

Comparative overview of the obstacles to political participation

FAIR-EU Analytical Report

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1 Introduction

This report gives an overview of the obstacles to political participation among mobile European Union (EU) citizens. Mobile EU citizens are defined for this purpose as ‘EU citizens who have exercised their right to move and reside freely within the territory of the Member States’.¹

More specifically, our focus is on people holding the citizenship of one Member State who have used their freedom of movement rights to live or work in another, and how their non-citizenship status in their country of residence, and external status relative to their country of citizenship, affects their ability and propensity to take part in elections in both countries.

The report focuses on the following categories of mobile EU citizens and elections:

1. The participation of EU residents who reside in a Member State other than that of their nationality (*non-citizen residents*) in municipal elections and European Parliament (EP) elections.
2. The participation of EU citizens who reside outside their country of nationality (*non-resident citizens*) in EP elections,

Drawing on an extensive body of research conducted from the FAIR-EU project, funded by the European Union’s Rights, Equality and Citizenship Programme (2014-2020), the report summarises and synthesises the findings of other FAIR-EU reports to give an overview of the obstacles to electoral participation amongst mobile EU citizens, and the extent to which these impede their propensity to vote and participate in public life.²

The report focuses on four aspects of participation:

- 1) legal and administrative challenges to electoral participation;
- 2) electoral outreach activities
- 3) how political parties accommodate mobile EU citizens,
- 4) whether mobile EU citizens mobilise outside of elections; and provides conclusions for the EU-28.

2 The basis of mobile EU voting rights

Though a small proportion of the overall EU population, and dispersed across the continent, the approximately 14.3 million people of voting age who live in an EU country other than their own collectively form a group that is larger than the individual electorates of 21 of the 28 Member States.

Residential concentration can mean that mobile EU citizens represent a sizeable proportion of potential voters in some locations. If they cannot fully access their democratic rights, the result may be a ‘representation gap’, in which their views are systematically less represented than those of other EU citizens. In other words, mobility potentially leads to diminution of democratic participation and quality amongst the mobile citizens of the EU, unless voting rights follow.

The largest shares of mobile EU citizens as part of the total voting-age population are small and older Member States. In Luxembourg, Cyprus, Ireland, Belgium and Austria, mobile EU citizens account for over 7 per cent of the voting-age population. Luxembourg and Cyprus in particular stand out from other Member States by having the highest shares of foreign EU citizens living in their countries (circa 41 per cent and 14 per cent of voting-age residents respectively). The smallest shares of mobile EU citizens are present in new Member States and specifically in Central and Eastern Europe (CEE) countries: in Poland, Lithuania, Bulgaria, Romania, Latvia, Croatia, where mobile EU citizens account for less than 0.5 per cent of the population.³

Since the Maastricht Treaty, national citizens of European Union (EU) Member States (MS) have been vested with a derivative citizenship of the Union. Such citizenship gives them not only the right to move and reside freely within the EU, but also the right ‘to vote and to stand as candidates in elections to the European Parliament (EP) and in municipal elections in their Member State of residence, under the same conditions as nationals of that State’.⁴ This ‘same conditions’ formulation is important insofar as it does not create a universal electoral standard across the Union, but leaves room for voting and candidacy rights to be accorded in line with national specificities. Voting and candidacy rights of mobile EU citizens in EP and municipal elections are regulated respectively by EU Directives 93/109/EC and 94/80/EC.⁵ These directives leave some leeway to Member States to produce national variations with regard to eligibility and access to electoral rights, as long as national citizens are treated in the same way. EU Directive 93/109/EC moreover aims to prevent double voting in EP elections by mobile EU citizens in the country of nationality as well as in the host EU Member State.

3 Factors affecting ability to participate in electoral activity

Participation in the electoral process is a product of two interconnected factors; eligibility and the ability – once eligible - to access the ballot in practice. In this section we examine the various factors that can affect how easy or difficult it is for mobile EU citizens to participate in the electoral process in their country of residence. First, in section 3.1 we examine issues of eligibility in principle, then, in section 3.2. and 3.3, of accessing the ballot in practice. Finally, we briefly summarise the findings of the FAIR-EU project when it comes to the background factors that further incentivise or disincentivise electoral participation in sections 3.4 and 3.5. In section 4, we go on to examine in more detail the available information on electoral registration and turnout among mobile EU voters.

3.1 Eligibility

3.1.1 Non-citizen residents

All Member States in principle grant mobile EU citizens the right to vote and to stand as candidates in municipal elections, in accordance with the provisions of the EU Treaties and the EU Charter of Fundamental Rights, and the terms of Directive 94/80/EC. However, several Member States apply additional requirements, such as variations in the technical definition of ‘residence’. Luxembourg is the only Member State that formally requires a minimum length of past residence (five years) for non-citizens from the EU to vote.⁶

However, the Czech Republic requires permanent residence for non-citizens from the EU who want to vote in municipal elections (non-citizens can apply for permanent residence after five years of temporary residence in the Czech Republic), even if this requirement is not always enforced in practice. In addition, Austria makes exceptions for the city of Vienna, which is both a province and a municipality and where non-citizen residents from the EU can only vote and stand as candidates in urban district elections. In the German city-states of Hamburg and Berlin, foreign EU citizens are allowed to vote for local communal organs of government in their town districts, but not for the city-state parliaments, which are considered to be legislative assemblies at the *Land* (state) level of the German federation. In addition, EU citizens cannot stand as candidates for municipal assemblies in the German state of Bavaria and the city-states of Hamburg, Berlin and Bremen.

Directive 94/80/EC permits (but does not require) Member States to restrict certain municipal executive offices (‘elected head, deputy or member of the governing college of the executive of a basic local government’ – Art. 5.3) to their own nationals. About half of the Member States that do guarantee voting rights in municipal elections still apply restrictions to the right to be elected to certain executive offices for non-national EU citizens. While perfectly legal, this can still be considered a challenge to electoral participation of mobile EU citizens and limits them to playing a role in legislative politics only. The most common restrictions apply to the posts of mayor, as shown in table 1.

