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# REPORT ON POLITICAL PARTICIPATION OF MOBILE EU CITIZENS: FRANCE

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# Report on Political Participation of Mobile EU Citizens

## France

*Jean-Thomas Arrighi\**

### Abstract:

Non-resident French citizens have voting and candidacy rights in national legislative and European Parliament (EP) elections held in France. The voter can choose between several remote voting modalities and the registration is automatic. Non-citizen residents from the EU enjoy the right to vote and stand as candidates in local and EP elections held in France. Voter registration is not automatic: EU citizens have to register on a separate electoral registry in their municipality of residence and the procedure tends to be complex and cumbersome. The author recommends that national and local administrations in France should be legally required to conduct pre-registration campaigns targeting those categories of eligible voters who are most likely to be un- or mal-registered, such as the youth and non-citizen residents from the EU. Moreover, the author proposes to introduce a legal obligation for Member States to inform their citizens residing abroad (in the EU) of their electoral rights in their country of residence, e.g. by distributing leaflets at embassies that describe the voter registration procedure and list the dates of forthcoming elections.

### Abstrait:

Les citoyens français résidant à l'étranger jouissent du droit de vote et de se porter candidat pour les élections de leur propres représentants siégeant à l'Assemblée Nationale et des représentants français au Parlement européen. Leur inscription sur les listes électorales consulaires est automatique et plusieurs méthodes de vote sont mises à leur disposition, facilitant ainsi l'accès aux urnes depuis l'étranger. Les ressortissants européens installés en France peuvent voter et se porter candidat aux scrutins municipaux et européens. La procédure d'inscription sur les listes électorale n'est pas automatique. En dépit d'une récente réforme simplifiant les démarches et de la généralisation de l'inscription en ligne, les modalités d'inscription sur les listes complémentaires demeurent relativement complexe et contraignante. L'auteur propose que la conduite de campagnes d'information sur l'inscription et la tenue du scrutin soit rendue obligatoire pour l'état comme pour les administrations locales, et que celles-ci se concentrent sur les publics les plus éloignés des urnes, tels que les jeunes et les ressortissants européens. Par ailleurs, l'auteur recommande l'introduction d'une obligation légale pour tous les Etats membres d'informer leurs propres ressortissants des modalités d'exercice de leurs droits électoraux dans leur pays de résidence par le biais de leur réseau diplomatique et consulaire dans l'ensemble du territoire de l'Union Européenne.

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# 1. Introduction

Non-resident French citizens have voting and candidacy rights in national legislative and European Parliament (EP) elections held in France (see Table 1). The voter registration is automatic. In national parliamentary elections, the following remote voting modalities are offered: personal voting at diplomatic missions, postal voting, electronic voting, and proxy voting (the appointed proxy must be registered in the same consular constituency). In EP and presidential elections, the same voter modalities are offered except for e-voting.

Non-citizen residents from the EU enjoy the right to vote and stand as candidates in local legislative and in EP elections held in France. Voter registration is not automatic: EU citizens have to register on a separate 'complementary' electoral registry in their municipality of residence and the procedure tends to be complex and cumbersome.

Table 1. Conditions for electoral rights of non-resident citizens and non-citizen residents in France (GLOBALCIT CER 2017)

Type of voter	Election type	Right Voting	Right Candidacy	Automatic registration	Remote voting
Non-resident citizens	National Legislative	YES	YES	YES	YES <sup>1</sup>
Non-resident citizens	European Parliament	YES	YES	YES	YES <sup>2</sup>
Non-citizen residents	Local Legislative	YES	YES	NO <sup>3</sup>	NA
Non-citizen residents	Local Mayoral	NA <sup>4</sup>	NA <sup>5</sup>	NA <sup>6</sup>	NA
Non-citizen residents	European Parliament	YES	YES	NO <sup>7</sup>	NA

The present report examines the electoral participation of non-national EU citizens residing in France in local and European Parliamentary elections, and French citizens residing abroad in national and European Parliamentary elections. The focus is placed on the administrative implementation of electoral rights and the practical obstacles faced by mobile EU citizens in accessing the ballot in elections held in France.

The report builds and expands upon the 2014 GLOBALCIT report on Access to Electoral Rights in France (Arrighi 2014), which describes the rules of eligibility and conditions of access to electoral rights for non-resident citizens, resident citizens, and non-citizen residents. It relies on a variety of primary and secondary sources, including legislative documents, press reports, academic journal articles and policy reports published by French administrations, think tanks, and non-governmental organisations. In addition, five semi-

<sup>1</sup> The following remote voting modalities are offered: personal voting at diplomatic missions, postal voting, electronic voting, and proxy voting (the appointed proxy must be registered in the same consular constituency).

<sup>2</sup> The following remote voting modalities are offered: personal voting at diplomatic missions, postal voting, and proxy voting (the appointed proxy must be registered in the same consular constituency).

<sup>3</sup> EU citizens must register on a separate 'complementary' electoral registry in their municipality of residence.

<sup>4</sup> Indirect mayor elections.

<sup>5</sup> Indirect mayor elections.

<sup>6</sup> Indirect mayor elections.

<sup>7</sup> EU citizens must register on a separate 'complementary' electoral registry in their municipality of residence.

structured interviews with key stakeholders were conducted between June and July 2018, with one government official working within the electoral office of the Ministry of Interior, one EU civil servant working within the Political Affairs Office of the EU Commission delegation in France, one local civil servant in charge of the INCLUDE programme at the Paris City Hall, and two representatives of civil society associations. In addition, interviewees were asked to fill in an online questionnaire. I am grateful to the respondents for their time and original ideas as to how the current institutional set up could be improved in order to encourage more voters inside and outside France to make use of their EU citizenship rights.

## 1.1. Demographic Characteristics of Non-citizen Residents and Non-resident Citizens

### *Non-citizen Residents*

According to Eurostat, there were 1.537 million non-national EU citizens residing in France in 2014, the year when the latest municipal and European elections took place. They represented 2.4 percent of a total resident population of about 65 million. Their relative weight is therefore well below that of other large EU Member States such as the UK (5.5 percent), Germany (4.8 percent) or Spain (4.2 percent) and similar to that of Italy (2.5 percent).

According to the French National Office for Statistics and Economic Studies (hereafter referred to as INSEE), the main countries of nationality of the non-French EU resident population in 2014 were Portugal (530,000), Italy (181,000), the UK (151,000), Spain (144,000), Belgium (97,000), Germany (90,000) and Romania (87,000).<sup>8</sup> These figures do not include naturalised immigrants. The discrepancy between the foreign population and immigrant stocks is sometimes significant, especially among groups coming from countries that have a long history of immigration to France. For instance, almost half of all Spanish immigrants and one third of Italian immigrants have acquired French citizenship and are, for the most part, dual nationals.

In 2014, non-national EU citizens represented about one third of the total foreign population in France (Brutel 2015). In 2017, their sex distribution was roughly equal (50.1 percent female), by contrast with other Member States where male EU citizens tend to be over-represented (e.g. Romania and Poland) or under-represented (e.g. Croatia, Greece and Italy) (Fries-Terch et al. 2018: 28). As for the age distribution, non-national EU citizens residing in France tend to be significantly older than in other Member States. While the share of the working age population was still marginally higher among non-national EU citizens than the national population, the proportion of individuals aged 65 or older was substantially higher than the EU average (Fries-Terch et al. 2018: 30-31).

Non-national EU citizens tend to be more frequently economically active than immigrants from other parts of the world and show an occupation rate that broadly mirrors that of the national population (EUROSTAT 2018). With the exception of Portuguese and Spanish immigrants, EU citizens in France are over-represented (compared to the native population) among highly-skilled segments of the labour market (Brutel 2014). In 2012, 33% of EU-15 and 25% of EU-12 migrants were employed in managerial or professional positions (Jolly et al. 2012). In recent years, the number of posted workers coming from other Member

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<sup>8</sup> Source: Insee, RP2014 exploitation principale, géographie au 01/01/2016, available at <https://www.insee.fr/fr/statistiques/2874048?sommaire=2874056&geo=FE-1> (last consulted online on 18 August 2018).

