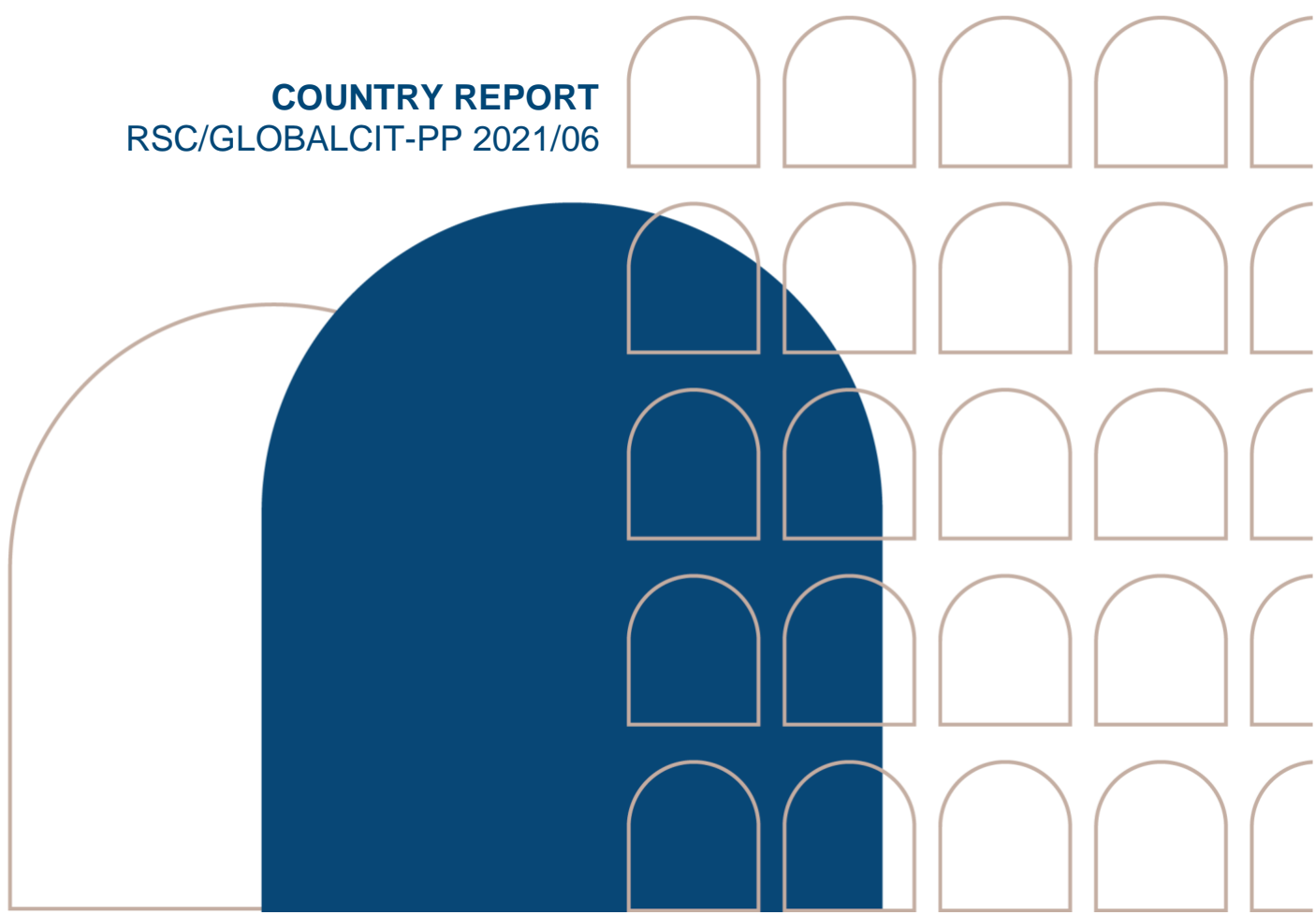


Report on Political Participation of Mobile EU Citizens: Austria

Gerd Valchars

COUNTRY REPORT
RSC/GLOBALCIT-PP 2021/06



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Global Citizenship Observatory (GLOBALCIT)

Robert Schuman Centre for Advanced Studies

in collaboration with Edinburgh University Law School

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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 Wähleretvidenz stellen; für die Teilnahme an lokalen Wahlen hingegen erfolgt die Eintragung in die Wähleretvidenz 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. In Burgenland, the only province, where resident EU citizens were required to register themselves, a legal change in 2019 implemented existing plans and introduced automatic registration as well.

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	YES ⁷
Non-citizen residents	Local Mayoral	YES ⁸	NO	YES	YES ⁹
Non-citizen residents	European Parliament	YES	YES	NO ¹⁰	YES ¹¹

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 Postal Voting.

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 Postal Voting.

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.

¹¹ Postal Voting.

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

Non-citizen Residents

On 1 January 2021, 1,531,072 non-nationals living in Austria made up 17.1% of Austria's total population (8,932,664). Nationals of Germany (208,732), Serbia (121,990) and Turkey (117,580) are the three largest groups, accounting together for 29.3% of the total foreign population. 51.8% of the foreign population are EU citizens (793,687); the three largest groups among them are nationals of Germany, Romania (131,824) and Hungary (91,395). 17,992 people living in Austria are listed as stateless or of unknown nationality.¹²

The vast majority, more than one third of all EU citizens living in Austria, reside in the province (and capital city) of Vienna (33.5%); with 13.8%, the share of non-national EU citizens in Vienna is much higher than the national average (8.9%) and the highest among the nine provinces. The lowest percentage can be found in Lower Austria where only 6.0% of the population are EU citizens.¹³

49.9% of all non-national EU citizens living in Austria are female.¹⁴ Young people (0 to 14 years) make up 15.4% of all EU citizens, while people considered to be of working age (15 to 64 years old) accounted for 78.0% of the population. Older people (aged 65 or over) had a 6.6 % share. 83.8% of all EU citizens living in Austria, 665,481 in total, are of voting age (aged 16 or older).¹⁵

