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REPORT ON POLITICAL PARTICIPATION OF MOBILE EU CITIZENS: GERMANY

AUTHORED BY
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Report on Political Participation of Mobile EU Citizens

Germany

*Luicy Pedroza**

Abstract:

Non-resident German citizens have the right to vote and to stand as candidates both in national and European Parliament elections, and can vote remotely. Non-citizen residents from the EU have the right to vote and to stand as candidates in EP elections. In local elections, electoral and candidacy rights apply in some municipalities but not in others. The most important challenges for participation is the lack of information (also in different languages), which is critical given the confusing registration procedures for each group of voters. The author recommends to (i) aim at more coordination between relevant federal authorities in order to provide improved voter information (ii) schedule concurrent elections (e.g. local and European), (iii) collect more data on turnout of Germans abroad in order to address the systematic lack of data, and (iv) extend the remote voting options by introducing electronic voting, voting at diplomatic missions abroad, and by proxy.

Das Abstrakt:

Im Ausland lebende deutsche Staatsbürger*innen haben das Recht, sowohl in nationalen Wahlen als auch in Europawahlen zu wählen und dafür zu kandidieren. Sie können dies auch aus dem Ausland tun. In Deutschland lebende EU-Bürger*innen haben das Recht, bei Europawahlen zu wählen und dafür zu kandidieren. Für lokale Wahlen gelten das Wahlrecht und das Recht auf Kandidatur in den Gemeinden, mit Ausnahmen für die Bürgermeisterwahl in einigen Bundesländern. Für diese Wählergruppen ist der Mangel an Informationen über die Wahl (besonders an Informationen in verschiedenen Sprachen) die größte Herausforderung für die Teilnahme an den Wahlen. Dieser Informationsmangel wird noch durch unübersichtliche Registrierungsverfahren, die jede Wählergruppe durchlaufen muss, verschlimmert. Die Autorin empfiehlt daher, 1.) die Koordination zwischen den relevanten Bundesbehörden zu stärken, um einen besseren Informationsaustausch für die Wähler*innen zu gewährleisten, 2.) Wahlen gleichzeitig stattfinden zu lassen (zum Beispiel lokale Wahlen und Europawahlen), 3.) mehr Daten über die Wahlbeteiligung von im Ausland lebenden Deutschen zu sammeln, um den systematischen Mangel an Daten anzugehen, und 4.) die Optionen der Fernstimmabgabe für Deutsche, die im Ausland leben, auszuweiten, indem elektronische Wahlen, das Wählen in Auslandsvertretungen oder die Wahl mittels Vollmacht eingeführt werden.

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1. Introduction

Non-resident German citizens have the right to vote and to stand as candidates both in national and European Parliament (EP) elections (see Table 1). However, Germans abroad can vote in EP elections only if they can demonstrate at least three months residency in Germany within the last 25 years (since their 14th birthday), or if they have been living for at least three months in another EU country. In the case that they cannot fulfil this criterion, discretionary exceptions are possible if they can show a genuine link to public life. Automatic registration applies in national elections but not in EP elections. Remote voting is possible in both types of elections.

Resident non-citizens from the EU have the right to vote and to stand as candidates in EP elections. However, they have to register on a separate 'complementary' electoral registry in their municipality of residence. EU citizens can vote in municipal elections in almost all *Länder*. Exceptions are made for the city-states of Hamburg and Berlin.¹ In Bremen electoral laws were reformed in 2009 to allow EU citizens to vote for the city-parliament, for which legislators had to find a way to separate the votes of EU citizen residents in the same election from the votes for the state parliament, for which they do not have the franchise.² In mayoral elections, EU citizens are generally granted the passive voting right, except in Bavaria and Saarland, and in the city-states of Hamburg, Berlin and Bremen.

EU citizens can also stand as candidates (i) in local legislative elections in all municipalities except for the municipalities of some *Länder*.

¹ EU citizen non-national residents are allowed to vote for the communal organs of government but not for the city-state parliaments, which are considered to be legislative assemblies at the *Länder* level of the German federation.

² Martin Fehndrich and Willko Zicht, "Kommunalwahlsystem Bremen," *Wahlrecht.de*, January 6, 2009, <https://www.wahlrecht.de/kommunal/bremen.htm>.

Table 1. Conditions for electoral rights of non-resident citizens and resident non-citizens

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

1.1. Demographic Characteristics of Resident non-citizens and Non-resident Citizens

Resident non-citizens

For the last European Parliament (EP) elections of 2014 in Germany 61,998,824 people had the right to vote. This number includes German nationals residing in Germany, non-German EU nationals residing in Germany, and German nationals residing abroad.¹¹

About ten percent of the resident population (10.5%) in Germany today is foreign. The latest exact number provided by the German Statistics Agency is 10,039,080¹². As of

³ Only if at least 3 months' past residence in Germany within last 25 years (since 14th birthday), or living at least past 3 months in another EU country. If not fulfilling this criterion, discretionary exceptions are possible where genuine link to public life can be documented (there is controversy regarding arbitrariness in accepting such cases).

⁴ See Wissenschaftliche Dienste Bundestag, "Parlamentarische Vertretung Der Auslandsdeutschen," Dokumentation (Berlin: Bundestag, 2016), 8,

<https://www.bundestag.de/blob/425162/291ed982e6278d3cea9dda8caff08269/wd-3-090-16-pdf-data.pdf>.

⁵ Postal voting and in-country voting (only if still registered at last residence).

⁶ Exceptions are made for the city-states of Hamburg and Berlin. Non-national EU citizen residents are allowed to vote for the municipal organs of government, but not for the city-parliaments, which are considered to be legislative assemblies at the *Länder* level of the German federation. Bremen is also a city-state, however in 2009 electoral laws were reformed in order to allow EU citizens to vote for the city-parliament, separating it from the *Land* parliament.⁶

⁷ Except for in Bavaria and the city-states of Hamburg, Berlin and Bremen.

⁸ Automatic in all Lander except in Bavaria and Sachsen, where EU-citizens must actively declare their will to participate and request to be registered in the electoral roll for each election.

⁹ In 1989-90 Schleswig-Holstein, as well as the city-states of Hamburg, Berlin and Bremen, passed reforms to the effect of giving voting rights to third-country nationals, but the Constitutional Court ruled those reforms unconstitutional. Ever since, many other attempts of the same enfranchisement of third country nationals have occurred in all relevant levels that must debate on it (*Länder* and federal), but none has led to a successful reform because a constitutional reform is needed.

¹⁰ Except for in Bavaria and Sachsen, where the position of Mayor is reserved to German citizens.

¹¹ Statistisches Bundesamt and der Bundeswahlleiter, "Wahl der Abgeordneten des Europäischen Parlaments aus der Bundesrepublik Deutschland am 25. Mai 2014," Textliche Auswertung (Wahlergebnisse) (Wiesbaden: Statistisches Bundesamt, 2015), 30, https://www.bundeswahlleiter.de/dam/jcr/afb997ad-49d7-4602-9fdc-7199adf50b41/ew14_heft5-1.pdf.

January 1 2016, less than half of them (43%) were foreign residents who are citizens of another EU member state, amounting to 4.6% of the total resident population in Germany. The rest are so called “third country nationals” (4,840,700: 5.9% of total population)¹³. Among the EU citizen residents in Germany, 2,335,520 are men, 1,944,245 are women. The EU member countries with the most residents in Germany are Poland, with 7% of all foreigners; Italy, with 6.1%; and Romania, with 5.3%. The country with the highest percentage of residents in Germany, however, is a non-EU member: Turkey, with 14.9% as of December 2016¹⁴.

Most resident immigrants in Germany concentrate in highly urban areas, with the exception of southern Germany, where they are also dispersed in administrative districts (*Landkreise*) beyond cities¹⁵. The concentration of the foreign population in general is highest in the city-states (*Stadtstaaten*) of Bremen, Hamburg and Berlin¹⁶, where it surpasses 15%. In Berlin, 27% of the foreign residents are from the EU, amounting to a total of 99,135 persons¹⁷.

The proportions of EU citizens are the highest among the resident foreign population in border areas, particularly all the districts bordering the Netherlands and Luxemburg, the Czech Republic and Austria, some districts bordering Poland and slightly less so along border areas with France and Belgium. As to the states (*Länder*) in the German federation with the highest proportions of EU citizens in the resident populations, these are clearly the southern states of Bavaria and Baden-Württemberg, followed by the Western states of Niedersachsen, Saarland, Hessen and Rheinland-Pfalz. The most extreme concentrations – over 70% of the foreign resident population – are found in some administrative districts such as Grafschaft Bentheim and Kleve on the border with the Netherlands, where, as expected, most of the EU foreign residents are Dutch. Also in Eifelkreis Bitburg-Prüm and Trier-Saarburg, the high percentage of nationals of Luxemburg surpasses 70% of the foreign resident population¹⁸.

Regarding the age composition of the EU citizen population in Germany, 77% are adults of working age (20-65), the majority of whom are between 20 and 45 years old

¹² Statistisches Bundesamt, „Ausländische Bevölkerung nach Geschlecht und ausgewählten Staatsangehörigkeiten am 31.12.2016“,

<https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Bevoelkerung/MigrationIntegration/AuslaendischeBevolkerung/Tabellen/Geschlecht.html>, retrieved April 9th 2018.

¹³ Eurostat, “Non-national population by group of citizenship, 1 January 2016”,

[http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Non-national_population_by_group_of_citizenship_1_January_2016_\(%C2%B9\).png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Non-national_population_by_group_of_citizenship_1_January_2016_(%C2%B9).png) retrieved 09 April 2018.

