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COUNTRY
REPORT
2018/05

SEPTEMBER
2018

REPORT ON POLITICAL PARTICIPATION OF MOBILE EU CITIZENS: AUSTRIA

AUTHORED BY
GERD VALCHARS



This report was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020)

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Global Citizenship Observatory (GLOBALCIT)
Robert Schuman Centre for Advanced Studies
in collaboration with
Edinburgh University Law School

Report on Political Participation of Mobile EU Citizens: Austria
RSCAS/GLOBALCIT-PP 2018/5
September 2018

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Printed in Italy
European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)

www.eui.eu/RSCAS/Publications/
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GLOBALCIT studies political participation in the context of the project Fostering Awareness, Inclusion and Recognition of EU mobile citizens' Political Rights (FAIR EU) and as a part of the EU-CITIZEN network.

This report was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).

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Report on Political Participation of Mobile EU Citizens

Austria

*Gerd Valchars**

Abstract:

The right to vote in local and EP elections in Austria is available to non-citizen residents from other EU Member States, Austrian citizens resident either in other EU Member States or third countries enjoy the right to vote in national and European Parliament elections. Austria is the only Member State that allows the participation of 16- and 17-year-old voters in European Parliament (EP) elections. Resident EU citizens need to register to vote in EP elections but are automatically registered to vote in local elections in all Austrian provinces except for Burgenland. Non-resident citizens must register to exercise their electoral rights from abroad, but voting rights are facilitated through the availability of postal voting. The most important obstacle to the political participation of EU citizens in Austrian elections is the lack of easily accessible information regarding the political system and registration procedures and the lack of engagement with/by political parties. One possible facilitator would be to centralise the information surrounding elections and to make it available in more EU languages.

Zusammenfassung:

UnionsbürgerInnen besitzen in Österreich das Wahlrecht bei den lokalen Wahlen und den Wahlen zum Europäischen Parlament, ÖsterreicherInnen mit Wohnsitz in einem andern EU-Mitgliedstaat oder in einem Drittstaat besitzen das Wahlrecht für die nationalen Parlamentswahlen sowie ebenfalls für Wahlen zum Europäischen Parlament. Österreich ist der einzige Mitgliedstaat der Europäischen Union, in dem auch 16- und 17-jährige zum Europäischen Parlament (EP) wahlberechtigt sind. Um bei EP-Wahlen wahlberechtigt zu sein, müssen UnionsbürgerInnen mit Wohnsitz in Österreich einen Antrag auf Eintragung in die Wähler evidenz stellen; für die Teilnahme an lokalen Wahlen hingegen erfolgt die Eintragung in die Wähler evidenz in allen Bundesländern bis auf das Burgenland automatisch. ÖsterreicherInnen mit Wohnsitz im Ausland müssen sich ebenfalls für die Teilnahme an den Wahlen registrieren, die per Briefwahl erfolgt. Die größte Hürde für UnionsbürgerInnen bei der Teilnahme an Wahlen in Österreich ist der Mangel an leicht verfügbarer Information über das politische System und das Verfahren zur Registrierung sowie das geringe Engagement der politischen Parteien. Abhilfe könnte eine zentrale Anlaufstelle mit Informationen zu allen Wahlen sein, die in unterschiedlichen Sprachen der EU abrufbar ist.

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1. Introduction

Non-resident Austrian citizens have the right to vote and stand as a candidate in national legislative and European Parliament (EP) elections held in Austria (see Table 1). This is true for both Austrian citizens who are permanently and temporarily abroad. Non-resident citizens have to register to be able to exercise their voting rights in national and EP elections. The registration is valid for ten years and is renewable. Voters may cast their votes at polling stations or use absentee ballot cards for postal voting from inside or outside the country.

Non-citizen residents who are EU citizens enjoy some voting rights in Austria. EU citizens generally have the right to vote and stand as a candidate in EP and local legislative elections held in Austria. The exception is the city of Vienna, which is both a province and a municipality. Here, resident EU citizens may only vote in urban district elections. In the provinces in which mayors are directly elected, EU citizens also have the right to vote, but not to stand as a candidate. Resident EU citizens have to register to vote in EP elections. The registration is automatically renewed for subsequent elections as long as the voter does not change his or her address of residence. At the local level, resident EU citizens are automatically registered to vote with one exception: the province Burgenland, where resident EU citizens are required to register themselves.

Table 1. Conditions for electoral rights of non-resident citizens and non-citizen residents in Austria

Type of voter	Election type	Right Voting	Right Candidacy	Automatic registration	Remote voting
Non-resident citizens	National Legislative	YES	YES	NO ¹	YES ²
Non-resident citizens	European Parliament	YES	YES	NO ³	YES ⁴
Non-citizen residents	Local Legislative	YES ⁵	YES ⁶	YES ⁷	NA
Non-citizen residents	Local Mayoral	YES ⁸	NO	YES ⁹	NA
Non-citizen residents	European Parliament	YES	YES	NO ¹⁰	NA

¹ Active registration is required. The registration is valid for ten years and is renewable.

² In-country voting and postal voting.

³ Active registration is required. The registration is valid for ten years and is renewable.

⁴ In-country voting and postal voting.

⁵ Only EU citizens resident in the Austrian municipality where the election is held (except in the city of Vienna, which is both a province and a municipality and where EU citizen residents can only vote in urban district elections)

⁶ Only EU citizens resident in the Austrian municipality where the election is held (except in the city of Vienna, which is both a province and a municipality and where EU citizens can only stand in urban district elections)

⁷ One-off active registration is required in Burgenland. The registration is automatically renewed for subsequent elections as long as the voter does not change his/her address of residence. The other Austrian provinces do not require registration.

⁸ Only EU citizens resident in the municipality in which Mayors are directly elected. Direct mayoral elections are held in the provinces of Burgenland, Carinthia, Upper Austria, Salzburg, Tyrol and Vorarlberg.

⁹ One-off active registration is required in Burgenland. The registration is automatically renewed for subsequent elections as long as the voter does not change his/her address of residence. The other Austrian provinces do not require registration.

¹⁰ One-off active registration is required. The registration is automatically renewed for subsequent elections as long as the voter does not change his/her address of residence.

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

Non-citizen Residents

On 1 January 2017, 1,341,930 non-nationals living in Austria made up 15.3% of Austria's total population (8,772,865). Nationals of Germany (181,618), Serbia (118,454) and Turkey (116,838) are the three largest groups, accounting together for 31.1% of the total foreign population. 49.7% of the foreign population are EU citizens (655,524); the three largest groups among them are nationals of Germany, Romania (92,095) and Croatia (73,334). 13,199 people living in Austria are listed as stateless or of unknown nationality.¹¹

The vast majority, more than one third of all EU citizens living in Austria, reside in the province (and capital city) of Vienna (34.8%); with 12.22%, the share of non-national EU citizens in Vienna is much higher than the national average (7.47%) and the highest among the nine provinces. The lowest percentage can be found in Lower Austria where only 4.89% of the population are EU citizens.¹²

50.34% of all non-national EU citizens living in Austria are female.¹³ Young people (0 to 14 years) make up 14.86% of all EU citizens, while people considered to be of working age (15 to 64 years old) accounted for 79.01% of the population. Older people (aged 65 or over) had a 6.12 % share. 84.41% of all EU citizens living in Austria, 553,308 in total, are of voting age (aged 16 or older).¹⁴

In 2017, 1,614 EU citizens living in Austria obtained Austrian citizenship (representing 17.4% of all those granted citizenship in 2017); while the naturalisation rate as a whole was 0.7%, the naturalisation rate of EU citizens lies considerably lower at 0.25%.¹⁵

The yearly average of the unemployment rate for EU citizens living in Austria in 2017 was 6.9% (male EU citizens: 6.4%, female: 7.4%) according to the ILO definition,¹⁶ and 8.6% according to the national definition.¹⁷ 10.6% of them qualified as long-term unemployed (unemployed for more than one year, in accordance with the national definition).¹⁸

Looking at the activity status, 80.8% of all male, but only 68.6% of all female EU citizens aged 15 to 64 years were economically active; with both men and women accounted for the percentage amounts to 74.5%.¹⁹

¹¹ Statistik Austria, Bevölkerung zu Jahresbeginn 2002-2018 nach detaillierter Staatsangehörigkeit, https://statistik.at/wcm/idc/idcplg?IdcService=GET_PDF_FILE&RevisionSelectionMethod=LatestReleased&DocName=071715 [27.03.2018].

¹² Statistik Austria, Bevölkerung zu Jahresbeginn 2017 nach Bundesland (NUTS 2-Einheit), STATcube – Statistische Datenbank von STATISTIK AUSTRIA [27.03.2018].

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Statistik Austria, Eingebürgerte Personen seit 2007 nach bisheriger Staatsangehörigkeit, https://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/einbuengerungen/024912.html [27.03.2018].

¹⁶ Statistik Austria, Mikrozensus-Arbeitskräfteerhebung 2017, Bevölkerung nach dem Erwerbsstatus (ILO), Staatsangehörigkeit, Geburtsland und Geschlecht - Jahresdurchschnitt 2017.

