



DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



Constitutional Affairs

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Petitions

**The European Elections:
EU Legislation,
National Provisions and
Civic Participation**

STUDY



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POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
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THE EUROPEAN ELECTIONS:

EU LEGISLATION, NATIONAL PROVISIONS
AND CIVIC PARTICIPATION

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Abstract

This study describes both the European framework and national provisions on electoral procedures in the Member States of the European Union, including recent developments such as the creation of European Political Parties and the reform of the Electoral Act of 1976. For each country the most important legal provisions, the electoral system and some outcomes of past elections - such as participation of citizens from other Member States - are presented. The document also provides information sources for further study of national regulations.

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I. INTRODUCTION

"United in diversity" is the motto of the European Union. The European Parliament with its 785 Members coming from 27 different countries, elected by direct universal suffrage for a five-year term, is the quintessence of this motto: diversity of background and political priorities is balanced by unity of purpose to make the Union an effective political entity. The Members of the European Parliament (MEPs) represent 497 million citizens. According to Article 189 EC Treaty they are the representatives of "the peoples of the States brought together in the Community". However, Article 14(2) of the EU Treaty as amended by the Treaty of Lisbon provides that the Parliament represents "... the Union's citizens". Hence MEPs represent all EU citizens and not just the voters of their own Member State.

Diversity is also an appropriate term to describe the different ways MEPs are elected in each Member State. It has been called a polymorphic system, composed of national and EU-level provisions.¹ A fully uniform electoral procedure for European elections has not been accomplished yet and Article 190 (4) EC Treaty remains relevant for future efforts to do so:

"The European Parliament shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States. The Council shall, acting unanimously after obtaining the assent of the European Parliament, which shall act by a majority of its component Members, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements."²

At this moment, European elections are still largely governed by national legislation. Nonetheless, national regulations are complemented by the agreements of the EU Member States resulting in European legislation. The most important provisions since the introduction of direct elections have been the following:

- Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage;
- Provisions concerning citizenship of the Union, introduced by the Treaty on European Union on 1 November 1993;
- Council Directive 93/109/EC of 6 December 1993 (implementation of Article 19 EC Treaty, on the right to vote);
- Provisions concerning the organisation and competencies of the European Parliament in articles 189-201 of the EC Treaty, as amended by the Treaty of Amsterdam on 1 May 1999;
- Council Decision 2002/772 EC, Euratom of 25 June and 23 September 2002, amending the 1976 Electoral Act;
- Treaty of Lisbon (signed in Lisbon on 13 December 2007 by the Heads of State or Government of the 27 Member States and ratified in Parliament by 25 Member States as of January 2009).

The subsequent section II summarises the most important elements of national electoral provisions, whereas the remainder of the paper describes Member States' national legislation

¹ See Dieter Nohlen, *Wie wählt Europa? Das polymorphe Wahlsystem zum Europäischen Parlament*, Aus Politik und Zeitgeschichte B17/2004, pp. 29-37.

² The Lisbon Treaty brings no substantial change to this provision (see Art. 223(1) TFEU).

II. EUROPEAN ELECTIONS: THE FRAMEWORK PROVIDED BY THE EUROPEAN UNION

1. How to elect MEPs: uniform procedure or common principles ?

The Act of 20 September 1976³, concerning the election of the representatives of the European Parliament by direct universal suffrage, included the following essential provisions:

- Elections must be held on a date falling within the same period starting on a Thursday morning and ending on the following Sunday; the counting of votes may not begin until after the close of polling in all the Member States.
- Members of the European Parliament are elected for a term of 5 years.
- The European Parliament shall meet, without requiring to be convened, on the first Tuesday after an interval of one month from the date of the elections, and shall verify the credentials of representatives and rule on any disputes.
- The European Parliament shall draw up a proposal for a uniform electoral procedure to serve as a basis for deliberations by the Council with a view to the adoption of this proposal by the Member States.

