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REPORT ON POLITICAL PARTICIPATION OF MOBILE EU CITIZENS: MALTA

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Report on Political Participation of Mobile EU Citizens

Malta

George Vital Zammit¹

Abstract:

In Malta, resident EU citizens have the right to vote in and stand for European Parliament (EP) and local elections. To be able to exercise those rights, EU citizens have to demonstrate having resided in Malta for at least six out of the last 18 months preceding a given election. Maltese citizens, who are resident abroad, only have limited voting rights in national and EP elections held in Malta. They may not stand for elections. Information regarding the registration and electoral process in Malta is fairly accessible as all of the information provided by the government is also available in English, which is an official language of the country. However, there are still no systematic efforts in place to encourage the political participation of non-citizen residents.

Sommarju;

F'Malta, ċittadini residenti ta 'l-UE għandhom id-dritt li jivvutaw u jivvutaw għall-Parlament Ewropew (PE) u għall-elezzjonijiet lokali. Biex ikunu jistgħu jeżerċitaw dawk id-drittijiet, iċ-ċittadini ta 'l-UE jridu juru li għexu f'Malta għal mill-inqas sitta mill-aħħar 18-il xahar qabel elezzjoni partikolari. Ċittadini Maltin, li huma residenti barra l-pajjiż, għandhom biss drittijiet tal-vot limitati fl-elezzjonijiet nazzjonali u tal-PE f'Malta. Ma jistgħux joħorġu għall-elezzjonijiet. Informazzjoni dwar ir-registrazzjoni u l-proċess elettoral f'Malta hija pjuttost aċċessibbli. L-informazzjoni kollha pprovduta mill-gvern hija wkoll disponibbli bl-Ingliż, li hija lingwa uffiċjali tal-pajjiż. Madankollu, għad m'hemmx sforzi sistematiċi biex tinkoraġġixxi l-partecipazzjoni politika ta 'residenti barranin.

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1. Introduction

Non-resident citizens have limited voting and candidacy rights in the elections held in Malta (see Table 1). Non-resident Maltese citizens are only entitled to vote for European Parliament (EP) elections held in Malta, if they have not spent at least six out of the last 18 months prior to the election in Malta. Non-resident citizens do not have the right to stand as candidates. Public servants and members of 'disciplined forces' who are posted abroad continue to count as residents and therefore retain their voting rights. The same restrictions apply to the electoral rights of non-resident Maltese citizens for the national legislative elections. Those non-resident citizens who are eligible to vote are automatically registered. Voters may only cast the ballot through in-country voting, although flights to Malta are subsidised in order for voters to be able to return to the country.

Resident EU citizens enjoy both passive and active electoral rights in local and EP elections held in Malta. EU citizens are eligible if they have resided in Malta for at least six months during the last 18 months immediately preceding the election day. EU citizens have to register to be able to vote in local and EP elections. Resident EU citizens have to actively register to be able to cast their ballot.

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

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

¹ Non-resident citizens are generally disenfranchised if they have not spent six out of the last 18 months in Malta. Public servants and members of 'disciplined forces' posted abroad are counted as resident and retain voting rights.

² Only in-country voting is available, however the government subsidises flights to return to Malta to be able to vote.

³ Non-resident citizens are generally disenfranchised if they have not spent six out of the last 18 months in Malta. Public servants and members of 'disciplined forces' posted abroad are counted as resident and retain voting rights.

⁴ Only in-country voting is available, however the government subsidises flights to return to Malta to be able to vote.

⁵ Only EU citizens who have resided in Malta for at least six months during the last 18 months immediately preceding the election day.

⁶ Only EU citizens who have resided in Malta for at least six months during the last 18 months immediately preceding the election day.

⁷ Active registration is required for EU citizens; EU citizens have to submit a written declaration stating that they will exercise their right to vote only in Malta and that they have not been disenfranchised in another EU Member State.

⁸ Only EU citizens who have resided in Malta for at least six months during the last 18 months immediately preceding the election day.

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

Non-citizen residents

At the end of 2017, Malta had a population of 475,701. Of these, about 9,230 were nationals from other EU Member States. There were 5,665 male and 3,565 female resident EU citizens.¹¹ Further details on the regional concentration, gender and age composition, employment status and main sectors of work of non-citizen residents in Malta are not available.

It should be noted, that the Maltese government does not have an accurate figure of the number of resident EU citizens in the country. The main reason for this is that non-citizen residents will remain registered in the system if they leave the country without prior notification. There is currently no deregistration system, and names are held on national records.