¹⁷ The national definition for the number of unemployed as well as the unemployment rate published by the Austrian Public Employment Service (AMS) is based on the number of unemployed persons registered at AMS and the number of employees recorded by the Main Association of Austrian Social Insurance Institutions; AMS Österreich, Arbeitsmarktforschung und Berufsinformation. Sonderauswertung, 28.03.2018.

¹⁸ Ibid.

¹⁹ Statistik Austria, Mikrozensus-Arbeitskräfteerhebung 2017, Bevölkerung nach dem Erwerbsstatus (ILO), Staatsangehörigkeit, Geburtsland und Geschlecht - Jahresdurchschnitt 2017.

The main sectors of work for EU citizens in 2017 in Austria were manufacturing (14.8%), accommodation and food services (12.5%), wholesale and retail trade (12.1%), construction (10.8%), human health and social work (8.9%), and education (6.8%).²⁰ These six working sectors in total account for 66.0% of all EU citizens who have been economically active in 2017. In 2017 (summer term) 55,133 EU citizens have been enrolled as students at public universities in Austria.²¹

Non-resident Citizens

At the same time, 574,700 people with Austrian citizenship reside outside Austria.²² 222,700 of those Austrians abroad (38.8%) live within the European Union, Germany being by far the most important host country (167,000) hosting 75%.²³

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

Austria is organised as a federal republic with a directly elected Federal President (*BundespräsidentIn*) as Head of State and the National Council (*Nationalrat*) as the directly elected chamber of a bicameral parliament at the national level. In each of the nine provinces one can find a State Diet (*Landtag*) as the directly elected regional legislative. At the local level, Municipal Councils (*Gemeinderat*) exist and in six of the nine provinces (Burgenland, Carinthia, Upper Austria, Salzburg, Tyrol and Vorarlberg) direct mayoral elections are held. Furthermore, District Councils (*Bezirksrat*) exist in the cities Vienna and Graz, which are also directly elected. In Vienna, which is both a province and a municipality, the Municipal Council functions as the State Diet as well. Regarding the European Parliament (EP), 18 Members of the European Parliament are elected in Austria.

The political system is completed by three instruments of direct democracy at the national level: referendum (*Volksabstimmung*), popular initiative (*Volksbegehren*) and public consultation (*Volksbefragung*). Referenda also exist at the regional, and in some provinces, at the local level. Where they do exist at the local level, non-national EU citizens have a right to participate (the same conditions apply as for local voting rights).

Elections for the Federal President and the mayors are based on a two-round system with a run-off between the two candidates with the most votes, if no candidate has an absolute majority in the first round.

The electoral systems for the legislative bodies at all levels are based on the principle of proportional representation with an electoral threshold of 4% for the European Parliament, National Council, State Diets of Burgenland, and Lower and Upper Austria, and 5% for the State Diets of Vienna, Salzburg, Tyrol, Vorarlberg, and Carinthia respectively. If a party wins at least one seat in a regional constituency the threshold does not apply. Aside from voting

²⁰ Statistik Austria, Mikrozensus-Arbeitskräfteerhebung 2017, Wirtschaftsaktivität (ÖNACE 2008) für Personen in Tausend, 2017, Erwerbstätig, EU15 ohne Österreich + EU Beitrittsländer seit 2004.

²¹ Statistik Austria, Studierende an öffentlichen Universitäten nach Berichtsemester und Staatsangehörigkeit politisch, STATcube – Statistische Datenbank von STATISTIK AUSTRIA [04.07.2018].

²² Statistik Austria, Auslandsösterreicher und Auslandsösterreicherinnen 2017, https://statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/internationale_uebersich/03645_0.html [27.03.2018].

²³ Eurostat, EU and EFTA citizens who are usual residents in another EU/EFTA country as of 1 January 2017, <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do> [27.03.2018].

for a party, preferential votes for individual candidates belonging to the same party are possible, as well in elections to the EP, to the National Council and to the State Diets.

Voters can cast their votes at polling stations or use absentee ballot cards for postal voting from inside or outside the country. Proxy- or e-voting is not possible.

Compulsory voting existed at different levels in several provinces but has been abolished since 2007 for all elections throughout the country.²⁴

The most recent reforms with regard to electoral laws are the introduction of a centralised electoral register in 2017,²⁵ and amendments to the legal provisions regulating absentee ballot cards and postal voting.²⁶

The right to vote for Austrian citizens has been significantly extended over the last 25 years concerning minimum age, the inclusion of people with disabilities and the inclusion of prisoners and convicts. Non-resident citizens have been granted the right to postal voting alongside Austrians temporarily abroad and (general) postal voting from inside the country by absentee ballot cards has been made possible for national and regional elections.

The voting age at all electoral levels was lowered from 18 to 16 years of age in 2007. At the same time the minimum age for running as a candidate was reduced from 19 to 18 years of age. The required age is 35 years only when running for president.²⁷

Voting restrictions for people with mental disabilities have also ceased to exist. Until 1987, citizens under legal guardianship were automatically disenfranchised from all elections. The Austrian Constitutional Court found this unconstitutional since the law did not differentiate between the reasons for and the degree of guardianship.²⁸ As a result, the legislator decided not to maintain any disenfranchisement on the grounds of disability anymore.

Criminal offenders can be disenfranchised by court decision. People who are convicted and given an unconditional sentence of at least one year for a specified list of offences (including high treason and other offences against the state, the military and supreme organs of the state; offences relating to elections and referenda; negatively influencing Austria's relation with foreign states; genocide; terrorism; and national socialist crimes) and people who are convicted to an unconditional sentence of more than five years for any criminal offence committed with intent can lose their right to vote. The disenfranchisement ends immediately after the sentence has been served.²⁹ The regulation

²⁴ Bundesverfassungsgesetz, mit dem das Bundes-Verfassungsgesetz in der Fassung von 1929 geändert wird; BGBl. Nr. 470/1992, Bundesverfassungsgesetz, mit dem das Bundes-Verfassungsgesetz geändert wird, BGBl. I Nr. 27/2007.

²⁵ Bundesgesetz, mit dem das Bundes-Verfassungsgesetz (B-VG), die Nationalrats-Wahlordnung 1992, das Bundespräsidentenwahlgesetz 1971, die Europawahlordnung, das Europa-Wählerevidenzgesetz, das Volksabstimmungsgesetz 1972, das Volksbefragungsgesetz 1989 geändert sowie das Volksbegehrengesetz 2018 und das Wählerevidenzgesetz 2018 erlassen werden (Wahlrechtsänderungsgesetz 2017), BGBl. I Nr. 106/2016.

²⁶ Bundesgesetz, mit dem die Nationalrats-Wahlordnung 1992, das Bundespräsidentenwahlgesetz 1971, das Wählerevidenzgesetz 1973 und das Europa-Wählerevidenzgesetz geändert werden (Wahlrechtsänderungsgesetz 2015), BGBl. I Nr. 158/2015.

²⁷ Article 23a (1), 26 (1), 60 (1) & (3), 95 (2), 117 (2) Bundes-Verfassungsgesetz (B-VG), BGBl. Nr. 1/1930 as amended by BGBl. I Nr. 138/2017.

²⁸ VfSlg 11.489/1987.

²⁹ Art 26 (5) B-VG Bundes-Verfassungsgesetz (B-VG), BGBl. Nr. 1/1930 as amended by BGBl. I Nr. 138/2017, § 22 Bundesgesetz über die Wahl des Nationalrates (Nationalrats-Wahlordnung 1992 – NRWO), BGBl. Nr. 471/1992 as amended by BGBl. I Nr. 120/2016 and § 3 Bundesgesetz über die Führung ständiger Evidenzen der Wahl- und Stimmberechtigten bei Wahlen zum Europäischen Parlament (Europa-Wählerevidenzgesetz – EuWEG), BGBl. Nr. 118/1996 as amended by BGBl. I Nr. 120/2016.

was introduced in 2011 after a decision by the European Court of Human Rights had found the previous provision to be in violation of Art. 3 Prot. 1 of the European Convention on Human Rights.³⁰ Candidacy rights are more restrictive: People who are convicted and given an unconditional sentence of more than one year for any criminal offence committed with intent automatically lose their right to run as a candidate. The loss of the candidacy rights ends six months after the sentence has been served.³¹

Non-resident Citizens

Non-resident citizens have voting and candidacy rights since 1989 as the Constitutional Court found the disenfranchisement of citizens without permanent residence in Austria to be a violation of the principle of equality of citizens.³² Non-resident citizens have thus been included in the electoral register and at the same time postal voting from abroad has been made possible.³³ These amendments allowed citizens permanently abroad to cast their vote effectively, as well as enabling citizens who are temporarily abroad on election day to participate in elections and referenda at the national level. At the provincial level only three provinces – Lower Austria, Tyrol and Vorarlberg – provide voting rights to citizens permanently abroad. At the local level non-resident citizens generally enjoy no voting rights. In 2007 general postal voting (from outside the country as well as from inside) through absentee ballot cards was introduced.³⁴

Non-citizen Residents

Non-citizens residents' right to vote and run as candidates is restricted to the absolute minimum demanded by EU law. Third-country nationals do not enjoy any electoral rights, at any level, whereas EU citizens enjoy the right to vote and run as a candidate for the European Parliament, the Municipal Councils (apart from Vienna) and for the District Councils in Vienna and Graz. In Vienna, which is both a province and a municipality, the right to vote of EU citizens is restricted to the District Councils only and is not granted for the Municipal Council, which also functions as the State Diet. In addition, EU citizens have the right to vote at mayoral elections in those provinces where mayors are directly elected. Nonetheless they do not enjoy the right to stand as a candidate. Eligibility for the post of a mayor is also restricted to Austrian citizens in two of the three provinces where mayors are indirectly

³⁰ ECtHR April 8, 2010, *Frodl v Austria*, appl. no. 20201/04. The Court found the provision to be an automatic and blanket restriction, not taken by a judge, and thus not considering the particular circumstances. Moreover, there was no link between the offence committed and issues relating to elections and democratic institutions as set out in the Court's judgment in the case of *Hirst II v UK*. (ECtHR (GC) October 6, 2005, *Hirst v. the United Kingdom* (no. 2), appl. no. 74025/01.)