States has grown at a fast pace. In 2017, they were 517,000, predominantly employed in the construction and industrial sectors according to a report of the Ministry of Labour.<sup>9</sup> Under EU law, posted workers must be employed on a short-term contract that does not exceed twelve months. Hence, whether or not this group of EU movers participates in elections in the country where they are temporarily posted is unclear. The same observation can be made in regards to Erasmus students in France coming from other Member States (36,000 in 2017).

Immigrants in France tend to be highly concentrated in large urban conurbations. The Paris region (Ile-de-France) thus hosts almost 40% of the total immigrant population. The trend is less pronounced among EU immigrants, who are more evenly dispersed throughout the territory. Unsurprisingly, Spaniards tend to cluster in the South-West region bordering the Pyrenees, Italians across the Alps in the South-East, and Belgians in the North-East (Brutel 2016).

### *Non-resident Citizens*

France is not only a country of immigration, but also one of emigration. While the migration rate between France and the rest of the world has consistently been positive – with inflows significantly exceeding outflows (Brutel 2015) –, emigration has increased over the past twenty years. In 2017, there were 1.8 million French citizens who were registered in French consulates abroad, 37% of whom resided in another Member State of the European Union, mainly in the UK (147,000), Belgium (128,000), Germany (117,000) and Spain (85,000) (Ministère de l'Europe, 2018). At that date, the overall proportion of men and women in the population of French citizens abroad was roughly equal, in spite of significant variations across regions. Hence, women represented 42.5 percent of the registered population in Asia-Oceania, against 53.4 percent in the European Union. As for the age distribution, 34 percent were less than 25 years old, 51 percent between 25 and 60, and 15 percent over 60 (Ministère de l'Europe, 2018).

According to a 2014 study carried out by the Chamber of Commerce of the Paris region, French expatriates have on average a significantly higher level of education than the domestic population, with 12% holding a doctorate degree and an additional 37%, a higher education degree. 57% of those who responded to the survey declared earning more than EUR 30,000 per year (Biacabe and Robert 2014: 13).

## **1.2 Summary of the Electoral Rights of Non-citizen Residents and Non-resident Citizens**

### *Non-citizen Residents*

France does not grant electoral rights to foreign residents beyond the requirements of EU law. Third country nationals are therefore excluded from the franchise, while non-national EU citizens may vote and stand as candidates in EP and municipal elections held in France, in accordance with Directives 93/109/EC and 94/80/EC, respectively. In 2004, only 23% of eligible non-national EU citizens were registered to vote in municipal elections. In the EP elections that took place the same year, the figure dropped to 20%, a difference that mainly stems from the fact that some EU citizens chose to vote for the representatives of their own country (Merlen 2014). These relatively low rates can to some extent be attributed to a

<sup>9</sup> Ministère du Travail (2018). Bilan et mesures du Plan National de Lutte contre le Travail Illégal, available at [http://travail-emploi.gouv.fr/IMG/pdf/dossier\\_de\\_presse\\_cnlti.pdf](http://travail-emploi.gouv.fr/IMG/pdf/dossier_de_presse_cnlti.pdf) (last consulted online on 18 August 2018).

cumbersome electoral registration procedure. Indeed, non-nationals who wish to exercise their voting rights in France must ask to be registered on ‘complementary electoral lists’ for each level of election by filling in a form, making a sworn statement, and providing a valid ID and certificate of residence in France. Until 2014, the request had to be made before the 31 December of the year immediately preceding the elections. A recent reform, which will enter into force on 1 January 2019, simplified the procedure, chiefly by postponing the deadline for registration until up to 35 days before the election. Besides this, most municipalities now offer French and non-French EU citizens alike the possibility of submitting their registration online. These changes go in the right direction and are likely to increase registration rates for the upcoming round of European elections (in May 2019) and municipal elections (scheduled in March 2020).

### *Non-resident Citizens*

By international standards, France has one of the most generous franchises with regard to its citizens residing abroad. They may participate in Presidential elections and national referendums. Since 2012, they may even directly elect their own representatives to the National Assembly, where 11 seats out of 577 are reserved to the representation of ‘French citizens residing outside of France’. They are also allowed to participate in the elections of French representatives to the European Parliament. Until 2014, the electoral map of France in EP elections was divided into eight inter-regional constituencies and the ballots of non-residents were aggregated to the voting total of the Ile-de-France constituency. This will no longer be the case in 2019, due to a 2017 reform of the electoral system that created one single electoral constituency for the whole country, with national party lists competing for the votes of the entire (domestic and external) electorate.

In some respects, electoral registration is easier for French expatriates than for (national and non-national) residents. Indeed, consular electoral registries are automatically generated from population registries administered by consulates. Furthermore, French expatriates can cast a ballot from abroad either directly in the consular or diplomatic premises of their constituency of residence or by appointing a proxy. In Parliamentary elections, they may even cast an electronic vote.<sup>10</sup>

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<sup>10</sup> Electronic voting was first experimented in the 2012 Parliamentary elections. It was cancelled shortly before the 2017 elections. Due to fears of “cyber-attacks”, dicit the Ministry of Interior. Cf Lepoux, D., “Les Français de l’étranger privés de vote électronique” in *Le Monde*, 6 March 2017. [https://www.lemonde.fr/pixels/article/2017/03/06/legislatives-le-gouvernement-ne-recourra-pas-au-vote-electronique-pour-les-francais-de-l-etranger-pour-des-raisons-de-securite\\_5090026\\_4408996.html](https://www.lemonde.fr/pixels/article/2017/03/06/legislatives-le-gouvernement-ne-recourra-pas-au-vote-electronique-pour-les-francais-de-l-etranger-pour-des-raisons-de-securite_5090026_4408996.html) (last consulted online on 18 August 2018).

## 2. Non-national EU Citizens' Franchise in EP and Local Elections

### 2.1. Overview of Relevant Administrative Regulations

France does not grant electoral rights to foreign residents beyond the requirements of EU law. Despite the Socialist Party's long-standing commitment to extend the local franchise to third country nationals, the reform never came to fruition.

The extension of the franchise in municipal and EP elections to EU citizens residing in a Member State other than their own was enshrined in art. 22 of the Treaty of the European Union, better known as the Maastricht Treaty. In France, it was supported by an unexpectedly slim majority of voters in a referendum that took place in September 1992 following a harsh campaign that brought into the open internal divisions within left and right parties that have persisted and even grown deeper to this date.

#### *EP Elections*

As far as EP elections are concerned, EC directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in European Parliament elections for EU citizens residing in an EU country other than their own was adopted in 1993. Its transposition into French law did not raise significant problems and was completed a year later.<sup>11</sup>

#### *Local Elections*

The same cannot be said of Directive 94/80/EC expanding the local franchise to non-national EU citizens, the transposition of which into French law faced both legal and political hurdles. First, the Constitutional Court found that Art. 22 of the Maastricht Treaty violated Art. 3 of the 1958 Constitution, which “implies that only French nationals” are entitled to vote and stand as candidates at elections of local decision-making bodies.”<sup>12</sup> The Constitution was therefore amended. Art. 88.3 now reads as follows: “Subject to reciprocity and in accordance with the terms of the Treaty on European Union signed on 7 February 1992, the right to vote and stand as a candidate in municipal elections shall be granted only to citizens of the Union residing in France. Such citizens shall neither hold the office of Mayor or Deputy Mayor nor participate in the designation of Senate electors or in the election of Senators. An Institutional Act passed in identical terms by the two Houses shall determine the manner of implementation of this article.”

The cautious wording of the legislator reflects how the extension of the suffrage – even though it was restricted to local elections – to non-nationals challenged a deeply entrenched democratic norm in France. In addition, the legislator made full use of the qualifications on the right to stand as candidate provided by the Directive 94/80/CE of 19 December 1994. On the one hand, non-national EU citizens were to be excluded from the

<sup>11</sup> Loi n° 94-104 du 5 février 1994 relative à l'exercice par les citoyens de l'Union européenne résidant en France du droit de vote et d'éligibilité aux élections au Parlement européen.

<sup>12</sup> DECISION 92-312 DC OF 2 SEPTEMBER 1992, available (in English) at [https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank\\_mm/anglais/a92312dc.pdf](https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/a92312dc.pdf) (last consulted online on 18 August 2018).

executive branch of local government. On the other hand, they could not become members of the electoral college of local elected officials who participate in the indirect elections of Members of the Senate, considered an act of (national) sovereignty.