¹⁴ Statistisches Bundesamt, “Bevölkerung Und Erwerbstätigkeit. Ausländische Bevölkerung. Ergebnisse Des Ausländerzentralregisters 2016” (Wiesbaden: destatis, 2017), 39,

https://www.destatis.de/DE/Publikationen/Thematisch/Bevoelkerung/MigrationIntegration/AuslaendBevoelkerung2010200167004.pdf?__blob=publicationFile.

¹⁵ Statistisches Bundesamt, “Bevölkerung und Erwerbstätigkeit Ausländische Bevölkerung Ergebnisse des Ausländerzentralregisters” (Wiesbaden: destatis, 2017), 15–16,

https://www.destatis.de/DE/Publikationen/Thematisch/Bevoelkerung/MigrationIntegration/AuslaendBevoelkerung2010200167004.pdf?__blob=publicationFile.

¹⁶ Statistisches Bundesamt, “Bevölkerung und Erwerbstätigkeit. Ausländische Bevölkerung. Ergebnisse des Ausländerzentralregisters 2016,” 15.

¹⁷ Statistisches Bundesamt, 110.

¹⁸ Statistisches Bundesamt, “Migration.Integration.Regionen. Gemeinsames Datenangebot von Destatis, BA Und BAMF,” Migration.Integration.Regionen Gemeinsames Datenangebot von Destatis, BA und BAMF, April 9, 2017, https://service.destatis.de/DE/karten/migration_integration_regionen.html#AZR_ANT_EU28_AUSL.

(2,124,600 persons in total), followed by the group of people between 45 and 65 years of age (1,175,065)¹⁹.

From a total of 4,279,770 EU citizens living in Germany by the end of 2016, slightly over half a million were under 20 years of age: 2,124,600 were between 20 and 45; 1,175,065 were between 45 and 65, and 428,070 were older than 65²⁰. Of all of these EU residents, there are 3,437,834 who are of voting age in Germany, about 4.82% of the resident population, but 5.33% of the population with the right to vote (fulfilling the age condition)²¹. Of these, however, only 1,885,464 are registered in the electoral roll. The average age of EU citizen residents in Germany is 40 years old²². Less than half of EU citizen residents are single (44.9%), while 39.6% are married, of which only 16% are married to a German citizen²³.

Precise data about the employment status and labour situation of immigrants in Germany is difficult to find because the registry of foreigners (*Ausländerzentralregister*) collects no data on the purpose of stay or occupation. A sizeable group of young adults are thought to be students and also it is estimated that most EU citizen residents are employed according to the federal statistics office based on the age groups reported above²⁴. However, the Institute of Labor Market and Employment Research (*Institut für Arbeitsmarkt- und Berufsforschung – IAB*) provides some data that serves as orientation regarding the occupational level of EU residents and in particular, EU residents of certain nationalities. According to the IAB, the employment rate of EU residents in Germany in December 2016 was above 53%, with Bulgarian and Romanian citizens at 57%, and therefore above the average percentage of EU-8 citizens. The unemployment rates of EU citizens have remained stable in the last years, at around 9-10%, and the IAB observes a positive employment trend among EU citizens with regard to 2015. The Institute reports a slight increase in the number of Bulgarian and Rumanian citizens (142,000) who receive social assistance for employment seekers (*SGB II*, popularly referred to as *Harz-IV*). Their unemployment rate (10.4%) is below the average of unemployment of the total foreign population (19.3%), but is higher than that of EU-28 citizens (9.2%) and of EU-8 citizens (9%). There is however, a high proportion of social assistance recipients (*erwerbstätigen Leistungsbeziehern*) –that is, persons who receive social assistance on top of unemployment assistance – among employed Romanians and Bulgarians: in October 2016 the percentage was 42.6% in comparison to

¹⁹ “Ausländische Bevölkerung nach Altersgruppen und ausgewählten Staatsangehörigkeiten - Statistisches Bundesamt (Destatis),” Staat & Gesellschaft - Migration & Integration, 2017, <https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Bevoelkerung/MigrationIntegration/AuslaendischeBevolkerung/Tabellen/Altersgruppen.html>.

²⁰ “Ausländische Bevölkerung nach Altersgruppen und ausgewählten Staatsangehörigkeiten - Statistisches Bundesamt (Destatis).”

²¹ European Commission, “Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Application of Directive 94/80/EC on the Right to Vote and to Stand as a Candidate in Municipal Elections” (Brussels: European Union, 2018), 3, <https://ec.europa.eu/transparency/regdoc/rep/1/2018/EN/COM-2018-44-F1-EN-MAIN-PART-1.PDF>.

²² Statistisches Bundesamt, “Bevölkerung und Erwerbstätigkeit Ausländische Bevölkerung Ergebnisse des Ausländerzentralregisters,” 46.

²³ Statistisches Bundesamt, 67.

²⁴ Bundesamt für Migration und Flüchtlinge, “Freizügigkeitsmonitoring: Migration von EU-Bürgern Nach Deutschland Jahresbericht 2016,” 2017, 9, https://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/freizuegigkeitsmonitoring-jahresbericht-2016.pdf?__blob=publicationFile.

26.7% recorded for all foreigners. This suggests that many citizens of these countries who reside in Germany are employed in very low income jobs²⁵.

Non-resident citizens

Little is known by German authorities about the demographic characteristics of non-resident Germans, but recently the OECD reported in a study that 3.4 million Germans (over 4% of the German population aged 15 and above) reside in other OECD countries in 2010-11. The report notes that in the period analysed (2001 to 2010), emigrants are rather young (50% are between 15 and 34 years old) and that there has been a reorientation of their residence countries to the European countries, even though the country where most Germans reside abroad (33%) is the United States of America²⁶.

1.2. Summary of the Electoral Rights of Resident non-citizens and Non-resident Citizens

Resident non-citizens

The registration required from EU nationals who reside in Germany to vote in EP elections is active and, as such, different to the registration system that applies to German nationals (which is automatic) and also different to municipal elections (which is also automatic, as it draws on the same municipal residence registers). EU nationals who reside in Germany have to decide if they want to vote in their district in their state of nationality or in the district where they reside in Germany. If they wish to vote in Germany, their application (signed and delivered in person) must be received by the municipality at their place of residence no later than 21 days before the election. The application is made available by the electoral authority online for download about half a year before the Election Day and contains filling instructions in a leaflet. Application forms are also available from the municipal election offices. This point is developed in the next section. As to the voting methods available there are only two, and the same for any election in Germany: voters can either vote in presence at the polling station or by requesting to vote by postal mail in advance.

Non-resident Citizens

In order to appear in the electoral roll ("*Wählerverzeichnis*"), German citizens only need to be in the register of residents of their city/town/municipality of residence (*Melderegister*). If they fulfil the age and residence requirements to participate in local, *Länder* and federal elections, they are automatically registered in the electoral roll for the upcoming elections. In fact, the registration should be fully automatic if they are registered as residents (which is a duty), since the register of residents sends information on these residents to the electoral district. For Germans who are abroad only temporally, this means that they can exercise their right to vote per postal mail.

In order to be able to vote, Germans who reside abroad are not automatically entered in the electoral roll ("*Wählerverzeichnis*"); in order to vote in parliamentary elections, they must

²⁵ Institut für Arbeitsmarkt- und Berufsforschung, "Zuwanderungsmonitor_1702.Pdf," 4, accessed April 9, 2018, http://doku.iab.de/arbeitsmarktdaten/Zuwanderungsmonitor_1702.pdf.

²⁶ OECD (2015), "Numbers and locations of German emigrants", in *Talent Abroad: A Review of German Emigrants*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264231702-4-en>.

submit a formal application for entry in the electoral roll before each election. They may download the application form from the Internet website of the electoral authority (*Bundeswahlleiter*), or pick it up at diplomatic or consular representations of Germany abroad. The addressee of this application must be the electoral district where last reported a residence in Germany before departing. For Germans abroad who have not lived in the country for at least three months, the responsible municipality is that with which they are most closely connected due to biographic links or family connection. This closest connection usually consists of the place to which their "concern with regard to political conditions in the Federal Republic of Germany" refers. If, for example, a job is performed as a cross-border commuter at a place in Germany, this is their reference point for requesting the exercise of the right to vote. In cases where such a place cannot be determined, the last hometown of the ancestors in a straight line in today's German territory is considered²⁷.

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

2.1. Overview of Relevant Administrative Regulations

The electoral rights of EU residents in Germany are regulated through the EP elections Law *Europawahlgesetz* (EuWG) of 1994²⁸ and the EP elections Regulations *Europawahlordnung* (EWO). Chapter 6 of EuWG defines the franchise: Germans who fulfil the qualifications to vote in federal elections, Germans who reside in Germany or in another member state of the EU for at least three months, and non-German residents who are citizens of a EU country and fulfil other requirements to participate in communal elections and EP elections (and are not excluded from the franchise in their country of nationality either), upon request. For the last group to be able to vote, they need to request to be registered in the electoral roll for EP elections. This is necessary in order to avoid double registration in Germany and in their country of origin. Authorities are supposed to exchange information for this purpose, although it is known that there are problems in this area (see Sections below).

Presently, in Germany, only resident German citizens are enfranchised in elections at all levels. EU citizens have and can exercise electoral rights on roughly equivalent conditions to German citizens in municipal and EP elections.

Here it must be highlighted that in Germany resident third-country nationals lack electoral rights of any kind. Despite many legislative attempts at different levels –*Länder* and federal – for over three decades²⁹, foreign residents who do not have the nationality of an EU country have no voting rights in Germany in publicly elected positions. However, they might be present in local councils with a consultative voice, as in the city of Bremerhaven, or may

²⁷ Der Bundeswahlleiter, „Deutsche im Ausland“, <https://www.bundeswahlleiter.de/bundestagswahlen/2017/informationen-waehler/deutsche-im-ausland.html#48fc2eb9-df2c-48ed-ac8e-308f7b25930e>, September 2018.