The Act also lays down general rules governing incompatibility, which deal mainly with national ministerial offices and political or administrative duties within the EU institutions. In addition, the Member States may adopt their own rules on incompatibility at the national level. The Act stated that membership of the European Parliament was compatible with membership of a national parliament⁴. Finally, the Act provided for the distribution of seats among the nine states that were members of the European Community in 1976.

Following the adoption on 10 March 1992 of a draft act on a uniform electoral procedure for the election of its Members⁵ - which was not adopted by the Member States - the European Parliament reconsidered the matter (on the basis of two reports drawn up by MEP Karel De Gucht) and in March 1993 came out in favour of a uniform electoral procedure based on proportional representation with a 5% minimum threshold. Again, the proposal was not adopted by the Council.

Subsequently, the Treaty of Amsterdam modified the former Article 138 (3) of the EC Treaty (now Article 190 (4)). In addition to the aim of a uniform electoral procedure in all Member States, it also provided for elections by direct universal suffrage "in accordance with principles common to all Member States". This amendment was intended to remove the main obstacle to a European electoral procedure, namely the need for uniformity.

In view of this amendment and following a report tabled by MEP Georgios Anastassopoulos,

³ OJ L 278 of 8 October 1976

⁴ According to the stipulations of the electoral laws of Belgium, Greece and Spain, membership in the national Parliament, under certain conditions, was incompatible with membership of the European Parliament. Moreover, the EP adopted a resolution on 7 July 1988 in which the Member States are asked to change article 5 of the Act of 20 September 1976 and to rule on the dual mandate.

⁵ OJ C 87 of 5 April 1992, p. 62

the European Parliament adopted a draft act on an electoral procedure incorporating common principles for the election of its Members on 15 July 1998 (Doc. A4-0212/98⁶). After long and difficult debates between the Parliament and the Council this was followed up by a Council decision which amended the original 1976 Act.⁷ The Parliament gave its assent in May 2002 (based on a report tabled by former President José Maria Gil-Robles Gil-Delgado). The Council decision contains a number of important new provisions:

- Members of the European Parliament are to be elected on the basis of proportional representation, using either a list system or single transferable vote.
- Member States became free to establish constituencies or subdivide their electoral areas as they wished, provided this did not generally affect the proportional nature of the voting system.
- Member states were permitted to establish a minimum threshold for the allocation of seats, provided this did not exceed five per cent of votes cast.
- The office of Member of the European Parliament became incompatible with that of member of a national parliament.

The decision introduced a certain degree of uniformity into European electoral procedure in key areas. Nonetheless it was also clearly stated that outside the provisions of the Act, electoral procedure should be governed by Member States' national legislation, provided this does not affect the 'essentially proportional nature' of the voting system.

2. European Citizenship

Article 8 of the Treaty on European Union, signed in Maastricht on 7 February 1992, established a citizenship of the Union, which applies to every person holding the nationality of a Member State. Under Article 19(1) EC Treaty

'every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements to be adopted before 31 December 1993 by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State'.

For the first time, the concept of European citizenship became a practical reality: citizens of the Union acquired a fundamental right, the right to vote and to stand as a candidate wherever they resided in the Union. Article 39 of the Charter of Fundamental Rights of the European Union has further codified this right. The right to vote will also appear in the EU Treaty if the Lisbon Treaty is ratified (Articles 20(2)b and 22(1) TFEU).

⁶ OJ C 210 of 6 July 1998, p. 7

⁷ Council Decision 2002/772 EC, Euratom of 25 June and 23 September 2002, amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom (OJ L 283 of 21 October 2002).

This is of major significance both in terms of the principles involved - extending voting rights to non-nationals, which, for most Member States, was a major novelty - and in practice, as about 3 million EU citizens were able to exercise their new rights for the first time in the European elections in June 1994.

The relevant implementing arrangements were adopted by the Council on 6 December 1993 in a directive 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 (Directive 93/109/EC⁸). It is important to note that, in the spirit of subsidiarity and proportionality, the Council opted for a directive and has confined the contents to what is strictly necessary to achieve the set objective. Thus the provisions of the directive do not affect the Member States' legislation concerning the right to vote and stand as a candidate for their nationals who are resident outside the electoral territory. The directive is concerned primarily with repealing any nationality requirements still in force in the various Member States and with harmonizing the electoral rules to a certain extent.