It then took several years before the EU directive was eventually transposed into French law. In 1998, the organic law 98-404, determining the conditions of application of art. 88-3 of the Constitution regarding the exercise, by European citizens residing in France other than French citizens, of the right to vote and stand as candidate in municipal elections, was passed in Parliament.<sup>13</sup> It was not until 2001 that non-national EU citizens were able to cast a vote in municipal elections in France, almost a decade after the Maastricht Treaty was ratified. France was the last Member State (out of fifteen at the time) to implement the directive.

## 2.2. Voter registration

In France, electoral registration is in principle mandatory, a disposition that applies both to French citizens and to non-national EU citizens in those elections where they are enfranchised.<sup>14</sup> However, the electoral code does not envisage any penalty in case of non-compliance. The registration is also active, insofar as it requires prospective voters to perform an administrative act in order to be duly registered and able to cast a ballot on Election Day. In practice, the highly idiosyncratic and comparatively complex procedure of electoral registration in France has produced a large number of eligible citizens who are either not registered at all or are ‘mal-registered’, that is registered in a municipality other than the one in which they currently live (Braconnier and Domangen 2014). Some administrative obstacles have been lifted through a substantial reform of the registration procedure, which extended the deadline for registration from the 31st of December of the year immediately preceding the election to 35 days before Election Day. The bill was passed in Parliament in 2016 and will enter into force on 1 January 2019.<sup>15</sup> The new legislation will therefore be in force for the next elections to the European Parliament, which will take place in May 2019, as well as the next municipal elections, scheduled in March 2020. This section first describes those aspects of the registration procedure that already applied in 2014 and have remained unchanged, and then briefly discusses the latest legislative changes that are likely to increase registration rates in upcoming elections.

EU citizens who wish to exercise their electoral rights in France must register on two ‘complementary’ electoral rolls, which are separate from the main registry of national voters and draw the list of non-national voters in municipal and European elections, respectively. Prospective voters may choose to register on only one or on both registries, through separate procedures. For registering on each electoral roll, they must fill in a form indicating their names, nationality, and resident address in France. In the local registration form, they must tick a box swearing that they are not deprived of their electoral rights in their Member State of origin and are not registered to vote in another French municipality. In the form for European elections, they must also swear that they will not exercise their right to vote in their country of

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<sup>13</sup> Loi Organique n° 98-404 déterminant les conditions d’application de l’article 88-3 de la Constitution relatif à l’exercice, par les citoyens de l’Union européenne résidant en France, autres que les ressortissants français, du droit de vote et d’éligibilité aux élections municipales, et portant transposition de la directive 94/80/CE du 19 décembre 1994.

<sup>14</sup> Cf. Art. 9 du Code Electoral.

<sup>15</sup> Loi n° 2016-1048 du 1er août 2016 rénovant les modalités d’inscription sur les listes électorales.

citizenship, so as to avoid double voting (and double representation) in the European Parliament.

The registration can be made in one of three ways: In person at the local city hall, by mail, or, electronically.<sup>16</sup> The procedure does not have to be renewed at every election. Instead, the person remains registered for subsequent elections, unless he/she moves to another municipality or abroad (and notifies local authorities accordingly!). The forms must be submitted together with a valid identity card and a document proving that the person is either “domiciled or continuously resides” in the municipality where the registration is made.<sup>17</sup> The latter point is particularly difficult in a country where registering on the local population registry when taking up residence in a new municipality is not compulsory, whether for French nationals or for non-national EU citizens. In the absence of a formal residence certificate, prospective voters must therefore submit an alternative document including their name and local address that was issued less than three months before the application is made. The Ministry of Interior provides an extensive list of documents that ought to be accepted by local authorities, including an electricity, gas or telephone bill (including for a mobile line), a notice of tax assessment, a title deed or rent receipt, or a salary slip.<sup>18</sup> In recent years, significant efforts have been made to ensure that eligible citizens facing difficulties for proving their residence may still be able to vote. For instance, since 2012, homeless persons are allowed to register in the municipality where a centre of social assistance to which they are affiliated is located. Initially, the reform was reserved to French citizens. In 2014, the issue was brought to the attention of the French ombudsman (“*défenseur des droits de la République française*”), who found that the exclusion of homeless persons who are also EU citizens violated the principle of non-discrimination on grounds of nationality. The legislation was brought in conformity with EU law shortly after.<sup>19</sup>

Unlike most other EU Member States where (national and non-national) EU citizens are automatically registered on the electoral roll based on local population registries, the French procedure requires considerable efforts from prospective voters. Unsurprisingly, registration rates among non-national EU citizens have remained consistently low. According to a study of the French Statistical Office, only 23 percent of the total population of EU citizens who were eligible to vote in France were duly registered on the complementary electoral roll for the 2014 municipal elections. As far as European elections are concerned, the figure did not exceed 20 percent (Merlen 2014). To be sure, the registration rate has increased over time. In 1995, that is the first European elections when non-national EU citizens were allowed to vote in France, the overall registration rate was as low as 3.8 percent (Strudel 2004). Table 1 provides a breakdown of registered voters per nationality as of 1 March 2014.

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<sup>16</sup> The possibility of registering online was introduced in 2013 in three municipalities. By 2018, it had been extended to a majority of municipalities, and will be generalized to all 36,000 French ‘communes’. An up-to-date list of municipalities can be consulted on the French administration’s website: <https://www.service-public.fr/particuliers/vosdroits/F1937> (Last consulted online on 18 August 2018).

<sup>17</sup> See Article 227-1 of the Electoral code.

<sup>18</sup> See the description of the procedure and list of documents that can be submitted to prove one’s residence or domicile on the website of the Ministry of Interior at <https://www.demarches.interieur.gouv.fr/particuliers/elections-droit-vote-citoyen-europeen> (last consulted online on 18 August 2018).

<sup>19</sup> See the *Décision du Défenseur des droits MSP-MLD-2015-127* du 15 septembre 2014 (Decision of the Ombudsman MPS-2015-127, 24 September 2014).

Table 1. Number of registered voters in European and municipal elections per nationality in thousands as of 1 March 2014

Country	Local elections	European elections
Portugal	85	71
United Kingdom	41	37
Italy	41	35
Belgium	41	35
Spain	32	30
Germany	24	22
Netherlands	13	12
Other EU Member States	18	16
<b>Total</b>	<b>278</b>	<b>245</b>

*Source: Merlen, 2014*

The INSEE study also revealed important variations across nationalities. While Portuguese citizens represent over one third of all registered EU citizens, their registration rate hardly reaches 20 percent. By contrast, 44 percent of Danish citizens eligible to vote in France were registered in both the European and municipal electoral rolls (Merlen 2014).

Overall, the lack of registration among EU voters considerably decreases their potential electoral weight in French elections. According to my own calculations based on INSEE statistics, if all EU citizens who were in principle eligible to vote in the 2014 EP elections had been duly registered, they would have represented 2.7 percent of the overall electorate. Instead, those who were actually registered represented 0.55 percent of all registered voters, that is 245,000 persons out of an electorate of 44.6 million at the time.

While non-national EU citizens seem particularly affected by the complexity of the registration procedure, they are by no means its only victims. Among the national resident population, significant shares of specific categories of persons, such as the youth, citizens with an immigrant background or those living in poorer neighbourhoods, have been de facto disenfranchised (Durier et al. 2017). The issue was raised in a report published in 2013 by Terranova, a social democratic think tank that found that France had “among the most burdensome registration procedure in the world, in contradiction with the most basic democratic principle that all citizens should be able to cast a vote on election Day” (Fekl et al. 2013: 2, my translation). The report built on previous academic studies that found that about 7 percent of the resident population eligible to vote was not registered, while another 15 percent were registered in a municipality other than the one in which they actually resided in 2007 (e.g. Dormagen and Braconnier 2007). The authors of the report made several recommendations for remedying the situation and some of them were subsequently picked up by the government and passed into law in 2016. The most significant change concerns the deadline for registration. Until recently, prospective voters were required to register by the 31st of December of the year preceding the elections, at a time when the campaign has not officially started and elections are but a distant burden in the mind of most citizens. As of 1 January 2019, voters will be allowed to register up to 35 days prior to Election Day, similar to other European democracies where registration is also active, such as Portugal or the United

Kingdom. Albeit modest, the reform, combined with the generalisation of the online registration procedure, is likely to increase registration rates among non-national EU voters.

