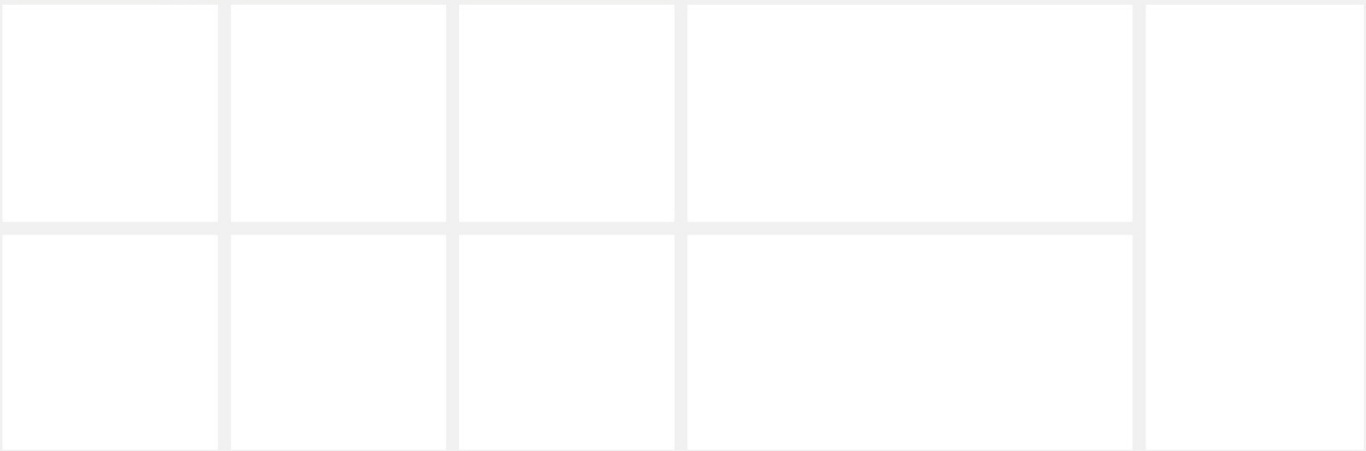




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# FAIR EU: POLICY RECOMMENDATIONS

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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.

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## Introduction

These policy recommendations are complementary to the FAIR EU synthesis report “Electoral rights for mobile EU citizens: Challenges and facilitators of implementation”. In the framework of the FAIR EU project,<sup>1</sup> civil society organisations, electoral bodies or public administrations, EU representations in Member States, and other relevant stakeholders made many valuable recommendations on eligibility, electoral registration, voting methods, information outreach, and the political environment across Member States. The GLOBALCIT country experts, who have been involved in the implementation of the FAIR EU project, generally concur with the recommendations made by stakeholders. In cases where they have additional comments and suggestions, this emerges directly in the text of the recommendations. This document summarizes the recommendations made by the stakeholders by category of voter and elections, as well as by topic. The recommendations all aim at enhancing electoral inclusiveness, equality, integrity and participation. They are not limited to reforms that fall within EU competence and include also some suggestions that would require amending the EU Treaties.

## Non-citizen residents: participation in local and EP elections

### Eligibility

All Member States grant foreign EU citizens the right to vote and to stand as candidates in local and EP elections in accordance with the provisions of the EU Treaties and the EU Charter of Fundamental Rights.<sup>2</sup> However, some Member States apply additional requirements that condition these rights. To address this challenge for participation, stakeholders suggested to adopt a single EU regulation introducing uniform electoral conditions with the only eligibility requirement to register residence in the host Member State. The EU legislation should unify the concept of ‘residence’ in order to harmonize the many differing concepts and approaches that complicate the free movement of EU citizens. Stakeholders also suggested to extend eligibility of non-citizen residents from the EU by:

- Removing the minimum residency requirements,<sup>3</sup> which still apply in some Member States (ranging to up to five years in Luxembourg) if these go beyond a reasonably

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<sup>1</sup> The recommendations are based mainly on the FAIR EU online and offline surveys distributed in EU-28 in 2018. Sources: **Online survey questions** “30: What kind of initiatives or reforms would you suggest to enhance participation of non-national EU citizens in EP or local elections?” and “42: What kind of initiatives or reforms would you suggest to enhance participation of nationals abroad in European Parliament elections?”, and **Offline survey questions**: “9. What kind of measures would you recommend to increase political participation by non-national EU citizens?” and “20. What kind of measures would you recommend to increase political participation in EP elections by country nationals abroad?”.