All Member States of the Union have amended their legislation on the right to vote and stand for election to comply with this directive. The differences between the electoral systems in the Member States and the concern to avoid excessive formalities have resulted in a system that, while flexible, contains sufficient safeguards against abuses. The Council directive therefore establishes the following arrangements for the exercise of the right to vote:

- Community citizens must have their names entered on the electoral roll in their country of residence (similar arrangements to those applying to national voters, but they are also required to produce a formal declaration stating their nationality, address and intention to exercise their right to vote in the Member State of residence).
- Any Community citizen who has been deprived of his right to vote in his home Member State is precluded from exercising that right in his Member State of residence.
- A Community national submitting an application to stand as a candidate must produce the same supporting documents as a candidate who is a national. He is also required to produce a formal declaration stating, inter alia, that he is not standing as a candidate for election in any other Member State.
- The Member State of residence is required to inform the person concerned of the action taken on his application (to vote or stand as a candidate). In the event of rejection, the person concerned should be entitled to legal remedies under the national law of the Member State of residence.
- The Member States are required to inform EU voters and EU nationals entitled to stand as candidates of the conditions and detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections.
- Member States are to exchange the information required to ensure that no one votes more than once or stands as a candidate in more than one Member State.

The directive also allows derogations where specific problems in any Member State so warrant. However, it stipulates that such derogations do not apply to the principle of the right to vote and to stand as a candidate in the country of residence but only to the arrangements for doing so; the relevant provisions are derogations and not transitional arrangements and will be

⁸ OJ L 329 of 30 December 1993.

maintained as long as the specific problems persist.

The Council of Ministers has, for example, granted Luxembourg a series of derogations owing to the exceptionally high proportion of EU nationals resident in Luxembourg (over 20%). These derogations entail a minimum residence requirement (five years, recently reduced to two years) for the right to vote, a similar restriction (ten year residence requirement) to stand as a candidate and a clause restricting the proportion of non-Luxembourg nationals on any list of candidates (they may not constitute a majority on any list).

3. European political parties: towards a European political debate

Political parties at the European level have evolved with the European Parliament itself, from the 'Common Assembly' of the European Coal and Steel Community and the 'European Parliamentary Assembly' of the Treaty of Rome to the European Parliament as we know it today. Yet the first legal mention of political parties at the European level came only in 1992 (Treaty on European Union). Here, Article 138a stated that,

political parties at European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the Union⁹

The recognition of the importance of political parties signified that the European Union was no longer a project built solely on consensus. The implicit message was that policy outcomes had come to have both winners and losers, and that political parties were best placed to provide a voice for citizens' views on the direction policy should take. Furthermore, in doing so, it was hoped this could provide citizens with a greater stake and involvement in the European integration process and in EP elections.

Currently seven European political parties are represented in the Parliament. These represent a broad political spectrum, from Left to Right and pro-European federalists to Euro-sceptic nationalists. There is also considerable variation of political views within the groups themselves. The largest group, the European Peoples Party, for example, contains the largely eurosceptic British Conservative MEPs, as well as the pro-European German Christian Democrats. There are also a number of unattached members in the Parliament.

In 2003, a Council regulation (amended in 2007)¹⁰ established laws governing political parties at the European level, together with rules on their funding. For an organisation to be considered a political party at European level, four conditions must be met:

1. It must have legal personality in the Member State in which its seat is located.

⁹ Treaty on European Union, OJ C 191 of 29 July 1992

¹⁰ Regulation (EC) 2004/2003 on the Regulations Governing Political Parties at European Level and the Rules Regarding their Funding (OJ L297 of 15 November 2003) and Regulation (EC) 1524/2007 amending Regulation (EC) 2004/2003 (OJ L343 of 27 December 2007).