To be sure, a much more ambitious and effective reform would have been to make the procedure automatic, as a number of associations and non-governmental organisations have long advocated. However, this could not be done without first making registration on local population registries both formally compulsory and practically enforced, as is the norm in several European countries such as Germany, Switzerland, or Belgium. However, as the authors of the Terranova report have acknowledged, such bold reform would pose a problem of feasibility in France, and is unlikely to be adopted in the foreseeable future (Fekl et al. 2013: 8).

### 2.3. Information during Election Campaigns

Issues of mal- or non-registration have gained prominence in the French public debate, especially as they impact more heavily on certain segments of the population who are in turn less represented in democratically-elected institutions. While the state administration does not have a legal obligation to conduct pre-registration campaigns, it usually does so prior to each election year. In general, they tend to be generic campaigns that do not target specific groups of the population. At the end of 2013 – shortly before the deadline for electoral registration in the 2014 municipal and EP elections – the Office of the Prime Minister reportedly ran a modest online and offline campaign specifically aimed at non-national EU citizens.<sup>20</sup> The government also has a dedicated webpage on its website, clearly describing the online and offline registration procedure for different categories of the eligible population, including non-national EU citizens.<sup>21</sup>

Some local administrations also took some targeted initiatives that are worth mentioning. For instance, in 2013, the Ile-de-France region funded a project led by the non-governmental organization ICOSI (*Institut de Coopération Internationale*) aimed at encouraging EU voters to participate in the upcoming municipal and EP elections. The so-called *Citoyens Européens Actifs* (i.e. Active EU citizens) campaign brought together the most prominent EU migrant ‘national’ organisations in the Paris region, such as Cap Magellan, Italia in Rete, the Association of Polish Students (AEP), and the Association of Spanish Emigrant centres (FACEEF).<sup>22</sup>

More recently, the lack of participation of EU citizens – which is on average even lower in the French capital than in the rest of the country – caught the eye of the socialist-led Paris City Hall. In March 2018, it launched an ambitious project dubbed “INCLUDE”, the objectives of which are to promote the rights associated with EU citizenship status to the entire local population, and better include non-national EU citizens in the “Parisian civic life”. Among its main initiatives, the project will create a European Consultative Council composed of non-national EU citizens elected by lot, and organise a series of electoral registration

<sup>20</sup> The government’s initiative was brought to my attention by an official in the Ministry of Interior whom I interviewed for the purpose of this report, but I could not find any trace of the campaign online.

<sup>21</sup> <https://www.service-public.fr/particuliers/vosdroits/F1937> (last consulted on 18 August 2018).

<sup>22</sup> More information about the campaign can be found on the dedicated webpage at [http://www.citoyensactifs.eu/citoyensactifs.eu\\_2014\\_archives/projet\\_archives.html](http://www.citoyensactifs.eu/citoyensactifs.eu_2014_archives/projet_archives.html) (last consulted on 18 August 2018).

campaigns in neighbourhoods with a high concentration of EU migrant populations.<sup>23</sup> Combined with the recent reform postponing the deadline for registration, the INCLUDE project is likely to bear fruits. However, it is intrinsically limited in scope, and its effect are unlikely to be felt beyond the *périphérique*, that is the ring road that separates Paris from its immediate outskirts and the rest of the country.

## 2.4. Political Parties and Candidacy Rights

Political parties in France have seldom paid attention to non-national EU citizens and usually do not target them as a specific electoral constituency whose needs and preferences differ from the rest of the domestic electorate in their party manifestos. Instead, the dominant attitude has been that of a benign indifference to a population that is numerically small, does not have the right to vote in national elections, and tends to participate significantly less than French nationals do in municipal and European elections.

### *EP Elections*

Amidst declining turnout rates, political parties have primarily been concerned with mobilising their own core electorate and convincing them not to stay home on Election Day instead of diverting resources to appeal to a new constituency. This is especially true in EP elections where overall participation rates have declined consistently from over 70% in 1979 to a record low of 40.57% in 2009 (Martin 2014a). Despite a slight upsurge in 2014 (43.5%), the pervasive lack of interest of the French electorate in participating in EP elections has obscured the fact that turnout rates are even lower among non-nationals EU citizens. The issue never became salient in the public debate, and no political parties has actively campaigned to remedy this. In other words, EU citizens are largely invisible from the French electoral sphere and the main political parties have neither sought to compete for their vote, nor used them as a scapegoat to attract the vote of voters hostile to immigration.

To be sure, intra-EU mobility occasionally acquired some salience in the public debate around specific issues. Hence, the 2004 enlargement raised some concerns about the implications for the labour market, a public angst best embodied in the notorious ‘Polish Plumber’ controversy (Noyes 2018). However, the debate did not gravitate so much around the issue of immigration as on the implications of the so-called Bolkenstein directive, widely portrayed as the Trojan horse of a fierce social dumping. In a more dramatic vein, one should mention the case of the Roma population in France, most of whom are Romanian or Bulgarian nationals who emigrated to France following the EU enlargement to those countries in 2007. The number of Romas in France has remained consistently low – in the range of 15 to 20,000 persons according to recent estimates. This did not prevent them from being systematically targeted by French politicians from both right and left of the political spectrum and sporadically placed at the centre of the political debate. The issue reached a climax in 2010, under the Presidency of the centre-right President Nicolas Sarkozy, when Roma camps throughout the country were dismantled and their inhabitants were forcefully deported despite formally being European citizens (Parker 2012, see also Mc Garry et al. 2013). In 2012, the victory of the left in the presidential and legislative elections did not put an end to the scapegoating of the Roma population in France, a practice well-encapsulated in the words of

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<sup>23</sup> The INCLUDE project has a dedicated webpage, available at <https://www.paris.fr/projetinclude> (last consulted online on 18 August 2018).

Manuel Valls, then Minister of Interior of the Socialist President François Hollande, who declared that “The Romas generate serious problems”, and “should return to Bulgaria or Romania.”<sup>24</sup>

By contrast with their benign indifference to EU citizens as potential voters, political parties have included some of them on their lists of candidates in municipal elections and, to a lesser extent, in EP elections as well.

According to the Ministry of Interior, there were 24 non-national EU citizens running as candidates in the 2014 EP elections, 13 of whom were women. None of them were elected, not least because they were often placed at the bottom of the party lists, in positions that are almost certainly not selected. While the number of candidates may seem significant at first sight, it should be placed into perspective with an exceptionally high total number of candidates. In the latest European elections, there were 137 party lists presented in one of the eight inter-regional electoral constituencies dividing up the country at the time, many of which hardly waged a campaign and received an insignificant share of the vote (Martin 2014a, 577). This grim assessment, however, is likely to change in the next round of European elections that will take place in 2019, mainly as a result of the profound transformations of the French party system in recent years. Chiefly, *La République en Marche* (LREM), the centrist movement / party that propelled Emmanuel Macron all the way to the French Presidency in 2017, is outspokenly committed to giving a new impetus to the European integration process. In February 2018, Emmanuel Macron proposed that the seats of British MEPs that will be left vacant after BREXIT should be reallocated for the direct elections of candidates dragged from transnational European party lists.<sup>25</sup> While his proposal was rejected by the European Parliament and Council, the party now seeks to ‘Europeanise’ the French campaign by nominating non-French candidates on its own party list and encouraging like-minded political parties elsewhere in Europe to nominate French candidates.<sup>26</sup> In a similar vein, the Socialist party is actively seeking to nominate a non-French candidate at the head of its party list. At the time of writing, news reports indicate that Paul Magnette, a high profile socialist leader in Belgium, had declined the French socialists’ offer of leading the party list in 2019.<sup>27</sup>

As far as the registration procedure is concerned, non-national EU citizens do not face significant practical obstacles for standing as candidates in European elections. In addition to meeting the general requirements applying to French citizens, the candidate must make a sworn statement that he/she will not run as a candidate in another Member State of the European Union. Until the 2014 elections, candidates had to submit a certificate from their country of origin, in application of EU directive 93/109/EC. In 2013, the directive was amended to simplify the procedures for submitting candidates’ applications where they reside

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<sup>24</sup> Manuel Valls, quoted in Libération « Pour Valls, «les Roms ont vocation à rentrer en Roumanie ou en Bulgarie», 24 September 2013. Available at [http://www.liberation.fr/societe/2013/09/24/pour-valls-seule-une-minorite-de-roms-veulent-s-integrer-en-france\\_934265](http://www.liberation.fr/societe/2013/09/24/pour-valls-seule-une-minorite-de-roms-veulent-s-integrer-en-france_934265) (last consulted online on 18 August 2019).