Non-resident citizens

There are no statistics available regarding non-resident Maltese citizens. However, the Ministry for Foreign Affairs and Trade Promotion has launched a notification system, a *Voluntary Registration for Maltese Citizens Travelling and Living Abroad*. According to the Ministry's website, this new service is offered to the Maltese diaspora, which comprises Maltese citizens who, for various reasons, travel abroad for a period of over one month. The aim is to "strengthen and compliment the consular services already offered by the Maltese Government."¹²

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

In accordance with the voting rights provided for by EU law, the electoral rights in EP elections held in Malta have been extended to non-citizen residents subject to the eligibility criteria being met.¹³ Non-resident Maltese citizens may vote in the EP elections held in Malta, unless they wish to vote in the EP elections held in the Member State of residence. They are only able to vote in the EP elections held in Malta by travelling to Malta for the election day.

⁹ Only EU citizens who have resided in Malta for at least six months during the last 18 months immediately preceding the election day.

¹⁰ Active registration is required for EU citizens; EU citizens have to submit a written declaration stating that they will exercise their right to vote only in Malta and that they have not been disenfranchised in another EU Member State.

¹¹ Data as of January 2018. See also:

https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_C5/Population_and_Migration_Statistics/Documents/2018/News2018_107.pdf Accessed on 20 December 2018.

¹² Ministry for Foreign Affairs and Trade Promotion, Government of Malta, <https://foreignaffairs.gov.mt/en/Pages/Maltese-Living-Abroad.aspx> accessed on 10 December 2019.

¹³ Council Directive 93/109/EC of 6 December 1993

Non-citizen residents

To vote in EP elections in Malta, resident citizens from other EU Member States must be in possession of a valid identification document. They must declare that they will only exercise their right to vote in the EP election held in Malta, and must not have been deprived of the right to vote in their home Member State. Third-country nationals (TCNs) are not entitled to vote or run for elections held in Malta at any level.

Non-resident citizens

Maltese citizens who are resident abroad and registered as voters in the European Union Electoral Register may only vote for the EP elections held in Malta by returning to Malta to cast their ballot.

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

2.1. Overview of Relevant Administrative Regulations

Non-national EU citizens who are resident in Malta are eligible to participate in local and EP elections held in Malta.

The electoral rights for EP and local elections are regulated by *CAP 467 European Parliament Elections Act*, *CAP 363 Local Councils Act* and *CAP 237 Referenda Act*. This legislation is secondary to the *Constitution of Malta* and *CAP 354 General Elections Act*.

EP elections

To vote in EP elections in Malta, resident EU citizens must be in possession of a valid identification document. They must declare that they will only exercise their right to vote in the EP election held in Malta, and that they have not been deprived of the right to vote in their home Member State. Moreover, they must declare to the Electoral Commission:

- a proof of residence and address in Malta (at least for a period of six months in the last 18 months preceding the registration or for periods amounting in the aggregate to six months);
- his or her nationality;
- having attained the age of 16;
- the date on which he or she has taken up residence in Malta or in any other EU Member State;
- the locality or constituency in his or her home Member State or any other EU Member State, if any, in which the EU citizen was last registered as voter.

Local elections

Every resident EU citizen who, after the publication of the last revised European Union Electoral Register, has attained or shall attain the age of 16 years by the day preceding the date on which the local election is to be held, and who has not been convicted of any offence connected with local elections, shall be entitled to vote in local elections.

2.2. Voter Registration

Voters must be eligible according to the criteria set by law (as set out in the previous section 2.1). An agreement is in place between the Identity Management Office¹⁴ and the Electoral Office for the former to accept applications (related to citizens' electoral data) on behalf of the latter. The same information which the Identity Management Office registers in order to produce identity cards is passed onto the Electoral Office to be used for election-related purposes, including the publication of the electoral registers and the printing of voting documents.

In the case of non-Maltese citizens, the Department of Citizenship and Expatriate Affairs receives and processes residence applications of those who wish to reside legally in Malta for a period longer than three months.¹⁵

Whilst registration forms are provided online for download, they need to be signed and returned physically for registration.

There was a total of 370,661 persons eligible to vote in the 2019 EP elections in Malta. Of these, 17,714 were non-Maltese EU nationals (including UK citizens), whilst 352,947 were Maltese nationals.¹⁶

EP elections

Registration for each election is optional and active. Once registered, renewal is automatic.

Local elections

After the setup of local councils in Malta, only British national residents were allowed to vote in local elections (1993-2003). The exceptional voting right granted only to British citizens 'can be attributed to the strong ties between the two countries due to the historical colonial relationship, and by the mere fact that the British expat community is the largest foreign group in Malta.'¹⁷ Following the adoption of the *Acquis Communautaire* and Malta's accession to the European Union, this voting right was extended to all EU citizen residents. Registration for local council elections is automatically renewed.

¹⁴ Identity Malta, <https://identitymalta.com/id-cards/>

¹⁵ Department of Citizen and <https://identitymalta.com/citizenships-expatriates/>

¹⁶ Data as at 19 December 2018, Electoral Commission, Malta.