Table 1: List of executive offices to which mobile EU citizens are not eligible for election

Country	Restrictions apply to the position of:
Austria	Mayor (except in the province of Lower Austria) ⁷
Belgium	Mayor (but non-nationals can hold a seat in the city council and be appointed as alderman/alderwoman)
Cyprus	Mayor ⁸
Czech Republic	Mayor and deputy mayor City councillors (applies to the city of Prague only)
Estonia	Rural municipality or city mayor, or member of the municipal administration Rural municipality and city secretaries
France	Mayor
Germany	Mayor in Bavaria and Saxony (in other German states EU citizens can stand as candidates for mayor)
Greece	Mayor Secretary general of the region
Italy	Mayor Deputy mayor
Netherlands	Mayor Alderman
Poland	Mayor ⁹
Slovenia	Mayor

Source: various FAIR-EU country reports

3.1.2 Non-resident citizens

With respect to non-resident citizens, most of the Member States (23 of 28) guarantee voting rights in EP elections, if they live in the EU. The remaining five Member States do not allow nationals abroad to vote, or guarantee such rights only to specific categories of the population. Directive 93/109/EC acknowledges a mobile EU citizen's right to 'vote and to stand as a candidate in the Member State of which the citizen is a national' and 'to choose the Member State in which to take part in European elections'. But it does not make this a requirement, and indeed makes clear that these arrangements do not impinge Member States' prerogatives to determine their own external voting and candidacy rules. *De facto*, therefore, some mobile EU voters have a choice of whether to vote or stand for election to the European Parliament in their country of origin or of residence (with the caveat that double voting is prohibited), while others do not.

Moreover, some nationals residing abroad eventually lose their right to vote (e.g., British voters, after 15 years). Also citizens temporarily abroad encounter difficulties when it comes to voting. For example, some Member States only allow in-country voting or at diplomatic missions, while others put excessive administrative burdens on temporary absentees' access to the franchise. In some Member States, the challenges to voting rights of nationals living abroad have stirred public debate and action. In Ireland, the issue was brought up by the

‘Home to Vote’ campaign in recent referendums and considered by a citizens’ convention. In the United Kingdom, the Conservative Party manifestos of 2015 and 2017 committed to – though have so far failed to deliver onto the statute book – a ‘Votes for Life’ bill, and a recent petition proposing votes for life and overseas constituencies to better represent British citizens living abroad has attracted over 10,000 signatories.

The implementation of EU legislation regarding EU citizens’ voting rights in host countries also faces some technical challenges. In particular, the information exchange with other Member States regarding where citizens wish to vote in EP elections could be improved. There are different standards for managing population registries across Member States, (including data specifications and formats) and the electoral rolls are created at different points in time. This means that the registries are not always compatible and registration deadlines cannot always accommodate voters who wish to switch the country of voting.

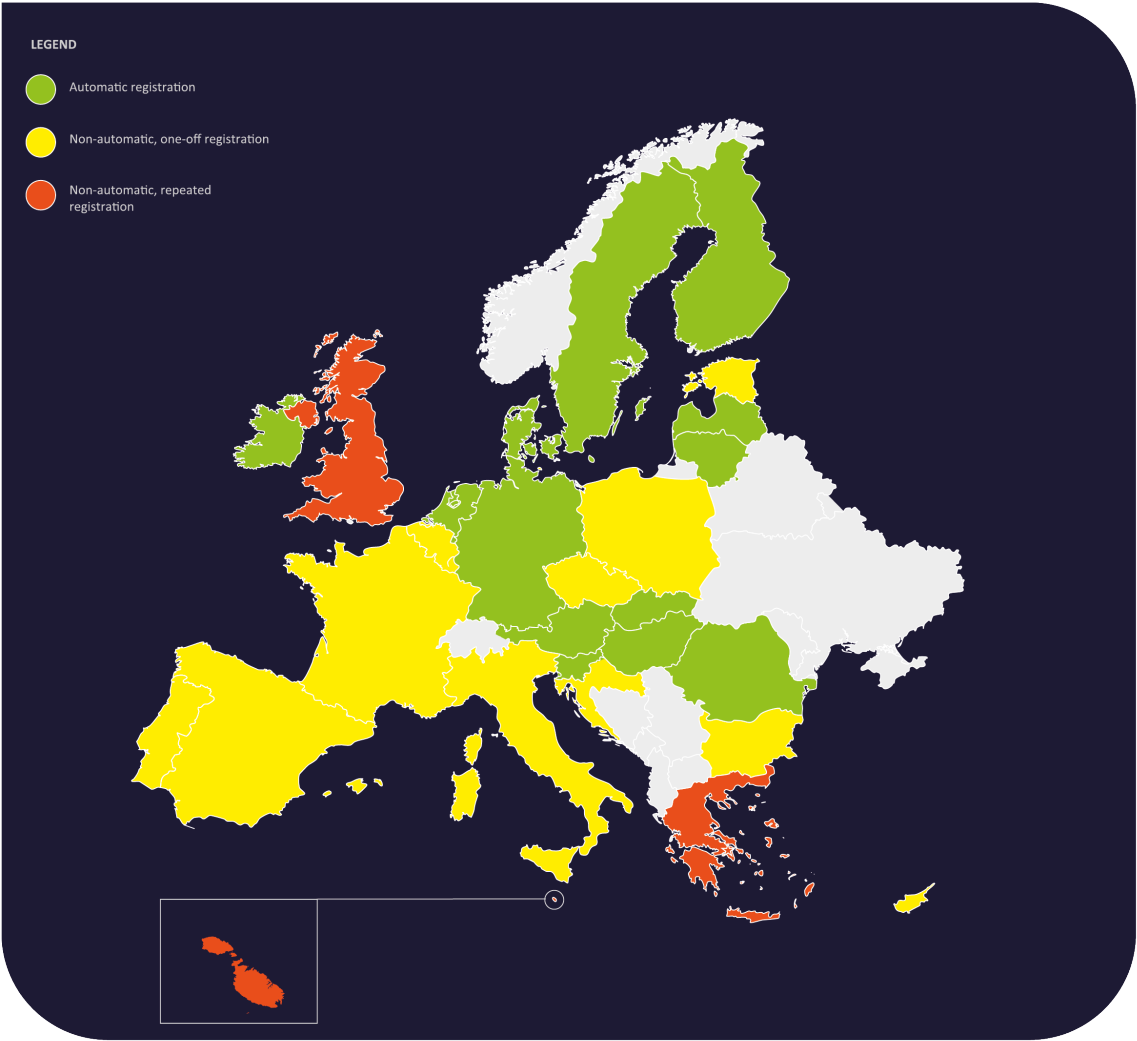
3.2 Registration

3.2.1 Municipal elections

Only a minority of Member States offer mobile EU citizens automatic voter registration in EP and municipal elections. In several Member States, the need for active registration is perceived as a challenge to participation, in part because it is considered as a burdensome procedure and in part because potential voters risk missing registration deadlines, which can be a long time before the actual elections. Moreover, some Member States put additional administrative burdens on non-citizen residents, such as annual renewal of registration, a requirement to renew for each election, or the need to apply for ballots.

Voter registration is automatic for non-citizen residents in municipal elections in only 13 of 28 Member States (as illustrated in Figure 1). In 12 Member States registration is non-automatic but one-off, while three Member States require repeated registration at each election (Greece, Malta and United Kingdom).