In 2020, 1,5561 EU citizens living in Austria obtained Austrian citizenship (representing 17.3% of all those granted citizenship in 2020); while the naturalisation rate as a whole was 0.6%, the naturalisation rate of EU citizens lies considerably lower at 0.21%.¹⁶

The yearly average of the unemployment rate for EU citizens living in Austria in 2020 was 8.6% (male EU citizens: 8.6%, female: 8.7%) according to the ILO definition,¹⁷ and 11.3% (male EU citizens: 9.9%, female: 13.4%) according to the national definition.¹⁸

Looking at the activity status, in 2020 77.5% of all male, but only 69.7% of all female EU citizens aged 15 to 64 years were economically active; with both men and women accounted for the percentage amounts to 73.4%.¹⁹ The main sectors of work for EU citizens in 2020 in Austria were services (69.1%; male: 50.5%, female: 86,1%) and industries and trade

¹² Statistik Austria, Bevölkerung zu Jahresbeginn 2002-2021 nach detaillierter Staatsangehörigkeit, https://statistik.at/wcm/idc/idcplg?IdcService=GET_PDF_FILE&RevisionSelectionMethod=LatestReleased&DocName=071715 [23.07.2021].

¹³ Statistik Austria, Bevölkerung zu Jahresbeginn 2021 nach Bundesland (NUTS 2-Einheit), STATcube – Statistische Datenbank von STATISTIK AUSTRIA [23.07.2021].

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Statistik Austria, Eingebürgerte Personen seit 2010 nach bisheriger Staatsangehörigkeit, https://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/einbuengerungen/024912.html [26.07.2021].

¹⁷ Statistik Austria, Mikrozensus-Arbeitskräfteerhebung 2020, Arbeitslose (ILO) und Arbeitslosenquoten nach Alter, Staatsangehörigkeit, Geburtsland, Migrationshintergrund, höchster abgeschlossener Schulbildung, Gemeindegröße, Urbanisierungsgrad, Familienstand und Geschlecht – Jahresdurchschnitt 2020.

¹⁸ 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. Figueres provided upon e-mail request by the AMS, 26 July 2021.

¹⁹ Statistik Austria, Mikrozensus-Arbeitskräfteerhebung 2020, Erwerbstätigenquoten (ILO) nach Alter, Staatsangehörigkeit, Geburtsland, Migrationshintergrund, Familienstand, höchster abgeschlossener Schulbildung und Geschlecht – Jahresdurchschnitt 2020..

(29.6%; male: 48.4, female: 12.5%).²⁰ In 2019 (winter term) 71,627 EU citizens have been enrolled as students at universities in Austria.²¹

Non-resident Citizens

In 2020 579,900 people with Austrian citizenship lived outside Austria.²² 209,000 of those Austrians abroad (36.1%) live within the European Union, Germany being by far the most important host country (167,000) hosting 80%.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, a Municipal Council (*Gemeinderat*) exists 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 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.

²⁰ Statistik Austria, Mikrozensus-Arbeitskräfteerhebung 2020, Erwerbstätige (15-64 Jährige, ILO) nach Wirtschaftsbereichen (ÖNACE 08), Geschlecht, und Staatsbürgerschaft – Jahresdurchschnitt 2020.

²¹ Statistik Austria, Studierende in Österreich nach Berichtsemester und Staatsangehörigkeit politisch, STATcube – Statistische Datenbank von STATISTIK AUSTRIA [26.07.2021].

²² Statistik Austria, Auslandsösterreicher und Auslandsösterreicherinnen 2020, https://statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/internationale_uebersicht/03645_0.html [26.07.2021].

²³ Eurostat, EU and EFTA citizens who are usual residents in another EU/EFTA country as of 1 January 2020, [migr_pop9ctz] [26.07.2021].

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 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

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 Article 26 (5) B-VG Bundes-Verfassungsgesetz (B-VG), BGBl. Nr. 1/1930 as amended by BGBl. I Nr. 107/2021, § 22 Bundesgesetz über die Wahl des Nationalrates (Nationalrats-Wahlordnung 1992 – NRWO), BGBl. Nr. 471/1992 as amended by BGBl. I Nr. 32/2018 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. 32/2018.

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,

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 but they do not enjoy the right to stand as a candidate. Eligibility for the post of a mayor, and in most provinces in general membership in the governing college of the executive of local government units, is restricted to Austrian citizens.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

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 NRW and § 29 Bundesgesetz über die Wahl der Mitglieder des Europäischen Parlaments (Europawahlordnung – EuWO), BGBl. Nr. 117/1996 as amended by BGBl. I Nr. 32/2018.

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.

³⁵ Karlhofer, Ferdinand/Pallaver, Günther: Kommunalwahlen in den Bundesländern. Ein vergleichender Überblick. In: Karlhofer, Ferdinand/Pallaver, Günther (ed): Gemeindewahlen in Österreich im Bundesländervergleich. StudienVerlag: Innsbruck/Wien/Bozen 2013, p. 9.-32; Schnedl, Gerhard: Die Umsetzung der Kommunalwahlrichtlinie der EU in Österreich. In: *Österreichische Gemeinde-Zeitung* 8 (1996), p. 22-29.

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

Body/Function	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)	✓		—		—	

* Direct mayoral elections are held in Burgenland, Carinthia, Upper Austria, Salzburg, Tyrol and Vorarlberg;

** No voting and candidacy rights in Vienna; *** Only exists in Vienna and Graz

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 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

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. 32/2018.

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 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. 25/2019; § 2 Gesetz vom 5. Juli 2017 über die Wahl des Landtages in Tirol (Tiroler Landtagswahlordnung 2017 – TLWO 2017), LGBl. Nr. 74/2017 as amended by LGBl. Nr.116/2020; § 3NÖ Landesbürgerevidenzengesetz 2019, LGBl. Nr. 27/2019.