<sup>25</sup> See Cécile Barbière, « Revers pour Macron sur les listes transnationales » in EURACTIV, 7 February 2018, available at <https://www.euractiv.fr/section/elections/news/revers-pour-macron-sur-les-listes-transnationales/> (last consulted on 18 August 2018).

<sup>26</sup> See Vincent Kranen « Le plan de Macron pour les élections européennes », LCP Info, 18 May 2018, available at <http://lcp.fr/actualites/info-lcp-le-plan-de-macron-pour-les-elections-europeennes> (last consulted on 18 August 2018).

<sup>27</sup> See « Paul Magnette : « Pourquoi je ne serai pas le candidat du PS français aux européennes » in Le Monde, 18 August 2018.

in an EU country of which they are not nationals. The new disposition was transposed into French law shortly afterwards.<sup>28</sup>

### *Local Elections*

In municipal elections, there were 5,965 non-national candidates in 2014, 3,097 of whom were women. About half of them were elected as municipal councillors. Again, these figures should be interpreted cautiously, in a country that has over 36,000 ‘communes’, half of which host less than 1,000 inhabitants (Chéron and Escapa, 2015). In 2014, there were close to one million candidates, that is about 2% of the domestic electorate. When zooming in on those municipalities that have over 3,500 inhabitants, the number of non-national EU candidates drops to 1,644, including 752 Portuguese nationals, 406 Belgians and 380 Britons.

While there are no country-wide statistics, anecdotal evidence suggests that left-wing parties are more likely to nominate non-national candidates than their homologues on the right. Hence, in the city of Paris, the *Front de Gauche* – a radical left party led by Jean-Luc Mélenchon included nine EU nationals on its list in 2014, compared to none for the centre-right party *Les Républicains* (LR). However, this is not an iron law. Somewhat surprisingly, there were 80 non-French candidates defending the colours of the National Front (FN) throughout the whole country, despite the party’s hostility to immigration and long standing opposition to the enfranchisement of foreigners. During the campaign, the party leader Marine Le Pen declared in an interview that “as long as the law is there, there is no reason why certain persons may not benefit from it”, while adding that that “this disposition will be cancelled as soon as the European Union ceases to exist.”<sup>29</sup> The discrepancy between the party’s ideology and nomination practices may be explained by pragmatic reasons. Given the exceptionally high number of municipalities in France, political parties often struggle to recruit candidates to fill in local lists throughout the entire territory. This holds especially true for the national front, that traditionally fares better in Presidential elections than in regional or local ones and until recently lacked a strong territorial anchoring outside its traditional electoral bastions in Northern and South-Eastern regions (Alidières 2014, Martin 2014b). By contrast, the over-representation of non-national EU citizens on the party lists of left wing parties is consistent with their core ideology and allows them to signal their commitment to diversity in representation.

As far as the registration procedure is concerned, non-national EU citizens do not face significant practical obstacles for standing as candidates in municipal elections. They must be registered or meet the conditions for being registered as voters on the separate electoral roll of the municipality where they intend to run as candidates (cf. section 2.1). As argued earlier, they may only run for the post of municipal councillor, the posts of Mayor and Vice-Mayor being reserved to French citizens. In addition, they must not have been deprived of their electoral rights in their country of origin (art. 227-2 of Electoral code). Hence, in theory, a non-French citizen may be allowed to stand as candidate despite having committed a crime

<sup>28</sup> Loi du 16 décembre 2013 transposant la directive 2013/1/UE du Conseil du 20 décembre 2012 modifiant la directive 93/109/CE en ce qui concerne certaines modalités de l’exercice du droit d’éligibilité aux élections au Parlement européen pour les citoyens de l’Union résidant dans un Etat membre dont ils ne sont pas ressortissants.

<sup>29</sup> Marine Le Pen, leader of the radical right party ‘Front National’ – recently relabeled ‘Rassemblement National’ – quoted in Le Figaro, “Municipales : au moins 80 étrangers sur les listes soutenues par le Front national », 18 March 2014, available online at <http://www.lefigaro.fr/politique/le-scan/couacs/2014/03/18/25005-20140318ARTFIG00054-municipales-au-moins-80-etrangers-sur-les-listes-soutenues-par-le-front-national.php> (last consulted on 15 August 2018, my own translation).

that leads to the deprivation of electoral rights under French law, but not under the legislation of the person's country of origin.<sup>30</sup>

## 2.5. Turnout

The Ministry of Interior, which is responsible for all organisational aspects of elections in France, including the collection and dissemination of turnout statistics to the broader public, does not gather data on the actual participation of non-national EU citizens. In practice, collecting this information could be easily done, as non-national EU citizens are registered on a separate electoral roll and the name of those who actually cast a ballot on Election Day is marked by the administrator of the local polling station. However, the issue of their lack of participation, as shown by low registration rates, has received little attention in the general public as well as in the French administration. Since EU citizens who intend to vote must go through a relatively cumbersome registration procedure, we may infer that a significant proportion of those who did register also participated in elections. Media reports often endorse the assumption that turnout rates approximate registration rates – i.e. 23% and 20% in the 2014 municipal and EP elections, respectively. However, there is no empirical evidence substantiating this claim.<sup>31</sup>

The question has not been systematically touched upon in the French academic scholarship either. To date, there has been no study collecting exit polls data on that particular population of voters, either in municipal or EP elections. As a French researcher put it, European immigration to France has been the “blind spot” of social science research in France (Lillo 2014).

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<sup>30</sup> For an overview of the legislation on disenfranchisement on grounds of criminal offence in EU Member States, see the GLOBALCIT database on Conditions for Electoral Rights (CER 2017), available online at <http://globalcit.eu/conditions-for-electoral-rights/>

<sup>31</sup> See, for instance, the press report by Laurent de Bousieux, « Un quart des Européens vivant en France votent », La Croix, 2 December 2014, available at <https://www.la-croix.com/Actualite/France/Un-quart-des-Europeens-vivant-en-France-vote-2014-12-02-1246258> (last consulted online on 4 September 2018).

### 3. Non-resident Citizens' Franchise in National and EP Elections when Residing in Other EU Member States

#### 3.1. Overview of Relevant Administrative Regulations

##### *EP Elections*

The enfranchisement of French citizens in European elections has gone through a series of legislative changes that are of particular interest for the purpose of this report. The 1977 legislation transposing the directive on the elections of representatives in the European Parliament into French law already included French citizens abroad in the electoral franchise.<sup>32</sup> Accordingly, French expatriates were allowed to cast a ballot in the first European elections that took place in 1979. At that date, the whole country formed a single electoral district, so that ballots cast abroad could easily be assimilated to the voting total of the domestic electorate. In 2003, a reform of the electoral system for European elections divided the country into eight inter-regional districts.<sup>33</sup> As a result of the reform, French expatriates were deprived of the right to vote from abroad, although they retained the possibility of returning to their municipality of origin and casting a ballot there on Election Day. While French citizens residing in other Member States could still register to vote for the representatives of that state, those residing in third countries were de facto disenfranchised. In 2011, they recovered their right to vote and the decision was made to aggregate their ballots into the voting total of the Ile-de-France constituency.<sup>34</sup> The system was experimented with for the first time in the 2014 elections, but will change again in the upcoming elections of 2019, following yet another redistricting of the electoral map. Indeed, in a recent reform of the legislation, the current government decided to abandon the division of France into eight constituencies, and recreate instead a single electoral district for the whole country, with national party lists of candidates competing for the votes of domestic and external voters alike.<sup>35</sup>

The new legislation does not directly alter the franchise of non-resident citizens, who can still cast a vote at the consulate or appoint a proxy to do so on their behalf. Nevertheless, it may have a positive effect on their participation. In 2014, we saw that expatriates could vote for candidates running on party lists confined to the Ile-de-France constituency. Most of those candidates were unknown to external voters and the institutional context provided them with incentives to run a local campaign, addressing the concerns of their core electorate in the Paris region instead of taking the campaign abroad. By contrast, the creation of a single constituency for the whole country is likely to 'nationalise' the campaign, thereby spurring the interest of external voters.