Figure 1: Voter registration modalities for non-citizen residents in municipal assembly elections



3.2.2 European Parliament elections

In the case of EP elections, only three Member States offer non-citizen residents from the EU automatic voter registration (Ireland, Latvia, Lithuania). The majority of states (25) require active registration but most (18 of 25) allow a one-off registration, which is automatically renewed for subsequent elections.

In addition to non-automatic voter registration, one of the key challenges for *non-citizen residents* is the lack of information and targeted campaigns about voter registration, as well as limited information in different languages.

Among MS that grant voting rights to *non-resident citizens*, voting registration is automatic only in 12 Member States. Nine Member States require repeated registration, and two have one-off registration. The remaining five (Cyprus, Hungary, Ireland, Malta, and Slovakia) only offer voting rights to very restricted groups of voters (e.g., for diplomats and their spouses in Ireland, and for public servants and members of armed forces in Malta).

For *non-resident citizens*, an important challenge is the lack of accurate registers of citizens residing abroad, which hinders the contacting of citizens by authorities and limits the research

about their electoral behaviour (due to the lack of definitive numbers by which to calculate the number of potentially eligible voters abroad).

Many voters are either not aware of the need to register due to lack of effective information, or simply miss the registration deadlines. Moreover, in some Member States the registration deadlines are very far away from the actual election day.

Even more importantly, in EP elections, where most mobile EU citizens can decide whether they want to vote in their home country or in their host country, some mobile EU citizens risk being deleted from the electoral registry in the country where they intended to vote, because they were simultaneously registered in another electoral registry. Although there is a formal procedure for exchanging information, in practice its operation is rather ineffective. In total, around 600,000 such notifications between countries' electoral authorities were made in the 2014 EP election across the EU28 – but the fewer than half the voters could be identified by their home country's national authorities, and many exchanges of data were incomplete or too late.¹⁰

In other cases, the lack of coordination regarding voter registration across Member States may also produce unintended consequences. For example, a French citizen who is already registered to vote in EP elections in another country (where voter registration is automatic) may still register on the consular electoral list, but subsequently be automatically deleted, after the French electoral commission has received the list of French voters registered in another Member State.¹¹ Finally, slow and inefficient postal services in combination with short timeframes for voter registration and voting create considerable difficulties for nationals living abroad.

3.3 Voting methods

Almost all Member States that guarantee non-resident citizens the right to vote in EP elections also offer the possibility of remote voting from abroad,¹² including personal voting at diplomatic missions (17), postal voting (13) and proxy voting (4). In addition, in 18 countries it is possible to vote in the country in person, if returning for the purpose. Estonia is the only Member State that provides the possibility of electronic voting. Many of the countries offer multiple ways of remote voting. Table 2 shows the particular combinations by country.

Table 2: Methods of voting for external citizens, EP elections, EU28

	Country	In country	Postal	At diplomatic missions	Proxy	e-voting
AT	Austria	x	x			
BE	Belgium	x	x	x	x	
BG	Bulgaria	x		x		
CY	Cyprus					
CZ	Czech Republic	x				
DE	Germany	x ¹³	x			
DK	Denmark ¹⁴	x		x		
EE	Estonia	x	x	x		x
EL	Greece	x		x		
ES	Spain		x	x		
FI	Finland	x		x		
FR	France		x	x	x	
HR	Croatia	x		x		
HU	Hungary ¹⁵					
IE	Ireland					
IT	Italy	x		x		
LT	Lithuania		x	x		
LU	Luxembourg		x			
LV	Latvia	x	x			
MT	Malta					
NL	Netherlands	x	x	x	x	
PL	Poland ¹⁶	x		x		
PT	Portugal			x		
RO	Romania ¹⁷	x		x		
SE	Sweden	x	x	x		
SI	Slovenia	x	x	x		
SK	Slovakia					
UK	United Kingdom	x	x		x	
	<i>Total</i>	<i>18</i>	<i>13</i>	<i>17</i>	<i>4</i>	<i>1</i>

Key: 'x' means that the voting modality is available.

Several Member States offer only in-country and/or embassy voting, which makes electoral participation costly and time consuming for non-residents that live far away from (the few available) polling stations. Previous studies suggest that postal voting increases turnout by as much as 10 per cent,¹⁸ and recent consultations among EU citizens indicate that expanding the remote voting possibilities in Member States would facilitate electoral participation.¹⁹ The 'truly remote' voting methods – postal and e-voting – are offered only by 13 of 28 Member States. While increased opportunities to vote remotely are clearly desirable, they also represent some challenges. As mentioned above, postal services are inadequate in some countries and often fail to deliver votes in time, while e-voting can *de facto* exclude people

without technical skills or resources, and involves risks related to online security. We would argue that the most inclusive voting methods for non-resident citizens are therefore those that combine several options, such as embassy, postal and electronic voting.

3.4 Outreach

A previous consultation carried out by the European Commission shows that many mobile EU citizens consider that information on how to vote is insufficient or unclear. At the same time, although most of the consulted stakeholders work on topics related to EU citizens' participation in elections, the awareness among them of outreach to mobile EU citizens is limited. Stakeholders identify the lack of information in multiple languages, and the fact that the information is rarely provided at different points in time (i.e. well in advance and shortly before voter registration/elections) as main challenges. In most cases, information to non-citizens is provided in the official language and in English, while outreach in multiple languages is infrequent among both public authorities and NGOs. Moreover, most actors seem to concentrate their information provision in one electoral phase, either shortly before registration or well in advance of registration. It is also worth noting that NGOs and self-organised groups of citizens seem to use social media and personal meetings to a greater extent than governmental stakeholders.

3.5 Political environment

Our research reveals that political parties carry out electoral campaigns targeting non-national EU voters only in a few Member States. This involves campaigning in different languages, meeting with communities of non-citizens, and proposing names of non-citizens on electoral lists of parties. At the most basic level, campaigning among non-citizens simply involves creating sections of party websites in other languages, where non-nationals can access information about voter registration and voting, about party programmes, and membership. At the same time, non-citizen residents from the EU face challenges to found political parties and become members of political parties in several countries. These challenges relate to laws that reserve party formation to nationals or impose limits on the share of members that can be non-nationals. Moreover, the law in some Member States does not allow non-nationals to join a party, or requires them to first acquire permanent residence in the country. Since European political systems are generally party-based, this in practice makes it almost impossible for mobile EU candidates to stand for election in these country with a realistic chance of being elected. Regarding candidacy, the limited data emerging from our study suggest that political parties in a majority of Member States put some non-nationals EU citizens on lists of candidates, but the share of elected non-nationals varies considerably across countries.

