



Study to support the preparation of an impact assessment on a potential EU policy initiative to support broad and inclusive participation of mobile EU citizens in European Parliament elections and in municipal elections in Europe

Final Report

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Table of Contents

| | |
|---|-----------|
| 1. Introduction | 9 |
| 1.1. Political and legal context | 9 |
| 1.2. Description of current provisions..... | 12 |
| 1.2.1. Mobile EU citizens..... | 12 |
| 1.2.2. Eligibility – voting and candidacy | 12 |
| 1.2.3. Eligibility – voting in the home country (current legal framework governed by national law)..... | 13 |
| 1.2.4. Registering to vote | 14 |
| 1.2.5. Prohibition of double voting | 14 |
| 1.2.6. Exchange of information across Member States | 15 |
| 1.3. Wider context: soft measures regarding electoral rights at EU level | 16 |
| 2. Backward-looking analysis | 18 |
| 2.1. Original policy objectives and anticipated results and impacts | 19 |
| 2.2. Outputs: Member States’ electoral laws and practices aligned with EU Directives. Measures in place in EU Member States for the registration of mobile European citizens and for the provision of information | 23 |
| 2.2.1. Local elections | 23 |
| 2.2.2. European Parliament elections..... | 28 |
| 2.2.3. Current monitoring measures | 36 |
| 2.2.4. Effectiveness in ensuring mobile Europeans’ understanding of their rights and how to exercise them | 37 |
| 2.2.5. Effectiveness in supporting the participation of mobile European citizens in local elections and EP elections..... | 39 |
| 2.2.6. Efficiency of measures to allow electoral participation of mobile European citizens..... | 50 |
| 2.2.7. Efficiency of the current legal framework: costs and burdens associated with current measures | 55 |
| 3. Problem definition..... | 58 |
| 3.1. Who is affected by the problem? | 58 |
| 3.1.1. Mobile European citizens vary both by country of residence and country of origin, and these national contexts affect their levels of electoral participation | 58 |
| 3.1.2. Mobile European citizens also vary in their length of stay in their host country | 60 |
| 3.2. Summary of the problems..... | 62 |
| 3.3. Overarching problem: mobile European citizens are less likely to actively participate in electoral processes than non-mobile Europeans..... | 67 |
| 3.4. Mobile Europeans face administrative barriers to the exercise of their electoral rights during the registration process | 69 |

| | |
|--|-----------|
| 3.5. The information provided to mobile European citizens is insufficient. Many countries do not have systematic measures in place for targeted and proactive information provision..... | 74 |
| 3.6. Depending on their country of residence, the opportunities mobile European citizens have to exercise voting rights vary because countries have a great diversity of practices to facilitate participation both in EP and local elections. ... | 77 |
| 3.7. Mobile European citizens are not systematically able to stand as candidates in local or EP elections. They are sometimes faced with undue administrative barriers and, in local elections, with restrictions on the type of office for which they can stand. | 78 |
| 3.8. Mobile European citizens are not systematically aware that multiple voting is prohibited. Efficient and effective implementation of existing measures to prevent double voting is hindered by the variation in scope of the data exchanged, diverging deadlines for data collection between Member States and technical obstacles. | 81 |
| 3.9. Mobile European citizens registered in the host country are sometimes de-registered in the home country even for elections in which they should remain eligible to vote, such as legislative or presidential elections. | 83 |
| 3.10. Summary of regulatory and implementation gaps identified | 84 |
| 4. Policy objectives: what should be achieved..... | 89 |
| 4.1.1. Increase voting participation of mobile European citizens in local and European Parliament elections..... | 89 |
| 4.1.2. Preserve the legitimacy of European Parliament elections by preventing multiple voting | 90 |
| 4.1.3. Ensure that mobile European citizens are not discriminated against in the exercise of electoral rights..... | 91 |
| 4.2. Specific objectives | 92 |
| 4.2.1. Reduce administrative barriers (delays and costs) faced by mobile Europeans when registering to vote in local and European Parliament elections | 93 |
| 4.2.2. Increase mobile European citizens' awareness and understanding of the procedures and practice for registration and participation in European Parliament and local elections | 93 |
| 4.2.3. Further reduce the technical scope for voting multiple times by improving the effectiveness and efficiency of information exchange between MS | 94 |
| 4.2.4. Increase awareness and understanding of the fact that multiple voting is prohibited among mobile European citizens | 94 |
| 4.2.5. Limit de-registration practices of Member States to those elections in which there is a risk of multiple voting and ensure that any deregistration is reversible | 94 |
| 4.2.6. Make local and EP elections more evenly accessible to mobile European citizens across Member States by reducing the disparities in registration processes and information provision | 95 |
| 4.2.7. Ensure that mobile European citizens have the same opportunities to stand as candidates in local and EP elections as non-mobile citizens | 95 |
| 4.3. Proposed intervention logic for the revised legal framework..... | 96 |

| | |
|---|------------|
| 5. Why should the EU act? | 97 |
| 6. Policy options..... | 98 |
| 6.1. What if there is no further EU action? | 98 |
| 6.2. Option A: enhancing the soft measures for informing mobile European citizens and encouraging convergence in Member States practices for registration, voting and candidacy | 100 |
| 6.3. Option B: clarifying the existing legal provision to improve the current legal framework and its implementation | 101 |
| 6.4. Option C: Enhancing the legal framework to introduce extensive harmonised requirements | 102 |
| 7. Evaluation of impacts | 108 |
| 7.1. Impacts on mobile European citizens | 108 |
| 7.1.1. Effects of automatic registration | 109 |
| 7.1.2. Effects of targeted mail-outs or equivalent and of the language used..... | 109 |
| 7.1.3. Effects of communication campaigns | 110 |
| 7.1.4. Effects of a diverse candidate pool..... | 111 |
| 7.1.5. Survey experimental module: the effects of automatic registration versus active registration and the effects of emotionally appealing language | 112 |
| 7.1.6. Self-reported effects of other measures on voting likelihood in the survey of mobile European citizens | 117 |
| 7.1.7. Summary..... | 121 |
| 7.2. Option A – Increased soft measures to lower barriers and encourage convergence between MS practices | 122 |
| 7.2.1. Member States..... | 122 |
| 7.2.2. EU institutions | 126 |
| 7.2.3. Fundamental rights..... | 129 |
| 7.3. Option B – Clarify existing legal provision to improve implementation..... | 130 |
| 7.3.1. Member States..... | 130 |
| 7.3.2. EU institutions | 136 |
| 7.3.3. Fundamental rights..... | 137 |
| 7.4. Option C – Enhanced legal framework with new requirements..... | 138 |
| 7.4.1. Member States..... | 138 |
| 7.4.2. EU institutions | 143 |
| 7.4.3. Fundamental rights..... | 145 |
| 8. Comparison of options and preferred option | 146 |
| 8.1. Effectiveness | 146 |
| 8.2. Efficiency | 149 |
| 8.2.1. Option A: Increased soft measures to lower barriers and encourage convergence between MS practices..... | 149 |
| 8.2.2. Option B: Clarify existing legal provisions to improve implementation..... | 150 |

| | |
|--|------------|
| 8.2.3. Option C: Enhanced legal framework with new requirements | 151 |
| 8.3. Subsidiarity and proportionality | 153 |
| 8.4. Consistency | 157 |
| 8.5. Summary of the costs of preferred option | 159 |
| 8.5.1. Assumptions and definitions | 159 |
| 8.5.2. Further reduce the technical possibilities of multiple voting | 161 |
| 8.5.3. Increase mobile EU citizens' awareness and understanding of procedures and practices for registration and participation in municipal elections and elections to the European Parliament | 162 |
| 8.5.4. Reduce administrative barriers faced by mobile Europeans when registering to vote and to stand as candidates in municipal and European Parliament elections . | 165 |
| 8.5.5. Restrict de-registration practices of Member States to those elections in which there is a risk of multiple voting | 166 |
| 8.5.6. Ensure that mobile European citizens have the same possibilities to vote and stand for candidates as non-mobile citizens | 166 |
| 8.5.7. Improve the collection of data for elections to the European Parliament and municipal elections..... | 167 |
| 8.6. Comparative effect on Member States of preferred policy option | 173 |
| Annexes | 176 |

1. Introduction

1.1. Political and legal context

EU citizens who live in an EU Member State other than their country of origin (“mobile EU citizens”) have the right to vote and stand as candidates in European Parliament elections in the country in which they reside under the same conditions as nationals of that country. They also have the right to vote and stand as candidates in local or municipal elections in the Member State in which they live, under the same conditions as nationals of that Member State.

These rights are rooted in the Article 10(3) TEU which states that every citizen shall have the right to participate in the democratic life of the Union and that decisions shall be taken as openly and as closely as possible to the citizen.

The right to vote is an essential element of democracy and of fundamental rights in the European Union. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, are general principles of the Union's law (Article 6(5) TEU). The Treaties recognise the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union such as:

- the rights under Article 39 recognising EU citizens' right to vote and to stand as candidates at elections to the European Parliament in the Member State in which they reside, under the same conditions as nationals of that State; and
- EU citizens' right to vote and to stand as candidates at local elections in the Member State in which they reside under the same conditions as nationals of that State (Article 40).

The new ‘Push for European Democracy’ follows this path, becoming the Commission president's priority aiming to strengthen, protect and nourish democracy at EU level as well as at national level¹, inter alia by encouraging Europeans to exercise their political rights, in particular through participation in elections. The participation of mobile European citizens in European Parliament and local elections is one of the critical areas as noted in the recently adopted 2021 Commission work programme².

Reinforcing the democratic legitimacy of the EU is intrinsically linked with the need to ensure the participation of citizens in political life **at European level**³.

The legal framework for citizens' participation is Article 20(2)(b) TFEU which states that all EU citizens have the right to vote and to stand as candidates in elections to the European Parliament and in local elections where they chose to live or in their Member State of residence, under the same conditions as nationals of that State. The scope of this article is limited to these two types of elections and does not apply to any other elections such as national elections, which are the sole responsibility of individual countries. It is also limited to the exercise of those rights under the same conditions as nationals.

¹ European Commission (2019) *A Union that strives for more My agenda for Europe* by candidate for President of the European Commission Ursula von der Leyen

² European Commission (2020) *Commission Work Programme 2021. A Union of vitality in a world of fragility*

³ Commission Recommendation (EU) 2018/234 of 14 February 2018 on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament

To facilitate this, two Directives were adopted in the 1990s. [Directives 93/109/EC](#)⁴ and [94/80/EC](#)⁵ set out detailed arrangements for the exercise of these rights in European and municipal elections, respectively. They establish minimum standards and procedures for the right of mobile EU citizens to vote and stand as candidates. Both directives also include obligations to support the participation of mobile EU citizens.

- **Council Directive 93/109/EC**, as amended in 2013, sets forth the arrangements for the exercise of the right to vote and to stand as candidates in elections to the European Parliament by EU citizens who live in a Member State other than their country of origin (“mobile EU citizens”) on the same conditions as nationals of that country. They may also retain their right to vote or stand as candidates in their country of nationality but such arrangements lie outside the scope of this directive.
- Mobile EU citizens also have the right to vote and stand as candidates in local or municipal elections in the Member State in which they live. **Council Directive 94/80/EC**, as amended in 2013, recognises the right of mobile EU citizens to vote and to stand as candidates in local elections in the Member State of residence and lays down the minimum requirements for the exercise of these rights on the same conditions imposed by law on its own nationals.

Both directives also include obligations on Member States to support the participation of mobile EU citizens in their country of residence under the same conditions as own nationals. This includes a requirement for Member States to notify mobile European citizens of their voting rights, registration modalities (if applicable) and voting modalities in a timely manner. Article 11 of Council Directive 93/109/EC and Article 10 of Directive 94/80/EC require Member States to inform the person concerned in good time of the actions to be taken for entry on the electoral roll or the decision on the admissibility of an application to stand as a candidate. Article 12 of Directive 93/109/EC and Article 11 of Directive 94/80/EC require Member States to inform EU citizens appropriately and in a timely manner of the conditions and detailed arrangements for the exercise of these rights.

Directive 93/109/EC also establishes that voting more than once in the same elections or standing as a candidate in more than one Member State at the same election is not allowed (Article 4). Given that Council Directive 93/109/EC implements the EU Treaty right of mobile European to vote in EP elections for a host country list, and that many Member States allow mobile European citizens to retain, under national law, their right to vote for a home country list, this possibility to choose between two voting modalities, if uncoordinated, creates a risk of double voting. In order to avoid that problem, Council Directive 93/109/EC sets out the mechanism for Member States to exchange information on registered voters to help ensure that citizens do not vote more than once in European Parliamentary elections.

This mechanism requires the Member State of residence to supply the home Member State, on the basis of a formal declaration and sufficiently in advance of polling day, with information on the latter State's nationals entered on electoral rolls or standing as candidates. The home Member State is then required to take appropriate measures, in accordance with its national legislation, to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State (Article 11).

⁴ Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

⁵ Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals

While EU voters are subject to the same requirements as national voters according to the Directives, Article 9 requires them to present an additional signed formal declaration stating their willingness to vote in the Member State of residence only, together with the EU voter's nationality, address in the country of residence, and locality in the home Member State. It may also require them to state that they have not been deprived of the right to vote in the home Member State. For candidates, Article 10 requires the formal declaration to state, in addition to the nationality, date and place of birth, and last address in the home Member State and in the Member State of residence, that the individual is not standing as a candidate for election to the European Parliament in any other Member State and has not been deprived of the right to stand as a candidate in the home Member State.

As described in the post-election report, the Commission has made available to Member States a tool to support exchanges of data to prevent double voting⁶. The IT Crypto tool, accompanied by a helpdesk, aimed to support the secure and data-compliant exchange of this information and facilitated the sharing of relevant information among Member States, including on electoral deadlines⁷. This solution was developed in 2013 and first used in the 2014 EP elections. It was further enhanced and used in the 2019 EP elections⁸.

In addition to legal measures, the Commission provides information services to EU citizens about electoral rights and electoral procedures (via the YourEurope portal⁹ but also through outreach communication actions related to EP elections) as well as support on resolving issues with national authorities (via the SOLVIT service¹⁰).

These Directives leave to the Member States the establishment of the conditions under which the right to vote can be exercised through their national laws, provided that the principle of non-discrimination is respected, and can diverge greatly between different EU Member States.

The legal framework for the exercise of electoral rights by mobile citizens is a hybrid model that involves the interaction of EU and national rules. This means that the overall electoral process is only loosely coordinated as electoral practices are different from Member State to Member State. Depending on their home country and host country, the ways in which mobile European citizens can exercise their votes vary considerably in practice¹¹. As announced by the 2020 Citizenship Report¹² and set out in the Commission Work programme 2021¹³, the Commission has announced that it will update both Directives to improve the electoral rights of mobile European citizens by the end of 2021 *so that they support the broad and inclusive participation of mobile EU citizens*.

Given the similarities between the two Directives in terms of both: a) the main beneficiaries (mobile European citizens) and b) the rights granted and associated requirements for

⁶ European Commission, Commission Communication, Report on the 2019 elections to the European Parliament, Brussels, SWD(2020) 113 final; COM(2020) 252 final 19.6.2020

⁷ Ibid. p.14

⁸ https://ec.europa.eu/isa2/solutions/european-parliament-crypto-tool_en

⁹ See: https://europa.eu/youreurope/citizens/residence/elections-abroad/index_en.htm

¹⁰ See: https://ec.europa.eu/solvit/index_en.htm

¹¹ See for example EPRS (2019) *European Union electoral law Current situation and historical background*

¹² https://ec.europa.eu/info/sites/default/files/eu_citizenship_report_2020_empowering_citizens_and_protecting_their_rights_en.pdf

¹³ Commission Work programme 2021, COM(2020) 690 final 19.10.2020 https://eur-lex.europa.eu/resource.html?uri=cellar%3A91ce5c0f-12b6-11eb-9a54-01aa75ed71a1_0001.02/DOC_1&format=PDF

Member States, the Commission decided to assess the possibilities for improving them in a single document.

1.2. Description of current provisions

1.2.1. Mobile EU citizens

Taking into account Article 2 and 3 of Directive 93/109/EC, the term “mobile EU citizens” used in this study refers to citizens of the EU who live or reside in a EU Member State other than their country of nationality. They are entitled to vote or stand as candidates in the elections for the European Parliament in the Member State of residence, in accordance with the conditions required of its own nationals.

The same definition of mobile European citizens applies under Article 3 of Directive 94/80/EC. The term mobile EU citizen refers to citizens of the EU who are not nationals of the Member State of residence but who satisfy the conditions to vote and to stand as candidates in municipal elections in the Member State of residence imposed on its own nationals.

However, these Directives cannot affect national provisions concerning the right to vote or to stand as candidates of ‘nationals who reside outside its electoral territory’ (Article 1 of both Directives).

1.2.2. Eligibility – voting and candidacy

According to Article 3 of both Directives and in line with the principle of non-discrimination, the eligibility requirements for voting and standing as candidates applicable to mobile EU citizens should be the same as those required of nationals.

Member States may impose requirements on all citizens, national and mobile EU citizens alike, such as a minimum residence period to become eligible to vote in local elections and/or elections to the EP, minimum ages for voting and standing as a candidate, knowledge of the national language etc.

The Directives¹⁴ also allow for the use of transitional derogations where on, 1 January 1993 and 1 January 1996 respectively, the proportion of mobile EU citizens of voting age exceeds 20% of the electorate in that Member State. In those cases, the Directives allow Member States to set a specific minimum period for residence required of all citizens, including mobile EU citizens, for voting or standing as candidates. In addition, Member States may also set requirements for the composition of the lists of candidates to encourage participation of citizens of the EU who are nationals of another Member State.

Directive 94/80/EC does not define precisely what ‘municipal elections’ means in terms of the level of government to be considered within the scope of EU citizens’ electoral rights recognised by the Treaty, leaving it to the Member States to provide this definition in an annex to the legislation transposing the Directive. Therefore, implementation varies by Member State, from the lowest layer of territorial division (such as the city (*mairie*) in France) to higher layers such as the regional level (e.g. the Autonomous Communities in Spain), one below the national level.

The right to stand as a candidate in municipal or representative council elections should be provided under Directive 94/80/EC. This Directive also enables mobile EU citizens to stand

¹⁴ Article 14(1) Council Directive 93/109/EC and Article 12(1) Council Directive 94/80/EC.

as candidates for executive positions in municipal elections (typically the position of mayor and deputy, or secretary general)¹⁵; however, Member States may decide to restrict this right (Article 5(3))¹⁶.

Member States have full power to decide on the requirements applicable to nationals and non-resident nationals regarding minimum periods of residency for exercising the right to vote and stand as candidates in municipal or EP elections, provided that the principle of non-discrimination is respected. In particular, Article 4 of Directive 1994/80/EC and Article 5 of Directive 93/109/EC require that, in order to vote or to stand as candidates, nationals of the Member State of residence must have spent a certain minimum period as a resident in the electoral territory of that State. EU voters and EU nationals entitled to stand as candidates shall be deemed to have fulfilled that condition where they have resided for an equivalent period in other Member States. The same conditions regarding minimum periods of residence need to be applied to nationals and mobile EU citizens in order for them to vote or stand as candidates in municipal elections or EP elections.

1.2.3. Eligibility – voting in the home country (current legal framework governed by national law)

Another consideration is whether mobile EU citizens retain the right to vote in the home country, and could choose to do so, particularly in cases where the residence abroad is short-term (e.g. mobile EU workers). Article 4 of Directive 93/109/EC requires Member States to ensure that EU voters can exercise their right to vote either in the Member State of residence or in their home Member State. There is considerable diversity in the extent to which mobile EU citizens' voting rights are recognised and procedures to exercise them are established. In order to ensure full implementation of EU citizens' basic civil human rights, the Commission adopted Recommendation 2014/53/EU encouraging Member States to enable their nationals who make use of their right to free movement and residence in the Union to demonstrate a continuing interest in political life in the Member State of which they are nationals, including through an application to remain registered on the electoral roll, and by doing so, to retain their right to vote. The Recommendation also encourages those Member States that provide for the loss of the right to vote in national elections by their nationals residing in another Member State to inform them by appropriate means and in a timely manner about the conditions and the practical arrangements for retaining their right to vote in national elections.

Voting in the home country, however, lies outside the scope of these two Directives and EU law. Each Member State decides on the rights they give to non-resident citizens to vote from abroad or to retain such voting rights despite residing abroad. This aspect is nevertheless of contextual importance in certain areas, such as the possibility of multiple voting, and is therefore taken into account at EU level appropriately where relevant.

¹⁵ Ostling (2019) *FAIR EU synthesis report: electoral rights for mobile EU citizens' challenges and facilitators of implementation*

¹⁶ Such restrictions are in place in Austria (except for the federal state of Lower Austria); Belgium, Cyprus; the Czech Republic; Estonia; France; the German federal states of Bavaria and Saxony; France; Italy; the Netherlands; Poland and Slovenia. These restrictions, and the positions they apply to, are discussed further in Section **Error! Reference source not found.**

1.2.4. Registering to vote

Mobile EU citizens need to express their wish to vote in the Member State of residence for EP elections (Article 8 Directive 93/109/EC) or for local elections (Article 7 Directive 94/80/EC). The Directives do not define in detail the form of this declaration and while Directive 93/109/EC requires Member States to request mobile EU citizens to provide the same documents as national voters and an additional formal declaration stating their nationality and residency in the Member State, Directive 94/80/EC leaves the option up to the Member States to decide. For EP elections, Directive 93/109/EC requires the declaration to state a mobile EU citizen's willingness to vote in the Member State of residence only. The declaration may also be required to state that the citizen has not been deprived of the right to vote in the home Member State. For candidates, Article 10 of Directive 93/109/EC requires the formal declaration to state, in addition to the nationality, date and place of birth, and last address in the home Member State and in the Member State of residence, that they are not standing as a candidate for election to the European Parliament in any other Member State and have not been deprived of the right to stand as a candidate in the home Member State.

Article 9 of Directive 93/109/EC requires Member States to take the necessary measures to enable a mobile EU citizen who has expressed the wish for such to be entered on the electoral roll sufficiently in advance of polling date. Similarly, Article 8 of Directive 94/80/EC also requires Member States to take the necessary measures to enable a voter to be entered on the electoral roll sufficiently in advance of polling date.

The Member State of residence shall inform the person concerned in good time of the action taken on his application for entry on the electoral roll or of any decision concerning the admissibility of his application to stand as a candidate (Article 10 Directive 94/80/EC and Article 11 Directive 93/109/EC). The formal aspects of how mobile EU citizens are informed of their registration differ from Member State to Member State and for different types of elections.

The Directives also respect the impact of Member States' legislation making voting compulsory in some countries where EU voters may establish their residence. In those cases, both Directives state that EU voters who have expressed the wish to vote and have been entered on the electoral roll will also be obliged to vote.

1.2.5. Prohibition of double voting

To avoid double voting in the EP elections, Article 4 of Directive 93/109/EC states that voting in the same election more than once is not allowed. Similarly, no person may stand as a candidate in more than one Member State at the same election.

Council Decision (EU, Euratom) 2018/994 amending the 1976 Electoral Act (not yet in application) introduces a new Article 9 forbidding anyone to vote more than once in any election to the European Parliament. In addition, it requires Member States to take the necessary measures to ensure that double voting in such elections is subject to effective, proportionate and dissuasive penalties.

As mentioned above, Member States where mobile EU citizens are resident are required to request them to provide a formal declaration stating that they will exercise the right to vote in the Member State of residence only. For candidates the formal declaration should state that the mobile EU citizen is not standing as a candidate for election to the European Parliament in any other Member State and has not been deprived of the right to stand as a candidate in the home Member State. The modalities of this clause are not fully defined and Member States may interpret the term "formal declaration" differently. As stated above,

Articles 9 and 10 of Directive 93/109/EC require specific content for this declaration but the modality ranges from a statement in a stand-alone document to a sentence to be checked and included in a document linked to other acts such as the registration for residence or tax declaration.

1.2.6. Exchange of information across Member States

For mobile EU citizens to effectively exercise their electoral voting rights, information must be smoothly exchanged across Member States.

The exchange of information required by the Directives aims to allow mobile EU citizens to exercise all applicable voting rights in the home country or the country of residence, preventing automatic de-registration. It also reduces the risk of double-voting in EP elections and prevents cases where a citizen who is precluded from voting or standing in the home country does so in the country of residence. The exchange of information is expected to include the following:

- Member States of residence need to provide the home Member State with the information received in the formal declarations from registered mobile EU citizens who are nationals of the that State applying for inclusion on the electoral roll or who are standing as candidates of the Member State of residence. This needs to be done sufficiently in advance of the election day.
- Subsequently, the home Member State needs to take appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State (Article 13 Directive 93/109/EC). This means that Member States should remove mobile EU citizens from the electoral roll of their country of nationality when they register to vote in the country of residence (host country);
- Mobile European citizens who are registered to vote in the country of residence to verify that they have been de-registered (Article 9(4) Directive 93/109/EC and Article 8(3) Directive 94/80/EC); and
- Mobile European citizens standing as candidates in the EP or municipal elections to ensure they have not been deprived of the right to stand in their home country (Article 6 Directive 93/109/EC and Article 5 of Directive 94/80/EC).

Previously, Member States have found it administratively burdensome to share information regarding non-citizen resident voters, due primarily to the lack of harmonisation across national electoral systems and processing of national electoral registers, as well as practical obstacles such as the formats for exchange, lack of automatic processing, problems with transliteration of names, imprecise data and other errors.

The Commission studied options in 2006 to develop mechanisms that would address these problems¹⁷, including the establishment of a common format for information exchange and the development of an EP electoral roll, but at that moment both options were dismissed as they were considered too complex and disproportionate to the extent of the problem.

¹⁷ Commission staff working document accompanying Impact assessment report for a possible amendment of Council Directive 93/109/EC laying down detailed arrangements for exercising the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals {COM(2006) 790 final} {SEC(2006) 1645} {SEC(2006) 1647} /* SEC/2006/1646 */

A proposed Directive amending Directive 93/109/EC to introduce an obligation for Member States to impose penalties for double voting and double candidature was never adopted¹⁸. Council Decision (EU, Euratom) 2018/994 amending the 1976 Electoral Act would ask Member States to ensure effective, proportionate and dissuasive penalties are applied to double voting. The information obtained in this project and validated or shared by Member States has revealed a wide spread of sanctions related to double voting ranging from smaller fines all the way to multiple-year prison sentences. While ES and FR have established a sanction from 6 months to 2 years of imprisonment, RO imposes a sanction of 6 months to 3 years, IT of 1 to 3 years, HU of up to 3 years, IE of up to 2 years, SI of up to 1 year, SE of 6 months and BE or LU from 8 to 15 days. CZ only imposes a fine of 390 EUR. Some Member States complement those sanctions by imposing fines which, again evidence a striking variety of approaches with fines in IT from 51 to 250 EUR, in BE from 208 to 1600 EUR, in IE of 3,175 EUR, in LU from 250 to 2000 EUR, in LT of 140 to 860 EUR or in FR a fine of 15,000 EUR, Spain imposes fines measured on time from 6 months to 2 years and disqualification from employment and public office of 1 to 3 years.

Further technical arrangements ensuring a secure electronic transfer of the information between Member States were eventually set out in the – non-binding – Commission Recommendation 2013/142/EU. The Commission has made available to Member States a tool to support exchanges of data to prevent double voting¹⁹. The IT Crypto tool, accompanied by a helpdesk, aimed to support the secure and data-compliant exchange of information and facilitated the sharing of relevant information among Member States, including on electoral deadlines²⁰. This solution was developed in 2013 and first used in the 2014 EP elections. It was further enhanced and widely used by Member States in the 2019 EP elections²¹.

1.3. Wider context: soft measures regarding electoral rights at EU level

The Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the representatives of the Assembly by direct universal suffrage annexed to that decision, adopted by the Council on 20 September 1976²² (based on Article 223 TFEU) allowed for the direct election of MEPs for the first time, deepening European integration. Four decades later, the European Parliament still suffers from problems of democratic representation linked to the diversity of national electoral rules, which are sometimes applicable only within a particular jurisdiction and disregard online space. European electoral campaigns remain mostly national, and largely focused on non-EU issues. Stronger cooperation between national regulatory authorities is needed.

¹⁸ Proposal for a Council Directive amending Directive 93/109 as regards certain detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, COM(2006) 791 final.

¹⁹ European Commission, Commission Communication, Report on the 2019 elections to the European Parliament, Brussels, SWD(2020) 113 final; COM(2020) 252 final 19.6.2020

²⁰ Ibid. p.14

²¹ https://ec.europa.eu/isa2/solutions/european-parliament-crypto-tool_en

²² Act concerning the election of the representatives of the Assembly by direct universal suffrage, OJ L 278, 8.10.1976, p. 5

The European Parliament's resolution on stocktaking of European Elections of 26 November 2020²³ and the recent motion for a European Parliament resolution on the reform of the electoral law of the European Union²⁴ refer to the initiative to reform the Electoral Act of the European Union as adopted by the European Parliament in its legislative resolution of 4 July 2018 on the Council Decision (EU, Euratom) 2018/994 amending the 1976 Electoral Act (not yet in application)^{25 26}, which is still not fully ratified by three Member States. The amendments proposed aimed at resolving some of the deficiencies identified, promoting harmonisation of certain aspects of electoral rules such as proportional representation and deadlines for submission of candidacies. It encourages Member States to provide options for advance voting such as postal voting, and electronic and internet voting, in elections to the European Parliament. As mentioned above, it requires Member States to adopt measures to ensure that double voting is subject to effective, proportionate and dissuasive penalties.

At the same time, the Commission Communication 2020/790/EU of 3 December 2020 on the European democracy action plan announced the Commission's intention to protect electoral processes and to propose a new operational EU mechanism to strengthen cooperation between Member States and regulatory authorities, helping citizens and national electoral authorities to build resilience against threats to the electoral process²⁷.

The EU electoral [Directives 93/109/EC](#)²⁸ and [94/80/EC](#)²⁹ provide a framework for the exercise of electoral rights in the European Parliament and municipal elections for mobile EU citizens. Alongside the two directives described above, which are at the core of the present revisions, there are other non-binding measures at EU level which also touch upon the electoral rights of mobile European citizens. Some of these measures also have other implications (not specific to mobile European citizens) which are not summarised here.

There are several soft-law measures (Recommendations accompanied by Communications):

- Commission Recommendation 2013/142/EU of 12 March 2013 on enhancing the democratic and efficient conduct of the elections to the European Parliament encourages Member States to exchange personal data and other data on mobile European citizens registered in their country to prevent double voting. It encourages Member States to provide information for voters, establishes a common voting day for elections to the European Parliament with polling stations closing at the same time, requests Member States to set up a single contact authority and provides for technical arrangements for the exchange of information, emphasising the need for

²³ 2020/2088(INI); Texts adopted P9_TA(2020)0327

²⁴ PE693.622v03-00; PR\1235563EN.docx

²⁵ Council Decision 2018/994 of 13 July 2018 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976

²⁶ OJ C 118, 8.4.2020, p. 246

²⁷ COM(2020) 790 final – 3.12.2020

²⁸ Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

²⁹ Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals

this to be done in a timely manner so that the home country can take appropriate steps;

- 2014/53/EU Commission Recommendation of 29 January 2014 addressing the consequences of disenfranchisement of Union citizens exercising their rights to free movement. This recommendation aims to enhance the right to participate in the democratic life of the Union and the Member States of EU citizens who make use of their right to free movement within the Union. It addresses the issue where mobile EU citizens lose the right to vote (they are 'disenfranchised') in national elections in their home Member State once they have resided in another Member State for a given period of time. While voting in the home country is outside the scope of EU law, it is considered a gap in EU citizens' basic civil rights and the recommendation therefore encourages Member States to lift restrictions on participation in national elections for those Europeans exercising their right to freedom of movement by enabling them to retain their right to vote in national elections when they demonstrate a continuing interest in the political life in the Member State of which they are nationals. This Recommendation does not concern voting in local or EP elections in the host country but it nevertheless concerns the voting rights of mobile European citizens;
- Recommendation of 2018/234 of 14 February 2018 on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament encourages the exchange of good practices between Member States concerning measures to encourage citizen participation in EP elections, including that of mobile European citizens. It encourages Member States to inform voters regarding the national party political landscapes of the Member States. This recommendation also encourages political parties (European and national) to engage with citizens on debates regarding EU matters.

2. Backward-looking analysis

Considering the timing of the initiative to revise the two directives, it was decided that there would be no fully-fledged independent evaluation of the existing legal framework prior to proceeding with the impact assessment. This is also in line with the fact that the Commission already has gathered experience and feedback on these directives through its regular exchanges with the expert group on electoral matters and the European Cooperation Network on Elections (ECNE) as well as through the report on the 2019 elections to the European Parliament³⁰. Nevertheless, as part of the study supporting the impact assessment, we have collected substantial evidence about the status quo situation and its shortcomings.

The sections below summarise the evidence about the implementation of the two directives and their effectiveness.

³⁰ European Commission (2020) *Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee Report on the 2019 elections to the European Parliament*

2.1. Original policy objectives and anticipated results and impacts

The overarching objective of both Directives on electoral rights (93/109/EC and 94/80/EC), as revealed by their texts, is ensure that citizens of the Union residing in a Member State of which they are not nationals may exercise the right to vote and to stand as candidates in the host country in elections to the European Parliament and in municipal elections, under the same conditions as those imposed on that Member State's own nationals. The Directives do not affect each Member State's provisions concerning the right to vote or to stand as a candidate either for its own nationals resident outside its territory or for third country nationals who reside in that State. The focus is therefore on non-discrimination based on residency status or nationality.

The current Directives do not explicitly aim to encourage the electoral participation of **mobile European citizens** but rather to guarantee the absence of discrimination, with specific measures facilitating the exercise of voting rights. Nor do they explicitly refer to awareness of electoral rights among mobile European citizens, though the importance of this could be deduced from the objectives targeting the provision of information.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

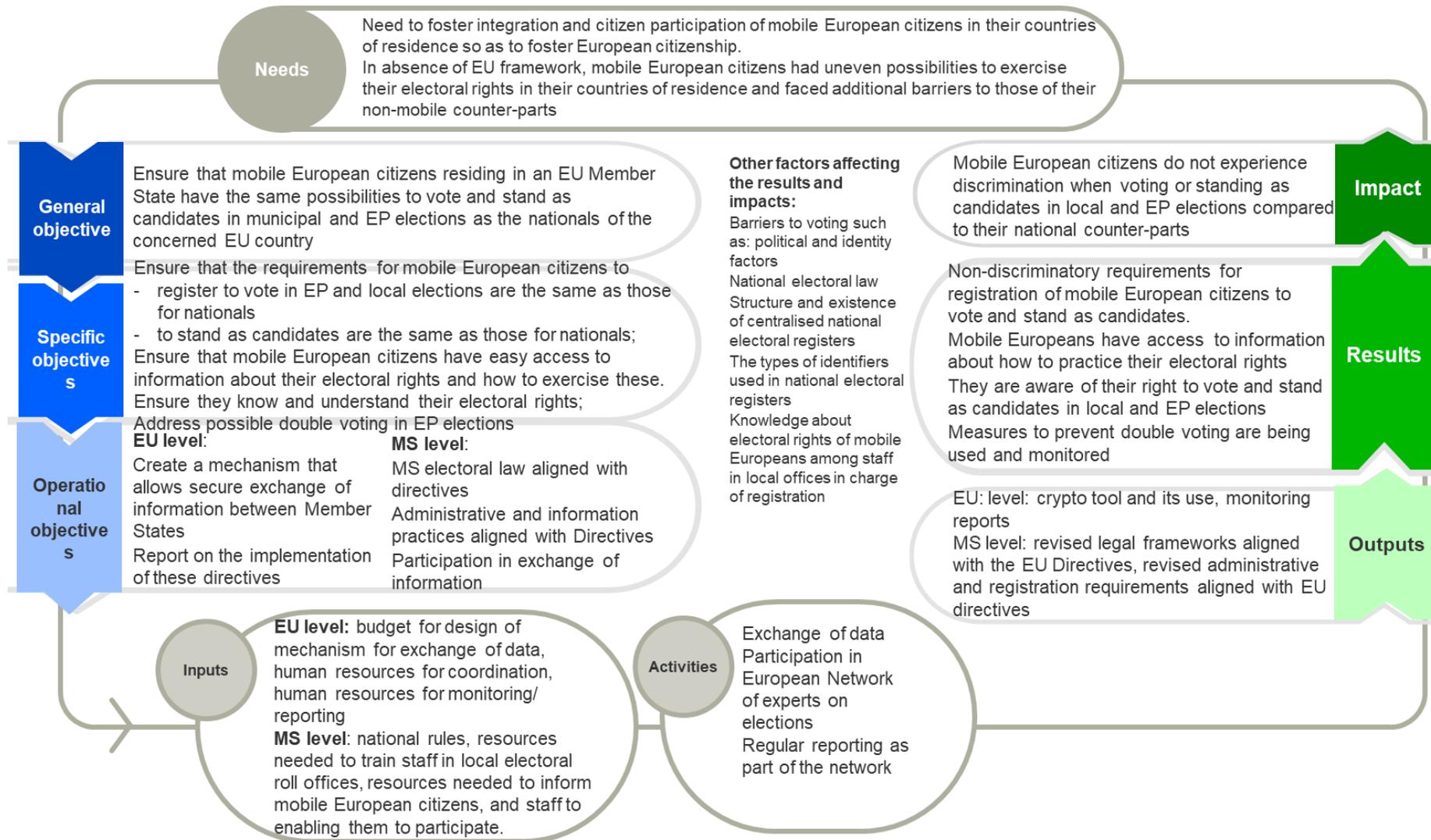


Figure 1 - Reconstructed intervention logic of the previous legal framework

General objective of current directives:

Ensure that mobile European citizens residing in an EU Member State have the same possibilities to vote and stand as candidates in municipal and EP elections as the nationals of the host country.

To achieve this strategic objective, the Directives focus on:

- lowering administrative barriers: establishing that the registration requirements should be the same as for nationals; and
- informing mobile European citizens about their right to vote in their country of residence: establishing the requirement for EU countries to inform mobile European citizens about the conditions and modalities to exercise their right to vote and stand as candidates.

Given that host countries do not have records of the status of mobile European citizens, the Directives also aim to prevent persons ineligible for candidacy and deprived of their right to vote from exercising these rights in another country. They also aim to prevent the risk of double voting that arises from the fact that mobile European citizens may choose between two modes of voting (home country and host country lists):

- both Directives aim to prevent instances where persons who are deprived of their right to stand as candidates or their right to vote exercise these rights in another country of the EU. The directives provide MS with proportionate ways (see operational objectives) to verify that this has not been the case. These modalities must remain proportionate and should not result in creating additional formalities that would create a new obstacle to the exercise of the right to vote or stand as candidates, such as requirements for excessive documentation;
- Directive 93/109/EC aims to prevent double voting in EP elections resulting from the fact that, in parallel to the right to vote in their country of residence, national law in many countries allows non-resident nationals (i.e. mobile European citizens who reside in a country other than their country of nationality) to vote from abroad. The fact that the directive increases the number of voting modalities also increases the risk of double voting. Double voting may represent a threat to the integrity of elections. EU Member States' electoral laws vary greatly when it comes to what is considered as substantive irregularities. In Austria for example irregularities that would be considered as minor in other countries could have substantial effects on the validity of election results. Other countries have electoral laws that are less sensitive to the issue of double voting. To prevent instances of double voting measures are put in place at EU level to facilitate the exchange of information so that Member States can deregister mobile European citizens who are registered in another country. Furthermore, Member States may request mobile European citizens to provide a formal declaration that they only vote once.

Specific objectives of the current legal framework

- To ensure that the requirements for mobile European citizens to register to vote in EP and local elections are the same as those for nationals and therefore to ensure that mobile European citizens are not discriminated against when exercising their right to vote and candidacy;
- To ensure that the requirements for mobile European citizens to stand as candidates are the same as those for nationals and that they are able to stand as candidates for all offices in local elections and are not discriminated against;
- To ensure that mobile Europeans know and understand their electoral rights and how to exercise them. They should have easy access to information about their electoral rights and how to exercise these. Member States should provide information to all mobile European citizens residing in their country about the modalities and arrangements for exercising their rights in a timely manner, ahead of both local and EP elections.
- To address possible double voting in EP elections

In terms of **operational objectives**, these can be found at Member State level and EU level.

Member States are expected to:

- adjust their electoral law so as to ensure that mobile European citizens can stand as candidates and vote in local and EP elections in line with the Directives;
- adjust administrative procedures for registration in order to remove any requirements that would discriminate between mobile European citizens and national citizens;
- put in place procedures to inform mobile European citizens in a timely manner of their right to vote/ stand as candidates and how to exercise these rights. Note that these do not need to be separate procedures for mobile European citizens; they may simply adjust the procedures used to inform nationals and provide adjusted content to mobile European citizens. Furthermore, the means of informing mobile European citizens are fully open for Member States to decide;
- take part in an exchange of information to prevent double voting and to prevent mobile European citizens who have been deprived of the right to stand as candidates and to vote from doing so when they move to another country.

The EU is expected to:

- Create a mechanism that allows the secure exchange of information between Member States so that they can exchange data on registered mobile European citizens and mobile European citizens who wish to stand as candidates.
- Report on the implementation of these directives.

In the rest of this section we summarise the data against the objectives and intended effects of the intervention logic set out above.

2.2. Outputs: Member States' electoral laws and practices aligned with EU Directives. Measures in place in EU Member States for the registration of mobile European citizens and for the provision of information

In this section we summarise the measures in place in EU Member States regarding:

- Eligibility for mobile European citizens to vote;
- Registration conditions and modalities for mobile European citizens;
- Eligibility to stand as candidates;
- Information provision.

These are described for local and EP elections separately.

2.2.1. Local elections

Mobile EU citizens are guaranteed electoral rights in accordance with the EU Treaties, the EU Charter of Fundamental Rights, and Directive 94/80/EC. All Member States accordingly grant mobile EU citizens the right to vote and stand as candidates in municipal elections³¹. However, as stated in section 1.2, while this is guaranteed in principle, Member States may still restrict the exercise of **mobile EU citizens' local voting rights**, for example by setting minimum residence periods or language requirements. Error! Reference source not found. summarises instances where mobile EU citizens' voting rights face different conditions from those faced by nationals. Member States are able to impose some such conditions, but only insofar as they are not discriminatory against mobile EU citizens. Below we discuss situations where Member States have imposed conditions on mobile EU citizens at local elections.

Eligibility criteria – right to vote

Minimum residency periods vary between Member States. Most do not require particular residency terms, although Cyprus, France and Spain all require at least 6 months of residence for mobile EU citizens to qualify as voters in local elections. The same conditions are required for nationals, even those living abroad.

Luxembourg requires residence of 5 years before voting rights are granted – however, this case is in line with the derogation foreseen by the Directives, which allows Member States to restrict voting eligibility in this manner where mobile EU citizens exceed 20% of the total number of resident Union citizens (i.e. excluding third-country nationals)³². Luxembourg is the only Member State where this is the case, with mobile EU-28 citizens making up 48% of the Union population³³.

Voting rights of mobile EU citizens are also limited in elections for some positions or in certain geographic units of a Member State. Of the 13 EU Member States which have direct

³¹ Garner, O., et al. 'Political Participation of Mobile EU Citizens – Insights from pilot studies on Austria, Belgium, Bulgaria, Germany, Greece, Hungary, Ireland, and Poland', EU-CITZEN Type B Report, Draft v4, 31 March 2021, p. 8.

³² Article 14(1) Council Directive 93/109/EC and Article 12(1) Council Directive 94/80/EC.

³³ European Commission (2021) *Annual Report on Intra-EU Labour Mobility 2020*, pp. 28-29.

mayoral elections, mobile EU citizens lack the right to vote in only Croatia and Cyprus³⁴. They also lack mayoral voting rights in certain areas of Germany, namely Bavaria, Saxony, Bremen, Hamburg and Berlin.

Another aspect which may restrict the exercise of electoral rights of mobile EU citizens are cases where active voter registration is required, rather than automatic update of the electoral register.. While automatic registration means that all eligible residents are included, active registration may lead to some of them falling between the cracks and missing registration deadlines. This can however be ameliorated by ensuring that deadlines for registration are not too short, and through active communication campaigns targeting eligible, unregistered voters. Generally active registration is only required once; the only exceptions are Greece and Malta, where registration is required for each election.

Where active registration is required, administrative conditions do not generally appear onerous. Generally, this requires ID, some form of proof of residence (registration as resident, rent contract, tax payment, etc), and in some cases proof of having ordinary residence in the political unit (municipality, council, region) where they are seeking to register to vote. However, one country which requires extensive documentation is Croatia. In Croatia registration as a voter for local elections (but also for EP elections and for standing as a candidate; cf. below) requires a notarised statement of nationality, proof of residence, and evidence of retained voting rights in the voter's Member State of citizenship³⁵.

Error! Reference source not found. shows which countries have automatic and active voter registration. While automatic registration means that all eligible mobile EU citizens are included once they are residents, lack of information for mobile EU citizens might preclude them from exercising their right. In Estonia, Finland, Hungary, Ireland and Sweden, voting cards with information on polling stations, timings and other practical matters are sent out to all those registered on the electoral roll. In Spain information is provided at the point of registration for residence in addition to the information sent by post when elections are being planned regarding polling stations, timings and other logistics. Estonia, Finland and Lithuania additionally operate English-language election hotlines, and Portugal has mobile Support Offices in the large cities which specifically seek to assist non-nationals with voter registration and participation. In most countries, the content of campaign information and the languages available vary between municipalities, although English-language information is generally available. However, in Bulgaria, Cyprus, France, Greece and Slovenia, campaign information is generally communicated in the national language.

Table 1 – Summary of measures or restrictions to voting rights of mobile European citizens in local elections

³⁴ Garner, et al. (2021), p. 72.

³⁵ Zakon o pravu državljana drugih država članica Europske unije u izborima za predstavnička tijela jedinica lokalne i područne (regionalne) samouprave (*Law on the Right of Citizens of Other Member States of the European Union in Elections for Representative Bodies of Local and Regional Self-Government Units*) of 20 July 2010, NN 92/2010, Art. 3.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| Type of measure | Member States where measure is found |
|--|---|
| Automatic registration for local elections as long as other requirements are fulfilled | Austria, Denmark, Estonia, Finland, Germany ³⁶ , Hungary, Latvia, Lithuania, Malta, the Netherlands, Romania, Slovakia, Slovenia, Sweden |
| Active voting registration for local elections | One-off registration: Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Ireland, Italy, Poland ³⁷ , Portugal, Spain Repeated registration: Greece |
| Certain positions cannot be voted for by mobile EU citizens | Croatia (Mayor) Cyprus (Mayor) Germany (Mayoral positions in Bavaria, Saxony, Bremen, Hamburg and Berlin) |
| Geographic units which limit some voting rights for mobile EU citizens | Austria (City of Vienna: EU citizens can only vote in urban district election, not provincial) Germany (mayoral/executive elections in Bavaria, Saxony, Hamburg, Berlin and Bremen; in Hamburg and Berlin, this also extends to federal assemblies) |
| Minimum residency period in local area ³⁸ | None: Austria, Belgium, Croatia, Czech Republic, Denmark, Germany, Latvia, Malta, Netherlands, Poland, Slovenia, Sweden One month or less: Estonia (30 days), Hungary (3 days), Ireland (14 days ³⁹) Two to three months: Bulgaria (3 months), Finland (51 days), Greece (3 months), Italy (90 days), Lithuania (90 days), Portugal (2 months), Romania (3 months) Four months to one year: Cyprus (6 months), France (6 months), Spain (6 months) More than one year: Luxembourg (5 years) |

Source : Country fact sheets, national legislation

³⁶ Exceptions apply in Bavaria and Saxony

³⁷ Non-national EU voters in Poland can either register on the Register of Voters, in which case they are registered for subsequent elections as well, or on the List of Voters, which has a shorter deadline (5 days prior to the election) but only remains valid for that particular electoral contest.

³⁸ This includes cases where a certain length of residence in the municipality is required to be registered on the electoral roll, even if this is for administrative purposes.

³⁹ For inclusion on the electoral roll, Irish voters must technically have been resident in the relevant area on September 1 the previous year, and have registered in November. However, it is possible to register on a Supplementary Register at the latest 14 days prior to the election if the voter can support their application.

Eligibility criteria – right to stand as candidates

Some common restrictions also apply to the **rights of mobile EU citizens to stand as candidates in local elections**⁴⁰. The most common is that some positions are limited to nationals, either throughout the Member State or only in select localities. As shown in Error! Reference source not found., this generally concerns local executive positions such as mayor, or in some cases deputy mayor. The Czech capital region of Prague stands out, also restricting the position of city councillors to national citizens.

When registering their candidacy, non-national EU citizens – or the parties or electoral coalitions that nominate them – must generally indicate their nationality, and declare that have neither been deprived of their right to stand as a candidate in their Member State of citizenship nor hold political or other positions which are deemed incompatible with participation in local government.

A few countries stand out by imposing additional restrictions on non-national EU candidates. The Czech Republic mandates that non-nationals stand as independents or non-partisans in elections, and Poland does not allow non-nationals to join political parties⁴¹. In both cases, this may deprive non-national EU candidates of both visibility and the organisational support that political parties provide. Accordingly, the European Commission has recently decided to refer the Czech Republic and Poland to the Court of Justice as these restrictions prevent mobile EU citizens from fully exercising their right to stand as candidates in EU and municipal elections under the same conditions as nationals of those states.

Mobile EU citizens may also be subject to administrative burdens which, while not directly preventing them from exercising their electoral rights, nevertheless make it more inconvenient to do so. In Croatia, candidates must present a notarised declaration which states their citizenship, their address in Croatia, and declares that they have not been deprived of their right to vote in their Member State of citizenship⁴². This imposes both administrative and financial burdens on mobile EU citizens exercising their candidacy rights.

Table 2 – Local election positions for which mobile EU citizens cannot stand as candidate⁴³

| Member State | Restricted position |
|-----------------------|--|
| Austria | Mayor (except in the state of Lower Austria) |
| Belgium | Mayor |
| Cyprus | Mayor |
| Czech Republic | Mayor, deputy mayor, and (in Prague only) city councillors |
| Estonia | Mayor, member of the executive or secretary of local government units (rural municipalities or cities) |

⁴⁰ Art. 3(b) of Council Directive 94/80/EC establishes that EU nationals who, except with regard to citizenship, fulfil the same requirements as nationals of a Member State, shall have the right to vote and stand as a candidate in municipal elections.

⁴¹ Korzec, P. and Pudzianowska, D. 'Report on political participation of mobile EU citizens: Poland', FAIR-EU Country Report 2018/09, p. 13.

⁴² Koska, V. 'Report on political participation of mobile EU citizens: Croatia', FAIR-EU Country Report 2019/7, p. 9.

⁴³ Table adapted from Ostling, A. 'Fair EU Synthesis Report: Electoral rights for mobile EU citizens – Challenges and facilitators of implementation', FAIR-EU Comparative Report 2019/8, p. 10.

| | |
|--------------------|--|
| France | Mayor |
| Germany | Mayor (in Bavaria and Saxony) |
| Greece | Mayor and head of regional executive (secretary general of region) |
| Italy | Mayor and deputy mayor |
| Netherlands | Mayor and member of municipal executive (<i>wethouder</i> - alderman) |
| Poland | Mayor |
| Slovenia | Mayor |

Source : Country fact sheets, national legislation

Denmark, Finland, Hungary, Latvia, Lithuania, Malta, Romania, and Sweden all practice automatic registration of eligible voters. The same countries have no restrictions on the positions that mobile EU citizens can vote for or be elected to. Deadlines for registering as a voter or resident in a municipality are also not onerous, with the longest identified being in Romania at three months.