³¹ § 41 NRWG and § 29 Bundesgesetz über die Wahl der Mitglieder des Europäischen Parlaments (Europawahlordnung – EuWO), BGBl. Nr. 117/1996 as amended by BGBl. I Nr. 120/2016.

³² VfSlg 12.023/1989.

³³ Bundesgesetz vom 28. Februar 1990, mit dem die Nationalrats-Wahlordnung 1971, das Bundespräsidentenwahlgesetz 1971, das Wählerevidenzgesetz 1973, das Volksabstimmungsgesetz 1972, das Volksbefragungsgesetz 1989 und das Volksbegehrengesetz 1973 geändert werden (Wahlrechtsänderungsgesetz 1990), BGBl. Nr. 148/1990.

³⁴ Bundesverfassungsgesetz, mit dem das Bundes-Verfassungsgesetz geändert wird, BGBl. I 2007/27; Bundesgesetz, mit dem die Nationalrats-Wahlordnung 1992, das Bundespräsidentenwahlgesetz 1971, die Europawahlordnung, das Wählerevidenzgesetz 1973, das Europa-Wählerevidenzgesetz, das Volksbegehrengesetz 1973, das Volksabstimmungsgesetz 1972 und das Volksbefragungsgesetz 1989 geändert werden (Wahlrechtsänderungsgesetz 2007), BGBl. I 2007/27

elected.³⁵ Moreover, an attempt to extend voting rights at the local level to third-country nationals in Vienna was found unconstitutional. In 2002, the State Diet of Vienna enacted a law allowing third-country nationals to vote and run as candidates for the District Councils after five years of residence in the city.³⁶ In 2003, the Constitutional Court found these provisions to be in conflict with the democratic principle of the Austrian constitution,³⁷ causing them to be abolished before ever having been applied.

Table 2: Voting and candidacy rights in Austria

Organ	Austrian citizens		EU citizens		Third Country Nationals	
	Voting	Candidacy	Voting	Candidacy	Voting	Candidacy
National Level						
BundespräsidentIn (Federal President)	✓	✓	—	—	—	—
Nationalrat (National Council)	✓	✓	—	—	—	—
Regional Level						
Landtag (State Diet)	✓	✓	—	—	—	—
Local Level						
BürgermeisterIn (Mayor)*	✓	✓	✓	—	—	—
Gemeinderat (Municipal Council)	✓	✓	✓**	✓**	—	—
Bezirksrat (District Council)***	✓	✓	✓	✓	—	—
European Level						
European Parliament	✓	✓	✓	✓	—	—
Direct Democracy (National Level)						
Volksabstimmung (referendum)	✓		—		—	
Volksbegehren (popular initiative)	✓		—		—	
Volksbefragung (public consultation)	✓		—		—	

As a rule of thumb, in Austria it is the municipalities that are the competent authorities for voter registration³⁸ for elections of any kind and at any level. Resident citizens are in general automatically registered, while non-resident citizens (where eligible) have to register themselves. The regulations for the registration of resident EU citizens differ between local and EP elections as well as for the local elections from province to province.

In national elections and referenda, resident citizens are automatically registered, whilst non-resident citizens have to register themselves.³⁹ EU citizens and third-country nationals do not possess voting rights. The registration for non-resident citizens is valid for ten years and can be renewed; three months before expiration, authorities have to inform citizens about the near expiration and the possibility to re-register. If requested, the

³⁵ Lower Austria is the only province where EU citizens enjoy the right to stand for the post as mayor in Austria (§ 17 NÖ Gemeinderatswahlordnung 1994 (NÖ GRWO 1994), LGBl. 0350-0 as amended by LGBl. Nr. 23/2018 and § 26 NÖ Gemeindeordnung 1973 (NÖ GO 1973), Lower Austrian Municipal Code, LGBl. 1000-0 as amended by LGBl. Nr. 12/2018).

³⁶ § 16 Abs. 2 Wiener Gemeindewahlordnung 1996 (GWO), LGBl. 16/1996; § 61b (3) and § 66b (5) Wiener Stadtverfassung (WStV), LGBl. 28/1968.

³⁷ VfSlg 17.264/2003.

³⁸ For details on the registration of non-national EU citizens and non-resident citizens as voters see the relevant sections in chapters 2 and 3 respectively.

³⁹ §§ 2 (3) and 3 Bundesgesetz über die Führung ständiger Evidenzen der Wahl- und Stimmberechtigten (Wählererevidenzgesetz 2018 – WEviG), BGBl. I Nr. 106/2016 as amended by BGBl. I Nr. 120/2016.

registration includes an automatic order of absentee ballot cards for postal voting in all upcoming national elections and referenda. Their votes are allocated to the constituency of their former place of residence in Austria. If no such place exists, a list of ranked criteria for determining where their votes will be counted kicks in, in line with the following criteria: their parents' last residence in Austria, their place of birth, the place of residence of relatives, the seat of their employer, real estate in Austria, property, or other relations.⁴⁰

The same applies for the registration of resident and non-resident citizens in elections to the European Parliament.⁴¹ In addition, non-resident citizens living in another EU Member State have to declare their interest to participate in the EP elections in Austria, as opposed to their country of residence.⁴² Resident EU citizens have to register themselves as well to vote in the EP elections held in Austria. The registration is valid until they leave the country. Moreover, they are asked to declare their interest to participate in the EP elections in Austria and not in their country of citizenship and to declare that they have not been disenfranchised there.⁴³

At the provincial level, resident citizens are automatically registered. In the provinces of Lower Austria, Tyrol and Vorarlberg, where also non-resident citizens have the right to vote, registration is required once and is valid for a maximum of ten years. After ten years non-resident citizens are no longer eligible to vote in provincial elections.⁴⁴ Non-national EU citizens and third-country nationals do not possess voting rights.

At the local level, resident citizens and – except in Burgenland – resident EU citizens are automatically registered. Non-resident citizens and resident third-country nationals are not enfranchised.

2. Non-national EU citizens' franchise in EP and local elections

2.1. Overview of relevant administrative regulations

The general legal framework for elections in Austria is provided by the federal constitution, in particular by Article 23a and 26a for European Parliament elections and Article 117, 108, 95 and 26 for local elections. The constitution bases the electoral system on the principle of proportional representation, prescribes equal, direct, personal, free and secret suffrage by men and women with Austrian or EU citizenship and sets the voting age for EP elections at 16 years and for local elections at 16 years maximum. The Federal Law on the European Parliament Electoral Register and the European Parliament Electoral Law in detail regulate the registration and voting procedure for the European Parliament elections. The details for the local elections are regulated by state law.

⁴⁰ Ibid.

⁴¹ §§ 2 (1) and 4 EuWEG.

⁴² Ibid.

⁴³ § 5 EuWEG.

⁴⁴ § 4 [Vorarlberger] Gesetz über die Wahl- und Stimmberechtigtenkartei, LGBl.Nr. 29/1999 as amended by LGBl. Nr. 21/2014; § 2 Gesetz vom 5. Juli 2017 über die Wahl des Landtages in Tirol (Tiroler Landtagswahlordnung 2017 – TLWO 2017), LGBl. Nr. 74/2017; § 2a Abs. 1 NÖ Landesbürgerevidenzengesetz, LGBl. 0050-0 as amended by LGBl. Nr. 55/2017.

EP Elections

Bundes-Verfassungsgesetz (B-VG), Federal Constitutional Law, BGBl. Nr. 1/1930 as amended by BGBl. I Nr. 138/2017, Article 23a and 26a
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000138>, engl: https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1930_1/ERV_1930_1.html

Bundesgesetz über die Führung ständiger Evidenzen der Wahl- und Stimmberechtigten bei Wahlen zum Europäischen Parlament (Europa-Wählerevidenzgesetz – EuWEG), Federal Law on the European Parliament Electoral Register, BGBl. Nr. 118/1996 as amended by BGBl. I Nr. 120/2016,
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001437>

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2.2. Voter Registration

EP Elections

For European Parliament elections, non-national EU citizens with an officially registered principal residence in Austria have to register themselves once.⁴⁵ The competent authorities for voter registration are the municipalities and the registration is valid until the EU citizen leaves the country, with deregistration possible upon request. The application for entry into the register must include a declaration that the EU citizen shall vote for the Austrian Members of the European Parliament (and not participate in the EP elections in their country of citizenship). The applicant, furthermore, has to declare that she has not lost the right to vote in her country of citizenship and has to oblige herself to report the loss of her voting rights immediately. If the applicant had been already registered to vote in the European Parliament elections in her country of citizenship before, she must state where (country, constituency and municipality) she had previously been registered in the electoral roll.⁴⁶

⁴⁵ § 5 EuWEG.