<sup>2</sup> This right is enshrined in Article 22(1) of the Treaty on the Functioning of the European Union and Articles 39 and 40 of the EU Charter of Fundamental Rights of the European Union ([https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights_en)) with arrangements for the exercise of these rights laid down by Council Directive 94/80/EC. The Council Directive 94/80/EC of 19 December 1994 lays down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (OJ L 368, 31.12.1994, p. 38).

<sup>3</sup> This would either require amendment of Article 14 of Directive 93/109/EC and Article 12 of Directive 94/80/EC to remove the derogation provisions from EU law, or it would require an undertaking by Member

short period required for administrative purposes (such as the requirement in the Czech Republic for non-national EU citizens to have residency for 45 days before voting in EP elections);

- Allowing non-citizen residents to vote and stand as candidates in all types of municipalities (exceptions currently exists in cities that are also federal provinces in Austria and Germany);
- Eliminating restrictions to the right to be elected as mayor and deputy mayor,<sup>4</sup> which still apply in some Member States;
- Extending the right to vote for non-citizens also to the regional level, in those countries where non-citizen residents from the EU do not have this right<sup>5</sup> but where important decisions are taken;
- Removing legal barriers for non-citizens on membership in political parties in Member States where these apply;
- Enabling foreign EU citizens to finance election committees and political parties (this is currently not possible in Poland).

## Electoral registration

Even in Member States where voter registration is automatic, non-citizens cannot be registered automatically for EP elections in order to prevent double voting in host Member States and the Member State of nationality. There is no such obstacle for automatic registration of mobile EU citizens in local elections. Voter registration is automatic for non-citizen residents in local legislative elections in only 12 of 28 Member States. Many stakeholders recommended introducing automatic voter registration for non-national EU citizens in municipal and mayoral elections across Europe. At the same time, some GLOBALCIT experts consider that registration should not be fully automatic, but that non-citizens should have the chance to opt in and consent to registration. For example, public authorities could systematically ask non-national EU citizens whether they want to register as voters when they provide these citizens with public services. Another expert suggests that a possible solution would be to give resident EU citizens the opportunity to opt-out, rather than opt-in.

Facilitating registration is especially important for foreign EU nationals given that they tend to face language barriers in the host country and sometimes have to invest considerable time to register. Considering countries where voter registration remains active, stakeholders recommended the following practical measures to facilitate registration:

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States that qualify as having over 20% of their population as non-citizen EU residents not to apply the derogation.

<sup>4</sup> This would either require amendment of Article 5 of Directive 94/80/EC to remove the possibility to reserve offices to nationals, or it would require an undertaking by Member States not to rely upon the discretion provided by this provision.

<sup>5</sup> See Annex that defines “Basic local government unit” within the meaning of Article 2(1)(a) of “Council Directive 2013/19/EU of 13 May 2013 adapting Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, by reason of the accession of the Republic of Croatia”: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013L0019&from=EN>

- Set voter registration deadlines closer to election day in Member States where these are scheduled long before elections;
- Increase the use of automated technology systems by public authorities in order to effectively communicate with and register non-citizen residents;
- Offer many physical locations for voter registration in Member States.<sup>6</sup>

A respondent suggested that upon voter registration, non-nationals should be able to specify what language they would like to use for voting and receive a copy of the ballot in their language of choice.<sup>7</sup>

## Outreach

Outreach was the topic attracting most recommendations. Stakeholders emphasized above all that foreign EU citizens should be provided with more information, in several languages, on electoral rights and voter registration. The level of multilinguality recommended varied and included the following proposals for information:

- in English;
- in the main languages of the EU;
- in the voter's first language.

Stakeholders also proposed obliging national election bodies to disseminate information in all the official languages of the EU on their websites, and (upon request) also at all the polling stations where non-citizens are registered to vote.

Several respondents also suggested that more information should be provided at both the local and national levels. National authorities are well-placed to coordinate systematic outreach, while local authorities are closer to and have easier access to citizens. National authorities could provide local authorities with 'a catalogue of possible outreach actions' and a related budget. At the local level, authorities could host European affairs desks in areas where a significant number of non-citizens from the EU are residing. Moreover, GLOBALCIT country experts stressed that the information dissemination strategies should be streamlined. Important variations can be observed between municipalities when it comes to the registration of non-nationals in local elections. This situation calls for greater systematization of outreach to make sure that similar messages are spread across the country, whereby potential voters get equal chances to know their rights. Moreover, the best performing municipalities in terms of voter registration and turnout by non-nationals should be given the opportunity to share their experience with other municipalities where electoral participation is low.

Outreach should be carried out not only by public authorities but also by civil society organisations (e.g. ethnicity-based associations or NGOs promoting access to information) and should take place not only shortly before elections but also earlier in the electoral cycle.