Information for mobile EU citizens

As noted above, some of the issues faced by mobile EU citizens in accessing electoral rights can be addressed through **targeted information campaigns which seek to increase electoral participation**. At its most basic this entails the passive communication of information on electoral authority websites or public billboards. However, it can also entail targeted and/or personalised communications to unregistered, eligible voters in multiple languages based on residential records or population registers. Such procedures are in place in Estonia, Finland, Ireland, Latvia, Lithuania, Slovakia and Spain. In some countries where automatic registration is in place (e.g. Sweden) such communications are not necessarily shared, but voters are sent a polling card which states the location and time of the vote.

Other information measures include English-language hotlines set up for elections in Estonia and Lithuania. In Portugal, the High Commission for Migrants provides Support Offices directly targeted at non-national, eligible voters, where they can receive information on electoral rights from other people with a similar background who can communicate with them in their language.

In the 2018 report on measures related to participation of mobile European citizens in local elections⁴⁴, only 10 countries reported taking actions to promote the participation of mobile European citizens in political life.

Table 3 – Information measures reported by Member States

⁴⁴ European Commission (2018) *Report on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections*

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | Information measures taken by MS to help mobile European citizens | Actions and initiatives to promote participation in political life | | Information measures taken by MS to help mobile European citizens | Actions and initiatives to promote participation in political life |
|----|---|--|----|---|--|
| BE | Local gov. | Local gov. (Brussels) | LT | Yes | No |
| BG | | | LU | Yes | Local gov. |
| CZ | No | No | HU | yes | n/a |
| DK | Yes | No | MT | yes | Local gov. |
| DE | Local gov. | Local gov. | NL | no | No |
| EE | | | AT | Local gov. | Local gov. |
| IE | Yes | Yes | PL | | |
| EL | Local gov. | Yes | PT | | |
| ES | Local gov. | Local gov. | RO | yes | n/a |
| FR | | | SI | Yes | Local gov. |
| HR | | | SK | Local gov. | No |
| IT | Yes | n/a | FI | Yes | No |
| CY | | | SE | Local gov. | Yes |
| LV | Yes | No | | | |

Source : Member States' questionnaires for European Commission (2018) Report on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections

2.2.2. European Parliament elections

Eligibility criteria – right to vote and prevention of double voting

Registration for European Parliament (EP) elections generally entails more administrative work for voters. As non-resident citizens may retain the right to vote in their Member State of citizenship in these elections, a formal declaration is required to opt in to vote in the Member State of residence⁴⁵. This declaration shall contain (i) personal information including nationality and address in the Member State of residence; (ii) the locality or constituency in which they were last registered on the electoral roll in their Member State of citizenship; and (iii) that they will exercise their right to vote only in the Member State where they are registering. Member States may also optionally require a statement that the voter has not been deprived of the right to vote in the home Member State, a valid ID document, and an indication of how long the voter has been resident in their territory⁴⁶.

To avoid double voting, the information is transferred to the Member State of citizenship which then undertakes 'the appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State'⁴⁷.

⁴⁵ Council Directive 93/109/EC, Art. 9(2).

⁴⁶ These provisions are set out in Council Directive 93/109/EC, Art. 9(2)-9(3).

⁴⁷ Council Directive 93/109/EC, Art. 13.

If non-national EU citizens so wish, they can also request to be removed from the electoral roll, which would enable them to re-register on the electoral list in their Member State of citizenship⁴⁸.

Some countries have set up automatic registration which means that all eligible mobile EU citizens are included in the electoral roll once they are residents. This automatic procedure sometimes means automatic de-registration, which might lead to disfranchisement. Again, a lack of information for mobile EU citizens regarding this situation might preclude them from exercising their rights in the country of residence or in their country of origin. Data on the scale of this practice (automatic deregistration) is not available from contacts with Member States, but does not appear to present a problem in relation to local elections. Other countries (e.g. Romania), allow mobile EU citizens to vote in their country of origin even if they are registered in the electoral roll of other EU Member State as long as they sign the declaration.

Error! Reference source not found. summarises the different modes of registration for non-national EU citizens in EP elections.

Table 4 – Modes of registration for non-national EU citizens in EP elections

| Mode of registration | Member States using the practice |
|--------------------------------------|---|
| Automatic registration | Ireland, Latvia, Lithuania |
| Non-automatic, one-off registration | Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Italy, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain, Sweden |
| Non-automatic, repeated registration | Croatia, France, Greece, Malta |

However, Member States differ in the **documentation and effort required**. In Ireland, Latvia and Lithuania, voters are automatically pre-registered based on the records of the population register, and then confirm their intention to vote in that country in order to be included on the final electoral roll. This also means that they are proactively contacted about their ability to register⁴⁹. Registration typically requires personal details (name, date and place of birth, nationality), the last electoral unit where they were registered as a voter in their Member State of citizenship, and two declarations: that the voter has not been deprived of the right to vote in the Member State of citizenship, and that they will only use their right to vote in their Member State of residence. This information is then typically communicated to the Member States of citizenship, which use it to ensure that the voters are not present on two electoral rolls simultaneously⁵⁰.

In most cases, it is sufficient for non-national EU citizens to provide ID when registering, after which the electoral authorities verify their information with their Member State of citizenship. France and Romania do not require residence and accept any alternative

⁴⁸ Note that non-resident nationals of Cyprus and Ireland are unable to vote in their Member State of citizenship, even if they are resident in other EU Member States. Czech and Slovak nationals are only able to vote in their home State if they are able to be present in person on election day.

⁴⁹ However, in interviews with Member State representatives from Ireland, it was noted that this notification only reaches mobile EU citizens who have already registered on the electoral roll for local elections; without such registration the electoral authorities do not have the addresses of mobile EU citizens in the country, as there is no compulsory registration with municipalities on arrival.

⁵⁰ For the 2019 elections, data was exchanged on 1.2 million voters and 114 parliamentary candidates; cf. Report on the 2019 elections to the European Parliament, COM(2020) 252 final, p. 14.

documentation that could prove that the mobile EU citizen lives and wants to vote there. Other Member States (Denmark, Portugal and Slovakia) require documentation in addition to ID information to prove legal/permanent residence. A few Member States request mobile EU citizens to provide documentation from the Member State of citizenship which shows that the voter retains voting rights (as can be requested by authorities in Italy, if there is doubt about the accuracy or truthfulness of an application), or, at its most extensive, a notarised document of nationality and retained voting rights (Croatia).

As for local elections, the time frame for registration also varies significantly between countries. This can have a significant impact on the likelihood of non-national EU citizens voting: a short timeframe for registration increases the likelihood of missed deadlines, or information reaching the voters too late. Conversely, registration that is too far ahead of the election (e.g. in Spain, where registration for the 2019 EU elections took place between 30 November 2018 and 30 January 2019) may exclude those who have arrived in the country more recently. Error! Reference source not found. summarises the deadlines and requirements for non-national EU citizens when registering as voters, other than registration forms and signed statements on voting rights and the intention to vote in one country only.

Table 5 – Deadlines and requirements for registration as a voter for EP elections

| Member State | Registration deadline (time prior to election day) ⁵¹ | Additional requirements to register as voter |
|-----------------------|--|--|
| Austria | 71 days | |
| Belgium | 3 months | |
| Bulgaria | 40 days | 3 months of residence |
| Croatia | 30 days | |
| Cyprus | 2 months | 6 months of residence |
| Czech Republic | 45 days | 45 days of residence |
| Denmark | 4-5 weeks ⁵² | Proof of legal residence |
| Estonia | 30 days | |
| Finland | 80 days | |
| France | 35 days | Proof of legal residence |
| Germany | 21 days | 3 months of residence in EU |
| Greece | 3 months | |
| Hungary | 16 days | |

⁵¹ Note that these deadlines can also apply to national citizens, e.g. if they are returning to their Member State of citizenship from abroad or if they live in a Member State that also requires active registration for nationals.

⁵² Ordinarily this limit is 5 weeks, but for recent movers to Denmark, a 4-week limit is in place.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | |
|--------------------|-----------------------|--|
| Ireland | 14 days ⁵³ | |
| Italy | 90 days | Documentation supporting retained right to vote may be requested |
| Latvia | 1 month | |
| Lithuania | Ca. 26 days | |
| Luxembourg | 87 days | |
| Malta | 2 months | |
| Netherlands | Ca. 42 days | |
| Poland | 5 days ⁵⁴ | |
| Portugal | 2 months | Proof of legal residence |
| Romania | 60 days | |
| Slovakia | 40 days | |
| Slovenia | No deadline specified | |
| Spain | 4-6 months | Must be registered as a resident with national identification number |
| Sweden | 30 days | |

Eligibility criteria – right to stand as candidates

Non-national EU citizens have the right to stand as candidates for the EP in their Member State of residence (in 2019, 168 non-national candidates stood for election in 18 Member States in the EU-28; three were elected in France, and two in the United Kingdom⁵⁵).

Generally, the ability to register as a candidate in EP elections is in line with the provisions for registering as a voter (albeit with possible additional criteria, such as higher age limits for candidacy than for voting) listed in Error! Reference source not found., with an additional requirement that candidates provide a signed declaration to the effect that they have not been deprived of the right to stand as a political candidate in their Member State of citizenship and that they are not standing as a candidate in another Member State⁵⁶. If they have been deprived of the right to vote or to stand as candidates in their Member State of origin, they are not able to stand as a candidate in their Member State of residence,

⁵³ For inclusion on the electoral roll, Irish voters must technically have been resident in the relevant area on 1 September the previous year, and have registered in November. However, it is possible to register on a Supplementary Register no later than 14 days prior to the election if the voter can support their application.

⁵⁴ Voters can choose whether to register on the Register of Voters no later than eight days in advance, which will ensure they are also included for future elections, or on the List of Voters no later than five days in advance, which is only valid for one election.

⁵⁵ COM(2020) 252 final, p. 5.

⁵⁶ As mandated by Art. 10 of Council Directive 93/109/EC.

regardless of whether the offence would lead to a similar deprivation of candidacy rights there.

In most Member States it is sufficient that candidates sign a declaration that they have not lost their candidacy rights – together with their other biographical information, this is expected to be sufficient for their Member State of citizenship to verify that their declaration is truthful, and that they are neither standing as a candidate in the Member State of citizenship, nor are subject to limited candidacy rights.

Error! Reference source not found. summarises the additional requirements for non-national EU citizens wishing to stand as candidates in their Member State of residence, other than having permanent/habitual residence in the country and being registered to vote on its electoral list in the EP elections. In all Member States, some form of sworn declaration that they have not lost the right to stand as a candidate in their Member State of citizenship is required⁵⁷.

Table 6 – Additional requirements for non-national EU citizens wishing to stand as an EP candidate in their Member State of residence

| Additional requirements | Member State(s) |
|--|---|
| Documentary evidence from Member State of citizenship that candidacy rights are retained | Czech Republic ⁵⁸ , the Netherlands, Poland, Romania |
| Proof of permanent residence | Germany ⁵⁹ |

It should be noted that there are other provisions in some EU Member States which may limit the possibility for mobile EU citizens to exercise their voting rights. The European Commission has recently decided to refer the Czech Republic and Poland to the Court of Justice because in these two Member States EU citizens are not allowed to join domestic political parties and hence fully exercise their right to stand as candidates in EU and municipal elections under the same conditions as nationals of those states.

Measures for provision of information to mobile European citizens

For the 2019 EP elections (as well as earlier ones), EU institutions (Parliament and the Commission jointly) coordinated their efforts to communicate with European citizens with a view to increasing their participation in EP elections. DG JUST made specific efforts to mobilise the top ten expat groups to relay the messages among their members and contacts⁶⁰. Furthermore, DG JUST and the EP jointly funded a social media campaign to target mobile European citizens. This reached some 32 million persons on Facebook, 178,000 on Twitter and 65,000 on LinkedIn⁶¹. Other DGs, notably DG EAC, also targeted mobile European citizens to communicate about their electoral rights around the EP elections.

⁵⁷ In Greece, two formal declarations are required: one that they are registered as voters in Greece and have not lost the right to vote there, and another which states that they have not lost candidacy rights in their Member State of citizenship, the last electoral unit in which they were registered in that Member State, etc.

⁵⁸ Law 62/2003 Coll., on Election to the European Parliament, Art. 22(3).

⁵⁹ Europawahlgesetz – EuWG (*European Elections Act*) of 8 March 1994 §11 (2) No. 1c.

⁶⁰ European Commission (2019) *Communicating ahead of the 2019 European elections Analysis of the European Commission's communication and cooperation with the European Parliament* Unpublished document

⁶¹ Idem

The above describes outreach measures targeting mobile European citizens. Other communication actions, for those searching for information, included:

- updating the YourEurope portal with up-to-date and user-friendly information on mobile citizens' electoral rights. This covers all local and EP elections and voting as well as standing as candidates.
- Updating the European parliament web-site www.european-elections.eu with the same information about the right to vote in host country.

Information provision to mobile EU citizens at national level

Effective information practices are required from Member States to ensure that mobile European citizens are aware of their electoral rights and how to register in their Member State of residence. Generally, such efforts have been sparse, with recent evaluations criticising the lack of information campaigns targeted on non-national citizens in many Member States⁶². Levels of information vary from, at a minimum, the passive provision of (some) English-language information on the websites of electoral authorities, to actively contacting eligible non-national EU citizens who have not yet registered, and inviting them to do so. Such active contacts are in place in Austria, Belgium, Cyprus⁶³, Denmark, Estonia, Finland, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands, Slovakia, Slovenia, Spain and Sweden⁶⁴.

Exchange of information to prevent double voting

To support Member States in their effort to prevent double voting in line with the Directive applicable to EU elections, the European Commission⁶⁵ developed a solution and a helpdesk to allow Member States to exchange data securely (Crypto tool). This solution was developed in 2013 and first used in the 2014 EP elections. It was further enhanced and accompanied by support to MS in the 2019 EP elections⁶⁶.

In summary the current crypto tool allows MS to upload encrypted data about voters registered in their country onto a secure portal where the MS of countries of origin can download it and compare the data with their own electoral register. Every country creates a file for every MS from which it has mobile European citizens who registered there to vote. In turn, when the encrypted files are uploaded every country downloads the files about voters originating from their country who are registered in another country so as to match them to its own electoral roll and take the necessary measures to remove them from the home country electoral roll.

To be effective, the exchange of data about registered voters relies on the exchange of personal data so that this can be matched between the home country and host country electoral rolls. The type of data exchanged typically comprises name, date of birth and an identification number. However, as discussed below, different countries have different requirements to allow them to match the data between home country and host country electoral rolls. Given the sensitivity of the data exchanged it is crucial that this is done

⁶² Garnet, et al., 2021, pp. 60-62; Ostling, 2019, pp. 15-16.

⁶³ For those already registered on the electoral roll for municipal elections, but not for EP elections.

⁶⁴ Some additional Member States have provisions which encourage, but do not mandate, municipalities or authorities to reach out to unregistered, eligible non-national EU citizens. The provision of information may there vary between localities. This is the case e.g. in Croatia, the Czech Republic and Germany.

⁶⁵ As part of the ISA2 programme for interoperability solutions for public administrations

⁶⁶ https://ec.europa.eu/isa2/solutions/european-parliament-crypto-tool_en

securely. The Crypto tool⁶⁷ allows Member States to use a common solution which is shared and at the same time respects high security standards. This solution and the support for it are developed together with other solutions that require interoperability between Member States administrations as part of instruments supporting EU policies. The tools for EP elections fall under the same activity line as support to the European Citizens' Initiative.

The overall budget allocated to this action was approximately 2.4 million euro over the period 2016-2020⁶⁸. As stated above, however, this includes support for the European Citizens' Initiative which represents a substantial part of this budget (1.87 million euro)⁶⁹. That means that the budget for the Crypto tool and EP election helpdesk was slightly above 500,000 euro over 2016-2020. However, the running costs for this tool on annual basis, once the development has been completed, are much lower and stand at only around 30,000 euro, according to DGIT.

In the 2019 EP elections the tool was used⁷⁰:

- by nearly all EU Member States (except Poland);
- to exchange nearly 1.3 million records about EU citizens and 114 EP candidates;
- to identify over 213,000 instances of multiple registration (person figuring in host country and home country electoral roll). This data does not represent actual instances of multiple voting but simply instances where a person was initially (prior to the exchange of data) registered on both their home and host country electoral rolls. As a result of the exchange of data between Member States, persons who are identified as being registered in multiple countries are deregistered from the electoral roll of the country where they no longer reside to prevent double voting.

While the Crypto tool was used quite extensively by MS, it also showed a number of shortcomings. The identification rate (i.e. the share of records received from host country that were successfully matched to home country citizens) was only 31%⁷¹. This data is incomplete as it was not available for certain countries. Nevertheless, while some countries (Lithuania and Finland) matched over 90% of records, others showed much lower identification rates (Austria – 13%, Latvia – 18%, Germany – 16%). This is mostly due to the fact that the information that countries require for registering mobile voters in host countries are different to those requested in home countries. Each Member State collects the same data from mobile citizens as it would from its own citizens, with the usual exception of also recording the mobile citizen's nationality. Different Member States rely on different data to identify citizens, besides their name and date of birth – some requiring national ID numbers, others requiring the last address or municipality of birth. Because different Member States collect different data for the purposes of registration and hence for exchange, some countries are only able to act on very limited amounts of the data exchanged, while others are more successful. Typical discrepancies between the needs of the countries and the data exchanged are:

⁶⁷ ISA2 WORK PROGRAMME 2019 DETAILED DESCRIPTION OF ACTIONS PART 2/2

⁶⁸ Idem

⁶⁹ [1.12. Open Source Software for online collection of statements of support for European citizens' initiatives | ISA Dashboard \(europa.eu\)](#)

⁷⁰ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee Report on the 2019 elections to the European Parliament

⁷¹ Idem

- home country MS require home country national identification number while host country uses the host country identification number (residence card, host country social security number);
- when information other than the home country ID number is required this can be quite onerous for the host countries to collect and store (for example one MS requires names of grandparents to be supplied).

Finally, there are challenges for matching individual data that stem from the use of non-Latin alphabets or use of special characters. These challenges, however, are not due to the crypto tool as such. The crypto tool can handle all alphabets and characters. The issue is that host countries, and in particular the local authorities in the host countries, are typically not equipped with the keyboards to enter the data using these special characters or non-Latin alphabets and that requiring local officers registering mobile Europeans use to use these characters systematically would be disproportionate.

Other challenges identified and summarised in the 2019 report on EP elections⁷² are:

- the exchange is considered efficient and secure; but
- there are obstacles that prevent full effectiveness:
 - o deadlines for preparing and closing electoral rolls differ greatly which means that when some countries are ready to exchange the data others are still registering voters. A number of MS reported that the data arrived too late to be able to match the datasets and deregister voters;
 - o the possibility that voters could be deregistered from national elections as a result of the exchange of information hinders some Member States from using the solution; and
 - o as noted above, the fact that the countries collect different data from citizens about their identification adversely affects usefulness.

Penalties

Double voting is illegal in all Member States, as recognised in Council Directive 93/109/EC. The Directive does not set out specific penalty provisions, and penalties for breaking double voting provisions are instead defined under national law. As summarised in **Error! Reference source not found.**, extensive differences in the severity of penalties exist, ranging from cash fines of a few hundred EUR, all the way to multi-year prison sentences and the restriction of certain political rights. The data below was obtained from those EU Member States which have actively responded, validating the information.

⁷² Idem

Table 7 – Summary of penalties for double voting in some EU Member States

| MS | Double voting sanctions |
|----|--|
| AT | Fine of up to EUR 218 or imprisonment for up to 2 weeks. |
| BE | Imprisonment 8-15 days; fine of EUR 208-1 600. |
| BG | Probation and a fine of BGN 500-2 000 (ca. EUR 250-1 000). |
| CZ | Fine of ca. EUR 390. |
| CY | Imprisonment of up to 6 months and/or a fine of up to CYP 450 (ca. EUR 720). |
| DE | Unspecified fine or imprisonment for up to 5 years. |
| DK | Unspecified fine. |
| EE | Fine of up to 300 fine units (ca. EUR 1 300) or unspecified detention |
| EL | Imprisonment of 3 months to 5 years; deprivation of any public office for 1 to 5 years. |
| ES | Imprisonment of 6 months-2 years, a fine of 6 months-2 years, and a special disqualification for employment or public office from one to three years |
| FI | Unspecified fine or imprisonment of up to 1 year. |
| FR | Imprisonment of 6 months-2 years and a fine of up to EUR 15 000. |
| HR | Fine of HRK 10 000-30 000 and/or imprisonment from 6 months to 5 years. |
| HU | Imprisonment of up to 3 years. |
| IE | Fine not exceeding EUR 3,174, or imprisonment of up to 2 years, or both. |
| IT | Imprisonment of 1-3 years and a fine of EUR 51-258. |
| LT | Fine of EUR 140-860. |
| LU | Fine of EUR 251-2 000, imprisonment 8-15 days. |
| LV | Unspecified punishment. |
| MT | Fine of up to MTL 1 000 (ca EUR 2 330). |
| NL | Fine of up to EUR 4 350 and imprisonment of up to 1 month. |
| PL | Unspecified fine |
| PT | Penalty payment up to 50 days, and imprisonment for up to 1 year. |
| RO | Imprisonment for 6 months-3 years, unspecified fine, restricted exercise of some rights |
| SE | Unspecified fine or prison for up to 6 months |
| SI | Unspecified fine or prison for up to 1 year |
| SK | Fine of EUR 33-100. |

Source: Questionnaires sent to Member State authorities and validated; Cicchi, L. (2021) 'Europeanising the elections of the European Parliament', study for the EP AFCCO Committee, Luxembourg: Publications Office of the European Union, pp. 30-31.

2.2.3. Current monitoring measures

Monitoring mechanisms for the enforcement of mobile Europeans' electoral rights currently combine the following sets of measures:

- Triannual reporting by the Commission on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections. The latest report dates back to 2018. For this purpose the Commission asks Member States to report on:
 - o Measures in place related to information provision, registration and candidacy;
 - o Data on mobile European citizens who are registered to vote in local elections in their country;
 - o Data on awareness of the citizenship rights of mobile European citizens as reported in the regular Eurobarometer survey on European citizenship.

It should be noted that the data on the registration rate of mobile European citizens is only partially submitted by the Member States.

- A report is published after each European Parliament election, addressing the full sets of EU actions around the elections in question. This report covers a range of issues, paying specific attention to a) measures put in place to encourage

participation of mobile European citizens and b) the results of these measures based on data reported by Member States. The report also summarises the experiences of Member States and the EU regarding exchanges of information.

- DG JUST has also funded several research projects which analysed administrative data on the electoral participation of mobile European citizens, notably the FAIREU project referenced in this report.

Nevertheless, the following observations can be made about the availability of the data related to the current legal framework:

- When it comes to the participation of mobile European citizens in local elections: data mostly looks at registration rates. Data on participation/ turnout is not disaggregated to reflect residency status by countries' electoral commissions/ statistical offices. Data on candidacy is available in a small sub-set of EU countries (less than half);
- Availability of data on participation of mobile European citizens in EP elections is even more patchy. As with local elections, the majority of countries do not differentiate between the turnout of nationals and that of mobile European citizens. What is sometimes available is data on voting from abroad – i.e. the share of mobile European citizens who vote in EP elections using distance voting options from another country. However, that data is not related to the implementation of the directive covered by this impact assessment, as it concerns modalities of voting for the home country lists. The 2019 study of the European Parliament among mobile European citizens gives insights into participation patterns of this target group as well as the obstacles they faced. However, it is not based on a probabilistic sample and due to self-selection into the survey it possibly somewhat overestimates the participation of this target group in EP elections.

The current monitoring and reporting mechanisms focus on those measures that are part of Directives 93/109/EC and 94/80/EC. Monitoring and follow-up on measures that are recommended in soft law, such as the Recommendation on disenfranchising mobile European citizens from national elections are not systematically conducted.

2.2.4. Effectiveness in ensuring mobile Europeans' understanding of their rights and how to exercise them

Being aware of mobile European citizens' right to vote in the host country is a pre-condition for exercising this right. It is one of the specific objectives of the current legal framework and is reflected in the measures for information provision.

As shown in the chart below, in 2020 71% of Europeans correctly indicated that a citizen of the EU living in their country has the right to vote or to stand as a candidate in European Parliament elections⁷³. This number has increased since 2007 but has stagnated since 2012.

For each of the statements which I am going to read out, please tell me if this is true or false: A citizen of the EU living in (OUR COUNTRY) has the right to vote or to stand as a candidate in European Parliament elections (% - EU)

⁷³ Eurobarometer (2020) [European union Citizenship and Democracy](#)

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

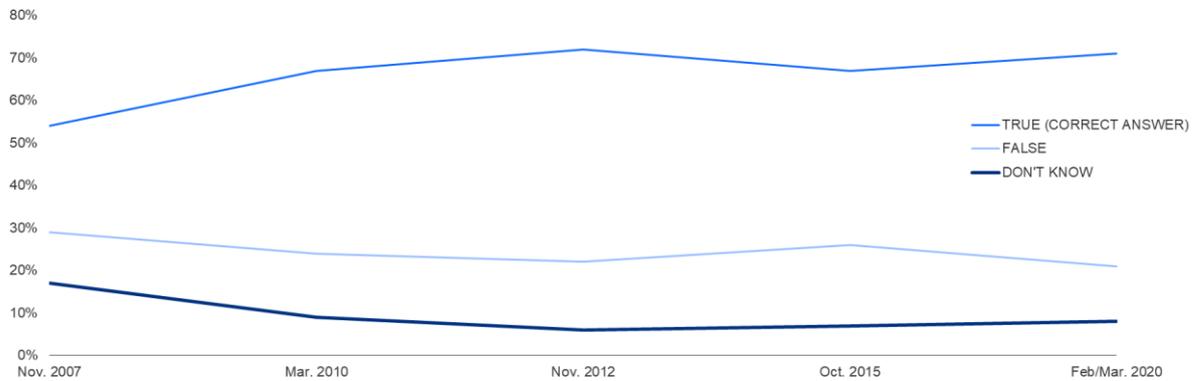


Figure 2 - Share of Europeans who correctly state that mobile European citizens have the right to vote in the host country in EP elections
Source: Eurobarometer on European Union Citizenship and Democracy

Awareness of the right to vote in local elections, however, is much lower. In the same survey only 56% of Europeans correctly stated that mobile European citizens have the right to vote in municipal elections in their host country. This is a notable decline since 2010, when the number stood at 69%.

For each of the statements which I am going to read out, please tell me if this is true or false: A citizen of the EU living in (OUR COUNTRY) has the right to vote or to stand as a candidate in municipal elections (% - EU)

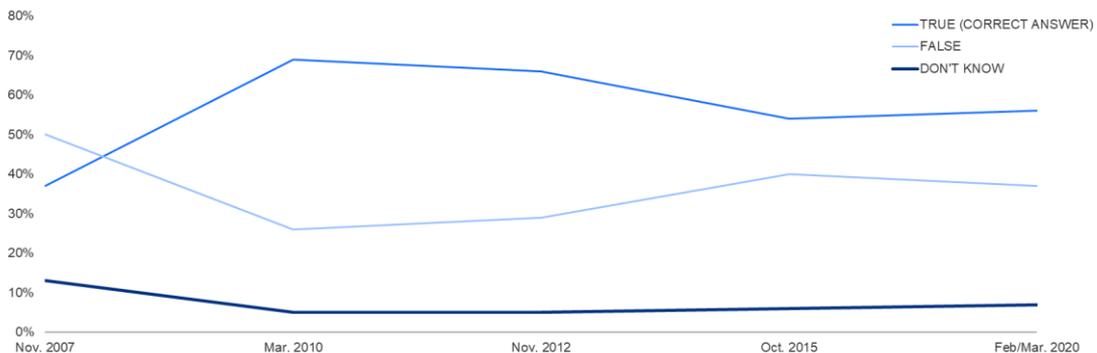


Figure 3 - Share of Europeans who correctly state that mobile European citizens have the right to vote in host country municipal elections

Source: Eurobarometer on European Union Citizenship and Democracy

2.2.5. Effectiveness in supporting the participation of mobile European citizens in local elections and EP elections

As discussed earlier, the overarching objective of the current legal framework is to ensure that mobile European citizens have the same possibilities as non-mobile counterparts to vote and stand as candidates in local and EP elections and are not discriminated against through additional requirements for registration, voting and candidacy. This should ultimately result in strengthening the electoral participation of mobile European citizens.

Previous sections discussed the rules and measures in place in Member States with regard to registration requirements for both voting and candidacy in EP and local elections. That section highlighted the cases of Member States where excessive barriers are in place for mobile European citizens which can be considered as discriminatory.

This section discusses the data on the electoral participation of mobile European citizens and assesses the extent to which this is facilitated by the current legal framework.

The main challenge with regard to the use of this data for a backward-looking evaluation of the current legal framework is the fact that there is no clear target or criterion for judgement that can be used to assess whether the observed level of electoral participation is a good or poor performance.

What the data shows is that:

- Electoral participation of mobile Europeans as voters is lower than that of non-mobile Europeans;
- Except in a small number of countries, the numbers of mobile Europeans standing as candidates both at local and EP level are very low or non-existent;
- Mobile Europeans do face additional barriers to the exercise of their electoral rights as compared with non-mobile Europeans.

Mobile European's participation in local elections

Prior to analysing the electoral participation of mobile European citizens in local elections, the challenges of compiling accurate data about participation in this target group need to be acknowledged:

- In many instances the data is simply not reported at that level of granularity (differentiating between nationals and mobile European citizens);
- Where data is reported, it is not necessarily on the basis of all mobile citizens residing in the country but as a share of those who are registered. However, this means that in those countries with automatic registration the proportion registered is very high (close to 100%) but turnout is much lower (see below). In countries requiring active registration, the share of those registered is low but turnout for those registered is high as these are people who actively took measures to register themselves and are hence keen on exercising their right.

Low registration rates of mobile European citizens in countries with active registration

Registration rates of mobile European citizens in countries that have active registration vary greatly, with the highest registration rate in Spain, at 26%. Registration rates of mobile European citizens can be as low as 2% in Czechia, as well as Bulgaria, Poland and Greece⁷⁴.

Another perspective from which this can be observed is through the 'electoral weight' that mobile EU citizen hold in their respective host countries. As shown in table below, the share of mobile European citizens as proportion of all registered voters in local elections is substantially below the share of mobile European citizens in the adult population in several countries that have high numbers of mobile European citizens (Spain, France or Belgium). Unfortunately, this data is not available for Germany, Italy, Austria, the Netherlands or Ireland.

Based on the data below and the data on the number of mobile European citizens in Spain, France and Belgium we can estimate that roughly the following numbers of mobile European citizens were residents of these countries but did not register to vote in local elections in the period 2014-2018:

- Approx. 720,000 mobile European citizens can be estimated to have failed to register for local elections in France⁷⁵ (representing approximately 75% of mobile European citizens in the country);
- Approx. 1 million mobile European citizens can be estimated to have failed to register for local elections in Spain (approx. 72% of mobile European citizens residing in the country);
- Approx. 500,000 mobile European citizens can be estimated to have failed to register for local elections in Belgium (representing approximately 80% of mobile European citizens in the country).

The figure below shows estimates made by DG JUST together with Eurostat, based on data on the population of mobile European citizens and the data reported by Member States about the registered voters who are mobile European citizens in 2016-2017.

⁷⁴ Hutcheson, Derek S., and Luana Russo. "Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections." (2019).

⁷⁵ There are 971,000 Mobile European citizens in France. For simplification we assume vast majority of them are of voting age. This represents 2.4% of the overall population. However, mobile European citizens represented 0.61% of registered voters – meaning that approx. 25% of mobile European citizens registered to vote while the remaining 75% did not.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE



Figure 4 - Estimates of percentage of mobile EU citizens registered to vote in municipal elections (Member States in white do not enrol citizens automatically) as of 2016

Note: This table was prepared with Eurostat data for the population of mobile EU citizens of voting age per Member State, because the voting populations data reported for our questionnaire was inconsistent with Eurostat data in many cases. However, this yielded irrational results in four cases.

Source: 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

Turnout of mobile European citizens in local elections is also low or even very low

Turnout data can also be used in order to evaluate how registration procedures affect mobile EU citizens' participation rates in local elections. Such data has only been gathered in five Member States, showing that:

- The general turnout of the share of all eligible residents is low, Denmark having the highest value at 24%;
- The variation in turnout is wide, ranging from a low of 4% of eligible residents to the aforementioned 24% in Denmark. When we analyse the turnout of registered voters, the variation extends between 4% and 66%.

The low registration rates found in countries that practice active registration for mobile EU citizens suggest that their capacity to participate in voting in local and municipal elections is partly hindered by these administrative steps. When allied to a lack of general knowledge of such procedures, and the language barriers that are often not addressed by Member States, it is not surprising that voting in such elections is seen as overly burdensome for mobile EU citizens. With that in mind, automatic registration does not guarantee high participation, as can be seen in countries like Romania, where automatic registration does not prevent the lowest participation rate⁷⁶. Nonetheless, turnout is generally higher in countries with automatic registration.

⁷⁶ Reinsalu, Kristina, and Christian Stiefmueller. "Empowering European Mobile Youth: Case Studies from Austria and Estonia." *Advances in the Human Side of Service Engineering: Proceedings of the AHFE 2020 Virtual Conference on The Human Side of Service Engineering*, July 16-20, 2020, USA. Vol. 1208. Springer Nature, 2020.

Table 8 – Electoral weight of mobile EU voters (registered and potential), municipal elections 2014-18

| | Country | Total population >18 years (millions) | EU citizens as % of population > 18 years | Registered EU voters as % of all voters | Difference: EU citizens' proportion of population > 18 years and of registered electorate (as % of pop) |
|----|----------------|---------------------------------------|---|---|---|
| LU | Luxembourg | 0.5 | 40.6% | 10.97% | -29.6% |
| CY | Cyprus | 0.7 | 13.7% | - | - |
| IE | Ireland | 3.5 | 9.9% | - | - |
| BE | Belgium | 9.1 | 8.2% | 1.60% | -6.6% |
| AT | Austria | 7.4 | 7.3% | - | - |
| SE | Sweden | 8.0 | 6.7% | 7.15% | 0.4% |
| UK | United Kingdom | 51.9 | 5.6% | - | - |
| DE | Germany | 69.0 | 5.1% | - | - |
| ES | Spain | 38.1 | 4.5% | 1.26% | -3.2% |
| MT | Malta | 0.4 | 3.9% | 7.09% | 3.2% |
| DK | Denmark | 4.6 | 3.8% | 3.47% | -0.3% |
| NL | Netherlands | 13.8 | 3.1% | - | - |
| IT | Italy | 50.7 | 2.5% | - | - |
| FR | France | 51.4 | 2.4% | 0.61% | -1.8% |
| CZ | Czech Republic | 8.7 | 2.3% | 0.05% | -2.3% |
| HU | Hungary | 3.5 | 2.1% | 1.33% | -0.8% |
| FI | Finland | 4.4 | 1.8% | 1.85% | 0.0% |
| EL | Greece | 9.0 | 1.8% | 0.19% | -1.6% |
| SK | Slovakia | 4.4 | 1.5% | 1.51% | 0.0% |
| EE | Estonia | 1.1 | 1.4% | - | - |
| PT | Portugal | 8.5 | 1.3% | 0.14% | -1.1% |
| SI | Slovenia | 1.7 | 1.0% | 1.121% | 0.2% |
| HR | Croatia | 3.4 | 0.4% | - | - |
| LV | Latvia | 1.6 | 0.3% | 1.04% | 0.7% |
| RO | Romania | 16.0 | 0.3% | 0.22% | 0.0% |
| LT | Lithuania | 2.4 | 0.2% | 0.23% | 0.0% |
| BG | Bulgaria | 6.0 | 0.2% | 0.01% | -0.2% |
| PL | Poland | 31.1 | 0.1% | 0.01% | -0.1% |

Source: Hutcheson, Derek S., and Luana Russo. "Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections." (2019).

European Parliament elections

Assessing the participation of mobile European citizens in EP elections is also hindered by the availability of data. The first complexity is the fact that mobile European citizens, while entitled under EU law to exercise their voting rights in their country of residence, may also retain electoral rights in their country of nationality. They may therefore have two possible channels for voting which are however accounted for in different countries. Some countries report data about the share of registered mobile European citizens who reside in that country and voted in EP elections. Other countries report data about mobile European citizens who voted from abroad (voting for a home country list). No country has data on the share of its nationals who voted in their respective countries of residence.

The share of mobile European citizens registered to vote in their host country is low

During the 2014 EP elections Ireland held the highest registration rate for mobile EU citizens within the country, between 22% and 24% of those eligible. In the majority of countries less

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

than one in ten mobile EU citizens were registered to vote in the host country⁷⁷. These registration rates are difficult to interpret because mobile European citizens can also choose to vote for a home county list, and administrative data on such instances is rarely available.

It is notable to observe that in the period 2009 – 2014 the registration rate of mobile European citizens did not increase but in fact declined slightly in the majority of countries. The table below shows the registration rate of mobile Europeans in their country of residence at the 2019 EP elections.

Table 9 – Registration rates of mobile European citizens for EP elections in their host country

| | Country | 2009 | | | 2014 | | |
|----|----------------|--------------------------------|---------------------------------|-----------------------|--------------------------------|---------------------------------|-------------------------|
| | | Resident EU citizens >18 years | Resident EU citizens registered | Registration rate (%) | Resident EU Citizens >18 years | Resident EU Citizens registered | Registration rate (%) % |
| AT | Austria | 280,000 | 30,393 | 10.9% | 431,173 | 33,184 | 7.7% |
| BE | Belgium | 592,380 | 66,343 | 11.2% | 684,306 | 68,771 | 10.0% |
| BG | Bulgaria | - | 115 | - | 26,590 | 55 | 0.2% |
| CY | Cyprus | 77,697 | 6,449 | 8.3% | 112,012 | 7,712 | 6.9% |
| CZ | Cz. Republic | 139,192 | 696 | 0.5% | 164,644 | 689 | 0.4% |
| DE | Germany | 2,142,810 | 141,425 | 6.6% | 3,168,638 | 172,110 | 5.4% |
| DK | Denmark | 97,919 | 16,744 | 17.1% | 130,631 | 15,940 | 12.2% |
| EE | Estonia | 8,649 | 951 | 11.0% | 20,130 | 1,191 | 5.9% |
| EL | Greece | 114,377 | 6,519 | 5.7% | 140,520 | 13,098 | 9.3% |
| ES | Spain | 1,970,778 | 284,443 | 14.4% | 2,119,647 | 337,748 | 15.9% |
| FI | Finland | 45,536 | 6,211 | 13.6% | 71,120 | 7,333 | 10.3% |
| FR | France | 1,156,209 | 223,148 | 19.3% | 1,406,700 | 245,063 | 17.4% |
| HR | Croatia | - | - | - | 5,293 | 8 | 0.2% |
| HU | Hungary | 105,648 | 5,542 | 5.2% | 104,822 | 1,619 | 1.5% |
| IE | Ireland | 303,865 | 73,216 | 24.1% | 323,460 | 71,735 | 22.2% |
| IT | Italy | - | 65,904 | - | 1,287,200 | - | 0.0% |
| LT | Lithuania | 3,278 | 354 | 10.8% | 3,993 | 278 | 7.0% |
| LU | Luxembourg | 107,691 | 17,340 | 16.1% | 168,984 | 21,650 | 12.8% |
| LV | Latvia | 8,577 | 249 | 2.9% | 8,967 | 326 | 3.6% |
| MT | Malta | 19,504 | 2,087 | 10.7% | 45,917 | 7,868 | 17.1% |
| NL | Netherlands | 241,495 | - | - | 380,600 | 48,169 | 12.7% |
| PL | Poland | 14,003 | 364 | 2.6% | 24,495 | - | 0.0% |
| PT | Portugal | 84,727 | 10,930 | 12.9% | 100,597 | 8,981 | 8.9% |
| RO | Romania | 28,273 | 84 | 0.3% | 36,293 | 592 | 1.6% |
| SE | Sweden | 221,237 | 48,413 | 21.9% | 248,066 | 49,092 | 19.8% |
| SI | Slovenia | 1,426 | 83 | 5.8% | 18,806 | 668 | 3.6% |
| SK | Slovakia | 6,871 | 591 | 8.6% | 55,900 | 33 | 0.1% |
| UK | United Kingdom | 1,043,629 | - | - | 1,921,000 | 160,000 | 8.3% |

Source: Hutcheson, Derek S., and Luana Russo. "Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections." (2019).

⁷⁷ Hutcheson, Derek S., and Luana Russo. "Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections." (2019).

Table 10 – Registration rates of mobile European citizens for EP elections in their host country (2019 elections)

| Member State | Resident nationals on electoral roll in own country | Non-resident nationals on electoral roll in own country | Resident non-national EU citizen | Resident non-national EU citizens on electoral roll in resident country |
|--------------|---|---|----------------------------------|---|
| Belgium | 7,989,802 | 54,832 | 755,569 | 73,251 |
| Bulgaria | 6,288,656 | 8,148 | - | - |
| Czechia | 8,314,451 | - | 213,310 | 2,286 |
| Denmark | 4,222,135 | 636 | 4,219,314 | - |
| Germany | 61,361,569 | 15,294 | 4,243,327 | 202,106 |
| Estonia | 882,232 | 58,408 | 15,640 | 1,618 |
| Ireland | 3,304,052 | 1,112 | - | 84,313 |
| Greece | 9,922,294 | 14,865 | - | 15,367 |
| Spain | 34,803,796 | 582,036 | 2,137,901 | 365,603 |
| France | 45,800,000 | 1,250,000 | - | 264,915 |
| Croatia | 3,678,130 | 33,569 | 15,992 | 13 |
| Italy | 49,207,309 | 1,673,837 | - | 93,848 |
| Cyprus | 624,487 | 6,135 | 158,601 | 10,559 |
| Latvia | 1,408,563 | 2,168 | 13,958 | 28 |
| Lithuania | 2,449,759 | 62,525 | 5,330 | 331 |
| Luxembourg | 261,513 | 862 | 200,240 | 0 |
| Hungary | 7,889,638 | 115,325 | 113,285 | 3,390 |
| Malta | 353,267 | - | 74,956 | 18,376 |
| Netherlands | 13,044,534 | 39,311 | - | 56,637 |
| Austria | 6,332,782 | 44,723 | - | 38,672 |
| Poland | 30,005,000 | 106,000 | - | 2,500 |
| Portugal | 9,318,580 | 688,898 | 158,915 | 10,751 |
| Romania | 18,267,618 | 384,943 | - | 114 |
| Slovenia | 1,609,705 | 94,158 | 21,711 | 1,000 |
| Slovakia | 4,429,801 | - | - | 824 |
| Finland | 4,256,326 | 240,711 | 88,019 | 7,444 |
| Sweden | 7,359,384 | 75,624 | 275,434 | 49,072 |
| <i>Total</i> | <i>343 385 383</i> | <i>5 554 120</i> | <i>12 711 502</i> | <i>1 303 018</i> |

Source: Hutcheson, Derek S., and Luana Russo. "Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections." (2019).

The share of mobile European citizens who voted in European Parliament elections is also substantially lower than that of non-mobile Europeans

For a few countries we have been able to compile the data on the turnout of their nationals residing abroad in EP 2019 elections (see table below). Note that the turnout data is a maximum estimate as it is possible that the number of votes cast includes the votes of persons who do not reside in an EU country. As can be seen, the numbers differ substantially. Up to 16% of Spanish nationals living in another EU country and 10% of French nationals living in an EU country voted for home country lists. In Greece or Lithuania this was substantially lower.

Table 11 – Examples of country data on turnout of nationals living abroad in EP2019 elections

| Country | Definition | Data |
|------------------|--|--|
| Greece | Turnout of voters voting from the overseas electoral district (i.e. Greeks living abroad voting for Greek lists) | Registered 14,892 (estimated 5% of all mobile Greeks) ⁷⁸ Turnout: 79% Estimated turnout as a share of all Greeks living in another EU country: 4% |
| Spain | Turnout of Spanish nationals living abroad voting from abroad | Number of votes: 63.617 ⁷⁹ Estimated maximum turnout for all Spanish citizens living in EU28: 16% |
| France | Number of registered French citizens living abroad registered on electoral rolls of EU28 embassies Number of ballots cast (and turnout) | Registered: 422971 (EU28) ⁸⁰ Voted in EU28: 82584 (19.5%) Estimated turnout of all French citizens living in EU28 countries (10%) |
| Lithuania | Registration of Lithuanian citizens who registered to vote in another country | Number: 2505 ⁸¹ Estimated share of all Lithuanians living in another EU country: 2% |

The study by Hutcheson et al. also looked at the data for EP2014 registration and turnout. It found the following turnout rates for expatriates from Finland, France, Italy, Portugal and Slovenia. This data shows the share of mobile European citizens who voted from their countries of residence in their countries of citizenship in 2014. This data is again not a full picture of the turnout of mobile European citizens as it does not combine voting for home and host country lists.

⁷⁸ Greek ministry of interior statistics <https://ekloges.ypes.gr/current/e/home/en/districts/57/>

⁷⁹ Kantar own calculations based on election statistics

⁸⁰ <https://www.data.gouv.fr/fr/datasets/resultats-des-elections-europeennes-2019-pour-chacune-des-11-circonscriptions-des-francais-de-letranger/>

⁸¹ Patvirtinti galutiniai rinkimų į EP ir prezidento rinkimų antrojo turo rinkėjų sąrašai <https://www.lrt.lt/naujienos/lietuvoje/2/1060596/patvirtinti-galutiniai-rinkimu-i-ep-ir-prezidento-rinkimu-antrojo-turo-rinkeju-sarasai>

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

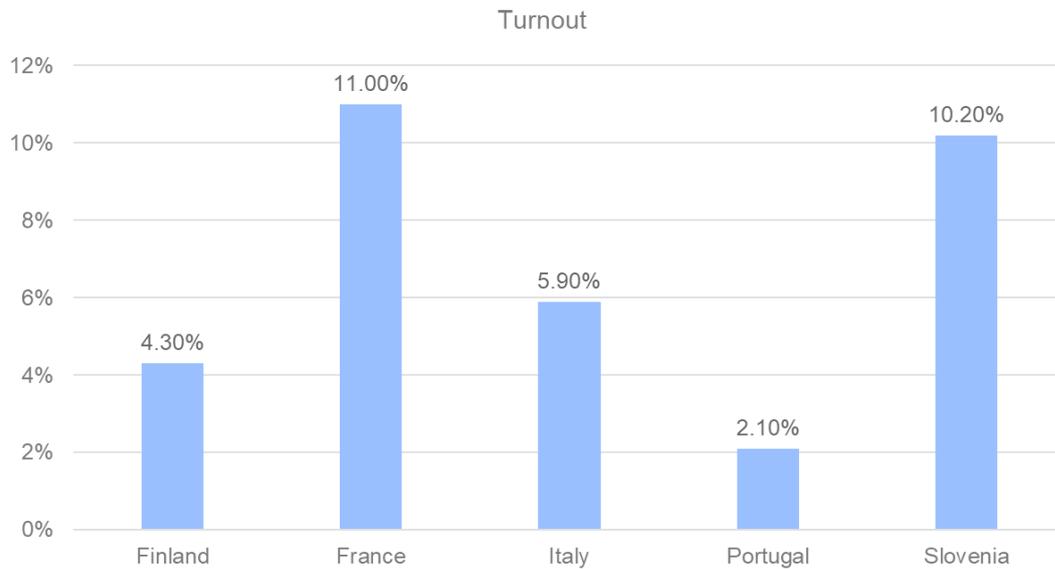


Figure 5 - Share of mobile EU voters who cast a vote for their home country lists from abroad

Source: Hutcheson, Derek S., and Luana Russo. "Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections." (2019).

As shown above, it is challenging to get a clear picture of mobile European citizens' electoral participation from the turnout data on European Parliament elections.

We therefore used the 2019 Eurobarometer post-election survey to estimate how the participation of mobile European citizens compares to that of non-mobile Europeans. In that survey Kantar interviewed a representative sample of 27,464 Europeans across all EU countries (EU28 at that time). Since respondents were asked about their country of nationality, we were able to identify the respondents who were interviewed in a country that is other than their country of nationality⁸². Subsequently we identified that the dataset contained information about 675 respondents who were nationals of an EU-28 country and lived in an EU country other than that of their nationality. As shown in the chart below there is a substantial difference in the share of respondents who did and did not vote when non-mobile and mobile European citizens are compared. Indeed, this data confirms that mobile European citizens are substantially less likely to vote than their counterparts who live in their home countries. Three-quarters (74%) of mobile European respondents did not vote in 2019 EP elections, as compared with only 45% of non-mobile (domestic) respondents. Given the probabilistic sampling of the Eurobarometer study and the sample size, it can be assumed with confidence that this large difference in electoral participation is representative of the population of mobile European citizens.

⁸² The sampling framework is based on a random selection of households which excludes respondents who are in the country only temporarily (travel/ work)

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

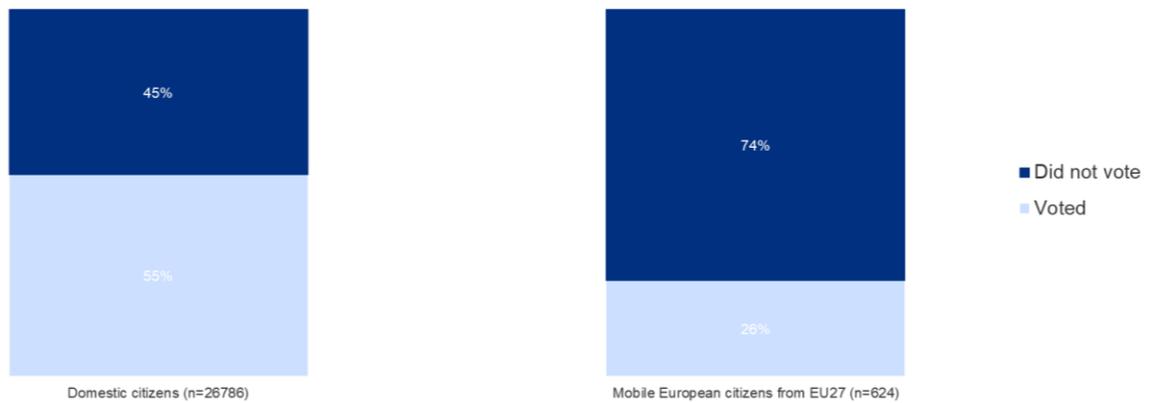


Figure 6 - Share of respondents in the 2019 post-election Eurobarometer study by participation in 2019 EP elections (unweighted data)

Note: the data in this figure is unweighted which is why the column on the left shows a somewhat different turnout than the figure in the published report which shows voter turnout of 50.6%.