EP Elections

Bundes-Verfassungsgesetz (B-VG), Federal Constitutional Law, BGBl. Nr. 1/1930 as amended by BGBl. I Nr. 107/2021, 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. 32/2018,
<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. 32/2018,
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001436>

Local Elections

Bundes-Verfassungsgesetz (B-VG), Federal Constitutional Law, BGBl. Nr. 1/1930 as amended by BGBl. I Nr. 107/2021, Article 117, 108, 95 and 26
<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

Burgenland

Kundmachung der Burgenländischen Landesregierung vom 15. Juli 2003 über die Wiederverlautbarung der Burgenländischen Gemeindeordnung, Burgenland Municipal Code, LGBL. Nr. 55/2003, as amended by LGBL. Nr. 5/2021,
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrBgld&Gesetzesnummer=20000221>

Gesetz vom 9. November 1995 über die Führung der Landes-Wählerevidenz und der Gemeinde-Wählerevidenz (Burgenländisches Wählerevidenz-Gesetz), Law on the Provincial and Municipal Electoral Register Burgenland, LGBL. Nr. 5/1996 as amended by LGBL. Nr. 68/2019,
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrBgld&Gesetzesnummer=10000426>

Gesetz vom 7. Mai 1992 über die Wahl der Gemeindeorgane (Gemeindewahlordnung 1992 - GemWO 1992), Burgenland Local Electoral Code LGBL. Nr. 54/1992 as amended by LGBL. Nr. 68/2019,
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrBgld&Gesetzesnummer=10000304>

Carinthia
<p>Kärntner Allgemeine Gemeindeordnung - K-AGO, Carinthian Municipal Code, LGBL Nr 66/1998 (WV) as amended by LGBL. Nr. 80/2020, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrK&Gesetzesnummer=10000276</p> <p>Kärntner Gemeinderats- und Bürgermeisterwahlordnung 2002 - K-GBWO 2002, Carinthian Local Electoral Code LGBL. Nr. 32/2002 as amended by LGBL. Nr. 32/2020, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrK&Gesetzesnummer=2000047</p>
Lower Austria
<p>NÖ Gemeindeordnung 1973 (NÖ GO 1973), Lower Austrian Municipal Code, LGBL. 1000-0 as amended by LGBL. Nr. 35/2021, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrNO&Gesetzesnummer=20000105</p> <p>NÖ Landesbürgerevidenzengesetz 2019, Law on the Provincial and Municipal Electoral Register Lower Austria, LGBL. Nr. 27/2019, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrNO&Gesetzesnummer=20001225</p> <p>NÖ Gemeinderatswahlordnung 1994 (NÖ GRWO 1994), Lower Austrian Local Electoral Code LGBL. 0350-0 as amended by LGBL. Nr. 34/2020, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrNO&Gesetzesnummer=20000057</p> <p>Verordnung über die Gestaltung der Drucksorten zur Vollziehung der NÖ Gemeinderatswahlordnung 1994, Ordinance on the Layout of Forms, LGBL. 0350/2-0 as amended by LGBL. Nr. 77/2019, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrNO&Gesetzesnummer=20000058</p>
Upper Austria
<p>Oö. Gemeindeordnung 1990 (Oö. GemO 1990), Upper Austrian Municipal Code, LGBL.Nr. 91/1990 as amended by LGBL. Nr. 96/2020, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrOO&Gesetzesnummer=10000288</p> <p>Landesgesetz vom 4. Juli 1996 über die Wahl der Mitglieder des Gemeinderates und des Bürgermeisters (Oö. Kommunalwahlordnung), Upper Austrian Local Electoral Code, LGBL. Nr. 81/1996 as amended by LGBL. Nr. 93/2020, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrOO&Gesetzesnummer=10000481</p>
Salzburg
<p>Salzburger Gemeindeordnung 2019 – GdO 2019, Salzburg Municipal Code, LGBL. Nr. 9/2020,</p>

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrSbg&Gesetzesnummer=20001240>

Salzburger Gemeindewahlordnung 1998, Salzburg Local Electoral Code, LGBL. Nr. 117/1998 as amended by LGBL. Nr. 46/2019,

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrSbg&Gesetzesnummer=10001108>

Salzburger Stadtrecht 1966, Municipal Code of the City of Salzburg, LGBL. Nr. 47/1966 (WV) as amended by LGBL. Nr. 11/2021,

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrSbg&Gesetzesnummer=10000140>

Styria

Gesetz vom 14. Juni 1967, mit dem für die Gemeinden des Landes Steiermark mit Ausnahme der Städte mit eigenem Statut eine Gemeindeordnung erlassen wird (Steiermärkische Gemeindeordnung 1967 – GemO), Styrian Municipal Code, LGBL. Nr. 115/1967 as amended by LGBL. Nr. 114/2020,

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrStmk&Gesetzesnummer=20000218>

Gesetz vom 21. April 2009 über die Gemeindewahlordnung 2009 – GWO, Styrian Local Electoral Code, LGBL. Nr. 59/2009 as amended by LGBL. Nr. 21/2020,

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrStmk&Gesetzesnummer=20000769>

Gesetz vom 4. Juli 1967, mit dem ein Statut für die Landeshauptstadt Graz erlassen wird (Statut der Landeshauptstadt Graz 1967), Municipal Code of Graz, LGBL. Nr. 130/1967 as amended by LGBL. Nr. 114/2020,

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrStmk&Gesetzesnummer=20000217>

Gesetz vom 19. Juni 2012, mit dem eine Gemeindewahlordnung für die Landeshauptstadt Graz (Gemeindewahlordnung Graz 2012) beschlossen wird, Styrian Local Electoral Code, LGBL. Nr. 86/2012 as amended by LGBL. Nr. 135/2016,

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrStmk&Gesetzesnummer=20000539>

Tirol

Gesetz vom 21. März 2001 über die Regelung des Gemeindewesens in Tirol (Tiroler Gemeindeordnung 2001 – TGO), Tyrolian Municipal Code, LGBL. Nr. 36/2001 as amended by LGBL. Nr. 116/2020,

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrT&Gesetzesnummer=20000101>

Gesetz vom 7. Juli 1994, mit dem die Wahl der Organe der Gemeinde geregelt wird (Tiroler Gemeindewahlordnung 1994 - TGWO 1994), Tyrolian Local Electoral Code, LGBL. Nr. 88/1994 as amended by LGBL. Nr. 116/2020,