²⁸ Europawahlgesetz in der Fassung der Bekanntmachung vom 8. März 1994 (BGBl. I S. 423, 555), das zuletzt durch Artikel 1 des Gesetzes vom 7. Oktober 2013 (BGBl. I S. 3749) geändert worden ist

²⁹ Luicy Pedroza, “But Don’t Mention Migration! Explaining the ‘Failed’ Denizen Enfranchisement Reforms in Germany,” ed. DISC Working Paper 2011/15, *DISC Working Paper 2011/15*, no. 15 (2012).

be present already for many years in the governing organs of trade unions³⁰. In some *Länder* foreign residents enjoy representation through consultative councils that are called upon to give their opinion on very diverse matters. These consultative councils vary in their composition, mandate and scope of activities.

Thus, in Germany the population entitled to vote in federal elections is composed of all German citizens above 18 years of age, and also of citizens of other EU member states (generally referred to as *Unionsbürger*) residing in Germany or another EU member state, who have been registered as resident in Germany for more than 3 months and who are not excluded from exercising their voting rights by a judicial order. Their voting rights can only be exercised once and personally, either directly in the polling station of the district corresponding to the residence, or by postal vote. It is forbidden by law to vote in Germany and in another state of the EU for the same election.

Candidacy rights are enjoyed by (i) every German (in terms of article 116.1 of the German constitution), who is over 18 years of age, and (ii) any person who has an habitual residence in Germany, has the nationality of a EU Member State, and fulfils the same age requirements.

EP elections

In view of the recent reports that reached the European Commission on the (minimal) knowledge of Europeans about their rights in the EU³¹, the low participation rate in Germany for EP elections is not particularly surprising. Several academic articles and newspaper opinion pieces report that EP elections are perceived by voters to be second order elections (*Nebenwahlen*). Another discussion topic is the different representation ratios among EU countries: through the caps in the number of European parliamentarians set by the Treaty of Lisbon and the different electoral rules at work for different countries for the distribution of seats in the European Parliament, Germany has the largest number of seats in the European Parliament, but at the same time, German EU parliamentarians represent many more residents compared to other smaller EU countries³². As the most notable result of the latest elections in 2014, some commentators highlight the entry of the radical right-wing and Eurosceptic *Alternative für Deutschland* (AfD) with seven seats in the European Parliament³³.

Local elections

There are some limitations at the local level. This is the case in the German city-states Berlin and Hamburg, where EU national residents can vote for the communal organs of government (which are mostly in charge of administration) but may be excluded from the politics of the

³⁰ Luicy Pedroza, “Citizenship before Nationality. How Liberal Democracies Redefine Citizenship by Extending Voting Rights to Resident Migrants.” (2012); Luicy Pedroza, “Access to Electoral Rights: Germany,” *EUDO Citizenship Observatory Report*, no. 13 (2013).

³¹ Michael Thormaehlen, “Bericht: Europäer wissen zu wenig über ihre Rechte als EU-Bürger,” Text, Deutschland - European Commission, January 24, 2017, https://ec.europa.eu/germany/news/bericht-europ%C3%A4er-wissen-zu-wenig-%C3%BCber-ihre-rechte-als-eu-b%C3%BCrger_de.

³² Dieter Nohlen, “Wie wählt Europa 2014? | bpb,” 2014, <http://www.bpb.de/politik/wahlen/europawahl/71360/wie-waehlt-europa-2014>.

³³ Michael Kaeding, “Europawahl 2014 in Deutschland im europäischen Kontext | bpb,” www.bpb.de, 2014, <http://www.bpb.de/politik/wahlen/europawahl/185736/europawahl-2014-in-deutschland-im-europaeischen-kontext>.

city. Communal organs of self-administration have different names in three city-states (Bremen, Berlin and Hamburg) in Germany. In Berlin, for example, they are called *Bezirkversammlungen*. Generally, EU residents cannot vote for the city-state parliaments, which are considered to be the *Länder* level of the 16 constitutive states of the German Federation. However, in Bremen electoral laws were reformed to allow EU nationals resident there to vote for the city parliament³⁴. The *Länder* level (which in Bremen, Berlin and Hamburg is at the city-level) decides on important topics, such as education and mobility policies.

2.2 Voter registration

EP elections

For EP elections, non-German European residents must actively request their entry into the electoral roll, if they want to vote in their residence district (that is, in Germany). This implies that they must decide in advance if they want to vote in their district of residence (in Germany) or in their home district, and may only send an application if they have decided not to vote in their home district through consular representations or other voting methods made available by their states of origin. Thus, for nationals of EU member countries who reside in Germany, first registration is non-automatic for the EP elections, with automatic renewal. This means that once they are registered in the system, the register will be automatic; if they did not move from Germany or request to be taken out of the electoral roll, they should normally appear in the electoral roll for the next European Parliament elections³⁵.

The Federal Electoral Commissioner's office (*Bundeswahlleiter*) provides information on all the procedures in a page named "*Service für Unionsbürgerinnen und –bürger*". The procedure is the following:

- EU nationals who wish to vote in their district of residence in Germany must fill out an application to be entered into the electoral roll ("*Antrag eines Unionsbürgers auf Eintragung in das Wählerverzeichnis*") in written form.
- This application must arrive at the relevant local authority at least 21 days before the election.
- The application must contain the following information: first and last names, birth date, birth place, and it must be completed and signed by the applicant.
- If the applicant cannot do this himself due to any disability, another person can complete it instead, following the indications given in § 50 of the *Europawahlgesetz*. Generally this person needs to declare under oath to the local authority that she has fulfilled the request following the indications of the applicant and that the information given is true, as far as she knows.
- The district of residence is responsible for processing the application; for a ship crew, the relevant communal authority is determined by the flag they sail with.

³⁴ Martin Fehndrich and Willko Zicht, "Kommunalwahlsystem Bremen," Wahlrecht.de, January 6, 2009, <https://www.wahlrecht.de/kommunal/bremen.htm>.

³⁵ Der Bundeswahlleiter, "Am 4. Mai Endet Antragsfrist für Deutsche im Ausland und EU-Bürger - Der Bundeswahlleiter," Der Bundeswahlleiter, April 22, 2014, <https://www.bundeswahlleiter.de/info/presse/mitteilungen/europawahl-2014/2014-04-22-am-4-mai-endet-antragsfrist-fuer-deutsche-im-ausland-und-eu-buerger.html>.

- The residence requirement that applies to electoral registration in general (for all voters) follows the definition of “habitual residence” provided in the Constitution and the Federal Electoral Law.
- Finally, the applicant must make sure under an oath that the conditions of eligibility are fulfilled. This relates to:
 - nationality;
 - address in Germany;
 - the political community where they come from or in which they were last registered to vote;
 - the exercise of their active voting rights only in the Federal Republic of Germany;
 - their non-exclusion from active voting rights in their member state of origin;
 - until the day of the election having lived for over three months in Germany or in another state of the EU without interruptions and having habitually resided there (*EuWO*, §17a).

The voting methods available to eligible voters for the European Parliament elections are the same as for other German elections: in presence or via post. To vote via post, an application must be made at the local authority either in person, sent by post, by E-mail or Fax, but not by telephone³⁶.

It seems that voters are not very conscious of the “one person, one vote” rule and, more exactly, the prohibition against voting twice in the EU elections. Recently, a chief editor of a major German newspaper made it to the headlines after he casually admitted in a roundtable discussion in a live TV program that he had voted twice, once in the Italian consulate for his district of origin, and once in a polling station located in an elementary school in Hamburg, where he lives³⁷. Unfortunately, instead of throwing light on the lack of efforts of EU and federal authorities to make electoral rights and duties of EU citizens known across the EU, and especially in Germany, this led commentators and pundits to focus on the drawbacks of dual-nationality. Dual-nationality, is a controversial topic in Germany. However, the discussions on it were beside the point in this case, as even without German nationality this person would have been entitled to vote in EP elections.

According to the electoral register, in 1999 there were 33,000 people on the electoral roll that were EU citizen residents. In 2004 the number had risen to 133,000 (of the 2.15 million EU residents in Germany of voting age)³⁸. For the last election in 2014, the number had reached 172,110 (out of 3.1 million EU residents in Germany of voting age)³⁹. In this section of the electorate of EU nationals residing in Germany in 2014, 31,368 were from

³⁶ Der Bundeswahlleiter, “Hinweise für Briefwählerinnen Und Briefwähler – Jetzt Antrag Stellen - Der Bundeswahlleiter,” Der Bundeswahlleiter, May 2014, <https://www.bundeswahlleiter.de/info/presse/mitteilungen/europawahl-2014/2014-05-05-europawahl-2014-hinweise-fuer-briefwaehlerinnen-und-briefwaehler-%E2%80%93-jetzt-antrag-stellen.html>.

³⁷ Jan Fleischhauer, “S.P.O.N. - Der Schwarze Kanal: #giovannigate - Oder Die Tücken Des Doppelpasses,” *Spiegel Online*, May 27, 2014, sec. Politik, <http://www.spiegel.de/politik/deutschland/doppelpass-fleischhauer-ueber-doppelte-staatsbuergerschaft-a-971907.html>.

³⁸ Andreas M. Wüst, “Politische Integration fördert die Akkulturation Wahlverhalten und politische Repräsentation von Migranten,” *Zuwanderung Und Integration*, no. 4 (2006).

³⁹ Bundeswahlleiter, “Unionsbürger,” Der Bundeswahlleiter, July 2014, <https://www.bundeswahlleiter.de/service/glossar/u/unionsbuerger.html>.

Italy, 19,538 from Austria, 17,808 from France and 17,177 from the Netherlands⁴⁰. With the exception of 1999, an average of 6.5% of the eligible non-German EU citizens in Germany have applied to be registered in the electoral roll in EU elections⁴¹. In 2016, EU residents constituted about 5.4% of all those eligible to vote in Germany, about 1.9 million people.