Source: Kantar own analysis based on microdata from the Eurobarometer Survey 91.5 of the European Parliament⁸³

A dedicated survey of 8617 mobile European citizens about their participation in EP elections in 2019 found that 47% of the respondents voted while over half did not. The sample of these respondents was not drawn in a probabilistic manner: respondents self-selected into the survey which certainly results in an overestimate of the proportion who voted in this election. A key finding of this survey is the relationship between the length of stay in the country of residence and the likelihood of voting. As shown below, mobile European citizens who have resided abroad for a short period are substantially less likely to vote than those with longer periods of residence.

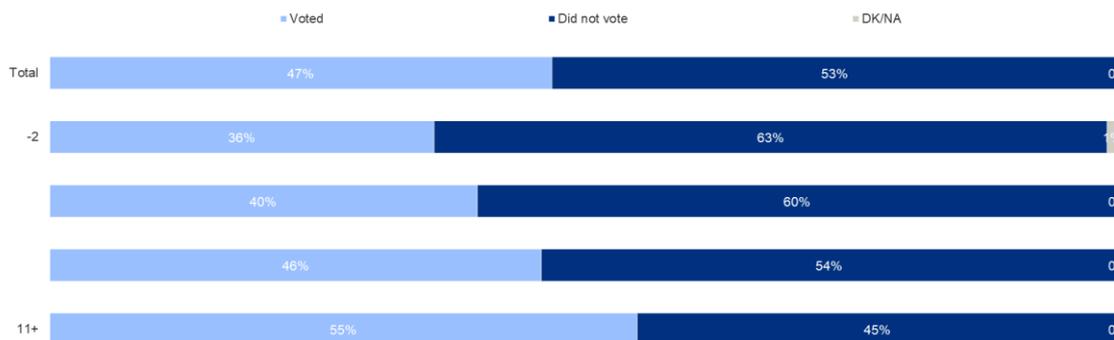


Figure 7 - Share of surveyed mobile European citizens who voted in 2019 EP elections (n=8617)

Source: Kantar Public for European Parliament (2019) *The 2019 Post-election survey among European expatriates*

Another relevant finding from this survey is the clear preference that recent mobile European citizens have for voting for their home country lists rather than host country lists. Only among those mobile Europeans who had lived in their country of residence for more than 10 years did a majority vote for host country party lists. In this survey 71% of mobile

⁸³ <https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2019/post-election-survey-2019-complete-results/report/en-post-election-survey-2019-report.pdf>

EU citizens who had spent less than five years in their host country voted for home-country party lists, and 59% of those who had spent six to ten years voted the same way⁸⁴.

Q6 How did you voted in the last European Parliament elections in May 2019? (% - Total)

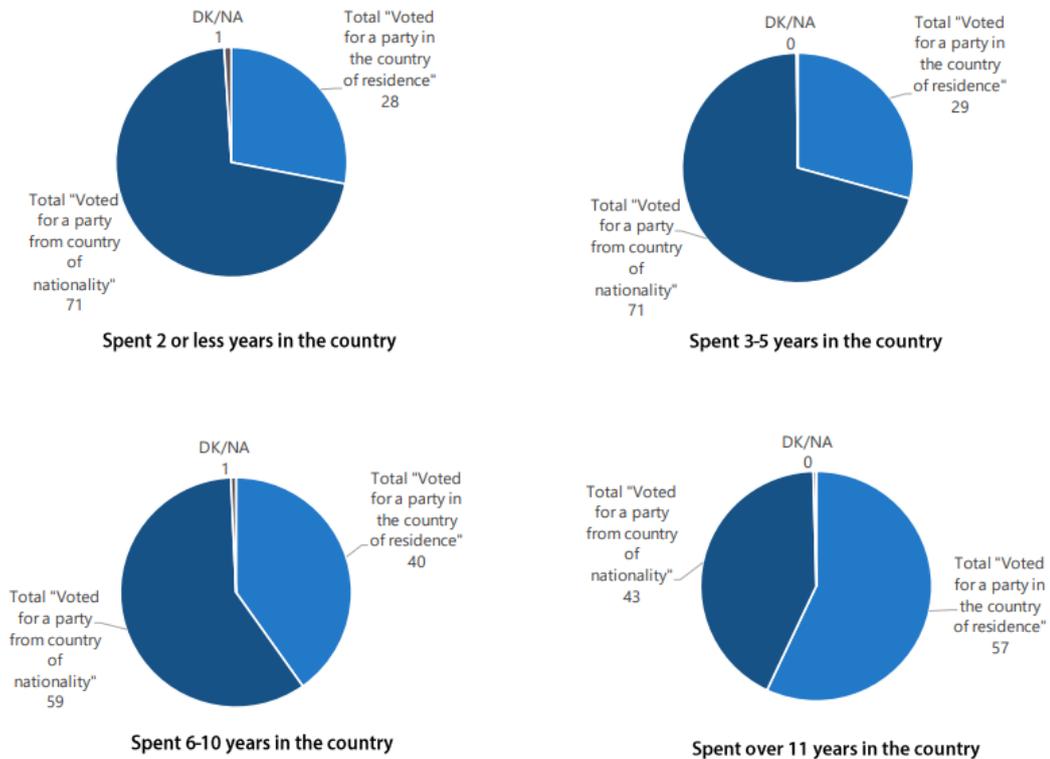


Figure 8 - Share of mobile European citizens voting for home or host country lists depending on their length of residence

Level of participation of mobile European Citizens as candidates

Data gathered by the Fair-EU project⁸⁵ shows great diversity when it comes to the numbers of non-nationals standing as candidates in local elections (note that non-nationals may also be third country nationals). While in a number of countries there are only very anecdotal cases of non-nationals standing as candidates (Croatia, Finland, Germany, Ireland, Lithuania, Poland – less than 10 candidates in the period covered), a few countries - Luxembourg, Belgium, Sweden, Spain and France - report relatively high numbers of non-national candidates (225, 353, 419, 1913 and 5965). In France particularly, this resulted in a high share of them being elected (50%). Such numbers are, however, exceptional and it is also highly likely that they represent a great diversity of nationalities, including many persons from outside the EU.

The 2018 report of DG JUST on the participation of mobile European citizens in local elections as candidates also shows that the differences between countries are very large (see figure below).

⁸⁴ Kantar Post Election Survey 2019.

⁸⁵ Ostling, Alina. *FAIR EU synthesis report: electoral rights for mobile EU citizens' challenges and facilitators of implementation*. 2019.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

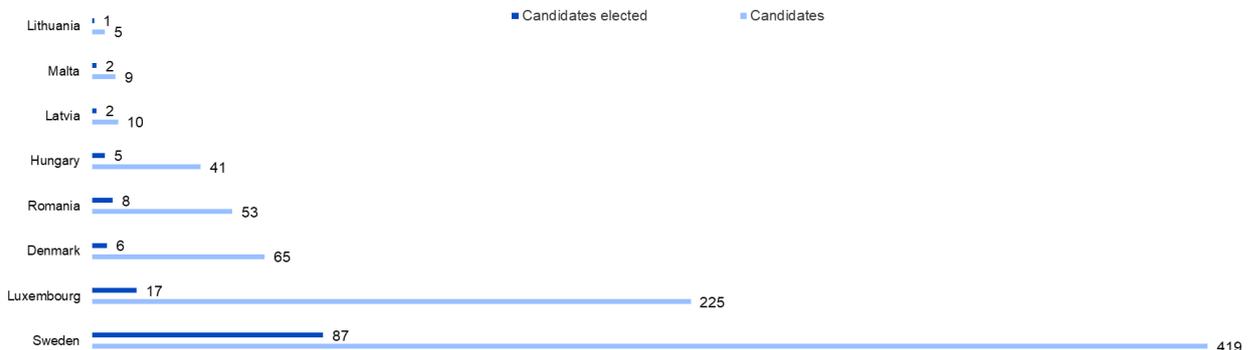


Figure 9 - Number of mobile European citizens standing as candidates in local elections and being elected (data reported by Member States in 2017)

Source: 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

In the 2019 EP elections, about 168 mobile European citizens stood as candidates (of whom only five were elected). Six countries represent the vast majority of mobile European citizens standing as candidates (Belgium – 37, France – 34, Germany – 22, Spain – 20, UK – 16 and Austria - 14)⁸⁶.

The data regarding candidacy in EP elections is also incomplete. From what is available, it appears that the highest number of non-citizen candidates was 31 in Belgium and Ireland for the EP-19 elections, with the lowest share being one to none⁸⁷.

Overall, it can be said that although the data presented does not fully shed light on the difficulties that mobile EU citizens experience when standing as candidates in local and EP elections, personal accounts describing local parties as 'gatekeepers' do suggest that limitations on forming one's own party or joining an existing one are a barrier for non-citizen residents wanting to be candidates in host countries⁸⁸. As mentioned earlier, some countries (Poland or Czechia) do not allow mobile European citizens to join an existing political party which de facto deprives them of any chance of election. The capacity to rely on party infrastructure is a precondition for successful candidacy, in particular for EP elections, though in local elections independent candidates in smaller residential units may still have fair chance of success, depending on the national electoral system. Furthermore, the inability to stand as candidates for executive positions and at certain levels of local politics also presents a set of inequalities for their integration⁸⁹.

⁸⁶ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee Report on the 2019 elections to the European Parliament

⁸⁷ Ostling, Alina. *FAIR EU synthesis report: electoral rights for mobile EU citizens' challenges and facilitators of implementation*. 2019.

⁸⁸ Ciornei, Irina. "European mobility and local political incorporation: The case of British and Romanian residents in Spain." *Migration Studies* 4.1 (2016): 38-58.

⁸⁹ Ostling, Alina. *FAIR EU synthesis report: electoral rights for mobile EU citizens' challenges and facilitators of implementation*. 2019.

2.2.6. Efficiency of measures to allow electoral participation of mobile European citizens

Types of barriers to voting faced by mobile European citizens

The chart below shows the reasons why mobile European citizens did not vote in the EP2019 elections. These responses can be grouped into informational barriers, practical and administrative barriers, and political and personal identity factors.

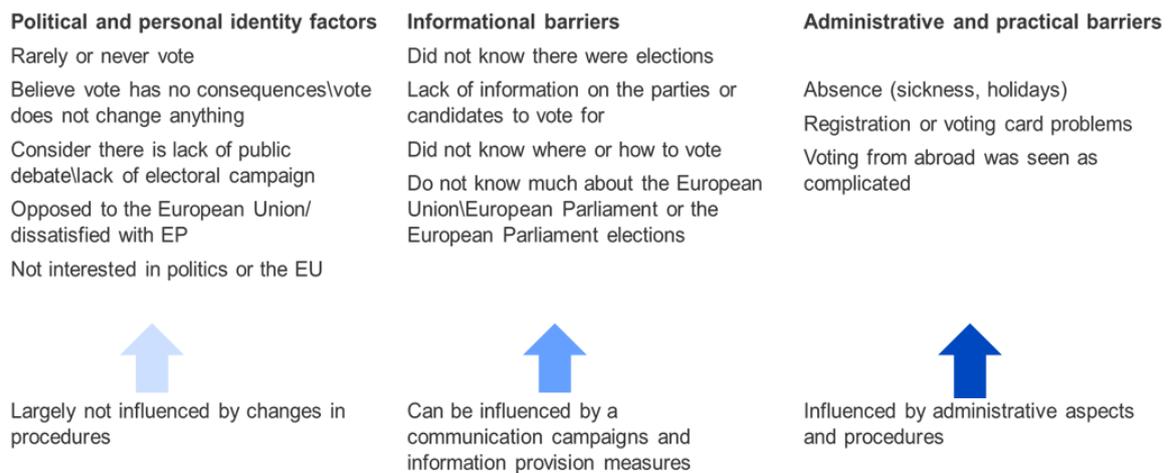


Figure 10 - Classification of main obstacles and barriers cited by mobile European citizens who did not vote in EP elections

Source: Authors

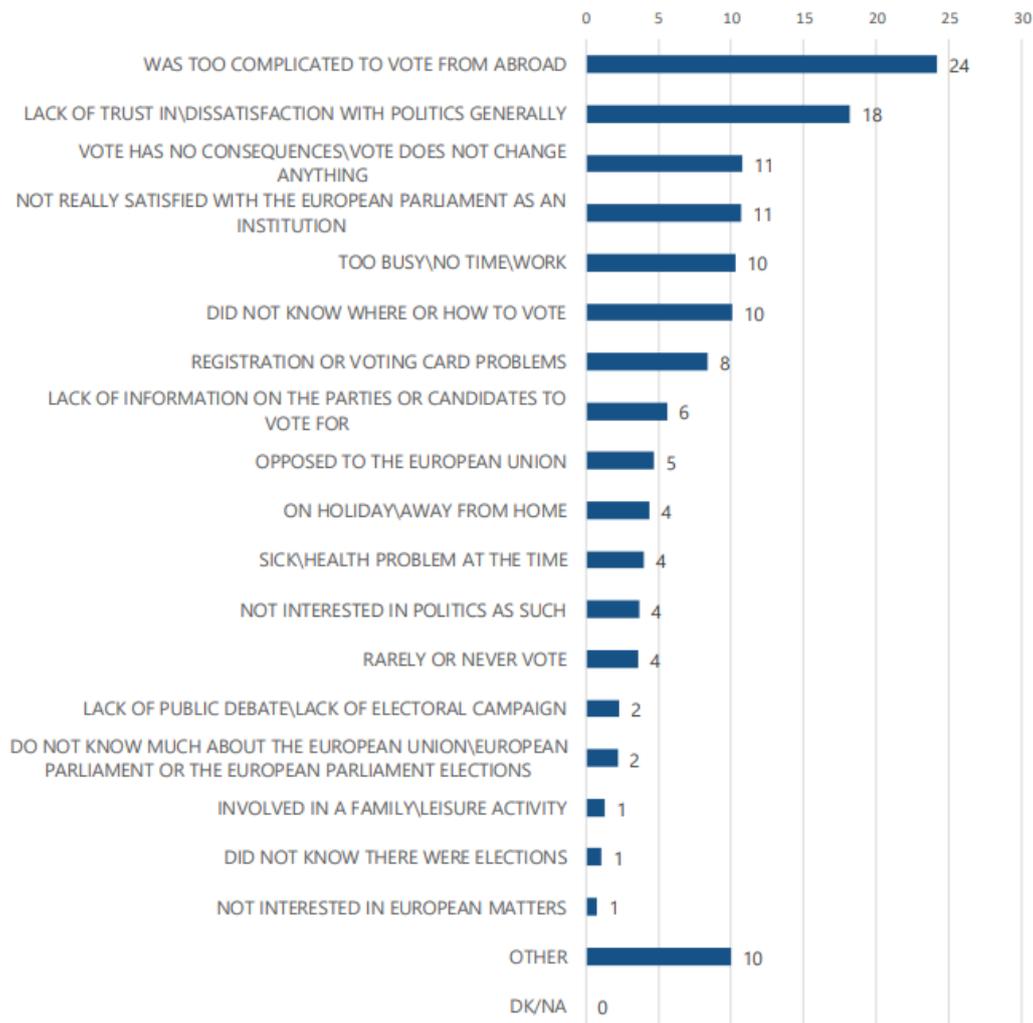


Figure 11 - What are the main reasons why you did NOT vote in the recent European Parliament elections? (n=4529)

Source: Kantar (2019) Post-election study among expatriates: European Elections 2019

Administrative and practical barriers including registration

As shown above, 8% of those mobile European citizens who did not vote in EP elections stated they had registration or voting card problems. More broadly 24% considered the modalities for voting from abroad were too complicated.

The same post-election survey among mobile European citizens also found that among those who did vote, just over a third (35%) encountered at least one difficulty while attempting to cast their vote from abroad. The main issue within these was the distance to polling stations (14%). Furthermore, the propensity for such issues to arise was much greater for those who wanted to vote for home-country party lists (53%) than those with the intention of voting for host-country party lists (15%). However, for the latter, registration was still the most common issue (36%) compared with other possible barriers⁹⁰. Below are the figures for the data:

⁹⁰ Kantar Post Election Survey 2019.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

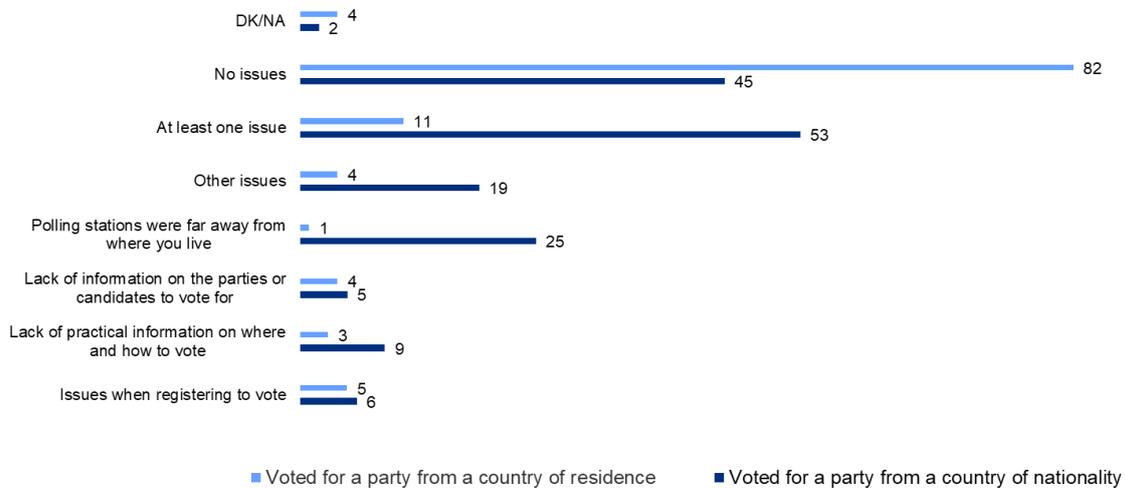


Figure 12 - Cited barriers to voting among mobile European citizens who did vote in EP2019 elections

Source: Kantar (2019) Post-election study among expatriates: European Elections 2019

For voting in local elections, the ease with which a mobile EU citizen can vote is affected by a Member State’s decision to practice either automatic or active registration⁹¹. The former involves the use of other civil registration information in order to count a mobile EU citizen as a voter. On the other hand, the latter involves mobile EU citizens having to apply separately to vote, which requires more effort from the individual. Figures presented in the FAIREU analytical report on the turnout and registration of mobile EU citizens show that when registration is not automatic it results in a lower share of mobile European citizens registering⁹². As shown earlier in this report 14 Member States have opted for automatic registration on local election rolls for mobile European citizens while the remainder require active registration.

When it comes to voting for host-country party lists, the vast majority of Member States do not practice automatic registration for mobile EU citizens⁹³. Only three do so, these being Ireland⁹⁴, Latvia⁹⁵ and Lithuania⁹⁶. Moreover, many of those that require active registration for EU citizens living in their country also have specific conditions that apply to its renewal.

⁹¹ Derek S. Hutcheson and Jean-Thomas Arrighi (2015), “Keeping Pandora’s (ballot) box half-shut”: a comparative inquiry into the institutional limits of external voting in EU Member States’, *Democratization* 22(5): 884-905 [ISSN: 1351-0347]

⁹² Hutcheson, Derek S., and Luana Russo. “Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections.” (2019).

⁹³ *Global ICT reports*

⁹⁴ Coutts, Stephen. *Report on political participation of mobile EU citizens: Ireland*. 2018.

⁹⁵ Ikstens, Janis. *Report on political participation of mobile EU citizens: Latvia*. 2018.

⁹⁶ Ruskyte, Ramute. *Report on political participation of mobile EU citizens: Lithuania*. 2019.

For example, Estonia⁹⁷, Spain⁹⁸, Cyprus⁹⁹, the Netherlands¹⁰⁰, Austria¹⁰¹, and Portugal¹⁰² do not automatically renew mobile EU citizens' voting registration if their address changes. Italy¹⁰³ and Malta¹⁰⁴ also ask for a written declaration presenting the desire to vote for host-country party lists be presented to the relevant authorities.

For mobile EU citizens wanting to vote for home-country lists, 13 Member States practice automatic registration¹⁰⁵. However, in the case of Sweden¹⁰⁶ and Austria¹⁰⁷, such a registration is valid for 10 years. For Spain¹⁰⁸, additionally, voters have to apply to receive a paper ballot in order to vote from abroad. In Germany¹⁰⁹, postal voting is only allowed if non-resident citizens are registered, and for Italy¹¹⁰ and Cyprus¹¹¹ special conditions must apply in order for the person to be eligible to vote. This also means that in those Member States that do not allow remote voting, the only option left for mobile EU citizens is to travel to their home country in order to vote for home-country lists.

The fact that administrative and functional barriers exist is also confirmed by the analysis of enquiries and complaints received by Your Europe, Solvit and DG JUST. This analysis is presented in Annex 1. It found that of the 1120 enquiries and complaints analysed, 24% concerned the registration process and 5% accessibility and voting modalities. Furthermore, some 40% of the enquiries were about the right to vote more generally. In the vast majority of cases (90%) the enquiries received by EU institutions concerned EP elections (rather than local elections). Of those who were asking about EP elections, 84% asked about voting for host country lists.

The main issues raised about EP elections were as follows (see Annex 1 for details):

- There was an important volume of enquiries related to Brexit. Both EU citizens residing in the UK and UK citizens residing in other Member States expressed uncertainties and difficulties in casting their ballots;
- Complaints that residents in some countries were denied the possibility to register in that country of residence;

⁹⁷ Jakobson, Mari-Liis, and Leif KALEV. *Report on political participation of mobile EU citizens: Estonia*. 2018.

⁹⁸ Rodriguez, Angel. *Report on political participation of mobile EU citizens: Spain*. 2018.

⁹⁹ Trimikliniotis, Nicos. *Report on political participation of mobile EU citizens: Cyprus*. 2018.

¹⁰⁰ De Groot, David, and Maarten Peter VINK. *Report on political participation of mobile EU citizens: Netherlands*. 2018.

¹⁰¹ Valchars, Gerd. *Report on political participation of mobile EU citizens: Austria*. 2018.

¹⁰² Reis Oliveira, Catarina, and Isabel Estrada Carvalhais. *Report on political participation of mobile EU citizens: Portugal*. 2019.

¹⁰³ Tintori, Guido. *Report on political participation of mobile EU citizens: Italy*. 2018.

¹⁰⁴ Zammit, George Vital. *Report on political participation of mobile EU citizens: Malta*. 2019.

¹⁰⁵ *Global ICT reports*

¹⁰⁶ Ostling, Alina. *Report on political participation of mobile EU citizens: Sweden*. 2019.

¹⁰⁷ Valchars, Gerd. *Report on political participation of mobile EU citizens: Austria*. 2018.

¹⁰⁸ Rodriguez, Angel. *Report on political participation of mobile EU citizens: Spain*. 2018.

¹⁰⁹ Pedroza, Luicy. *Report on political participation of mobile EU citizens: Germany*. 2018.

¹¹⁰ Tintori, Guido. *Report on political participation of mobile EU citizens: Italy*. 2018.

¹¹¹ Trimikliniotis, Nicos. *Report on political participation of mobile EU citizens: Cyprus*. 2018.

- Specifically for Romania a number of complaints were made about the fact that citizens were denied the right to vote for home country lists at embassies;
- A number of enquiries were made about the differences between countries in terms of automatic and active registration. This caused many citizens to enquire how it is possible to verify whether they are registered to vote in the host country or not. Some even complained of being unable to vote in the EP elections, because they assumed that when registering as residents, they would automatically be added to the electoral register.

In relation to local elections some people complained they were denied the right to vote in these elections by being required to provide what they saw as excessive documentation in order to register. Specifically in relation to the most recent local elections (2020) some complained that distance voting was not allowed.

Information barriers

The data from the EP elections survey of mobile European citizens shows the scale of information barriers as well: 10% of those who did not vote state they did not know how or where to vote. But even among those who did vote, the lack of information on where and how to vote was seen as a barrier.

A case study focusing on young people in two countries and their voting in EP elections has shown that registration procedures are often not communicated to potential mobile EU citizen voters, or not in an optimal way. Language barriers are one issue, but they also reported that information doesn't reach them proactively, through communication channels such as advertising, social media outreach or direct mailing¹¹².

Information barriers are also apparent from the analysis of enquiries and complaints (see Annex 1 for detail):

- 78% of the entries analysed were enquiries rather than complaints, meaning that people were asking for information rather than complaining about what happened to them in relation to registration or voting;
- Many people reached out to EU institutions simply to ask whether they could vote as a resident in another EU Member State, suggesting that this information was not easy to find.. In an interview, the EP citizen enquiry unit confirmed they also receive many such requests and that these are often from people in older age groups who are less at ease with searching online, or specific queries about students who are abroad on an exchange programme;
- Specific questions were also asked by people with dual nationalities about the extent to which they can vote in both countries of nationality in EP elections

Barriers to candidacy

The previous section of this report discussed the administrative barriers to candidacy.

¹¹² Reinsalu, Kristina, and Christian Stiefmueller. "Empowering European Mobile Youth: Case Studies from Austria and Estonia." Advances in the Human Side of Service Engineering: Proceedings of the AHFE 2020 Virtual Conference on The Human Side

Some 19% of the enquiries analysed concerned candidacy while the rest concerned voting (see Annex 1). The share is somewhat smaller if we only take account of enquiries from mobile European citizens (in that case it is 11%). In most cases the enquires were simply asking for details about the procedure for standing in the elections, for example how and where to register as candidate, which forms need to be filled out and documents sent in, how far in advance a candidate must apply, etc.

Many of these enquiries also concerned questions about the country where people should apply to stand as candidate, whether their host or home country.

In terms of accessibility and inclusion, a candidate with disability who wished to stand as candidate enquired about what forms of support they could access for the process. Another enquiry related to the profile of candidates that are eligible to apply, asking whether citizens with prior criminal charges (in this case related to multiple charges of hate speech) are allowed to participate.

Complaints about candidacy in local elections mainly contested the fairness of procedures within the cities of residence. A few mobile citizens felt discriminated against and excluded from the candidacy processes. For example:

A German citizen residing in Italy complained about not being able to stand as candidate in the local elections, due to the fact that they were not aware of having to first register on a candidate list prior to the elections. They maintained that such information was withheld from EU citizens who wished to participate in the elections.

Research has also shown than there is a general lack of provision of the information needed in order to fully understand the candidacy procedure¹¹³.

2.2.7. Efficiency of the current legal framework: costs and burdens associated with current measures

In this section we summarise the current evidence about the costs to or burdens on mobile European citizens and the EU.

Costs and burdens on mobile European citizens

The costs and burdens for mobile European citizens are related to the registration process in cases where active registration is practiced in the country. These costs include:

- The time needed to go and register. Registration typically has to be done in person and therefore requires the person to take time to go and fulfil the administrative requirements for lodging a request to be registered. This has an opportunity cost (the time is not spent on doing other activities that the mobile European might prefer).

¹¹³ Ostling, Alina. *FAIR EU synthesis report: electoral rights for mobile EU citizens' challenges and facilitators of implementation*. 2019.

In addition to the opportunity costs of the registration process, active registration is also an important barrier. The default option is to be unregistered and there is wealth of evidence in behavioural research about the status quo or default bias.

- The costs of preparing the documentation when this goes beyond the identity documents that are routinely held by mobile European citizens. In a small number of cases additional documents are required, such as a notarised declaration on honour (Croatia) or documentary evidence from the home country that the person has retained their right to vote (Czech Republic, the Netherlands, Poland, Romania).

Furthermore, these costs can be one-off (where registration is one-off and its validity is not time-limited) or recurrent if registration is required for every election (Croatia, France, Greece and Malta).

The costs or burdens associated with the registration process borne by mobile European citizens will therefore differ greatly from one EU Member State to another. It is zero in those countries that have automatic registration, while it can be relatively high in terms of time and hassle in countries that require excessive documentation, such as those mentioned above.

Costs and burdens on Member States

The costs that Member States bear in relation to the current legal framework for the electoral participation of mobile European citizens comprise the following:

- Costs of information materials related to registration: designing, producing and distribution costs;
- Administrative costs for registration processing;

Such costs will differ greatly from one country to another depending on:

- Whether active or automatic registration is used.

In the case of active registration, the country should put in place a process for informing mobile European citizens about their registration status, deadline and modalities as explained earlier.

In the case of automatic registration, the costs of information materials are not applicable. Only the costs of processing the request are applied and these are marginal, as this is part of the same administrative act as the other aspects of registering residence.

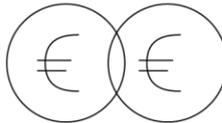
- Whether or not the country produces and distributes information documents for its own nationals. If the country systematically sends information documents about upcoming elections and registration processes to home country nationals, the costs of providing information to mobile European citizens will be marginal. However, if that is not the case and a specific process has to be put in place for mobile European citizens, the costs will be more substantial.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

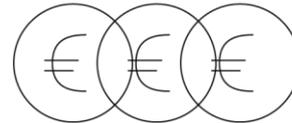
Countries with automatic registration
Mobile Europeans are added to electoral roll at the point of residence registration – marginal additional cost compared to the residence registration act



Countries with active registration, which provide information to mobile Europeans via letters or equivalent at the same time and in the same manner as they inform their own nationals.
Costs of processing registration requests + marginal cost for adapting the materials to mobile Europeans.



Countries with active registration.
Separate procedure for informing mobile Europeans
Costs of processing registration requests
Full costs for developing, producing and distributing the materials to mobile Europeans.



There is also a cost for the Member States related to the exchange of information. Member States need to set up a contact point, connect the administration in charge of the EP electoral roll to the Crypto tool of DGIT, send, receive, process and match the data received through the information exchange. These costs will vary depending on whether:

- The country has a low or high number of records to match;
- The identification information provided is compatible with that which the country has on its own electoral roll and therefore can be matched using automated techniques; and
- The extent to which the country uses special characters or the Latin alphabet.

Costs to the EU

The costs to the EU comprise:

- The costs of the crypto tool, its design, maintenance and associated helpdesk. Over the previous five-year period these costs were 500,000 euro, as described above;
- The costs of targeted information campaign(s).
- The costs of maintenance of the information on YourEurope portal (cost that is shared with Member States)
- The costs of handling enquiries from mobile European citizens – in particular in the run-up to EP elections, EU institutions (both the Parliament and the Commission) received over 1000 questions from citizens, the majority of which concerned mobile European citizens – see annex 1)
- The costs of providing support to the expert group on electoral matters and the European Cooperation network on elections.

3. Problem definition

3.1. Who is affected by the problem?

In 2019 there were over 13 million EU27 citizens living in an EU27 country other than that of their nationality¹¹⁴. Every year some 1.3 million Europeans emigrate to another EU country (EU27 data). Consequently, the numbers of mobile European citizens continue to grow on annual basis. In 2019, 4.3% of the EU population were mobile Europeans¹¹⁵. Therefore, the population affected by these Directives represents a sizeable minority of all Europeans.

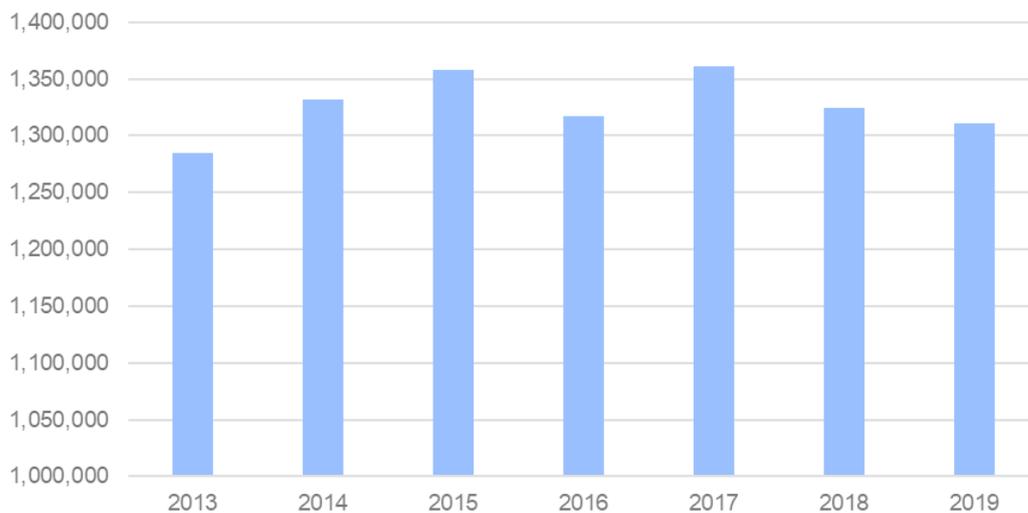


Figure 13 - Number of mobile European citizens from EU27 countries immigrating into EU27 countries (yearly flows)

Source: Eurostat - Immigration by broad group of country of previous residence [MIGR_IMM12PRV]

3.1.1. Mobile European citizens vary both by country of residence and country of origin, and these national contexts affect their levels of electoral participation

In terms of host countries, as shown below, Germany is the country that hosts by far the greatest number of mobile European citizens (over 3.3 million persons) followed by Spain (1.4 million persons), Italy (1.2 million), France (970k), Belgium (630k), Austria (540k) and the Netherlands (450k). These numbers are for 2019 and include UK data. Luxembourg, Cyprus and Ireland are the countries which have the most mobile Europeans as a proportion of total population.

¹¹⁴ Source: European Commission (2021) *Annual Report on Intra-EU Labour Mobility 2020*

¹¹⁵ Idem

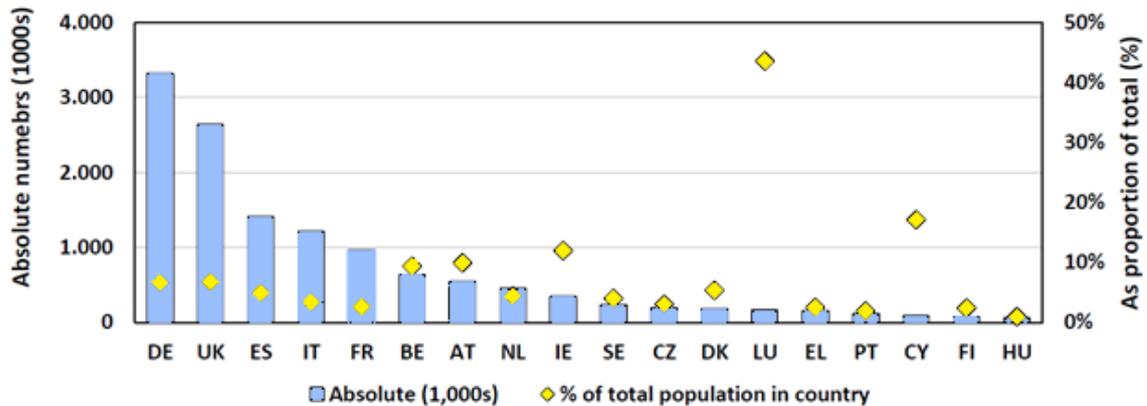


Figure 14 - Number of mobile Europeans from EU28 countries – stock and % of population (2019)

Source: European Commission (2021) *Annual Report on Intra-EU Labour Mobility 2020*

The majority of mobile Europeans originate from 5 countries: Romania, Poland, Germany, Italy and Portugal. Together these countries of origin represent 60% of mobile Europeans in EU27.

In terms of voting behaviours, these are countries with very different electoral participation patterns. In the latest 2019 EP elections, Germany had one of the highest levels of election participation (5th highest participation – 61.4%) while Portugal had amongst the lowest levels (5th from lowest participation – 30.75%)¹¹⁶. Important differences also exist between these countries in terms of participation in other types of elections (national legislative, presidential, etc.).

The home country of mobile European citizens is among the factors that influence their level of electoral participation. A previous study of the political participation of British, German, Romanian and Polish citizens living in western and southern Europe considered these differences. It showed that mobile European citizens from pre-2004 enlargement countries such as Germany tend to be more interested in all dimensions of politics in their host countries than their counterparts from Member States that joined later such as Poland or Romania. Similarly, country of residence matters too: mobile European citizens in France and Italy seem more interested in all aspects of politics than those in Spain or Greece. This can be explained by socio-historical reasons related to the socio-demographics of these different groups (German citizens in France tend to be older and more educated than the Romanian and Polish citizens in the same country), different political socialisation or a better readability of the political spectrum (the left-right scale tends to be understood differently depending on home country, where the political spectrum might not be divided in the same way)¹¹⁷.

¹¹⁶ Turnout in European Parliament elections: <https://www.europarl.europa.eu/election-results-2019/en/turnout/>

¹¹⁷ Recchi et al., "MOVEACT Project - Final Report." "ALL CITIZENS NOW": INTRA-EU MOBILITY AND POLITICAL PARTICIPATION OF BRITISH, GERMANS, POLES AND ROMANIANS IN WESTERN AND SOUTHERN EUROPE

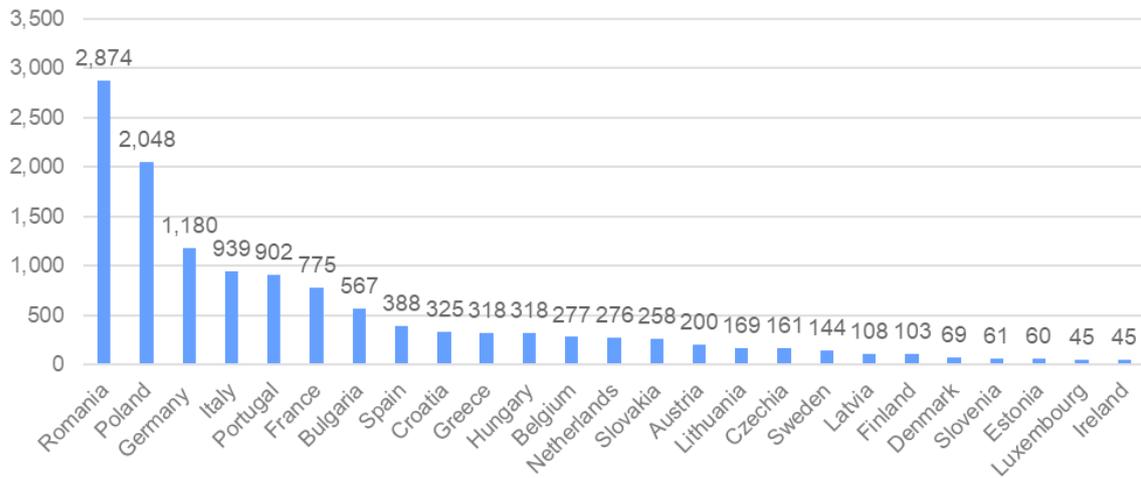


Figure 15 - EU-born population of working age usually resident in another EU country, by country of birth – EU27 (2019) (thousands)

Source: Eurostat EU/EFTA born population of working age who usually resides in another EU/EFTA country by country of birth, age and educational attainment level [fst_lmpercobed]

3.1.2. Mobile European citizens also vary in their length of stay in their host country

Around one third of mobile Europeans (34%) have lived in their country of residence for five years or less. Another half of mobile Europeans, on the other hand, have done so for 10 years or longer.

Length of stay in the country of residence is related to both:

- The likelihood of voting; and
- In the case of EP elections, the choice of party list (home country or country of residence).

In 2019 EP elections, mobile European citizens who had lived in the country of residence for more than 10 years were substantially more likely to vote (see figure below).

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

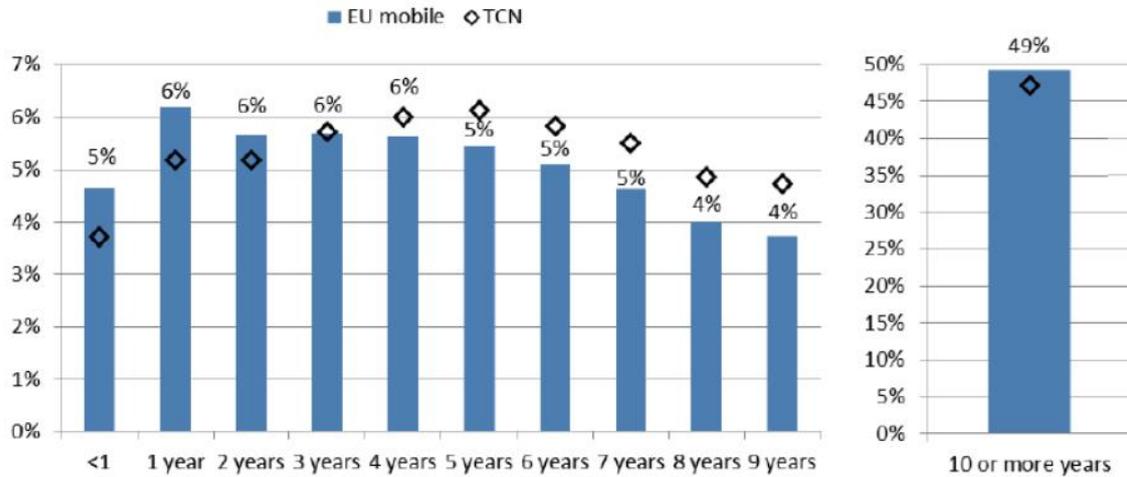


Figure 16 - Distribution of mobile European residents (and third country nationals) in EU countries according to length of stay
Source: European Commission (2020) 2019 Annual Report on Intra-EU Labour Mobility

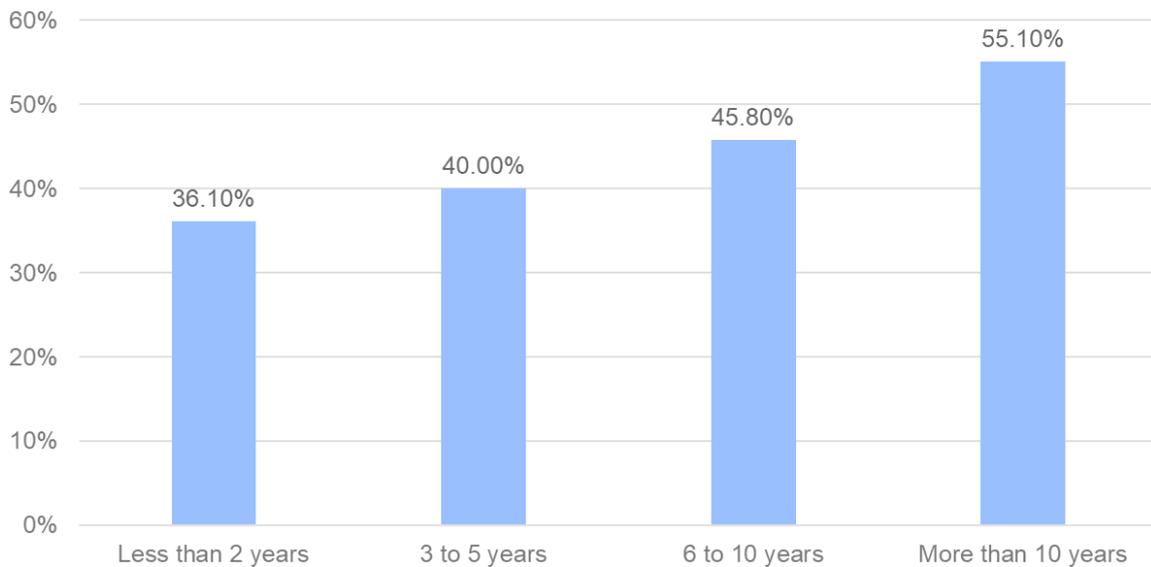


Figure 17 - Share of respondents in the survey of mobile Europeans post-2019 elections who voted by length of residence (%)

Source: Kantar (2019) Post-election study among expatriates: European Elections 2019

A similar pattern can be seen regarding voting in local elections in the host country.

Furthermore, when it comes to EP elections, there is also a clear link between length of stay in the host country and likelihood of voting for the list in the country of residence. The longer the respondents live in the host country the more likely they are to vote for the host country list.

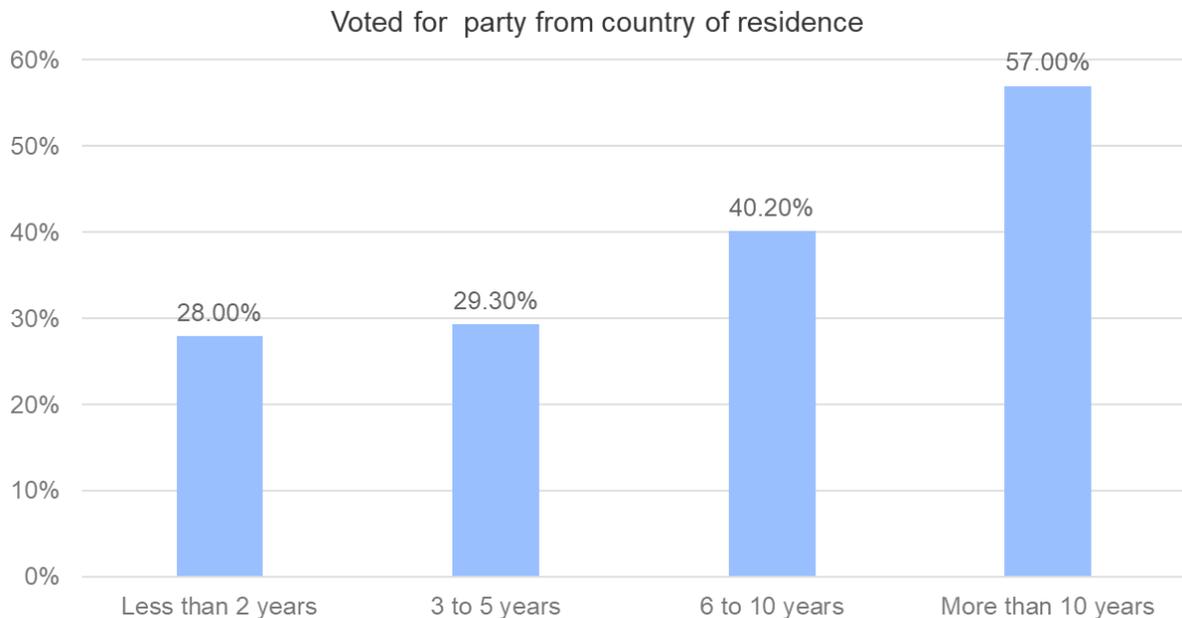


Figure 18 - Share of respondents in the survey of mobile Europeans post-2019 elections who voted for the lists of the country of residence by length of residence (%)

Source: Kantar (2019) Post-election study among expatriates: European Elections 2019

3.2. Summary of the problems

Figure 19 gives a summary of the problems, their causes and consequences as well as external factors. These problems are discussed in further detail below.

The overarching problem tackled by the proposed revisions to the directives 93/109/EC and 94/80/EC is that despite the measures currently in place, due to their residency status, mobile European citizens still face information barriers and barriers related to the registration procedures which hinder their electoral participation. These barriers represent a burden (cost) on mobile Europeans. They also have an adverse effect on the actual voting behaviour of mobile European citizens (lower participation in elections than citizens in their host country, and often lower participation than their peers in their home country).

Furthermore, specifically concerning local elections:

- Mobile European citizens are not all treated the same in terms of the conditions under which they may exercise their electoral rights, depending on the country of residence. Some countries have opted to require a minimum period of residence as a condition of eligibility to vote in local elections. Furthermore, MS have different modalities in place for the registration of mobile European citizens and also for informing them of their electoral rights. As a result of these differences in MS practices, mobile European citizens will face a greater or lesser administrative burden and will be exposed to more or less information about upcoming elections and their rules, depending on where they reside. This means that their participation is not facilitated in a consistent manner across the EU countries;
- Mobile European citizens are not systematically able to stand as candidates in local elections. They are sometimes faced with undue administrative barriers and with restrictions when it comes to the type of office. Despite current EU-level legal

provisions which require MS to ensure mobile European citizens can stand as candidates under the same conditions as nationals, this is not possible in certain countries where they are prevented from standing for office. Furthermore, the current legal provisions allow MS to restrict the candidacy of mobile European citizens to non-executive positions. Many Member States have been using this provision, thus restricting the scope for mobile European citizens to stand as candidates.

When it comes to European Parliament elections, the following challenges have been identified:

- Mobile European citizens (and those with dual nationality) are still technically able to vote in two elections and they are not systematically aware that this is prohibited. The preventive measures in place make double voting illegal and punishable and they also require the home country to make sure that a mobile citizen who registered to vote in a host country in EP elections is not allowed to do so in the home country. This is supported through a mechanism for the exchange of information and data between MS. Due to gaps in implementation, these measures do not eliminate the technical feasibility for mobile EU citizens of voting twice;
- There are instances where, as a result of information exchange between Member States, mobile European citizens are deregistered from home country electoral registers, including for elections that are outside the scope of these Directives. As a consequence, they may be deprived of their right to vote in legislative or presidential elections on the basis of the information exchanged between MS. The purpose of this exchange of information is to prevent double voting in EP elections which does indeed result in deregistration for the EP elections in the home country. This, however, should not be applied to other elections in the home country in which mobile European citizens should remain eligible to vote.

The **consequences** of these problems are:

- Mobile European citizens have lower voting participation rates both in local and European Parliament elections than their host country counterparts but also than counterparts in their home country. While the lower participation of mobile European citizens is a result of multiple complex factors (see section 2.2), the administrative obstacles around registration as well as information gaps when it comes to understanding the host country voting systems and structures contribute to this tendency.
- Because of the deregistration procedures some mobile European citizens are disenfranchised when returning to their home country. They may be required to re-register which entails additional procedures and furthermore the registration deadlines may be passed by the time they realise that they have been deregistered and consequently cannot vote;
- Double voting represents a threat to the integrity of the election process. There are instances where this issue has received attention in the media, thus potentially undermining the legitimacy of European Parliament elections. Furthermore, depending on Member States' electoral law, in some countries even low levels of double voting may result in cancellation of election results and a new election, thus imposing a major cost for the country;
- Finally, the absence of mobile European citizens as candidates in local elections means that mobile European citizens are under-represented in local elections as well as local government. This in turn can contribute to their lower participation patterns.

The **causes** of these problems can be divided into three sub-groups:

- Causes related to mobile citizens themselves, their voting behaviours and what drives them;
- Causes related to regulatory failures linked to gaps in current legislation; and
- Insufficient implementation of current provisions.

The first category of these causes (citizen level) includes:

- Lack of information about registration procedures and deadlines for mobile European citizens;
- Low levels of understanding of host country election systems as well as of host country parties;
- For local elections, lesser salience of local election issues among mobile European citizens, in particular those who have recently arrived. This means that they are less likely to invest additional effort into registration and getting to understand a new system than if they were voting in their home country in a system they are familiar with.

The second category of causes (legal gaps), includes the fact that the Directive 94/80/EC allows Member States to restrict the type of offices that mobile European citizens can stand for.

The third category of causes are implementation gaps, i.e. issues that are covered to an extent by the current legal framework but which are not implemented (homogeneously) across countries:

- Great differences between countries when it comes to registration processes and what must be provided by mobile European citizens in order to register
- Great differences between Member States regarding the provision of information. The monitoring data from national reporting on this matter shows that not all countries apply measures to ensure information provision and that those that do have such measures use a great diversity of means to do so;
- At EU level, the information provision to mobile Europeans through YourEurope remains generic and does not cover, for the moment, information about “how to” register, by when to register and how to vote;
- EU measures targeted at empowering mobile European citizens are in place for EP elections but there is little evidence of equivalent actions at national or local level for local elections;
- A number of countries set additional restrictions regarding access to candidacy for mobile European citizens. They also use the currently existing possibility to restrict candidacy to certain positions (mobile European citizens are not able to stand for executive positions);
- The effective and efficient use of the EU tool for secure exchange of data to prevent double voting is hindered by the fact that only a minority of records can be matched. This is due to technical challenges related to use of special characters but also to the type of data that is being exchanged, which does not always allow the home

country to match the data received. The fact that registration deadlines are disparate across the countries causes inefficiencies in the process and makes it burdensome.