⁴⁶ The form further asks for the applicant's first and last name(s), sex, date of birth, nationality, and the applicant's address in Austria.

The application has to be submitted at the municipal office of the applicant's registered principal residence either in person, or in some municipalities (e.g. Vienna) by post, fax or e-mail. Online registration is not available. Required documents are the completed registration form (available online⁴⁷ and in print at the municipal office) together with a valid identification document (in some municipalities a residence registration certificate is required as well). The form is printed in German only; nonetheless, translation aids are available for every official EU language.⁴⁸ The registration is possible at any time. To be eligible to vote in upcoming elections, resident EU citizens need to be registered to vote on the key date for the elections concerned, which is set by the federal government at least 71 days before election day –⁴⁹ e.g., in 2014, the key date was 75 days before election day.⁵⁰

There have been no reported obstacles for registration so far. Neither the *European Parliament Liaison Office in Austria*,⁵¹ the *Austrian Association of Municipalities (Österreichischer Gemeindebund)*,⁵² nor the *Austrian Association of Cities and Towns (Österreichischer Städtebund)*⁵³ have identified any problems experienced by EU citizens or complaints related to the voter registration. However, despite translation aids of the relevant form for every official EU language exist, the online information concerning the registration procedure, including the fact that EU citizens have to register to be able to vote, is provided in German only. Even the website of the Federal Ministry of the Interior where the translation aids can be downloaded is in German only. Moreover, a short overview in English with general information about elections in Austria at the Ministry's website provides erroneous and misleading information in pointing out that, in general, “[i]n Austria, there is no need to apply for registration as all citizens with a permanent residence in the country are kept in a permanent register, maintained by the municipalities. Every person shall only be registered once in said register. For European Parliamentary elections, a separate European Electoral Register is maintained”.⁵⁴

In 2014, 34,643 non-national EU citizens were registered to vote in the European Parliament election in Austria (7.9% of all non-national EU citizens of voting age), in comparison with 27,090 (8.5%) in 2009 (Table 3).⁵⁵

⁴⁷ http://www.bmi.gv.at/412/Europawahlen/files/Antrag_Waehlerevidenz_EU_blau.pdf [04.04.2018].

⁴⁸ Federal Ministry of the Interior, Europawahlen. Informationen für nicht-österreichische Unionsbürger(innen) http://www.bmi.gv.at/412/Europawahlen/Informationen_fuer_nicht_oesterreichische_Unionsbuerger_innen.aspx [04.04.2018].

⁴⁹ § 2 EUWO.

⁵⁰ §§ 2 and 3 Verordnung der Bundesregierung über die Ausschreibung der Wahl der österreichischen Mitglieder des Europäischen Parlaments, die Festsetzung des Wahltages und des Stichtages, BGBl. II Nr. 77/2009.

⁵¹ Interview with Georg Pfeifer, Head of the *European Parliament Liaison Office in Austria*, done on 5 April 2018.

⁵² Interview with Nicolaus Drimmel, Deputy Secretary General of the *Austrian Association of Municipalities*, done on 11 April 2018.

⁵³ Telephone interview with Johannes Schmid, Deputy Secretary General and Head of Legal Unit of the *Austrian Association of Cities and Towns*, done on 5 April 2018.

⁵⁴ Federal Ministry of the Interior, Elections in Austria, http://www.bmi.gv.at/412_english/ [05.04.2018].

⁵⁵ Information provided upon e-mail request by the Federal Ministry of the Interior, Department III/6 Voting Issues, 30 May 2018. Population: Statistik Austria, Bevölkerung zu Jahresbeginn nach Alter und Staatsangehörigkeit 2009 and 2014. STATcube – Statistische Datenbank von STATISTIK AUSTRIA [10.04.2018]. Slightly different numbers are reported at the ministry's website (2014: 33,184 and 2009: 30,393) as well as in the CSES Study (2009: 30,800), Federal Ministry of the Interior, Europawahl 2014, 03 June 2014, http://www.bmi.gv.at/412/Europawahlen/Europawahl_2014/files/EUW_14_WB_E.pdf [09.04.2018];

Centre for Strategy & Evaluation Services (CSES), Study on the Conduct of the 2014 Elections to the European Parliament, Final Report, 10 March 2015, Table 5.6, p. 83.

Table 3: European Parliament Elections 2014. Registered non-national voters in Austria.

State	2014					2009				
	Total	Women		Men		Total	Women		Men	
Belgium	392	183	46.68%	209	53.32%	213	119	55.87%	94	44.13%
Bulgaria	147	98	66.67%	49	33.33%	197	134	68.02%	63	31.98%
Croatia	1,238	601	48.55%	637	51.45%	-	-	-	-	-
Cyprus	10	6	60.00%	4	40.00%	7	6	85.71%	1	14.29%
Czech Republic	467	315	67.45%	152	32.55%	409	318	77.75%	91	22.25%
Denmark	178	112	62.92%	66	37.08%	164	114	69.51%	50	30.49%
Estonia	146	95	65.07%	51	34.93%	14	14	100%	0	0%
Finland	121	106	87.60%	15	12.40%	161	140	86.96%	21	13.04%
France	870	526	60.46%	344	39.54%	809	503	62.18%	306	37.82%
Germany	20,252	10,893	53.79%	9,359	46.21%	17,129	9,130	53.3%	7,999	46.7%
Greece	257	97	37.74%	160	62.26%	251	92	36.65%	159	63.35%
Hungary	1,401	906	64.67%	495	35.33%	920	625	67.93%	295	32.07%
Ireland	116	56	48.28%	60	51.72%	88	40	45.45%	48	54.55%
Italy	2,010	902	44.88%	1,108	55.12%	1,515	703	46.4%	812	53.6%
Latvia	23	22	95.65%	1	4.35%	19	19	100%	0	0%
Lithuania	38	26	68.42%	12	31.58%	15	11	73.33%	4	26.67%
Luxemburg	103	51	49.51%	52	50.49%	75	34	45.33%	41	54.67%
Malta	12	7	58.33%	5	41.67%	8	5	62.5%	3	37.5%
Netherlands	1,167	620	53.13%	547	46.87%	979	491	50.15%	488	49.85%
Poland	1,202	732	60.90%	470	39.10%	1,043	648	62.13%	395	37.87%
Portugal	113	57	50.44%	56	49.56%	115	61	53.04%	54	46.96%
Romania	1,151	748	64.99%	403	35.01%	592	403	68.07%	189	31.93%
Slovakia	858	572	66.67%	286	33.33%	540	401	74.26%	139	25.74%
Slovenia	656	325	49.54%	331	50.46%	296	173	58.45%	123	41.55%
Spain	251	157	62.55%	94	37.45%	215	141	65.58%	74	34.42%
Sweden	347	222	63.98%	125	36.02%	307	205	66.78%	102	33.22%
United Kingdom	1,117	544	48.70%	573	51.30%	1,009	464	45.99%	545	54.01%
Total	34,643	18,979	54.78%	15,664	45.22%	27,090	14,994	55.35%	12,096	44.65%

Source: Federal Ministry of the Interior

Local Elections

Non-national EU citizens with a registered residence in Austria are automatically registered in local elections, with one exception: the province Burgenland, where resident EU citizens have to register themselves.⁵⁶ The competent authorities for voter registration in Burgenland are the municipalities and the application must be submitted at the municipal office of the applicant's registered residence in person and in some municipalities by post or e-mail; again, online registration is not available. Required documents are the completed registration form (available in print at the municipal office or by request via e-mail) presented together with a valid identification document.⁵⁷ The registration is needed once only, meaning that if an already registered EU citizen moves within Burgenland from one municipality to another a new registration is not necessary. But if an EU citizen who has been automatically registered before in one of the other provinces (with automatic registration) moves to Burgenland, she must apply for registration.

The registration to vote in local elections is possible at any time for EU citizens who have an officially registered residence in Burgenland. To be eligible to vote in upcoming elections, resident EU citizens need to apply for registration by the key date for the elections concerned as set by the Provincial government at least twelve weeks before election day –⁵⁸ e.g. for the latest local elections in Burgenland in 2017, the key date was 89 days before election day.⁵⁹

Online information about the necessity to register for local elections in Burgenland and on the procedure for the registration is in general rather poor and, if available at all, in German only. The relevant form is also in German only – translation aids are not available.⁶⁰

EU citizens who wish to vote in European Parliament and municipal elections do have to register separately. Registering for European Parliament elections does not entitle one to vote for municipal elections and vice versa.

Although, again, no obstacles for registration have been reported,⁶¹ one can imagine that lack of information about the non-automatic registration of voters in Burgenland may be one important practical obstacle. Meanwhile, as Burgenland is the only province with non-automatic registration in Austria, plans exist for a change to automatic registration in the near future.⁶²

⁵⁶ § 3 (1) Gesetz vom 9. November 1995 über die Führung der Landes-Wählerevidenz und der Gemeinde-Wählerevidenz (Burgenländisches Wählerevidenz-Gesetz), LGBl. Nr. 5/1996 as amended by LGBl. Nr. 1/2014.