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrT&Gesetzesnummer=20000186>

<p>Kundmachung der Landesregierung vom 17. Juni 1975 über die Wiederverlautbarung des Stadtrechtes der Landeshauptstadt Innsbruck, Municipal Code of Innsbruck, LGBI. Nr. 53/1975 as amended by LGBI. Nr. 110/2020, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrT&Gesetzesnummer=20000196</p> <p>Gesetz vom 6. Oktober 2011 über die Innsbrucker Wahlordnung 2011 (IWO 2011), Local Electoral Code of Innsbruck, LGBI. Nr. 120/2011 as amended by LGBI. Nr. 116/2020, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrT&Gesetzesnummer=20000498</p>
Vorarlberg
<p>Gesetz über die Organisation der Gemeindeverwaltung (Gemeindegesetz), Vorarlberg Municipal Code, LGBI. Nr. 40/1985 as amended by LGBI. Nr. 50/2021, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrVbg&Gesetzesnummer=20000047</p> <p>Gesetz über das Verfahren bei Wahlen in die Gemeindevertretung und des Bürgermeisters, Vorarlberg Local Electoral Code, LGBI. Nr. 30/1999 as amended by LGBI. Nr. 36/2020, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrVbg&Gesetzesnummer=20000075</p>
Vienna
<p>Verfassung der Bundeshauptstadt Wien (Wiener Stadtverfassung – WStV), Constitution of the City of Vienna, LGBI. Nr. 28/1968 as amended by LGBI. Nr. 36/2021, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrW&Gesetzesnummer=20000308</p> <p>Gesetz über die Gemeindewahlordnung der Stadt Wien (Wiener Gemeindewahlordnung 1996 – GWO 1996), Vienna Local Electoral Code, LGBI. Nr. 16/1996 as amended by LGBI. Nr. 39/2020, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrW&Gesetzesnummer=20000320</p>

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

⁴⁵ § 5 EuWEG.

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

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 72 days before election day – ⁴⁹ e.g., in 2019 and 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 2019 38,672 non-national EU citizens were registered to vote in the European Parliament election in Austria. Compared to 2009 and 2014 the absolute number of registered

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.

⁴⁷ https://www.bmi.gv.at/412/Europawahlen/files/AF101-Antrag_Waehlerevidenz_EU-blau-Version-4_E.pdf [26.07.2021].

⁴⁸ Federal Ministry of the Interior, Europawahlen. Informationen für nicht-österreichische Unionsbürgerinnen und Unionsbürger (http://www.bmi.gv.at/412/Europawahlen/Informationen_fuer_nicht_oesterreichische_Unionsbuerger_innen.aspx) [26.07.2021].

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. 30/2019; §§ 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. 35/2014.

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/ [26.07.2021].

voters from other EU Member States in Austria rose over the last ten years. But in relative terms the number decreased, the share of registered voters of all non-national EU citizens of voting age living in Austria significantly dropped from 11.5% in 2009 to 6.4% for the latest EP elections in 2019 (see Table 3).⁵⁵

Local Elections

Non-national EU citizens with a registered residence in Austria are automatically registered in local elections. Until 2019 Burgenland was the only province where resident EU citizens had to register themselves. But a legal change in 2019 implemented existing plans⁵⁶ and introduced automatic registration in Burgenland as well. Only EU citizens with just a secondary residence in Burgenland still have to register themselves.⁵⁷ The competent authorities for voter registration 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; online registration is not available. The registration to vote in local elections is possible at any time for EU citizens who have an officially registered secondary 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

⁵⁵ Registered Voters: Federal Ministry of the Interior, Europawahl 2019, 12 June 2019, https://www.bmi.gv.at/412/Europawahlen/Europawahl_2019/files/endgueltiges_Ergebnis/Zahl_WB_EU_19_12_Juni_2019.pdf [28.07.2021]; 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 [28.07.2021]; Federal Ministry of the Interior, Europawahl 2009, 22 June 2009, https://www.bmi.gv.at/412/Europawahlen/Europawahl_2009/files/EUW_09_WB_E.pdf [28.07.2021]; Population: Statistik Austria, Bevölkerung zu Jahresbeginn nach Alter und Staatsangehörigkeit 2009, 2014 and 2019. STATcube – Statistische Datenbank von STATISTIK AUSTRIA [28.07.2021].

⁵⁶ Valchars, Gerd (2018): Report on Political Participation of Mobile EU Citizens. Austria. RSCAS/GLOBALCIT-PP 2018/5, European University Institute, Robert Schuman Centre for Advanced Studies, p. 14.

⁵⁷ § 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. 68/2019.

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. 68/2019).

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.

In the most recent municipal and mayoral elections in Burgenland in October 2017, non-automatic registration was still in place. In these elections a total of 4,780 non-national EU citizens were registered to vote.⁶⁰ This accounts for approximately 36% of all non-national EU citizens of voting age residing in Burgenland, ranging between 8% (Eisenstadt) and 56% (Güssing) (see 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

2.3. Information during Election Campaigns

EP Elections

In early 2019, the Federal Ministry of the Interior⁶¹, the Office of the Federal Chancellor⁶² and the municipalities⁶³ started to inform the public online about the upcoming European elections in May. As part of this general information the authorities also informed non-national EU citizens about their voting right and about the necessity to enrol in the electoral roll in due time to be eligible to vote. In addition, already in February 2019 and again one week before the key

⁶⁰ 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.

⁶¹ Federal Ministry of the Interior, Wahlen. Europawahl 2019, https://www.bmi.gv.at/412/Europawahlen/Europawahl_2019/ [28.07.2021].

⁶² Office of the Federal Chancellor, Rechtliche Grundlagen der Europawahl, <https://www.bundestkanzleramt.gv.at/agenda/europapolitik/europawahl/rechtliche-grundlagen-der-europawahl.html> [28.07.2021].

⁶³ Among many others: City of Vienna, Europawahl 2019 in Wien, <https://www.wien.gv.at/politik/wahlen/eu/2019/> [28.07.2021].

date as well as one day before the key date the City of Vienna repeatedly issued press releases on that topic.⁶⁴ Differently from 2014,⁶⁵ neither the Federal Ministry of the Interior nor any other government authority did explicitly inform about enrolment procedures by press releases.