There are also a number of **external factors** that affect these problems and their causes. These external factors are to an extent outside the scope of what the revised Directives can influence but they nevertheless influence the problems and their consequences. Consequently, these external factors affect the effectiveness (results and impacts) of the current Directives and their revisions. Such external factors are:

- Diversity of Member State practices for the registration of mobile European citizens on election rolls, and diverse administrative requirements for registration. This also includes diversity of national practices when it comes to the ability of mobile European citizens to vote for home country lists in EP elections.
- Specifically, in EP elections, mobile European citizens who have lived in their host country for a limited period of time (less than 5 years) tend to prefer to vote for home country lists. Familiarity with the parties, the political figures and the electoral stakes make home country lists their preferred choice. Many face obstacles when voting for home country lists but these obstacles are outside the scope of the Directive 93/109/EC.
- Similarly, mobile European citizens who are relatively new to their host countries have little or no attachment to local politics in their host countries. They have little interest in these elections, low levels of understanding of the local issues at stake and little or no familiarity with local parties or candidates. This is an important driver of their low levels of participation in local elections in their host countries.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | Local elections | European Parliament elections |
|------------------|---|--|
| External factors | Differences in countries' electoral laws and practices for registration of their nationals | |
| | | Mobile European citizens who live abroad for shorter periods tend to prefer to vote for home country lists because of familiarity with the political system, understanding of parties and stakes, self-identification with the country. |
| | Mobile European citizens feel less concerned by local elections and they have less interest in local stakes and local candidates/ parties | |
| Causes/ Drivers | Causes related to regulatory gaps and poor implementation of current provisions The relevance of article 5(3) of Directive 94/80/EC is questionable. This article allows candidacy for executive local offices to be restricted to nationals | |
| | Causes related to implementation gaps in current provisions Some Member States require excessive documentation over what is requested of their nationals Existing legal formulation about requirements to inform mobile European citizens remains very flexible and allows for a great diversity of practices. In practice many countries do not have clear measures in place to provide information. Where information is provided, it is not necessarily done in a manner that makes it easy to understand for mobile European citizens Partial implementation of current provisions of the Directive 94/80/EC when it comes to mobile European citizens standing as candidates. Technical challenges in exchanging information about mobile European citizens registered on host country electoral rolls The exchange of information about mobile European citizens registered on an electoral roll in host country is incorrectly used to deregister mobile European citizens from all home country electoral rolls The exchanges of good practices between Member States and expected bottom-up convergence of practices is insufficient. | |
| | Causes related to mobile European citizens Lack of information about registration procedures and deadlines among mobile European citizens; Low levels of understanding of host country election systems; For local elections, lesser salience of local election issues among mobile European citizens means that they are less likely to invest additional effort into registration and getting to understand a new system. | |
| | | |
| Problems | Mobile Europeans face unnecessary administrative barriers to the exercise of their electoral rights during the registration process (automatic registration practiced only in some countries, excessive documentation required in some countries, repeat registration required in some countries for every election). | |
| | The information provided to mobile European is insufficient or unclear. Many countries do not have systematic measures in place for information provision. | |
| | Depending on their country of residence, their opportunities to exercise voting rights are different because countries have in place a great diversity of practices to facilitate participation. | Mobile European citizens do not have the same opportunities to exercise their electoral rights in EP elections. This depends on the country of residence and country of origin. As a result of the great diversity of national practices for registration and information provision, the ease with which mobile European citizens can exercise their rights will vary depending on their country of residence. |
| | | Mobile Europeans are not fully aware of the fact that multiple voting is prohibited. Efficient and effective implementation of existing measures to prevent double voting is hindered by the variation in scope of the data exchanged, diverging deadlines for data collection between Member States and technical obstacles. |
| | Mobile European citizens registered in the host country are sometimes de-registered in the home country even for elections for which they should remain eligible to vote, such as legislative or presidential elections Mobile European citizens are not systematically able to stand as candidates in local or EP elections. They are sometimes faced with undue administrative barriers and, in local elections, with restrictions on the type of office for which they can stand. | |
| Consequences | Mobile European citizens have lower voting participation rates in local and European Parliament elections than non-mobile nationals of their host as well as home countries. They are disenfranchised from their electoral rights because of deregistration procedures | |
| | Less diverse candidate lists which means that local communities of mobile European citizens are less represented in local government. This represents an additional barrier to participation | |
| | | Double voting represents a threat to the integrity of the election process. |

Figure 19 - Problem tree

3.3. Overarching problem: mobile European citizens are less likely to actively participate in electoral processes than non-mobile Europeans

The previous section discussed the challenges in gathering comparable data on the electoral participation of mobile European citizens compared with domestic European citizens. It showed the relatively low participation of mobile European citizens in local elections where the data is more readily comparable. It also showed that participation of mobile European citizens in local elections has not evolved substantially over the recent years. Furthermore, the 2019 EP post-election survey data shows that a substantially smaller share of mobile European citizens voted compared with their non-mobile peers.

To estimate the probability of voting in the EP elections for different population groups we undertook a simple linear regression of voting on the respondent's status as domestic or mobile European citizen¹¹⁸. This showed, as already presented in section **Error! Reference source not found.**, that the probability of voting was 29.0 percentage points lower for mobile citizens than for European citizens who are nationals of the Member State they reside in: only 26.4%, in contrast to 55.4% for domestic citizens.

We also undertook a careful review of possible confounding factors. Notably, two demographic characteristics that have a major impact on voting behaviour are age and education: older people and persons with higher educational attainment are more likely to vote, not only in European but also in national, regional and local elections. Mobile (adult) European citizens, at the same time, are generally younger than the domestic adult population, which may explain in part their lower propensity to vote; but they are also more educated on average, which in itself should make them more like to vote.

Therefore, the effect of expat status on voting behaviour was also investigated while *controlling* for age and education of respondents.¹¹⁹ This model yielded a very similar result, i.e. a 28.5 percentage point reduction in the probability of voting. For completeness, the baseline probability (for a domestic European citizen aged 40 who stopped education at 14 years at most) was 31.2%, while one additional year of education increased voting propensity by 2.3 percentage points, and one unit increase in the logarithm of age boosted voting probability by 6.2 percentage points (see the output of the regression analysis below). Differences across genders were not particularly significant and were therefore not included in the model.

¹¹⁸ Although the dependent variable is binary (not voting = 0; voting = 1), a linear regression approach has been chosen for this quantitative analysis. This choice was motivated by the easy interpretation of the coefficients under this approach – the constant term will provide the base probability of voting for the baseline group, and other coefficients the effect of a one unit increase in the given independent variable on the probability of voting in percentage points.

¹¹⁹ Only respondents aged between 15 and 74 years were retained in the sample, as patterns change above 75 and the sample of older people was not large enough. Educational attainment was proxied by looking at the age of the respondent at the end of education. This was bottom-coded at 14 years, and persons who refused to answer or who were still studying were omitted from the sample. The logarithm of the age of the respondent, and the years of education both show a clear linear effect on voting, and the same slope for both the domestic and expat sample, eliminating the need for interaction terms.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| Source | SS | df | MS | Number of obs = 16158 | | |
|----------|------------|-------|------------|-----------------------|--------|--|
| Model | 186.588225 | 3 | 62.1960749 | F(3, 16154) = | 270.78 | |
| Residual | 3710.48765 | 16154 | .229694667 | Prob > F = | 0.0000 | |
| | | | | R-squared = | 0.0479 | |
| | | | | Adj R-squared = | 0.0477 | |
| Total | 3897.07588 | 16157 | .241200463 | Root MSE = | .47926 | |

| voteep | Coef. | Std. Err. | t | P> t | [95% Conf. Interval] | |
|--------|-----------|-----------|--------|-------|----------------------|-----------|
| eduage | .0227594 | .000934 | 24.37 | 0.000 | .0209286 | .0245902 |
| age1n | .0615384 | .0046987 | 13.10 | 0.000 | .0523283 | .0707484 |
| expat | -.2852055 | .0263106 | -10.84 | 0.000 | -.3367772 | -.2336337 |
| _cons | .3121347 | .0146114 | 21.36 | 0.000 | .2834949 | .3407746 |

Mobile European citizens revealed somewhat different reasons for not voting in the 2019 EP elections than their domestic counterparts. A substantially higher share of mobile European citizens said they had registration or voting card problems (see problem analysis section on this matter).

At the same time, substantially fewer mobile European citizens stated that they are not interested in politics or dissatisfied with politics. These are important barriers to voting and when these are lower one would expect the turnout for that group to be higher. Instead, there is a substantially higher share of mobile European citizens who state that they never or rarely vote than among domestic nationals. This suggests that there are specific barriers for this segment of Europeans.

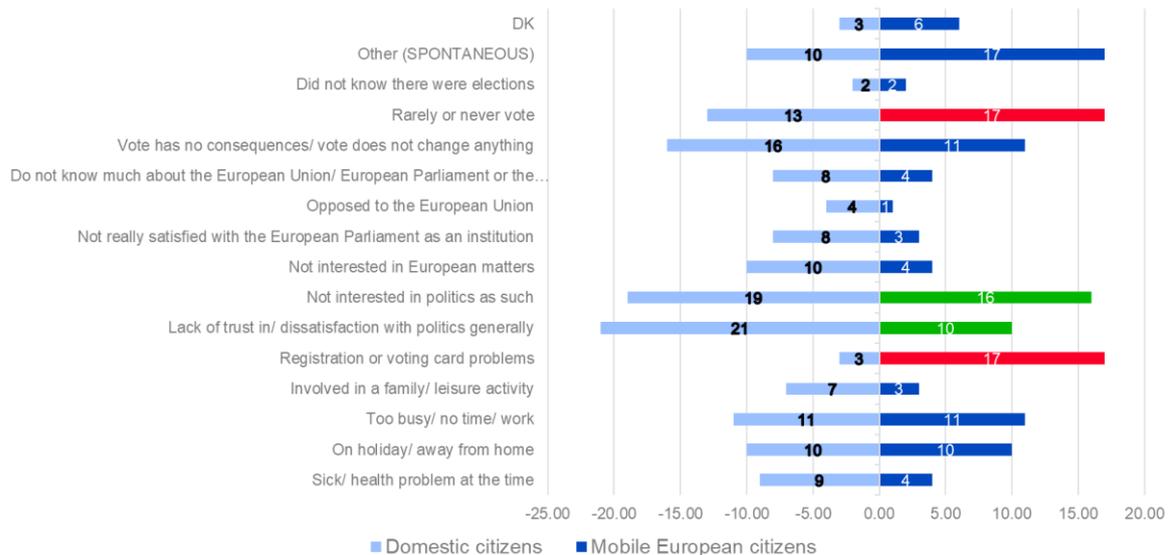


Figure 20 - Reasons for not voting in 2019 EP elections among mobile European citizens and general population (% multiple choice, n=395 mobile Europeans and n=8879 domestic citizens, unweighted data)

Note: the data in this figure is unweighted Source: Kantar calculations based on 2019 Ex-post elections Eurobarometer data

There is no dataset that would allow a comparable calculation for probability of voting in local elections but there is no reason to believe that this gap would be lower. On the contrary, it is more likely to be higher because:

- When voting in EP elections most mobile European citizens decide to vote for their home country parties rather than host country parties;
- In the survey of mobile European citizens carried out for the purpose of this assignment, substantially fewer respondents stated that they voted in local elections in their country of residence than that they voted in EP elections. For local elections 65% of the respondents were either not registered (and thus could not vote) or they were registered but did not vote; while in the same survey, 50% of respondents said they did not vote in EP elections. Given that this is not a representative sample of mobile European citizens, these numbers do not show the actual turnout at the two elections. They do however show that mobile European citizens are more likely to vote in EP elections than in local elections.

3.4. Mobile Europeans face administrative barriers to the exercise of their electoral rights during the registration process

As explained in previous section, automatic registration for local elections is only practiced in 14 EU Member States (AT, DE, DK, EE, FI, HU, IE*, LT, LV, NL, RO, SE, SI and SK). The remaining 13 countries require active registration. There are some 7 million mobile European citizens living in EU countries without automatic registration¹²⁰. This represents roughly half of mobile European citizens.

The types of administrative barriers that mobile European citizens face when registering are:

- A minimum residence period is required before they can register for local elections, varying from no limit (in Austria, Belgium, Croatia, Czech Republic, Denmark, Germany, Latvia, Malta, Netherlands, Poland, Slovenia, Sweden) to 6 months (Cyprus, France and Spain)¹²¹. In most countries however, the minimum residence period is between 45 and 90 days (as is the case in Bulgaria, Finland, Greece, Italy, Lithuania, Portugal and Romania).
- Documentation requirements that are additional to those expected from home country nationals:
 - o Sworn statement/ declaration that the applicant has not been deprived of electoral rights is required in Belgium, Bulgaria, Estonia, France, Czechia, Lithuania, Romania and Slovenia.

¹²⁰ Own calculation based on 2019 Eurostat data on EU28 residents living in another country

¹²¹ A 5-year residence requirement is in place in Luxembourg, in line with the derogation foreseen by the Directives, which allows Member States where mobile EU citizens exceed 20% of the total number of resident Union citizens (i.e. excluding third-country nationals) to restrict voting eligibility in this manner.

- In Croatia, this statement has to be notarised which adds another layer of interlocutors between mobile citizens and their host countries.
- Requirement to register for every election (i.e. the registration is not permanent). This is specifically the case in Greece and Croatia. These two countries host around 230,000 mobile European citizens who have to re-register for every local and European Parliament election.

In addition to data about registration procedures, there is also data from mobile European citizens showing that administrative registration requirements constitute a barrier. Registration barriers are mentioned in surveys of mobile European citizens and they also frequently come up in enquiries and complaints made to European Commission or the European Parliament (see Annex 4).

In a survey of mobile Europeans citizens carried out for this impact assessment, over 3000 respondents, all living in an EU country other than that of their nationality, answered the question on whether they are registered to vote at the local elections in the city or town where they currently live. Only half of them were registered.

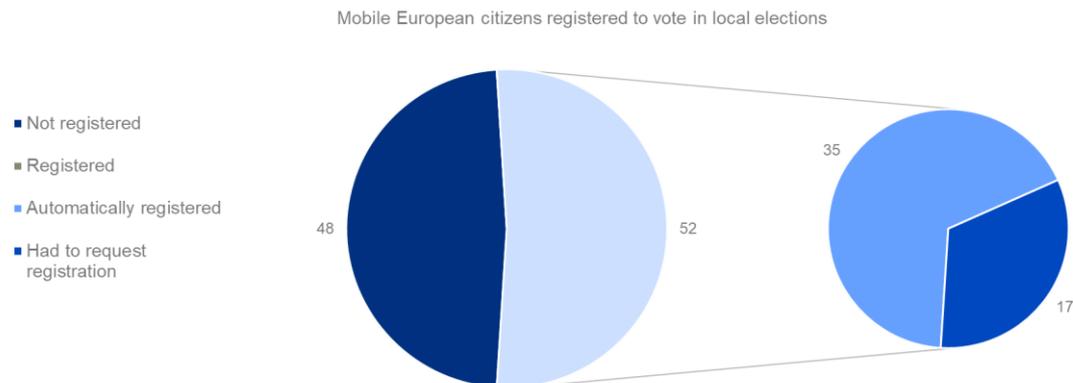


Figure 21 - Share of respondents in the survey of mobile Europeans who are registered to vote in local elections in their country of residence by registration status and how they were registered (n=3009)

Source: Kantar (2021) survey of mobile Europeans – see Annex 4

As shown below, 18% of the respondents who had to register actively stated that they had to provide many administrative documents to do so, and 9% said the procedure was lengthy. Less frequently respondents also stated that the documents they provided were not accepted and that they had to attend multiple appointments. Furthermore, 11% of unregistered respondents state that they are not registered because the administrative process is too much hassle (other barriers are discussed later in this section).

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

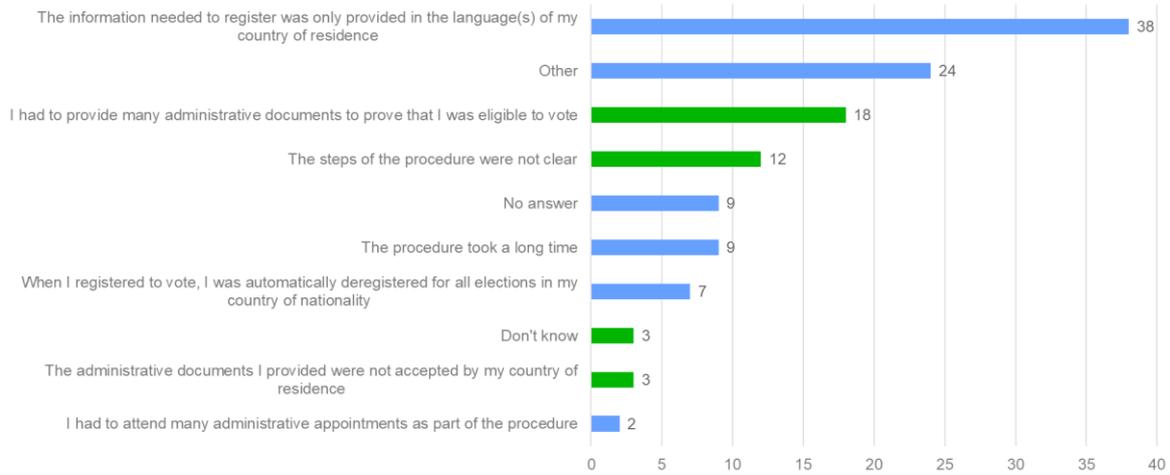


Figure 22 - Share of respondents in the survey of mobile Europeans who had to register actively and encountered challenges (n=487, multiple choice)

Source: Kantar (2021) survey of mobile Europeans – see Annex 4

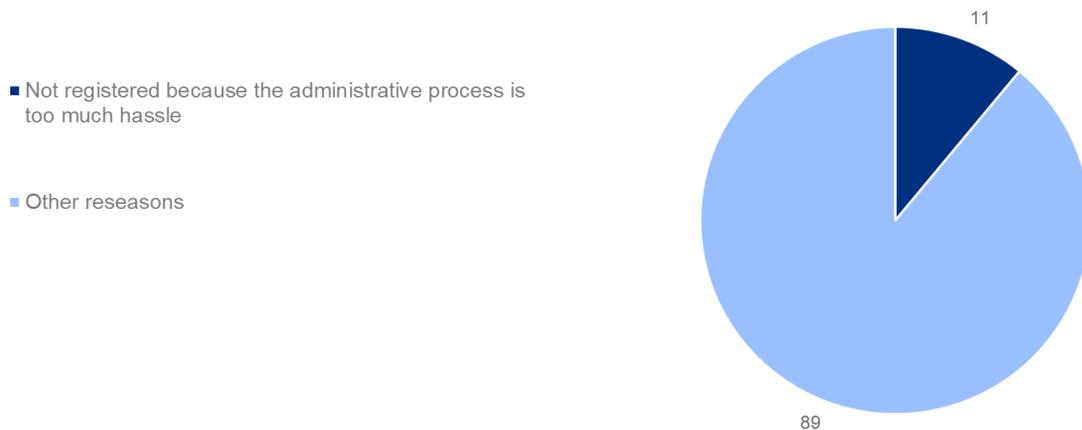


Figure 23 - Share of respondents in the survey of mobile Europeans who are not registered by reasons for not registering (n=1395)

Source: Kantar (2021) survey of mobile Europeans – see Annex 4

When respondents who had to register actively were asked about the complexity of the registration procedure and the time needed, slightly more than half described the time and complexity involved as low or rather low. But at the same time around a quarter of respondents said they were high or very high. In the case of more subjective variables - the effort and determination required for registration - respondents see these as bigger challenges than the time and complexity of the procedure. This is notable in the responses people gave about the “determination” needed to register, as 40% of respondents who had to actively register consider that this was high or very high. This confirms the assumption that active registration is a barrier to electoral participation as it implies an opportunity cost (preparing the documentation, going physically to the townhall, possibly queuing instead of doing something else).

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

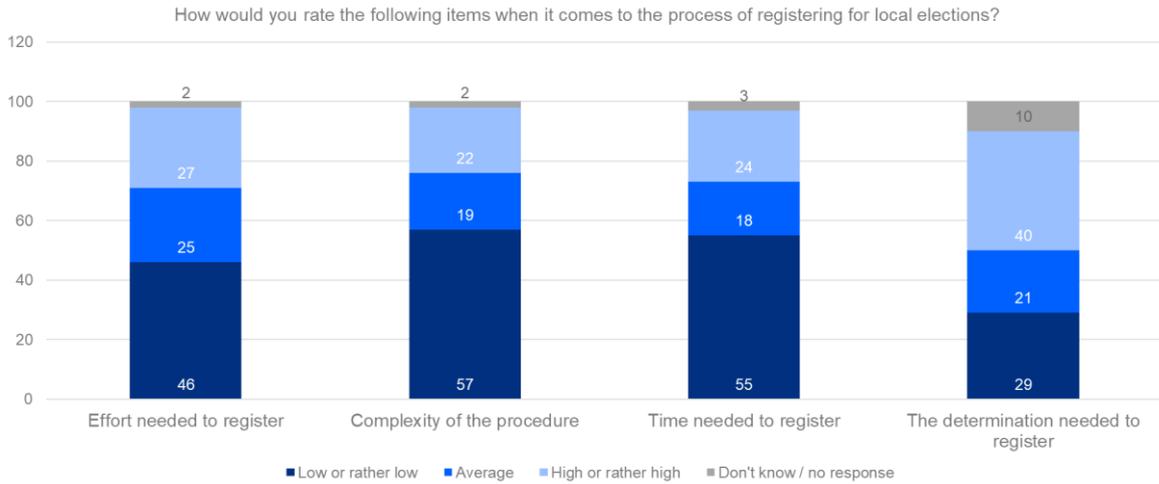


Figure 24 - Rating of the registration procedure by those respondents who had to actively register (n=505)

Source: Kantar (2021) survey of mobile Europeans – see Annex 4

This perceived difficulty is also aligned with what mobile Europeans report about the duration of the registration process. As expected, many respondents do not remember how long it took them to register. This is understandable given that many respondents have lived in their country of residence for many years. It is also reassuring that for one in five respondents the registration was completed within hours of request. However, it is noteworthy that 13% of respondents stated it took weeks and another 6% reported that it took months for them to be registered on the electoral roll.

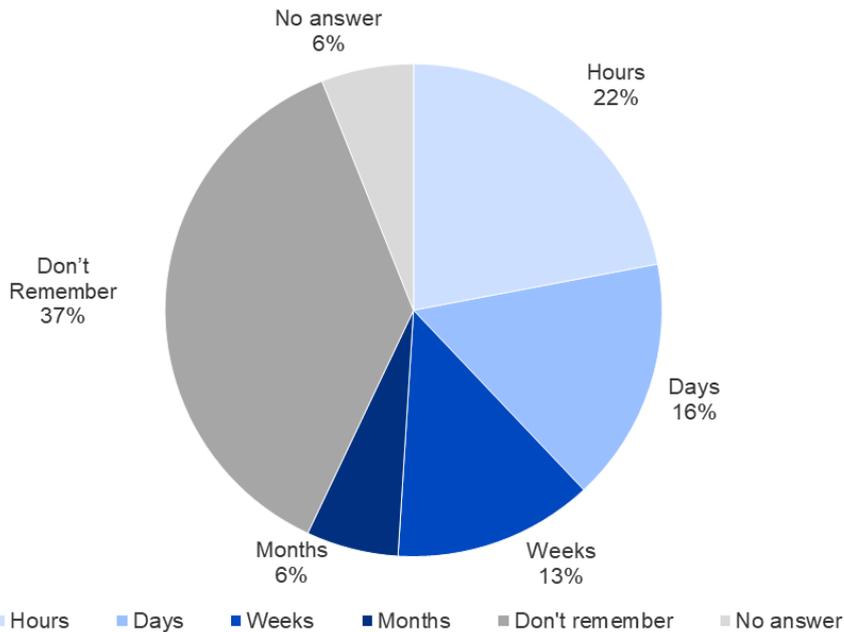


Figure 25 - How long did the registration process take (from the moment you applied to the moment when your registration was confirmed)? (n=515, those who registered actively)

Source: Kantar (2021) survey of mobile Europeans – see Annex 4

When it comes to European Parliament elections, in a survey of mobile European citizens carried out shortly after 2019 EP elections¹²²:

- 5% of mobile Europeans who did vote stated they had issues when registering (of 4129 respondents who voted); and
- 9% of respondents who did not vote cited registration or voting card problems (of 4529 respondents who did not vote)

In the survey carried out for this impact assessment, 5% of mobile European citizens who did not vote said that the reason for not voting was the cumbersome nature of the procedure (out of 1244 respondents to this question)¹²³.

The analysis of over 1000 enquiries made by European citizens to the European Commission and the Parliament (see Annex 1) reveals that a quarter of enquiries made by mobile European citizens concerned the registration process. Examples of complaints received in the period covered by that annex include many specifically related to the voting of mobile European citizens in the UK in 2019 EP elections. However, there are also issues reported from other countries; examples are shown in the box below.

Complaints related to EP registration for elections

- *A Slovakian national was rejected when applying for a certificate of eligibility for EP elections in Poland, for the reason of not being Polish national*
- *A Dutch citizen residing in Spain reported that when attempting to register for the European elections, the Spanish authorities told them that they could not do so, leading the citizen to ask whether they could vote via the Netherlands.*
- *A complaint alleged maladministration by the electoral authorities in the Netherlands with respect to the registration of an Irish citizen.*

Complaints related to registration for local elections

- *A Finnish citizen residing in Estonia was told by their friends that they would receive a notification letter for the municipal elections. As the elections approached and the citizen had not received any letter, they turned to the election support portal, which asked for their ID number. The citizen replied saying that they did not have an ID number and that normally it was sufficient to show their passport. Further information never arrived, meaning that the citizen was not able to vote. And when they tried to vote for the municipal elections held shortly after in Finland, they were not able to register there either.*
- *An Italian citizen moved their residence to Cracow, Poland and applied to the competent local authorities to vote in local elections. However, they say that for some unspecified reason they were refused this right.*
- *A Portuguese citizen informed the relevant authorities of their intention to vote in the municipal elections in Spain. However, they refused to include the citizen on the list, claiming that only Spanish citizens are allowed to vote.*

Source: analysis of citizen enquiries – Annex 1

¹²² Kantar (2019) *Post-election study among expatriates: European Elections 2019*

¹²³ Kantar (2021) survey of mobile Europeans – see Annex 4

Based on the interviews and desk research on measures at Member State level, there is no evidence that countries are planning to ease the registration requirements in the short term. While Estonia, Ireland and Sweden all have ongoing reforms of electoral matters, these concern wider electoral issues and not specifically the situation of mobile EU citizens. Non-citizen voters may still benefit, however: in the Irish case the Electoral Reform Bill seeks to modernise and simplify the Irish voter registration process and establish an independent Electoral Commission, subsuming some of the capacities previously delegated to local authorities¹²⁴. While these changes apply to all voters in Ireland, the changes may nevertheless make it easier for mobile EU citizens to vote, by giving them one single authority to turn to.

3.5. The information provided to mobile European citizens is insufficient. Many countries do not have systematic measures in place for targeted and proactive information provision.

The main gap in Member States' practices is the absence of targeted proactive information provision. Countries do comply with the provisions of the current legal framework which require them to provide information to mobile European citizens, because this provision is currently very open and vague. Most countries rely on passive information provision meaning that they post information on the right to vote and how to exercise this right on dedicated websites. According to the review of Member States' practices, only nine Member States systematically send targeted mail-outs (letter or email) to mobile European citizens. These countries are: Belgium, Estonia, Spain, Finland, Slovakia, Denmark, Lithuania, Sweden and Slovenia. Another five countries (Hungary, Netherlands, Austria, Latvia and Portugal) also provide targeted information but there are some variations to this at local/regional level. For example:

- In Belgium personalised letters are proactively sent to eligible EU citizens, inviting them to register as a voter ca. 1 month before the finalisation of the voter list. Information is also permanently available in the 24 EU languages on a website.
- In Estonia the controller of the population register is responsible for sending out information to EU citizens with the right to vote no later than 70 days before the election. They must also send an election information sheet no later than ten days before the election to voters who have a registered email address in the Estonian data portal. An English-language election hotline is available from two weeks before election day.
- Prior to EP or local elections in Spain, EU citizens who are registered as residents in a Spanish municipality are contacted by the Office of the Electoral Census and informed of their right to register, where and how to vote. These communications are circulated in Spanish, English and French.

In total, 4.1 million mobile European citizens live in countries that practice targeted information outreach for each election. Another nearly 10 million mobile European citizens live in countries where no systematic targeted information is sent to them in relation to local

¹²⁴ Department of Housing, Local Government and Heritage (2021) 'General Scheme of the Electoral Reform Bill 2020', published 8 January 2021, available at: <<https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/>>.

and EP elections. In many countries, information is available only passively (i.e. if people search for it, it is available on a website or equivalent) but no proactive outreach/ mailing occurs. For example, citing countries which have large populations of mobile European citizens:

- In Germany: information both in English and German is available on the website of the Federal Ministry of the Interior, Building and Community, as well as on the websites of cities and communal administrations.
- In France: detailed information is given online (in French) on the website of the Service Public. Generic campaigns are also generally held in the lead-up to EP elections to increase turnout, but without directly targeting non-national EU citizens.
- In Italy: general information on the timing and process of electoral contests is generally shared close to the election via media such as television or the websites of municipalities, in multiple languages. No specific measures are in place to inform mobile European citizens

Information barriers are reported as a challenge by mobile European citizens. As shown in **Error! Reference source not found.** above, 38% of respondents who had to register actively state they experienced as a challenge the fact that information was only available to them in the language of their country of residence. More importantly, 61% of respondents who are not registered said that they are not aware of the process for registering to vote in the local elections in the city or town where they currently live. When asked about the reasons for not being registered to vote in local elections in their country of residence, 26% of mobile European citizens stated this was because they lacked information about the registration process and 12% cited a lack of information about local political life. These figures show that the lack of information about registration processes and local elections more generally is a barrier to registration.

However, lack of information is also a barrier to actual voting, as shown in a subsequent figure:

- 6% of mobile European citizens who did not vote in local elections said they didn't vote because they did not know they had this right; and
- Another 4% said they did not know there was an election.

This challenge is even more prominent in the responses related to European Parliament elections:

- 13% of respondents stated that they did not vote in EP elections because they were not familiar with the way the elections are organised in their country of residence;
- 16% cited the fact that they were unaware of their right to vote as the reason for not voting; and
- 8% said they did not know there were elections.

The interviews at Member State level do not suggest that countries are planning to take new or additional measures to better inform mobile European citizens in the status quo situation.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

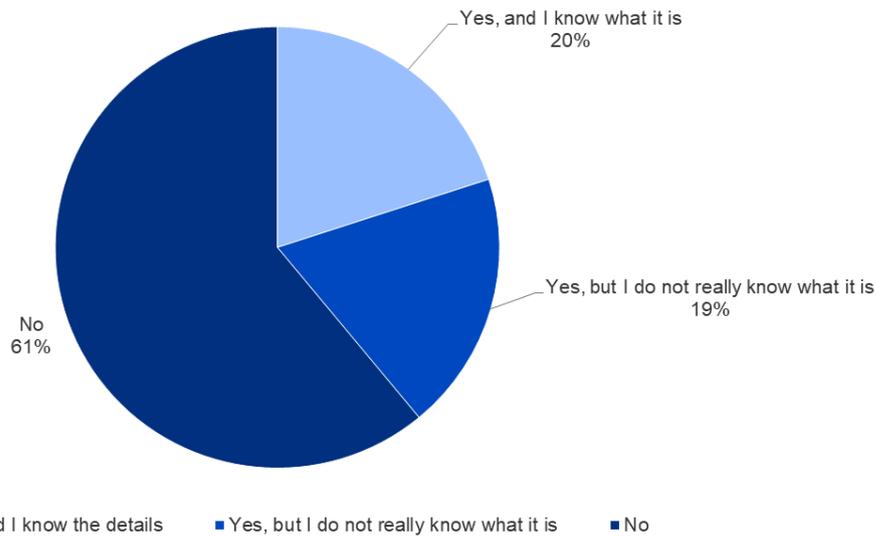


Figure 26 - Are you aware of the process for registering to vote in the local elections in the city or town where you currently live? (n=1428, not registered respondents)

Source: Kantar (2021) survey of mobile Europeans – see Annex 4

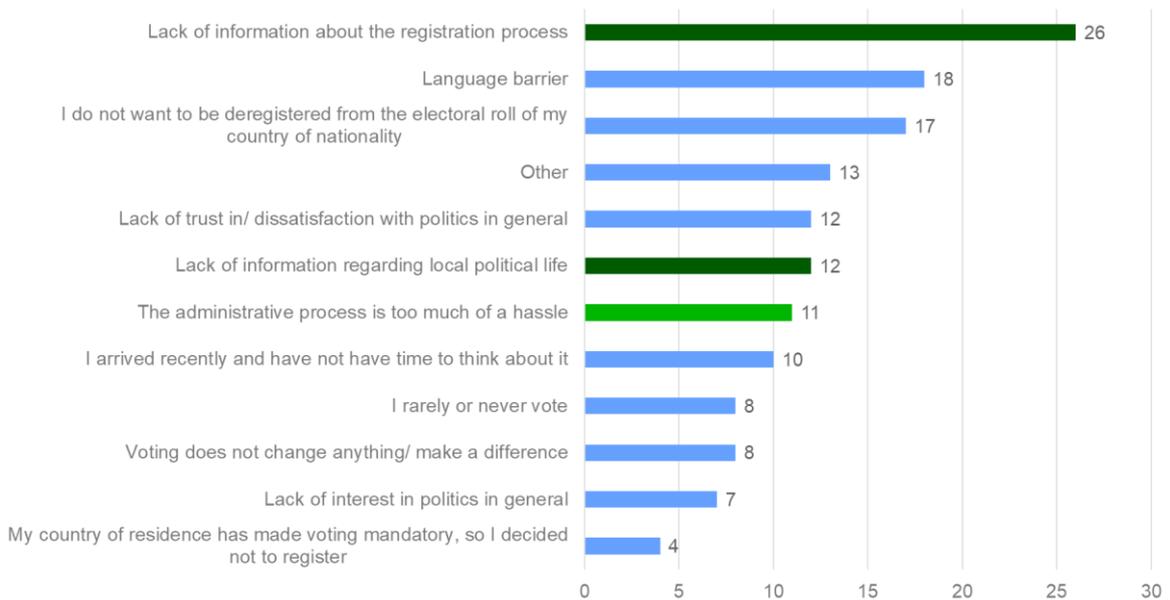


Figure 27 - Why are you NOT registered on the electoral roll of the city or town where you live? (n=1395, not registered respondents, multiple choice)

Source: Kantar (2021) survey of mobile Europeans – see Annex 4

3.6. Depending on their country of residence, the opportunities mobile European citizens have to exercise voting rights vary because countries have a great diversity of practices to facilitate participation both in EP and local elections.

Countries have a great diversity of practices regarding registration and information provision. Depending on the measures in place, the ease with which mobile European citizens can exercise their rights will vary depending on their country of residence.

Based on the mapping of Member States' requirements for registration and their information provision, we categorised countries into three main groups depending on their level of inclusion of mobile European citizens:

- Seven countries have highly inclusive practices. These countries are Denmark, Finland, Latvia, Lithuania, Malta, Netherlands and Sweden. Only around 1,273,000 mobile European citizens live in these countries;

These countries stand out as having automatic registration for local elections and targeted information campaigns directed at mobile EU citizens, including through the use of direct mail. Nor do they restrict candidacy or voting rights for certain positions.

- Fourteen countries show a moderate level of inclusion of mobile European citizens: Austria, Belgium, Germany, Estonia, France, Hungary, Ireland, Italy, Luxembourg, Portugal, Romania, Spain, Slovenia and Slovakia. Some 12.19 million mobile European citizens live in these countries.

This broader category includes countries where at least one significant restriction is in place; e.g. while Estonia has extensive information measures in place, including direct mail-outs, it restricts some political positions to nationals. These are to be taken as cases where most good practices are in place, but a few are yet to be fulfilled.

- And finally, six countries have low levels of inclusion of this target population. These countries are: Bulgaria, Cyprus, Czechia, Greece, Croatia and Poland. Overall, 627,000 mobile Europeans live in these countries.

None of these countries has adopted automatic registration, and two of them require one-off registration that has to be repeated. None of them practice targeted information measures and several have restrictions in place for candidacy to certain positions.

Depending on their country of residence, it will be more or less difficult for mobile European citizens to exercise their electoral rights.

This categorisation is apparent from the results of the survey of mobile European citizens. Respondents who reside in countries categorised as highly inclusive do generally judge the registration procedures as ¹²⁵:

- Less complex: only 15% of respondents from these countries stated that they consider the registration procedure as highly or very highly complex versus 33% of respondents from countries categorised as having low levels of inclusion (and 17% from countries with a moderate inclusion level);

¹²⁵ Note, however, that the sample of respondents in the final survey from highly inclusive countries was relatively low (200 responses for this question). Most respondents who answered the survey reside in countries with a moderate inclusion level.

- Requiring less effort: only 23% of respondents from countries with a high level of inclusion stated that they found the registration procedure required high or very high effort versus 41% of respondents from countries categorised as having low levels of inclusion (and 19% from countries with a moderate inclusion level);
- Taking less time: 19% of respondents from countries with a high level of inclusion stated that they experienced the time needed to register as high or very high versus 38% of respondents from countries categorised as having low levels of inclusion (and 19% in countries with a moderate inclusion level).

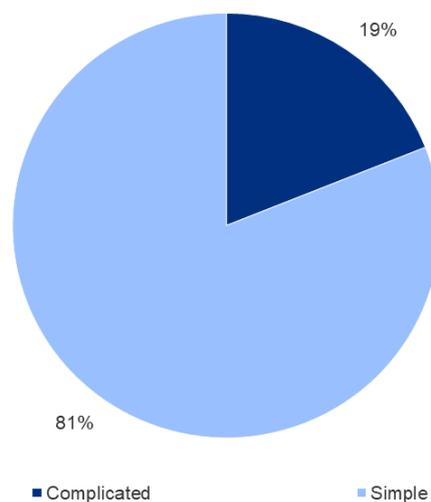
Based on the review of Member States rules and interviews there is no indication that the rules can be expected to converge in the future if the status quo is maintained.

3.7. Mobile European citizens are not systematically able to stand as candidates in local or EP elections. They are sometimes faced with undue administrative barriers and, in local elections, with restrictions on the type of office for which they can stand.

Administrative obstacles to standing as candidates, based on data on national measures and practices, were summarised in previous section.

In the survey of mobile European citizens carried out for this impact assessment we found that 4% of respondents had attempted to stand as candidates in their country of residence. These respondents were asked an open-ended question about how they would describe the process of registering as candidates in their countries of residence. Not all of them responded but 42 valid answers to this question were received. We coded these responses according to whether they indicated that the process was simple or complicated and as the chart below shows the majority (81%) of respondents judged the process simple. However, the majority of respondents who had stood as candidates were in Germany and Netherlands, countries that do not have high barriers to candidacy for mobile European citizens.

Registration process for candidates



The reasons why some citizens found the candidacy registration process complicated are mostly due to resistance from local communities to their participation as foreigners. Most mobile citizens standing for election who saw the procedure as complicated said this was due to the administrative process rather than because of resistance from local communities.

Examples of the comments received are shown below. It is however noteworthy that the positive comments in several cases reveal that candidates were either approached by a host country party or that the registration process was greatly facilitated by this party. Therefore, in those countries where mobile European citizens cannot join an existing party, the absence of this precious support would be a major barrier.

A few of the respondents also refer to difficulties that are not linked to the administrative procedures and are broader than the registration requirements for candidacy:

- Language barriers – not speaking the language of the country (examples noted Luxemburgish and Spanish); or
- The time and effort needed to run as candidate which are not specific to being mobile European citizen; and
- Difficulties regarding acceptance by the local population as a foreigner.

Examples of comments suggesting the process was complicated

How would you describe the process for registering to stand as a candidate in your country of residence?

- Too complicated and bureaucratic
- Extremely costly and complicated
- As an EU citizen, I was asked for far more documents and declarations than the other Hispanic candidates”
- “heavy and impossible”
- They asked for more documents and declarations at the last minute to put me on the list.

Examples of comments suggesting the process was simple

- Trouble-free registration ... the party that supported my candidacy relied on the selection of the top two candidates on the list. So, my candidacy had mostly symbolic significance both for the party I was not a member of and for me.
- Correct
- Organised
- Easy
- I was asked to run for office, and I didn't have any problems with that.
- I was approached to become a councillor, became a candidate and was elected (on a list other than the majority)
- I was recruited by a political party of interest to me.

3.8. Mobile European citizens are not systematically aware that multiple voting is prohibited. Efficient and effective implementation of existing measures to prevent double voting is hindered by the variation in scope of the data exchanged, diverging deadlines for data collection between Member States and technical obstacles.

It is not possible to accurately estimate the extent of multiple voting. However, as the possibilities for voting multiply there is always a risk that multiple voting will increase. This is also the case within a country if there are multiple voting modalities.

The preventive measures in place rely on two areas of action:

- Ensuring that mobile European citizens are made aware of the fact that multiple voting is unlawful, including the possibility of sanctions; and
- Preventing double voting by deregistering mobile Europeans who are registered on multiple electoral rolls from the electoral roll of the country where they no longer reside. This is the result of the exchange of data between Member States.

The previous section on backward-looking analysis showed the types of sanctions that are in place to prevent double voting. It also showed in which countries mobile European citizens are required to sign a declaration that they will only vote once (e.g. this is the case in Croatia, Italy).

The data from the survey of mobile European citizens shows that 14% of respondents believe that multiple voting is possible and not punishable. All the respondents in this group are mobile citizens themselves. Therefore, this is a relatively high share of respondents who are not aware of the fact that multiple voting is punishable.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

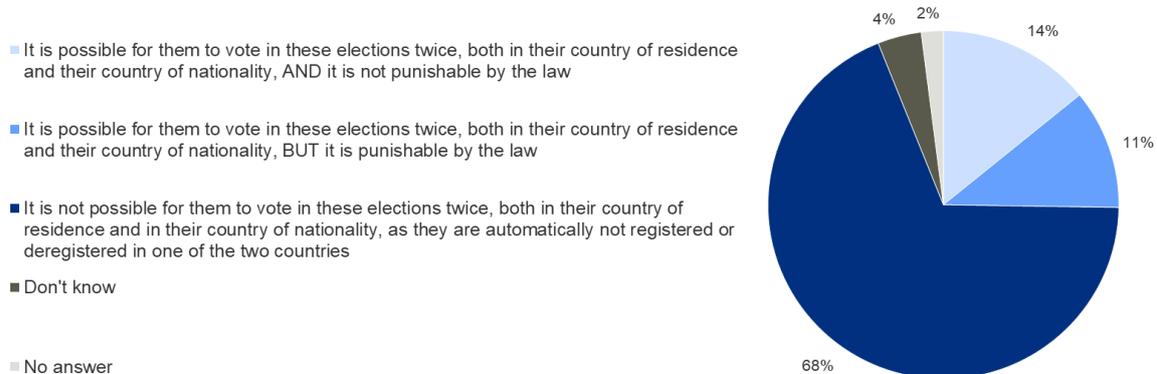


Figure 28 - Thinking about people like you who are residents of an EU country other than their country of nationality, please indicate which statement you think is true regarding elections to the European Parliament (n=2383)

Source: Kantar (2021) survey of mobile Europeans – see Annex 4

The second strand of action concerns prevention of double voting through an exchange of data between Member States and subsequent deregistration of mobile Europeans from the electoral roll of the country where they no longer reside. The challenges that Member States encounter in using the existing mechanism for sharing data are described in previous section. It is clear that countries are only able to match a small proportion of records with their national electoral roll datasets due to issues with the type of data exchanged or problems in the use of diacritic signs.

The challenges linked to use of diacritic signs (or non-Latin alphabets) are currently outside the scope of the crypto tool that is in place. The crypto-tool itself is simply a solution for the encryption and safe exchange of the data. However, the issues related to diacritic signs or alphabets happen at the point of data entry in the municipalities when mobile Europeans are registered. Understandably local administrations are not equipped with keyboards that have the diacritic signs or alphabets used in other EU countries, so they enter residents' names with the diacritics and alphabet that is used in their country. The core issue here is the reliance on residents' names as part of the data for identification.

When other identifiers than the name can be used, the challenges are:

- Absence of a common European identity number or of the generalised use of electronic IDs. Indeed, countries typically provide a new identity number to mobile Europeans who register for residence and use this identifier in their national administration. Currently 19 countries have electronic ID means which allow cross-border recognition of identity, but these are not yet systematically used for residence purposes. This problem is likely to reduce with the increased use of eIDs and their cross-border recognition. This is also supported by the proposal for the Regulation of the European Parliament and of the Council amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity. Nevertheless, it will take some time before the use of eID is generalised for the purpose of registering newly arrived residents, which means that the challenge of matching exchanged data about mobile European citizens will continue in the medium term;
- Heterogeneity of the data that Member States require to match the data to their own electoral rolls. Member States have different requirements in terms of the

information necessary to match a citizen to their data. As an example, Greece is an extreme case as it also requires the names of grandparents which other administrations do not collect when registering people on electoral rolls or as residents. At the same time, it was noted during the interview process that as part of the European Citizen initiative (ECI), Member States are also required to authenticate the identity of citizens who support an ECI on the dedicated platform. For this authentication process, the data requirements for matching agreed are less onerous than for the exchange of data on European elections; Member States were able to agree on two standardised data requirement specifications. Therefore, there is already an existing agreement through which Member States exchange streamlined sets of data about European citizens' identity and which allows Member States to authenticate a much higher number of Europeans. It is however the case that this exchange of data does not concern authorities in charge of electoral rolls but other authorities responsible for authentication.

There is also a specific challenge regarding measures to prevent the double voting of European citizens with multiple nationalities. The legal framework prohibits multiple voting in EP elections for everyone, including European citizens with multiple nationalities. However, the mechanism established by the Commission (crypto tool see...) to exchange information about this matter does not prevent double voting by citizens with multiple nationalities. People who have multiple nationalities are registered as citizens in multiple countries. In practice a Member State A has no record of the fact that a person who is a citizen of that MS also has the citizenship of another Member State B. As these persons are not identifiable in national electoral registers it is not possible for MS to exchange information about them. Any measures to flag EU citizens with multiple nationalities could be considered disproportionate and also potentially discriminatory and they are therefore not considered in this impact assessment.

3.9. Mobile European citizens registered in the host country are sometimes de-registered in the home country even for elections in which they should remain eligible to vote, such as legislative or presidential elections.

EU Member States exchange data to prevent multiple voting, as explained above. As a result of this exchange of data mobile European citizens who are registered on multiple electoral rolls are deregistered from the roll of the country where they no longer reside. However, this provision should only apply to those elections for the purpose of which data is being exchanged. In other words, as the data exchange concerns European Parliament elections, mobile European citizens should only be deregistered from home country electoral lists for this election and not for national elections (such as legislative, presidential, etc. elections in which they may be able to vote from abroad).

Deregistration is happening indeed. According to the survey of mobile European citizens, 6% of respondents who are registered to vote in their host country for EP elections stated that they found they had been deregistered for all elections in their country of nationality. A similar proportion (7%) of those who did not vote in 2019 EP elections stated that this was because they were deregistered from the electoral roll in their home country and not registered in their host country. Furthermore, 17% of mobile European citizens said they had not registered to vote in the local elections in their host country because of fear of being deregistered in their home country.

This data shows that mobile Europeans are concerned about keeping their registration status in their country of nationality and thus being able to continue voting.

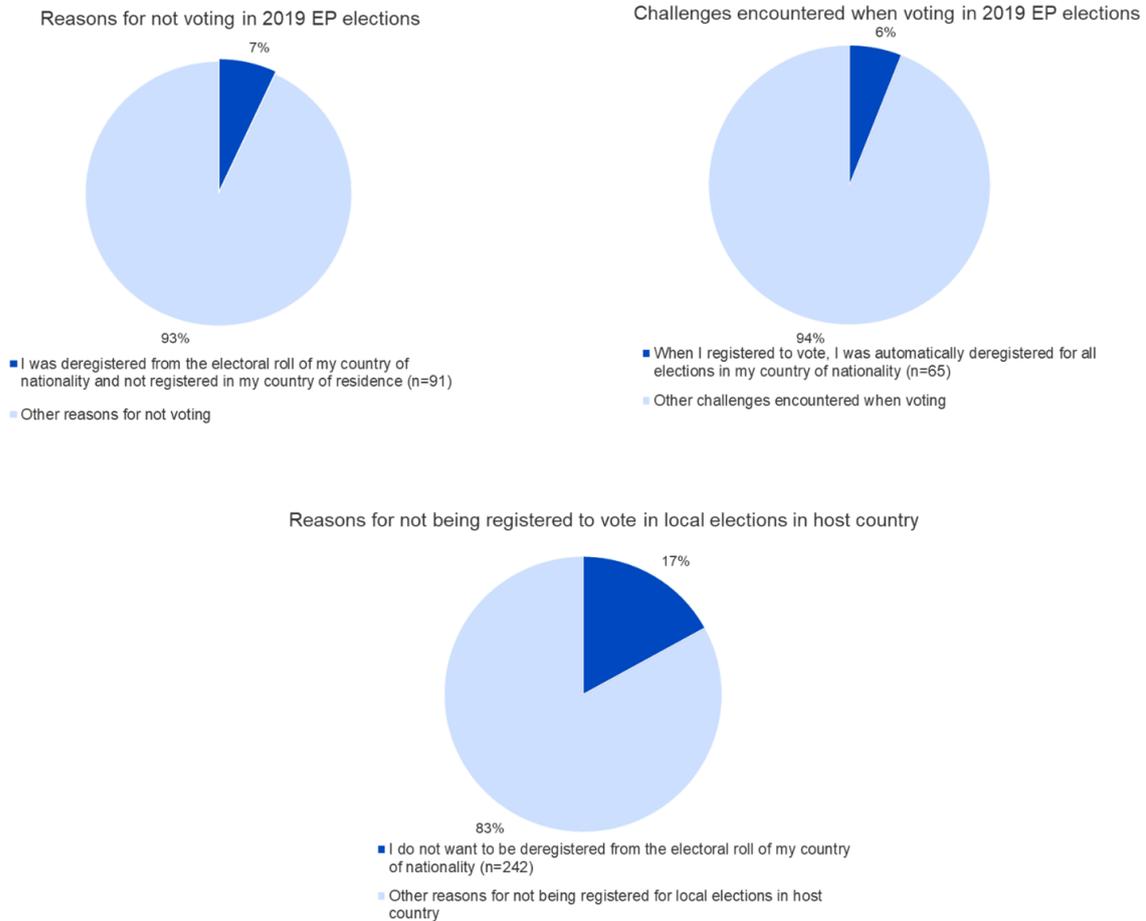


Figure 29 - Share of mobile European who cite de-registration as reason for not voting, challenge encountered when voting or reason for not being registered to vote in local elections

Source: Kantar (2021) survey of mobile Europeans – see Annex 4

This problem arises from the fact that countries' electoral rolls are connected. Therefore, in a number of countries there is a single electoral roll and deregistration for EP elections also entails deregistration for other elections in that country.