⁵⁷ The form asks for the applicant's first and last name(s), sex, date of birth, nationality, when this nationality was acquired and the applicant's address in Burgenland.

⁵⁸ §§ 3 & 16 (2) Gesetz vom 7. Mai 1992 über die Wahl der Gemeindeorgane (Gemeindewahlordnung 1992 - GemWO 1992), LGBl. Nr. 54/1992 as amended by LGBl. Nr. 40/2017).

⁵⁹ §§ 2 (1) and 3 Verordnung der Burgenländischen Landesregierung vom 21. März 2017 über die Ausschreibung der allgemeinen Wahlen des Gemeinderates und des Bürgermeisters (Gemeinderats- und Bürgermeisterwahlen 2017), LGBl. Nr. 46/2017.

⁶⁰ E-Government Burgenland, Gemeinderats- und Bürgermeisterwahl, <http://wahl.bgld.gv.at/wahlen/gr.nsf/Wahlvorgang.htm> [11.07.2018].

⁶¹ Telephone interview with Johannes Schmid, Deputy Secretary General and Head of Legal Unit of the *Austrian Association of Cities and Towns*, done on 5 April 2018; interview with Nicolaus Drimmel, Deputy Secretary General of the *Austrian Association of Municipalities*, done on 11 April 2018.

⁶² Telephone interview with Brigitte Novosel, Head of Department 2, Office of the State Government of Burgenland, responsible for municipalities (Abteilung 2 - Landesplanung, Sicherheit, Gemeinden und Wirtschaft), done on 6 April 2018.

In the most recent municipal and mayoral elections in Burgenland in October 2017, a total of 4,780 non-national EU citizens were registered to vote.⁶³ This accounts for approximately 36% of all non-national EU citizens of voting age residing in Burgenland, ranging between 8% (Eisenstadt) and 56% (Güssing) (Table 4).

Table 4: Municipal and mayoral elections in Burgenland 2017

District	Resident Non-national Citizens of Voting Age (16+)	Registered Non-national EU Citizens	Percentage of Resident Non-national Citizens of Voting Age Registered
Eisenstadt	980	81	8%
Rust	88	31	35%
Eisenstadt Umgebung	1,842	573	31%
Güssing	951	530	56%
Jennersdorf	586	250	43%
Mattersburg	1,439	326	23%
Neusiedl am See	4,170	1725	41%
Oberpullendorf	1,258	537	43%
Oberwart	2,110	727	34%
Burgenland	13,424	4,780	36%

Source: Office of the State Government of Burgenland; Statistik Austria. Own calculation

⁶³ Information provided upon e-mail request by the Office of the State Government of Burgenland, Abteilung 2 - Landesplanung, Sicherheit, Gemeinden und Wirtschaft, 10 April 2018.

2.3. Information during Election Campaigns

EP Elections

In early 2014, the Federal Ministry of the Interior⁶⁴ and the municipalities⁶⁵ informed non-national EU citizens online about EU citizens' voting rights in the upcoming European elections in May, as well as about the necessity to enrol in the electoral roll in due time to be eligible to vote. In addition, 9 weeks before the election day and less than a week before the key date, the Ministry issued a press release⁶⁶ on that topic which appears to have aroused at least some media attention.⁶⁷

The Office of the Federal Chancellor, the Federal Ministry for Europe, Integration and Foreign Affairs and the Federal Ministry of the Interior had different information campaigns raising awareness and providing information about the upcoming elections in 2014, including a website, a telephone hotline and postal mailings to all households in Austria.⁶⁸ Regardless, no individualised letters by the ministries were sent to non-national EU citizens in particular explaining registration and voting procedures;⁶⁹ according to the Ministry of the Interior, there was no technical possibility and no legal basis to do this.⁷⁰ Even though the centralised electoral register introduced in 2017 by now provides the technical infrastructure, there still is no legal basis for individualised mailings.

All the information on the 2014 European Parliament elections published by the authorities appears to be in German only; albeit, as mentioned, a very brief overview with general information about elections in Austria from the Federal Ministry of the Interior is available in English as well.⁷¹

There are no known campaigns from 2014 by non-governmental organisations targeting non-national EU citizens to inform them about their electoral rights.⁷² Nevertheless, various umbrella organisations and self-organised groups of EU citizens living in Austria, as well as representations of EU Member States in Austria provided information about EU citizens' right to vote on their websites, via social media and via newsletters.⁷³

⁶⁴ Federal Ministry of the Interior, Wahlen. Europawahl 2014, 28 February 2014, <http://bmi.gv.at/news.aspx?id=414A625241544B545557383D> [06.04.2018].

⁶⁵ Among many others: City of Vienna, Europawahl 2014: Eintragung in Wählerevidenz für EU-BürgerInnen bis 11. März, 03 March 2014, <https://www.wien.gv.at/presse/2014/03/03/europawahl-2014-eintragung-in-waehlerevidenz-fuer-eu-buergerinnen-bis-11-maerz> [06.04.2018], Marktgemeinde Sankt Marein bei Graz, Aktives Wahlrecht bei der Europawahl 2014, <http://www.st-marein-graz.gv.at/Gewerbe.130.0.html?contentid=10007.103459&type=php> [06.04.2018].

⁶⁶ Federal Ministry of the Interior, Europawahl 2014. Information für nicht-österreichische Unionsbürgerinnen und Unionsbürger mit Hauptwohnsitz in Österreich, press release, OTS0011, 5 March 2014, https://www.ots.at/presseaussendung/OTS_20140305_OTS0011/europawahl-2014, [06.04.2018]

⁶⁷ derstandard.at: Wahlevidenz für nichtösterreichische EU-Bürger, <https://derstandard.at/1392687150531/Waehlen-leicht-gemacht-fuer-nicht-oesterreichische-Unionsbuerger> [06.04.2018].

⁶⁸ Europäisches Parlament. Informationsbüro in Österreich, Jahresbericht 2014, p. 9.

⁶⁹ This was criticized by the Greens, asking for a more proactive information policy by the authorities: Ö1 Morgenjournal 08:00, 18.05.2014, 08.00.

⁷⁰ Telephone interview with Robert Stein, Head of Department III/6 Voting Issues of the Federal Ministry of the Interior, done on 06 April 2018.

⁷¹ Federal Ministry of the Interior, Elections in Austria, http://www.bmi.gv.at/412_english/ [05.04.2018].

⁷² Interview with Georg Pfeifer, Head of the *European Parliament Liaison Office in Austria*, done on 5 April 2018.

⁷³ Telephone interview with Lukas Marcel Vosicky, Secretary General of the *Austrian-Romanian Association (Österreichisch-Rumänische Gesellschaft)*, done on 19 July 2018.

The *European Parliament Liaison Office in Austria* launched an information campaign in 2013 to provide information about the upcoming European elections. The Austrian campaign “Handeln. Mitmachen. Bewegen” was part of the EU-wide information campaign by the European Parliament entitled “Act. React. Impact”.⁷⁴ This campaign did not focus in particular on non-national EU citizens as a target group, but aimed to raise awareness about the European Parliament elections in general and to positively influence the participation of voters in the elections. In a partnership with the Office of the Federal Chancellor, the European Commission and the Austrian Federal Railways (ÖBB), the *European Parliament Liaison Office in Austria* placed posters at one of Vienna’s central stations and in trains, as well as provided audio and video spots on the radio and in cinemas.⁷⁵

Furthermore, the *Austrian Society for European Politics (Österreichische Gesellschaft für Europapolitik)*, a non-governmental and non-partisan platform, launched a travelling exhibition to be displayed in schools entitled “Europa #wasistjetzt”.⁷⁶ Again, the project did not target non-national EU citizens in particular, but focused on young people aged between 15 and 19 years old, namely by informing them about the European Union, in general, and the 2014 elections, in particular. The exhibition was booked by more than 100 schools throughout the country and supported and financed by the European Commission, the European Parliament and the Austrian Federal Ministry for Europe, Integration and Foreign Affairs.⁷⁷

Two further campaigns supported by the Federal Ministry for Families and Youth and the European Commission focused especially on young and first-time national and non-national EU voters. Stressing that Austria was the only EU Member State where already 16- and 17-year-olds were eligible to vote, the campaigns by the *Austrian National Youth Council (Bundesjugendvertretung)*, the legally established representative body of children and youth in Austria, and the *Young European Federalists (Junge Europäische Föderalisten)*, a transnational European political youth organisation, provided information on the upcoming EP elections and about the political program of the parties running in an attempt to mobilise young people for the elections.⁷⁸

Local Elections

Municipalities tend to provide information on their websites about upcoming elections. This typically includes brief information about who is eligible to vote, how to vote, and where and when. This information usually is in German only, although there might be some municipalities that offer such information in English as well.

In Burgenland, where EU citizens have to register themselves in local elections, the relevant legal provision defining who has the right to vote and the registration procedure must

⁷⁴ Report on the 2014 European Parliament elections. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2015) 206 final, 8.5.2015, p. 9. [http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2015/0206/COM_COM\(2015\)0206_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2015/0206/COM_COM(2015)0206_EN.pdf) [05.04.2018].

⁷⁵ Europäisches Parlament. Informationsbüro in Österreich, Jahresbericht 2014, p. 6-8.

⁷⁶ <http://www.wasistjetzt.eu> [05.04.2018].