Compared to non-citizen residents, non-resident citizens are more favoured by both Member State laws and political parties of their home country. They rarely face legal challenges to found political parties, or to become members or even leaders of political parties. Moreover, political parties in several Member States are quite active in campaigning with nationals abroad.²⁰ Some of them have broad networks of diaspora organisations which campaign abroad on their behalf, while others have specific party sections for non-resident citizens.

Non-resident citizens are also more often involved in non-electoral participation compared to non-citizen residents. Our research suggests that non-citizen residents rarely engage in protests or other political activities, apart from a few exceptions including mobilisations in Brussels that aim at influencing the EU; Brexit-related campaigns in the UK; and municipal

initiatives at city or province-level in other parts of Europe. In contrast, there are plenty of examples of nationals abroad who have mobilised for political causes. Some of the most prominent examples are British citizens in the EU and those of EU citizens in the UK who campaign for their rights after Brexit; online and environmental activism by Romanians with protests organised in numerous cities; Polish and Irish citizens that mobilise for abortion rights; Hungarians abroad that organise protests against the incumbent government; and Finns that have managed to lobby both multiple citizenship and postal voting into electoral legislation.

4 Participation in practice

In this section, we summarise the available information on registration and turnout rates in the most recent municipal elections and European Parliament elections prior to 2019. Where possible, we make reference to the obstacles and observations above and how they are reflected in the patterns of turnout in each state.

The data are based on the FAIR-EU Electoral Turnout database, compiled for this project, which contains information on electoral statistics on mobile EU citizens for the most recent municipal legislative elections prior to 1 January 2019 to which Directive 94/80/EC applied, and also to the two most recent EP elections prior to the May 2019 contest (2009 and 2014, except in Croatia).²¹

It is well-known that electoral turnout in municipal and European elections is generally lower than in national elections. Although both municipal and EP elections are considered to be ‘second-order’ to national contests, municipal elections generally have higher levels of turnout than European Parliament ones.²² The 2019 European Parliament election was the first ever to record an increase in the average turnout rate compared with the preceding one.²³ It is particularly important to measure the participation of mobile EU citizens in these elections, as municipal and EP elections represent their main channel for electoral participation. It is potentially a democratic problem if their interests and concerns differ from those of other voters, and are under-represented in the politics both of their locality and in Europe as a whole.

4.1 Municipal elections 2014-18

Table 3 shows headline registration rates for the most recent municipal elections in each EU country prior to 2019. It is arranged in order of registration rates, as a proportion of those eligible.

In the countries with automatic registration, registration is at or close to 100 per cent of the eligible population of mobile EU voters. (Where registration rates exceed 100 per cent, this is presumably due to inaccurate (underestimated) data by national authorities on the number of mobile EU citizens present in the country, since there could not logically be more EU voters on the electoral register than there were resident in the country.) This is in sharp contrast to countries where registration is voluntary, where the highest registration rate (in Spain) is only 26 per cent. Registration rates are particularly low in the Czech Republic, Bulgaria, Poland and Greece. Bulgaria also has the smallest cohort of EU citizens on the electoral register, with only 414 individuals across the entire country able to vote in its 2015 municipal elections.

Table 3: Registration rates amongst mobile EU citizens, most recent municipal elections (2014-18)

	Country	Estimated mobile EU population of voting age	Registered EU voters	Registered as % of mobile EU voting age population
LV	Latvia	5,386	15,053	279.5%
HU	Hungary	74,184	108,994	146.9%
SI	Slovenia	17,579	20,510	116.7%
FI	Finland	81,051	81,051	100.0%
MT	Malta	14,021	14,021	100.0%
RO	Romania	40,846	40,846	100.0%
SE	Sweden	535,857	535,857*	100.0%
SK	Slovakia	67,768	67,768*	100.0%
LT	Lithuania	4,870	4,524	92.9%
DK	Denmark***	173,480	157,879	91.0%
ES	Spain	1,703,466	442,127	26.0%
FR	France	1,250,364	278,000	22.2%
CY	Cyprus	92,962	16,740	18.0%
BE	Belgium	748,267	130,559	17.4%
LU	Luxembourg	192,603	31,288	16.2%
IT	Italy**	1,246,321	182,337	14.6%
PT	Portugal	106,819	12,992	12.2%
EL	Greece	163,855	19,102	11.7%
PL	Poland	27,464	1,845	6.7%
BG	Bulgaria	11,779	414	3.5%
CZ	Czech Republic	202,222	4,038	2.0%
AT	Austria	542,968	-	-
DE	Germany	3,484,779	-	-
EE	Estonia	14,944	-	-
HR	Croatia	13,760	-	-
IE	Ireland	342,722	-	-
NL	Netherlands	420,842	-	-
UK	United Kingdom	2,921,319	-	-

Source: Multiple official sources²⁴

Notes:

*Figures refer to all non-national electorate, not just EU voters

**Figures for Italy reflect registration details from 2016 – not a particular municipal election

***Figures for Denmark are for 91 out of 98 municipalities.

Turning from the registration rates among mobile EU voters to their relative ‘electoral weight’ within the wider electorate, mobile EU citizens have least influence in Poland, Bulgaria, the Czech Republic, Portugal and Greece, where they accounted for less than 0.2 per cent of all people on the electoral rolls in the most recent municipal elections prior to 2019. At the other end of the scale, Luxembourg not unexpectedly has the highest proportion of mobile EU citizens amongst its electorate, accounting for around 11 per cent of all registered voters, followed by Sweden, Malta and Denmark, where they comprise 3 to 7 per cent of the registered electorate.²⁵

There is, however, a connection between the eligibility and registration systems, and the proportion of voting-age EU citizens registered to vote. In a few countries – Hungary, Romania, Denmark, Slovakia, Finland, Sweden, Lithuania and Slovenia – the proportion of mobile EU voters as a share of the electorate is approximately in line with their share of the population, with some small variations. Most of these are countries with automatic or semi-automatic registration systems. At the other end of the scale, mobile EU voters are statistically under-weighted in the countries with very low registration rates such as Bulgaria and Poland (which have relatively few mobile EU citizens in the first place) and Greece and Portugal (which have more resident EU citizens but relatively few who are registered to vote, and which have systems of active registration).