Local elections

In contrast to German citizens (see section 1.2), EU citizens have different registration procedures depending on the election they participate in. For local elections, the procedure is automatic, as it is for German residents. Thus, every EU citizen who is correctly registered in the *Melderegister* of the municipality where they live will also be automatically registered in the electoral roll of the electoral district that corresponds to it. EU nationals resident in Germany get – like every German – a notification card sent to their address informing them of the upcoming election and also an application form, should they want to exercise their right to vote via postal mail.

At a rather abstract level in the federal landscape, the difficulties for non-nationals to vote vary across *Länder* and begin with the German electoral system, in particular the thresholds to reach the right to participate in the elections and the different electoral formulas to transform votes into seats. Each voter has only one vote, with which it is possible to vote for a federal or a provincial (*Länder*) list of a party. In the last election all parties gave approval to present federal lists only, with the exception of the CDU, due to its composition by the CSU and CDU. The presentation of separate lists of the CDU/CSU for each of the *Länder* together with the 2-step system for the conversion of votes into seats (first, divided by the proportion of votes gained by the CDU in total and then, by the number of votes received by each of the *Länder*) meant that CDU candidates in some small *Länder* such as Bremen had almost no chance of being elected because the proportion of Bremer voters in the electorate in Germany (and in turn, in the CDU electorate) is too small⁴².

2.3. Information during Election Campaigns

EP elections

With regard to the information campaigns during the election campaign, the Federal Agency for Civic Education (*Bundeszentrale für politische Bildung - bpb*) prepares information in German on its website on the procedures to participate in the EP elections, deadlines to meet and the platforms of political parties, as well as information on previous elections and overviews of the electoral system. Some of this information is also available in English. Beyond this federal agency, the *Länder* have their own agencies for civic education (for instance, the *Landeszentrale für politische Bildung Baden-Württemberg*), some of which also prepare materials with information on the EP elections, the parties that stand for it and their platforms and campaigns.

⁴⁰ Statistisches Bundesamt und der Bundeswahlleiter, “Wahl der Abgeordneten des Europäischen Parlaments aus der Bundesrepublik Deutschland Am 25. Mai 2014,” 30.

⁴¹ Bundeswahlleiter, “Unionsbürger.”

⁴² It would require at least 60% of the votes in Bremen in order to win a seat in a subnational list (Thorsten Faas, “Bayern gegen Bremen,” *Zweitstimme*, May 6, 2009, <https://blog.zeit.de/zweitstimme/2009/06/05/bayern-gegen-bremen/>).

Local elections

The websites of cities or communal administrations (*Stadtverwaltungen*) almost always provide information about the electoral rights of EU citizens so that eligible persons can find information about their voting rights. A problem with the registration is that the notification cards that are sent by these communal authorities to the eligible EU residents are only in German. Some news articles report that EU resident citizens do not understand the content of the notification⁴³.

2.4. Political Parties and Candidacy Rights

EP elections

Since 2013, European residents in Germany who wish to be candidates for EP elections must turn their applications to the Federal Electoral Authority, rather than at the electoral authorities in the sub-national level (the *Länder*). The parties present their lists to the authority, with a declaration of the candidates that they accept the candidacy, and an oath by the leader of the list, with other additional requisites in case the party has no representation yet in the EP. Among all the requisites, the only difference made of EU citizens who wish to be candidates is a declaration by a German municipality that the candidate is a resident or has habitual residence there, is not excluded from the right to vote, as well as an insurance under oath that the candidate's personal information is correct, and especially that the candidate is not simultaneously competing for another publicly elected post in the EP in the country of origin and is also not excluded in his/her country of origin of the right to vote⁴⁴.

That some parties are much more active in and open to including EU citizens as their members and candidates for the EP than others, seems related to their political orientations, but also to how much their platforms are oriented towards European issues⁴⁵. Interviewees from three parties (Die Linke, FDP and SPD) report that their party will target non-German voters in the upcoming elections because their number has increased “massively over the past years and they are now a relevant group”.⁴⁶

In the EP elections of 2014, 15 parties and lists competed for the votes of 64.4 million eligible voters in Germany. Nine parties were accepted without any further verification process because they were already in the EP, in the federal parliament in Germany (*Bundestag*) or at least in one of the subnational parliaments at the *Länder* level with at least 5 parliamentarians. All other parties had to collect signatures from supporters and demonstrate that they fulfilled the requirements to form a party. From the 44 that attempted this, only 16 achieved the registration⁴⁷. A problem observed so far is the variation in electoral results produced by the application of different formulas to translate votes into seats (in the case of Germany, the Sainte-Laguë/Schepers method). For the last EP elections, for

⁴³ Johannes Kulms and Paul Vorreiter, “EU-Bürger in Deutschland - Als Wähler unsichtbar, von der Politik vernachlässigt,” News, Deutschlandfunk, May 1, 2018, https://www.deutschlandfunk.de/eu-buerger-in-deutschland-als-waehler-unsichtbar-von-der.724.de.html?dram:article_id=416941.

⁴⁴ Böth 2014, “Europawahl 2014”.

⁴⁵ Sabine Beikler and Ronja Ringelstein, “Diese Berliner Politiker wollen ins EU-Parlament,” *Der Tagesspiegel Online*, May 28, 2018, <https://www.tagesspiegel.de/berlin/europawahl-2019-diese-berliner-politiker-wollen-ins-eu-parlament/22608766.html>.

⁴⁶ Interview of author with party officers from Die Linke, FDP and SPD, Berlin, 19 and 20 July 2018.

⁴⁷ tagesschau.de, “Hintergrund: 25 Parteien treten zur Europawahl an,” tagesschau.de, accessed April 18, 2018, https://www.tagesschau.de/europawahl/parteien_und_programme/parteien-europawahl100.html.

instance, the party *DIE PARTEI* received a seat with less than 185,000 votes and the *Freien Wähler* received almost three times as many votes, yet only one seat⁴⁸. For the EP elections of 2014, only 15 candidates in the German lists were EU residents: five from France, two from Italy, the UK, and Denmark, respectively, and one from the Netherlands, Poland, Belgium and Sweden, respectively⁴⁹.

Local elections

The parties represented today in the Bundestag have limited and unsystematic information about their members from other EU countries. AfD and CDU do not even register information on the nationality of their members. The CSU calculates that the share of EU citizens in their party is below 1%. For the Greens and FDP the share is higher, at about 6%. The FDP reports that the biggest EU nationalities represented among their members are Austrians, Spaniards, Dutch and Italians. The SPD estimates that from its 460,000 members about 7,000 have no German nationality, but this might include non-EU nationals as well⁵⁰.

There are no aggregated data in official sources reporting the number of non-national candidates competing for communal elections. As with most electoral statistics in Germany, this information is only kept and its collection is regulated at the local level⁵¹. However, according to media reports, German parties have been successful in giving candidacies for communal elections to EU-residents, especially Die Linke, the Greens and the FDP, notably Greek, Croatian, Italian and French nationals, and for EP elections, especially dual nationals who also have German nationality⁵².

2.5. Turnout and political debates

EP elections

Since statistics agencies do not collect information on the nationality of voters, that is, whether they are Germans or EU citizen residents, and also not on whether they vote from abroad or in the country (as their votes are counted in the total sum of their home district), the turnout of EU citizens is not known. Experts consider that the majority of people who filled out a request to vote in EP elections in their residence district also voted and point to the fact that there are variations between *Länder*⁵³.

⁴⁸ Joachim Behnke, "Wie aus den Stimmen Mandate im Europaparlament werden | bpb," www.bpb.de, Blog zur Europawahl 2014, 2014, <https://www.bpb.de/dialog/europawahlblog-2014/186080/wie-aus-den-stimmen-mandate-im-europaparlament-werden>.

⁴⁹ Böth 2014, "Europawahl 2014", p. 298.

⁵⁰ Kulms and Vorreiter, "EU-Bürger in Deutschland - Als Wähler unsichtbar, von der Politik vernachlässigt."

⁵¹ Europäische Kommission, "Bericht der Kommission an das europäische Parlament, den Rat, den europäischen wirtschafts- und sozial- Ausschuss und den Ausschuss der Regionen über die Anwendung der Richtlinie 94/80/EG über das aktive und passive Wahlrecht bei den Kommunalwahlen" (Brussels: European Commission, January 25, 2018), <https://eur-lex.europa.eu/legal-content/de/TXT/?uri=CELEX:52018DC0044>.

⁵² Melanie Staudinger, "Wie die Parteien um Stimmen der EU-Ausländer buhlen," *sueddeutsche.de*, 2014, sec. muenchen, <https://www.sueddeutsche.de/muenchen/eu-buerger-bei-der-kommunalwahl-andate-a-votare-1.1908048>

⁵³ Magali Mohr, expert from the organisation d|part, as quoted by Kulms and Vorreiter, "EU-Bürger in Deutschland - Als Wähler unsichtbar, von der Politik vernachlässigt."

There is a legal base for the fact that statistics on the turnout of EU citizens in Germany are very limited. The Electoral Statistics Law (*Wahlstatistikgesetz*, WStatG)⁵⁴ specifies the individual characteristics to be surveyed for federal statistics. These are sex and age group (minimum cohorts composed of three years) only, not nationality. Due to their right to freely move and take up residence within the EU, EU citizens are not obliged to get a residence permit at the Foreigners' Office (Ausländerbehörde) before they register as residents. In the past, the German authorities mentioned above got their data on foreign residents from the Foreigners' offices across the country. Recently, Berliner authorities recognized that they only started sharing information with other competent authorities (such as the Central Registry of Foreigners of the Federal Ministry of Migration and Refugees [BAMF] in Nürnberg, which in turn feeds the data to the Federal Statistical Office to keep track of foreign residents) about EU citizens' residence in 2014⁵⁵. Thus, German authorities seem to lack information even about EU citizens who have duly registered themselves as residents in the relevant districts because information is not always shared among authorities. It is possible that the lack of reliable data on the number of resident EU citizens leads to fewer resources being dedicated to inviting these citizens to use their electoral rights at EU and local levels.