⁷⁷ Europäisches Parlament. Informationsbüro in Österreich, Jahresbericht 2014, p. 9; <http://www.wasistjetzt.eu/partner.php> [05.04.2018].

⁷⁸ Federal Ministry for Families and Youth, "Jugend wählt Europa!" BJV und JEF mobilisieren Jugendliche für die Teilnahme an der EU-Parlamentwahl, press release, OTS0168, 31 March 2014, https://www.ots.at/presseaussendung/OTS_20140331_OTS0168/jugend-waehlt-europa [05.04.2018].

be published in print on the municipality's official billboard at least four months before the elections. This is explicitly meant "to inform foreign citizens of the Union" about their right to vote and the registration procedure.⁷⁹ In some municipalities, this information might be published additionally on the municipalities' official websites as well.

2.4. Political Parties and Candidacy Rights

EP Elections

Non-national EU citizens do not seem to be a target group for political parties in Austria. There is no known campaign activity specifically targeting EU citizens.⁸⁰

15 non-national EU citizens put their names forward as candidates in the 2014 European Parliament elections in Austria.⁸¹ This means 4.3% of all 348 candidates on all nine lists were non-national EU citizens. None of them were elected.⁸² Since 1995, when Austria joined the European Union, no non-national EU citizens have been elected to the European Parliament in Austria.⁸³

Candidacy rights are linked to the right to vote but the conditions (age, disenfranchisement on the grounds of criminal conviction) are more restrictive. Everyone aged 18 or older, who fulfils the voting criteria and has not been convicted to an unconditional sentence of more than one year for any criminal offence committed with intent has the right to run as a candidate.⁸⁴ Non-national EU citizens need to register as voters to be able to run as candidates.

Local Elections

One may be tempted to assert that in local elections as well, non-national EU citizens do not seem to be a target group for political parties in Austria,⁸⁵ with the caveat that there are 2,098 municipalities in Austria and therefore more than 2,000 different local elections, meaning more than 40,000 elected candidates throughout the country during a time period of more than five years, which makes it fairly difficult to have a good overview here. Still, a few examples can be found from the last years that might serve as exceptions that prove the rule.

In April 2018, municipal and mayoral elections were held in Innsbruck, Austria's fifth biggest city by population with 130,000 inhabitants in total and 18,500 non-national EU-citizens living there, accounting for approximately 16% of all national and non-national EU

⁷⁹ § 3 (5) Burgenländisches Wählerevidenz-Gesetz.

⁸⁰ Interview with Georg Pfeifer, Head of the *European Parliament Liaison Office in Austria*, done on 5 April 2018.

⁸¹ Centre for Strategy & Evaluation Services (CSES), Study on the Conduct of the 2014 Elections to the European Parliament, Final Report, 10 March 2015, Table 5.8, p. 87.

⁸² Mail by Constanze Beckerhoff, European Parliament Press Service, 19 February 2018.

⁸³ Corbett, Richard/Jacobs, Francis/Neville, Darren (2016: The European Parliament. 9th Edition, John Harper, London, Table 2.2., p. 21.

⁸⁴ § 29 EuWO.

⁸⁵ Telephone interview with Johannes Schmid, Deputy Secretary General and Head of Legal Unit of the *Austrian Association of Cities and Towns*, done on 5 April 2018; interview with Nicolaus Drimmel, Deputy Secretary General of the *Austrian Association of Municipalities*, done on 11 April 2018.

citizens of voting age.⁸⁶ In this election there were at least five non-national EU citizens running as candidates, two of whom were elected.⁸⁷

11 days before the elections, the Department of Political Science of the University of Innsbruck organised a public panel discussion at the University with candidates from almost all running parties, in English.⁸⁸ The organisers had this idea because, as they claim, there had been almost no information about the elections other than in German, nor had the political parties provided information about their program in English or any other EU language.⁸⁹

Nevertheless, at least two parties launched small campaigns targeting explicitly non-national EU citizens informing them about their right to vote in the upcoming elections. While *The Greens* handed out flyers in different languages, *NEOS* produced a short online video in German targeting German students in Innsbruck (Illustration 1).

Illustration 1: Flyer and online video campaign, *The Greens* (left) and *NEOS* (right), municipal and mayoral elections in Innsbruck 2018



Source: e-mail; Facebook screenshot [16.04.2018]

Another rare case of explicit targeting of non-national EU citizens is the small political party “WIR im Ersten”. The party ran for Vienna District Council elections in Vienna’s First District in 2010 and 2015. In both years, they won two of the 40 seats in the

⁸⁶ Statistik Austria, Bevölkerung zu Jahresbeginn ab 2002 nach Jahr und Alter in Einzeljahren, Politischer Bezirk/Wiener Gemeindebezirk und Staatsangehörigkeit Pol (Ebene +1). Own calculation.

⁸⁷ This is the result of a short e-mail survey sent out to all twelve parties running in this election. Of the three parties who replied in good time, only *The Greens* reported non-national EU citizens on their list. Five of the first 20 listed Green candidates are non-national EU citizens (e-mail reply by Karin Hollenstein, PR officer, Innsbruck Green Party in the Municipal Council, 09 April 2018).

⁸⁸ University of Innsbruck, Podiumsdiskussion: Innsbruck Votes! City council elections discussed in English, Mittwoch, 11.04.2018 <https://www.uibk.ac.at/events/2018/04/11/innsbruck-votes.xml>, [07.04.2018].

⁸⁹ Telephone interview with Lore Hayek, political scientist at the University of Innsbruck, Department of Political Science and one of the organisers of the panel discussion, done on 04 April 2018.

District Council; one of the two members from 2010 to 2015 was a French citizen.⁹⁰ In 2015, the party ran a poster campaign in German, French, Italian and English (Illustration 2).

Illustration 2: Campaign posters "WIR im Ersten", Vienna district council elections 2015



Photo: Gerd Valchars

Candidacy rights are linked to the right to vote in the respective municipality. In Burgenland, the only province where non-national EU citizens have to apply to be registered in the electoral roll, the registration as voter is also necessary to run as a candidate.⁹¹ In most of the provinces (in Burgenland, as well as in Carinthia, Salzburg, Styria, Tyrol and Vorarlberg), candidates furthermore have to declare that they have not lost the right to vote at local level in their country of citizenship. In case the municipal election office doubts the accuracy of such a statement, it can choose to ask that the candidate submits a confirmation by the EU citizen's competent home authority to approve the facts. In Tyrol, only non-national EU citizens with less than five years of residence in Austria have to submit such a declaration.⁹²

⁹⁰ meinbezirk.at, "Ich durfte nicht mitstimmen", 07 May 2013, <https://www.meinbezirk.at/innere-stadt/lokales/ich-durfte-nicht-mitstimmen-d555980.html>, [07.04.2018].

⁹¹ § 19 (1) GemWO 1992

⁹² § 19 (3) [Burgenländische] GemWO 1992, § 41 (2) Kärntner Gemeinderats- und Bürgermeisterwahlordnung 2002, § 37 (5) Salzburger Gemeindevahlordnung 1998, § 42 (4) [Steiermärkische] GWO, § 35 (6) Tiroler Gemeindevahlordnung 1994, §§ 16 (2) and 18 (2) [Vorarlberger] Gesetz über das Verfahren bei Wahlen in die Gemeindevertretung und des Bürgermeisters.

There are no centrally collected official data about non-national candidates or elected politicians at local level; serious estimates do not exist either.⁹³

2.5. Turnout

There are no statistics or estimates about the turnout of non-national EU citizens, neither in local nor EP elections.⁹⁴

Nevertheless, there might be a good approximation for the turnout of non-national EU citizens at the Vienna District Council elections: the elections for the 23 District Councils in Vienna are held on the same day at the same polling stations where Vienna's Municipal Council is elected. While for the former, national and non-national EU citizens are enfranchised, for the latter it is only national citizens who have the right to vote. It is therefore very likely that every voter who shows up at the polling station and is eligible to vote in both elections, would as a matter of fact do so. The difference between the number of votes cast in the Municipal Council and the District Council elections in each district therefore approximates the votes cast by non-national EU citizens. These calculations reveal an approximated voter turnout of non-national EU citizens in Vienna's District Council elections of on average of 21.8% (2015) and 18.5% (2010), respectively, and turnout rates ranging between 13.3% to 34.4% (2015) and 12.3% to 27.3% (Figure 1).⁹⁵

In 2015, four weeks before the municipal and mayoral elections in Carinthia, a local dispute in a small village on the electoral rights of resident non-national citizens aroused some media attention. The leader of a local party problematised the fact that 30 out of the 711 eligible voters allegedly would be non-national, mostly Romanian, EU citizens working as sex workers in the local brothel, claiming that they would have a significant impact on the outcome of the elections while being badly informed. The party therefore contested the validity of the electoral roll.⁹⁶

⁹³ Interview with Nicolaus Drimmel, Deputy Secretary General of the *Austrian Association of Municipalities*, done on 11 April 2018.