There were no information campaigns on the upcoming 2019 election by ministries or government authorities. In 2014 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.⁶⁶

There have been no Individualised letters by the ministries sent to non-national EU citizens in particular explaining registration and voting procedures;⁶⁷ according to the Ministry of the Interior, there was no technical possibility and no legal basis to do this.⁶⁸ 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 2019 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.⁶⁹

There are no known campaigns from 2014 and 2019 by non-governmental organisations targeting non-national EU citizens to inform them about their electoral rights. 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.⁷⁰

The *European Parliament Liaison Office in Austria* launched an information campaign in 2014 to provide information about the upcoming European elections. The Austrian campaign “diesmalwaehleich.eu” was part of the EU-wide information campaign by the European Parliament entitled “thistimeiamvoting”.⁷¹ This campaign did not focus in particular on non-national EU citizens as a target group, but aimed to raise awareness about the European

⁶⁴ City of Vienna, Europawahl 2019 – Wahlteilnahme von nichtösterreichischen EU-BürgerInnen: Eintragung in die EU-Wählerevidenz nicht vergessen, press release, OTS0027, 11 February 2019,

https://www.ots.at/presseaussendung/OTS_20190211_OT0027/europawahl-2019-wahlteilnahme-von-nichtoesterreichischen-eu-buergerinnen-eintragung-in-die-eu-waehlerevidenz-nicht-vergessen [28.07.2020];

City of Vienna, Europawahl 2019 – EU-BürgerInnen: Eintragung in die EU-Wählerevidenz bis 12. März möglich, press release, OTS0042, 04 March 2019,

https://www.ots.at/presseaussendung/OTS_20190304_OT0042/europawahl-2019-eu-buergerinnen-eintragung-in-die-eu-waehlerevidenz-bis-12-maerz-moeglich [28.07.2020]; City of Vienna, Europawahl 2019 – Verlängerte Öffnungszeiten der MA 62 für die Eintragung in die EU-WählerInnenevidenz, press release, OTS0125, 11 March 2019, https://www.ots.at/presseaussendung/OTS_20190311_OT0125/europawahl-2019-verlaengerte-oeffnungszeiten-der-ma-62-fuer-die-eintragung-in-die-eu-waehlerinnenevidenz [28.07.2020].

⁶⁵ 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_OT0011/europawahl-2014, [06.04.2018]

⁶⁶ Europäisches Parlament. Informationsbüro in Österreich, Jahresbericht 2014, p. 9.

⁶⁷ This was criticized by the Greens, asking for a more proactive information policy by the authorities already in 2014: Ö1 Morgenjournal 08:00, 18.05.2014, 08.00.

⁶⁸ Telephone interview with Robert Stein, Head of Department III/6 Voting Issues of the Federal Ministry of the Interior, done on 06 April 2018.

⁶⁹ Federal Ministry of the Interior, Elections in Austria, http://www.bmi.gv.at/412_english/ [28.07.2021].

⁷⁰ Telephone interview with Lukas Marcel Vosicky, Secretary General of the *Austrian-Romanian Association* (*Österreichisch-Rumänische Gesellschaft*), done on 19 July 2018.

⁷¹ Europäisches Parlament, Verbindungsbüro in Österreich. Jahresbericht 2019, p. 12-18..

Parliament elections in general and to positively influence the participation of voters in the elections. In the main focus were students, young people and Europeans with a positive attitude towards the European Union who might, for non-political reasons, not participate in the election. Part of the campaign were among other things various events (such as panel discussions, pub quizzes and poetry slams) and a website providing information on the upcoming elections and the European Union in general.

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.

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.⁷²

14 non-national EU citizens put their names forward as candidates in the 2019 European Parliament elections in Austria.⁷³ This means 5.4% of all 260 candidates on all seven lists were non-national EU citizens. None of them were elected.⁷⁴ Compared to the previous elections in 2014 the figures almost stayed the same: in 2014 15 candidates⁷⁵ (4.3% of all 348 candidates) but none of the elected Austrian MEP⁷⁶ were non-national EU citizens. Since 1995, when Austria joined the European Union, no non-national EU citizens have been elected to the European Parliament in Austria.⁷⁷

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.⁷⁸ Non-national EU citizens need to register as voters to be able to run as candidates.

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

⁷³ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee. Report on the 2019 elections to the European Parliament. COM(2020) 252 final, 19.06.2020, p. 4-5.

⁷⁴ Ibid.

⁷⁵ 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.

⁷⁶ Mail by Constanze Beckerhoff, European Parliament Press Service, 19 February 2018.

⁷⁷ Corbett, Richard/Jacobs, Francis/Neville, Darren (2016): *The European Parliament*. 9th Edition, John Harper, London, Table 2.2., p. 21.

⁷⁸ § 29 EuWO.

Local Elections

One may be tempted to assert that in local elections as well, non-national EU citizens do not seem to be an important target group for political parties in Austria,⁷⁹ 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 indicate a growing importance of non-national EU citizens as potential voters.

In October 2020, in the context of elections for the Vienna City Council, which is also the provincial parliament, District Council elections were held in Vienna. For the first time non-national EU citizens were targeted as voters on large scale. The Social Democrats, the Peoples Party, *NEOS* and *The Greens* sent out individualised letters to potential voters; the latter alone sent out more than 240.000 mailings approaching non-national EU citizens in 24 different languages (Illustration 1).⁸⁰ A constantly growing number of EU citizens living in Vienna increased their political power in elections: Within the last ten years between 2010 and 2020 the number of EU citizens eligible in District Council elections in Vienna doubled (from 108,367 to 229,779), accounting for almost 17% of all potential voters (2010: 8.6%). During the same time, the number of Austrian nationals eligible to vote dropped by 11,500.

⁷⁹ 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.

⁸⁰ diepresse.com: "Grätzanalyse": EU-Bürger in Wien mit immer mehr Stimmgewicht, aber wahlfaul, 05 October 2020, <https://www.diepresse.com/5877165/gratzanalyse-eu-burger-in-wien-mit-immer-mehr-stimmgewicht-aber-wahlfaul> [28.07.2021]; kurier.at: Wien-Wahl: Grüne profitieren von EU-Stimmen, 16 October 2020, <https://kurier.at/wirtschaft/hohe-arbeitslosigkeit-bei-nicht-staatsbuergern/400942262> [28.07.2021].