Existing data, for example from a news reports in Nurnberg, indicates that only 3.5% of the population eligible to vote in the EP elections had even registered to vote in Germany (with an unknown number having potentially registered in their districts of origin). In news reports, some EU voters interviewed mention the lack of information on the German politicians and their platforms for the EP as reasons to prefer voting in their home district⁵⁶.

The *Länder* have aggregate turnout statistics for the whole electorate that can participate in the EP elections. The *bpb* publishes data on the aggregated participation rate in the federation which suggests a recovering trend, going slightly upward after having declined over the years: from 65% of effective participation of EU registered voters in 1979 to only 43% in 2004, it has recovered slightly in the 2014 elections, reaching nearly 48%⁵⁷. As always with regard to the German case, it is important that there are significant subnational differences in Germany, with the highest increases in participation observable in those *Länder* that held more than one election concurrently, for example, +16.8 percentage points in Brandenburg; +10.5 in Nordrhein-Westfalen; +8.7 in Hamburg where they had local elections simultaneously and +11.5 in Berlin, where EP elections were held concurrently with a referendum.

The challenge for participation in EP elections begins already with the low political interest even of German citizens in this type of elections. There is a lack of a stimulating environment that would invite EU voters to look forward to participating in these elections as

⁵⁴ Wahlstatistikgesetz (WStatG) Gesetz über die allgemeine und die repräsentative Wahlstatistik bei der Wahl zum Deutschen Bundestag und bei der Wahl der Abgeordneten des Europäischen Parlaments aus der Bundesrepublik Deutschland vom 21. Mai 1999 (BGBl. I S. 1023), das zuletzt durch Artikel 1 a des Gesetzes vom 27. April 2013 (BGBl. I S. 962) geändert worden ist.

⁵⁵ Joachim Fahrur, "Berliner Behörde vergisst 200.000 Ausländer," April 27, 2018, <https://www.morgenpost.de/berlin/article214132485/Berlins-Auslaenderbehoerde-vergisst-200-000-EU-Buerger.html>.

⁵⁶ Judith Zischler, "Weshalb gehen in Nürnberg lebende EU-Bürger zur Europawahl?," *nordbayern*, May 20, 2014, <http://www.nordbayern.de/cm/2.244/region/nuernberg/weshalb-gehen-in-nurnberg-lebende-eu-buerger-zur-europawahl-1.3656350>.

⁵⁷ Bundeszentrale für politische Bildung, "Interaktive Grafiken: Die Wahlbeteiligung bei Europawahlen | bpb," 2018, <https://www.bpb.de/dialog/europawahlblog-2014/185215/interaktive-grafiken-die-wahlbeteiligung-bei-europawahlen>; Willko Zicht and Matthias Canto, "Wahlergebnisse – Europawahl (Europaparlament)," *wahlrecht.de*, 2014, <http://www.wahlrecht.de/ergebnisse/europa.htm>.

residents. The interest of German citizens in EP elections remains quite low: while in 2004 11% said they were very interested in politics, only 5% were interested in the EU. If the responses for “strongly” and “very strongly” are added up, this only amounts to 22%. Groups with more formal education were relatively more interested in EU politics than groups with lower education, and twice as many male respondents reported interest in European politics⁵⁸. A more recent representative telephone survey of 1002 persons (made in May 2014) by Infratest dimap recounted that only 41% of its respondents reported having strong or very strong interest in the EP elections⁵⁹. As to the voting preferences, the same survey showed that voters favoured the CDU with 37%, the SPD with 27%, the Greens with 9%, FDP with 3%, Linke with 9% and the AfD with 7%. Later surveys by the *Forschungsgruppe Wahlen* of the ZDF gave very similar results, with only slight variations for the smaller parties. The surveys turned out to be roughly correct with regard to the turnout, with a general participation rate of 43% of those eligible (29,843,798 of 61,998,824).

Prior to the EP elections of 2014, for the first time the main candidates running for the major two parties –SPD and CDU– participated in a TV debate, which was aired on two large nation-wide stations (ZDF and ORF). This contributed to increased attention to the EP elections in print and online media. According to some commentators, this also enabled the public to put a face onto the main candidates for President of the European Commission (Juncker and Schulz) and to better understand the EP elections too⁶⁰. The Federal Agency for Civic Education (*Bundeszentrale für politische Bildung*) moderates these optimistic claims and points out that the positive impact on turnout was limited, if there was any. The Agency claims that the turnout increase of 5% compared to the 2009 elections was mainly attributable to the concurrence of communal elections in 11 *Länder* (as compared to only 4 in 2009)⁶¹.

Interestingly, and connected to the case of the major newspaper editor alluded above, for the last EP elections there was more debate on nation-wide media on the lack of controls for the prohibition on double voting, especially for the most numerous groups of EU citizens residing in Germany – Polish and Italian nationals⁶². In the last elections, a newspaper of national circulation reported on the lack of effective verification mechanisms and controls to avoid double voting of Italians and Poles. For Italians it is enough to be registered in the register of ‘Italians abroad’ to get their voting notifications per post. They are then required to visit the embassy or consulate to present their ID and get their ballot. However, Poles have

⁵⁸ These are data from the Politbarometer of the Forschungsgruppe Wahlen e.V. cited by Dieter Roth and Bernhard Cornelius, “Europa und die Deutschen: Die Untypische Wahl Am 13. Juni 2004,” *Aus Politik Und Zeitgeschichte* 17 (2004): 46.

⁵⁹ infratest dimap, “Infratest dimap ARD-EuropaTREND Sonntagsfrage zur Europawahl,” www.infratest-dimap.de, 2014, <https://www.infratest-dimap.de/umfragen-analysen/bundesweit/europatrend/2014/mai-ii/>.

⁶⁰ von Robert Hein, “TV-Duell Schulz vs. Juncker: Die europäischen Bürger haben die Wahl – nicht nur formal!,” *Europa und wir*, May 9, 2014, <http://www.europaundwir.eu/tv-duell-schulz-vs-juncker-die-europaeischen-buerger-haben-die-wahl-nicht-nur-formal/>; Matthias Klein, “Die Europäer wählen ein neues Parlament | bpb,” [bpb.de](http://www.bpb.de), May 22, 2014, <https://www.bpb.de/dialog/europawahlblog-2014/184760/die-europaeer-waehlen-ein-neues-parlament>.

⁶¹ bpb, “Die Europäische Union auf dem Weg zur parlamentarischen Demokratie? | bpb,” September 9, 2014, <http://www.bpb.de/apuz/191187/die-europaeische-union-auf-dem-weg-zur-parlamentarischen-demokratie?p=1#footnode12-12>; “Kommunalwahlen 2014 Ergebnisse für Bayern, Baden-Württemberg, Brandenburg, Hamburg, Mecklenburg-Vorpommern, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland, Sachsen, Sachsen-Anhalt, Thüringen auf politische-bildung.de - Aktuelles,” accessed July 9, 2018, https://www.politische-bildung.de/kommunalwahlen_2014.html; “Information Zur Kommunalwahl - EU-Info.De,” accessed July 9, 2018, <http://www.eu-info.de/leben-wohnen-eu/6513/6788/kommunalwahl-2009/>.

⁶² Fabio Ghelli, “Europawahl: Lücke im EU-Wahlssystem,” *Die Zeit*, May 21, 2014, sec. Politik, <http://www.zeit.de/politik/ausland/2014-05/europawahl-doppelte-staatsbuergerschaft-doppelte-wahlbenachrichtigung>.

to register first in the diplomatic section in which they would vote. It seems that neither Italian nor Polish embassies share their electoral rolls with German authorities for comparison.

According to the electoral authority in Germany, the German communes inform the federal electoral authority of the list of EU citizen residents in Germany. This authority, in turn, sends this information to their home countries. However, it seems that this process does not eliminate the chance that someone votes twice. In the end, from the German side each person is responsible for making sure he votes according to the law and the responsibility to avoid engaging in unlawful behaviour rests with the voters, as they need to act in accordance with the law and vote only once when they register in Germany. Experts estimate that the volume of this (potential) problem would not surpass 1.6% of the population allowed to vote, thus having a limited potential impact on electoral outcomes⁶³ (including impact on seat distribution in the EP). However, it is one of the few topics that are present in the public debate in Germany, reflecting the general worry and politicization of topics such as “dual-nationality/citizenship” and corresponding double voting rights.

An article published by the *bpb* reports that during the electoral campaign for the EP election, German parties mostly used social media as outlets for information, but very seldom used the platforms for interactive communication, reacting extremely rarely to questions from users. Smaller parties were more present in social media campaigning, and also started earlier than bigger parties, probably with the hope that they could get a seat. Regarding the topics covered, a dominance of national topics, instead of European-wide topics, was observed⁶⁴. This is also supported by academic research showing a growing prevalence of the European political system in the party programs before 2004; however, this position was mostly derived from their national positions⁶⁵. This view was confirmed by an interviewee who has been active in the 2017 Bundestag elections for the SPD, but also is now active in the preparation for EP elections coming up in 2019, who mentioned that the single most important measure to increase the political participation of EU citizens in the EP elections would be to strengthen the European character of EP elections, and also to reach voters with topics that appeal to them.

