.

Provision of statistical data

Statistical data regarding the exercise of electoral rights and the application of this Directive can be useful in the identification of measures necessary to ensure the effective exercise of Union citizens' electoral rights. In this regard, Member States shall enable the collection of relevant statistical data on the participation of Union citizens who are not nationals in elections to the European Parliament and, where available, provide such data to the public and the Commission.

Reporting

Within six months after each election to the European Parliament Member States shall send information to the Commission on the application of this Directive in their territory. The report shall contain statistical data on the participation in elections to the European Parliament, in particular, where available, of Union voters and Union citizens entitled to stand as candidates and a summary of the measures taken to support it.

Evaluation

Within two years after the 2034 elections to the European Parliament, the Commission shall assess its application and produce an evaluation report on the progress towards achievement of the objectives contained herein. The evaluation will also include a review on the functioning of the information exchange mechanism.