Illustration 1: Individualised mailings to non-national EU citizens, Peoples Party (ÖVP), Vienna District Council elections 2019, District Währing

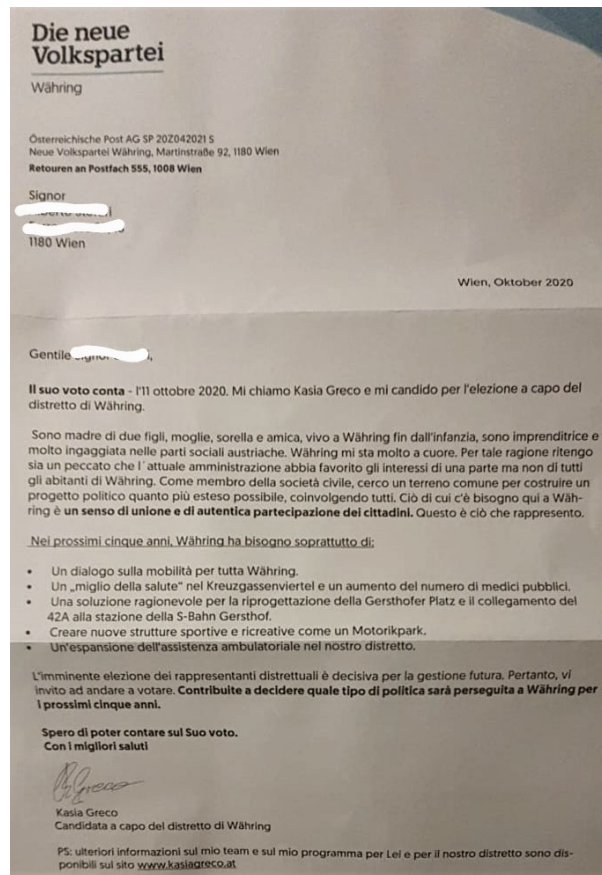


Photo: Gerd Valchars

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 citizens of voting age.⁸¹ In this election there were at least five non-national EU citizens running as candidates, two of whom were elected.⁸²

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.⁸³ The organisers had this idea because, as they claim, there had been almost

⁸¹ Statistik Austria, Bevölkerung zu Jahresbeginn ab 2002 nach Jahr und Alter in Einzeljahren, Politischer Bezirk/Wiener Gemeindebezirk und Staatsangehörigkeit Pol (Ebene +1). Own calculation.

⁸² 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).

⁸³ 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>, [28.07.2021].

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.⁸⁴

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 2).

Illustration 2: 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 District Council; one of the two members from 2010 to 2015 was a French citizen.⁸⁵ In 2015, the party ran a poster campaign in German, French, Italian and English (Illustration 3).

⁸⁴ 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.

⁸⁵ 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].

Illustration 2: Campaign posters “WIR im Ersten”, Vienna District Council elections 2015

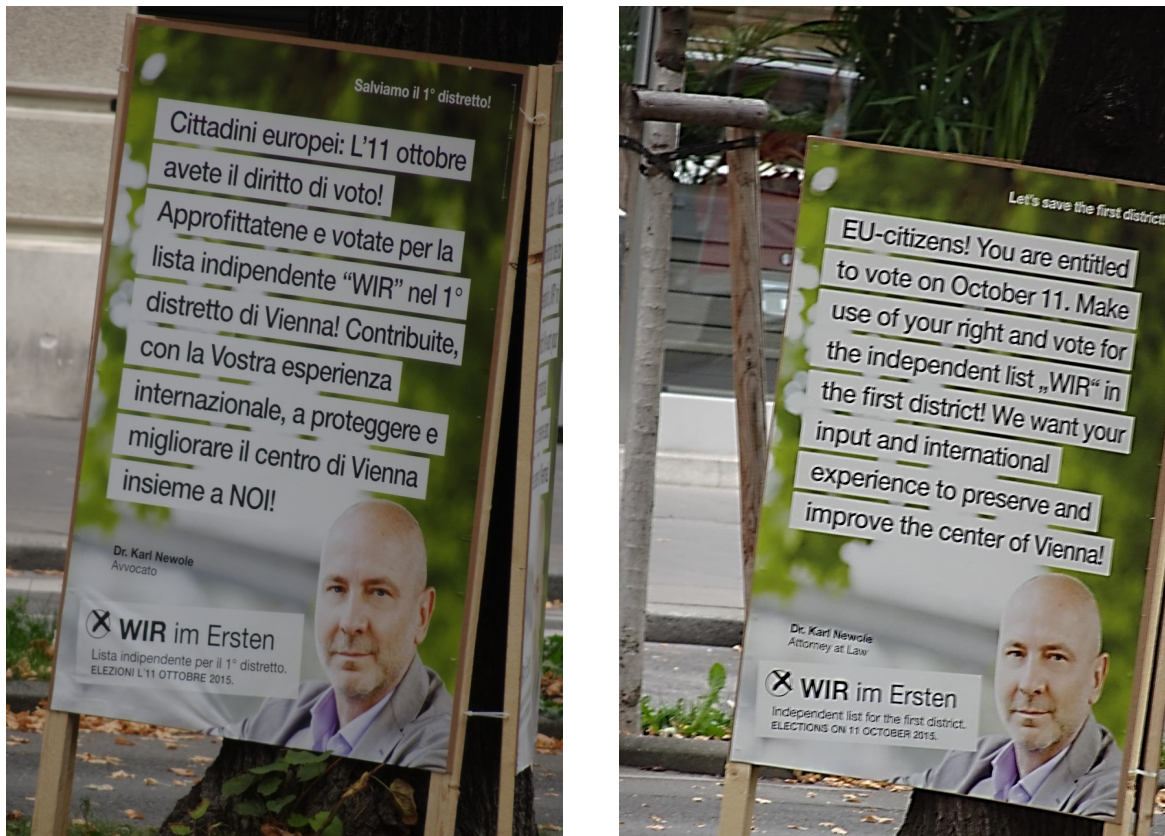


Photo: Gerd Valchars

Candidacy rights are linked to the right to vote in the respective municipality. In 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.⁸⁶