According to another party officer, from the FDP, interviewed for this study parties campaign differently for EP elections; while communal, Bundestag, and EP elections require similar efforts, as the machinery and financial resources are almost the same, it is obvious to the interviewee that the bigger parties give their candidacies to their representatives who want to be posted to Brussels, but who do not necessarily have the profile for the EP, as a sort of recognition, and this means that they conduct their EP election campaigns quite differently than other parties for which EP elections are very important in their platforms, such as the FDP or the Greens. In smaller parties the EP elections and campaign is much more present and these parties dedicate relatively more resources to it. The bigger parties do not invest as much time and energy into these campaigns.

⁶³ Ghelli.

⁶⁴ Kathrin Voss, “Der Europawahlkampf im Netz | bpb,” Blog zur Europawahl 2014, 2014, <https://www.bpb.de/dialog/europawahlblog-2014/180245/der-europawahlkampf-im-netz>.

⁶⁵ Tanja Binder and Andreas M. Wüst, “Inhalte Der Europawahlprogramme Deutscher Parteien 1979-1999,” *Aus Politik Und Zeitgeschichte*, no. 17 (2004): 38–45.

Local elections

Experts estimate that the rate of EU citizen participation in communal elections in Germany is between 20 and 30%⁶⁶. However, no systematized information was found for the whole country. It is impossible to know how many EU citizens actually vote in the country because of vote secrecy in Germany, and local governments report the public the participation rates in different formats, times and not always according to nationality. Here two examples can be provided. The city of Stuttgart (in the state Baden-Württemberg), reported that the participation rate of EU citizens in its communal elections went from a peak of 26.5% reached in 2003, to an all-time low, after an already low turnout of 14.2% in 2011⁶⁷. of 22% in 1999 and of 18% in 2004, which is considerably below the participation rate of all voters in Stuttgart (48% in 1999; 49% in 2004). For the local elections, only 11.4% of the eligible EU residents voted, which is in fact the lowest value ever, dropping from the already low 14.9% in 2009⁶⁸. In the last elections for the city parliament of Bremen (not state elections), 12.5% of the EU residents with the right to vote actually voted. The fact that the number of invalid ballots was higher among EU residents than among German residents (4.6% as compared to 2.9%) suggests that there is still work to be done to explain the voting procedure to non-German residents.

With regard to local elections, some press articles highlight how some communes organize information events to make their candidates to local councils known, including those who are European citizens and stand as candidates for these elected bodies⁶⁹. Some communes inform their eligible citizens in several languages. However, it is up to each commune to decide what kind of outreach should be implemented and in what languages.⁷⁰ In Munich, for example, just before the local elections of 2014, the parties seemed to discover the EU citizens living in their city as a notable group of voters and reached out with election posters written in different languages. Thematic events were organized by the city to show the interest of the parties for the EU citizens and to showcase the immigrant composition of the candidate lists to the local elected bodies⁷¹.

Some non-governmental organizations give advice on how to navigate the registration process and understand the EP elections. Websites, targeting young voters, especially Erasmus students (such as the European Students' Forum), permanently provide up-to-date

⁶⁶ Magali Mohr, expert from the organisation d|part, as quoted by Kulms and Vorreiter, "EU-Bürger in Deutschland - Als Wähler unsichtbar, von der Politik vernachlässigt."

⁶⁷ Statistisches Landesamt Bremen, "Kommunalwahlen Am 10. Mai 2015 Im Land Bremen" (Bremen: Statistisches Landesamt, August 2015).

⁶⁸ Michael Haußmann, "Wahlbeteiligung der Unionsbürger/-innen erreicht bei der Gemeinderatswahl 2014 ein Rekordtief," *Statistik und Informationsmanagement, Monatsheft 7/2014*, July 2014, 1.; Landeshauptstadt Stuttgart, "Wahlbeteiligung von Jugendlichen bei der Gemeinderatswahl 2014," www.servicex.stuttgart.de, 2014.

⁶⁹ Christina Seipel, "Bunter werden," *sueddeutsche.de*, February 27, 2014, sec. muenchen, <http://www.sueddeutsche.de/muenchen/ebersberg/nicht-nur-waehlen-kandidieren-bunter-werden-1.1900440>.

⁷⁰ Marcus Alwes, "Wahlrecht bei Kommunalwahl 2016: Informationen Für EU-Bürger in Bramsche in Sechs Sprachen," *Osnabrücker Zeitung*, August 8, 2016, <https://www.noz.de/lokales/bramsche/artikel/755878/informationen-fur-eu-burger-in-bramsche-in-sechs-sprachen>.

⁷¹ Melanie Staudinger, "Wie die Parteien um Stimmen der EU-Ausländer buhlen", *sueddeutsche.de*, 2014, sec. muenchen, <http://www.sueddeutsche.de/muenchen/eu-buerger-bei-der-kommunalwahl-andate-a-votare-1.1908048>.

information in English on the voting process and links to authoritative sources to fill out the necessary forms⁷².

In Germany there are some media articles on the low participation, regressive proportionality, the asymmetric chances of candidates in different *Länder* in Germany due to the distribution of votes per party and per list, and also about the voting methods and the desirability of including electronic voting methods. Voter statistics, surveys and exploratory probes show low interest of EU citizens both in local elections and EP elections. It is notable that there is less information about the participation of EU citizens in local elections compared to information about their participation in EP elections. Some articles mention the right of EU citizens living in Germany to vote when they talk about the EP elections, as if their content and the characteristic as EU citizens together were the main argument to stimulate them to vote, while very few mention EU citizens as an electorate for the communal elections.⁷³

Because of its federal political system Germany has subnational electoral authorities and electoral statistics. Following this, the *Länder* keep their own data, and for the local elections nearly no data is collected about the participation and voting tendencies of EU citizens, also because of the small amount of EU citizens voting in local elections. The research on electoral behaviour has paid some attention to communal elections, but there are hardly any studies on the specific voting behaviour of EU nationals resident in Germany. One of the reasons for this is the low participation of EU nationals. There are, however, some *Länder* that collect and provide this information, as well as some surveys and exit polls available that give a picture of their participation, but these are, again, limited to some *Länder* or even cities.

The survey by Infratest dimap (a widely recognized provider of election polls and political forecasts in Germany) on the communal elections in Nordrhein-Westfalen on May 25th 2014, for example, revealed that from 13,652 surveyed persons in 100 randomly selected electoral districts, 249 were EU nationals, amounting to a mere 2%. There are marked differences with regard to their voting preferences compared to the German population: in the whole state the CDU received 37.5% of the votes, followed by the SPD with 31.4%. For EU nationals the proportions were almost the opposite: the SPD gathered 39% of the votes, and the CDU only 30%.⁷⁴ The city-state of Bremen provides public and quite detailed information about electoral turnout for their city elections. Thanks to this, we know that the party that received most votes was the same for both Germans and EU-residents (the SPD), but that in comparison, EU citizens voted more than German citizen voters for the Greens, Linke, FDP and Piraten, while they gave less votes than German voters for the CDU, BIW (*Bürger in Wut*- Citizens in Anger) and AfD, all of which are on the right-conservative political spectrum⁷⁵.

⁷² AEGEE, "How to Vote?," *AEGEE-Europe | European Students' Forum* (blog), 2018, /yvote2014/voting-guide/how-to-vote/.

⁷³ Alwes, "Wahlrecht bei Kommunalwahl 2016"; "Keine Ahnung vom Wahlrecht," Deutschlandfunk Nova, accessed July 9, 2018, <https://www.deutschlandfunknova.de/beitrag/kommunalwahlen-eu-buerger-wissen-nicht-von-ihrem-wahlrecht>; Kulms and Vorreiter, "EU-Bürger in Deutschland - Als Wähler unsichtbar, von der Politik vernachlässigt."

⁷⁴ Irina Roth, July 30, 2014, https://www.infratest-dimap.de/uploads/media/20140730_Infratest_dimap_EU-Auslaender.pdf.

⁷⁵ Statistisches Landesamt Bremen, Kommunalwahlen am 10. Mai 2015 im Land Bremen, p. 16.

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

The legal basis that defines the electoral rights of Germans living abroad is found in the German Constitution, which defines German nationality (*Grundgesetz für die Bundesrepublik Deutschland*), art. 116, and the Federal Electoral Law (*Bundeswahlgesetz*, § 12-15), as well as the Federal Electoral Regulations (*Bundeswahlordnung*), which define eligibility to vote⁷⁶. German nationals residing abroad (commonly referred to as “*Auslandsdeutsche*”) can vote by postal vote for EP elections and for the German federal parliament (*Bundestag*). They are excluded from subnational elections. Eligibility is determined by nationality, age (they must be at least 18 years old) and they must be able to prove residence of at least 3 months in Germany after their 14th birthday and in the last 25 years. Alternatively, the residence requirement can be waived if the applicant can prove a connection to Germany for other reasons and also prove that they are personally and immediately familiar with the political conditions in Germany and affected by them⁷⁷.

According to the legislation in force since 2012, anyone who can demonstrate credibly, via a personal justification and a sworn statement, how he or she “has become personally and directly acquainted with the political conditions in the Federal Republic of Germany and is affected by them,” may submit an application in their home district⁷⁸. Germans living abroad must register with the municipality in which they last lived. If they have never lived in Germany, they must apply to be registered within the community from which their “personal familiarity” comes, for instance in the German city in which they work, or where their parents come from. However, clear information on the documents that serve to “credibly demonstrate” acquaintance and affectedness are nowhere to be found. The Law makes the case clear for “local employees of German nationality in German representations abroad, workers at Goethe Institutes, in Institutes of Humanities abroad, in the external offices of German political foundations, in development cooperation or in the chambers of commerce, as well as media correspondents abroad”. Furthermore, the Federal Constitutional Court has ruled in case 2 BvC 1/11 - Rn. (1-70) of July 4th, 2012 that under the same law other groups that can be considered are commuters who reside abroad, but close to the border, but are regularly in Germany because of their work, or those persons who, by virtue of their engagement in associations, parties and other organisations, do participate to a significant degree and breadth in the political and social life of the Federal Republic⁷⁹. Yet these examples are not binding, as they have not been incorporated into the law. Despite the

⁷⁶ Wissenschaftliche Dienste Bundestag, “Wahlrecht Für Auslandsdeutsche Und Zulässigkeit Einer Urnenwahl in Deutschen Auslandsvertretungen3-052-13-Pdf-Data.Pdf,” Dokumentation (Berlin: Bundestag, 2013), <https://www.bundestag.de/blob/413474/9367b569a444144f6a54455d5af31e49/wd-3-052-13-pdf-data.pdf>.