Of particular interest are the states with relatively large foreign populations, but fairly low registration rates – which means that mobile EU voters are particularly under-represented in municipal affairs. In the Czech Republic, permanent rather than temporary residence is required to vote in municipal elections (which *de facto* imposes a 5-year wait for voting rights), and inclusion on the electoral list thereafter is done only upon request.²⁶ These two factors combine in creating a registration rate is the lowest in the EU, when expressed as a proportion of the EU citizens of voting age actually living in the country. In Luxembourg, Belgium and France, only around one in five potential EU voter is registered. The combination of a 5-year residence restriction and low rates of voluntary registration mean that mobile EU voters, even though they comprise 11 per cent of the registered electorate in Luxembourg (the highest electoral weight in the EU), are still substantially under-represented compared with the 40 per cent of the population that they comprise. A similar situation exists in Belgium, where mobile EU citizens are 8.6 per cent of the voting-age population but only 1.6 per cent of the electorate, underweighting them by a factor of five. In France, mobile EU citizens comprise 2.4 per cent of the population aged over 18, but only 0.6 per cent of the electorate. All three countries have active registration, and France additionally had until 2019 a further limitation that registration had to be completed by 31 December in the year preceding the election, as well as several bureaucratic hurdles to prove residence in the municipality.²⁷

Table 4: Turnout rates of EU mobile voters, municipal elections 2014-18

	Countries	Registered EU voters	EU turnout	Turnout as % of EU registered	Turnout as % of EU eligible	Overall election turnout (all voters)
CY	Cyprus	16,740	10,977	65.6%	11.8%	-
DK	Denmark	157,879	41,295	26.2%	23.8%	70.8%
FI	Finland	81,051	14,252	17.6%	17.6%	58.9%
PL	Poland	1,845	1,381	74.9%	5.0%	55.2%
RO	Romania	40,846	1,713	4.2%	4.2%	48.2%
SE	Sweden*	535,857	c.209,000	39.0%	39.0%	84.1%

Sources: Multiple official sources

Note: * = Sweden figures refer to all non-Swedish citizens, not just EU citizens.

Data on actual turnout rates (as opposed to registration rates) are less common. Table 4 presents the turnout figures for a selection of countries where turnout by citizenship is recorded separately. Where registration is voluntary and requires bureaucratic hurdles to be overcome to get onto the list (Cyprus and Poland), the majority of voters who enter the electoral roll then go on to vote. In the four countries in table 4 that have automatic registration (Denmark, Finland, Romania and Sweden), the turnout rates amongst registered voters are much lower, but this is exaggerated by the fact that a much larger proportion of the mobile EU voters are on the electoral register to start with – and we should also bear in mind that the Nordic countries traditionally have high turnout rates in elections compared with most other European states.

When expressed as a proportion of those who could potentially have voted (a more comparable indicator that takes account of the different registration methods) overall participation rates were higher in Denmark, Finland and Sweden (which had automatic registration) than in Cyprus and Poland (which had active registration) – but that the reverse was true in Romania. Registration is clearly not the only hurdle to participation – but complicated registration procedures can act as a ‘filter’ that removes all but the most active members of the electorate at an early stage. Systems of automatic registration, by contrast, are less exclusive before the election, but do not guarantee that overall participation will be higher.

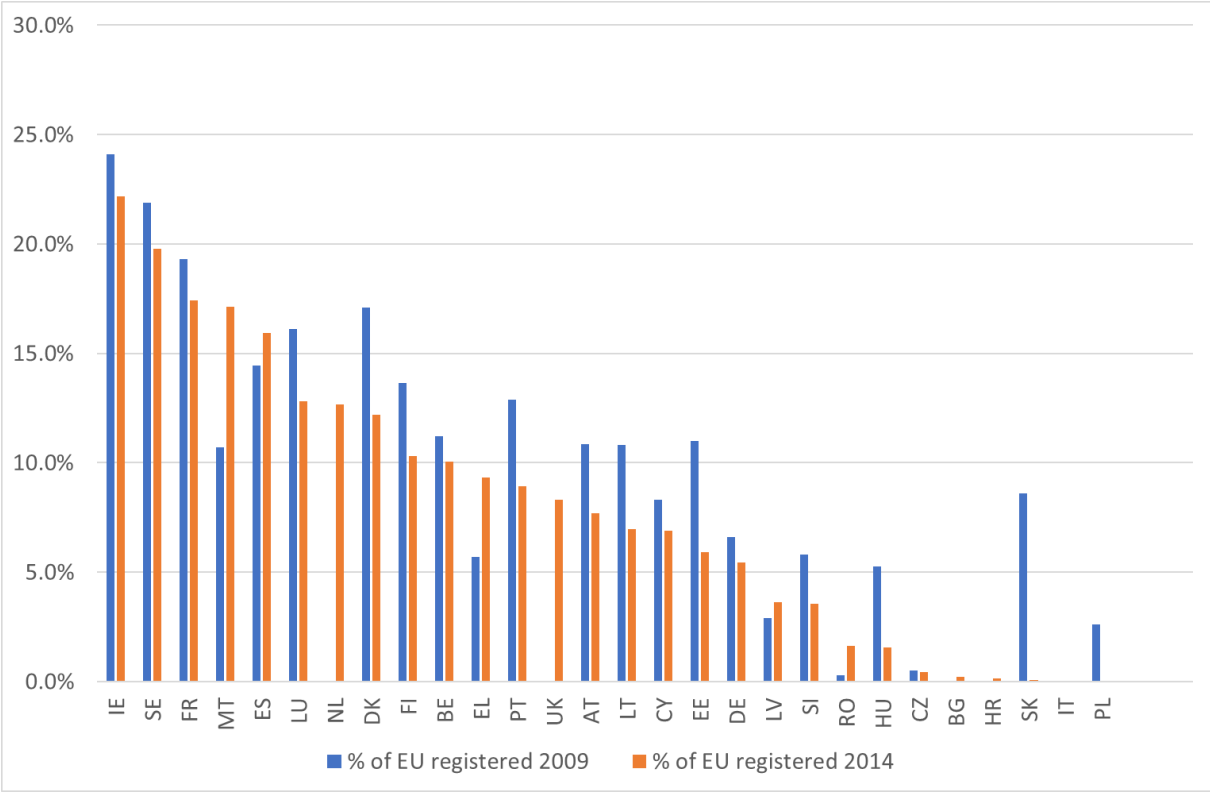
4.2 European Parliament elections 2009 and 2014

As outlined in section 1, many but not all nationalities have the option of voting in EP elections either in their country of residence, or of origin. Thus it is to be expected that registration rates will be lower in European Parliament than in municipal elections. Moreover, in most countries, registration procedures for European Parliament elections either involve opting-in, or, once registered, having the option to opt out again if choosing to take up electoral rights in the country of origin.

Registration rates amongst resident EU non-citizens are universally low, and even more so than in municipal elections. They were generally slightly lower in 2014 than in 2009 – contrary to the expectation that participation might increase over time as people become more aware of their rights and European Parliament elections gain in profile. The highest mobile EU voter registration rate was in Ireland on both occasions, where the registration rate was around 22 to 24 per cent of those eligible. In other words, three out of four mobile EU voters

were not registered to vote even in the country with the highest registration rate, and in the majority of countries fewer than one in ten mobile EU citizens was registered to vote. This is illustrated graphically in figure 2.