Somewhat ironically, the new institutional framework broadly corresponds to the one that was in force back in 1979, with one important caveat. Thirty years ago, neither the status of European citizenship nor the right of participating in the European elections held in another Member State existed. The right to vote from abroad was thus a general right of all French citizens duly registered in the consular constituency of their country of residence. By contrast, the current legislative framework excludes those "French citizens who reside in another EU

<sup>32</sup> Loi n° 77-729 du 7 juillet 1977 relative à l'élection des représentants au Parlement européen.

<sup>33</sup> Loi du 11 avril 2003 relative à l'élection des conseillers régionaux et des représentants au Parlement européen.

<sup>34</sup> Loi n° 2011-575 du 26 mai 2011 relative à l'élection des représentants au Parlement européen.

<sup>35</sup> LOI n° 2018-509 du 25 juin 2018 relative à l'élection des représentants au Parlement européen

Member State and are registered to vote for the MEPs of their state of residence.”<sup>36</sup> This qualification was introduced in order to prevent double voting in European elections, in accordance with Art. 4 of the EU directive 93/109/EC of 6 December 1993.

Table 4. Eligibility, voting methods and mode of representation of French citizens abroad in 2018: European parliament elections

	Eligibility criteria	Voting methods	Mode of representation
European elections	All French citizens abroad who meet the general requirements, <b>except those who reside in another EU MS and are registered to vote in EP elections there</b>	Polling station at the consulate; proxy voting	Assimilated into the voting total

Source: Own summary compilation based on French electoral laws in force on 1 January 2018

### National Elections

In national elections, French citizens abroad may participate in referendums, as well as in presidential and parliamentary elections. Since 2009, they may even directly elect their own representatives in the National Assembly<sup>37</sup>, as France joined the small yet growing number of countries that have introduced reserved seats for the representation of diaspora voters, such as Croatia, Italy, Portugal, Morocco or Ecuador (Collyer 2014). By international standards, France offers one of the most generous franchises to its citizens abroad, as shown by the ELECLAW indicators of the GLOBALCIT Observatory measuring the degree of inclusion of electoral rights in 53 countries as of 2015 (Schmid et al. 2017).<sup>38</sup> While this is generally true across election types, there are some variations in terms of eligibility criteria, voting methods available to non-residents, and how ballots cast abroad are aggregated.

Table 5. Eligibility, voting methods and mode of representation of French citizens abroad in 2018: national elections and referendums

	Eligibility criteria	Voting methods	Mode of representation
Presidential elections	All French citizens abroad who meet the general requirements applying to residents	Polling station at the consulate; proxy voting	Assimilated into the voting total
Parliamentary elections	All French citizens abroad who meet the general requirements applying to residents	Polling station at the consulate; proxy voting; <b>electronic voting</b>	<b>Special representation</b> - 11 seats out of 577 in the Lower Chamber
National referendums	All French citizens abroad who meet the general requirements applying to residents	Polling station at the consulate; proxy voting;	Assimilated into the voting total

Source: Own summary compilation based on French electoral laws in force on 1 January 2018

<sup>36</sup> Article 2, Loi n° 77-729 du 7 juillet 1977 relative à l'élection des représentants au Parlement européen.

<sup>37</sup> Cf. loi constitutionnelle n° 2008-724 du 23 juillet 2008 and loi n° 2009-39 du 13 janvier 2009 relative à la commission prévue à l'article 25 de la Constitution et à l'élection des députés.

<sup>38</sup> The data can be consulted on the ELECLAW visualisation page of the GLOBALCIT website at <http://globalcit.eu/law-indicators/?topic=votlawcitres> (last consulted on 18 August 2018).

### 3.2. Voter Registration

French citizens wishing to exercise their voting rights from abroad must be registered on the consular electoral registry in their constituency of residence. The registration procedure is identical for national and EP elections. In some respects, it is less burdensome than that applying to French citizens and non-national EU citizens residing in France. Indeed, the electoral registry is automatically drawn from the consular population registry, unless the person makes a formal request not to be included. The procedure of registration on the population registry is itself quite straightforward. It can be done either in person or electronically through the government's website, and only requires the submission of a French ID or passport that is valid or expired for a period of up to two years and a certificate of residence in the consular constituency.<sup>39</sup> The voter remains registered for as long as he/she resides in the same consular constituency. Upon moving to another country or returning to France, the person must ask to be deleted from the consular registry. Again, the deletion procedure can be done online, by filling in an official form.

As of 1 January 2019, French citizens will also benefit from the entry into force of the reform of the electoral registration procedure discussed in section 2.2.<sup>40</sup> Like their fellow voters residing in France, they will be able to register up to 35 days before the day of election. On a less positive note, the implementation of the so called Single Electoral Registry ("*Répertoire Electoral Unique*") administered by the French National Statistical Office (INSEE) may disorientate potential voters in two ways. First, non-resident citizens will no longer be allowed to remain registered on the electoral registry of their municipality of prior residence in France. Therefore, they will not be allowed to cast a ballot there on Election Day, but only in designated diplomatic or consular premises in their country of residence. Second, those residing in another EU Member State and who are registered to vote there will automatically be deleted from the electoral roll for French citizens abroad. While this was already in principle the case in previous rounds of European elections, it was not done systematically. The new legislation provides the administration with more extensive resources to implement it.

Both aspects of the reform serve laudable democratic purposes. First, the fact that French citizens abroad still enjoyed the right to participate in the local elections of a municipality where they no longer lived constituted a democratic anomaly that hardly exists elsewhere (Arrighi and Bauböck, 2017). However, it may prevent some well-intentioned voters who travelled back to France in good faith from casting a ballot. Second, the automatic deletion of persons registered in another country is the most effective way of preventing double voting in EP elections, and therefore preserving the integrity of the electoral process. Yet, some voters may be registered on two electoral registries without having the intention of casting two ballots in two separate countries on the same day, but because they were invited to register by the authorities of their country of citizenship and of residence, which do not cooperate with one another at the time when the registration is made. Again, it may prevent voters who acted in good faith but were not aware of the subtleties of the legislation from casting their vote.

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<sup>39</sup> See the dedicated webpage on the government's website at <https://www.service-public.fr/particuliers/vosdroits/F33307> (last consulted on 18 August 2018).

<sup>40</sup> Loi organique n° 2016-1047 du 1er août 2016 rénovant les modalités d'inscription sur les listes électorales des Français établis hors de France.

### 3.3. Turnout

In order to be able to interpret turnout rates in a specific type of elections in a given year, a prior distinction must be made between the total population of French citizens abroad; those who are duly registered in the consular population registry; those who are included in the electoral registry; and those who actually cast a vote on Election Day.

The size of the population of French passports holders around the world is hard to assess, given that an indefinite number of them are not registered at the consulate. According to recent estimates, they should be in the range of 2 to 3 million (Brutel 2015). By contrast, the Ministry of Interior provides up to date information on the number of French citizens abroad who are duly registered on consular population registries. On 31 December 2015, they were 1,782,188 million dispersed throughout the world, 37% of whom (i.e. 660,000) resided in one of the 27 other Member States of the European Union. The five main destinations countries in the EU all share a geographic border with France: the UK, Belgium, Germany, Spain and Italy.

Table 6. French citizens in the EU registered on consular population registries per country of residence as of 31 December 2015

Country of residence	Registered French citizens	Share of total registered population in the EU
United Kingdom	140,224.00	21.25%
Belgium	124,978.00	18.94%
Germany	118,331.00	17.93%
Spain	84,730.00	12.84%
Italy	44,112.00	6.68%
Luxembourg	34,836.00	5.28%
Netherlands	25,685.00	3.89%
Portugal	16,488.00	2.50%
Ireland	10,161.00	1.54%
Greece	10,086.00	1.53%
Austria	9,215.00	1.40%
Sweden	7,654.00	1.16%
Poland	6,195.00	0.94%
Denmark	5,695.00	0.86%
Czech Republic	4,453.00	0.67%
Romania	3,945.00	0.60%
Finland	3,059.00	0.46%
Hungary	2,564.00	0.39%
Bulgaria	1,412.00	0.21%
Cyprus	1,409.00	0.21%
Croatia	1,021.00	0.15%

Slovakia	967.00	0.15%
Malta	966.00	0.15%
Lithuania	431.00	0.07%
Estonia	278.00	0.04%
Latvia	269.00	0.04%
<b>Total (EU-28)</b>	<b>659,902.00</b>	<b>100%</b>
Total (in the world)	1,782,188	-

*Source: Ministry of Foreign Affairs, 2016*

The group of French citizens abroad who are duly registered on the electoral registry excludes those French citizens registered on consular population registries who are not eligible to vote, such as minors or those who were disenfranchised based on criminal offenses or mental disability. In Europe, they amounted to 475,000 in 2014, against around 1.1 million for the whole world.

