

## The electoral system

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**URL:** [http://www.cvce.eu/obj/the\\_electoral\\_system-en-5b3518c0-b7ab-479d-8fc4-08a502fc381c.html](http://www.cvce.eu/obj/the_electoral_system-en-5b3518c0-b7ab-479d-8fc4-08a502fc381c.html)

**Last updated:** 05/07/2016



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The Act of September 1976 concerning the election of the representatives of the Assembly by direct universal suffrage essentially provides for the application of national electoral systems with regard to the right to vote and to stand as a candidate, rules on incompatibility and the funding of election campaigns, etc.

The Treaty on European Union, signed in Maastricht in 1992, establishes European citizenship, which grants all Union citizens residing in a Member State of which they are not nationals the right to vote and to stand as a candidate (former Article 8b EC Treaty; current Article 20(2) TFEU). The Treaty calls on the Council to lay down detailed arrangements on the exercise of this right before 31 December 1993, which it did by adopting Directive 93/109/EC of 6 December 1993.<sup>1</sup> The aim of the Directive is not to harmonise national electoral systems but to provide a framework by setting out various principles:

- no person may vote more than once at the same election,
- no person may stand as a candidate in more than one Member State at the same election,
- a Community voter exercises his right to vote if he has expressed the wish to do so.

The Treaty of Lisbon stipulates that elections should be held in a free and secret ballot.

Other aspects of the electoral system that applies to the European elections are still governed by national law and therefore vary from country to country. For example, the minimum voting age is 18 in all the Member States except Austria, where it is 16. The electoral systems of the Member States differ with regard to the concept of residence: some require citizens to have their domicile or customary residence on electoral territory (Finland and France), some require it to be their usual place of residence (Belgium, Germany, Greece, Italy, Luxembourg, Portugal and Spain), and others require them to be registered on the electoral roll (Austria, Denmark, Ireland, the Netherlands, Sweden and the United Kingdom).

There are also differences with regard to the right to vote for European citizens living abroad: in the United Kingdom, this right is confined to civil servants, members of the armed forces and citizens who left the country no more than 15 years before, provided they have submitted an Overseas Elector's Declaration form; Austria, Denmark, the Netherlands and Portugal grant the right to vote only to their nationals living in another Member State; Belgium, France, Greece, Italy, Spain and Sweden grant their nationals the right to vote whatever their country of residence; Germany requires the period of residence in another country to be no more than ten years; and in Ireland, the right to vote is confined to EU citizens domiciled on national territory.

Conditions governing eligibility to stand as a candidate also vary, except the requirement to be a national of an EU Member State (Article 20(2) TFEU). The minimum age is 18 in Denmark, Finland, France, Germany, the Netherlands, Portugal, Spain Luxembourg, and Sweden; 19 in Austria; 21 in Belgium, Greece, Ireland and the United Kingdom; and 25 in Italy. The special situation in Luxembourg, where Community nationals of voting age represent a much higher proportion of the electorate than on average in the other Member States, is dealt with by the introduction of specific rules for Luxembourg (Articles 14 and following of Council Directive 93/109/EC). In Luxembourg at least five years' residence is required to entitle a Community national to stand for election to the European Parliament.

There are also differences in the conditions for the registration of candidates and lists. Some countries require payment of a deposit (Cyprus, the Czech Republic, Estonia, Greece, Lithuania and the United

<sup>1</sup> Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, OJ L 329 of 30 December 1993, p. 34. Last amended by Directive 2013/1/EU of the Council of 20 December 2013, OJ L 26 of 26 January 2013, p. 27.

Kingdom) that may be refunded (Latvia, Malta and the Netherlands), while others ask for a contribution to the printing costs of ballot papers (Austria). Some countries also require there to be a certain percentage of women on electoral lists (France and Portugal). The opening and closing dates for election campaigns and the conditions governing their funding also vary from country to country, making it difficult for European political parties to conduct cross-European election campaigns. There is one exception, however: campaign costs incurred by European political parties in connection with European elections are governed by Regulation 2004/2003/EC of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding.<sup>2</sup>

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<sup>2</sup> OJ L 297 of 15 November 2003, p. 1.