<sup>6</sup> In some Member States, non-nationals can register only in a few offices, e.g. only at the central municipality office in a city.

<sup>7</sup> The secrecy of the vote would be preserved by requiring voters to cast the same ballot as everyone else. They would receive only a copy of the ballot in their language of choice to make sure they understand the instructions on the original ballot.

Many respondents emphasized the need for coordinated action and cooperation between different types of stakeholders, including:

- public authorities (especially at the local level) and CSOs;
- European and national CSOs;
- CSOs from different Member States.

In particular, GLOBALCIT country experts suggested that public authorities could provide NGOs with official electoral information for wider dissemination among communities, and also allow them to register voters. (In Belgium, certain municipalities already accept group registration forms for a number of individuals ('envois groupés') submitted by NGOs). In general, these collaborations among different types of actors could be valuable for carrying out harmonised campaigns across media platforms and communities, for improving civic education, holding transnational debates and in order to learn and apply good practices for the better integration of mobile EU voters.

Moreover, several stakeholders underlined that political parties have an important role to play when it comes to outreach, while noting that some of them still seem unaware of the challenges and opportunities that European citizenship entails. Furthermore, diplomatic services of Member States could be mandated to inform nationals abroad about their voting rights. Embassies and consulates could leverage their networks and direct connections with non-citizen residents, especially since these are often registered as 'residents abroad' at the consulates of their country of citizenship.

Stakeholders also emphasized the need to target specific groups of foreign EU citizens, including youth and opinion leaders. Young (to-be) voters are an important target that could be reached by making electoral and civic education in schools compulsory, and by educating them about the functioning and powers of EU institutions. Other stakeholders proposed information campaigns in universities in English, including public discussions with candidates representing the main political parties before elections, and specific targeting of Erasmus communities. Moreover, in order to reach non-citizen communities that are not well-integrated into the host countries, stakeholders propose to (i) empower opinion leaders who can spread the message about electoral rights in their communities; and (ii) employ 'election informers', selected among non-citizen residents, who can inform their peers about the voting process in low-turnout areas.

In terms of channels and forms of outreach, different types of media were suggested, including traditional media (TV, radio, press, in particular on the local level) and social media. GLOBALCIT country experts recommend using social media not only to transmit information designed for paper-based outreach but also in more innovative ways. Social media can help to build momentum and raise awareness, while engaging with voters in a more personal way. While the Internet is nowadays an indispensable channel of communication, traditional paper materials, such as individual letters by post in the voter's own language, should not be underestimated, especially since public authorities have access to addresses of many EU-citizens who register their residence in the host Member States.<sup>8</sup> A GLOBALCIT expert suggested using also text messages (SMS) to disseminate information, as recent research indicates that this can increase turnout.

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<sup>8</sup> Stakeholders also note that in some Members States (e.g. Austria) there is a need to overcome legal impediments before being able to send out individual mailings since presently the legal basis for doing this is lacking.

A relatively easy and inexpensive measure that could be implemented systematically across Member States is to place basic electoral information in multiple languages on the websites of national and local authorities. The information should appear on the homepage of authorities' websites in the election period. Several stakeholders emphasized that the information should be easily accessible for a lay audience. A GLOBALCIT expert suggests to develop one single website providing information about all elections in each Member State, summarizing the political and electoral system and voting methods, 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, such websites should be available in the national language(s), in plain language,<sup>9</sup> in sign language, as well as in every official EU language, or at least in English and in the most important EU languages in the given country. The authors note that the electoral authority in Sweden already runs such a website representing a single information hub about elections in multiple European languages, and in plain and sign languages, which could serve as blueprint for other Member States.<sup>10</sup>

More specifically, stakeholders suggested poster campaigns on public transport stops in major European languages combined with electronic materials posted on appropriate websites, including those that EU citizens are likely to visit. Campaigns could be combined with related social media content, such as short videos, which are easy to disseminate across multiple social media channels (e.g. Facebook, Twitter, YouTube etc.). Stakeholders also suggested approaches such as the training of electoral trainers and the multiplying of message bearers.

Finally, to implement all these outreach measures, especially considering the need to offer the information in multiple languages, stakeholders stressed that more funding is needed, with some proposing that governments should establish grant programmes for such activities, while others suggested EU funded advertising campaigns targeting increased voter participation. However, before planning outreach activities, it is important to carry out background research in order to establish: (i) who the EU citizens are and where they are located, as well as (ii) why significant proportion of non-citizen residents does not participate in elections. Finally, relevant public bodies (such as national electoral authorities) in each Member State could be mandated to both report about the rate of voter registration and voting statistics regarding non-citizen residents, as well as about effective implementation of voting and candidacy rights of mobile EU citizens.