Figure 2: Registration rates amongst mobile EU citizens (% of voting-age mobile EU citizens resident in country), European Parliament elections, 2009 and 2014



Sources: Authors’ calculations based on multiple official sources. ISO/EU 2-letter country codes.

In the new Member States, registration of resident EU citizens is so low as to be almost insignificant. Croatia, Slovakia and Bulgaria, for instance, had only 8, 33 and 55 actual resident mobile EU citizens on their electoral registers across the entire countries in the 2014 European Parliament elections!²⁸ In several of the other new Member States – most notably Lithuania, Latvia, Romania and the Czech Republic – only a few hundred mobile EU citizens were registered to vote. These seven countries had around 300,000 resident mobile EU citizens of voting age among them, indicating a particularly low level of engagement in EP elections amongst their resident mobile EU citizens.

The registration rates amongst resident mobile EU voters present only part of the story of mobile EU voters in European Parliament elections. As noted above, in 23 of the 28 states it is possible to choose to vote as an external voter relative to one’s country of citizenship, rather than as an EU citizen in the country of residence. (In the 2009 European Parliament election in Romania, for example, there were only 56 Community voters registered, but 89,373 Romanians indicated an intention to vote in other EU states.²⁹) Thus it is possible that some of the mobile EU citizens resident in one country but not registered to vote there actually did vote in the EP election – as an external voter in their home country. Unfortunately, however, many countries’ records of their own external citizens are patchy and known only for a few countries. Amongst the few countries where the data are reliable, it seems that that around 4-

11 per cent of external mobile EU voters cast ballots from their countries of residence back to their countries of citizenship in 2014 in Finland, France, Italy, Portugal, and Slovenia.

5 General observations

Through the cross-national overviews, and the more detailed picture from a handful of EU Member States, it is possible to draw some tentative conclusions about the electoral importance of EU mobile voters in the municipal and European Parliament election processes.

First, there is considerable *potential* impact from mobile EU voters. Together they represent around 14.3 million individuals of voting age across the continent, a group that is larger than the populations of many Member States. Moreover, their particular political interests are arguably different from those of the vast majority of voters in Europe. These are the people who have taken advantage of their rights of freedom of movement as EU citizens, and it is important that they do not lose their democratic rights as a result.

There is limited information available on the uptake of EU mobile voting rights, but the FAIR-EU project represents one of the most comprehensive attempts to map it so far, and the indications are that the participation of mobile EU citizens in municipal and European Parliament elections is not seen as a priority in most countries.

There may be several reasons for this. Bureaucratic hurdles may make it harder for mobile EU voters to participate in elections. For example, the need to register separately, often with complicated procedures and extra steps; lack of understanding of the political system and language of the country; and lack of identification with political parties all act as disincentives to participation.

The figures presented in this report confirm that registration rates in countries where non-citizen residents are not registered automatically are significantly lower than in countries where they are. The findings from key country analyses in other FAIR-EU reports indicate that there are several other factors that correlate with registration rates:³⁰

Nationality of origin. Where breakdown by nationality is possible, citizens from the new Member States generally seem less likely to register (and/or vote) than those from the older Member States.

Length of time in country. There are few countries for which the data on EU voters' turnout is sufficiently detailed to be able to differentiate between cohorts, but preliminary details from Sweden and Luxembourg, indicate that there is a strong connection between the length of time a mobile EU voter has lived in the country, and the likelihood that he or she will vote.³¹

Citizenship. Data from Sweden and Denmark indicate that those who have acquired the citizenship of their country of residence are about twice as likely to vote as other mobile EU citizens.

Gender. Where breakdowns by gender are available, it is difficult to establish a clear pattern of its effect on electoral turnout of mobile EU citizens that is generalisable across the EU. Other factors (such as nationality, length in country and citizenship status) appear to make a much larger difference.

Concentration of mobile EU citizens. In certain regions, the potential electoral impact of mobile EU citizens on electoral outcomes is higher than in others. Although the overall

proportion of EU citizens among the electorate is generally fairly small, certain geographical clusters of intra-EU migration can make mobile EU citizens electorally relevant in some areas – often around border areas and in major cities of immigration. Such residential or nationality concentration means that their potential electoral impact is higher in such municipalities than in most places.

Type of election. As noted in the introduction, the electoral rights afforded to mobile EU citizens through EU legislation only affect municipal and European Parliament elections in each country. The enfranchisement of non-national citizens in national-level elections, as well as external voting rights outside the country in national and European Parliament elections, is a matter for national governments.

6 Policy recommendations

It is not the intention in this report to reproduce the existing FAIR-EU policy recommendations *verbatim*, as these can be read elsewhere.³² Based on the detailed investigation of turnout presented above, however, this study highlights areas in which there is currently a lack of participation in the political process amongst mobile EU voters that could be improved by policy changes.

First, there are several inconsistencies that affect mobile EU voter participation in rules on **eligibility**. We draw particular attention to some of the FAIR-EU policy recommendations that would positively impact these inconsistencies:

- Allowing non-citizen residents to vote and stand as candidates in all types of municipalities;
- Extending the right to vote for non-citizens also to the regional level, in those countries where non-citizen residents from the EU do not have this right but where important decisions are taken;
- All Member States should introduce the franchise for non-resident citizens in European Parliament elections.³³

Registration requirements vary from country to country and can act as a significant barrier to participation. If a voter is not registered in the first place, he or she cannot participate in voting on election day. As has been seen above, registration rates are lower where registration is not automatic. Moreover, in many cases the registration deadline for mobile EU citizens (and other non-citizen residents or non-resident citizens) is long before the election campaign is even underway.

We therefore recommend that there could be greater alignment of civic and electoral registration processes and that more use could be made of automated technology to connect civic registration and electoral registration. Moreover, within the limits imposed by processing time, it would be helpful if registration deadlines are moved as close as possible to election day and in any event aligned with those for national citizens.

This report touched only briefly on the effect of **outreach** campaigns, but some of the findings from the country studies reiterate the value of them. It is recommended that a) information on registration processes for European Parliament and municipal elections is available readily; and (b) that it is available in other EU languages as well as the local language (particularly for European Parliament elections). Moreover, if mobile EU voters are considered to be part of the electorate and entitled to stand for election, it is important that secondary barriers to participation through restrictions on political party membership or campaigning activities are minimised.