⁷⁷ In German, this reads: “persönliche und unmittelbare Vertrautheit mit den politischen Verhältnissen in der Bundesrepublik”, as stated in § 116 GG, § 12, 13 of the Federal Electoral Law -*Bundeswahlgesetz* (BWG).

⁷⁸ Julia Herrnböck, “Wahlrecht für Auslandsdeutsche: Persönlich betroffen,” *Die Tageszeitung: taz*, August 30, 2017, sec. Politik, <https://www.taz.de/!5436840/>.

⁷⁹ BVerfG, Beschluss des Zweiten Senats vom 04. Juli 2012 - 2 BvC 1/11 - Rn. (1-70), http://www.bverfg.de/e/cs20120704_2bvc000111.html

confidence expressed by federal authorities in charge of Germans abroad (both at the Foreign Ministry⁸⁰ and the Federal Electoral Commissioner's office⁸¹) that this process is manageable and it is thus easy to include these individuals in the franchise, some testimonies of Germans abroad who tried more than once to get their application accepted, but failed in this process, have reached the mass media⁸².

The Federal Electoral Commissioner's office refuses to give a basic description of what counts as a credible acquaintance and affectedness across districts in the Federation, as the decision, like so many other issues related to electoral participation in Germany, lies within the electoral district that receives the application and is made through an individual case procedure (*Einzelfallprüfung*). According to a study produced by the Bundestag, the Ministry of Interior has, however, produced guidelines in 2015, giving some illustrations of what may qualify for municipal authorities⁸³, but these guidelines cannot be found online. However, despite this, there seems to be plenty of room to interpret the law.

EP elections

All the information above also applies for the EP elections.

3.2 Voter Registration

National elections

The non-resident German citizens (specifically, German citizens who are not officially registered as residents of a commune in Germany) have to register actively in the electoral roll every time they want to vote as they will not be automatically registered (in contrast to residents) and will not even be automatically registered after a first active request to be entered onto the roll (in contrast to EU nationals who reside in Germany), since German authorities have no other way to verify what their current residence is. The application can be found online and has to be sent to the commune in Germany where they lived before going abroad or where they have a biographic connection. The application form for the electoral roll has to arrive up to 21 days before the election, although there must still be some time to receive the postal voting documents and to send them later, so a lot more time is necessary for the procedure, considering that postal mail can take a long time to be delivered to and from different countries. If the request succeeds, the voter will receive their ballot via mail and the ballot has to be sent back to the commune again via mail, or handed in personally in the polling station if the person returns to Germany. Some German representations abroad offer to send the ballots to Germany from abroad, but the information about which of them offer this service is not systematic (it depends on each representation and their online

⁸⁰ Interview with a public servant who prefers to remain anonymous at the 505-10 Unit of the Foreign Ministry, 16 July 2018.

⁸¹ Brigitte Gisart, from the Federal Electoral Commissioner's Office, as quoted in Herrnböck 2017.

⁸² Herrnböck 2017.

⁸³ Wissenschaftliche Dienste Bundestag, "Das Wahlrecht der Auslandsdeutschen zum Deutschen Bundestag Gemäß § 12 Abs. 2 Satz 1 BWahlG Verfassungsmäßigkeit Der Regelung Und Verwaltungspraxis Im Hinblick Auf Mitarbeiterinnen Und Mitarbeiter Bei Internationalen Organisationen Sowie Rechtsvergleichende Betrachtung" (Berlin: Deutscher Bundestag, 2016), <https://www.bundestag.de/blob/423388/66e1d53be6617955212d6c18e008eeb0/wd-3-076-15-pdf-data.pdf>.

presence). Voters have to check this themselves at the German representation (consulate or embassy) abroad closest to them⁸⁴.

The Federal Electoral Commissioner's office informs Germans abroad, through its website, about their rights and the requirements to register and vote, as well as the relevant deadlines, about half a year in advance of the election. If Germans abroad are registered at their next embassy or consulate it is likely that they will be informed in a timely manner about the deadlines to register for the election; otherwise the embassies have no means of reaching them.

EP elections

For EP elections specifically for Germans who reside in the other 27 countries of the EU the residence requirement counts towards their current district of residence as well, so that if they have not resided there for three months before the elections they may also have to prove that they have resided before in Germany. For those who want to vote for the EP in Germany but do not have an officially registered residence in Germany, they must register in time in their local commune in Germany before the election, by filling in a form and assuring under oath that they are eligible. If they reside in another EU country they have to decide between the election in their residence region and their home region in Germany. The Federal Electoral Commissioner's office provides this form available online. The form has to be printed, filled out and sent by post (fax or email are not admitted) to the local commune for processing. Applicants are responsible for making sure that this application arrives in time, which can be quite uncertain for Germans living in remote locations or in places where postal services are unreliable.

The authorities interviewed for this study did not seem to consider possible solutions to help Germans abroad send their votes in a timely manner (neither technical solutions nor larger electoral reforms that would allow Germans abroad to exercise their right to vote through other methods). On the contrary, they emphasized time and again that postal voting is "comfortable" and "generous" and that the responsibility for the votes to arrive in time lies with the voters.

Germans who are only temporarily abroad and remain registered as residents in Germany will be automatically registered in the electoral roll for the EP elections and can vote by mail, but as for any other German resident, they must apply to receive the ballot by post and make sure that it arrives at their electoral district before the elections.

3.3 Turnout

Estimations of Germans abroad are quite tricky due to the different categorizations across countries for immigrants/emigrants, and the lack of information in many countries for how many naturalized immigrants preserve their German nationality. As of 2010 there were 1.14 million Germans residing outside Germany but within Europe, but this might be a conservative number, given that the member states have given these statistics out of good will

⁸⁴ Der Bundeswahlleiter, "Wahlrecht für Deutsche im Ausland" Presse, April 11, 2014, <https://www.bundeswahlleiter.de/info/presse/mitteilungen/europawahl-2014/2014-04-11-wahlrecht-fuer-deutsche-im-ausland.html>.

to Eurostat⁸⁵. According to an OECD study conducted in 2005 there were around three million Germans residing abroad, which again seems like a conservative figure.⁸⁶ The range of estimations is very ample, depending on the definitions.

National Elections

It is known that for the German Bundestag elections of 2013, 67,057 applications to register in the electoral roll from abroad were accepted, from which 64,902 were under the Federal Electoral Law (*BWG*), 2. Nr. 1. This means that after their 14th birthday and within the previous 25 years they lived in or had a habitual residence for at least three months uninterruptedly in the Federal Republic of Germany). Only 2,155 applications arrived under *BWG*, 2, Nr. 2, which applies to German citizens who never resided in Germany or their residence was more than 25 years ago). Yet there are no reliable public data at the federal level about the number of applications rejected; the Federal government has only published some data that subnational authorities have made available, which is that they were about 1,000 applications under Nr. 1 in 2013. Apparently, 500 applications were rejected in 2013 precisely because applicants were not able to prove a connection to, and that they were affected by, the political situation in Germany.⁸⁷

According to the study by the Bundestag reporting these numbers, however, a rejection of an application under Nr. 2 for a residence that dates back more than 25 years is only possible when no other reasons justify acquaintance and affectedness. The reasoning is that legislators created Nr. 2 precisely to open that avenue for interpretation. Also, they interpret that the requirements for providing reasons should be fewer or lighter the closer the applicant is to having fulfilled Nr.1.⁸⁸

EP elections

Of the Germans resident abroad only 13,701 requested to be entered onto the electoral roll of their home district in Germany for the 2014 EP elections; almost 40% of these where applications received from EU states, while slightly over 40% came from the rest of the Council of Europe states, and the remaining 20% from the rest of the European states, and the rest of the world, with the highest number of requests coming from the Americas (1,231) and Asia (983)⁸⁹. In comparison to the number of applications to vote in EU elections received in 2009 (11,292) this meant an increase of 20%. From the EU states in 2017, 100,100 Germans living abroad were registered in an electoral roll of their commune⁹⁰. A news report quotes a *Bundeswahlleiter* officer saying that through better information policy and the internet, more and more Germans want to participate in German elections abroad, as shown by steadily

⁸⁵ BVerfGE 132, 39 (43)

⁸⁶ Morlok, Martin and Alexandra Bäcker, Zur Beteiligung von Auslandsdeutschen an der politischen Willensbildung, MIP 2013, 5 (9).

⁸⁷ Florian Rötzer, "Manchen Auslandsdeutschen wird die Teilnahme an der Wahl aus dubiosen Anforderungen verwehrt," Telepolis, September 2017, <https://www.heise.de/tp/features/Manchen-Auslandsdeutschen-wird-die-Teilnahme-an-der-Wahl-aus-dubiosen-Anforderungen-verwehrt-3837788.html>.

⁸⁸ Bundestag, "WD3 - 3000 - 076/15," 11.

⁸⁹ Statistisches Bundesamt und der Bundeswahlleiter, "Wahl Der Abgeordneten Des Europäischen Parlaments Aus Der Bundesrepublik Deutschland Am 25. Mai 2014," 30.