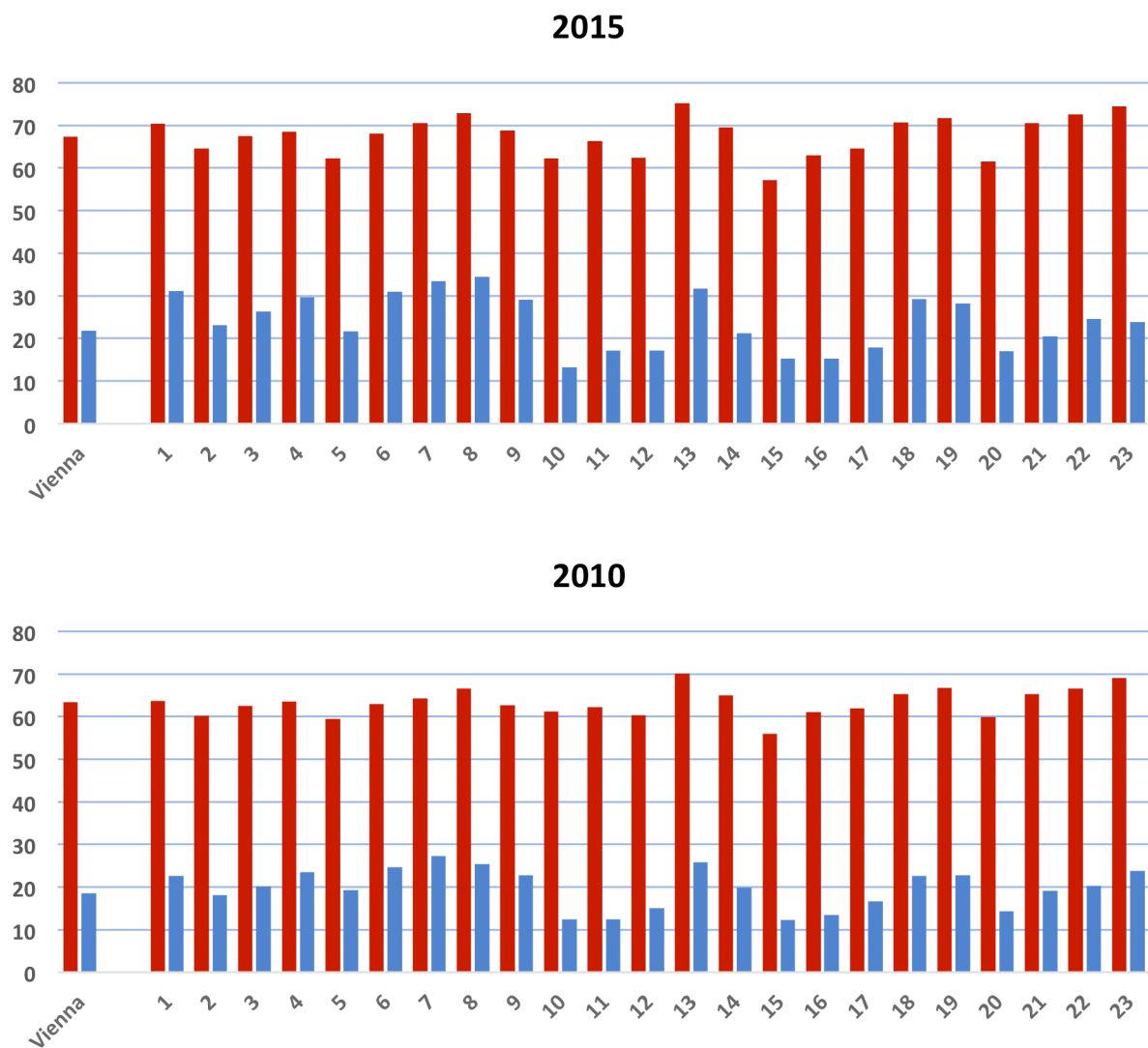
⁹⁴ Telephone interview with Robert Stein, Head of Department III/6 Voting Issues of the Federal Ministry of the Interior, done on 06 April 2018. See also: Centre for Strategy & Evaluation Services (CSES), Study on the Conduct of the 2014 Elections to the European Parliament, Final Report, 10 March 2015, p. 85.

⁹⁵ City of Vienna, Gemeinderatswahl 2015, <https://www.wien.gv.at/wahl/NET/GR151/GR151.htm> [13.07.2018], City of Vienna, Gemeinderatswahl 2010, <https://www.wien.gv.at/wahl/NET/GR101/GR101.htm> [13.07.2018], City of Vienna, Bezirksvertretungswahlen 2015, <https://www.wien.gv.at/wahl/NET/BV161/BV161.htm> [13.07.2018], City of Vienna, Bezirksvertretungswahlen 2010, <https://www.wien.gv.at/wahl/NET/BV101/BV101.htm> [13.07.2018]. Own calculations.

⁹⁶ Kleine Zeitung, Kärntner Orts-SP gegen Wahlrecht für Prostituierte, 27 January 2015, <http://www.kleinezeitung.at/politik/innenpolitik/4648295/Kaerntner-OrtsSP-gegen-Wahlrecht-fuer-Prostituierte> [16.04.2018]; kaernten.orf.at, Streit um Wahlrecht für Prostituierte, 27 January 2015, <http://kaernten.orf.at/news/stories/2691598/> [16.04.2018].

Besides this, there are no known political debates or media reports about the potential impact of non-EU citizens on electoral outcomes, neither in the European Parliament elections nor in municipal and mayoral elections. At times politicians problematise the fact the right to vote for EU citizens in Vienna is restricted to the District Councils only and is not granted for the Municipal Council. In rare discussions on voting rights for third-country nationals non-national EU citizen’s voting rights are recurrently mentioned.

Figure 1: Vienna District Council elections 2015 and 2010. Official voter turnout (red), approximated calculation for the voter turnout of non-national EU citizens (blue) in percent. Average and Districts 1 to 23.



Source: City of Vienna, Municipal Department 62. Own calculation

3. Non-resident Citizens' franchise in national and EP elections when residing in other EU Member States

3.1. Overview of relevant administrative regulations

National Elections

Bundes-Verfassungsgesetz (B-VG), Federal Constitutional Law, BGBl. Nr. 1/1930 as amended by BGBl. I Nr. 138/2017, Article 26 and 26a
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000138>, engl:

https://www.ris.bka.gv.at/Dokumente/Erv/ERV_1930_1/ERV_1930_1.html

Bundesgesetz über die Führung ständiger Evidenzen der Wahl- und Stimmberechtigten (Wählerevidenzgesetz 2018 – WEviG), Federal Law on the Electoral Register, BGBl. I Nr. 106/2016 as amended by BGBl. I Nr. 120/2016,
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009720>

Bundesgesetz über die Wahl des Nationalrates (Nationalrats-Wahlordnung 1992 – NRWO), National Council Electoral Law, BGBl. Nr. 471/1992 as amended by BGBl. I Nr. 120/2016,
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001199>

EP Elections

Bundes-Verfassungsgesetz (B-VG), Federal Constitutional Law, BGBl. Nr. 1/1930 as amended by BGBl. I Nr. 138/2017, Article 23a and 26a
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000138>, engl:
https://www.ris.bka.gv.at/Dokumente/Erv/ERV_1930_1/ERV_1930_1.html

Bundesgesetz über die Führung ständiger Evidenzen der Wahl- und Stimmberechtigten bei Wahlen zum Europäischen Parlament (Europa-Wählerevidenzgesetz – EuWEG), Federal Law on the European Parliament Electoral Register, BGBl. Nr. 118/1996 as amended by BGBl. I Nr. 120/2016,
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001437>

Bundesgesetz über die Wahl der Mitglieder des Europäischen Parlaments (Europawahlordnung – EuWO), European Parliament Electoral Law, BGBl. Nr. 117/1996 as amended by BGBl. I Nr. 120/2016,
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001436>

3.2. Voter Registration

In national and European Parliament elections, resident citizens are automatically registered, whereas non-resident citizens have to register themselves. For national elections, it does not make any difference whether an applicant lives in another EU Member State or in a third country. For European Parliament elections, the procedure is slightly different, as an additional statement is needed in the former case.

The competent authorities for voter registration for both national, as well as European Parliament elections are the municipalities. In both cases, the registration is valid for ten years and can be renewed; three months before expiration authorities have the duty to inform individuals about the near expiration and about the possibility to re-register. Upon request the registration may include an automatic order of absentee ballot cards for all upcoming elections (National Council, Federal President, European Parliament) and referenda for postal voting.⁹⁷

The relevant form for registration (the same form can be used for national and/or European elections) in the electoral roll is available online at the Federal Ministry of the Interior's website⁹⁸ and may be handed in by post, fax or e-mail. The competent municipal office is the one where the applicant had her former principal residence in Austria. If no such place exists, there is a list of ranked criteria for determining competence: the applicant's parents' actual or last residence in Austria, the applicant's place of birth, the place of principal residence of close relatives, the seat of their employer, real estate in Austria, property, or other relations.⁹⁹ Required documents are copies of a valid identification document and of documents that prove the aforementioned criteria to determine the competent municipal office.