### *EP Elections*

In European elections turnout barely exceeded 11% in 2014 – the year when expatriates recovered the right to vote from abroad – against 25% and 18% in 1994 and 1999, respectively.

Table 7. Turnout among French citizens abroad in European elections (1994-2014)

<b>Election year</b>	<b>Number of French citizens abroad registered as voters</b>	<b>Turnout rates among French citizens abroad</b>	<b>Overall turnout rate for the whole registered electorate</b>
1994	Not available	24.87%	52.71%
1999	Not available	17.98%	46.64%
2004	Not enfranchised	Not enfranchised	42.79%
2009	Not enfranchised	Not enfranchised	40.57%
2014	1'063'607.00	11.04%	43.50%

*Source: Own compilation from online material made available by the Ministry of Interior*

As the conditions of registration and voting methods available to cast a ballot from abroad are identical in European and presidential elections, the difference in turnout cannot be explained by pervasive practical obstacles. Instead, the root causes for the lack of appetite of expatriates for participating in the elections of French representatives in the European Parliament lie elsewhere. Having said this, these figures should be interpreted cautiously for at least three reasons.

First, turnout rates in EP elections have declined sharply both among domestic and external voters between 1994 and 2014, signalling a gradual erosion of the French electorate's interest in the EP over the years, on a par with voters in the rest of Europe (Kentmen-Cin 2017 Mattila 2003).

Second, the relative drop between 1994 and 2014 should be placed into perspective with the dramatic increase in the number of registered voters over the period. By means of comparison, there were less than 400,000 French expatriates registered to vote in 1994, against over a million twenty years later. Therefore, in absolute terms, more French citizens participate in European elections over time.

Third and most importantly, an indeterminate number of French expatriates make use of their EU citizenship rights by voting for the representatives of the Member State where they reside. According to official estimates, about one French citizen out of five who was eligible to vote in another Member State was registered in the second country's electoral registry in 2014. In Spain alone, there were over 45,000 French voters on the electoral census (Merlen 2014).

### *National Elections*

To the best of my knowledge, the Ministry of Interior does not provide disaggregated data on the electoral participation of French citizens abroad per region or country of residence. As a result, I was not able to distinguish between those who reside in another EU Member State and in third countries. Table 8 shows the total population of those who are registered to vote and those who actually did in three rounds of presidential elections (2007, 2012, 2017) as well as two rounds of Parliamentary elections (2012, 2017).

Table 8. Turnout among French citizens abroad in national Presidential and Parliamentary elections (2007-2017)

Type of election	Election year	Registered voters	Turnout rate
Presidential elections (1st round)	2017	1,264,113.00	44.28%
Presidential elections (2nd round)	2017	1,265,630.00	45.84%
Legislative elections (1st round)	2017	1,264,845.00	19.11%
Legislative elections (2nd round)	2017	1,265,237.00	16.44%
President elections (1st round)	2012	1,043,586.00	42.18%
Presidential elections (2nd round)	2012	1,078,579.00	39.07%
Legislative elections (1st round)	2012	1,067,457.00	20.73%
Legislative elections (2nd round)	2012	1,067,225.00	20.60%
Presidential elections (1st round)	2007	821,919.00	42.13%
Presidential elections (2nd round)	2007	822,944.00	40.30%

Source: My own compilation from online material made available by the Ministry of Interior and the Ministry of Foreign Affairs<sup>41</sup>

The table reveals at least two trends. First the number of registered voters has grown steadily throughout the period. Between 2007 and 2018, it has increased by 65%, from 822,000 to over 1.25 million. While emigrant stocks have also increased throughout the period, the phenomenon can mainly be attributed to the considerable resources that have been

<sup>41</sup> The data on electoral results can be consulted on the website of the Ministry of Interior, at <https://www.interieur.gouv.fr/Elections/Les-resultats>. More comprehensive data on the participation of non-resident citizens can be consulted on the website of the Ministry of Foreign Affairs, at <https://www.diplomatie.gouv.fr/fr/services-aux-citoyens/droit-de-vote-et-elections-a-l-etranger/resultats-des-elections/article/elections-legislatives-resultats-pour-les-francais-de-l-etranger>. Both websites were last consulted on 18 August 2018.

invested in order to include the diaspora and encourage their participation in French elections in the past decades (Arrighi 2014). Second, turnout is significantly higher in presidential elections than in parliamentary ones, even though in the two rounds of elections put under scrutiny, citizens abroad directly elected their own MPs. This observation does not entirely come as a surprise, as turnout among domestic voters in those two types of elections show a similar pattern.

The author has not been able to detect any political debates or media reports on non-resident voters, their participation in EP and national elections, and their potential impact on electoral outcomes.

## 4. Conclusion

Perhaps because they represent a smaller share of the population than in other Member States, non-national EU citizens residing in France are largely invisible, in the political debate as well as in academic scholarship. This observation can be interpreted in one of two ways. On the one hand, it suggests that their presence is widely accepted by the native population, a strong majority of which supports free-movement in Europe, both for French citizens emigrating to other Member States or fellow Europeans settling in France. On the other hand, it reflects a pervasive lack of political participation among a population that is hardly courted by political parties and faces administrative obstacles for accessing the ballot.

Section 2 identified two such obstacles. First, despite recent changes in the legislation that postponed the deadline for registration to up to 35 days before the day of election, the procedure of electoral registration remains both complex and cumbersome. Second, there is a general lack of pre-registration campaigns conducted by national and local authorities specifically targeting this population.

In most EU Member States, the electoral registration procedure is automatic, a practice that is widely considered a democratic gold standard, for it ensures that all persons who are eligible to vote, but only such persons, have access to the ballot on Election Day. However, it presupposes that all residents have a legal obligation of registering on local population registries. In France, such an obligation does not exist and is unlikely to be introduced in the foreseeable future for a variety of reasons that have little to do with the conduct of elections. While bearing this in mind, registration rates among non-national EU citizens could be significantly increased through two targeted reforms of the domestic electoral legislation:

- *Non-national EU citizens who choose to register as residents on local population registries should be automatically registered on the electoral registry, unless they explicitly ask not to be included.*
- *National and local administrations should have a legal obligation to conduct pre-registration campaigns during the weeks that precede the deadline for registration. The campaigns should focus on those populations that are most likely to remain unregistered, that is the youth, recently naturalised immigrants, and non-national EU citizens.*<sup>42</sup>

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<sup>42</sup> Since 1997, French citizens who reach the majority age are automatically registered on the electoral registry. In 2016, this was extended to newly naturalised immigrants, but not to non-national EU citizens.

In addition, two reforms that fall outside the scope of the domestic legislation could be considered at EU level in order to make EU citizens more aware of their electoral rights derived from their EU citizenship status when residing in a Member State other than their own. First, non-national EU citizens in France are often not registered on local population registries. Therefore, public authorities face difficulties in identifying who they are, and reaching out to them. Now, non-national EU citizens often register as expatriates at the consulates or embassy of their country of citizenship, which enjoy privileged access to their own populations abroad. In a spirit of cooperation, the ministries of Foreign Affairs of all Member States could be asked to pool their administrative resources in order to better inform mobile EU citizens of their electoral rights.