¹⁷ See also Daniela DeBono, "Access to Electoral Rights - Malta", EUDO Citizenship Observatory, Robert Schuman Centre for Advanced Studies, Access to Electoral Rights Report, RSCAS/EUDO-CIT-ER 2013/2, June 2013

2.3. Information during Election Campaigns

The Electoral Commission provides, through its portal, <https://electoral.gov.mt/> a guide on voting in Malta. All the information on this portal is provided in English, which is an official language of Malta (paragraph 5(2) of the Constitution). The information provided consists of:

- Verification of eligibility for election;
- Registration for voting (when, where and how);
- Whether dual citizenship affects the voting rights;

2.4. Political Parties and Candidacy Rights

Political parties in Malta are cognisant of the increasing community of non-citizen residents. This, however, brings with it a number of challenges. Residents tend to be internally mobile seeking affordable housing options. Given the wider representation of languages, there are also linguistic challenges. To date, there is no systematic targeting by political parties. However, in the 2019 local elections, a local party is fielding a non-national candidate (See further, below in section 4).

EP elections

A person shall qualify to stand for election to the European Parliament if such a person is registered as a voter in the Electoral Register or in the European Union Electoral Register.

The eligibility of candidates is regulated by paragraph 19 of *CAP 467 European Parliament Elections Act*. Non-national citizens shall not qualify to stand for election as a member of the European Parliament (MEP) if:

- (a) he or she is a member of any disciplined force of a corresponding force of another EU Member State;
- (b) he or she holds any office the functions of which involve any responsibility for or in connection with the conduct of elections of MEPs or the compilation or revision of any Electoral Roll;
- (c) he or she is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force;
- (d) he or she is interdicted or incapacitated for any mental infirmity or for prodigality by a court or is otherwise determined to be of unsound mind;
- (e) he or she is serving a sentence of imprisonment (by whatever name called) exceeding 12 months imposed on him or her by a court in an EU Member State;
- (f) he or she is a member of the judiciary;
- (g) he or she has been deprived of the right to stand as a candidate in EP elections under either the laws of Malta or of his or her home Member State,
- (h) he or she is also standing as a candidate for the EP election held in another Member State.
- (i) he or she has not yet attained the age of 18 years.

The upcoming EP elections that will be held in 2019 will see the first non-citizen resident standing as an MEP candidate in Malta. The candidate, Camilla Appelgren, a Swede, has been very active in the local political scene and has set up a non-governmental organisation, *Malta Clean Up*.¹⁸ She is standing as a candidate for the Democratic Party. Ms Appelgren is the product of increased activism in Malta where Maltese and non-citizens alike have joined to voice concerns on matters such as the protection of the environment and sustainable development.

Local elections

The eligibility of candidates for local elections is regulated by CAP 363 Local Councils Act. Paragraphs 11 and 12 set out the eligibility criteria for candidates in the local elections. A person shall be qualified to be elected as a member of a local council if such a person is registered as a voter in the Electoral Register or the European Union Electoral Register, provided that no person may contest the election of more than one locality in any local election.

No person shall be qualified to stand for election as a member of a local council if:

- (a) he or she is a member of the House of Representatives or of any similar institution in another Member State of the European Union, or an MEP;
- (b) he or she is a member of any disciplined force;
- (c) he or she is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in Malta;
- (d) he or she is interdicted or incapacitated for any mental infirmity by a court in Malta, or is otherwise determined to be of unsound mind;
- (e) he or she is serving a sentence of imprisonment exceeding 12 months imposed on him or her by any court in Malta.

2.5. Turnout

Local elections

Current statistics indicate the following numbers of voters were eligible to vote for local elections in 2018:¹⁹

¹⁸ Karl Azzopardi, Camilla Appelgren to contest MEP elections on PD ticket, 12 January 2019, https://www.maltatoday.com.mt/news/national/92182/camilla_appelgren_to_contest_mep_elections_on_pd_ticket_#XEogIVxKjIU

¹⁹ Data provided by the Electoral Commission, DEGUC001 as of 7 November 2018.

Table 2. Eligible voters in Malta in 2018 by gender and nationality

| NATIONAL VOTERS | | NON-NATIONAL VOTERS | |
|-----------------|---------|---------------------|--------|
| Male | Female | Male | Female |
| 175,146 | 178,257 | 41,718 | 33,227 |
| 353,403 | | 74,945 | |

Out of the total of 74,945 eligible non-national voters, 22,099 were citizens of the United Kingdom. At the time of writing, there are no indications yet on whether British citizens will still be eligible to vote for the next local elections held in Malta in May 2019.

The total turnout in the last local council elections for 34 Maltese localities that were held in 2015 was 67.6%. More specific statistics on the turnout of non-national EU citizens in local are not available.