## Political environment

Stakeholders emphasized that public participation should not happen only in election times. In order to increase electoral interest and participation, non-national EU citizens should be involved in local decision-making, which directly affects their lives, also between elections. To this end non-citizens need to be informed about the competences of local administrations in the host country in multiple languages. They also need to be aware about the structure of the political system, and about the existing political parties and their electoral programmes. This would enable non-citizen residents not only to choose the political party at elections but also encourage them to monitor how elected representatives are performing between

<sup>9</sup> Plain language makes it easier for the public to read, understand, and use government communications.

Sources: <https://www.plainlanguage.gov/about/>

<sup>10</sup> Source: [www.val.se](http://www.val.se)



elections. Stakeholders also emphasized that a key premise for the involvement of non-national EU citizens is their full and equal participation in the political life of the community, starting with non-discriminatory terms of membership in political parties.

## **Non-resident citizens: participation in EP elections**

### **Eligibility**

Our research shows that most of the EU Member States (23 of 28) guarantee voting rights in EP elections for non-resident citizens if they live in the EU. The GLOBALCIT experts recommended that all Member States should introduce the franchise for non-resident citizens. Moreover, stakeholders proposed removing the condition applied by some Member States whereby non-resident citizens lose their right to vote after a period of residence abroad: nationals abroad should be eligible to vote no matter how long they have been living abroad.

### **Electoral registration**

Voter registration is automatic in only ten of the 23 Member States that grant voting rights to non-resident citizens in EP elections. This is perceived as a challenge by many stakeholders, who propose to introduce automatic registration for non-residents in all Member States. However, such a proposal would need to take account of the risks of individuals being registered as non-resident citizens in their home Member State and non-citizen residents in their host Member State. This could lead to a situation in which an individual is eligible to vote in both Member States in violation of EU law.<sup>11</sup> The reduction of the ‘costs of participation’ is essential, especially for voters abroad. Stakeholders therefore recommended to make the procedure for voter registration easier, faster, and cheaper by implementing the following measures in Member States where voter registration is non-automatic:

- Provide more information about the registration procedure, especially in countries where the voter registration procedure differs for resident citizens and non-resident citizens, and where the latter might be unaware of the need to register;
- Extend the deadlines for registration, especially in Member States where non-resident citizens need to register long ahead before election day. If the deadline is long before the elections, outreach campaigns are usually not yet running and media coverage about elections is limited. Hence, ordinary potential voters might not be aware of the fact that there are upcoming elections and that they need to register;
- Mandate diplomatic missions to both collect applications for registration on the electoral roll and the ballots. Offering this service might reduce the risks that the voting materials do not reach electoral authorities in time, especially in countries with inefficient postal services;

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<sup>11</sup> Article 4(1) of Directive 93/109/EC states that ‘Community voters shall exercise their right to vote either in the Member State of residence or in their home Member State. No person may vote more than once at the same election’.

- Introduce online voter registration, or at least allow online ratification of previous voter registrations before an upcoming election;
- Create national registers of non-resident voters in order to facilitate voter registration and the administration of the voting process abroad.

## Voting methods

Mobile EU citizens can vote from abroad in almost all Member States that guarantee non-resident citizens the right to vote in EP elections. However, the ‘truly’ remote voting possibilities in EP elections are limited: postal voting is offered only in about half of the Member States (15 of 28) and e-voting by only one State (Estonia). Stakeholders recommend to expand the number of voting methods available to the electorate abroad by enabling postal and embassy voting in Member States where this is not yet possible, while several also suggest introducing e-voting to facilitate participation by non-residents. The best way to facilitate remote voting is to combine e-voting with postal ballots.

In addition, stakeholders suggest that relevant authorities should send out voting cards earlier before elections or allow longer time frames for voting in order to address the challenges of postal voting in countries where postal services are inefficient. Finally, an ambitious measure proposed by one of the stakeholders is the creation of an EU-wide system for online elections. Such a system would be based on national electronic signatures and would anonymize the votes. Citizens could register in this system up to three months before the elections and the system would inform the relevant national authorities about the need to eliminate the registered voters from the national electoral roll. The citizens would then vote online.

## Outreach

The most commented upon topic among the respondents was outreach. Stakeholders recommend providing information about voting rights and procedures in a simple and accessible format. Concerted efforts involving not only public authorities but also organisations that are in closer contact with mobile EU citizens, such as diplomatic missions, diaspora organisations, cultural institutes, churches and other civil society organisations, were suggested by several stakeholders. For example diplomatic missions could be mandated to inform nationals abroad about elections and to extend their opening hours during election periods in areas with a high concentration of nationals abroad. Political parties could also conduct some of the outreach about the importance of voting if Member State regulations on the financing of political parties and electoral campaigns included funding earmarked for outreach to non-resident citizens.