As the exchange of data between Member States is expected to become more efficient and therefore identify more cases of multiple registration, this problem is in fact likely to get worse. Higher numbers of mobile European citizens will be matched to their home country electoral rolls and therefore deregistered, unless there is a mechanism to ensure that deregistration only affects the election for which the data is being exchanged.

3.10. Summary of regulatory and implementation gaps identified

Based on previous sections, we categorised the shortcomings of the current framework, differentiating between:

- regulatory gaps (an issue is not at all or not sufficiently covered in the EU framework of legal and soft measures) and
- implementation gaps (the issue is covered by the legal framework but it is not sufficiently effectively implemented. This includes vague provisions or provisions that are not implemented or poorly implemented in practice).

The table below summarises the problems identified and the extent to which these are covered by the current legal framework. Where they are covered by the legal framework, the table gives a summary of the kinds of implementation issues encountered.

Table 12 – Summary of problems and the extent to which these are or covered in the existing legal framework

| | Problems, consequences and drivers | To what extent is this problem covered by provisions in existing legal framework for local elections | To what extent is this problem covered by provisions in existing legal framework for EP elections | Nature of the gap (regulatory or implementation) | Commentary |
|-------------|---|---|---|--|--|
| Consequence | Mobile Europeans citizens are less likely to participate in electoral processes than non-mobile Europeans | Partially covered The focus of the current legal framework is on non-discrimination. It therefore focuses on removing administrative and information barriers that are specific to mobile European citizens. It does not explicitly focus on measures to empower mobile Europeans as voters. | | Regulatory gap | The research presented elsewhere in this report shows there are many barriers other than administrative and information barriers that hinder mobile European citizens from actively exercising their electoral rights compared with their domestic counterparts. |
| Problem | Mobile Europeans face administrative barriers to the exercise of their electoral rights | Covered The principle of non-discrimination is at the core of the Directive But in practice there are very different registration practices. These range from automatic registration through active registration with a low threshold in terms of documentation, to active registration with a high documentation threshold | Covered The principle of non-discrimination is at the core of the Directive There are soft measures (Recommendations) that encourage Member States to promote means of voting for home country lists from abroad. The thresholds in terms of documents required vary greatly between countries (as for local elections) The possibilities for voting for home country lists vary greatly. Some countries do not allow any voting outside their territory, others have limited voting capacity at embassies. Only one allows e-voting at distance. | Implementation gap | The legal framework states that the registration requirements should not be more onerous than for a country's nationals The current framework does not expressly encourage automatic registration for local elections The possibilities of voting for home country lists are particularly important for recently arrived mobile European citizens. This is important for the relevance of the framework to facilitate the exercise of electoral rights by mobile Europeans |
| Problem | The information provided to mobile Europeans is insufficient | Covered The current legal framework does require Member States to ensure that timely information is given to mobile European citizens about their right to vote, registration status, and modalities for registration/voting | | Implementation gap | The current provisions are too generic. Therefore, Member States have very different ways of complying with them. Many rely on passive information provision on websites and make no specific effort to actively reach out to |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | | | |
|---------|--|---|---|--|---|
| | | <p>EU institutions do provide resources through which mobile European citizens can find information on their right to vote when living in another country as well as how to exercise that right.</p> <p>The practices regarding provision of information to mobile European citizens about upcoming local and EP elections, their right to vote, registration status and modalities and voting modalities differ greatly.</p> <p>While some countries systematically send information to mobile European citizens others have no specific measures in place.</p> <p>Availability of the information in languages other than host country official languages is also rare.</p> | | | <p>mobile European citizens. Others, however, send tailored and targeted mail-outs specifically to mobile European citizens</p> <p>Accompanying soft measures are necessary for targeted information provision</p> |
| | | | <p>Specifically for EP elections</p> <p>For the latest EP elections, EU institutions engaged in targeted communication outreach to mobilise mobile European citizens</p> | | |
| Problem | <p>Depending on their country of residence the opportunities mobile European citizens have to exercise voting rights are different because countries have adopted a great diversity of practices</p> | <p>Not covered explicitly</p> <p>The legal framework does not explicitly aim to foster convergence between Member States' practices for registration, provision of information about elections or voting modalities.</p> <p>However, the absence of such convergence does mean, that depending on their country of residence, mobile European citizens will face higher or lower barriers to the exercise of these rights.</p> | | | <p>There is no legal basis that would allow the EU to seek convergence of practices for registration, information provision and voting modalities between Member States.</p> <p>Therefore, convergence can only be sought as a result of voluntary measures taken by Member States.</p> |
| Problem | <p>Mobile European citizens are not systematically able to stand as candidates in local or EP elections</p> | <p>Covered</p> <p>The Directive requires that mobile European citizens should be able to stand as candidates in local elections under the same conditions as domestic citizens. However, it also allows the restriction of candidacy to certain positions.</p> | <p>Covered</p> <p>As for local elections, the Directive also states that mobile European citizens should be able to stand as candidates in EP elections under the same conditions as domestic citizens.</p> | <p>Implementation gap regarding issues related to non-discrimination</p> <p>Regulatory gap regarding access to all offices including executive</p> | <p>The current legal text focuses on ensuring that access to candidacy is non-discriminatory. However, some countries restrict membership of political parties to domestic nationals which in practice is a major barrier to candidacy. Furthermore, some countries have erected other barriers to registration (e.g. minimum years of residence)</p> <p>The legal framework does currently allow countries to restrict access to executive offices if they so wish</p> |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | | | |
|---------|---|----------------|---|--------------------|---|
| Problem | Mobile European citizens are not systematically aware that multiple voting is prohibited | Not applicable | Covered The existing provisions do state that multiple voting is forbidden. The provisions state that MS can request mobile European citizens to make a declaration that they will only vote once | Implementation gap | Nevertheless, despite the use of such declarations a non-negligible share of mobile Europeans are not aware that that multiple voting is prohibited Furthermore, these declarations should be implemented in such a way that they do not represent an additional burden on mobile European citizens (e.g. requirement for a notarised statement) |
| Problem | Efficient and effective implementation of measures in place to prevent double voting is hindered by the variation in scope of the data exchanged, diverging deadlines for data collection between Member States and technical obstacles | Not applicable | Covered A system for exchange of information on registered voters is legally foreseen and is in place | Implementation gap | The exchange of data is currently only able to match a minority of records exchanged and therefore the efficiency and effectiveness of this exchange are low |
| Problem | Mobile European citizens registered in host country are sometimes de-registered in the home country even for elections for which they should remain eligible to vote, such as legislative or presidential elections | Not applicable | Covered A recommendation exists which encourages MS to make sure that mobile European citizens are not disenfranchised at national elections as a result of exercising their right to free movement. The approach to the exchange of data on registered mobile European citizens does state that disenfranchisement should be avoided | Implementation gap | Disenfranchisement occurs as a result of deregistration for EP elections, which is the purpose for which the data is exchanged. It is a technical challenge, as countries where this happens have a single electoral roll. |

4. Policy objectives: what should be achieved

The legal framework discussed in this report aims to contribute to building and maintaining a democratic debate across the EU. It is one element in building European citizenship, and it strives to ensure that those European citizens who exercise their right to free movement are not alienated from their democratic rights. European citizenship is a multifaceted construct and the rights to vote and stand as candidates in local and EP elections are only one aspect. The contribution these directives make to European citizenship is moderated by many other factors which are not addressed through the measures at stake in this impact assessment. Therefore, when defining the objectives for the revised legal framework, we focused on those aims that are more directly affected by the directives and their implementation.

The general objectives for the revised legal framework are:

- To increase the participation of mobile European citizens in local and EP elections;
- To ensure that mobile European citizens are not discriminated against in the exercise of electoral rights; and
- To preserve the legitimacy of European Parliament elections by preventing multiple voting.

4.1.1. Increase voting participation of mobile European citizens in local and European Parliament elections

The main general objective of the review of the current legal framework is to boost participation of mobile Europeans citizens as voters in local and EP elections in their host countries.

As explained previously the probability of voting in EP elections for mobile European citizens is 29 percentage points lower than that of domestic citizens and the gap is likely to be wider for local elections.

As a result of the implementation of the proposed revisions there should be a higher share of voting mobile European citizens. This will have positive spin-off effects on mobile European citizens themselves in terms of their integration in host countries and their political participation more generally. It will also result in better representation of the opinions of a diversity of residents in each country and more generally enhance the plurality of local and European democracies.

As such this objective is in line with the priorities of the EU Citizenship report 2020 which calls for further strengthening of democratic participation and specifically discusses the need to support participation of mobile European citizens¹²⁶.

¹²⁶https://ec.europa.eu/info/sites/default/files/eu_citizenship_report_2020_-_empowering_citizens_and_protecting_their_rights_en.pdf

It is challenging to define an exact quantitative target for this objective for the following reasons:

- The existing data on participation of mobile Europeans in both local and EP elections is patchy as shown in the backward-looking evaluation and the problem analysis. There are no EU-level participation figures for either of these two types of election. The assessment of voting probability in EP elections presented earlier in this report is based on survey data from the 2019 post-election Eurobarometer study for the European Parliament.
- Where participation data exists, it shows great divergence across EU Member States. This means that there is great heterogeneity in participation patterns across host countries, which makes defining a common European target challenging;
- Furthermore, participation also varies greatly depending on not only the host country but also the home country of mobile European citizens; and
- Finally, voting is a result of a complex set of factors as discussed in the backward-looking evaluation. Only some of these factors will be affected by the changes in measures covered in this impact assessment. Because of the differences between mobile European citizens and host country national citizens it is not realistic to anticipate that the trend in participation of mobile European citizens will follow the same pattern in both groups.

A systematic collection of data on the voting participation of mobile European citizens is a precondition for measuring progress against this objective.

As stated earlier, the gap between mobile European citizens and domestic citizens voting in the 2019 EP elections was estimated at 29 percentage points. The regression analysis of the survey among mobile European citizens (see Annex 4) shows that the registration mode only has a small effect on the likelihood of voting while factors such as interest in politics, exposure to news or local integration in the host country are more strongly related. These factors are outside the scope of what these Directives influence directly. Therefore, any target proposed should reflect the fact that addressing more formal barriers (such as registration or knowing how to register/vote) is only likely to have a minor effect on narrowing the voting gap between mobile European citizens and domestic citizens.

Therefore, the target for this objective could be formulated as follows:

- Reduce the voting gap between mobile European citizens and domestic citizens in European Parliament elections by at least 4 percentage points (from 29 percentage points to 25 percentage points).

4.1.2. Preserve the legitimacy of European Parliament elections by preventing multiple voting

Multiple participation in the same election (even if in different countries) is forbidden because it represents a threat to the legitimacy and integrity of the election process. The fact that mobile European citizens can choose to vote for host country or home country party lists means that they have multiple channels through which they can vote. An increase in the channels and modalities of voting is accompanied by an increase in the risk of multiple voting¹²⁷. This could be further exacerbated if Member States increasingly make distance voting in EP elections easier through measures such as electronic voting or voting via

¹²⁷ See for example the references about the risk of multiple voting as a result of using alternative voting means in OSCE (2020) *Alternative voting methods and arrangements*

proxies. If these modalities become more common, which in itself would be a good thing that would contribute to boosting mobile European citizens' voting participation, the risk of multiple voting would grow.

Even if actual instances of multiple voting are expected to be low and rather anecdotal (there is no data which would measure this phenomenon), the fact that the technical possibility exists represents a threat. Instances of multiple voting could result in significant costs for Member States that might be required to recount votes or even to re-run an election if multiple voting is demonstrated.

It is therefore important to prevent this possibility not only by ensuring that it remains a punishable offense but also by making it technically difficult to commit, by deregistering mobile European citizens who are registered to vote in EP elections in another EU Member States.

Preventing instances of multiple voting therefore safeguards the legitimacy of the EP elections and also avoids costs for Member States which could arise if instances of multiple voting are exposed.

4.1.3. Ensure that mobile European citizens are not discriminated against in the exercise of electoral rights

As shown in the backward-looking evaluation, in some EU Member States, mobile European citizens still face excessive requirements for registration. Furthermore, there are countries where their candidacy is restricted to certain offices, and hampered by the impossibility of joining an existing party or because of the registration requirements. Therefore, mobile European citizens cannot register and vote or stand as candidates with the same ease as domestic citizens.

According to Eurostat in 2019 there were some 10.4 million EU-27 citizens living in an EU27 country other than that of their nationality¹²⁸. This number is growing every year as more and more Europeans enjoy their right to free movement. However as shown in the backward-looking evaluation they are barely represented by candidates who share the same pathway. In the majority of EU countries, both at local and EP level, there were only a handful of candidates who were mobile European citizens. In only in a few countries (e.g. France, Belgium) is this group reasonably represented among those standing as candidates.

Non-discrimination against mobile European citizens standing as candidates is an objective in itself. However, greater participation of mobile European citizens as candidates would also result in better representation of this non-negligible minority of Europeans in the political processes and decision-making at local and European levels. The presence of more diverse candidates is in turn expected to boost the electoral participation of mobile European citizens (43% of Europeans believe that having more diverse lists of candidates in terms of nationality would increase participation in European Parliament elections¹²⁹).

¹²⁸ Source: European Commission (2021) *Annual Report on Intra-EU Labour Mobility 2020*

¹²⁹ European Commission (2020) Eurobarometer on European Union Citizenship and Democracy

Another practice that could adversely affect mobile European citizens is the fact that mobile European citizens are sometimes deregistered from home country elections other than those for which data is exchanged to prevent double voting. The mechanism to prevent multiple voting by mobile European citizens, as discussed below, entails the deregistration of these persons from electoral rolls in their home countries if they are registered to vote in their host countries. The policy options discussed in this impact assessment should ensure that this only applies to the electoral rolls for EP elections and is not generalised to other national elections for which there is no risk of multiple voting. Furthermore, any deregistration should be temporary and reversible if the mobile European citizen returns to the home country.

Being able to exercise one's right to vote is a fundamental right. Any measures taken to prevent multiple voting, as per the previous objective, should ensure that this fundamental right remains safeguarded.

4.2. Specific objectives

The specific objectives for this initiative and how they relate to the problems identified in previous section are shown below.

| Problem | Specific objective |
|--|--|
| Mobile Europeans face administrative barriers to the exercise of their electoral rights during the registration process (administrative burden: automatic registration practiced only in some countries; repeat registration being required in some countries for every election; additional documentation required in some countries,). | Reduce the administrative barriers (delays and costs) faced by mobile Europeans when registering to vote in local as well as European Parliament elections |
| The information provided to mobile European is insufficient/unclear, not sufficiently customised. Lack of support. Many countries have no systematic measures in place for information provision. | Increase mobile European citizens' awareness and understanding of procedures and practices for registration and participation in European Parliament and local elections |
| Specifically for EP elections: Many mobile European citizens are unaware that multiple voting is prohibited. Efficient and effective implementation of existing measures to prevent double voting is hindered by the variation in scope of the data exchanged, diverging deadlines for data collection between Member States and technical obstacles. | Further reduce the technical possibilities for multiple voting by improving the effectiveness and efficiency of information exchange between MS Increase awareness and understanding of the fact that multiple voting is prohibited among mobile European citizens. |
| Mobile European citizens registered in host country are sometimes removed from home country registers even for elections for which they should | Limit de-registration practices of Member States to those elections in which there is a risk of multiple voting, and make sure any deregistration is reversible. |

| | |
|--|---|
| remain eligible to vote, such as legislative or presidential elections | |
| Depending on their country of residence, opportunities to exercise voting rights are different because countries have adopted a great diversity of practices to facilitate participation both in EP and local elections. As a result of these diverse practices regarding registration and information provision, the ease with which mobile European citizens can exercise their rights will vary depending on their country of residence. | Make local elections as well as EP elections more evenly accessibly to mobile European citizens across Member States by reducing the disparities in registration processes and information provision. |
| Mobile European citizens are not systematically able to stand as candidates in local or EP elections. They are sometimes faced with undue administrative barriers and in local elections with restrictions on the type of office for which they can stand. | Ensure that mobile European citizens have the same opportunities to stand as candidates in local and EP elections as non-mobile citizens |

Figure 30 - Intervention logic

4.2.1. Reduce administrative barriers (delays and costs) faced by mobile Europeans when registering to vote in local and European Parliament elections

Reducing such administrative barriers entails making registration to vote as easy as possible for mobile European citizens. Mobile citizens can be automatically placed on the electoral roll for local elections at the time of residence registration, and this is already the case in many Member States. Where countries decide to continue active registration, any documentation required to do so should be limited to documents that are comparable to those requested from home country citizens.

For European Parliament elections automatic registration could adversely affect the extent to which mobile European citizens can choose to vote for home country lists. Nevertheless, for these elections too, active registration should be conditional upon the presentation of documents that are comparable to those required from home country citizens.

Measures for the registration of mobile European citizens should reflect the fact that administrative barriers such as registration procedures adversely affect voter participation. To boost participation, the documentation required should be minimal.

4.2.2. Increase mobile European citizens' awareness and understanding of the procedures and practice for registration and participation in European Parliament and local elections

Information barriers are another obstacle to voting participation. This is particularly the case for mobile European citizens who, in particular in their first years abroad, are in an unfamiliar context and are unaware of how to exercise their rights. Furthermore, there is also room to improve awareness of the right to vote in local and EP elections when residing in another Member State.

Therefore, this specific objective entails both:

- Increasing awareness of the right to vote in local and EP elections for mobile European citizens. In addition to awareness of rights, communication actions should also foster positive attitudes towards the exercise of these rights so as to actually result in higher turnout;
- Improving information practices and access to information about the ways in which mobile Europeans can exercise these rights. This includes clear and timely information about registration status, the registration process and deadlines as well as information about voting modalities.

4.2.3. Further reduce the technical scope for voting multiple times by improving the effectiveness and efficiency of information exchange between MS

An important mechanism in place to prevent double voting is the process and the tools for information exchange between Member States. Through this mechanism Member States are able to exchange data on those mobile European citizens who are registered to vote in another EU country and to make sure that if they are registered in their host country, they are deregistered from the electoral roll in their home country.

While the mechanism and the support tool for this exchange of data are already in place, the process has inefficiencies and does not allow to match a critical mass of voters' records.

4.2.4. Increase awareness and understanding of the fact that multiple voting is prohibited among mobile European citizens

Another means to prevent multiple voting is by ensuring that mobile Europeans are aware of the fact that multiple voting is prohibited. The current legal framework allows MS to ensure that mobile European citizens commit to only voting once by signing a formal declaration. This measure is currently in use in most EU Member States (AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FR, HR, IE, IT, LT, LU, LV, MT, PL, PT, RO, SK). However, the requirement to make a formal declaration should not create an additional administrative barrier which is likely to prevent mobile European citizens from exercising their rights. There are instances where this provision has been used to require mobile Europeans to make a notarised declaration on honour (Croatia) which makes the registration process substantially more burdensome. Where this provision is used, it should be done in a manner which places no additional administrative requirements on mobile European citizens.

4.2.5. Limit de-registration practices of Member States to those elections in which there is a risk of multiple voting and ensure that any deregistration is reversible

The process of exchange of information about mobile European citizens registered to vote in EP elections in their country of residence results in deregistration in their home country. Such deregistration should only be applicable to European Parliament elections and should have no implications for their right to vote in other national elections for which multiple voting is not a risk. Furthermore, such deregistration should be reversible where mobile European citizens return to live in their country of origin.

4.2.6. Make local and EP elections more evenly accessibly to mobile European citizens across Member States by reducing the disparities in registration processes and information provision

The disparities between Member States in terms of the ease with which mobile European citizens are able to register, vote and stand as candidates in their country of residence should be reduced. The right to freedom of movement should ensure that mobile European citizens are able to exercise their electoral rights in all EU Member States and they should not face different levels of barriers depending on their country of residence. The same applies to their access to information and the extent to which they are encouraged and empowered to exercise their electoral rights.

4.2.7. Ensure that mobile European citizens have the same opportunities to stand as candidates in local and EP elections as non-mobile citizens

There are currently significant differences between Member States when it comes to the restrictions that mobile European citizens face when standing as candidates. These differences are for the most part unjustified and are against the principle of non-discrimination. This entails promoting measures that will:

- Lift the restrictions preventing mobile European from joining political parties;
- Lift the restrictions that make certain offices inaccessible to them; and
- Lower the administrative barriers to registration so as to ensure that mobile European citizens are not unduly restricted in standing as candidates compared with home country citizens because of the requirements for documentation.

4.3. Proposed intervention logic for the revised legal framework

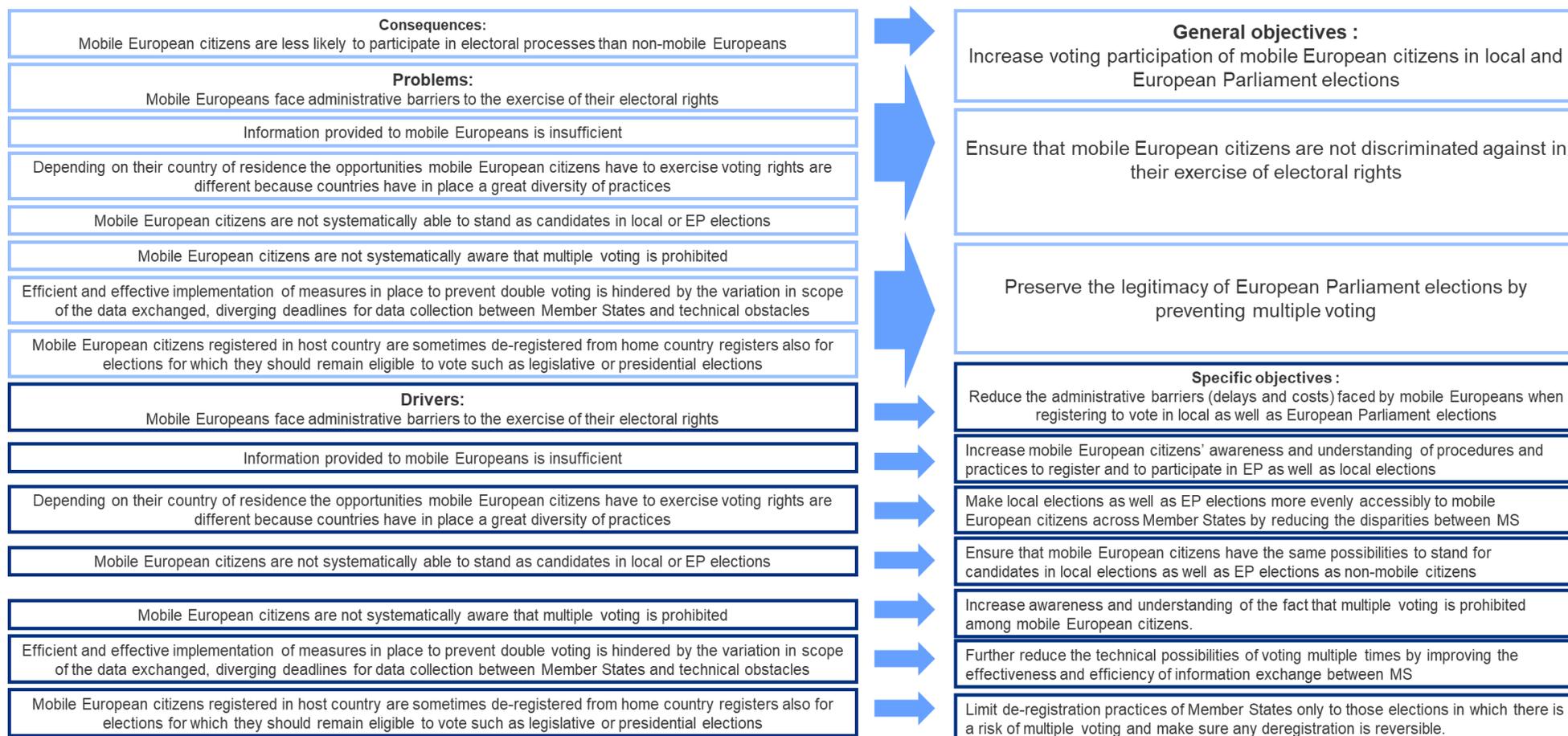


Figure 31 - Intervention logic

5. Why should the EU act?

The EU legal system requires every EU legislative act to clearly state its legal basis in the EU Treaties, ensuring its legality and legitimacy. The EU legislation regulating mobile EU citizens' right to vote for and stand as candidates in European Parliament elections and/or municipal elections in the country of residence under the same conditions as nationals of that Member State has its legal basis in Article 10(3), TEU (ex- article 8(b), TEU) which recognises EU citizens' right to participate in the democratic life of the Union. Both Directive [93/109/EC](#)¹³⁰ and Directive [94/80/EC](#)¹³¹ include in their recitals a reference to this legal basis.

In addition, Article 20(2)(b) TFEU states that all EU citizens have the right to vote and to stand as candidates in elections to the European Parliament and in local elections in their Member State of residence, under the same conditions as nationals of that State. Article 22 TFEU further reiterates this right and refers to Article 223(1) TFEU and to the provision adopted for its implementation. Furthermore, Articles 39 and 40 of the EU Charter of Fundamental Rights provide that citizens of the Union have the right to vote and stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State.

Action at the EU level is needed to update these directives and ensure the proper application and the strengthening of these rights. Measures in the field of freedom, security and justice are recognised under Article 4 TFEU as policy areas of shared competence between the EU and Member States. Options requiring the adoption of legislative measures, whether or not legally binding, to amend the existing Directives need to be analysed based on their specific design to determine the EU's justification for action (the EU added value) according to the principles of 'subsidiarity' and 'proportionality' established under Article 5 of the Treaty of the European Union (TEU)¹³². These principles are not applicable to the adoption of measures defined as non-legislative acts, as their justification and legal basis is established in the legal acts that require their adoption (Article 290 and 291 TFEU).

Subsidiarity is a principle which governs the choice of who should act, in situations with potentially more than one appropriate actor. Under this provision an analysis of each of the EU acts to be adopted should determine whether the objectives of the proposed action cannot be adequately achieved by the Member States in isolation at either central or local level, but rather can be better achieved at Union level for reasons of the scale or effects of the proposed action. This analysis is linked to the effectiveness of the act in relation to its objectives. Similarly, based on the design details of each act to be considered, the analysis needs to assess compliance with the principle of proportionality, which requires that the content and form of any EU action does not exceed what is necessary to achieve the intended objective. This implies that the act will achieve its objectives in the most efficient way, which might not necessarily be at the lowest possible cost and includes governance

¹³⁰ Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.

¹³¹ Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

¹³² https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en

procedures. The implementation of these principles means that each option needs to be analysed in relation to its contribution to the EU's objectives of ensuring implementation of the principle of non-discrimination between nationals and non-nationals, the right to move and reside freely throughout the Union and the ability of EU citizens to exercise the right to vote and to stand as candidates in elections.

An issue that needs to be carefully analysed and clarified for each option is the extent to which the discrete EU action could be considered to exceed EU competence and affect national competences. For example, EU legislation harmonising deadlines might affect constitutional arrangements; or EU provisions proposing the use of passports instead of ID cards for the purposes of identification might entail a differentiated treatment of mobile EU citizens and nationals, which might require careful consideration.

6. Policy options

The options for achieving the objectives described above need to be compared to the baseline situation. The baseline situation consists of the continuation of the status quo and its evolution is described below.

The baseline situation will be compared to policy options that fall under these headings:

- Option A: enhancing the soft measures to inform mobile European citizens and encourage convergence in Member States' practices for registration, voting and candidacy;
- Option B: clarifying the existing legal provisions to improve the current legal framework and its implementation
- Option C: enhancing the legal framework to introduce extensive harmonised requirements

The table below shows the sub-options that are described in the remainder of this section.

6.1. What if there is no further EU action?

The current state of play regarding the electoral participation of mobile European citizens and the practices at Member State and EU levels enabling them exercise their electoral rights are described in detail in section 2.

In this section we summarise the likely evolution of this position in the absence of additional EU action.

It is difficult to anticipate how the actual participation of mobile European citizens in local and EP elections would evolve in absence of further action, given that this is affected by many factors other than those directly addressed by this legal framework. However, the following barriers are likely to persist in absence of further action:

- In countries with less inclusive national practices regarding registration and information provision, mobile Europeans are likely to continue to face burdens related to searching for information or the demand for excessive documentation. There is no indication in the desk research and national interviews that suggests that countries are narrowing this gap. This would continue to affect participation

adversely, especially in those countries with practices that demonstrate low inclusivity;

- The gap and differences between possibilities for the exercise of the electoral rights of mobile citizens will continue to exist across EU Member States. Again, there is no evidence that this gap would narrow spontaneously through national measures by individual Member States.

The same applies to the access of mobile Europeans to candidacy and elected positions. In a number of countries, mobile Europeans are likely to continue to suffer administrative discrimination. However, there are ongoing infringement procedures which could address this problem in some countries. The interviews and desk research provide no evidence that would suggest that countries are planning to open up access to candidacy for those positions for which this is currently restricted (i.e. executive positions). In the absence of EU action, therefore, unequal access to positions in local administration for mobile European citizens and nationals is likely to persist.

The challenges of preventing double voting through the exchange of data between Member States will also persist until Member States adopt the use of mutually recognised electronic ID for the registration of mobile European citizens. The ongoing challenges are due to the difficulties that Member States have in matching the information that host countries collect about foreign residents with the information that home countries need to identify a citizen on their own electoral roll. Developments are ongoing at EU level to strengthen the use and mutual recognition of electronic IDs (European Digital Identity Regulation and European Digital Identity Recommendation¹³³). Widespread use of these would address the issue of data exchange even in the absence of further EU action. However, such widespread use cannot be anticipated in the near future and therefore the difficulties of identifying mobile European citizens who are registered in multiple countries and preventing double voting by deregistering them in their previous State of registration will continue for several future waves of EP elections. If the trend of intra-EU mobility continues to increase, this problem is likely to grow as the volume of data exchanged will increase.

Comment: there are a number of changes to the current directives that are also required under the status quo option. Directive 94/80/EC contains an Annex with a list of 'basic local government units' for each Member State, making explicit reference to the United Kingdom, which will need to be revised in light of the withdrawal of the United Kingdom from the European Union. Additionally, other aspects would need to be updated, as the Commission has been informed by Denmark, Hungary, Ireland, and the Netherlands that amendments to this list are needed. To simplify this procedure, the amendments to the Directive should include a provision for future updates to the list of local government units to be effected by a delegated act.

¹³³ https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/european-digital-identity_en

6.2. Option A: enhancing the soft measures for informing mobile European citizens and encouraging convergence in Member States practices for registration, voting and candidacy

This option combines a series of soft measures that require no binding legislative action and which are supportive of actions that would contribute to the policy objectives identified in previous section.

These measures include:

- EU level actions to **promote good practices** through exchanges and discussions between Member States (through the ECNE network or its more ambitious successor) about measures (covering both EP and local elections) that:
 - o promote lowering of administrative barriers to registration (automatic registration, minimisation of documents) and candidacy
 - o encourage countries to put in place targeted mail-outs (or equivalent) as part of information provision and promote tailored measures to communicate with this target audience,
 - o strengthen the compatibility of the data that is exchanged with a view to preventing multiple voting.

Examples of actions that promote the exchange of good practice are those that are included in the usual toolbox of methods in policy areas that use the Open Method of Coordination – peer learning or peer reviews, studies and indicators, conferences and other stakeholder engagement formats.

- Strengthened **monitoring** of what countries are doing to encourage participation of mobile European citizens, lower administrative barriers to registration and candidacy, information provision and means to prevent double voting. As part of this monitoring, national practices would not only be described but also assessed for their inclusion of mobile European citizens. This measure covers both EP and local elections;
- Stronger EU-level communication efforts that include updating of the **information** provided on electoral rights of mobile European citizens on the YourEurope portal to make it more country-specific for both EP and local elections. For EP elections only, this could also include strengthening the prominence of mobile European citizens as a specific target group for EU level communications related to European Parliament elections. This would also include clear and targeted communication about the fact that multiple voting is prohibited;
- Working with Member States to align the **data specifications/ templates that are used to exchange data on mobile Europeans to prevent double voting** in EP elections with the data specifications used to identify citizens for the purposes of the European Citizen Initiative (ECI). For an ECI to be eligible and then taken to the next level of action, it must gather a certain minimum number of signatures. Each Member State is in charge of authenticating the signatures. The same crypto tool

used for the exchange of electoral data is also used for the exchange of data to authenticate citizens who sign the ECI. There are two data templates used as part of ECI citizen authentication, and countries do not encounter the same volume of unmatched entries as in the case of elections. Therefore, the use of the ECI templates for exchanging data on mobile European citizens could also be considered.

The measures above are not mutually exclusive with measures under options B and C.

However, other soft measures under this option are mutually exclusive with legal measures tackling the same challenge in options B and C. For example, a Recommendation to the effect that mobile European citizens' registration to vote in national elections should not be affected by deregistration following data exchange to prevent multiple voting in EP elections is mutually exclusive with the measure under option C which would forbid such practices. These measures include soft laws – Recommendation(s) – on issues that are not covered by the current directives

- Recommendation on **automatic registration** of mobile European citizens on electoral rolls for local elections simultaneously with their registration as residents;
- Recommendation to the effect that Member States should ensure that mobile European citizens are not **disenfranchised in their home country** national elections as a result of the exchange of data and related deregistration for EP elections. Deregistration should only apply to elections for which it aims to prevent multiple voting;
- Recommendation to the effect that Member States should **encourage the participation** of mobile Europeans in other intermediate levels of government; and
- Recommendation to the effect that Member States should encourage the use of **remote voting options for European Parliament elections** so as to allow mobile European citizens who wish to vote for home country party lists (the majority of mobile European citizens who want to vote in EP elections) to exercise their civic rights and to lower the barriers to voting for home country lists.

6.3. Option B: clarifying the existing legal provision to improve the current legal framework and its implementation

As part of this option we include measures that require legal revisions to the existing directives. The focus of measures under this option is to improve the implementation of the Directives.

This option includes:

- Revision of the existing clauses **on electoral registration** (for all: local elections, EP elections and candidacy) so that the clauses are clear about what **documentation requirements** would be considered as excessive and should not therefore be demanded of mobile Europeans. This could for example clarify that no notarised declarations should be required; or that any documentation required from mobile European citizens should be restricted to documents that they are already expected to have (residence card or equivalent) and should be submitted in one

operation rather than requiring multiple steps in the process (such as notarised statements);

- Revision of the existing provisions about **information provision** for both EP and local elections. This should be written in a manner that makes clear that proactive outreach (e.g. mail-outs) is required and that the information provided should be tailored to the needs of mobile European citizens. Passively provided information on a website should not qualify as tailored information provision;
- Mobile Europeans should be informed about the potential **effects of registration** in the host country on home country voting;
- A definition in the legal text of what **data should be exchanged to prevent multiple voting** in EP elections. This would be an annex with the list of data entries that would be required from all Member States exchanging data;
- Ensuring that the **declaration on honour** that the citizen will only vote once in EP elections, already an option under the Directive, becomes mandatory. However, this declaration should not require additional administrative steps such as a notarised statement. It should be completed at the point of registration on the electoral roll or when registering as resident and being automatically entered on the roll.
- Providing an explicit legal reference indicating that when distance voting is allowed for home country citizens, this option must also be available to mobile European citizens, both for EP and local elections, in line with the principles of non-discrimination.

6.4. Option C: Enhancing the legal framework to introduce extensive harmonised requirements

Option C includes stronger legal measures as well as shared solutions introduced at EU level:

- Making **automatic registration** for local elections a requirement for all Member States;
- Establishing a single and common **European helpdesk** for citizen enquires about electoral rights specifically related to EP elections
- Provision by MS of information to mobile European citizens about their electoral rights for both local and EP elections **upon registration for residency**;
- Alignment of **MS registration deadlines** for EP elections to ensure that data is exchanged at the time when deregistration is still possible in all MS
- Development of a solution whereby **encryption** is carried out at EU rather than national level and which offers more features for users in MS. This also entails harmonisation of workflows in data exchange. Harmonising and streamlining the data requirements between MS while respecting the principle of data minimalisation
- **Forbid the deregistration** of mobile European citizens for national elections as a result of the exchange of data to prevent double voting
- Remove the option to restrict certain mandates in local administrations to home country nationals.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL
EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE
EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN
EUROPE

The table below gives an overview of the three options against the specific objectives of this impact assessment and the status quo. The measures highlighted in red are taken directly from the DG JUST note to the June meeting of ECNE.

Table 18 – Summary of policy options

| Specific objectives | Status quo | A) Increased soft measures to lower barriers and encourage convergence between MS practices | B) Clarify existing legal provision to improve implementation | C) Enhanced legal framework with new requirements |
|--|---|--|---|--|
| Reduce the administrative barriers (delays and costs) faced by mobile Europeans when registering to vote in local and European Parliament elections | Current provisions state that requirements should be the same for mobile European citizens and home country citizens | Promote exchange of good practice between MS, NGOs, and municipalities through peer-learning, evidence on what works Put in place regular monitoring Encourage automatic registration for local elections through a Council Recommendation | Revise the existing provision to clarify what documentation requirements are considered excessive in light of the non-discrimination principle | Require that MS establish automatic registration for local elections |
| Increase mobile European citizens' awareness and understanding of procedures and practices for registration and participation in European Parliament and local elections | Current provisions require MS to inform mobile European citizens in a timely manner At EU level resources for information exist (YourEurope portal) and are evolving | National level - promote exchange of good practice between MS, NGOs, and municipalities on what information measures are effective EU level – increase the prominence of information provision to mobile European citizens in EU communication efforts around EP elections. Enhance the detail of information provided on YourEurope portal | Introduce a very specific information requirement for MS to inform mobile European citizens in plain language, in multiple languages and in an individualised manner prior to local and EP elections about their registration status, registration procedure, voting modalities. Clarify the requirement to notify mobile European citizens of the potential effects of registration in host country on home country voting Expand on shared resource | Establish a single and common European helpdesk for citizen enquires about electoral rights specifically related to EP elections Adopt a new legal provision requiring MS to provide information to mobile European citizens about their electoral rights upon registration for residency |
| Further reduce the technical possibility of multiple voting by improving the effectiveness and efficiency of information exchange between MS | Crypto tool as used in 2019 EP elections | Use of data templates developed and agreed as part of the European Citizens' Initiative for the exchange of data | Define specific mandatory data sets to be exchanged between Member States | Alignment of MS registration deadlines to ensure that data is exchanged at a point in time when deregistration is still possible in all MS |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | | |
|--|---|---|--|---|
| | | Continue exchange of practices between MS about how to foster exchange of data that is more compliant with each other's requirements | | Development of a solution whereby encryption is carried out at EU level and not at national level and which offers more features for the users in MS. This also entails harmonisation of workflows in data exchange. Harmonise and streamline the data requirements between MS while respecting the principle of data minimalisation |
| Increase awareness and understanding of the fact that multiple voting is prohibited among mobile European citizens. | Option for MS to ask mobile European citizens to sign a declaration that they will only vote once Some MS use this provision | As part of EU communication, integrate messages about the fact that multiple voting is prohibited | Introduce a mandatory declaration that the citizen will only vote once. Explicitly clarify that this declaration should not represent an additional administrative act (such as a notarised statement) | n/a |
| Limit de-registration practices of Member States to those elections in which there is a risk of multiple voting and make sure any deregistration is reversible. | | Issue a Commission Recommendation to the effect that exchange of information to prevent double voting should not result in deregistration for other national elections | n/a | Forbid deregistration of mobile European citizens from national elections as a result of exchange of data to prevent double voting |
| Make local and EP elections more evenly accessible to mobile European citizens across Member States by reducing the disparities in registration processes and information provision. | Reinforce exchange of best practice within ECNE and the expert group on electoral matters with the aim of fostering the exchange of good practice and convergence | Encourage MS, through a Commission Recommendation, to support participation of mobile Europeans in other intermediate levels of government Encourage MS to diversify remote voting options for EP elections through a Recommendation | Provide an explicit legal reference indicating that when distance voting is allowed for home country citizens, this option is also available to mobile European citizens | |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | | |
|---|---|---|--|---|
| <p>Ensure that mobile European citizens have the same opportunities to stand as candidates in local and EP elections as non-mobile citizens</p> | <p>Current provisions require that conditions for standing as candidates in local elections be the same as for home country nationals.</p> <p>Current provisions allow the restriction of certain mandates to home county candidates only</p> | <p>Promote exchange of good practice between MS through peer-learning, evidence on what works including for certain mandates</p> <p>Put in place regular monitoring</p> | | <p>Remove the option to restrict certain mandates to home country nationals</p> |
|---|---|---|--|---|

7. Evaluation of impacts

In this section we first examine the effects of different measures that the policy options aim to promote on mobile European citizens themselves and their propensity to vote as a result of those measures.

In the remaining sections we examine, for each of the options, the effects on Member States, the EU and Fundamental rights.

7.1. Impacts on mobile European citizens

There are a series of hypotheses underpinning the effects of the measures under options A, B and C on the electoral participation of mobile European citizens. These hypotheses are:

- Automatic registration of mobile Europeans in local elections would result in a higher probability of voting among this target group, compared with active registration;
- Receiving a letter/email about the right to vote in local/EP elections in the host country as a mobile European and the registration and voting modalities would increase the probability of voting among this target group (compared with passive information provision on a website);
- Being informed in clear and simple language or in widely spoken languages other than the languages of the host country would increase participation;
- Using communication campaigns, multiplying information measures and putting in place activation and outreach actions would increase participation; and
- The presence of more candidates who are mobile Europeans would also encourage communities of mobile Europeans to participate in elections.

The EU legal framework does not affect mobile European citizens directly. It affects Member States' practices. It can do so through binding legal measures or by encouraging voluntary actions among MS. Therefore, the hypotheses above underpin all three options, A, B and C. What varies between these three options is the extent to which the measures are binding on the Member States. The more binding the measures on MS, the more likely it is that their effects on mobile Europeans would materialise.

However, the impact of these options on mobile Europeans is not only a function of the strength and scale of action at MS level. In other words, the extent to which a given measure will affect the probability that mobile European citizens will vote depends on one hand on the extent to which it is implemented at national level, but also on the extent to which there is actually a proven relationship between that measure and voting. Thus, each of these hypotheses needs to be confirmed and the strength of its effects should be examined to identify which types of practices are most likely to translate into increased electoral participation among mobile European citizens. This section therefore examines the effects of each of these hypotheses on the probability that mobile Europeans will vote, drawing on the survey of mobile Europeans complemented with academic literature.

7.1.1. Effects of automatic registration

There is evidence from existing academic literature as well as from the survey of mobile European citizens carried out for this impact assessment that automatic registration is associated with higher voting likelihood.

The reduction of administrative difficulties in exercising one's democratic right to vote has a relationship with the perceived cost of voting¹³⁴. According to the 'rational-voter' theory, a reduction of voting costs would concurrently result in an increase in voter turnout¹³⁵. This notion has been challenged in the literature on registration, some stating that active registration procedures actually increase the propensity to vote due to a greater feeling of involvement and knowledge gained through having to register¹³⁶. However, empirical studies of the elimination of early voter registration deadlines suggests that the elimination of such deadlines has a positive effect on voter turnout.

In particular, one study concluded that the elimination of early voter registration deadlines increased voter turnout by 7%, concluding that even the most modest reductions of voting costs have a positive effect on turnout in the short-term¹³⁷;

Furthermore, facilitating voting has been seen to have a positive effect on infrequent voters¹³⁸;

Lastly, easing the difficulties of casting a vote have been seen to increase turnout amongst younger populations¹³⁹.

The experimental module in the survey of mobile Europeans (see details below) showed that automatic registration does have a small but positive effect on stated likelihood to vote.

7.1.2. Effects of targeted mail-outs or equivalent and of the language used

The literature review for this impact assessment did not identify specific evidence on the effects of targeted mail-outs on turnout. Nor does this research address the extent to which the use of different languages does result in increased turnout.

The experimental module implemented in the survey for this impact assessment suggests that the effect of language appealing to citizens' sense of civic duty (see below) has no significant effect over using simple administrative language.

Other parts of that survey (see also below) show that respondents do believe that receiving targeted information about upcoming elections would increase the likelihood of their participation. The same applies to receiving information that is simple and understandable. The perception that access to information in widely used languages other than that of the

¹³⁴ Blais, A. 2006. "What Affects Voter Turnout?" Annual Review of Political Science 9: 111–125.

¹³⁵ Horiuchi, Y. 2005. *Institutions, Incentives and Electoral Participation in Japan: Cross-Level and Cross-National Perspectives*. Abingdon: Routledge Curzon.

¹³⁶ Hutcheson, Derek S., and Luana Russo. "Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections." (2019).

¹³⁷ Brians, Craig Leonard, and Bernard Grofman. "Election day registration's effect on US voter turnout." *Social Science Quarterly* 82.1 (2001): 170-183.

¹³⁸ Stein, Robert M., and Greg Vonnahme. "Engaging the unengaged voter: Vote centers and voter turnout." *The Journal of Politics* 70.2 (2008): 487-497.

¹³⁹ Fitzgerald, Mary. "Easier voting methods boost youth turnout." *The Center for Information and Research on Civic Learning and Engagement (CIRCLE)* (Feb. 2003), <http://www.civicyouth.org/PopUps/WorkingPapers/WP01Fitzgerald.pdf> (2003).

host country was seen as having weaker effect than the other measures respondents were asked about.

7.1.3. Effects of communication campaigns

Communication and outreach campaigns have been proven to be effective measures to not only improve information and awareness but also to activate citizens:

Mobilisation campaigns have been shown to increase voter turnout for mayoral elections over time¹⁴⁰;

Communication in the form of telemarketing for local elections increases turnout¹⁴¹;

General campaign efforts mobilise voters, and as a result increase voter turnout¹⁴²;

Web campaigns in the form of Voting Advice Applications (VAAs) increase voter mobilisation and turnout for uninformed voters¹⁴³;

Campaigning tied with partisan cues increases turnout, moderated by party preference¹⁴⁴;

Voter turnout is increased substantially by personal canvassing, and slightly by direct mail¹⁴⁵;

Experimental studies on informing potential voters about elections show that turnout can increase by as much as 20%¹⁴⁶.

The results of the survey carried out for this impact assessment (see below) show that, of the variables tested in the model, interest in politics and regular access to news about the political life of the local community have strongest effects on the propensity to vote. Information and communication campaigns increase these two factors. They increase the salience of information about elections as this is more present in the news and they also increase interest which in turn results in increased turnout.

More specifically considering how campaigns can help to increase voter interest, a study carried out in Denmark tested a few hypotheses related to participation in EU politics¹⁴⁷:

The first hypothesis proposed that voter interest, directly related to participation, in EU politics increases as a result of a campaign with increased prominence in the media as the election day comes closer. It was found that political interest rose by 4 percentage

¹⁴⁰ Holbrook, Thomas M., and Aaron C. Weinschenk. "Campaigns, mobilization, and turnout in mayoral elections." *Political Research Quarterly* 67.1 (2014): 42-55.

¹⁴¹ Gerber, Alan S., and Donald P. Green. "Do phone calls increase voter turnout? A field experiment." *The Public Opinion Quarterly* 65.1 (2001): 75-85.

¹⁴² Trumm, Siim, Laura Sudulich, and Joshua Townsley. "Information effect on voter turnout: How campaign spending mobilises voters." *Acta Politica* 52.4 (2017): 461-478.

¹⁴³ Mahéo, Valérie-Anne. "Information campaigns and (under) privileged citizens: An experiment on the differential effects of a voting advice application." *Political Communication* 34.4 (2017): 511-529.

¹⁴⁴ Foos, Florian, and Eline A. De Rooij. "The role of partisan cues in voter mobilization campaigns: Evidence from a randomized field experiment." *Electoral Studies* 45 (2017): 63-74.

¹⁴⁵ Gerber, Alan S., and Donald P. Green. "The effects of canvassing, telephone calls, and direct mail on voter turnout: A field experiment." *American political science review* (2000): 653-663.

¹⁴⁶ Lassen, David Dreyer. "The effect of information on voter turnout: Evidence from a natural experiment." *American Journal of political science* 49.1 (2005): 103-118.

¹⁴⁷ Beach, Derek, Kasper M. Hansen, and Martin V. Larsen. "How campaigns enhance European issues voting during European Parliament elections." *Political Science Research and Methods* 6.4 (2018): 791-808.

points, from around 62% to 66%, during the campaign. Particularly, interest spiked in the last weeks of the campaign, which is when there was most coverage of EU-related issues.

A second hypothesis is that due to the campaign voters will be better informed and pay increased attention to developing their own positions on EU integration. Also as a result of the campaign, the proportion of people adopting an actual position (i.e. not answering 'don't know') to five questions about EU politics rose from 89% at the beginning of the campaign to 94% at the end.

A third hypothesis is that voters' knowledge of the positions of parties on EU politics would also increase as a result of the campaign. Knowledge of the positions of the three largest parties increased on average from 72% at the beginning of the campaign to 85% on the day of the election.

Overall, three crucial factors were tested within this study, namely political interest, political information, and political knowledge. These three factors are considered crucial for political participation, and rose as a result of campaigning.

Campaigning can also raise the salience of local elections, and as has been seen in previous research, higher election salience tends to increase turnout, especially during second-order elections (see above).

Furthermore, information campaigns targeted at mobile EU citizens which increases their understanding of the importance of their participation is also a gateway to increasing their motivation to take part. Information campaigns are seen as an integrational effort made by the host country towards non-national residents. Aside from the information gained, which would in itself provide a greater degree of knowledge to mobile EU citizens, the increased sense of integration would further supplement the motivation to participate in local elections. Political inclusion approaches have been successful in increasing the trust felt in political institutions, as well as feelings of integration for non-national residents in host countries¹⁴⁸. As a result, the increased level of trust in local political institutions, coming from greater integration practices, has a positive effect on the political participation of non-national residents¹⁴⁹.

7.1.4. Effects of a diverse candidate pool

Although it is hard to assess the actual increase in numbers of candidates that is likely to occur as a result of diminishing barriers to candidacy, there is research that shows a positive relationship between the diversity of candidates and participation of those groups that are otherwise under-represented. The political representatives running in elections have a strong effect on the voting propensities of the represented population¹⁵⁰. Therefore, allowing mobile EU citizens to establish parties and stand for local office should increase the turnout in this population in localities where they have a significant presence. Moreover, it is expected to serve as an additional factor increasing their feelings of social and political integration¹⁵¹.

¹⁴⁸ Giugni, Marco, and Laura Morales. "Conclusion: towards an integrated approach to the political inclusion of migrants." *Social Capital, Political Participation and Migration in Europe*. Palgrave Macmillan, London, 2011. 262-274.

¹⁴⁹ Meindert Fennema & Jean Tillie (1999) *Political participation and political trust in Amsterdam: Civic communities and ethnic networks*, *Journal of Ethnic and Migration Studies*, 25:4, 703-726, DOI: [10.1080/1369183X.1999.9976711](https://doi.org/10.1080/1369183X.1999.9976711)

¹⁵⁰ Van Heelsum, Anja. "The relationship between political participation and civic community of migrants in the Netherlands." *Journal of International Migration and Integration/Revue de l'integration et de la migration internationale* 3.2 (2002) 179-200.