EP elections

The total turnout in the last EP elections held in 2014 was 74.8%. Specific statistics on the turnout of non-national EU citizens in EP elections held in Malta are not available.

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

Maltese citizens who are resident abroad and registered as voters in the European Union Electoral Register may only vote in the EP elections held in Malta by returning to Malta to cast their ballot.

Maltese citizens who are resident in another EU Member States also have the option to vote in the EP elections held in their country of residence, provided they have submitted their intention to do so. In such cases, these Maltese citizens need to observe the eligibility criteria of the Member State of residence.

3.1. Overview of Relevant Administrative Regulations

Voting is regulated by paragraph 57(c) of the Constitution of Malta, which stipulates that a voter is eligible if he or she 'is resident in Malta and has during the 18 months immediately preceding her/his registration been a resident for a continuous period of six months or for periods amounting in the aggregate to six months.'

EP elections

For EP elections, non-resident citizens registered as voters in the European Union Electoral Register may opt to vote for the MEP candidates in their host Member State. To vote for MEP candidates in Malta, they need to travel back to Malta for the election day to cast their vote.

National elections

As stated above, according to paragraph 57 of the Maltese Constitution, non-resident Maltese citizens may vote in national elections if they can show that they have been resident in Malta for at least six out of the last 18 months preceding the election day. Furthermore, voters may only cast their ballot through in-country voting, which means that non-resident voters have to return to Malta for the election day to be able to vote.

3.2. Voter Registration

Upon registration with the Electoral Commission, non-resident citizens are notified about their electoral rights abroad. There is no further information available on the voter registration of non-resident Maltese citizens in EP and national elections held in Malta.

There are no promotional efforts to entice non-citizen residents to participate in the political process. At the time of writing, it seems that whilst political parties in Malta are increasingly more aware of the potential of such voters, they have not yet adopted any systematic practice to address them.

3.3. Turnout

There is no information available on the turnout of non-resident Maltese citizens in elections held in Malta.

4. Conclusion

This report highlights the various legal requirements for the political participation of resident EU citizens in local and EP elections held in Malta, and of Maltese citizens who are resident abroad. Data shows that Malta is becoming an increasingly diverse society with thousands of immigrants taking up residence in the country, primarily motivated by a relatively high labour demand in a number of industrial sectors.

There are no specific hindrances for the political participation of EU citizens. Malta, having English as an official language, has the distinctive characteristic that all government communications and documents are also issued in English, making the registration and voting process very accessible to non-nationals.

Policy recommendations to increase the political participation of mobile EU citizens

To boost the political participation of mobile EU citizens in Malta, the following is recommended:

- 1) Non-resident citizens should be informed, upon entry, about any upcoming elections, given key dates leading up to the elections, and information regarding the registration process. This is an important signal that Malta values their political participation, giving salience to local and EP elections.
- 2) Information targeted to specific target groups, provided by local and national authorities, should not be limited to election periods. The distribution of information, made easier by social media networks, should be consistent and continuous. Both formal and informal channels could be used. A “drop-in” centre could be installed inviting non-citizen residents to be informed about their rights and obligations. Where possible, information should be provided in multiple languages.
- 3) The exchange of best practices between Member States should be promoted at the supranational level. Increased participation leads to increased legitimacy, and the first step to achieving this is to have national authorities promote political participation. This should not remain only the prerogative of governments. The promulgation of the idea through local and European NGOs, for example, through community events, would assist this effort.
- 4) There are many mobile EU citizens who are minors. Politics, through civic and social education, should be taught already at primary school. Principles and concepts of democracy should be taught in primary and secondary education. Once children reach voting age, participation will be easier.
- 5) Evaluation exercises on political participation, producing data that will inform the strategies to adopt should be carried out. Statistics on demography, gender, professional characteristics require different methods. Rather than long sophisticated questionnaires, such evaluations ought to demonstrate hindrances to political participation, inviting constructive feedback on possible areas of improvement.
- 6) In the case of non-resident citizens, Malta still does not provide any option to vote from abroad. Non-resident citizens have to travel to Malta to exercise this right. As the government subsidises the journey costs of voters, this represents also an additional burden on the taxpayer.²⁰ The Maltese government is considering ways to make voting more accessible, providing the option to vote at a national embassy in the hosting country, for example.²¹

Whilst every effort is made to increase participation and reach eligible voters, each initiative should of course be carried out within the parameters of the General Data Protection Regulation²² in force since 2018.

²⁰ It is reported that €1.75 million were spent on subsidised fares for voters to be able to travel back to Malta for the last general election. See "Government considering ways for Maltese abroad to vote at embassies" <https://www.timesofmalta.com/articles/view/20181119/local/government-considering-ways-for-maltese-abroad-to-vote-at-embassies.694705> accessed on 1 December 2018.

²¹ Ibid.

²² General Data Protection Regulation (EU) 2016/679.