⁹⁰ Thorsten Nieberg, "Auslandsdeutsche - bpb," www.bpb.de, June 2013, <http://www.bpb.de/gesellschaft/migration/kurzdosiers/160471/auslandsdeutsche>.

rising numbers of voters from abroad⁹¹. In turn, a higher number of Germans resident in another EU country preferred to vote there, and so 133,703 persons requested to be registered to vote in their districts of residence: 35,529 in Spain, 22,511 in France, 18,966 in Austria, 12,342 in the UK, and 12,926 in the Netherlands⁹². With regard to candidacies, two German residents abroad (in the USA and in Belgium, respectively) made it to the candidate lists to the EP 2014 elections. On the other hand, 21 Germans resident abroad within the EU became candidates in the lists of those EU countries where they reside: in Austria, Belgium, Spain, France, Rumania, Slovakia, the Netherlands and the UK⁹³.

With regard to obstacles for the participation of Germans abroad in EP elections, some articles consider the difficult procedure to get the ballot, including the new requirements for those who cannot fulfil the residence requirement and need to prove a connection to the country (Nr. 2) and affectedness by the political situation in the Federal Republic of Germany⁹⁴.

Again, some parties seem to be more active than others in promoting the participation of Germans abroad within their structures and for elections held in Germany. The activities of German parties abroad are organized through foreign local associations or “groups of friends” of the parties abroad. These organs should not be confused with the political foundations of German parties abroad, which may not conduct electoral campaigns. Rather, those foreign local associations or groups of friends are relatively open to members who may or may not be German. In fact, only the leaders of these organizations must be official members of the party and pay their fees⁹⁵. Their activities are usually directed to offer German citizens living abroad access and participation opportunities in the parties, but also to cultivate and intensify the contact to related parties abroad (that is, to liberal parties in the case of the FDP, to social democratic parties in the case of SPD, to green parties, in the case of the Greens, and so on). These groups also support the German parties’ work by asking the Germans abroad about their specific German interests abroad and sharing their findings with German parties, so that the latter can have a way of knowing the issues that worry Germans abroad.⁹⁶ As a different offer, some parties (e.g. the SPD) have an international local association intended not for Germans who permanently reside abroad, but rather party members who are temporarily abroad or whose jobs oblige them to move frequently⁹⁷.

⁹¹ quoted by Carla Bleiker, “Neues Wahlrecht für Auslandsdeutsche | DW | 08.05.2013,” DW.COM, May 8, 2013, <http://www.dw.com/de/neues-wahlrecht-f%C3%BCr-auslandsdeutsche/a-16797154>.

⁹² Statistisches Bundesamt and Der Bundeswahlleiter, “Wahl Der Abgeordneten Des Europäischen Parlaments Aus Der Bundesrepublik Deutschland Am 25. Mai 2014,” 31.

⁹³ Böth 2014, “Europawahl 2014”, p. 298.

⁹⁴ Herrnböck, “Wahlrecht für Auslandsdeutsche.”

⁹⁵ FDP Auslandsgruppe in Europa, “Wer sind wir?,” AGE, July 21, 2018, <http://www.fdp-europa.eu/>; SPD, “Unsere Regeln - SPD Paris,” SPD Paris, accessed on July 22, 2018, <https://www.spd-paris.de/unsere-regeln/>; CDU Freundeskreise im Ausland, “Auslandsdeutsche und Freundeskreise,” Christlich Demokratische Union Deutschlands, July 2018, <https://www.cdu.de/auslandsdeutsche>.

⁹⁶ CDU Freundeskreise im Ausland, “Auslandsdeutsche und Freundeskreise.”

⁹⁷ Niels SPD, “Die SPD im Ausland,” Sozialdemokratische Partei Deutschlands (SPD), July 21, 2018, <https://www.spd.de/partei/organisation/auslandsfreundeskreise/>.

4. Conclusion

Beyond issues of substantive political interest (i.e. lack of identification with issues at the European level, perception of European parliamentarians as aloof and disconnected from local and national realities, and perceived “democratic deficits” related to electoral formulae) which are debated across the EU, the most important hurdles for the participation of German nationals resident and non-resident in Germany and of EU nationals who reside in Germany in EP elections are the lack of accessible information, which is critical given the different and confusing procedures for registration in the electoral roll for each of these different groups of voters, and the fact that the scant materials only reach (potential) voters in German, and have a limited distribution and diffusion in mass media.

The interest of media and academia in the topic is also low. This can perhaps be explained by the fact that EU citizens are neither the most numerous group of foreign residents in Germany, nor the most salient community in recent public debates. However, this lack of interest and academic research on participation in EU elections in Germany also results from – and reinforces – the lack of systematic data that allows for the identification of exactly how many voters belonging to each of the three studied groups exercise their voting rights for elections at different levels. A straightforward proposal for improvement here would be to request local authorities to go beyond bearing responsibility for keeping data: if they committed to share the data across relevant agencies and if there was an agreement for its systematic aggregation at the federal level, policy-makers would have at hand a fundamental information resource about the pool of voters in the country⁹⁸. Moreover, there is much room for improvement in clarifying the mandate of German authorities to make public the electoral rights, the procedures to vote, and the general information on the elections and how votes are converted into seats; at the moment all efforts to reach out to voters and inform them about their voting rights and voting procedures are left to local authorities, which develop quite different strategies to this end. At the very least, a forum could be created for them to share and compare what works and not in terms of campaigns to stimulate participation, but maybe the goal should be more ambitious; for instance, to establish some federal guidelines with a minimum of efforts and commitments to promote the vote in different languages and through different local media. A more coordinated strategy among the different relevant federal authorities in charge of this task – Bundeswahlleiter, Bundeszentrale für politische Bildung, Ministerium des Innern, Auswärtiges Amt and the EU delegation within it – should contribute to avoiding passing responsibility onto another authority for making or not making enough effort to reach out to voters. This does not even take into account the added difficulty that strong electoral federalism poses in Germany, where the municipalities and separate electoral districts have to coordinate, and organize the elections, and decide on the applications of EU citizens and Germans abroad to be entered onto the electoral roll. From several news reports it seems that these different agencies at different levels need to coordinate much more strongly to ensure that the people with voting rights in German can actually exercise their electoral rights.

Moreover, much could be learned by Germany from other countries about how to organize dynamic campaigns to incentivize electoral participation through different means – debates, events at all levels that bring candidates closer to voters, online information campaigns, microsites on each election with easy-to-understand information and

⁹⁸ This deficiency in the sharing of data is obvious when comparing data provided by other EU countries to the data provided by German authorities to EU Statistical authorities, for example in the Report COM (2018) 44 on the Application of the Directive 94/80/EC.

infographics, social media presence of the electoral authorities, etc. At the moment, the relevant authorities keep to very conservative strategies, such as merely updating their websites before elections, and there are few mass media outreach campaigns. State information on the elections is clear and timely, but still too technical and confusing –even for trained readers. Even though there are different opinions on whether a longer campaign is beneficial or detrimental to motivate participation, there is certainly more potential for a federal campaign in Germany to mobilize the vote for EU elections, especially on mass media and social networks.

To move to a more positive aspect, from the sources collected and found so far – (which are too few and too scattered at the subnational level as to allow strong conclusions) it seems that holding elections concurrently –local and European; referendums and European – contributes to higher participation rates. From the research conducted so far it is also apparent that there are no organizations of EU nationals that have electoral participation as one of their goals, and which are present on the Internet in order to mobilize people to that effect.

Related to the lack of systematic data on turnout due to vote secrecy, it must be said that this vote secrecy seems exaggerated as an excuse not to keep, share and systematize any data on different groups of voters. For instance, it does not seem to hurt the secrecy of the vote to at least register how many Germans voted from abroad. Even if the votes are mixed in their districts with all the rest, they could be deposited in a different box until before the election, separated from those who are voting by postal voting but are normally residents, as a prior step in order to count them and report their numbers. More openness of this information at all levels would help us understand the challenges for participation of Germany from abroad.

More clarity from federal authorities is needed regarding the possibility of Germany abroad registering from abroad, especially those who have never lived in Germany or whose residence abroad surpasses 25 years, who have to prove that they are acquainted with and affected by the political situation in Germany. Leaving all the responsibility for the votes reaching their districts in Germany to the voters scattered around the world seems like an unnecessarily adventurous procedure and maybe reveals the reluctant nature of the stepwise extension of the franchise to Germans abroad⁹⁹. The officials interviewed regarding this issue refused to even name possibilities for reform that would facilitate voting from abroad, even though extending the range of available voting methods would seem like an obvious option (e.g. to electronic voting via internet, to voting at embassies or by proxy). On the contrary, interviewees rather seemed to think that the current circumstances are too generous already. From the author's point of view, however, short of far-reaching electoral reform, some modest and relatively low-cost measures would already contribute to an easier procedure that would incentivize Germans abroad to vote: for example, embassies and regular consulates could universally serve as collection points for the ballots before a certain deadline, and guarantee through privileged means available to them (diplomatic mail) that the ballots can be transported to Germany safely and in a timely manner. German authorities seem too comfortable with their own performance. Interviewed authorities (especially the liaison offices with European institutions) lack reflexivity on the areas that could be improved. Also, they lack information on good practices elsewhere and on policies that could easily be adapted from practices in other countries (even neighbouring ones). This is astonishing, as the OECD estimates of the German emigrant population place it at the level of countries such as Italy or Turkey, which certainly have much more developed policies to incentivize their non-resident citizen to vote. Currently German authorities seem quite self-centred in

⁹⁹ Bundestag, “WD3 - 3000 - 076/15,” 5–8.

assessing their challenges with regard to immigration, overlooking the big challenges that still need to be tackled such as political inclusion of their own emigrant population and EU mobile citizens. It would be desirable that they engage with expert literature –especially comparative studies- outlining the great variety of practices through which states can incentivize the electoral participation of resident non-citizens and non-resident citizens.

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