¹⁵¹ Sipinen, Josefina. "Recruitment of Immigrant-origin Candidates in Finnish Municipal Elections." (2021).

The assumption that increased diversity of the pool of candidates is somewhat likely to increase the turnout of mobile Europeans is also confirmed by the results of the survey of mobile Europeans. In that survey 33% of respondents stated that more mobile Europeans as candidates would increase their likelihood of voting (21% said it would greatly increase it).

7.1.5. Survey experimental module: the effects of automatic registration versus active registration and the effects of emotionally appealing language

One of the key issues investigated through the online survey of mobile European citizens was whether automatic voter registration could lead to an increase in voter turnout in the case of local elections. The second assumption tested in that survey was to see whether emotionally appealing language (language appealing to the sense of civic duty, etc.) would have effect on turnout as compared with very simple administrative language.

To do this, the survey participants were randomly allocated to two experimental groups, one focused on local elections and the other on elections to the European Parliament. Within each group, participants were asked to read a vignette describing a situation in which, after living for two years in their country of residence, they receive a letter about upcoming elections. In the case of the group focused on the local elections the letters each captured one of these two scenarios:

- Automatic registration;
- Active registration

The vignettes are shown below.

In the case of the European Parliament election, respondents are informed that they have to register to vote, in either formal, standard language or in a more user-friendly but also emotional way which appealed to their sense of civic duty. Thus, the experiment consists of four treatments (i.e. versions of the letter), each participant seeing only one of them.

| Vignette A – Automatic registration local elections | Vignette B – Active registration local elections |
|--|---|
| <p>You have been living in your country of residence (Country name) for the past two years.</p> <p>The municipality where you live will hold local elections in six months.</p> <p>Today you found a letter in your mailbox with the following information.</p> <p>LETTER</p> <p>Dear Madam or Sir</p> <p>On Sunday 28 November 2021, your city will hold local elections. As an EU citizen and resident of this country (country name), you have been automatically registered to vote in these elections. This means that you do not need to take any further action and may cast your vote after presenting your residence permit on election day. You will receive more information regarding the ways of voting in the coming months.</p> | <p>You have been living in your country of residence (Country name) for the past two years.</p> <p>The municipality where you live will hold local elections in six months.</p> <p>Today you found a letter in your mailbox with the following information.</p> <p>LETTER</p> <p>Dear Madam or Sir,</p> <p>On Sunday 28 November 2021, your city will hold local elections. As an EU citizen and resident of this country (country name), you have the right to vote in local elections.</p> <p>We would like to inform you that to vote in these elections, you need to be registered on the electoral roll in our municipality. You can apply to be registered on the electoral roll in person at the town hall. For</p> |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

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|---|--|
| <p>Yours sincerely, The municipality</p> | <p>this, you will need to provide the following documents:</p> <ul style="list-style-type: none"> - Your ID card/Passport; - Your residence card. <p>The opening hours of the town hall election service are:</p> <ul style="list-style-type: none"> - Monday 8.00 – 12.00 13.00 -17.00 - Tuesday 8.00 – 12.00 13.00 -17.00 - Wednesday 8.00 – 12.00 13.00 -15.00 - Thursday 8.00 – 12.00 13.00 -18.00 - Friday 8.00 – 12.00 13.00 -15.00 <p>You do not need to make an appointment but can simply come at any time during these office hours. The last day for registration is 24 September 2021.</p> <p>Yours sincerely The municipality</p> |
| <p>Vignette C – Simple administrative language – EP elections</p> | <p>Vignette D – Emotional language appealing to sense of civic duty – EP elections</p> |
| <p>You have been living in your country of residence (Country name) for the past two years.</p> <p>European Parliament elections will be held in six months</p> <p>Today you found a letter in your mailbox with the following information.</p> <p>LETTER</p> <p>Dear Madam or Sir</p> <p>The European Parliament elections will be held on Sunday 28 November 2021. As an EU citizen and resident of this country (Country name), you have the right to vote in the European Parliament elections for a list of candidates standing in this country (Country name) at a polling station close to your home.</p> <p>We would like to inform you that to vote in these elections for a list of candidates standing in this country (Country name), you need to be registered on the electoral roll of this country (Country name). You can apply to be registered on the electoral roll in person at the town hall. For this, you will need to provide the following documents:</p> <ul style="list-style-type: none"> - Your ID card/Passport; <p>Your residence card</p> <p>The opening hours of the town hall election service are:</p> <p>Monday 8.00 – 12.00 13.00 -17.00</p> <p>Tuesday 8.00 – 12.00 13.00 -17.00</p> <p>Wednesday 8.00 – 12.00 13.00 -15.00</p> <p>Thursday 8.00 – 12.00 13.00 -18.00</p> | <p>You have been living in your country of residence (Country name) for the past two years.</p> <p>European Parliament elections will be held in six months</p> <p>Today you found a letter in your mailbox with the following information.</p> <p>LETTER</p> <p>Dear Madam or Sir,</p> <p>The European Parliament elections will be held on Sunday 28 November 2021.</p> <p>On 28 November 2021, you can vote for the people who will make decisions about the future of the European Union in the next five years. By voting, you choose the party and the candidates whom you believe to be best suited to represent you.</p> <p>The European Parliament votes on rules that directly concern you, including minimum rules for social protection, consumer rights, and EU investments in your country. You can find more information about the roles and responsibilities of the European Parliament on its website.</p> <p>As an EU citizen and resident of this country (Country name), you have the right to vote in the European Parliament elections for a list of candidates standing in this country (Country name) at a polling station close to your home.</p> <p>We would like to inform you that to vote in these elections for a list of candidates standing in this country (Country name), you need to be registered on the electoral roll of this country (Country name). You can apply to be registered on the electoral roll in</p> |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | |
|---|---|
| <p>Friday 8.00 – 12.00 13.00 -15.00</p> <p>You do not need to make an appointment but can simply come at any time during these office hours. The last day for registration is 24 September 2021.</p> <p>Yours sincerely, The municipality</p> | <p>person at the town hall. For this, you will need to provide the following documents:</p> <ul style="list-style-type: none"> - Your ID card/Passport; Your residence card <p>The opening hours of the town hall election service are:</p> <p>Monday 8.00 – 12.00 13.00 -17.00 Tuesday 8.00 – 12.00 13.00 -17.00 Wednesday 8.00 – 12.00 13.00 -15.00 Thursday 8.00 – 12.00 13.00 -18.00 Friday 8.00 – 12.00 13.00 -15.00</p> <p>You do not need to make an appointment but can simply come at any time during these office hours. The last day for registration is 24 September 2021.</p> <p>Yours sincerely, The municipality</p> |
|---|---|

After reading the randomly assigned letter, participants are asked to rate (on a scale from 0 to 10, with “0” meaning absolutely certain that they would NOT vote and “10” meaning absolutely certain that they would vote) their likelihood of participating in the election mentioned in the letter, in the context of the information it provided. The figure below shows the number of respondents who read each vignette.

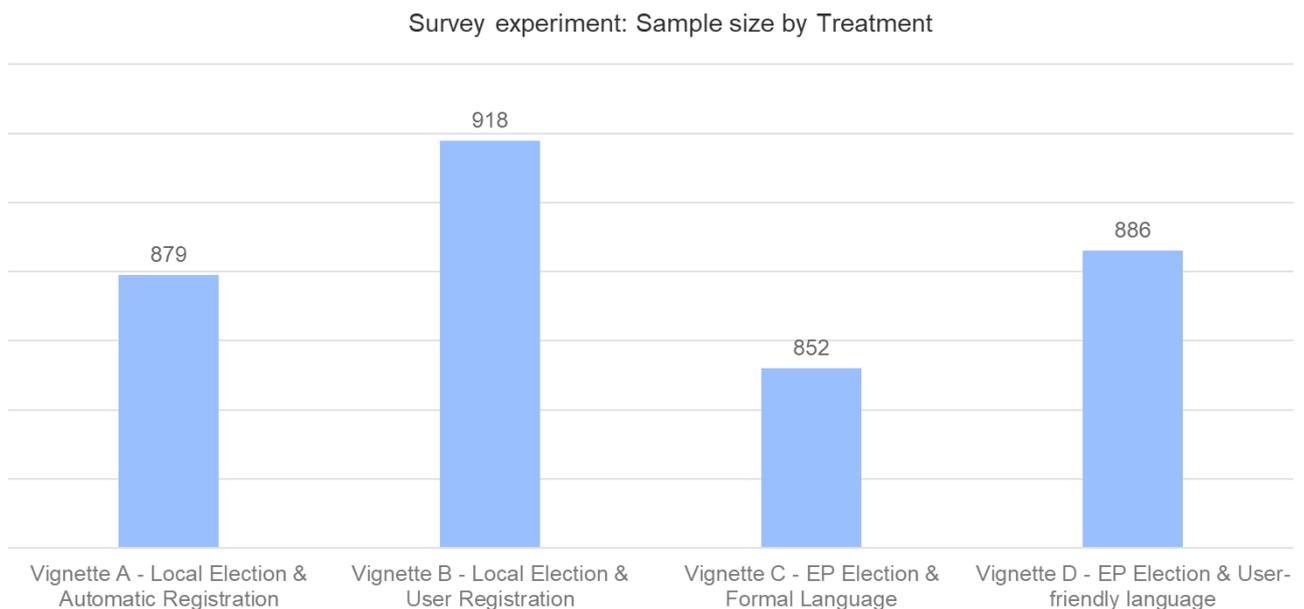


Figure 32 - Number of survey participants by treatment

In terms of voting likelihood after exposure to the four letters, as shown in the figure below, the mean values for the scales indicate that overall, the differences in the effects of each of

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

the four letters are not very great. Respondents were most likely to state they would vote after receiving vignette A, followed by vignettes D, C and B.

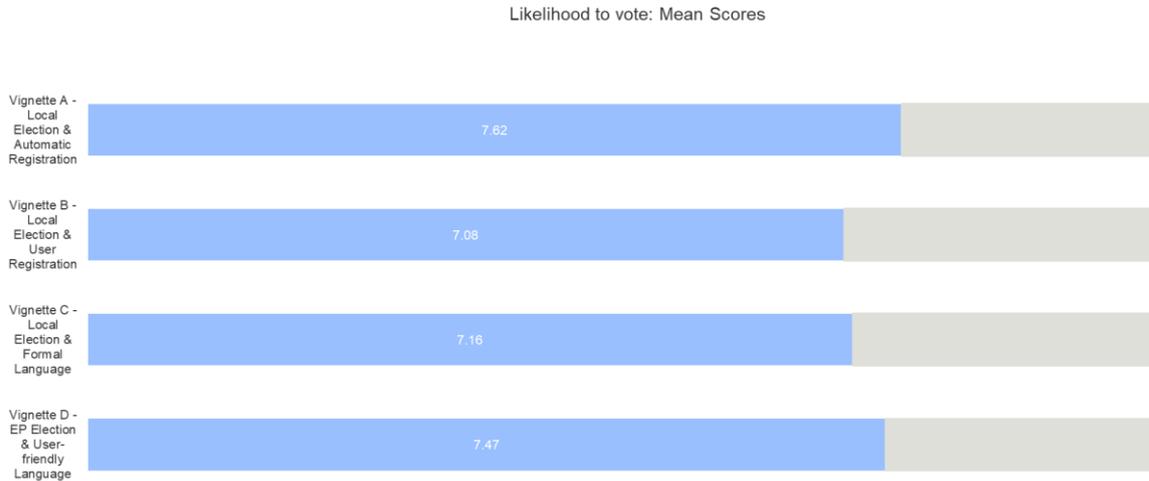


Figure 33 - Mean scores for likelihood to vote by treatment

To further test this initial finding, we carried out what is considered to be a standard analytical procedure and estimated the effect size of the exposure to the four treatments on the voting likelihood scales.

Table 12 – Effect size estimates (Cohen D)

| Scenario | Effect size estimate (Cohen's D) | Effect Meaning |
|----------------------|----------------------------------|----------------|
| Letter A vs Letter B | 0,1445 | Negligible |
| Letter C vs Letter D | -0,0835706 | Negligible |

As indicated in the table above, taking the letter they have been asked to read in isolation, the results indicate that the letters themselves do not have a significant impact on likelihood to vote. If we consider the very nature of the determinants of voting likelihood, the lack of a major impact is not surprising: the process through which political participation preferences is formed is very complex and becomes cemented in time, being determined by a funnel of individual socio-demographic characteristics, subjective emotional and cognitive experiences, and contextual factors. Thus, to properly investigate the effect of exposure to the four letters, we also need to consider as many as possible additional factors that play a role in shaping real-life voting likelihood. For this, we carried out two regression models through which we attempt to explain the changes in voting likelihood by considering, in addition to exposure to the four letters, aspects such as the participants' length of stay in the country in which the interview took place, their age, their interest in politics and frequency of exposure to local news, and the self-declared perceived level of integration in the community.

The figure below presents the results of the two models tested, one for the local election scenario, in which the participants were exposed to either vignette A (automatic registration)

or B (self-registration), and the other for the European election scenario, in which the language was either formal (vignette C) or user-friendly (vignette D).

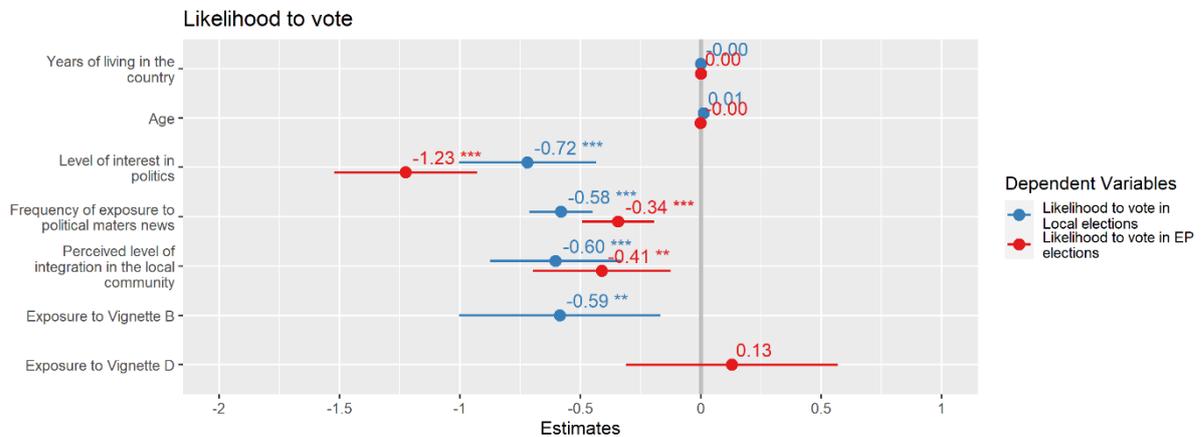


Figure 34 - Effect of treatments on likelihood to vote - multivariate regression estimates

According to the results, neither age nor the number of years spent living in the country in which the survey took place have an effect on voting likelihood in either local or European elections. As expected, voting likelihood is shaped by the level of interest in politics and exposure to news on political matters¹⁵²: the greater the interest in politics and the higher the frequency of exposure to political news, the higher the likelihood of voting in both types of election.

The results also indicate that the self-declared perceived level of integration in the local community has a significant effect on voting likelihood: the higher the level of integration, the higher the likelihood of voting in both election types.

When the impact of exposure to the four vignettes is estimated in the context of the additional explanatory factors, the results show that, in the case of automatic versus self-registration, exposure to the letter specifying the need to self-register decreases voting likelihood, the effect being statistically significant. However, in the case of letters using formal or user-friendly language, voting likelihood is not affected by exposure to either letter.

This means that:

- Automatic registration does indeed slightly increase voting probability in local elections (compared with active registration);
- However, the use of language that appeals to civic duties and aims to encourage participation does not have a statistically significant effect compared with a letter that gives information in a simple manner.

The table below presents the full results.

¹⁵² Even though there is a degree of correlation between these two variables, it is not high enough to adversely affect the robustness of the findings.

Table 15 - Explanatory models for Likelihood to vote – complete results

| Predictors | Likelihood to vote in Local elections | | | Likelihood to vote in EP elections | | |
|--|--|---------------|------------------|---|---------------|------------------|
| | <i>Estimates</i> | <i>CI</i> | <i>p</i> | <i>Estimates</i> | <i>CI</i> | <i>p</i> |
| Intercept | 11.45 | 10.16 – 12.74 | <0.001 | 11.60 | 10.24 – 12.97 | <0.001 |
| Years of living in the country | -0.00 | -0.00 – 0.00 | 0.868 | 0.00 | -0.00 – 0.00 | 0.854 |
| Age | 0.01 | -0.01 – 0.03 | 0.180 | -0.00 | -0.02 – 0.02 | 0.880 |
| Level of interest in politics | -0.72 | -1.01 – -0.43 | <0.001 | -1.23 | -1.52 – -0.93 | <0.001 |
| Frequency of exposure to political matters news | -0.58 | -0.71 – -0.45 | <0.001 | -0.34 | -0.49 – -0.19 | <0.001 |
| Perceived level of integration in the local community | -0.60 | -0.87 – -0.33 | <0.001 | -0.41 | -0.70 – -0.13 | 0.005 |
| Exposure to Vignette B | -0.59 | -1.00 – -0.17 | 0.006 | | | |
| Exposure to Vignette D | | | | 0.13 | -0.31 – 0.57 | 0.565 |
| Observations | 937 | | | 935 | | |
| R² / R² adjusted | 0.191 / 0.186 | | | 0.137 / 0.131 | | |

Automatic registration was also seen by the respondents as one of the most effective ways to increase likelihood of voting when they were asked directly (see below for more detail). 42% of respondents stated that this measure would greatly facilitate their voting when asked: *Which of the following measures would make you, as a mobile EU citizen, more likely to participate in the next local elections? If I was automatically notified of my right to vote in local elections when I register as resident in another EU Member State.* Another 15% chose 4 which is the second highest value.

7.1.6. Self-reported effects of other measures on voting likelihood in the survey of mobile European citizens

The section above reported the results of an experimental module in the survey in which we tested the effectiveness of several treatments on voting probability. In the same survey we also explicitly asked the respondents to evaluate the extent to which different measures are likely to have effect on their likelihood of voting. The questions used for this part of the survey were the same as those used in the open public consultation.

The data shows that the measures can be grouped as follows:

- Measures that are perceived as having the greatest influence on voting likelihood:
 - Automatic registration for local elections
 - Automatic notification of the right to vote when registering as citizen

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

- Provision of information in clear and simple language
- Receiving targeted information on where and when to register
- Receiving an overview of political parties and candidates standing in the elections
- Measures that are perceived as having a middling effect on voting likelihood:
 - Use of the languages of the largest European diasporas when communicating how to register and vote;
 - Enabling mobile European citizens who run as candidates to run for executive office; and
 - Presence of more candidates who are mobile European citizens on electoral lists
- The measure that is considered as having least effect on likelihood to vote concerns access to political parties for mobile European citizens.

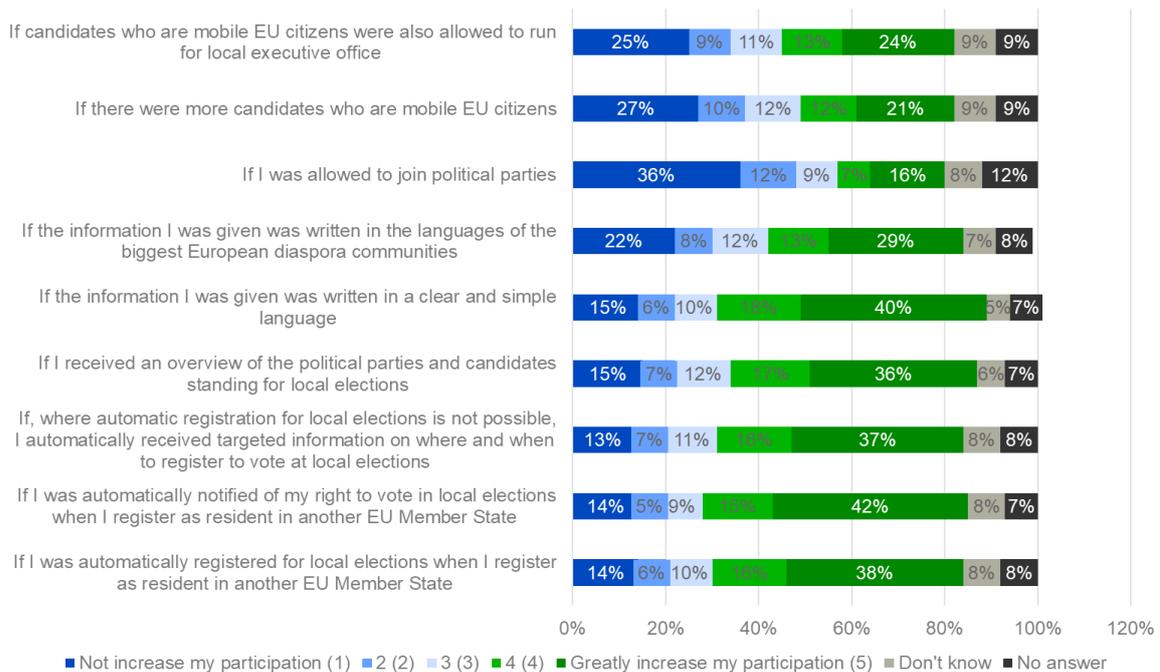


Figure 35 - Self-reported effects of different measures on voting likelihood (n=2509)

Source: Kantar survey of mobile European citizens

It is also interesting to look at the extent to which these measures are expected to increase voting likelihood among occasional voters, who are the critical group of mobile European citizens to convince to vote. In our sample nearly half of the respondents were occasional voters. For this group we again find that automatic registration is seen as having strongest effect: 51% of occasional voters say that automatic registration would greatly influence their participation. The numbers are lower for the other measures tested.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

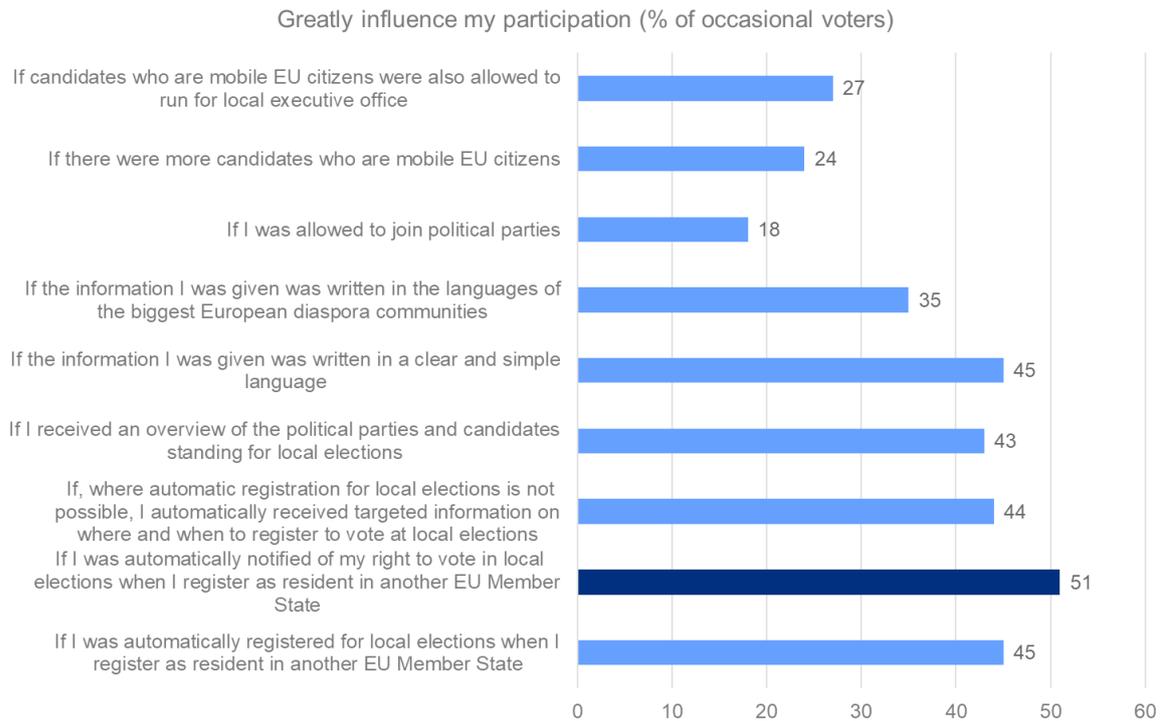


Figure 36 - Self-reported effects of different measures on likelihood to vote among occasional voters (n=1198)

Source: Kantar survey of mobile European citizens

Finally, we also compared the extent to which the declared increase in likelihood to vote differs with the level of inclusivity shown towards the participation of mobile European citizens in the host country. The classification of countries used for this purpose is the same as in section xxx:

- Highly inclusive countries: DK, FI, LT, LV, MT, NL, SE
- Moderate inclusivity: AT, BE, DE, EE, ES, FR, HU, IE, IT, LU, PT, RO, SI and SK
- Low inclusivity: BG, CY, CZ, EL, HR

We should however note that the majority of respondents in the sample were in countries with moderate inclusivity and the respondent numbers for the other two groups were much lower, as shown in the chart below.

For most of the measures tested, there seems to be a slightly stronger self-declared effect on facilitating mobile Europeans' electoral participation in those countries with lowest levels of inclusivity.. However, the differences are slight and the sample of respondents in this category of countries is rather small (240).

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

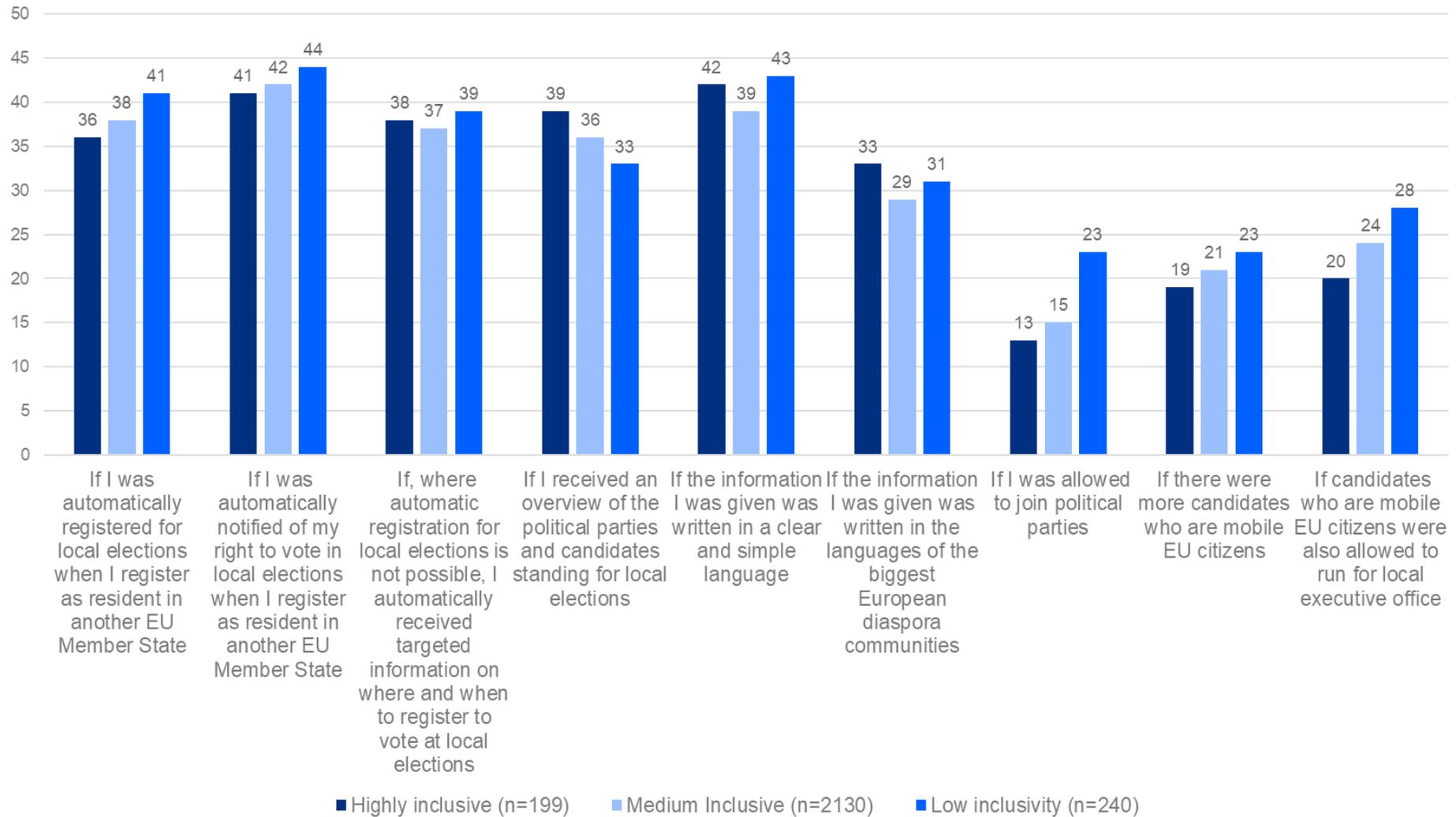


Figure 37 - Self-reported effects of different measures on likelihood to vote according to inclusivity of host country measures and practices (n=2569)

7.1.7. Summary

In summary, the strength of evidence from academic literature combined with the data from the targeted survey of mobile Europeans suggests the following ranking of options when it comes to the impact on mobile citizens' likelihood to vote:

| Type of measure | Academic literature | Survey evidence | Summary |
|---|---|---|---|
| Automatic registration | Good evidence that removing registration barriers does affect turnout positively | Experiment shows slight positive effect of automatic registration on likelihood to vote The self-declared assessment of measures also ranks automatic registration highest | Evidence that lowering administrative barriers through automatic registration has some effect on voter turnout |
| Targeted mail-outs, use of accessible language, use of other widely used languages | No evidence from research – studies on the topic were not found | Respondents in the survey state that access to targeted and tailored information is likely to increase their participation. However, this is less clear for the preference for use of other languages The experiment suggests that use of language appealing to civic duty versus simple administrative language has no significant effect | Some evidence from the survey that targeted mail-outs are seen as beneficial by the respondents. Other types of information measures are less well supported by evidence from the survey (use of foreign languages, use of appealing language) |
| Communication campaigns/ outreach | Strong evidence in literature that campaigns aimed at increasing participation do affect turnout | Not tested as such The survey shows strong positive effect on turnout of a) interest in politics b) access to information in news | Strong evidence that increasing salience of elections affects voter turnout |
| Diversity of candidates | There is evidence that a diverse pool of candidates in terms of country of origin in local elections mobilises minority communities | The survey reveals some preference for a diverse pool of candidates. Respondents state that the presence of more mobile Europeans as candidates would have some effect but this is lower than for other measures tested | Spill-over effects of a diverse pool of candidates representing mobile European on the turnout of mobile Europeans can be expected but is likely to vary by country and locality |

7.2. Option A – Increased soft measures to lower barriers and encourage convergence between MS practices

7.2.1. Member States

The impact of soft EU measures aimed at lowering barriers and encouraging the convergence of national practices is generally low in terms of effort or costs for Member States, based on baseline research and contacts with selected Member State authorities.

Measures to further promote the exchange of good practices through forums such as ECNE meetings are an important mechanism for communication between Member States' election authorities, and their value was confirmed by Member States in interviews. Within ECNE or other frameworks, measures to promote more regular and continued exchanges between Member States on the format and content of data regarding mobile EU citizens also form an important measure to prevent double voting, while best practice exchanges on information campaigns and the inclusion of mobile EU citizens can help inform reform and the development of new policies.

However, these **networks and exchanges** do not themselves lead to policy change, as they are dependent on Member State will and initiative. Identified best practices may therefore vary between on the one hand measures to prevent double voting, which all Member States have provisions to tackle; and on the other, measures allowing non-nationals to run for political positions that may be reserved to nationals. In the 10 Member States that, to different extents, restrict access to political mandates, such a policy change may be more controversial, and unlikely to happen voluntarily – the baseline research indicates no general convergence in this regard. Furthermore, the current model of exchange of good practices does not seem to have fuelled change at Member State level more generally. While Member States did become more aware of each other's practices, this did not encourage them to adapt new ones or modify what they have in place. Therefore, the effect in terms of changing actual MS practices is likely to be limited.

A Recommendation for Member States to implement **automatic registration in local elections** is similarly likely to face resistance from Member States. In a number of Member States, technical issues may prevent the effective implementation of such a measure: for instance, if there is no centralised population register which contains details of the address and nationality of mobile EU citizens from their time of arrival, automatic registration is not readily possible. This is notably the case in France and Ireland. Other Member States may face obstacles where population registers and electoral rolls are not commonly linked, or where one is the responsibility of central authorities and the other of municipalities. For example, in Spain, that situation leads to a system of monthly updates from the municipal authorities and the central electoral roll office, complemented with contacts with mobile EU citizens. While automatic registration would prevent discrimination against mobile EU citizens in terms of reducing added effort and requirements¹⁵³, it may nevertheless not be feasible in all Member States, or at the very least may require significant resources. As a result, a Recommendation to this effect appears unlikely to bring about policy change in most Member States that do not already have automatic registration. Increased

¹⁵³ Note that this would not be the case in Cyprus and France, where national citizens also must register for the electoral roll after reaching the eligible voting age or on return to the Member State; cf. Arrighi J.-T., et al. (2019), *GLOBALCIT Conditions for Electoral Rights 2019*, Florence: European University Institute, available online at: <<https://globalcit.eu/conditions-for-electoral-rights/>>.

information campaigns and measures to increase awareness of registration modalities, voting logistics and the associated deadlines are key measures to increase awareness among mobile EU citizens. The provision of this information in a language they can access – at least in English, and ideally also in the languages of major expatriate communities – is important in ensuring that they are aware of their rights and know how to access them. This is particularly relevant in Member States where electoral information is mainly offered in the national language, as is the case in Cyprus, Greece and Bulgaria. Encouraging such efforts would represent a step towards addressing the relative lack of accessible information in Member States where there is comparatively little information targeted on mobile EU citizens or where mobile EU citizens may struggle to access information in a language they understand. However, the non-compulsory nature of the options means that Member States may vary in how far they adopt new communication practices.

By contrast, **giving increased prominence to information on elections through EU-provided portals** carries no additional costs for Member States, and appears to be a beneficial addition to national efforts, especially if the Recommendation for increased information provision fails to improve communication. This may especially be the case with regard to information campaigns supported or carried out by EU institutions, which were particularly welcomed by most EU Member States. **EU-provided material on double voting** (e.g. through an EU portal) may be useful as it would ensure that the same information was provided to mobile EU citizens in all Member States, and in all EU languages. This may help to increase awareness that double voting is in fact not allowed. This is of extra gravity as an estimated 14% of mobile EU citizens believe that double voting is allowed (see Section 3.8). In complementary interviews, Member State representatives suggested that central communications from the EU may help to increase awareness. However, they also cautioned that on its own, increased communication may be insufficient to reach the objective of minimising instances of double voting: Member States must themselves ensure that they prosecute offenders who vote more than once. If the problems with double voting are widely publicised without sufficient vigilance or enforcement action, there is a risk of undermining public confidence in the electoral system, or of making the problem appear larger in scale than it is in practice.

Linked to the issue of double voting is the **recommendation to prevent deregistration as a result of the regular data exchange around EP elections**. In principle, this is something that Member States are already seeking to achieve. Some Member States (e.g. Hungary) already apply a policy of no deregistration of their nationals and would always enable national mobile EU citizens to vote in their home country (subject to a declaration that they will only vote in their home country) whether they are deregistered in their country of residence or not. Other Member States with centralised population registers which in turn provide information to their electoral registers (as is the case in e.g. Estonia, Finland and Sweden) are effective in preventing deregistration that would prevent mobile EU citizens from exercising their electoral rights, as the data only needs to be ‘flagged’ once. Some federalised Member States with centralised population registers based on information from the local registers operate a system of regular updates (e.g. monthly updates in Spain) and contact their electoral registers for confirmation or information. These countries would be able to prevent double voting and the impact of deregistration effectively, as they regularly provide accurate information to mobile EU citizens and other Member States. In Member States with no centralised registers or where the problem is more common due to lack of data collection¹⁵⁴, it will presumably require more effort in terms of improving the accuracy of data collection or improving communication between different registers. However,

¹⁵⁴ Note that it was not possible in baseline Member State research or follow-up interviews to establish how common the problem of mistaken deregistration is, as Member States do not collect data on this issue.

depending on their starting point, this may end up being costly, and unless deregistration is identified as a significant and recurring problem in the Member State, there may not be sufficient urgency to amass the political will required to implement the Recommendation.

As the **data exchange system** in its current form has only been operational since the 2019 EP elections, Member State stakeholders considered that promoting a more active exchange between Member States would be a beneficial measure which requires relatively few resources. In the baseline research and follow-up interviews, multiple Member States identified incomplete or inaccurate data as a significant barrier to identifying nationals who are present on more than one electoral roll. Continued and regular discussions or exchanges on the type of data required is an important part of addressing the current gaps in the data exchange system, especially in Member States where identification is not possible using a unique numerical ID. Continued development of the tools at hand is an important factor in preventing double voting (although the benefits of compatibility with eID or European electronic identity are unlikely to be experienced for a while, given the early stages of the technology in most Member States), but is expected to have a limited direct effect on other objectives.

Finally, recommendations to **support the increased participation of mobile EU citizens in intermediate levels of government** and to **diversify remote voting options** face the same potential barriers as other Recommendations, in being non-compulsory. However, extending access to political participation to intermediate levels of government such as city or regional governments where this is not currently the case¹⁵⁵ would not in itself be costly if the political will is there. Increasing remote voting options in those countries where they are absent¹⁵⁶ would be a significant and possibly difficult measure to implement. Resistance may therefore be higher.

The costs to Member States of the measures in Option A are summarised below in **Error! Reference source not found.**

Table 16 – costs at Member State level option A

| Measure | Type of costs | Scale of costs | Which particularly concerned MS are |
|---|--|---|--|
| Exchange of good practices | Attendance at meetings and associated preparation and debriefing | Minor – staff time to participate at events Follow-up debriefing and information circulation at national level | All |
| | Provision of monitoring information (if this relies on MS reporting rather than external supplier) | Several staff days to draft national report (if this is MS reporting rather than external monitoring) | all |
| Costs of adapting national practices | The extent to which these costs occur will depend on whether the | <i>Linking residence registration to electoral register (automatic</i> | Depends on country's starting position |

¹⁵⁵ As discussed in Section 2.2.1, three Member States (Cyprus, Czech Republic and some parts of Germany) have some form of restrictions on which sub-national elections mobile EU citizens can vote in, and 11 restrict in some way the political mandates they can hold (Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, France, Italy, Netherlands, Poland, Slovenia; and some parts of Austria and Germany).

¹⁵⁶ 15 Member States currently allow some form of remote voting, via mail, proxy, or in Estonia, e-voting

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | |
|---|---|--|--------------------|
| <p>based on Recommendations</p> <p>Encouraging automatic registration</p> <p>Preventing deregistration</p> <p>Participation in other levels of government</p> <p>Diversifying voting options</p> | <p>country voluntarily decides to adjust national practices</p> <p><i>Introducing automatic registration:</i> costs of linking residence registration procedure to electoral register.</p> <p><i>Preventing deregistration:</i> costs of flagging in national electoral registers that the person should only be deregistered for EP elections</p> <p><i>Opening participation to other levels of government:</i> the cost is not significantly different to that of allowing and enabling participation in local elections</p> <p><i>Diversifying voting options:</i> This would very much depend on the voting options available in the country. It can be assumed that this would require a substantial political push at national level, unrelated to mobile European citizens. Allowing mobile European citizens to benefit from these expanded options would incur no or minor additional costs</p> | <p><i>registration</i>): low to high, very much depending on how the country practices residence registration and how compatible it is with the electoral register</p> <p><i>Preventing deregistration:</i> depends on the level of technicality of the solution. Using simple means such as ‘flags’ would have a minor cost. However, in those countries where there are multiple registers this cost would be multiplied</p> <p><i>Opening participation to other levels of government:</i> Minor – could follow same processes for registration and information provision as local elections.</p> <p><i>Diversifying voting options:</i> The cost increase due to mobile European citizens would be none to minor. The main costs would be due to the diversification of voting options for non-mobile nationals.</p> | <p>See Annex 3</p> |
| <p>Information and communication measures at national and local level</p> | <p>These costs would be voluntarily decided by MS local authorities responsible for determining what to communicate about and how.</p> <p>This would include costs of designing and implementing communication actions.</p> | <p>Medium: the costs would very much depend on the choice of communication approaches and channels but to have substantial reach, paid communications may be needed</p> <p>The costs could be covered through the CERV programme</p> | <p>All</p> |

Table summarises the costs and effects of Option A on various aspects of Member States’ electoral practices. Member States are grouped by whether they have been assessed as having low, moderate or high inclusivity towards mobile EU citizens as voters, as discussed in Section **Error! Reference source not found.**. An indicative score is also provided to indicate whether the costs and effort associated with the option are in line with or justified

by the expected benefits (●●●), outweigh the costs and burdens (or simply cost-neutral for Member States) (●●) or are disproportionate to the expected benefits (●).

Where costs and effects are expected to be the same for most or all Member States, they are scored jointly. For Option A, this is the case across all dimensions.

Table 17 – Costs and effects of Option A, by Member State inclusivity of mobile EU voters

| Dimension | Option A: Specific costs and effects by Member State category |
|--|--|
| Coordination and cooperation between Member States | The measures relating to exchanges between Member States are not expected to incur significant costs, as they mainly entail additional meetings and forums where best practice can be exchanged. ●●● |
| Coordination and cooperation with Commission and EU institutions | As with Member State exchanges, Option A does not entail a significant effort for Member States in their dealings with EU institutions. The main exchange would be in the form of an expanded YourEurope portal and additional communication materials from the Commission; Member States indicated that neither would require much additional effort for them to implement. ●●● |
| Administrative capacity of Member States | The non-mandatory nature of Option A means that no significant additional administration or capacity-building are foreseen for Member States. If Member States were to ambitiously adapt the encouragement and recommendations of the Option (e.g. automatic registration for local elections or diversification of voting modes) changes would likely be required, but in itself, Option A does not incur such costs. ●●● |
| Changes to national electoral rules and procedures | As the measures in Option A generally concern best practices and encouragement to action, rather than firm requirements, the extent to which existing rules and procedures would require changing depends on how far Member States themselves decided to take action. In and of itself, Option A is broadly cost-neutral. ●●● |
| Costs to implement/update exchange systems | The use of new, common data templates for data exchanges would require some changes in Member State procedures and operations but would likely not require wholesale updates of new exchange systems. ●● |

Scoring: ● Costs and burdens disproportionate to the expected benefits; ●● The expected benefits outweigh the costs and burdens; ●●● Costs and burdens in line with or justified by the expected benefits (or measures are already in place).

7.2.2. EU institutions

The impact of measures under this policy option can be divided between costs, changes to structures and procedures, and effects on European citizenship. The effects on European citizenship are always indirect and stem from the increase in voting that is discussed in the section on the impact on mobile European citizens.

The main costs stemming from this option would be the increase of the costs of information campaigns and measures to increase awareness. There would also be some increase in the requirement for EC staff if the exchange of good practice and cooperation between Member States were to be enhanced. However, this would remain marginal.

Measures to further promote the exchange of good practices, whether by enhancing the activities of the ECNE network or equivalent structures, would affect the EU in the following manner:

- There would be a minor increase in the time required by DG JUST to coordinate such activities; and

- There would also be a slight increase in costs due to more or new meetings being held.

However currently the resources allocated to this exchange of practice are limited in terms of both budget (travel and subsistence for meetings twice per year) and human resources (less than 1 FTE in DG JUST). Therefore, any increase is likely to be marginal in absolute terms, although it could be more substantial in relative terms (compared with the status quo which is very low). Most EU stakeholders interviewed did not have strong views about the effect of such options at EU level.

The **soft legal options**, such as the adoption of certain **Recommendations**, would have the following effects at EU level:

- There would be an increase in the engagement and collaboration of Member States around the issues at stake, at least at the time of designing these Recommendations. This could create momentum in some MS. However previous DG JUST Recommendations in the area of electoral rights do not appear to have had such effects;
- There would be an increase in the need for human resources in DG JUST to design, monitor and report on such Recommendations.

Costs of **information campaigns** would partly be a continuation of existing costs through the CERV programme and also those related to EP elections. However, if these measures are to reach mobile Europeans in a targeted manner and to do so at scale, an increased budget would be needed. Up to a point the scale of the increase would be proportionate to the scale of the reach. However, there is no consolidated figure for current expenditure on these types of activities as these are spread across multiple services and DGs. The EU-level interviews showed support for increasing communication actions targeting mobile Europeans. In particular it was seen as important that these would emphasise and aim to activate more emotional drivers of mobile European citizens' decision-making about whether to vote.

Finally, under this option the exchange of data between Member States would simply adopt the templates available and used for the European Citizens' Initiative. There would hence be no additional costs at EU-level..

Below, Table summarises the costs and effects of Option A on various aspects of the EU's operations. An indicative score is also provided to indicate whether the costs and effort associated with the option are disproportionate to the benefits it provides (●), whether the expected benefits outweigh the costs and burdens it will entail (●●), or whether the costs are in line with or justified by the expected benefits (or simply cost-neutral for the EU) or (●●●).

Table 18 – Costs and effects of Option A on the EU

| Dimension of impact at EU level | Effect of policy options |
|---|--|
| Cooperation among MS | <p>Countries would become better aware of each other's systems. Awareness of what works under what circumstances – circulation of information about good practices.</p> <p>•••</p> |
| Convergence of national practices | <p>Depending on countries' willingness to adopt some degree of convergence towards common practices. However, this however would be greatly dependent on a) countries' starting positions and the extent to which this item is on their policy agenda; and b) the level of effectiveness of cooperation and exchange at EU level. Based on current experience of the work of ENEC, it can be assumed that convergence of actual practices and legislation would be very slow.</p> <p>•••</p> |
| Costs for exchange of good practices and soft law measures | <p>These costs include:</p> <p>Costs of meetings --> if the intensity of cooperation is to increase more regular meetings would be required which would proportionately increase the costs of meeting logistics as well as human resources needed to support the exchanges of good practices.</p> <p>Assuming that the frequency of meetings would double (100% increase), then the logistical costs would also double and the human resources required would increase at the same rate (possibly slightly lower assuming efficiency gains with scale).</p> <p>Costs of monitoring and reporting. If Recommendations are issued these would need to be monitored and followed up through reports. This would entail either external monitoring (costs of the study) or an increase in internal human resources.</p> <p>••</p> |
| Costs of data exchange systems | <p>No additional costs under this option</p> |
| Effects and costs of information provision and communication campaigns | <p>Under this option the EU would increase its efforts and hence its funding for information and communication campaigns targeting mobile European citizens (specifically related to EP elections).</p> <p>The EU-wide effects of this option would be that mobile European citizens would have higher exposure to information about EP elections and their voting rights. This information would be disseminated in a more homogeneous manner across the EU.</p> <p>The costs of these campaigns would very much depend on the detailed arrangements for the campaign (choice of channels, the extent to which paid versus owned and earned media would be used). In the previous EP campaign ('This time I'm voting') the model that was selected relied on multipliers and therefore only a small part of the costs was borne by the Commission (under 80,000 euro according to the Commission's Financial Transparency Monitor). It is likely that the full real costs of this multi-stakeholder effort were substantially higher.</p> <p>••</p> |
| European citizenship | <p>The main contribution of this option to European citizenship would be dependent on the effectiveness of the information and communication campaign. A successful campaign would increase voter turnout among</p> |

mobile Europeans, who would consequently be better aware of their rights and how to exercise them.

Scoring: ● Costs and burdens to the EU disproportionate to the expected benefits; ●● The expected benefits outweigh the costs and burdens to the EU; ●●● Costs and burdens at EU level are in line with, or justified by the expected benefits (or measures are already in place).

7.2.3. Fundamental rights

The right of mobile EU citizens to vote and stand as candidates in municipal and European Parliament elections in the Member State in which they reside under the same conditions as nationals of that State is a fundamental right recognised in Articles 39 and 40 of the EU Charter of Fundamental Rights and Articles 20(2)(b) and 22 TFEU which are further developed under Article 223(1) TFEU.

While there is dedicated EU law regulating the EP elections, and both directives, Directive [93/109/EC](#)¹⁵⁷ and Directive [94/80/EC](#)¹⁵⁸, aim to facilitate the voting rights of mobile EU citizens, many aspects still remain subject to national law.

High voter turnouts in recent 2019 elections demonstrate that citizens are interested in EU policy and institutions and trust the system that enables them to voice their opinion. The positive results also show that closer coordination and cooperation at national and EU level can improve the implementation of fundamental rights.

The different measures proposed under option A aim to strengthen or improve the exercise of electoral rights by EU mobile citizens. Measures aiming to ensure information exchange, either between Member States by promoting the exchange of good practices, or by increasing the information provided to mobile EU citizens on their electoral rights or on the fact that multiple voting is prohibited, would have a positive impact on the implementation of mobile EU citizens' rights.

Furthermore, the adoption of a Commission recommendation to support the participation of EU citizens and encourage remote voting, automatic registration or to ensure that measures aiming to prevent double voting do not result in disenfranchisement, would also improve the exercise of mobile EU citizens' electoral rights. This option would entail an effort on the part of Member States to ensure the accurate registration of information, perhaps based on centralised population registers and which, without automatic registration, would require regular data updates from local registers or other sources of information. Those updates would entail the adoption of measures to ensure that citizens are provided with information and are able to confirm their residence situation or any other criteria for registration on the electoral roll. This would strengthen their fundamental rights.

In addition, this option also requires the further development of the existing EU crypto tool to ensure the easier identification of voters and to facilitate the non-discriminatory exercise of the right to vote. They all comply with the fundamental rights recognised under the EU Charter of Fundamental Rights and the TFEU.

The measures for the technical development of a crypto tool to improve the legal framework for the development of a European ID or European electronic identity seem to respect data

¹⁵⁷ Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

¹⁵⁸ Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals

protection rights, although the details of these measures would need evaluation once they are better designed. In principle, the measures aim to develop a system that enables the exchange of sensitive voter registration data between responsible authorities, which must be conducted through a secure channel and fully respect data protection requirements.

As mentioned in Section 7.1 on the impacts on mobile EU citizens, the key actions that could potentially affect them directly to increase their participation include measures promoting the issue of a letter / email containing information about mobile Europeans' right to vote in local/ EP elections in the host country, and the modalities for registration and voting; or being informed in a clear and simple language or in widely spoken languages other than the languages of the host country; or communication campaigns, multiplying information measures and establishing activation and outreach actions. Such measures would increase the participation of mobile EU citizens, with a beneficial impact on fundamental electoral rights.

All these measures also aim to ensure the equal participation of all mobile EU citizens, both women and men in all their diversity.

However, the nature of the measures under this option, based on information campaigns or recommendations, have the limitation of being non-compulsory. Hence their effectiveness or impact on mobile EU citizens' fundamental rights is lower than that of legally binding measures, but those could only be taken if there is the legal capacity and political will to adopt them.