The registration is possible at any time. To be eligible to vote at upcoming elections non-resident citizens need to be registered on the key date for the elections concerned set by the federal government at least 61 days (National Council)¹⁰⁰ or 71 days (EP elections)¹⁰¹ before the election day. For the most recent elections to the National Council in 2017, the key date was 82 days before election day;¹⁰² for the 2014 EP elections, the key date was 75 days before election day.¹⁰³

For non-resident citizens living in another EU Member State and registering for EP elections, an additional statement is needed. The application for entry into the register has to include a declaration that the Austrian citizen shall vote for the Austrian Members of the European Parliament (and shall not participate in the EP elections in their country of

⁹⁷ § 3 Bundesgesetz über die Führung ständiger Evidenzen der Wahl- und Stimmberechtigten (Wählerevidenzgesetz 2018 – WEviG) and § 2 (3) & § 4 EuWEG.

⁹⁸ Federal Ministry of the Interior, Wahlen. Informationen für Auslandsösterreicher(innen) http://www.bmi.gv.at/412/Informationen_fuer_Auslandsoesterreicher_innen.aspx [09.04.2018]

⁹⁹ § 3 Bundesgesetz über die Führung ständiger Evidenzen der Wahl- und Stimmberechtigten (Wählerevidenzgesetz 2018 – WEviG) and § 2 (3) & § 4 EuWEG.

¹⁰⁰ Stein, Robert/Vogl, Mathias/Wenda, Gregor (Hg.): Nationalrats-Wahlordnung 1992 (NRWO), Bundespräsidentenwahlgesetz 1971, Volksbegehrensgesetz 1973 mit Anmerkungen und Nebengesetzen. Manz, Wien, 2013. § 1 NRWO, p. 28.

¹⁰¹ § 2 EUWO

¹⁰² §§ 2 and 3 Verordnung der Bundesregierung über die Ausschreibung der Wahl zum Nationalrat, die Festsetzung des Wahltages und des Stichtages, BGBl. II Nr. 190/2017.

¹⁰³ §§ 2 and 3 Verordnung der Bundesregierung über die Ausschreibung der Wahl der österreichischen Mitglieder des Europäischen Parlaments, die Festsetzung des Wahltages und des Stichtages, BGBl. II Nr. 77/2009.

citizenship). The same declaration is needed if an already registered Austrian citizen living in a third country moves to another EU Member State.¹⁰⁴

In national and EP elections, non-resident citizen voters can use absentee ballot cards for postal voting or may hand them in at the office of any Austrian representation.¹⁰⁵ Proxy- or e-voting is not possible.

For the right to vote and the right to run as a candidate the same conditions and regulations with regard to age, disability or disenfranchisement on the grounds of criminal conviction apply in elections to the National Council and the European Parliament.¹⁰⁶

3.3. Turnout

In the most recent elections for the National Council in 2017, 60,762 of a total of 6,400,993 eligible voters were non-resident citizens.¹⁰⁷ In the 2014 EP elections, 34,773 of a total of 6,410,602 eligible voters were non-resident citizens.¹⁰⁸ There is no official data available as to how many of these non-resident citizens lived in another EU Member State. Neither are there statistics or estimates about the turnout of non-resident EU citizens in national or EP elections. Nevertheless, for the National Council elections in 2017, 59,283 and, for the EP elections in 2014, 28,456 absentee ballot cards were posted to non-resident citizens outside the country (Table 5). As there is the possibility for an automatic order of absentee ballot cards for all upcoming national and EP elections for postal voting when registering as a non-resident voter, the high number of absentee ballot cards does not necessarily indicate an equally high turnout rate for non-resident voters.

Table 5: National Council and European Parliament elections

Elections	Eligible Voters	Registered Non-resident Voters	Absentee Ballot Cards Sent Abroad	Registered Non-national EU Citizens
2017 National Council	6,400,993	60,762	59,283	
2014 European Parliament	6,410,602	34,773	28,456	33,184

Source: Federal Ministry of the Interior

¹⁰⁴ § 2 (4) & 5, § 4 (6) EuWEG.

¹⁰⁵ The Austrian representations do not function as polling stations but will send the ballot cards to the competent authorities in Austria; within Europe ballot cards have to be handed in at the office of the Austrian representation at least six days before election day, and outside Europe at least nine days before election day.

¹⁰⁶ § 41 NRWO and 29 EuWO; §§ 21 and 22 NRWO and § 10 EuWO and § 3 EuWEG.

¹⁰⁷ Federal Ministry of the Interior, Nationalratswahl 2017, 31 October 2017, http://www.bmi.gv.at/412/Nationalratswahlen/Nationalratswahl_2017/files/endgueltigeZahlderWahlberechtigten_NRW17_BPW16_2WGW_H_20171031.pdf [09.04.2018].

¹⁰⁸ Federal Ministry of the Interior, Europawahl 2014, 03 June 2014, http://www.bmi.gv.at/412/Europawahlen/Europawahl_2014/files/EUW_14_WB_E.pdf [09.04.2018].

There are no known political debates or media reports about non-resident voters' potential impact on electoral outcomes, neither with regard to European Parliament elections nor national elections. The Federal Ministry for Europe, Integration and Foreign Affairs and the *World Federation of Austrians Abroad (Auslandsösterreicher-Weltbund)*, an NGO umbrella organisation of Austrians abroad, both define raising number of registered voters, and hence the non-resident voter turnout, as one of their medium-term goals.¹⁰⁹

As postal voting (from inside the country) has become more and more popular in Austria lately, there is an ongoing discussion about restricting postal voting again and limiting it to non-resident voters only.¹¹⁰ Albeit, the non-resident citizens' eligibility to vote and postal voting form outside the country has not been questioned to date.

4. Conclusion

The most important obstacles for political participation of EU citizens in elections in Austria seem to be a lack of (accessible) information about the political system, the registration procedure and the political program of the running parties and candidates on the side of the potential non-national voters, as well as a lack of interest to win their votes on the side of the political parties.

The vast majority of information provided by public authorities and political parties alike is in German only. Information in English is the rare exception. This is even more true for municipal and mayoral elections, and here in particular for Burgenland as the only province in Austria where non-national EU citizens are not registered automatically.

There are a few policy recommendations that might be considered as possible ways to lower the barriers for electoral political participation by non-national EU citizens in Austria that seem to be attainable and timely:

- Automatic voter registration for non-national EU citizens in municipal and mayoral elections in Burgenland: as the province is the only one where voter registration is non-automatic it seems reasonable and attainable to change the system here as well to automatic registration. The other provinces might serve as good examples for legislative provisions and administrative procedures.
- Linked (but not automatic) residence and voter registration: Persons establishing their residence in Austria must register with the competent registration authority. The competent authority for the registration of a principal residence is the municipal office, and the same authority is competent for voter registration. Non-national EU citizens establishing a principal residence in Austria for the first time could be asked automatically and proactively whether they want to register as a voter for the EP elections in Austria as well and be provided with the relevant information and form.

¹⁰⁹ Telephone interview with Irmgard Helperstorfer, Secretary General of the World Federation of Austrians Abroad (Auslandsösterreicher-Weltbund), done on 23 July 2018.

¹¹⁰ diepresse.com, Umfrage: Mehrheit für Abschaffung der Briefwahl, 12 October 2010, https://diepresse.com/home/politik/innenpolitik/601403/Umfrage_Mehrheit-fuer-Abschaffung-der-Briefwahl- [12.07.2018], diepresse.com, FPÖ will "manipulationsanfällige" Briefwahl abschaffen, 07 June 2016, <https://diepresse.com/home/politik/innenpolitik/5005076/FPoe-will-manipulationsanfellige-Briefwahl-abschaffen> [12.07.2018], derstandard.at, Pro und Kontra: Briefwahl abschaffen, 06 September 2016, <https://derstandard.at/2000043954882/Pro-und-Kontra-Briefwahl-abschaffen> [12.07.2018], kurier.at, FPÖ will Vor-Wahltag statt Briefwahl, 08 November 2017, <https://kurier.at/politik/inland/fpoe-will-vor-wahltag-statt-briefwahl/297.007.430> [12.07.2018].

- One single website on all elections in Austria: the Federal Ministry of the Interior or the Office of the Federal Chancellor could run an information website as a landing page for all questions concerning elections in Austria (e.g. wahlen.gv.at; elections.gv.at), briefly sketching out the political and electoral system and voting methods, providing former election results, as well as information about voting and candidacy rights, about the registration procedure and all necessary information for upcoming elections (e.g. key dates, how to order absentee ballot cards for postal voting). Ideally, this website should be available in German, plain language and sign language, as well as in every official EU language or at least in English and the most important EU languages in Austria (Romanian and Croatian).
- Individualised letters before upcoming EP elections sent to all non-national EU citizens explaining the registration and voting procedures: the centralised electoral register introduced in 2017 in Austria now provides the technical infrastructure to send out such individualised letters to all resident non-national EU citizens of voting age by the Federal Ministry of the Interior. Nevertheless, there is still no legal basis for individualised mailings. The ministry instead issues press releases informing EU citizens about the election with what seems to be limited outreach.
- Voting campaigns: Before upcoming EP and local elections, public campaigns run by the Ministry of the Interior, the provincial governments or the municipalities might inform all eligible voters through different channels (newspaper and online ads, posters, videos, etc.) about the upcoming elections and their right to vote. Special emphasis should be given to the fact that in these elections non-national EU citizens too have a right to vote. To underline this, the campaigns should be available in English and in the most important EU languages in Austria (Romanian and Croatian). As a considerable number of non-national EU citizens living in Austria are students, the (public) universities could function as information channels for this particular group of mobile EU citizens.