There are no centrally collected official data about non-national candidates or elected politicians at local level; serious estimates do not exist either.⁸⁷

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

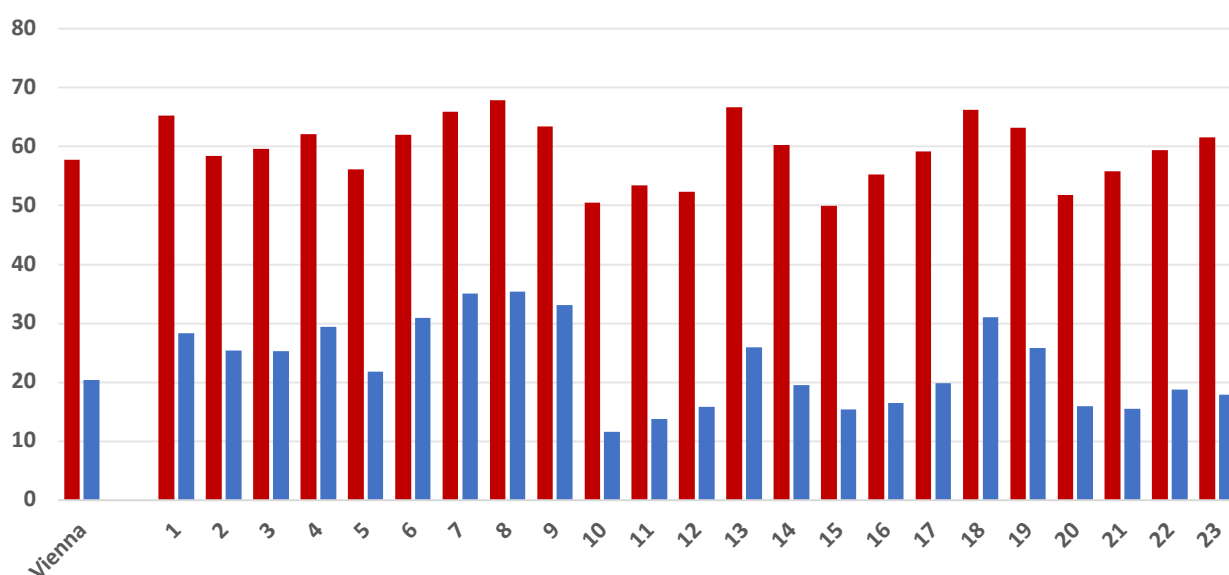
⁸⁷ Interview with Nicolaus Drimmel, Deputy Secretary General of the *Austrian Association of Municipalities*, done on 11 April 2018.

2.5. Turnout

There are no statistics or estimates about the turnout of non-national EU citizens in EP elections.⁸⁸ For local elections statistics only exist for the Vienna District Council elections-

The figures show a significantly lower voter turnout of non-national EU citizens compared to national voters. From 229,779 enfranchised non-national EU citizens in 2020, 46,937 cast their vote. This means a voter turnout on average of 20.4% and turnout rates

Figure 1: Vienna District Council elections 2020 Total voter turnout (red) and 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

ranging between 11.6% and 35.4%. Compared to an overall voter turnout of 57.7% (including national and non-national voters), ranging between 50% and 67.8% (Figure 1).

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.⁸⁹

⁸⁸ 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.

⁸⁹ 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 that 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.

In spring 2020 a non-national EU citizen and elected member of the Municipal Council of Mödling (Lower Austria) brought his case before the Constitutional Court. The politician had been nominated by his party as a member of the governing college of the executive of the local government unit – a position that by law is restricted to Austrian citizens only. The court confirmed the legal regulations and did not find any unconstitutionality; it further did not see any reason to ask the European Court of Justice for a preliminary ruling in this case.⁹⁰

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. 107/2021, Article 26 and 26a
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000138>, engl:
https://www.ris.bka.gv.at/Dokumente/Erw/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. 32/2018,
<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. 32/2018,
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001199>

⁹⁰ WI9/2020, 25 November 2020.

EP Elections

Bundes-Verfassungsgesetz (B-VG), Federal Constitutional Law, BGBl. Nr. 1/1930 as amended by BGBl. I Nr. 107/2021, Article 23a and 26a
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000138>, engl:
https://www.ris.bka.gv.at/Dokumente/Erw/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. 32/2018,
<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. 32/2018,
<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.⁹¹

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 website⁹² 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

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

⁹² Federal Ministry of the Interior, Wahlen. Informationen für Auslandsösterreicher(innen) http://www.bmi.gv.at/412/Informationen_fuer_Auslandsosterreicher_innen.aspx [29.07.2021]

residence of close relatives, the seat of their employer, real estate in Austria, property, or other relations.⁹³ 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 82 days (National Council)⁹⁴ or at least 72 days (EP elections)⁹⁵ before the election day. For the two most recent EP elections in 2019 and 2014, the key date was 75 days before election day.⁹⁶

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 citizenship). The same declaration is needed if an already registered Austrian citizen living in a third country moves to another EU Member State.⁹⁷

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.⁹⁸ 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.⁹⁹

3.3. Turnout

In the most recent elections for the National Council in 2019, 61,953 of a total of 6,396,812 eligible voters were non-resident citizens.¹⁰⁰ In the 2019 EP elections, 44,723 of a total of 6,416,177 eligible voters were non-resident citizens.¹⁰¹ 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 2019, 61,184 and, for the EP elections in

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

⁹⁴ § 1 NRW.

⁹⁵ § 2 EUWO.

⁹⁶ §§ 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. 30/2019; §§ 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. 35/2014.

⁹⁷ § 2 (4) & 5, § 4 (6) EuWEG.

⁹⁸ 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.

⁹⁹ § 41 NRW and 29 EuWO; §§ 21 and 22 NRW and § 10 EuWO and § 3 EuWEG.

¹⁰⁰ Federal Ministry of the Interior, Nationalratswahl 2019, 16 October 2019, https://www.bmi.gv.at/412/Nationalratswahlen/Nationalratswahl_2019/files/Zahl_der_Wahlberechtigten_NRW_19_NRW17_16102019.pdf [29.07.2020].