There is a need for **greater transparency, both in promoting EU voting rights and in tracking the participation of mobile EU citizens**. Not only is there low awareness of mobile EU voters' rights amongst ordinary citizens, but obtaining information on their uptake is far from straightforward. Record-keeping is more detailed in some countries than others. In several countries, there appears to be no publicly available data on the participation of mobile EU citizens in the electoral process. In some cases, the data may not even be compiled in the first place due to national restrictions or bureaucratic obstacles.

We therefore recommend greater transparency on data collection across the Member States.

Finally, there is a need for **more research**, particularly of a qualitative nature, on why uptake of mobile EU voter rights is so low (or, in a few cases, not so low). In order to improve democratic quality, we need to understand the reasons for lower or higher uptake of electoral rights within these different groups. By presenting the data, this report and the other FAIR-EU reports have laid a baseline for measurement of future electoral participation that allows us to identify particular groups whose input should be sought to better understand the processes that lead to it.

Endnotes

¹ European Commission (2018), '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', COM(2018)44 final, 25 January 2018, p.1. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0044&from=en>, accessed 20 June 2019.

² In particular, it draws heavily on the text of Hutcheson, D.S. and Russo, L. (2019), *FAIR EU Analytical Report: Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections*, v.1.0 (Brussels: FAIR-EU) and Ostling, A. (2019), *FAIR EU synthesis report: electoral rights for mobile EU citizens - challenges and facilitators of implementation* (Florence: RSCAS). Available online: <http://cadmus.eui.eu/handle/1814/60991>, accessed 20 June 2019. These reports in turn were based on the findings of 28 FAIREU country reports published by the Robert Schuman Centre for Advanced Studies on political participation in EU countries, and Hutcheson, D. and Russo, L. (2019), *FAIR-EU Data Inventory on Electoral Registration and Turnout in European Parliament Elections, 2009, 2013 and 2014*, v.1.0 (Brussels: FAIR-EU). See <https://faireu.ecas.org/>.

³ Unless a verifiably more accurate figure was available, Eurostat data on resident non-national EU citizens in each country were utilised (dataset migr_pop1ctz: Available online http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_pop1ctz&lang=en). Eurostat data are classified in 5-year bands, which means that the closest approximation to a voting-age population (aged 18 and over, and 16 and over in Austria) can be obtained by taking the number of EU citizens over the age of 15 and subtracting the 15 to 17 year-olds (15 year-olds only in Austria). As a proxy measure, this was assumed to be 3/5 (and 1/5 in Austria) of the number of 15-19 year-olds.

⁴ Treaty on the Functioning of the European Union (Consolidated Version), Art. 20 (2)(a) and (b). *Official Journal of the European Union (OJ)*, C326, 26.10.2012.

⁵ Council Directive 93/109/EC of 6 December 1993, OJ L329, 30.12.1993 (p. 34), as amended by Council Directive 2013/1/EU of 20 December 2012, OJ L26/27 26.1.2013; Council Directive 94/80/EC of 19 December 1994, OJ L 368, 31.12.1994, p.38, as adapted in Council Directive 2013/19/EU, OJ 10.6.2013 L158/201.

⁶ In respect of EU citizens, this was permitted under derogations (contained in Art. 14 of Directive 93/108/EC and Art. 12.1 of Directive 94/80/EC), which allow states with over 20 per cent non-nationals to impose restrictions on candidacy and voting rights, for a period not exceeding the length of the mandate period for voting rights and twice that length for candidacy.

⁷ Eligibility for the post of a mayor is restricted to Austrian citizens in all those provinces where mayors are directly elected (Burgenland, Carinthia, Upper Austria, Salzburg, Tyrol and Vorarlberg) and in two of the three provinces where mayors are indirectly elected. Lower Austria is the only province where EU citizens enjoy the right to stand for the post as mayor in Austria.

⁸ Non-citizen residents cannot be elected as mayors in municipal elections and community leaders in community elections. [Trimikliniotis, N. (2018), *Report on Political Participation of Mobile EU Citizens: Cyprus* (Florence: European University Institute/RSCAS). Available online: <http://cadmus.eui.eu/handle/1814/59408>, accessed 20 June 2019.]

⁹ Head of the local administrations ('gmina', similar to a municipality; and 'voivods' corresponding to a province).

¹⁰ Centre for Strategy and Evaluation Services/European Commission (2015), *Study on the Conduct of the 2014 Elections to the European Parliament* (Brussels: European Commission), pp.72-73. Available online: https://ec.europa.eu/info/sites/info/files/final_report_2014_ep_elections_study_cses_10_march_2015_en.pdf, accessed 16 June 2019); European Commission (2018), 'Report on the application of Directive 94/80/EC', COM(2018)44 final.

¹¹ Arrighi, J.-T. (2018), *Report on Political Participation of Mobile EU Citizens: Belgium* (Florence: European University Institute/RSCAS), p.22. Available online: <http://cadmus.eui.eu/handle/1814/59144>, accessed 20 June 2019.

¹² The only exception is the Czech Republic, which only offers in-country voting.

¹³ In-country voting is only possible in Germany if the voter is still registered at last residence.

¹⁴ Postal voting is only available through specified polling stations abroad, so it has therefore been coded as not available here [Hansen, K.M. (2018), *Report on Political Participation of Mobile EU Citizens: Denmark* (Florence: European University Institute/RSCAS). Available online: <http://cadmus.eui.eu/handle/1814/58367>, accessed 20 June 2019].

¹⁵ Please note that 'absentees' who retain their residence in Hungary may register to vote at diplomatic missions or in-country.

¹⁶ Polish citizens abroad can only vote at consular authorities or by returning to country. Postal voting was available from 2011-2014 and 2014-2018 but is no longer available. Proxy voting and voting by correspondence is provided only for people with disabilities (Article 54.1 EIC and Article 53a.1 EIC, respectively); proxy voting is also available for the elderly (75+) (Article 54.3 EIC). [The Act of 5 January 2011 – the Electoral Code [Ustawa z dnia 5 stycznia 2011 r. – Kodeks wyborczy, Dz. U. z dnia 31 stycznia 2011 r.. Available online: https://pkw.gov.pl/pliki/1550151251_kodeks_wyborczy_-_2019_02_14.pdf, accessed 20 June 2019].

¹⁷ Postal voting for non-residents was tested in 2016 parliamentary elections in Romania (Article 33(4) & (5) Law No. 208/2015 and Law No. 228/2015). [Vintilla, C.D. and Soare, S. (2018), *Report on Political Participation of Mobile EU Citizens: Romania* (Florence: European University Institute/RSCAS). Available online: <http://cadmus.eui.eu/handle/1814/59406>, accessed 20 June 2019].

¹⁸ Gronke, P., Galanes-Rosenbaum, E., & Miller, P. (2007), 'Early Voting and Turnout', *PS: Political Science & Politics* 40(4), 639-45.