7.3. Option B – Clarify existing legal provision to improve implementation

7.3.1. Member States

Clarifying the legal provisions regarding what documentation is considered excessive when registering to vote could help to avoid discrimination against mobile EU citizens as voters, and would not be expected to affect many Member States. As a standard, voter registration requires ID (sometimes in the form of national ID cards of the country of residence), and in a few cases proof of residence (Denmark, France). Member States also require mobile EU citizens to sign a form or provide a statement to the effect that they (i) will only vote in the Member State of residence, where they are registering to vote, and (ii) that they retain their right to vote in their Member State of nationality. Member State authorities can also generally demand further information or documentation if they have reason to doubt the truthfulness of the information submitted.

Further verification of documents is only required in two cases: in Croatia a notarised statement of personal details and retained electoral rights in the Member State of nationality is required, and in Ireland registration documents must be witnessed and signed by a notary public, solicitor, or police officer (Gardaí)¹⁵⁹. Some additional Member States (e.g. Italy and Spain) may request documentation confirming voting rights in the home Member State, but generally only if there is doubt over the veracity of the information submitted. A clarification of reasonable documentation is therefore not likely to affect most Member States and entails

¹⁵⁹ In the Irish case, an ongoing process of modernising the electoral process means that this requirement may change in the future; cf. Department of Housing, Local Government and Heritage (2021) 'General Scheme of the Electoral Reform Bill 2020', published 8 January 2021, available at: <<https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/>>.

a relatively small practical burden for those Member States that need to change their processes, potentially even leading to cost savings from simplifications.

The measure of **informing mobile EU citizens in an individualised and direct manner about voting registration, modes of voting, and the functioning of their respective electoral systems** is already in place in some form in 14 Member States¹⁶⁰. A requirement to inform mobile EU citizens in a more targeted manner would likely have most impact in countries like Bulgaria and Cyprus, where information is generally available only in the national language. However, as in Option A, some forms of communication such as proactive mail-outs to newly-arrived mobile EU citizens is not possible in cases where the Member State of residence does not mandate new arrivals to register their residence (France, Ireland) – without this data, it is not possible to identify new arrivals. However, where this is the case, expanded communication campaigns in the main languages of mobile EU citizens may help in communicating the relevant information. To decrease some of the costs of implementing this measure, it could be expected that information on voting registration is sent to all mobile EU citizens residing in a Member State, regardless of their residence status; this would require less granular data, as only two pieces of information (nationality and contact details) are required, rather than three (nationality, contact details and residence / electoral registration status).

Information to mobile EU citizens as to the effect of registration on their voting status (electoral roll) in other Member States, and on the need to deregister when leaving the Member State of residence, would not entail much extra work for authorities. In many cases, this information is already shared during registration, either verbally or as part of the standard text on registration forms. Member States that regularly update the electoral roll (e.g. Spain updates it monthly, every 2 years and every 5 years) may also contact mobile EU citizens for confirmation of the information, in case changes have occurred since registration. Some Member States stressed the need to complement the requirements for measures to improve information on registration and deregistration with measures to ensure information to mobile EU citizens is provided. This should not entail much extra work.

Further measures to prevent double voting by **defining mandatory datasets to be exchanged** (and more regular submission deadlines) will have different impacts depending on the Member State's starting point. Incomplete or incorrect data received through the data exchange process was identified – together with the late submission of data – as the main obstacle for Member States in removing nationals residing abroad from their electoral rolls, and better data collection would improve upon this situation. Mandatory datasets to be exchanged and more regular submission deadlines do not seem to entail much extra work. In those Member States where incomplete or incorrect data is a recurring problem, especially Member States requiring extensive biographical information or the inclusion of diacritic characters for correct identification, this could lead to significant cost savings and increased efficiency. However, depending on what data is agreed upon in the process, some Member States may struggle to collect the correct data; for instance, while the EC crypto-tool can handle all European characters, local municipal systems may not do so if these characters are not found in their language. Upgrading systems to accommodate this could lead to significant costs, if no work-arounds are found.

A second measure to introduce a **mandatory declaration** that the voter will only cast their vote in the Member State of residence would not be expected to have a significant associated cost for Member States, as similar assurances are already gathered during registration. This is generally done either as a tick box on the registration form or by

¹⁶⁰ In some of these Member States, previous contact with national administrations may be required for them to have the required contact details.

submitting a separate declaration with signature. Implementing a separate EU-provided declaration, standardised across all Member States, may increase understanding among mobile EU citizens that double voting is indeed prohibited. However, implementation costs may arise depending on when these declarations are required. If they are to be submitted during registration, this would not generally have an effect on costs or procedures as similar information is already collected. However, they are collected at the point of voting, it would require significant additional efforts in Member States where processing of new voters does not take place in polling stations¹⁶¹; this would not only require staff to be trained to check for valid ID documents and other supporting information, but would also increase the documentation to be processed in the aftermath of the election. Furthermore, many Member States observed that the list of voters circulated to polling station staff does not contain information on nationality, and thus additional changes to processes and procedures would be required. A third option to provide the declaration at the point of registration in the Member State would entail less work, but registration may take place far in advance of the next election, and therefore occur before new arrivals have made up their minds about which Member State to vote in.

Most Member States that have options to vote by mail, early or by proxy already extend these to registered mobile EU citizens, without discrimination. Providing an **explicit legal reference to ensure that remote voting options are accessible to non-nationals** would therefore not have a strong impact on Member States, while ensuring that mobile EU citizens will retain the same access in the future if new modes of voting (e.g. e-voting) are introduced.

Costs of these measures to Member States are summarised below in

Table .

¹⁶¹ As an example, it is possible for mobile EU citizens in Romania to register as a voter if they can provide information which supports their biographical details, residence status in Romania, and retained electoral rights in their home Member State.

Table 19 – Costs at Member State level of Option B

| Measure | Type of costs | Scale of costs | Which MS particularly are concerned |
|---|---|---|---|
| Clarifying what documentation can be seen as excessive | The costs of removing the use of some of the documents previously used (such as notarised statements) | None – in fact this could be an economy for Member States | Those that require excessive documentation See Annex 3 |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | |
|---|---|--|--|
| <p>Informing mobile EU citizens of their electoral rights in the Member State, and specifics on voting, registration, etc., either:</p> <p>At the point of residence registration</p> <p>Specifically during the electoral registration period</p> | <p><i>Information at the point of residence registration:</i></p> <p>The costs would cover:</p> <p>Developing and creating materials to hand out during registration</p> <p>Training staff in charge of registration</p> <p>Sending mails or emails to mobile European citizens about elections and registration:</p> <p>Developing and creating the letters</p> <p>Translations</p> <p>Physical delivery</p> | <p><i>At the point of residence registration:</i></p> <p>For those countries that require such registration (most) there would be a one-off set up cost (designing the procedure and materials, training staff) which would require minor investment. There is a very low “run” or implementation cost as contact between the registration office and mobile EU citizen is already established.</p> <p>However, in the rare cases where residence registration is not required (Ireland) compliance would be very costly</p> <p><i>Sending mail-outs or equivalent personalised communication</i></p> <p>The cost of this information approach would be marginal in countries where nationals already receive mail-outs about upcoming elections. Where this is not the case, a procedure to send information to all mobile Europeans would need to be introduced. The costs of introducing such a procedure would vary between low and medium depending on the extent to which the electoral administrations have access to updated contact details for mobile Europeans.</p> | <p>All for the 1st set of measures</p> <p>For the 2nd measure – only those countries that don't already provide mail-outs at this occasion</p> <p>See Annex 3</p> |
| <p>Harmonised datasets</p> | <p>The type of costs would very much depend on a country's baseline situation. In some countries, minor adjustments to the algorithms for matching dataset entries could be made, or minor adjustments to the datasets themselves.</p> <p>In others, however, more radical changes would be needed. For example, in countries with no centralised electoral register changes would need to be made to multiple registers and processes. In some countries citizen registers and electoral registers are not interconnected and linking them might be challenging.</p> | <p>Low to high - very much depending on a country's baseline situation and also on the volume and type of data that would be exchanged.</p> | <p>All but to varying degrees.</p> <p>Countries that already succeed in matching a high share of citizens are unlikely to face constraints. However, those which are only able to match small numbers are likely to face more substantial obstacles.</p> |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | |
|-------------------------------------|---|--|------------|
| <p>Mandatory declaration</p> | <p>This would require identifying the appropriate “touch point” at which citizens would sign the declaration, on one of the following occasions:</p> <p><i>Residence registration</i></p> <p>Probably too early to sign this for EP elections as at this point most mobile Europeans have not decided whether they will vote in the home country or host country – furthermore, the next election may be years away, decreasing the salience of registration;</p> <p><i>Electoral registration</i></p> <p>Most Member States already collect similar declarations at the point of electoral registration, making this the most feasible option to implement.</p> <p><i>At the point of voting</i></p> <p>This would require training staff in polling stations, and making sure that the list of voters clearly identify mobile Europeans so that they can be asked to sign a document at the polling station</p> | <p>For the most feasible option – signing such a document at the point of electoral registration – the costs would be minor, as similar information is already gathered.</p> | <p>All</p> |
|-------------------------------------|---|--|------------|

As in the preceding section, **Table** summarises the costs and effects of Option B on various aspects of Member States’ electoral practices. As for Option A, the effects are similar across Member State categories for some dimensions; where this is the case, they are scored jointly to avoid repetition.

Table 20– Costs and effects of Option B, by Member State inclusivity of mobile EU voters

| Dimension | Option B: Specific costs and effects by Member State category | | |
|--|---|----------------------|------------------|
| | Low inclusivity | Moderate inclusivity | High inclusivity |
| <p>Coordination and cooperation between Member States</p> | <p>Harmonisation of the data sets to be exchanged between Member States would be expected to significantly assist in the identification of voters who are present on multiple electoral rolls. The costs required would vary depending on the data already collected by Member States; where this would require a significant effort, the return-value in terms of aiding the data exchange process appears proportionate. ●●</p> | | |
| <p>Coordination cooperation and with</p> | <p>No significant changes are expected from the measures in Option B with regard to Member States’ interaction with EU-level institutions. ●●●</p> | | |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | |
|---|---|--|
| Commission and EU institutions | | |
| Administrative capacity of Member States | Some Member States have little information on voting available in non-national language(s), and/or have limited outreach to mobile EU voters. Here too, the benefits of implementation outweigh the costs. ●● | The measures in Option B which would require changes to e.g. communication measures or information provision are generally in place in these Member States and would not require changes to administrative procedures or capacities. ●●● |
| Changes to national electoral rules and procedures | Some Member States in this category require notarisation or other additional efforts in order to register to vote. Removing these requirements would require some changes to procedures but would not be expected to incur significant costs, and in the long run may even lead to cost savings. ●● | These Member States have less onerous requirements for voter registration, and would likely not have to change procedures significantly. ●●● |
| Costs to implement/update exchange systems | The exchange systems in place should be able to handle any changes with regard to the data that is collected and transmitted between Member States. As Member States utilise the Commission crypto-tool for data exchange purposes, any additional costs would be expected to fall at the EU level. ●●● | |

Scoring: ● Costs and burdens disproportionate to the expected benefits; ●● The expected benefits outweigh the costs and burdens; ●●● Costs and burdens in line with or justified by the expected benefits (or measures are already in place).

7.3.2. EU institutions

This option contains a series of measures for the clarification of existing requirements for MS. This entail revising the legislation so as to **clarify what documentation can be seen as excessive** when registering as a voter, and ensuring that **information is provided upon registration about the electoral system and effects of registration**. The effect of such measures at EU level would be increased convergence of national practices/ a reduction in diversity. As a result the registration requirements would become easier for mobile European citizens to understand (as this is a highly mobile group that can change countries of residence multiple times) and more easy to communicate from the EU level (giving specific guidance on what documents will be needed).

The situation is similar when it comes to **clarifying the requirements for MS to inform mobile European citizens**. Currently, very different practices may comply with this provision, including some that citizens are unlikely to ever see (such as press releases). Several Member States rely on passive means to convey the information (posting it on a website which means that only those already searching will find it). Greater clarity around how to inform mobile European citizens would result in greater convergence of national

practices and ultimately also greater understanding of the means through which mobile European citizens can exercise their electoral rights.

Harmonisation of the datasets to exchange between MS to prevent double voting would streamline and simplify the current procedure whereby each country has somewhat different data requirements. It would lead to greater consistency and simplicity in the process of exchanging data. This would result in a higher number of records being matched across Member States and therefore ultimately result in a higher number of people being removed from the electoral register in their home country to prevent double voting. However, the exact impact on double voting is impossible to assess, since there is no data on the scale of this problem. Furthermore, as a spill-over effect, this could in fact aggravate the problem of home country deregistration under circumstances in which, as a result of this deregistration, mobile Europeans are deprived of their right to vote.

The measure introducing a specific **mandatory declaration that the voter will only cast their vote in the Member State of residence** would create a further means to prevent double voting by increasing awareness of the fact that this is prohibited. This would safeguard the integrity of EP elections. However, the extent to which such declarations would be effective in preventing double voting is unclear as the scale of double voting is unknown.

Table 21 – Costs and effects of Option B at the EU level

| Dimension of impact at EU level | Effect of policy options |
|---|--|
| Cooperation among MS | No additional effects compared to Option A. |
| Changes in national practices | Moderate convergence resulting from greater clarity of legal requirements regarding documents required for registration and information provision. •• |
| Costs of monitoring legal measures | Depending on the periodicity of the monitoring the costs would be equivalent to one study covering the legal evolution in all EU27. ••• |
| Costs of data exchange systems | No additional costs to the EU compared with option A. ••• |

European citizenship

Because of closer harmonisation this option would result in less diversity of access to European electoral rights for mobile European citizens.

Scoring: ● Costs and burdens to the EU disproportionate to the expected benefits; ●● The expected benefits outweigh the costs and burdens to the EU; ●●● Costs and burdens at EU level are in line with, or justified by the expected benefits (or measures are already in place).

7.3.3. Fundamental rights

The right of mobile EU citizens to vote and stand as candidates in local or municipal and European elections in the Member State in which they reside under the same conditions as nationals of that State is enshrined in Articles 39 and 40 of the EU Charter of Fundamental Rights.

Directives 93/109/EC1 and 94/80/EC2 provide detailed arrangements for the exercise of these rights in European and municipal elections, respectively. They establish minimum standards and procedures for the right of mobile EU citizens to vote and stand as candidates. Both directives also include obligations to support the participation of mobile EU citizens, for example, by receiving relevant information on time. Directive 93/109/EC furthermore foresees a process for the exchange of information among Member States regarding registered voters to help ensure that citizens do not vote more than once in a European Parliamentary election.

The organisation of national elections is a Member State competence informed by international standards¹⁶². EU rules strengthening standards or operational measures ensuring non-discrimination against mobile EU citizens as candidates in EP and local elections comply with the existing legal framework on Fundamental Rights. They all aim at facilitating the inclusive exercise of these rights. The rules do not differentiate between different types of mobile EU citizens, thus ensuring equal participation of all mobile EU citizens, both women and men in all their diversity.

The different measures clarifying existing legal provisions under this policy option aim to promote an easing of Member States' registration requirements for mobile EU citizens and to facilitate the exercise of their electoral rights. Measures introducing information requirements for mobile EU citizens regarding the functioning of electoral systems, modes of voting, and voting registration, including the impacts of registration on residency or voting, would have a positive impact on the implementation of their fundamental rights and as these measures would be legally binding, their effectiveness would be high. Similarly clarification of existing legal provisions regarding the documents that mobile EU citizens need to provide to ensure they are not excessive, and ensuring that distance voting is available to mobile European citizens, would have a positive and effective impact on the exercise of their electoral rights.

The measures in this option also promote the revision of existing legislation in order to define specific mandatory data sets to be exchanged and more regular submission deadlines across Member States. These aspects seem to be behind the problems in the identification of mobile EU citizens registered in the Member State of residence. These measures strengthen the exercise of mobile EU citizens' electoral rights. Measures modifying existing legal provisions for the requirement for a mandatory declaration, clarifying that this should not involve an additional administrative act (such as a notarised

¹⁶² Commission Communication, On the European democracy action plan, COM(2020) 790 final

statement), or measures to establish a joint resource mechanism also support the exercise of mobile EU citizens' electoral rights.

Measures under option B promote the exercise of the right to be candidate in EP or municipal elections in the country of residence on the same terms as nationals. They also respect data protection rights. When measures are of a legal nature, e.g. the amendment of existing legal provisions to clarify them, their impact on mobile EU citizens' fundamental rights should be high.

7.4. Option C – Enhanced legal framework with new requirements

7.4.1. Member States

The measures under this option focus on amending the existing legal measures in order to strengthen or facilitate the implementation of the electoral rights of mobile EU citizens. Changes in EU legislation will require amendments in the national legal framework generating some additional efforts or costs on Member States. Some of these would carry considerable extra effort, while others may be considered more proportionate in relation to progress against the objectives.

Automatic registration of mobile EU citizens for local elections is already in place in 14 Member States, while all Member States except Cyprus and France automatically register nationals who are resident in the country. As there is no risk of double voting or requirement for time-intensive data exchange between Member States in the same way as there is for EP elections, automatic registration should be technically possible in most Member States. A possible exception is in cases where Member States' population registers or residency records may not be complete, e.g. because they do not require registration upon arrival, or because mobile EU citizens have not actually registered. Without data on the nationality and address of non-national residents, automatic registration would not be possible without a significant overhaul of registry procedures. Regular updates of the national registers with information from local registers in countries where they are not automatically linked would need to be provided in order to ensure that the information shared is correct. These updates would entail contacting mobile EU citizens to confirm their situation in terms of residence and possibly cross-checking data against other registers where mobile EU citizens may be present (e.g. tax or social security records).

As in Options A and B, central information measures such as a **common European helpdesk** can provide a positive complement to national information and communication efforts, and provide mobile EU citizens with a common touch-point for information. This may be particularly significant in Member States where dedicated helpdesks or hotlines are not in place during elections¹⁶³. As Member States, with only a few exceptions, have information available regarding their elections in at least English (and generally in additional languages) it would not require significant effort to submit this information to the EC for inclusion, although additional translation costs may accrue at the EU level.

Providing information about electoral rights when registering for residency or any similar situation would not generally carry significant extra effort for Member States, except for the few cases where residence registration may not be required. Broadly this

¹⁶³ Baseline mapping of Member State practices reveals that, eight Member States operate helpdesks or hotlines with at least English access for elections (Estonia, Finland, Ireland, Lithuania, Luxembourg, Latvia, Portugal and Sweden). An additional two have similar services, but with information only in the national language (Denmark, Poland).

would entail an extension of existing information efforts, and costs would come in the preparation and dissemination of materials relating to mobile EU citizens' electoral rights in the Member State, information which is generally already available through booklets or online.

The suggested policy options for **legal changes to align Member State registration deadlines and harmonise or streamline data requirements** would likely be helpful in preventing double voting and would increase the integrity and functioning of the data exchange process. However, significant barriers to implementation of the measure are found in the very different registration timelines existing in Member States, ranging from up to 6 months at most, to just a few days before election day at the other end of the scale.

If **harmonised deadlines** for registration to vote were to be implemented, it would not only require legal changes in Member States, which in themselves may require lengthy evaluation and political discussion. Even after a successful legal change – the timing of which may vary extensively between Member States depending on how the new timeline matches their current procedure, and whether there is political opposition to the changes – Member States expected that significant information would be required to ensure that all voters, national as well as non-national, are aware of the changes. Additional difficulties would be faced where other elections (e.g. local or regional) are held on the same day as EP elections; in these cases the deadlines may also require changing to avoid a situation where voters face different deadlines for elections, increasing the likelihood that they will miss them. In complementary interviews, Member State stakeholders generally observed that while the measure would be helpful in data exchanges, difficulties in implementation would be more political and related to the time required to pass the measure, rather than in the administrative difficulty of changing internal procedures in electoral authorities. This may vary between Member States, however.

The effort around **harmonising data requirements to be exchanged to identify mobile EU citizens** will, like other data measures, depend on the starting point of Member States and on what data they already collect as compared with the data required in the new, harmonised effort. A key issue in the identification of nationals in electoral rolls is whether there is a unique personal ID number available – if there is, this is generally all that is needed for identification (conversely, identification is not possible at all if the wrong ID number is provided). If the harmonisation of data requirements should result in a requirement to include such an ID number in electoral rolls, costs and effort would depend on whether the Member State has an ID that can be used – whether through labour registration, social security, tax account, or other registers¹⁶⁴ – or whether a new ID system would need to be devised. In these cases, implementation costs would be significant, and involve reform on a broader scale than just electoral registers. Any new solution must also be applied retroactively to people already on the register, further increasing the potential cost. More regular exchanges of those data sets might also provide more time for Member States to verify the data before elections.

Removing restrictions on the political mandates to which mobile EU citizens can be elected would not necessarily be technically difficult, but would require legal changes and political decisions. Such a reform process may be lengthy and could also face national opposition. In Austria and Germany, where provisions vary between different federal states, the reform process may be lengthier still. Implementation costs would otherwise likely be minor, however.

¹⁶⁴ It should be noted that where these systems have not generally interacted with electoral registers, significant additional costs may accrue in linking the two systems.

Finally, **prohibiting the deregistration of mobile EU citizens from the electoral roll following data exchanges** in connection with the EP election to prevent double voting or when carrying out regular updates would require different resources depending on the Member States' population and electoral registers and how they interact, as discussed in connection with the Recommendation to this effect under Option A (Section **Error! Reference source not found.**). Member States already seek to avoid deregistration from other electoral lists based on data exchanges relating to the European Parliament, and the extent to which they are successful depends on their available data and processes. Legally requiring that they prevent deregistration may be more effective and spur improvements in data collection and processing, but, in Member States with many decentralised and unlinked registers, is likely to require additional effort.

Costs of these measures to Member States are summarised below in Table .

Table 22 – Costs at Member State level of Option C

| Measure | Type of costs | Scale of costs | Which particularly concerned MS are |
|---|---|---|--|
| Requiring automatic registration | Similar to option A except this would be mandatory rather than optional for MS: Costs of linking residence registration procedure to electoral register. | Low to high – Very much depending on how the country practices residence registration and how compatible it is with the electoral register | Those that do not already practice automatic registration – see Annex 3. |
| Common European helpdesk | Most costs would be borne at EU level The only cost for MS would be in the provision and updating of information on registration processes and election modalities for the Single Digital gateway | Minor – MS already should have this information from other actions under these directives. Therefore, they would simply need to pass this on to the EU helpdesk. | All |
| Requiring provision of information upon residency registration | Similar to Option B except here it would be required for MS. The costs would cover: Developing and creating materials to hand out during registration Training staff in charge of registration | For those countries that require such registration (most) there would be a one-off set up cost (designing the procedure and materials, training staff) which would require minor investment. There is a very low 'run' or implementation cost as the contact between the registration office and mobile EU citizen is already established. However, in rare cases where residence registration is not required (Ireland) compliance could be very costly with, unless another occasion can be identified where the | All |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL
EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE
EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN
EUROPE

| | | | |
|---|---|--|--|
| | | information may be shared. | |
| Harmonised deadlines | <p>This cost would cover:</p> <p>Aligning registration deadlines with other MS.</p> <p>This would necessitate an assessment of the extent to which the proposed deadlines are aligned with other internal electoral deadlines.</p> | Minor – more than a cost issue, this is a matter of practical feasibility under national electoral law, as well as political feasibility and will | All |
| Harmonised data requirements | <p>This would have potentially important implications for the information systems and data used in their electoral roll more generally – for all their nationals.</p> <p>De facto this would imply that the same data categories be used to identify voters in all MS</p> | Potentially high depending on the baseline situation of the country and how closely its own electoral roll and residence registration data reflect the agreed list of data items | All |
| Prohibiting deregistration from other national elections as a result of data exchange | <p>This would require MS to ensure that any deregistration from EP elections resulting from the exchange of data to prevent double voting does not affect the right to vote in other elections.</p> <p>Ensuring that EU citizens are contacted prior to deregistration to confirm information on their situation might be necessary where this is not the customary practice.</p> <p>This means either flagging deregistration as partial in the IT systems – only for EP elections – or other technical solutions.</p> | Depending on country's baseline situation this would require a low to medium one-off cost | All |
| Removing restrictions on which political mandates mobile EU citizens can be elected to | Costs of changing national electoral law | Minor – the costs of changing the law alone | Those countries that restrict mobile European citizens' access to (certain) offices in local elections. See Annex 3. |

Finally, as in the preceding two sections, **Table** summarises the costs and effects of Option C on various aspects of Member States' electoral practices.

Table 23 – Costs and effects of Option C, by Member State inclusivity of mobile EU voters

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| Dimension | Option C: Specific costs and effects by Member State category | | |
|---|--|--|------------------|
| | Low inclusivity | Moderate inclusivity | High inclusivity |
| Coordination and cooperation between Member States | Harmonising the deadlines for submission of data between Member States would be an important improvement in data exchange. However, the question of which standardised deadline to adopt has no straightforward answer, and may – depending on where it is placed in relation to existing national deadlines – incur either no extra costs, or significant costs. In many cases it would require legal changes, so costs would also be incurred in terms of time and effort in preparing legislation, depending on the national system. ●/●● | | |
| Coordination and cooperation with Commission and EU institutions | Establishment of a common European helpdesk would not be expected to incur significant extra costs or burdens for Member States. ●●● | | |
| Administrative capacity of Member States | Automatic registration is generally in place. Where it is not, some Member States may face technical barriers to implementation, depending on how their population registers are structured, incurring significant costs. Depending on the national system. ●/●● | Automatic registration is already in place for these Member States. ●●● | |
| Changes to national electoral rules and procedures | Changing rules relating the offices for which mobile EU citizens can stand as candidates would not in itself incur costs. However, as this is a political decision, it would likely require legal evaluation, with associated costs in terms of time and effort. ●● For Member States where mobile EU citizens are not limited in their candidacy, no such costs would occur. ●●● | These Member States already allow mobile EU citizens to stand for all positions. ●●● | |
| Costs to implement/update exchange systems | While harmonising data would require effort on behalf of Member States in terms of updating their procedures, it would not be expected to increase the costs of data exchange systems. ●●● | | |

Scoring: ● Costs and burdens disproportionate to the expected benefits; ●● The expected benefits outweigh the costs and burdens; ●●● Costs and burdens in line with or justified by the expected benefits (or measures are already in place).

7.4.2. EU institutions

The EU-level effects of this option differ, depending on the type of measure. Several measures that are part of this option **impose requirements** on Member States (**automatic registration, automatic information upon residence registration, removing restrictions on political mandates**). These requirements, if implemented, will result in strong convergence and less diversity of practices at EU level. Other than the costs of monitoring, reporting and evaluation, and eventually the possible costs of infringement procedures, there are no specific costs at EU level associated with these.

The costs of a **common European helpdesk** would be borne at EU level. There are different modalities for the design and implementation of this helpdesk. It may be integrated into the Europe Direct Contact Centre and use its infrastructure and some of its resources. The EDCC already responds to citizen enquires about European Parliament elections. In

2019 it responded to 374 such queries¹⁶⁵. However, other services also receive such queries, as shown in the analysis of citizen enquiries in Annex 1. The aim would be to establish a single common helpdesk that would have a strong brand related to EP elections, the rationale being that for the EP elections the Parliament receives a high number of enquiries, naturally as it is the institution for which citizens will be voting. Therefore, increasing the capacity and visibility of the EP Citizens' Enquiry Unit would be another alternative.

The costs of the helpdesk would combine:

- Set-up costs – these would be primarily around production of materials and procedures, as we assume the infrastructure of one of the existing helpdesks would be used;
- Running costs would include:
 - o Information and communication costs for a campaign and to build awareness of this resource and make it top of mind for citizens;
 - o Enhancing the content on electoral rights for mobile Europeans on the Your Europe Gateway including information on country-specific procedures; and
 - o Staff costs for answering queries. These staff costs would be increased temporarily during the period of the EP elections.

In this calculation we assume that the costs per enquiry for this helpdesk would be comparable to those of EDCC (32.72 euro per enquiry¹⁶⁶). Around the 2019 EP elections the institutions received over 1200 enquiries. With increased promotion and communication, we could expect this volume to grow substantially. Therefore, the baseline cost (assuming no increase in enquiries) would be approx. 39.300 euro. A 100% increase in enquiries would result in a cost of approx. 78.500 euro. This does not include the costs of a targeted communication campaign (which would be similar to option 1) or the costs of tailoring country-specific information on the European Single Digital Gateway (this is a one-off cost that is equivalent to approx. 1 day work per Member State to draft content based on existing national materials).

Harmonisation of registration deadlines would have no additional costs at EU level. It would contribute to the convergence and lesser diversity of practices at EU level which would ultimately make it easier to communicate about registration deadlines from the EU level and decrease confusion among mobile European citizens.

Nor would **harmonising data requirements** for information exchange have specific costs at EU level. It might actually result in economies because fewer discussions and exchanges would be needed at EU level.

Forbidding deregistration would result in no additional costs at EU level other than the costs of monitoring. However, it would create more homogeneous conditions for mobile Europeans, regardless of their country of origin. Currently some countries are much more likely to deregister them from home country elections than others. And this would also safeguard their fundamental right to vote.

Finally, as in the preceding two sections, Table summarises the costs and effects of Option C on various aspects of Member States' electoral practices.

¹⁶⁵ Technopolis (2019) *Study on the performance of the Europe Direct Contact Centre*, page 47

¹⁶⁶ Idem. Page 50

Table 24 – Costs and effects of Option C on the EU

| Dimension of impact at EU level | Effect of policy options |
|---|--|
| Cooperation among MS | No additional effects compared with Option A |
| Changes in national practices | Strong convergence resulting from greater clarity of legal requirements and more restrictive definition of aspects such as registration requirements or information requirements. ●● |
| Costs of monitoring of legal measures | Depending on the periodicity of monitoring, the costs would be equivalent to one study covering the legal changes in all EU27. ●●● |
| Costs for information provision via helpdesk | The EU-level effect of this option would be to provide a single point of contact at EU level for citizens about their electoral rights when they live in an EU country other than that of their nationality. The running costs for this helpdesk, assuming it would be integrated in an existing structure such as the EDCC, would be between 39.300 euro (baseline) and 78.500 euro (assuming doubling of volume of enquiries). Additional costs for the information campaign would need to be added to this. ●●● |
| Costs of data exchange systems | No additional costs compared with option A ●●● |
| European citizenship | Because of the stronger harmonisation this option would result in less diverse access to European electoral rights for mobile European citizens. |

Scoring: ● EU level costs and burdens disproportionate to the expected benefits; ●● The expected benefits outweigh the EU costs and burdens; ●●● EU costs and burdens in line with, or justified by the expected benefits (or measures are already in place).

7.4.3. Fundamental rights

The measures currently considered under this option aim to facilitate mobile EU citizens' right to vote and stand as candidates by requiring changes in existing legislation. They include measures requiring Member States to establish automatic registration for local elections, to provide information to mobile European citizens on their electoral rights, to align registration deadlines, to enable effective exchange of information by harmonising or streamlining data requirements to be exchange and to forbid disenfranchisement..

Other measures at EU level include the establishment of a European help desk for citizen enquires about electoral rights specifically for EP elections.

All these measures aim to facilitate the exercise of mobile EU citizens' fundamental rights to vote and stand as candidates by providing operational tools or initiatives. Given their legal nature, their effectiveness in ensuring the exercise of mobile EU citizens' electoral rights, as fundamental rights, is high. However, the adoption of legal acts is often more difficult, as it needs to comply with the principles of competence, subsidiarity and proportionality and to

require political will. While the adoption of legislative acts generally requires more time, European Parliament elections will take place in 2024 which provides the necessary room for their discussion and adoption.

The Commission has announced that those measures will be accompanied by others after the review of the implementation of the action plan on European democracy in 2023, a year ahead of the EP elections, when other measures will be analysed to determine if they are needed. In addition, the Commission is looking to the European Parliament to engage in the further definition of the measures needed¹⁶⁷.

As mentioned in section 7.1 on the impacts on mobile EU citizens, key measures that could potentially affect them directly by increasing the voting rate among this target group include measures requiring automatic registration of mobile Europeans in local elections, or measures requiring Member States to provide information at the point of registration for residence (or any other similar situation, e.g. tax registration) on the right to vote in local/EP elections in the host country as a mobile European and registration and voting modalities. The measures could require Member States to ensure that mobile EU citizens are informed in clear and simple language or in widely spoken languages other than the languages of the host country; or to encourage more mobile EU citizens to stand as candidates in elections. These measures would have a positive impact on the exercise of mobile EU citizens' rights.

Measures forbidding deregistration from other national elections following exchange of information with other Member States to prevent double voting aim at ensuring the protection of mobile EU citizens' electoral rights. Regular updates of national electoral rolls facilitate the management of data. Most Member States regularly updating their electoral rolls need to contact mobile EU citizens for confirmation of their residence situation before de-registration, which is critical to ensuring respect of EU citizens' electoral rights. These information measures should be considered as a complement to the prohibition of de-registration.

All these measures would have a positive impact on the exercise of fundamental electoral rights and would probably result in higher probability of voting or standing as candidates in EP or municipal elections among this target group.

8. Comparison of options and preferred option

8.1. Effectiveness

Proposed scoring: ● Minor contribution towards objectives; ●● Major contribution, but without fully achieving objectives; ●●● Achieving objectives.

Objective 1: Increase voter participation

Option A mainly includes measures which are non-compulsory in nature and rely on recommendations and good practice exchanges to seek change. The lack of binding measures means that the effectiveness of the measures depends on how Member States

¹⁶⁷ Commission Communication, On the European democracy action plan, COM(2020) 790 final.

interpret them, and the extent to which they display political will to act. Option A is therefore insufficient overall to meet the objective. (Score ●)

Option B contains measures which go further in seeking to increase voter participation. Decreased requirements for registration (e.g. through automatic voter registration for local elections, as discussed in Section 7.1.1) is a measure that would be expected to increase participation as it reduces the effort required by mobile EU citizens to vote. However, the non-compulsory nature of the proposed recommendation means that again, the extent to which Member States implement this measure is likely to be limited, especially in light of the associated costs of implementing automatic registration in some Member States (discussed further in Option C and under Section 8.2 on Efficiency). (Score ●●)

Finally, **Option C** includes a measure which would require automatic registration for local elections, rather than merely recommending it. For the reasons discussed above, this should contribute to increased voter participation by reducing barriers and the effort required to vote. A smaller additional effect on turnout may be found in the measure to remove the option to restrict certain mandates to home nationals. While it is uncertain to what extent this will lead to more mobile EU citizens standing for election, a more diverse pool of candidates could have a minor positive effect on voter participation, with mobile EU citizens feeling more represented in the election (cf. Section 7.1.4). (Score ●●●)

Objective 2: Non-discrimination between voters

Option A provides limited impetus for change on behalf of Member States. While Commission or Council Recommendations and the exchange of good practices between Member States *may* contribute to increased accessibility for mobile EU citizens, and to the avoidance of deregistration as a result of information exchanges, it is up to the Member States whether they pursue such action. With no call for action specified, the expected effect on non-discrimination between voters is low. (Score ●)

Introducing requirements for Member States to inform mobile EU citizens about their electoral rights in a more systematic and targeted manner, as suggested in **Option B**, would ensure that they can access the same information as national citizens. This will entail a significant improvement in information provision, especially in Member States that mainly provide electoral information in the national language, but also in those that do not directly contact and target mobile EU citizens. Furthermore, while the Member State research did not identify any cases where mobile EU citizens are unable to access remote voting options that are available to national citizens, an explicit legal reference which ensures continued access would prevent future discrimination. This is especially relevant if new forms of voting were to be introduced (e.g. by including additional remote voting options, or electronic voting). (Score ●●●)

In **Option C**, providing information about electoral rights at the point of registration in the new country of residence would mean that mobile EU citizens have information at an earlier stage, and without needing to request it. However, it is not certain that this would be a substantial improvement over the provisions in Option B on targeted communication. Furthermore, information provided in connection with specific electoral contests lead to higher salience for voters, as it can be associated with broader reporting around the election, communication from parties, and election meetings. (Score ●●/●●●)

Objective 3: Non-discrimination between candidates

The promotion of good practice through peer-learning and knowledge exchange, as envisioned in **Option A**, would not be expected to effectively address discrimination faced by mobile EU citizens seeking to stand as candidates. This would mean that political change

is down to political will; the promotion of good practices provides little impetus for Member States to change the status quo. (Score ●)

Option B also falls short in addressing the issue. While a more robust measure than the knowledge exchange proposed in Option A, a joint resource mechanism for the exercise of electoral rights still does not ensure that candidates are able to stand for political mandates under the same conditions as national citizens. (Score ●●)

Option C's legal requirement that Member States be unable to limit certain political mandates to home country nationals entails the clearest non-discrimination measure, and directly addresses the issue. While such restrictions are not in place in most Member States, it would represent a major improvement in cases where restrictions are in place. (Score ●●●)

Objective 4: Prevent double voting and minimise deregistration

In **Option A**, the further development of the crypto tool used for the exchange of data between Member States is important to ensure that the tool develops in line with technology, and offers Member States the safest and most convenient way to (accurately) exchange information on voters, and thereby prevent double voting.

Continuing the knowledge exchange between Member States is also an important measure in ensuring this process remains accurate, and that deregistration of mobile EU citizens as a result of information exchange is limited to cases where voters do indeed reside (and vote) in another Member State. A Commission Recommendation, while non-binding, will bring some additional attention to the matter of deregistration. The same reservations regarding the effectiveness of non-compulsory measures apply here, however.

A final measure aiming to increase the messaging to remind mobile EU citizens that double voting is prohibited may contribute towards overall awareness of the problem. This is necessary as 14% of mobile EU citizens in this report's survey believe double voting to be lawful (see Section 3.8 and Figure 28). However, it is uncertain to what extent it will dissuade those who do so deliberately. As observed by some Member State stakeholders (cf. Section 7.2.1), a campaign to highlight the prohibition of double voting must be accompanied by the effective prosecution of cases where these rules are broken, without which public faith in the electoral system may be undermined. (Score ●●)

Option B includes two measures to prevent double voting and minimise deregistration. The measure to define specific, mandatory data sets to be exchanged between Member States is an important step to prevent deregistration of voters on incorrect grounds, as it increases the chances that the information exchanged is sufficient to correctly identify voters in home Member State electoral rolls. As many Member States report that incomplete or incorrect information prevents them from accurately identifying voters (as discussed in Section 3.8), this may entail a distinct improvement on the current situation.

The second measure to prevent double voting takes the form of a mandatory declaration that the voter will only exercise their vote in the Member State where they are registering. The added value of this measure is uncertain, as a similar statement is already included in the registration forms in all Member States surveyed. If an additional declaration is added to this, it would serve mainly to duplicate information already communicated. It therefore appears unlikely to significantly change the scale of double voting. As in Option A, the effective prosecution of cases of double voting remains necessary to reinforce this measure. (Score ●●)

Finally, **Option C** includes four measures. Three of these relate to minimising the technical possibilities for double voting and seek to address the most significant issues faced by Member States in preventing it. Most notably, the measure to align Member States'

registration deadlines would remove a significant obstacle faced by Member States in acting on information, as many report that it arrived too late for them to change their electoral registers or lists of voters in time for the upcoming election. If all Member States had a specified period in which to finalise their lists of voters, this could be addressed more effectively.

Two additional provisions concern the technical aspects of data exchange, by moving encryption to the EU level and by harmonising and streamlining the data requirements between Member States. This too should improve the extent to which records can be matched across Member States, and decrease the risk of either incorrect identification, or no matches being found.

Finally, a legal provision is proposed which would forbid the disenfranchisement of mobile EU citizens from national elections as a result of EU election data exchanges. While the scale of this is not clear, the measure would mandate Member States to establish procedures to prevent its occurrence. (Score ●●●)

Objective 5: Increase awareness of electoral rights

Option A overall contains few measures to significantly increase information provision and awareness of rights. Giving increased prominence to information kept in e.g. YourEurope provides a useful tool for mobile EU citizens, but it is not certain that this information would reach more people than it currently does. This would be a matter for communication on behalf of Member States and the European Commission – if prominently advertised as a resource in connection with elections it may help raise awareness, but on its own does not entail a major change. Other actions which encourage Member States to expand their information provision are also expected to have limited effect due to their non-compulsory nature. Meanwhile, for reasons discussed under the preceding options, the non-compulsory nature of good practice exchanges means that the efficiency and scope of any additional action is left to the discretion of Member States, and is unlikely to lead to an improvement on the baseline situation. (Score: ●)

Option B goes further and appears a significantly more effective awareness-raising option. As discussed in Section 7.1.2, the requirement to inform mobile EU citizens of their electoral rights in an individualised manner is expected to have a significant effect on the salience of elections and is considered beneficial by voters in terms of increasing knowledge. (Score: ●●●)

The establishment of a single common EU helpdesk under **Option C** would provide mobile EU citizens with yet another source of information and clarification regarding their electoral rights and status. In many instances these issues may already have been resolved at the national level through improved and individualised communication to mobile EU citizens, but an additional resource may still be beneficial; especially for voters who are engaged in circular or onward movement within the EU, and therefore know which resource to turn to whenever they arrive in a new Member State. (Score: ●●)

8.2. Efficiency

Proposed scoring: ● Considerable additional costs or effort, non-proportionate to the benefits and with difficult implementation; ●● Neutral or small increase in costs, proportionate to the additional benefits; ●●● Any increases in costs are outweighed by the benefits.

8.2.1. Option A: Increased soft measures to lower barriers and encourage convergence between MS practices

Option A has limited effectiveness in addressing most of the objectives, due to the non-compulsory nature of the proposed measures. **Recommendations** for various reforms are unlikely to lead to further convergence, given the costs of implementing them (except in the case of **encouraging additional participation of mobile EU citizens in different levels of government**, which in itself would not carry many costs beyond communication costs). **Automatic registration for local elections** is in place in 14 Member States, and three additional Member States proactively contact mobile EU citizens to invite them to register. In those Member States that do not do so, the cost of implementing the Recommendation would depend on whether sufficient information is held by municipalities or electoral bodies to register mobile EU citizens; where they have information on address and citizenship (and, in some cases, length of stay in the municipality – which it should be possible to infer from the registration date), implementation should not be arduous. Nevertheless, a lack of political will – e.g. if it is widely believed that non-national voters should have to opt in to elections to show their interest and engagement – may be a significant obstacle to full implementation of the Recommendation.

The Recommendations on **diversifying remote voting options** could be expected to carry significant practical and economic costs for Member States where there are currently no distance voting options. The same goes for the Recommendation on **preventing deregistration due to information exchanges**: this is something that Member States seek to do already, and one of the reasons it persists is because of problems relating to information mismatches or decentralised lists of voters, making adjustment difficult. For those Member States which are currently unable to prevent such deregistration with their existing infrastructure, addressing this issue could be costly, meaning that voluntary convergence appears unlikely.

The effectiveness of encouraging additional communication will also depend on the extent to which Member States choose to follow the advice. Providing additional **EU-level information** would be less likely to face impediments, as the costs and effort would be borne by EU institutions. The efficiency of such measures – especially in the form of increased levels of detail and the prominence of election information in the YourEurope portal – is difficult to determine as it depends to some extent on how many current non-users find it useful, but nevertheless it would provide an additional resource for mobile Europeans. To the EU, the costs of campaigns would depend on the size of the target audience and the channels used, and an increase in spending would likely be required. To a significant degree, however, efficiency gains may well be obtained through harnessing campaigns and knowledge that is already in place.

Together, the costs seem to suggest that convergence is unlikely in the absence of compulsory measures (as discussed under Option C). Additionally, the Recommendations would require reporting on how Member States are adapting (or not) to them, requiring resources either in terms of Member State reporting or external assessment by the EC and/or contractors. While the measure on **continued knowledge exchanges on the practice of data exchange** – specifically to try to avoid data mismatches and ensure that information can be acted upon by the recipient Member State – is useful, it is not enough to significantly improve the situation in a more than limited way. (Score: ●)

8.2.2. Option B: Clarify existing legal provisions to improve implementation

Option B is more successful in achieving the objectives, and where costs are entailed, they are generally proportionate to or outweighed by the expected benefits of the measures. One measure even entails cost savings for Member States: **clarifying what constitutes excessive documentation** for registering as a voter (e.g. notarised statements of retained electoral rights) would lead to fewer documents to process in the few Member States that require them. Information about voters' electoral rights will instead be acquired through the already ongoing data exchange, entailing no additional costs. Similarly, a clearer **requirement for a mandatory declaration** could be relatively cost-neutral if this form is signed at the point of electoral registration (whether digitally, by mail, or in person). As similar statements are generally required in the registration process already, the only additional effort would be in developing and processing the standardised declaration.. Processing the declaration would amount to contacting home Member States through the ongoing data exchange to verify the voter's information, and as such work is done already, it should not require significant extra effort on behalf of either Member States or EU institutions.

Other measures demand more resources, but carry benefits which justify the associated costs. **Harmonising the datasets exchanged** would be a significant measure to address the information mismatches that occur in the ongoing data exchange. While it might not solve the issue entirely, it appears an important step in the further development of voter data exchange. The costs and effort for Member States will depend on what information they currently collect, and how it is processed. However, as newly-registered mobile EU voters already have to supply certain information, which in turn is processed, it does not seem unreasonable to provide additional details. Ultimately, this measure may also lead to cost-saving effects for Member States as recipients of the information, if it means they can spend less time manually matching incomplete or inconclusive information. Together with the measures discussed in the paragraph above, these measures collectively make good progress towards the objective of preventing double voting and minimising deregistration due to data exchanges.

The costs and effort of the final measures in Option B largely depend on their scope and design. Implementing a **joint resource mechanism** to support mobile EU citizens' rights to stand as candidates overall does not appear to carry significant costs, but will depend on e.g. how many EU officials are required to support and staff the function; no additional effort would be expected from Member States. For the two measures intended to support the awareness of electoral rights, the associated effort will depend on the current baseline in Member States. **Clarifying the requirement to inform mobile EU citizens of the effects of registration on their home Member State electoral rights** would not be expected to increase efforts, as this could be (and generally is) communicated in connection with the registration form, and would contribute to the objective of ensuring that mobile EU citizens are aware of their rights and responsibilities.

Finally, **individualised communication to EU citizens regarding their electoral rights** in the lead-up to EP or local elections will lead to the most differentiated costs and effort between Member States. First, it would depend on the extent to which Member States already practice some form of direct communication (via e-mail or postal mail) to inform EU citizens; 13 Member States already proactively contact EU citizens who are registered as residents for this purpose. In these cases, no additional effort would be required to fulfil the requirement. In those Member States that do not practice such communication, the cost would depend significantly on how their population registers are organised: information is required on the nationality of a voter (i.e. whether they are an EU citizen or not, and

therefore eligible to vote) and their updated address, to ensure that correspondence reaches them. Furthermore, this information needs to be communicated between the register-holder and the authority in charge of communicating election information – in Member States with many different registers, and where communication between them is not already commonplace, implementation may require more cost and effort. As in the previous measure, some individual cases may not require registration on a population register on arrival (as in France and Ireland); in those cases, it would not be possible to identify mobile EU voters upfront.

Another source of added costs due to more individual communication measures comes in the form of translation costs, where Member States generally do not provide electoral information in English. However, translation costs – which would not be expected to be significant – are justified by the need to provide information that can be understood by mobile EU citizens, at least in English but possibly also in other significant languages used by the EU community in that Member State. Even with the additional effort required by some Member States, improved flows of information to mobile EU citizens may increase interest in and awareness of elections, and ensure that they are able to use their electoral rights fully. With this in mind, the cost in some Member States appears justified by the progress towards the objective. (Score: ●●●)

8.2.3. Option C: Enhanced legal framework with new requirements

Option C generally makes significant progress towards the objectives through greater harmonisation of Member State procedures, but in some cases entails costs which do not appear proportionate in relation to the progress towards objectives compared with Option B. Many of the costs are the same as those outlined for the different proposed Recommendations in Option A, except that the measures in this instance are mandatory. The variation in expected costs remains the same: **automatic registration for local elections** could be a relatively easy policy to implement in Member States with local or national population registers containing clear information on nationality, length of stay and address. In Member States with many disparate registers, or where registration upon arrival is not required (Ireland and France), implementation will be more difficult, and require more resources. However, with some allowance for variation in national circumstances¹⁶⁸, the implementation of automatic registration can contribute to increased interest in and engagement with elections (see Section 7.1.1), while also ensuring that non-national voters do not face undue barriers to the exercise of their electoral rights.

However, political will is required for the successful adoption of the measure, and it is possible that electoral sentiment in some Member States would lead to opposition to automatic registration (e.g. if there is a broad agreement that voters should show engagement by opting in, or if there are objections to non-nationals influencing politics as a matter of principle). Political will and electoral sentiment may also complicate the measure that **removes obstacles against non-nationals standing for certain political mandates**; in itself this does not entail additional costs, but in terms of time, it is possible that some Member States may find it more difficult to implement the measure than others¹⁶⁹.

¹⁶⁸ E.g. if all *resident* mobile EU citizens cannot be registered, it might be possible to link voter registration to those who have registered for taxes or social security – although this in itself would likely be a costly project, it could offer a way around the issue of a Member State not having the required population registers in place.

¹⁶⁹ In a 2015 Eurobarometer poll, 48% of respondents said that non-national EU citizens should not be able to stand as candidates for certain executive offices that currently are only open only to nationals; European Commission (2016) [‘Flash Eurobarometer 431: Electoral Rights’](#), DG COMM, p. 9.

Ultimately, the most significant – and possibly prohibitive – costs come in relation to measures aiming to prevent double voting and minimising deregistration. **Harmonising deadlines for electoral registration** would go a long way towards addressing one of the most common issues of the current data exchange system, where information often reaches Member States at a stage when it is too late to act on it. However, implementing this change would be a significant project in some Member States, given how registration deadlines for EP elections vary from a few days before election day, to up to 6 months in advance. The effort required to change these deadlines for administrations is not possible to estimate due to the significantly differing circumstances and institutional frameworks of the Member States, but it is reasonable to expect that the time and work required to prepare and agree a proposal for a common deadline would be significant at both EU and Member State level. In Member States where deadlines are defined in law, significant effort may be required to prepare and carry out a change in the law, again with the possibility of political opposition. It is feasible to assume that the biggest effort and cost will be required in those Member States whose current deadlines diverge the most from the proposed harmonised deadline; these Member States would likely also be the least positive toward the proposal.

Harmonising data requirements may also require significant resources, although less than harmonising deadlines. A core issue for the identification of voters in electoral registers is whether there is a unique identifier in the form of a personal ID number available. If so, Member States are only able to identify voters if this ID is submitted in the data exchange; however, if the ID is submitted, minor inaccuracies in other information (e.g. spelling of name) may be of slightly less consequence. The cost and effort of harmonising data requirements will in other words depend a lot on the information currently collected and exchanged between Member States, and on the harmonised requirements. If some form of personal ID is required to be linked to the electoral register, then Member States which do not currently have this in place may face significant costs in developing one. It is possible that alternative ID numbers can be found in, for example in the form of social security or tax ID, but this situation will vary extensively between Member States.