*- The EU legislation should require Member States to inform their own citizens residing in another Member State of their electoral rights derived from EU citizenship in their country of residence. When visiting their consulate or embassy, they should be given a leaflet providing detailed information on the exercise of electoral rights in their country of residence, including a description of the procedure of electoral registration, and the dates of the next elections in which they may participate.*

The spirit of cooperation that lies at the roots of the European integration process could easily be invoked to ask Member States to encourage the participation of their own nationals in the municipal elections of another Member State. The same cannot be said in EP elections, where EU mobile citizens' state of citizenship and state of residence may have conflicting interests. Indeed, in EP elections, EU citizens often have two mutually exclusive avenues for participation. On the one hand, they have a general right under EU law of voting for the representatives of their country of residence. On the other hand, the electoral legislation of their country of citizenship often allows them to participate in EP elections as non-resident citizens.<sup>43</sup> The existence of two channels of participation in most Member States may confuse prospective voters, who are simultaneously courted by public authorities in their countries of citizenship and of residence for registering as voters on their own electoral registries. In the worst case scenario, some of them may even be deleted from the electoral registry in the country where they intended to vote, because they were simultaneously registered in another electoral registry. One possible remedy would be to close the 'diaspora' route of participation, so that EU citizens residing in another EU Member State would have no alternative but to vote for the representatives of their country of residence. Such drastic measures, however, would run against the preferences of many EU mobile citizens and would represent an invasion of EU law into electoral matters, a policy area that, just like nationality, is widely seen as the last bastion of state sovereignty. In order to avoid making the cure worse than the disease, EU authorities should systematically map out how the legislation in countries of residence and of citizenship interact with one another, and the potential practical issues that derive from it.

*- The implementation of the provision on the prevention of double voting should be clarified and streamlined across EU Member States.*

By contrast with the pervasive obstacles faced by non-national EU citizens wishing to exercise their voting rights in France, French citizens abroad enjoy relatively easy access to the ballot, as shown by an automatic procedure of election registration and appropriate methods of remote voting.

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<sup>43</sup> The majority of EU countries now let their citizens residing in another EU Member States vote in EP elections in their home country through remote voting. However, there are some exceptions, such as Malta, Cyprus or Denmark. For more information on domestic electoral provisions throughout EU Member States, see the GLOBALCIT Conditions for Electoral Rights database.

Having said this, the implementation of the provision on dual voting may not only confuse non-national EU citizens residing in France, but also French citizens residing in other EU Member States. We saw that, by contrast with national elections, the franchise in EP elections formally excluded French citizens who chose to exercise their voting rights in their country of residence. The lack of coordination between public authorities across Member States at the time of registration may produce unintended consequences. Currently, a French citizen who is already registered to vote in EP elections in another country may still register on the consular electoral list, but subsequently be automatically deleted, after the French electoral commission has received the list of French voters registered in another Member State.

- *The EU legislation should require national administrations to enhance their cooperation at an earlier stage of the electoral process and better inform their national voters abroad of the risks associated with dual registration on the electoral rolls of their country of citizenship and of residence.*
- *The review of the provision on the prevention on double voting should pay equal attention to the institutional context in countries of citizenship and countries of residence and how they interact in a genuinely transnational perspective.*

In order to properly grasp how mobile EU citizens make use of their voting rights in a context where they may choose between two mutually exclusive electoral avenues in their country of residence and citizenship, one must embrace a truly pan-European perspective. My task in this report was more modest and essentially nationally-oriented. The overall comparative results of the FAIREU project should make a crucial step in that direction.

## Bibliography

(Please note that the bibliography does not include legal documents or press articles, which were mentioned in footnotes instead).

- Alidières, B. (2014). Municipales 2014, une étape essentielle dans la réimplantation territoriale du Front national. *Hérodote*, (3), 18-41.
- Arrighi, J. Th., & Bauböck, R. (2017). A multilevel puzzle: Migrants' voting rights in national and local elections. *European journal of political research*, 56(3), 619-639.
- Arrighi, J-Th. (2014). Report on electoral rights: France. GLOBALCIT Country Reports. San Domenico di Fiesole: European University Institute.
- Biacabe, R. and Robert, S (2014). L'expatriation des Français, quelle réalité? Etude de la Chambre de Commerce et d'Industrie de la région Paris Ile-de-France.
- Braconnier, C., & Dormagen, J. Y. (2014). Une démocratie de l'abstention. Retour sur le non-vote et ses conséquences politiques lors des scrutins municipaux et européens de 2014. *Hérodote*, (3), 42-58.
- Brutel, C. (2016). La localisation géographique des immigrés. INSEE Première num. 1591. Paris, Institut national de la statistique et des études économiques.
- Brutel, C. (2015). Populations françaises, étrangères et immigrée en France depuis 2006. INSEE Première num. 1524. Paris, Institut national de la statistique et des études économiques.
- Brutel C. (2014). Les immigrés récemment arrivés en France. INSEE Focus num. 38. Paris, Institut national de la statistique et des études économiques.
- Chéron, S. and Escapa, D. (2015). Plus d'une commune métropolitaine sur deux compte moins de 500 habitants. INSEE FOCUS no. 52. Paris, Institut national de la statistique et des études économiques.
- Collyer, M. (2014). Inside out? Directly elected 'special representation' of emigrants in national legislatures and the role of popular sovereignty. *Political Geography*, 41, 64-73.
- Durier, F. and Touré, S. (2017). En 2014, 85% des jeunes Français de 18 à 24 ans étaient inscrits sur les listes électorales. INSEE FOCUS no. 22. Paris, Institut national de la statistique et des études économiques.
- Euromabomètre (2015). Flash eurobaromètre : Citoyenneté de l'Union européenne.
- EUROSTAT (2018). EU citizens living in another Member State: Statistical overview. Eurostat, Statistics Explained.
- Fekl, M., Chausson, K., Duquesne F. and Potton, G. (2013). Contre la crise démocratique, moderniser l'exercice du droit de vote. Terranova – Note de synthèse.
- Fries-Tersch, E., Tugran, T., Rossi, L., and Bradley, H. (2018). 2017 annual report on intra-EU labour mobility. European Commission, Directorate-General for Employment, Social Affairs and Inclusion.
- INSEE (2015). L'analyse des flux migratoires entre la France et l'étranger entre 2006 et 2013 : Un accroissement des mobilités. INSEE Analyses no. 22. Paris, Institut national de la statistique et des études économiques.

- Jolly, C., Lainé, F., Breem, Y. (2012). L'emploi et les métiers des immigrés. Document de travail du Centre d'analyse stratégique 2012-01.
- Kentmen Cin, C. (2017). What about ambivalence and indifference? Rethinking the effects of European attitudes on voter turnout in European parliament elections. *JCMS: Journal of Common Market Studies*, 55(6), 1343-1359.
- Lillo, N. (2014). L'immigration européenne en France, angle mort de la recherche. In *Migrations et mutations de la société française* (pp. 85-93). La Découverte.
- Mattila, M. (2003). Why bother? Determinants of turnout in the European elections. *Electoral studies*, 22(3), 449-468.
- Martin, P. (2014a). Les élections européennes du 25 mai 2014 en France. *Commentaire*, vol. 3 no. 147, pp. 577-582.
- Martin P (2014b). La gauche, la droite, et les élections municipales. *Commentaire*, vol. 2 no. 46, pp. 375-364.
- McGarry, A., & Drake, H. (2013). The politicization of Roma as an ethnic "other": security discourse in France and the politics of belonging. In *The discourses and politics of migration in Europe* (pp. 73-91). Palgrave Macmillan, New York.
- Merlen, R. (2014). Les listes électorales françaises au 1<sup>er</sup> mars 2014 : Zoom sur les citoyens européens. INSEE Focus no. 14. Paris, Institut national de la statistique et des études économiques.
- Ministère de l'Europe et des Affaires Etrangères. Rapport sur la situation des Français établis hors de France (2018). Paris, Ministère de l'Europe et des Affaires étrangères.
- Noyes, D. (2018). Blaming the Polish plumber: phantom agents, invisible workers, and the liberal arena. *Journal of International Relations and Development*, 1-29.
- Rozenberg, O. and Spitaleri, A. (2015). Les élections européennes de 2014 en France : une amplification extraordinaire de logiques ordinaires. *Annuaire français de relations internationales*, 2015. Sciences-Po Paris, Centre d'Etudes Européennes.
- Schmid, S., Arrighi, J-Th., and Bauböck. R. (2017). ELECLAW Indicators: Measuring Voting and Candidacy Rights of Resident Citizens, Non-Resident Citizens and Non-Citizen Residents. GLOBALCIT. San Domenico di Fiesole: European University Institute.
- Strudel, S. (2004). La participation des Portugais aux élections européennes et municipales en France. *Cahiers de l'Urmis*, no.9, pp. 69-76.