¹⁰¹ Federal Ministry of the Interior, Europawahl 2019, 12 June 2019, https://www.bmi.gv.at/412/Europawahlen/Europawahl_2019/files/endgueltiges_Ergebnis/Zahl_WB_EU_19_12_Juni_2019.pdf [29.07.2021].

2019, 43,487 absentee ballot cards were posted to non-resident citizens outside the country¹⁰² (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.

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.¹⁰³

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
2019 National Council	6,396,812	61,953	61,184	–
2017 National Council	6,400,993	60,762	59,283	–
2019 European Parliament	6,416,177	44,723	43,487	38,672
2014 European Parliament	6,410,602	34,773	28,456	33,184

Source: Federal Ministry of the Interior

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.¹⁰⁴ Albeit, the non-resident citizens' eligibility to vote and postal voting form outside the country has not been questioned to date.

¹⁰² Federal Ministry of the Interior, Nationalratswahl 2019, 27 September 2019, https://www.bmi.gv.at/412/Nationalratswahlen/Nationalratswahl_2019/files/detaillierte_Uebersicht_20190926.pdf [29.07.2021]; Federal Ministry of the Interior, Europawahl 2019, 24 May 2019, https://www.bmi.gv.at/412/Europawahlen/Europawahl_2019/files/ausgestellte_WK_EW_19.pdf

¹⁰³ Telephone interview with Irmgard Helperstorfer, Secretary General of the World Federation of Austrians Abroad (*Auslandsösterreicher-Weltbund*), done on 23 July 2018.

¹⁰⁴ https://diepresse.com/home/politik/innenpolitik/601403/Umfrage_Mehrheit-fuer-Abschaffung-der-Briefwahl- [12.07.2018], <https://diepresse.com/home/politik/innenpolitik/5005076/FPoe-will-manipulationsanfaellige-Briefwahl-abschaffen> [12.07.2018], <https://derstandard.at/2000043954882/Pro-und-Kontra-Briefwahl-abschaffen> [12.07.2018], <https://kurier.at/politik/inland/fpoe-will-vor-wahltag-statt-briefwahl/297.007.430> [12.07.2018].

4. Pandemic-Related Legislative Changes

During the COVID-19 pandemic between February 2020 and July 2021 eight different elections have been planned and held in Austria (Table 6).

Table 6: Elections in Austria 2020/2021

Municipal Councils	Vorarlberg	planned for 15 March 2020, moved to 13 September 2020
Mayors	Vorarlberg	planned for 15 March 2020, moved to 13 September 2020, 27 September 2021 (run off)
Municipal Councils	Styria	planned for 22 March 2020, moved to 28 June 2020
State Diet/Municipal Council	Vienna	11 October 2020
District Council	Vienna	11 October 2020
Municipal Councils	St. Pölten	24 January 2021
Municipal Councils	Carinthia	28 February 2021
Mayors	Carinthia	28 February 2021, 14 March 2021 (run off)

At an early stage of the COVID-19 pandemic in Austria, those three elections that had been scheduled to take place in March 2020 were postponed and held later that year. To provide a legal basis for the rescheduling Vorarlberg and Styria had to amend their Municipal respectively Local Electoral Code.¹⁰⁵

Later on, Austrian authorities mainly focused on postal voting as a possibility to safely cast votes during the pandemic. Postal voting already existed before but was heavily advertised for the elections in 2020 and 2021. These efforts clearly showed effect: the number of ordered absentee ballot cards increased significantly for all elections held between March 2020 and March 2021 in Austria. In Vorarlberg, for example, 75% more voters ordered absentee ballot cards for the Municipal Councils elections held in September 2020 compared to the initially planned but postponed elections in March 2020 (at the beginning of pandemic). In some municipalities the majority of voters decided to vote by postal voting.¹⁰⁶

Early voting (advance polling in designated early voting polling stations) was another instrument that had been used to avoid queuing and crowded polling stations at election day. Early voting too was known in Austria before, some provinces had already experimented with or repeatedly used early voting as a way to cast a vote in various elections. In 2020/21 for the first time also Vienna¹⁰⁷ and St. Pölten¹⁰⁸ made early voting possible.

Mobile polling stations (a small mobile team to visit voters at home to make it possible for them to cast a vote) for elderly people and sick persons is a well-established mode of remote voting in Austria. Equipped with special protective equipment mobile polling stations were used in Vienna to allow Corona positive voters and those who had to be under quarantine to

¹⁰⁵ Gesetz vom 17. März 2020, mit dem die Gemeindewahlordnung 2009 geändert wird, LGBL. Nr. 21/2020; Gesetz über eine Änderung des Gemeindewahlgesetzes, LGBL. Nr. 36/2020.

¹⁰⁶ derstandard.at: Vorarlberg-Wahl: Wallner bittet um Stimmabgabe mit Mund-Nasen-Schutz, 11. September 2020, <https://www.derstandard.at/story/2000119942827/vorarlberg-wahlen-wallner-bittet-um-stimmabgabe-mit-mund-nasen-schutz> [06.04.2021].

¹⁰⁷ Wien-Wahl 2020: Sicher wählen bei den Wiener Gemeinderats- und Bezirksvertretungswahlen, OTS0005, 21 September 2020, https://www.ots.at/presseaussendung/OTS_20200921_OTS0005/wien-wahl-2020-sicher-waehlen-bei-den-wiener-gemeinderats-und-bezirksvertretungswahlen [06.04.2021].

¹⁰⁸ Landeshauptstadt St.Pölten, Alle Infos zur Gemeinderatswahl 2021, <https://www.st-poelten.at/news/15893-alle-infos-zur-gemeinderatswahl-2021> [02.04.2021].

participate in the elections.¹⁰⁹ Further special hygiene measurements were put in place at all elections.

5. 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.

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:

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- 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.
- 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.

¹⁰⁹ Wien ORF.at: „Fliegende“ Wahlkommission für CoV-Fälle, 27 August 2020, <https://wien.orf.at/stories/3063765/> [06.04.2021].

- 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.

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