2. It must be represented in at least one quarter of Member States, by Members of the European Parliament or in the national Parliaments or regional Parliaments or in the regional assemblies, OR, have received at least three per cent of the votes cast in one quarter of Member States at the most recent European elections.
3. It must observe, in its activities, the principles on which the European Union is founded, namely liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.
4. It must have participated in elections to the European Parliament, or have expressed the intention to do so.

In addition to these rules, the regulation also permits European level political parties to apply for funding from the general budget of the European Union on a yearly basis. EU funding for European political parties should not exceed eighty-five per cent of the total budget of the party.

The 2007 amendment also enabled European level political foundations to apply for EU funding through the European political party with which they are affiliated. Such foundations are defined as:

...an entity or network of entities which has legal personality in a Member State, is affiliated with a political party at European level, and which through its activities, within the aims and fundamental values pursued by the European Union, underpins and complements the objectives of the political party at European level...¹¹

More practically, such foundations, whether think tanks, youth forums or educational organisations, should contribute to the debate on European public policy issues and on the process of European integration. Taken in broader context, the funding of European level political foundations can be viewed as further recognition of the importance of engaging the European citizenry more actively in European issues.

4. A growing European Union, a growing Parliament

With a European Union growing from 9 Member States in 1979 to 27 Member States in 2009 the number of MEPs had to grow, too, if a minimum degree of democratic representation was to be respected. The most dramatic transformation took place after the fall of the socialist regimes in Central and (South)Eastern Europe at the end of the 1980s. Hence, in view of German unification and the imminent enlargement of the European Union towards Central and Eastern Europe the European Parliament elaborated a proposal how these historical changes should be reflected in the allocation of seats, on the basis of an interim report tabled by MEP Karel De Gucht in November 1992.¹² De Gucht proposed that Germany's number of seats should rise to 99, leaving France, Italy and the UK with 87 each and raising the total number of MEPs to 567 for the twelve Member States. The European Council of Edinburgh

¹¹ op.cit., p. 4.

¹² Doc. A3-186/92; OJ C 115 of 26 April 1993. De Gucht also proposed 68 seats for the five countries which had applied for accession (Austria, Finland, Sweden, Cyprus and Malta).

(11/12 December 1992) adopted this proposal and fixed the number of seats as follows (previous numbers in brackets)¹³:

Belgium	25 (24)
Denmark	16 (16)
Germany	99 (81)
Greece	25 (24)
Spain	64 (60)
France	87 (81)
Ireland	15 (15)
Italy	87 (81)
Luxembourg	6 (6)
Netherlands	31 (25)
Portugal	25 (24)
United Kingdom	87 (81)

When, in 1995, three new Member States acceded to the European Union, the accession treaty, still in the line of Parliament's proposal mentioned above, fixed the following number of seats for them:

Austria	21
Finland	16
Sweden	22

Thus the total number of members of the European Parliament became 626.

Also in view of the future enlargement of the European Union, the Treaty of Amsterdam, signed on 2 October 1997, set a ceiling of 700 EP seats (Article 189 (2) EC Treaty). Pursuant to Article 2 of the Act of 20 September 1976, as modified by Article 5.1 of the Treaty of Amsterdam, every new distribution of seats has to ensure appropriate representation of the peoples of the States brought together in the Community. But after the accession of 10 new Member States on 1 May 2004 the number of seats rose to 732, after the Amsterdam ceiling had been modified in the accession treaties. Since the accession of Romania and Bulgaria on 1 January 2007 the European Parliament comprises 785 MEPs (see the Protocol on the enlargement of the European Union and Declaration Nr 20, both annexed to the Treaty of Nice). However, the Treaty of Nice and the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the treaties on which the European Union is founded would provide for a reduction to 736 seats after the 2009 elections.¹⁴ The table below reproduces the allocation of seats under the Treaty of Nice (up to the 2009 elections) and the Treaty of Lisbon.

¹³ Council Decision of 1 February 1993 concerning the election of the representatives of the European Parliament by direct universal suffrage (OJ L 33 of 9 February 1993).

¹⁴ Article 9, paragraph 2 of the Act concerning the conditions of accession of Bulgaria and Romania and the adjustments to the Treaties on which the Union is founded (OJ L157 of 21 June 2005, p. 206).