Similarly, **prohibiting deregistration as a result of data exchanges** will incur different levels of costs for Member States. The scale of these costs is difficult to assess as the extent of deregistration is not known, but it is probable that Member States which (1) have different electoral rolls for different elections and (2) already face the most difficulties in identifying voters from data exchanges (due to incorrect or incomplete information) would experience the most significant costs.

Informing citizens of their electoral rights as mobile EU citizens in the host country at the point of residence registration would generally not entail much additional effort for Member States other than the preparation of materials (which generally will already be available through websites or election circulars). However, in a few instances where no initial registration of residence is required (as is the case in Ireland), this information would have to be shared at another point – e.g. if and when a mobile EU citizen registers for work or social security. This would carry more costs to coordinate the distribution of information, but only in a few isolated cases. In a similar vein, **establishing a common European helpdesk** would have limited costs for Member States as they already hold this information, and it only needs to be communicated onward to the managing unit within the EU institutions. (Score: ●)

8.3. Subsidiarity and proportionality

Proposed scoring: ● Lack of subsidiarity and/or proportionality; ●● Neutral; ●●● Subsidiarity and proportionality requirements fulfilled.

The EU legal system requires every EU legal act to clearly state its legal basis in the EU Treaties, ensuring its legality and legitimacy. The EU legislation - Directive [93/109/EC](#) regulating mobile EU citizens' right to vote for and stand as candidates in European Parliament elections and Directive [94/80/EC](#) on the right to vote for and stand as candidates in municipal elections in the country of residence under the same conditions as nationals of that Member State - has its legal basis in Article 10(3) TEU, which recognises EU citizens' right to participate in the democratic life of the Union.

As stated in section **Error! Reference source not found.**, the principles of subsidiarity and proportionality guide the justification for the EU to adopt legal acts on policies falling within the shared competence of the EU and Member States. Our analysis of the options will focus on those measures requiring the adoption of EU legal acts as listed under Article 288 TFEU, which include both legally binding acts and acts with non-legally binding effect such as recommendations.

Subsidiarity relates to the objectives of the measures and their effectiveness in achieving them, while proportionality relates to their efficiency in reaching those objectives.

Subsidiarity is the principle which determines who should act, in situations with potentially more than one appropriate actor. Under this principle, the analysis of every proposed EU act should determine whether its objectives cannot be adequately achieved by Member States acting in isolation at central or local level but can be better achieved at Union level for reasons of scale or effect. This analysis thus considers the effectiveness of the act in relation to its objectives

Proportionality refers to the need to ensure that the content and form of any EU action does not exceed what is necessary to achieve the intended objective. This implies that the act will achieve its objectives in the most efficient way, which might not necessarily be at the lowest possible cost and includes governance procedures.

Specific Objective 1; to reduce the administrative barriers (delays and costs) faced by mobile Europeans when registering to vote in local and European Parliament elections:

Measures to **reduce administrative barriers** to the voter registration of mobile EU citizens through the adoption of legal acts under option A require the adoption of the Council Recommendation based on a Commission proposal encouraging Member States to implement **automatic registration** for local elections. As mentioned in section **Error! Reference source not found.**, a non-binding EU Recommendation is less effective than a measure legally requiring Member States to establish a system of automatic registration. This measure is based on the assumption that the objective can be achieved by Member States' action. The recommendation respects the principle of subsidiarity as it leaves the decision on the implementation of automatic registration to Member States, potentially maintaining the existing differences between them (in particular where MS lack centralised population registers), and reducing its effectiveness. A measure under **option C** imposing a legal obligation on Member States to establish automatic registrations would be more effective, and would respect the principle of subsidiarity which requires action to be taken where the objective can be better achieved for reasons of scale or effect. While this measure might entail extra effort for Member States with no centralised register, it would be proportionate for most Member States in terms of the result to be achieved. An interim implementation period could be established for those Member States in which it would be more onerous.

Therefore, **option A** on automatic registration would be neutral in terms of subsidiarity and proportionality (Score ●●) while under **option C** these principles will be fulfilled (Score ●●●). The measure under **option B** requires the amendment of existing provisions to clarify what documentation requirements are considered excessive in light of the non-discrimination

principle. A legally binding measure seems to be necessary and proportionate, given the difficulties that mobile EU citizens face when registering on the electoral roll in some countries. Amending existing provisions already adopted at EU level respects the subsidiarity principle, and a simple clarification of the existing obligations seems proportionate.

The **Option B measure** amending existing provisions to clarify what documentation requirements should be considered excessive fulfils the principles of subsidiarity and proportionality (Score ●●●).

Specific objective 2: Increase mobile European citizens' awareness and understanding of procedures and practices for registration and participation in European Parliament and local elections

All the options contain measures to increase participation through raising mobile EU citizens' awareness..

Option A does not require the adoption of any EU act to promote exchange of good practice between Member States, NGOs, or municipalities, nor to increase the prominence of information provided to mobile European citizens in EU communication efforts around EP elections.

However, **Option B** proposes the adoption of EU acts amending existing provisions in order to clarify Member States' obligations to inform mobile European citizens in plain language, in multiple languages and in an individualised manner prior to local and EP elections on their registration status, registration procedures and voting modalities. Furthermore, it proposes to clarify the requirement to notify mobile European citizens of the potential effects of registering to vote in the host country on home country voting rights.

Both measures fulfil the subsidiarity principle as they amend existing EU acts for which a subsidiarity assessment determining the need for EU action has already been made. The proposed measures have been considered proportionate to the objectives by the research carried out through desk work and interviews.

Option B measures amending existing provisions to clarify information requirements to notify mobile EU citizens fulfil the principles of subsidiarity and proportionality (Score ●●●).

Option C proposes the adoption of new measures that would provide the legal basis to establish a single European helpdesk for citizen enquires about electoral rights and a new obligation for Member States to provide information to mobile European citizens about their electoral rights upon registration for residency. Both measures fulfil the subsidiarity principle. The European helpdesk is an EU-level activity and should therefore be introduced at EU level. The obligation to provide information on electoral rights to EU citizens upon registration for residency would improve citizens' participation and awareness of their rights more effectively than in the current system under which Member States follow different approaches. The evidence shows that this measure would not require excessive effort from Member States and it is therefore considered proportionate to its objective.

The measures under option C fulfil the principles of subsidiarity and proportionality (Score ●●●).

Specific objective 3: to limit double voting by reducing the technical feasibility of voting multiple times through the adoption of measures improving information exchange between Member States

Measures proposed under **option A** such as using data templates developed and agreed as part of the European Citizens' Initiative for the exchange of data, do not require the adoption of any specific act.

However, **option B** proposes the adoption of an EU act defining mandatory data sets to be exchanged between Member States. This type of measure would facilitate the exchange of information on mobile EU citizens between Member States, problems with which have been identified as among the barriers to limiting the possibility of double voting. This measure aims at ensuring that information exchanged by the country of residence is sufficiently correct to enable the home country identify voters in its electoral roll. Many Member States report that incomplete or incorrect information prevents them from accurately identifying voters (see Section **Error! Reference source not found.**). This measure may lead to a distinct improvement on the current situation. While it is clear that this measure can only be effective at EU level for reasons of scale and effect, and therefore respects the subsidiarity principle, the proportionality of the measure deserves closer examination. As discussed in section 8.2, this measure proposes the identification of nationals in electoral rolls through a unique personal ID number, the costs and burden of which would depend on whether the Member State has an existing form of ID that can be used (whether through labour registration, social security, tax account, or other registers) or whether a new ID system would need to be devised. Where no existing ID is available, proportionality might be an issue as implementation costs would be significant, and an interim implementation period might be required. However, it may also bring cost-saving effects to Member States receiving the information, as they would need to spend less time manually matching incomplete or inconclusive information. (Score ●●●).

In addition, **Option C** proposes a measure to adopt an EU act aligning Member States' electoral registration deadlines for mobile EU citizens. This would remove a significant obstacle faced by Member States in the exchange of information on mobile EU citizens: many Member States have reported that information arrived too late for them to change their electoral registers or voter lists in time for the upcoming election. If all Member States had the same specified period in which to finalise their lists of voters, this could be addressed more effectively. The broad scope of this measure requires an EU measure in line with the subsidiarity principle. Proportionality might be an issue as it would require the amendment of the electoral law that defines the deadlines within the whole procedure. However, this measure could enable Member States to have sufficient time to match incomplete or inconclusive information. (Score ●●●).

Option C also contains a proposal for a legal provision to harmonise and streamline the data to be exchanged between Member States, while respecting the principle of data minimisation. As mentioned under Option B, this type of measure facilitates the exchange of information on mobile EU citizens between Member States and helps limit the possibilities for double voting. The difference with option B is that the new provision would aim at fully harmonising the data to be exchanged in all Member States. The conclusion in terms of compliance with the principles of subsidiarity and proportionality is similar. This measure entails identification of nationals in electoral rolls through a unique personal ID number. This would reduce costs for Member States which would spend less time matching incomplete information. However, the effort required in countries without ID number systems might require the establishment of interim implementation periods for compliance. The measure under **Option C** introducing a new provision to harmonise and streamline the data to be exchanged between Member States fulfils the subsidiarity and proportionality principles (Score ●●●).

Again, **Option C** includes a proposal for the development of a solution to encrypt data at EU rather than national level. This measure would support Member States' efforts and does not entail an excessive cost for the EU. However, the data protection legislation requirements need to be considered as the Commission would become the data controller. This EU-level measure fulfils the subsidiarity and proportionality principles (Score ●●●).

Objective 4: Increase awareness and understanding of the fact that multiple voting is prohibited among mobile European citizens.

This objective can be achieved by ensuring that any EU-relevant communications would integrate messages stating that multiple voting is prohibited (Option A) or by amending existing legislation to oblige Member States to require mobile EU citizens to sign a mandatory declaration stating that they will only vote once (Option C).. This proposal explicitly states that this declaration should not lead to the request for additional administrative documents such as notarised statements. The effectiveness of option A is rather limited as a way to solve the current problem, as multiple voting is already prohibited by the current Directives. **Option C** is justified in relation to the principle of subsidiarity as it only entails an amendment of Directive [93/109/EC](#), under which double voting is prohibited and which has already been assessed for compliance with the subsidiarity principle. The new provision does not require a disproportionate effort by Member States and therefore Option C would score higher (Score ●●●) than option A in terms of compliance with the principles of subsidiarity and/or proportionality (●● Neutral).

Objective 5: Restrict the de-registration practices of Member States to those elections in which there is a risk of multiple voting and ensure that any deregistration is reversible

Under this objective, **Option A and C** propose two types of measures with the same aim: preventing the de-registration or disenfranchisement of mobile EU citizens following the exchange of information between the country of residence and the country of origin.

While **Option A** proposes the adoption of a Commission recommendation to stop measures to prevent double voting from resulting in deregistration for national elections, **Option C** proposes the development of a new legal provision to forbid disenfranchisement of mobile EU citizens from national elections as a result of EP election data exchanges.

A Commission recommendation based on Article 292 TFEU or a legally binding act based on Article 10 TEU or modifying Directive [93/109/EC](#) and Directive [94/80/EC](#) would fulfil the subsidiarity principle as they aim to prevent a consequence that arises from current legislation. Deregistration of mobile EU citizens as a result of information exchanged between Member States may prevent them from exercising their right to vote, which is counter to the objectives of both Directives. Therefore, either measure would comply with the principles of subsidiarity and proportionality. However, a legally binding measure is more effective than a recommendation whose implementation depends on the will of Member States and cannot be enforced.

On that basis, **Option A** would have a lower score for compliance with the principles of subsidiarity and/or proportionality (●● Neutral) than **Option C** which would score ●●●.

Objective 6: Make local elections and EP elections more evenly accessible to mobile European citizens across Member States by reducing the disparities in registration processes and information provision.

Reducing disparities in registration processes between Member States can be achieved through two different types of measures:

Option A proposes the adoption of a Commission recommendation encouraging Member States to take measures promoting the participation of mobile EU citizens in intermediate levels of government and diversifying remote voting options. As mentioned above, a Commission recommendation based on Article 292 TFEU and further developing existing legislation (Directive [93/109/EC](#) and Directive [94/80/EC](#) which require mobile EU citizens to enjoy electoral rights under the same conditions as nationals) would have the same justification for EU action.

Option B proposes the introduction of an explicit legal reference indicating that when distance voting is allowed for nationals, it should also be made available for mobile EU citizens. Similarly, an EU act amending existing legislation which requires mobile EU citizens to enjoy the electoral rights under the same conditions as nationals, would have the same justification for EU action.

None of these measures is disproportionate but Option B would be more effective in achieving the objective and satisfying the principle of subsidiarity, given the legally binding nature of the act proposed. On that basis, **option A** would score lower (●● Neutral) than **option B** which would score ●●● in relation to fulfilment of the principles of subsidiarity and proportionality.

Objective 7: Ensure that mobile European citizens have the same opportunities to stand as candidates in local elections as well as EP elections as non-mobile citizens

Like objective 6, this objective aims at ensuring non-discriminatory treatment of mobile EU citizens and nationals in the exercise of their electoral rights. This objective focuses on those willing to be candidates at EP or local elections, and the measures proposed range between the promotion of exchange of good practices between Member States, which does not require the adoption of EU acts, to the adoption of new provisions in the existing legal framework to remove the option to restrict certain mandates (i.e. executive positions) to home country nationals (option C). This new provision would satisfy the principles of subsidiarity and proportionality as it aims at ensuring the implementation of the objectives and provisions of existing legislation. On that basis, the measure should be considered as fulfilling the principles of subsidiarity and proportionality (Score ●●●).

8.4. Consistency

Proposed scoring: ● Inconsistent with legislation; ●● Broadly consistent with legislation, but some gaps; ●●● Consistent with legislation.

The proposed measures under the different options need to be analysed in relation to relevant EU measures related to EU elections. Those measures are the EP electoral rules described in section **Error! Reference source not found.** and the legislation on Fundamental Rights described in sections 7.2.37.3.37.4.3**Error! Reference source not found.**

The Electoral Act of the European Union was adopted by the Council Decision (EU, Euratom) 2018/994 amending the 1976 Electoral Act¹⁷⁰. However, it is not yet in application as it has still not been ratified by three Member States. The amendments proposed aimed at solving some of the deficiencies identified, promoting harmonisation of certain aspects of

¹⁷⁰ Council Decision 2018/994 of 13 July 2018 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976

electoral rules such as proportional representation and deadlines for submission of candidacies. It encourages Member States to provide opportunities for advance voting, such as postal, electronic and internet voting, in elections to the European Parliament and requires Member States to adopt measures to ensure that double voting is subject to effective, proportionate and dissuasive penalties.

In parallel, the Commission Communication 2020/790/EU of 3 December 2020 on the European democracy action plan announced the Commission’s intention to protect electoral processes and propose a new operational EU mechanism to strengthen cooperation between Member States and regulatory authorities¹⁷¹.

All the measures proposed under the three options aim at achieving similar objectives to those inspiring Council Decision 2018/994 and Commission Communication 2020/790/EU. However, those measures with legally binding force would be more effective in reaching these common objectives and, therefore, we can conclude that they are ●●● Consistent with legislation, while those measures that would have less impact on reaching these objectives would be considered as ●● (broadly consistent with legislation)

A similar conclusion should be reached in relation to consistency with fundamental rights. All the measures contained in the three options aim at ensuring implementation of mobile EU citizens’ fundamental electoral rights. Those measures with legally binding force would be more effective in reaching this objective and would therefore score as ●●● Consistent with legislation. The fact that some of those measures would not be politically feasible, are disproportionate or would be onerous on Member States or/and the EU Institutions is not relevant to the analysis of the consistency of the different measures with the existing legal framework.

Furthermore, the Single Digital Gateway regulation (2018/1724) establishes a service shared between the EU and Member States that aims to strengthen the digitalisation not only of access to information and services but also of the administrative procedures themselves. It affects all aspects of EU citizens’ lives as well as business procedures relevant to those doing business cross-border or residing in an EU country other than that of their nationality. The policy options examined anticipate the implementation of the provisions on access to information through the Digital Single Gateway and are therefore fully consistent with it (Score ●●●).

The EU electoral [Directives 93/109/EC](#)¹⁷² and [94/80/EC](#)¹⁷³ provide a framework for the exercise of electoral rights in the European Parliament and municipal elections for mobile EU citizens. Along with the two directives described above and which are at the core of the present revisions, there are other non-binding measures at EU level which also touch upon the electoral rights of mobile European citizens. Some of these measures also have other implications (not specific to mobile European citizens) which are not summarised here.

Table 25 – Comparison of the Policy Options

| | Option A | Option B | Option C |
|--|----------|----------|----------|
|--|----------|----------|----------|

¹⁷¹ COM(2020) 790 final – 3.12.2020

¹⁷² Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

¹⁷³ Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals

| | | | | |
|----------------------------------|--|----------|----------|--------|
| Effectiveness | Objective 1: Increase voting participation | ● | ●● | ●●● |
| | Objective 2: Voter non-discrimination | ● | ●●● | ●●/●●● |
| | Objective 3: Candidate non-discrimination | ● | ●● | ●●● |
| | Objective 4: Prevent double voting and minimise home MS deregistration | ●● | ●● | ●●● |
| | Objective 5: Increase awareness of electoral rights through information measures | ● | ●●● | ●● |
| Efficiency | ● | ●●● | ●● | |
| Subsidiarity and proportionality | As above | As above | As above | |
| Consistency | ●● | ●● | ●●● | |

Effectiveness scoring: ● Minor contribution towards objectives; ●● Major contribution but without fully achieving objectives; ●●● Achieving objectives.

Efficiency scoring: ● Considerable additional costs or effort, non-proportionate to the benefits and with difficult implementation; ●● Neutral or small increase in costs, proportionate to the additional benefits; ●●● Any increases in costs are outweighed by the benefits.

Subsidiarity and proportionality scoring: ● Fails to comply with subsidiarity and/or proportionality; ●● Neutral; ●●● Subsidiarity and proportionality requirements fulfilled.

Consistency scoring: ● Inconsistent with legislation; ●● Broadly consistent with legislation, but some gaps; ●●● Consistent with legislation.

8.5. Summary of the costs of preferred option

The sections above have identified Policy Option B as the preferred option, based on effectiveness, efficiency, subsidiarity and proportionality, and consistency grounds. In order to complement this analysis, this section will seek to estimate some of the costs – either in estimated monetary cost or otherwise in terms of the time and resources required – to implement the measures contained therein. The results are summarised at the end of the section in **Error! Reference source not found.**

8.5.1. Assumptions and definitions

A detailed assessment of the costs involved – in terms of monetary cost, human resources, and organisational effort – requires a level of data that is not currently available to this impact assessment. The cost assessments below therefore rely on a number of assumptions to provide a first indication of the range of costs that may be required. As the exact design and implementation of the measures will vary, the assessment (1) seeks to take into account institutional and structural differences between Member States and (2) seeks to present a range of costs, depending on how extensive the ultimate formulation of a measure is. All costs are presented as possible *excess costs over current expenditure* – e.g. if a measure envisions four additional annual meetings of an election network, this is to be understood as four meetings *in addition to those already occurring currently*.

Many of the implementation costs entail human resource costs either at the EU level (European Commission, EU agencies) or the Member State level (competent authorities, practitioners). Costs associated with administrative burdens have been estimated using the Commission's Standard Cost Model (SCM), outlined in the Better Regulation toolbox. The SCM expresses costs as the 'price per action' (usually expressed as labour costs) multiplied by the 'quantity' of actions carried out (in this case implementation activities and person days for implementation).

To calculate these costs, a standard estimate of the daily labour cost has been applied for all activities. As figures are not available individually for all Member States, an EU average is applied. This approach uses the latest available data and methods detailed in the EU Better Regulation Guidelines (in particular Tool #60 The standard cost model for estimating administrative costs). The approach is detailed Table 26 below. This leads to an estimated daily labour cost of EUR 534 for EU personnel, and EUR 294 for staff in Member States, including 25% overhead costs.

These labour costs are used in all calculations in this section unless otherwise indicated.

Table 26 – Approach to calculating labour costs for EU and Member State administrations

| Approach to calculating labour costs for EU and Member State administration |
|---|
| In order to obtain daily wages from monthly salary data or hourly wage data, wages are converted based on the assumption of 215 person days of fulltime equivalent (FTE) in a year¹⁷⁴ or alternatively 1 720 person hours of FTE in a year¹⁷⁵, these assumptions imply that a person day of FTE has 8 hours and a person month of FTE has 18 days. |
| EU labour cost |
| The daily rate for EU officials is based on the assumption of 18 working days in a month and the average monthly salary for grade AD8 (as a medium grade for officials) as referred to in the Staff Regulations, |

¹⁷⁴ Eurostat, 2017, Guidelines Unit Costs for Direct Personnel Costs applicable to all grants awarded by Eurostat: <https://ec.europa.eu/eurostat/documents/10186/7970019/Guideline-unit-costs.pdf>

¹⁷⁵ European Commission, 2019, H2020 Programme User's Guide for the Personnel Costs Wizard: https://ec.europa.eu/research/participants/data/ref/h2020/other/gm/reporting/guide-personnel-costs_en.pdf

applicable from 1 July 2020 (specifically Table 1.1 in Annex 1 to COM(2020) 773 final¹⁷⁶). After adding a 25% overhead cost, this results in an EU daily labour cost of EUR 534 for 2020. Using the assumptions above this can be converted to a monthly (EUR 9 571) or annual (EUR 114 852) cost.

Member State labour cost

Data on labour costs in the Member States is obtained from Eurostat's Labour Cost Survey, the latest available being 2016¹⁷⁷. Therefore, the EU-27 'total labour cost' reported for public administration (i.e. the category 'public administration and defence, compulsory social security' per employee FTE) is adjusted for inflation to obtain a daily labour cost for 2020¹⁷⁸, which can be comparable to the EU labour cost. A 25% overhead cost is then added to obtain an average Member State daily labour cost of EUR 294 for 2020. This is alternatively EUR 5 260 per month or EUR 63 119 per year.

8.5.2. Further reduce the technical possibilities of multiple voting

There are three measures which seek to reduce the incidence and feasibility of double voting. The first of these concerns **harmonisation of the exchanged data sets**. As discussed under Section 8.2.2, the costs involved for Member States will vary significantly depending on their current data operation. As the degree of required change is unknown at this stage, the costs cannot be assessed. Some qualified conclusions can be made on what cases may face higher costs, however. For instance, in cases where the electoral register is linked to the population register (as is e.g. the case for Sweden, Finland and Estonia), adjusting the information in datasets may not require much effort as only one central register is used. Where registers are more decentralised, e.g. collated individually in municipalities (e.g. in Germany), a greater effort is required to ensure that all individual actors collect and transmit the correct data. It should also be noted that after successful data harmonisation, cost savings may be possible in Member States that currently carry out extensive manual data matching as a result of receiving incorrect or inconclusive data (e.g. Romania).

The second measure concerns an **optimisation of the technical tool for the exchange of data**. Costs for this upgrade will be borne at EU level, without additional costs accruing for Member States. The EU-level costs are expected to be relatively low given the current maintenance costs of the crypto tool, which reached ca. EUR 30 000 at the time of the 2019 EP election. This can be compared with the costs for the European Citizens' Initiative, which are significantly higher at around EUR 400 000 annually. While the exact costs of addressing the shortcomings discussed in Section 2.2.2 and elsewhere in this report will depend on factors such as whether it is done in-house or by a contractor, and on how complex it is to program changes to the software, the costs are not expected to be onerous.

Finally, the third measure seeks to **increase mobile European citizens' awareness and understanding of the fact that multiple voting is prohibited, and of the consequences of multiple voting**. We would expect this to be done through targeted campaigns at EU level, the cost of which would depend on the exact choice of media channels (traditional media, digitally, paid advertisements on social media, etc.), the choice of which Member States to cover, and the evolution of social media policies relating to political advertising by the time of the next EP elections in 2024. A possible indication may be obtained through a comparison with the 2019 campaign 'This time I'm voting', which was implemented as a decentralised, stakeholder-driven campaign where the central costs to the EU were minor

¹⁷⁶ COM(2020) 773 final, Annexes: https://eur-lex.europa.eu/resource.html?uri=cellar:9e757c7c-3328-11eb-b27b-01aa75ed71a1.0005.02/DOC_2&format=PDF

¹⁷⁷ Eurostat (2021) 'LCS surveys 2008, 2012 and 2016' [LC_NCOST_R2], accessed 4 June 2021.

¹⁷⁸ Based on the annual inflation rates reported for 2017-2020 by Eurostat: [2020](#), [2019](#), [2018](#), [2017](#)

(below EUR 80 000 according to the Financial Transparency Register). The costs of a centralised campaign (as for the 2014 EP elections) would however be much higher. Ultimately, the costs will depend on what form of campaign is deemed most effective in communicating the message.

8.5.3. Increase mobile EU citizens' awareness and understanding of procedures and practices for registration and participation in municipal elections and elections to the European Parliament

The measures which seek to increase awareness and understanding of registration procedures and electoral rights carry costs varying between Member States depending on their baseline situation. This is particularly the case for the measure to **introduce very specific information requirements for MS to inform mobile European citizens** in plain language and in an individualised manner prior to municipal and EP elections.

Targeted information of this kind is already distributed in 14 Member States, based on the Member State mapping and questionnaires. Generally this comes in the form of sending mobile EU citizens who are registered as residents a communication in the lead-up to EP elections, explaining their electoral rights and inviting those who have not yet registered to do so. The communications then detail how to register. To send such communications to all mobile EU citizens appears a more effective measure than targeting just those mobile EU citizens *that are not yet registered*, as not all registers may hold information on both personal details and electoral registration status. For Member States that already have direct communications, any additional costs to adjust the information contained therein is expected to be minor.

For Member States that do not yet use such communication measures, some additional costs accrue – both in preparing (and possibly translating) the documents to be circulated, but also in delivery and the identification of recipients. Some of these costs are higher than others. In Table below, the following assumptions apply:

Member States which – based on the Member State baseline research – already have direct mail-outs in place are expected to have minimal costs, if any¹⁷⁹. The calculations therefore only apply to Member States which do not currently have such measures in place.

As Member States have information about electoral registration of mobile EU citizens available on their websites (and in all but a few cases, in multiple languages), only minor costs are expected to adapt these for mail-out. For Member States with no direct targeted mail-outs in place, an assumption is made of five days per Member State. For Member States with some level of mail-outs, e.g. with municipal variation in the extent of information provision (marked 'Partial' in the table below, and discussed further in Sections **Error! Reference source not found.****Error! Reference source not found.**and **Error! Reference source not found.**), an assumption is made of three days.

As data is not available on the cost to governments of delivering letters, the domestic public tariff for sending priority letters in EU Member States is used¹⁸⁰. As Member State governments have access to economies of scale and are not necessarily subject to public tariffs, these prices are adjusted to 25% of the public tariff, to reflect lower costs. As the

¹⁷⁹ Variation within Member States (e.g. due to differing rules between federal Länder in Germany and Austria) is not taken into consideration as state-level laws and regulations have not been mapped.

¹⁸⁰ Data is gathered from European Commission, 2018, '[Performance per policy area: Postal services](#)', Single Market Scoreboard, accessed 19 August 2021. Figures are not available for Croatia and Poland; EU-27 average is used here.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

data on postal service costs is from 2017, it is adjusted for inflation to estimated 2020 values¹⁸¹.

The effort required to send letters to all mobile EU citizens is estimated by combining the estimated per-letter cost with the stock of mobile EU citizens aged 20 or older in the Member State¹⁸².

Table 27 also contains an estimate of the cost of **informing mobile EU citizens of their electoral rights at the point of residence registration**, in addition to subsequent communications in relation to elections. While the time and cost required to prepare this routine will also vary across Member States, sufficient information is not available to determine how it would differ between the Member States. As the information is available to Member State authorities, and as mobile EU citizens, in all but a few cases, have to register for residence upon or shortly after arrival in a new country of residence, the costs are expected to be relatively low – an assumption is made of five days per Member State.

Table 27 – Estimated cost of developing and mailing out targeted information to mobile EU citizens

| | Already practicing direct communication | Estimated costs of developing and translating information | Estimated cost of individual communication to EU citizens | Mobile EU citizens aged 20 or older (2020), 1 000s | Estimated cost of informing citizens at point of registration | Total |
|----|---|---|---|--|---|---------|
| AT | No (5 days) | 1 470 | 123 387 | 621 | 1 470 | 124 857 |
| BE | Yes | | | 762 | 1 470 | 1 470 |
| BG | No (5 days) | 1 470 | 4 888 | 14 | 1 470 | 6 358 |
| CY | No (5 days) | 1 470 | 13 336 | 103 | 1 470 | 14 806 |
| CZ | Partial (3 days) | 882 | 62 342 | 223 | 1 470 | 63 812 |
| DE | Partial (3 days) | 882 | 686 665 | 3 777 | 1 470 | 688 135 |

¹⁸¹ Eurostat (2021a) '[HICP \(2015 = 100\) - annual data \(average index and rate of change\) – Postal services](#)' [PRC_HICP_AIND], accessed 19 August 2021.

¹⁸² This is based on Eurostat (2021b) '[Population on 1 January by age group, sex and citizenship](#)' [MIGR_POP1CTZ], accessed 19 August 2021.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | | | | |
|-------|------------------|-------|-----------|--------|--------|-----------|
| DK | Partial (3 days) | 882 | 48 534 | 195 | 1 470 | 50 004 |
| EE | Yes | | | 19 | 1 470 | 1 470 |
| EL | No (5 days) | 1 470 | 43 868 | 160 | 1 470 | 45 338 |
| ES | Partial (3 days) | 882 | 294 172 | 1 728 | 1 470 | 295 642 |
| FI | Yes | | | 83 | 1 470 | 1 470 |
| FR | No (5 days) | 1 470 | 352 043 | 1 295 | 1 470 | 353 513 |
| HR | No (5 days) | 1 470 | 5 654 | 18 | 1 470 | 7 124 |
| HU | Yes | | | 74 | 1 470 | 1 470 |
| IE | Yes | | | 389 | 1 470 | 1 470 |
| IT | No (5 days) | 1 470 | 900 031 | 1 216 | 1 470 | 901 501 |
| LT | Yes | | | 8 | 1 470 | 1 470 |
| LU | Partial (3 days) | 882 | 28 366 | 197 | 1 470 | 29 836 |
| LV | Partial (3 days) | 882 | 2 724 | 6 | 1 470 | 4 194 |
| MT | No | 1 470 | 5 495 | 47 | 1 470 | 6 965 |
| NL | Yes | | | 518 | 1 470 | 1 470 |
| PL | Partial (3 days) | 882 | 8 607 | 33 | 1 470 | 10 077 |
| PT | No (5 days) | 1 470 | 34 809 | 167 | 1 470 | 36 279 |
| RO | No (5 days) | 1 470 | 26 731 | 60 | 1 470 | 28 201 |
| SE | Yes | | | 272 | 1 470 | 1 470 |
| SI | Yes | | | 20 | 1 470 | 1 470 |
| SK | Yes | | | 57 | 1 470 | 1 470 |
| EU-27 | | | 2 641 652 | 12 059 | 39 690 | 2 681 342 |

Based on these assumptions, the possible costs for Member States across the EU-27 are estimated to be around EUR 2.7 million. As one would expect, the highest costs are found in significant countries of residence for mobile EU citizens, i.e. Germany, Spain, France and Italy. The exact costs will however depend on the exact time taken to prepare materials for circulation, and whether savings may be had through e.g. electronic distribution of materials (e.g. in Estonia and Finland it is possible to choose to receive electoral communications electronically) or lower-cost postage.

At the EU level, some additional costs accrue from **increasing the prominence of information provision to mobile Europeans in EU election communications**. The costs of adapting these campaigns would vary depending on whether they would require that information be provided in new channels, or significantly reworked and expanded. Adding more targeted information to the Digital Single Gateway will have a minor cost as the

interface and system for doing so are already in place – further information can be gathered from the Member States at minor cost, as they will already hold the information.

Finally, **continued collaboration within the ECNE network** to exchange good practices on the effectiveness of information measures would not be expected to carry costs additional to those already incurred, unless the number of annual meetings is increased. The frequency of meetings has varied, with five meetings in 2019, two in 2020, and two thus far in 2021 at the time of writing. The estimates in Table 2 are for two scenarios: one where there is one additional meeting per year, and one where there are two additional meetings per year. It is assumed that the meetings include two representatives from DG JUST and one from each Member State, and that meetings, their preparation, and follow-up amounts to one FTE day per person involved. The figures below also assume full attendance, which may not always be the case. On the basis of these assumptions, additional annual costs are estimated at EUR 9 000 per meeting.

Table 28 – Estimates of costs relating to continued and increased collaboration within the ECNE network to exchange good practices and effectiveness of information measures

| Annual costs | Low (1 additional annual meetings) | | High (2 additional annual meetings) | |
|--|------------------------------------|-------------|-------------------------------------|-------------|
| | FTE person days | Labour cost | FTE person days | Labour cost |
| DG JUST (2 representatives, incl. technical support) | 2 days | EUR 1 068 | 4 days | EUR 2 136 |
| Per Member State (1 representative each) | 1 days | EUR 294 | 2 days | EUR 588 |
| All Member States (EU-27) | 27 days | EUR 7 938 | 54 days | EUR 15 876 |
| Total cost | 29 days | EUR 9 006 | 58 days | EUR 18 012 |

8.5.4. Reduce administrative barriers faced by mobile Europeans when registering to vote and to stand as candidates in municipal and European Parliament elections

The two actions under Option B which seek to reduce administrative barriers are not expected to carry significant costs. The **promotion of the exchange of good practices between Member States through peer learning** will vary in cost depending on the number of staff in Member States involved in the programme, and the frequency of meetings. The assumptions and estimates for additional meetings within the ECNE network in Table 2 can be used again here, assuming that (1) any peer learning meeting would require one representative per Member State, and two representatives from DG JUST, and (2) that there would be between one and two annual meetings as part of the network. As above, the estimate is therefore EUR 9 000 per meeting. Additional costs may arise if there are additional follow-up activities or physical activities held in Member States, as these meetings assume the continuation of digital meetings.

To **introduce a standardised format for the mandatory declaration available in all languages** would also not be expected to carry significant costs. For Member States, these forms would replace or complement existing forms, and implementation would not be expected to have more than minor costs. At the EU level, the main costs would be expected to take the form of preparing and translating the form into the 24 EU languages. The exact time required for this is difficult to estimate, as it is likely to be able to draw on existing materials. To allow for a range of estimates, Table 29 estimates the cost depending on whether the preparation, translation and approval of forms would take either two or five days per language, leading to an estimate of ca. EUR 13 000 to 64 000.

Table 29 – Estimate of translation costs and preparation of formal declaration

| One-off costs to prepare forms | Low estimate of time required | | High estimate of time required | |
|---|-------------------------------|-------------|--------------------------------|-------------|
| | FTE person days | Labour cost | FTE person days | Labour cost |
| EU level (European Commission) per language, incl. revision and approval cycles | 2 days | EUR 1 068 | 5 days | EUR 2 670 |
| EU level for all 24 EU languages | 48 days | EUR 12 816 | 120 days | EUR 64 080 |

8.5.5. Restrict de-registration practices of Member States to those elections in which there is a risk of multiple voting

The cost of **prohibiting deregistration of mobile EU citizens as a result of data exchanges relating to European Parliament elections** would depend on the structure of existing registers, as with the harmonisation of data discussed in Section 8.5.2. As in that case, it is not possible to assess what this would cost without a deeper mapping of the extent of the deregistration problem, and where it is found. The difficulties are similar to data harmonisation: in Member States where registers are centralised and linked, only one entry would need to be ‘flagged’ under the data exchange, and hence the risk of accidental deregistration should be significantly decreased. In Member States with decentralised or local lists of voters, the risk is substantially greater and the costs of preventing deregistration may therefore be significantly higher.

8.5.6. Ensure that mobile European citizens have the same possibilities to vote and stand for candidates as non-mobile citizens

Three measures are covered under this objective:

Recommendation to **voluntarily extend the right to vote in municipal elections to other intermediate levels of governance**, such as city regions;

Recommendation to **work towards less restricted access to executive positions at municipal elections**, supported by the exchange of best practices through the European cooperation network on elections; and

Ensuring the availability of remote voting solutions for mobile EU citizens where they exist for nationals of the Member State of residence.

In all three cases, only minor additional costs are incurred as a result of the measures. For the Recommendations, any costs incurred depend on whether or not Member States implement the measures in question. There are 11 Member States in which one or more political mandates (not always directly elected) are reserved for national citizens¹⁸³, and an additional two (Germany and Austria) where this is the case in only a few federal units. Potential costs would take the form of the preparation of legal changes and the time taken for the proposals to pass in the relevant (national or state-level) parliaments. A closer assessment of these costs is not possible with the data available, but would only be expected to be minor. Finally, the obligation to ensure that non-national citizens have access to the same remote voting solutions as mobile EU citizens would not require additional resources beyond enacting legal changes, as it merely entails an extension of access to already existing systems.

8.5.7. Improve the collection of data for elections to the European Parliament and municipal elections

Collaboration between DG JUST, Eurostat and national statistical institutes to collect, harmonise and publish turnout data is to some extent already ongoing, and the costs associated would very much depend on the extent to which this exchange were to intensify or increase in scope. A detailed assessment of these costs is difficult without a thorough mapping of the current statistical practices and needs of all Member States, and the requirements for harmonised data, but as in Section 8.5.3 and Table 2 on the increased activities of the ECNE network, an indicative range of costs – depending on the number of individuals involved from DG JUST, Eurostat and the national statistical institutes – can be estimated. This is shown in Table . As data has not been collected on the form and extent of the current level of collaboration, the following assumptions have been made to reach these estimates:

The low estimate of increased collaboration assumes one additional meeting every 6 months, for a total of two additional annual meetings; the high estimate assumes one additional meeting every quarter, for a total of four additional meetings;

Each meeting, including preparation and follow-up within the units after the meeting, is assumed to require 1 FTE day of work;

Each meeting is assumed to require two representatives from DG JUST (incl. one for technical support or facilitation), one from Eurostat, and one from each national statistical institute; and

Each meeting is assumed to have full attendance by these representatives.

The estimates do not include the cost of work done between meetings, as this would vary greatly between Member States and depend on the decisions taken within the scope of the collaboration.

On the basis of these assumptions, the annual cost per additional meeting is estimated at ca. EUR 9 500. Table shows the calculation for scenarios with two and four additional annual meetings, respectively.

Table 30 – Estimates of costs relating to DG JUST and Eurostat collaboration with Member State statistical institutes on collection, harmonisation and publication of turnout data

¹⁸³ **Error! Reference source not found.** in Section **Error! Reference source not found.** summarises the Member States concerned.

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| Annual costs | Low (2 additional annual meetings) | | High (4 additional annual meetings) | |
|---|------------------------------------|-------------|-------------------------------------|-------------|
| | FTE person days | Labour cost | FTE person days | Labour cost |
| DG JUST (two representatives, incl. technical support) | 4 days | EUR 2 136 | 8 days | EUR 4 272 |
| Eurostat (one representative) | 2 days | EUR 1 068 | 4 days | EUR 2 136 |
| Per Member State and statistical institute (one representative each) | 2 days | EUR 588 | 4 days | EUR 1 176 |
| All Member States (EU-27) | 54 days | EUR 15 876 | 108 days | EUR 31 752 |
| Total | 60 days | EUR 19 080 | 120 days | EUR 38 160 |

Table 31 – Summary of the costs of the preferred option at EU and national level

| Objective | Preferred option | MS Costs | EU-level costs |
|--|---|--|--|
| Further reduce the technical feasibility of multiple voting | Harmonisation of the data sets exchanged. | Depends on the interconnection between the country's electoral and population registers. The exact cost / burden is impossible to estimate as the technical feasibility and degree of adjustments needed are unknown at this stage. The cost could vary between low and high depending on the starting situation of the MS. | Minimal – This entails a continuation of the ongoing cooperation with DGIT. |
| | Optimisation of the technical tool for exchange of data. | N/A – Cost is borne at EU level | Minimal – Currently the crypto tool is assessed to have maintenance costs of EUR 30 000 around the EP election, which is minimal compared with the costs of e.g. the solution for the European Citizens' Initiative (around EUR 400 000). |
| | Increase awareness and understanding among mobile European citizens of the fact that multiple voting is prohibited and its consequences. | N/A – Cost is borne at EU level | The cost of targeted campaigns depends on the exact choice of media channels and the scope in terms of countries covered. The costs would cover the design of the campaign (external or internal resources) and its implementation. This would also depend on the evolution of social media policies related to political advertising by the time of the next EP elections. As example the 2019 campaign, 'This time I'm voting', was implemented as a decentralised stakeholder-driven campaign where the central costs to the EU were minor (below EUR 80 000 according to the Financial Transparency Register). However, the costs of a centralised campaign (as for 2014 EP elections) would be much higher. |
| Increase mobile EU citizens' awareness and understanding of procedures and practices for registration and participation in municipal elections and | Introduce a very specific requirement for MS to inform mobile European citizens in plain language and in an individualised manner prior to local municipal and EP European elections about their registration status, | The exact costs will depend on: <ul style="list-style-type: none"> – The baseline situation in the country (do they already practice mail-outs or equivalent or not) – The wording of the information requirements | N/A to minimal – The costs at EU level are primarily due to monitoring and reporting. |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | |
|--------------------------------------|---|--|---|
| elections to the European Parliament | registration procedure, voting modalities. | <p>The costs for individual Member States will be between minor to moderate and will cover these items:</p> <ul style="list-style-type: none"> – Developing and creating the information letters/ emails – Translations – Physical delivery of the information via updated personal letters or emails <p>Based on a set of assumptions, Table estimates that the cost for the EU27 Member States may be in the region of EUR 2.7 million.</p> | |
| | Require MS to provide information to mobile European citizens about their electoral rights upon registration for residency. | <p>For those MS (almost all) that require registration upon arrival there would be a one-off set-up cost (designing the procedure and materials, training staff) which would require minor investment. There is a very low 'run' or implementation cost as contact between the registration office and mobile EU citizen is already established. An initial estimate in Table puts the cost at around EUR 40 000 for the EU27.</p> <p>However, in rare cases where residence registration is not required (Ireland) compliance would be very costly unless another occasion is identified where the information can be shared instead.</p> | N/A to minimal – The costs at EU level are primarily for monitoring and reporting. |
| | At EU level – increase the prominence of information provided to mobile European citizens in communications about elections to the European Parliament. | N/A – Cost is borne at EU level. | The costs of a communication campaign will depend on the approach and media channels chosen. Adding more targeted information to the Digital Single Gateway will have minor cost as the interface and system to do so are already in place. |
| | Continue the exchange of good practices between Member States on the effectiveness of information measures, including holding | Continuation of the same or minor increase if the exchange were to intensify (mostly costs in terms of human resources for attending meetings and monitoring and reporting). | Continuation of the same costs or minor increase if cooperation and exchange of good practices were to be scaled up and intensified. |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | |
|---|---|--|---|
| | more frequent joint meetings of the European Cooperation Network on Elections and the expert group on electoral matters. | As presented in Table 2, costs per additional meeting are estimated to ca. EUR 9 000, assuming full attendance and including preparation before and debriefing after meetings at Member State level. | |
| Reduce administrative barriers faced by mobile Europeans when registering to vote and standing as candidates in municipal and European Parliament elections | Introduce a standardised format for the declaration available in all languages (Article 9 and 10 for European elections – Article 8 and 9(2) for municipal elections). | N/A – The format would replace existing equivalent documents used. The document will not become compulsory as such so no new procedures needed where the document is not being used. | Minor – Costs are incurred for developing the wording for a template, and for translation into EU languages. Based on the assumptions presented in Table 29, costs for preparation of documents, translation into the 24 EU languages and approval are estimated in the range of EUR 12 000 to EUR 64 000. |
| | Promote exchange of good practices between MS through peer-learning. | | |
| Restrict de-registration practices of Member States to those elections in which there is a risk of multiple voting | Prohibit deregistration of mobile European citizens from national elections as a result of exchange of data to prevent double voting in EP elections | This would require ensuring that any deregistration is only applicable to EP elections. This could be implemented through flags in the electoral roll or other technical solutions. The costs would very much depend on the baseline situation of the country. | N/A to minimal – The costs at EU level are primarily those of monitoring and reporting. |
| Ensure that mobile European citizens have the same possibilities to vote and stand for candidates as non-mobile citizens | Recommendation to voluntarily extend the right to vote in municipal elections to other intermediate levels of governance, such as city regions. | The costs are not significantly different to allowing and enabling participation in local elections. | N/A to minimal – The costs at EU level are primarily those of monitoring and reporting. |
| | Recommendation to work towards less restricted access to executive positions in municipal elections, supported by the exchange of best practices through the European cooperation network on elections. | None to minimal costs for MS – Opening up eligibility criteria does not entail any other costs beyond changing national legislation and informing staff in charge of registering candidates. | |

STUDY TO SUPPORT THE PREPARATION OF AN IMPACT ASSESSMENT ON A POTENTIAL EU POLICY INITIATIVE TO SUPPORT BROAD AND INCLUSIVE PARTICIPATION OF MOBILE EU CITIZENS IN EUROPEAN PARLIAMENT ELECTIONS AND IN MUNICIPAL ELECTIONS IN EUROPE

| | | | |
|---|--|---|--|
| | Ensure the availability of remote voting solutions for mobile EU citizens where they exist for nationals of Member State of residence. | None to minimal costs – This implies that the logistics for this option are already available in the country and should be extended to another group of residents. Extending an existing voting modality to a new target group should not entail any costs beyond those of changing the legislation and ensuring the process is known to staff in charge. | |
| Improve the collection of data for elections to the European Parliament and municipal elections | Work with the national statistical institutes to collect, harmonise and publish turnout data for municipal and European elections. | N/A to minor – This continues existing collaboration between national statistical institutes and EU bodies to improve data collection. If meetings were to increase, additional costs would accrue for attendance of meetings. Based on the estimates for additional ECNE meetings, Table presents an estimate of how costs may develop depending on how many additional meetings are held per year between Member State representatives, DG JUST and Eurostat. This leads to an estimate of ca. EUR 9 500 per additional annual meeting, including preparation before meetings and follow-up afterwards in Member States. | |

8.6. Comparative effect on Member States of preferred policy option

Member States will be differently affected by the preferred policy option depending on their baseline situation and what measures are already in place. In order to illustrate which Member States will be required to make the most changes or implement the most new measures **Table 32** summarises how their current situation compares with the requirements envisioned by the preferred policy option.

Table 32 – Indicative effort required to implement preferred policy option per Member State, based on what measures are already in place¹⁸⁴

| Member state | Indicative score of effort (Maximum = 5) | Affected by changes |
|--------------|--|---------------------|
| HR | 2 | High (> 1.5 p) |
| IT | 2 | |
| CY | 2 | |
| CZ | 1.75 | |
| IE | 1.5 | Medium (1-1.5 p) |
| BG | 1.5 | |
| PL | 1.5 | |
| DE | 1.5 | |
| FR | 1.5 | |
| EL | 1 | |
| ES | 1 | |
| LU | 1 | |
| RO | 1 | |
| MT | 1 | |
| NL | 1 | Low (< 1 p) |
| AT | 0.75 | |
| HU | 0.5 | |
| PT | 0.5 | |
| LV | 0.5 | |
| BE | 0.5 | |
| EE | 0.5 | |
| SI | 0.5 | |
| SK | 0 | |
| DK | 0 | |
| FI | 0 | |
| LT | 0 | |
| SE | 0 | |

Source: Country fact sheets, national legislation, questionnaires returned from Member States

¹⁸⁴ A full summary of which measures that are in place in the different Member States, and with further detail on the scoring, is presented in Error! Reference source not found..

This table takes into account the following dimensions:

1. Targeted mail-outs and direct information to EU citizens on their political rights;
2. If registration as a voter is possible without undue paperwork (e.g., notarised statement of voting rights, or additional paperwork from home authorities);
3. Whether mobile EU citizens are able to vote for all political positions;
4. Whether mobile EU citizens are able to stand for and hold all political positions;
5. Participation of the Member State in best practice exchanges such as through ECNE; and
6. Use of data exchange tools as defined and provided by the European Commission.

Measures are scored by 1 point each as standard – however, as they are not mandatory in the preferred option, measures 3 and 4 on the voting and candidacy rights of mobile EU citizens for all local political positions are scored 0.5 points.

The numerical score indicates how many of these measures are present in the Member State: if it is already in place, 1 point is subtracted from the total of 6. A higher score therefore indicates that the Member State would be more affected by the changes envisioned in the preferred policy option. If a measure is partly in place, or is subject to federal, regional or local variation, 0.5 points is given. The summarised score illustrates how significantly the preferred policy option will affect Member States, and how much comparative effort will be required to implement it.

The scores are categorised to indicate whether the effect on Member States is comparatively **high**, **medium**, or **low**. It should however be noted that the effort required by Member States overall is estimated to be low: from an indicative maximum score of 5, the highest scores found are only 2. Even those Member States that are comparatively 'high'-scoring are therefore expected to require relatively little effort to comply with these measures. The main measure affecting Member States is the requirement to individually inform mobile EU citizens of their rights: this is absent in 13 MS, and is subject to regional or local variation in an additional six.

Two indicators are furthermore present in all Member States due to their current operations: participation in exchanges of best practices through e.g. the ECNE network, and use of the European Commission's data exchange tools to prevent multiple voting. This indicates that measures towards increased knowledge exchange and the harmonisation of datasets is not expected to unduly burden Member States¹⁸⁵.

High: Croatia, Italy, Cyprus, Czech Republic.

A common denominator for these Member States is that they lack existing targeted communications for mobile EU citizens, in combination with at least one more measure. Most notably, Croatia requires notarised proof of voting rights, while in Italy more documentation may also be requested at registration. Italy, Cyprus and the Czech Republic also have some restrictions on the political positions which mobile EU citizens can vote and stand for.

¹⁸⁵ Variation may occur in the operation of Member States' data exchange systems, and whether the data they currently gather from mobile EU citizens is similar to that required by the harmonised dataset. However, in the cases where the data required is not collected, the broad use of the EU crypto-tool and existing data exchange protocols means that an expansion of data collection is not expected to be burdensome.

Medium: Ireland, Bulgaria, Poland, Germany, France, Greece, Spain, Luxembourg, Romania, Malta, the Netherlands.

Here too, the main common measure is a lack of targeted communication campaigns or information measures for prospective voters among mobile EU citizens. This is in place in Spain and the Netherlands, although with local or regional variation. Some restrictions exist on the positions that mobile EU citizens can vote or stand for, but only in limited cases.

Low: Austria, Hungary, Portugal, Latvia, Belgium, Estonia, Slovenia, Slovakia, Denmark, Finland, Lithuania, Sweden.

These Member States generally have all or almost all measures in place. Exceptions are regional variations in information measures in Austria, Hungary, Portugal and Latvia, and the reservation of some local political offices to nationals in Belgium, Estonia and Slovenia.

Annexes

The list of annexes is as follows:

Annex 1 - Analysis of citizen enquiries

Annex 2 - Indicative effort to implement preferred policy option per Member State

Annex 3 – Summary of Member States’ existing measures (Status Quo)

Annex 4 – Analysis of targeted survey of mobile European citizens

Annex 5 - Summary of EU-level interviews

Annex 6 – Summary of expert online community

Annex 7 – Analysis of the Open Public Consultation

Annex 8 – Third-country case studies

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