¹⁹ 'The possibility to vote by post' was indicated by 48 per cent as a practice that could make it easier for citizens living in another EU country to vote in elections in their country of origin [European Commission (2015). Public Consultation on EU Citizenship 2015. Factsheet. https://ec.europa.eu/info/sites/info/files/factsheet-public-consultation-2015_en.pdf]. Moreover, according to Eurobarometer, around three in five Europeans (62 per cent) agree that being able to vote by post would make voting easier [Eurobarometer (2016), 'Flash Eurobarometer 431: Electoral Rights'. Available online: https://ec.europa.eu/info/sites/info/files/2016-summary-flash-eurobarometer-431-electoral-rights_en.pdf, accessed 20 June 2019.

²⁰ Rashkova, E.V. and van der Staak, S. (2019), 'The Party Abroad and its Role for National Party Politics', International IDEA Discussion Paper 1/2019. Available online: <https://doi.org/10.31752/idea.2019.5>, accessed 20 June 2019.

²¹ The database records registration and turnout rates, where available, for the 28 EU Member States, and is based on official data in the public domain; publicly available research data from reputable academic studies; reputable secondary sources; and approaches via FAIREU country experts or the present authors to national authorities, with formal or informal freedom of information requests; and the findings of the FAIREU country reports. For a variety of reasons relating to national data recording and rules on publication, data are not available for all countries. Eurostat data on resident non-national EU citizens in each country were utilised to assess the number of potentially eligible EU voters (dataset migr_pop1ctz: Available online http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_pop1ctz&lang=en), unless a verifiably more accurate number was available from the Member State itself. For the full methodology and a critical discussion about data availability, see Hutcheson, D.S. and Russo, L. (2019), *FAIR EU Analytical Report: Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections, v.1.0* (Brussels: ECAS/FAIR-EU). Available online from <https://faireu.ecas.org/reports/>.

²² Golder, S.N., Lago, I., Blais, A., Gidengil, E., and Gschwend, T. (2017), *Multi-Level Electoral Politics: Beyond the Second-Order Election Model* (Oxford: Oxford University Press); Lefevre, J., & Van Aelst, P. (2014), 'First-order, second-order or third-rate? A comparison of turnout in European, local and national elections in the Netherlands', *Electoral Studies*, 35, pp.159-70.

²³ Nord, L. (2019), 'Second thoughts on second-order elections', in *DEMICOM rapport Euroreflections* (Mid Sweden University, DEMICOM), p.47. Available online: https://euroreflections.se/globalassets/ovrigt/euroreflections/euroreflections_v3.pdf, accessed 28 June 2019.

²⁴ For a full list of sources, see the FAIR-EU turnout database (<https://faireu.ecas.org/>). 'Estimated EU population of voting age' reflects the number of resident EU citizens over the age of 18 (16 in Austria), calculated from Eurostat data, unless verifiably more accurate national data are available. This indicator does not take account of other restrictions that may prevent some people over 18 from eligibility (such as minimum residence requirements). No data are included for Germany, Austria and the UK since their local elections take place on a rolling basis and there is no definitive census date which can be used, nor centralised data on turnout.

²⁵ With the caveat that the Swedish figure includes all registered non-Swedish voters. EU citizens probably account for about a third of that total, but the exact number is not recorded separately. See Hutcheson, D.S. and Bevelander, P. (2018), *FAIREU Key Country Report: Electoral Participation in Sweden* (Florence: European University Institute/RSCAS), p.10. Available online: <http://cadmus.eui.eu/handle/1814/59567>, accessed 20 June 2019.

²⁶ Linek, L. (2018), *Report on Political Participation of Mobile EU Citizens: Czech Republic* (Florence: European University Institute/RSCAS). Available online: <http://cadmus.eui.eu/handle/1814/59568>, accessed 20 June 2019.

²⁷ Arrighi, J.-T. (2018), *Report on Political Participation of Mobile EU Citizens: France* (Florence: European University Institute/RSCAS), p.6. Available online: <http://cadmus.eui.eu/handle/1814/59144>, accessed 20 June 2019.

²⁸ For Bulgaria, we are grateful to the Central Electoral Commission for compiling the information in response to a request from the FAIREU project. [Aleksieva, I. and Solakova, S. (2019), Central Electoral Commission, letter to Derek Hutcheson, Ref.№ CEC-07-25/07.02.2019].

²⁹ Autoritatea Electorală Permanentă (2009), Raport asupra organizării și desfășurării alegerilor membrilor din România în Parlamentul European din 7 iunie 2009 (Bucharest: AEP), pp.49-51.

³⁰ For full details, see Hutcheson, D.S. and Russo, L. (2019), *FAIR EU Analytical Report: Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections, v.1.0* (Brussels: FAIR-EU) and Ostling, A. (2019), *FAIR EU synthesis report: electoral rights for mobile EU citizens - challenges and facilitators of implementation* (Florence: RSCAS). Available online: <http://cadmus.eui.eu/handle/1814/60991>, accessed 20 June 2019.

³¹ Bevelander, P. and Hutcheson, D.S. (2017), 'Hur långt faller äpplet från trädet? Valdeltagande hos invandrare och deras barn i Sverige', in Pieter Bevelander and Mikael Spång (eds), *Valdeltagande och representation – Om invandring och politisk integration i Sverige*. DELMI Rapport 2017:7 (Stockholm: DELMI): 23-47; Hutcheson, D.S. and Bevelander, P. (2018), *FAIREU Key Country Report: Electoral Participation in Sweden* (Florence: European University Institute/RSCAS), p.10. Available online: <http://cadmus.eui.eu/handle/1814/59567>, accessed 20 June 2019; Besch, S. and Dubajic, N. (2018), *Les élections communales d'octobre 2017* (Luxembourg: Centre d'Etude et de Formation Interculturelles et Sociales (CEFIS)), RED No.22, p.26. Available online: <http://www.cefis.lu/resources/RED22.pdf>, accessed 20 June 2019.

³² Ostling, A., Garner, O., Haag, M., Bauböck, R. and Hutcheson, D. (2019), *FAIR EU: policy recommendations* (Florence: European University Institute/RSCAS), Policy Brief 2019/09. Available online: <http://hdl.handle.net/1814/60992>, accessed 20 June 2019.

³³ Since, in principle, the European Parliament is the representative body of all the citizens of the EU and is chosen simultaneously in all countries, it is justifiable on democratic grounds to harmonise the rules for choosing these representatives. Since the politics of national governments (and the parliaments that elect them) do not overlap, the recommendation that such external voting rights be introduced in EP elections does not automatically require states to do the same for their national elections.