At the European level, EU institutions – including the European Parliament and the political groups (parties) within it, as well as EU representations in Member States – should be more active in informing citizens abroad of their voting rights. Stakeholders emphasized that these actors are well placed to inform voters on the role, the powers, and the areas of work of the European Parliament; and to organise public debates on the matter. Citizens should be made aware of the weight of the political decisions taken at the European Parliament. The respondents stressed that many people cannot connect to the European Parliament because they are not knowledgeable about the competences of the European Parliament and about how its decisions affect their lives. The content of the outreach should

try to “transform the European Parliament elections from an occasion to punish the parties in power into a positive vote, focused on the European Parliament and the European arena, and not on the national politics,” as stated by one of the respondents.

Stakeholders proposed different channels and formats for outreach, including:

- Traditional media (e.g. the national press and TV channels in host Member States);
- Targeted mail, email and social media campaigns;
- Leaflets about citizen rights distributed by diplomatic representations in paper or electronic formats;
- Personal meetings (e.g. door-to-door campaigns and public meetings with EP candidates).
- Respondents emphasized the need to tap into outlets where nationals abroad are present or which they are likely to visit, including:
  - one-stop-shop portals of public authorities,
  - social media pages of diaspora groups,
  - websites of relevance for specific countries where nationals abroad reside;
  - online newspapers read by nationals working or studying abroad.

Moreover, the GLOBALCIT experts also proposed the use of outreach to non-resident citizens’ communities with tailored messages (i.e. micro-targeting) through social media. Micro-targeting is, however, likely to be a costly and controversial method, and needs to be preceded by thorough considerations regarding data protection and other ethical aspects.

Stakeholders also recommended to target opinion leaders within expat communities, and design specific activities targeted at young people. Outreach to these groups could consist of lectures about the functions and powers of EU institutions and public debates with MEPs or candidates to the European Parliament. Moreover, respondents underlined that information activities about the electoral process should also target temporary absentees and nationals abroad who are not entitled to vote in European Parliament elections in their home country in order to inform them about their right to participate in EP elections in their host country.

Finally, before undertaking any outreach activities it would be useful to examine where nationals abroad reside and assess their territorial concentration. In particular, such research could help to target awareness-raising campaigns, test the use of micro-targeting techniques, and adapt the number of polling stations abroad (as well as their opening hours) to the actual size of populations abroad.

## **Political environment**

A key recommendation addressing the need to strengthen the idea of a shared political context and a European identity is to implement transnational lists of candidates for seats in the European Parliament. The launch of transnational lists might prompt political parties to

compete for votes on a European scale.<sup>12</sup> The authors also note that France recently made a progressive proposal to introduce Europe-wide constituencies in the European Parliament instead of national ones.<sup>13</sup> In addition, stakeholders made the following proposals:

- Political parties could stimulate voters, in particular those residing in other Member States, by running European (as opposed to nationally-focused) electoral campaigns.
- The practice of nominating ‘Spitzenkandidaten’ for large political families in the European Parliament should be maintained in order to achieve greater political integration in Europe.<sup>14</sup>
- The European Parliament could host and fund an online platform where political parties would have the possibility to post their programmes translated to all official EU languages. This would enable non-native speaking voters to compare party programmes (or show that some parties actually lack political programmes).

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<sup>12</sup> Alemanno, A. (2018). “Why transnational lists matter for EU democracy”. EUROACTIV. <https://www.euractiv.com/section/elections/opinion/why-transnational-lists-matter-for-eu-democracy/>

<sup>13</sup> “In September (2018), the French president proposed that some of the 73 seats freed up by Britain's departure should go to Europe-wide constituencies instead of national ones.” Source: Hardy C. (2018). “EU parliament rejects transnational lists”. Euronews. <https://www.euronews.com/2018/02/07/eu-parliament-rejects-transnational-lists>

<sup>14</sup> The nomination of ‘Spitzenkandidaten’ is a process whereby political parties “put forward nominees to campaign across Europe and challenge each other in debates. The winner is the nominee whose party wins the most seats in the European Parliament.” Source: Herszenhorn D. M. and De La Baume M. (2018). “Commission’s Spitzenkandidat process at risk”. Politico. <https://www.politico.eu/article/spitzenkandidat-jean-claude-juncker-race-with-no-rules-eu-leaders-brace-for-clash-over-2019-elections/>