	Allocation of seats for the EU27		
	End of 6 th term (2004-09)	Accession Act 2005	Treaty of Lisbon, EurCouncil 12/07 and 12/08
Germany	99	99	99
United Kingdom	78	72	73
France	78	72	74
Italy	78	72	73
Spain	54	50	54
Poland	54	50	51
Romania	35	33	33
Netherlands	27	25	26
Greece	24	22	22
Czech Republic	24	22	22
Belgium	24	22	22
Hungary	24	22	22
Portugal	24	22	22
Sweden	19	18	20
Bulgaria	18	17	18
Austria	18	17	19
Slovakia	14	13	13
Denmark	14	13	13
Finland	14	13	13
Ireland	13	12	12
Lithuania	13	12	12
Latvia	9	8	9
Slovenia	7	7	8
Estonia	6	6	6
Cyprus	6	6	6
Luxembourg	6	6	6
Malta	5	5	6
Total	785	736	754

Under the condition of the Treaty of Lisbon coming into force the seats in the European Parliament would be distributed on a degressively proportional basis. The Treaty would raise the minimum threshold of seats in the European Parliament to six seats per Member State. The maximum number of seats each Member State could have would be 96. The text stipulates that the European Council should adopt a decision on the composition of the European Parliament for the 2009-2014 term by unanimity, on the initiative of the European Parliament. The Parliament proposed a solution along the lines of the principle of degressive proportionality on 12 October 2007.¹⁵ At its meeting of 14 December 2007 the European Council accepted this proposal with the exception of attributing one more member to Italy, raising the total to 751.

At its meeting of 11/12 December 2008 the European Council decided to raise the total number of MEPs to 754 once the Treaty of Lisbon enters into force, thus avoiding a reduction of the number of German MEPs from 99 to 96. This new scheme should be applied in the course of 2010, which means that the new Parliament will be elected on the basis of the Treaty of Nice, with a total number of seats of 736. Although the entry into force of the Lisbon Treaty is yet

¹⁵ Resolution of 11 October 2007 (P6_TA(2007)0429)

uncertain the future number of MEPs for each country is given as specified there, given that the Nice provisions should only be temporary. They are, however, included in the above table.

According to the latest official population figures¹⁶ the principle of degressive proportionality (the bigger the Member State, the higher the number of citizens per MEP) is still broken in four cases (Germany, Italy, Hungary and Latvia). Based on working documents drawn up by MEP Andrew Duff the Committee on Constitutional Affairs has been reflecting on a proposal for a second revision of the Electoral Act, which may possibly include a proposal on how the proportionality of the allocation of seats could be automatically updated in the future, according to demographic criteria. It is planned to be submitted to the plenary of the newly elected Parliament in 2010.

¹⁶ OJ L337 of 16 December 2008, p. 92/93

III. OVERVIEW OF ELECTORAL SYSTEMS AND PROVISIONS

1. Distribution of seats

Of the 25 Member States using proportional representation, 15 have adopted varieties of the D'Hondt system for counting votes and allocating seats (Austria, Belgium, Denmark, Romania, Spain, Finland, France, the Netherlands (Hare/D'Hondt), the UK, Estonia, Poland, Slovenia, the Czech Republic, Hungary and Portugal. Germany allocates at the national level using the divisor method with standard truncation Sainte-Laguë/Schepers, Luxembourg uses a variant of the D'Hondt system, the 'Hagenbach-Bischoff' system (similar to Droop/D'Hondt). In Italy seats are allocated using the method of whole quotients and highest remainders, in Ireland and in Malta by the system of the single transferable vote (STV-Droop¹⁷). In Greece the system of pure proportional representation known as 'Enishimeni Analogiki' is applied. In Sweden, as in Latvia, the modified St. Lagüe method (odd-numbers method in which the highest common factor is 1.4) applies. In Slovakia and Cyprus a system based on the Droop method and the highest remainder, in Lithuania the Hare system combined with the highest remainder are used.¹⁸

2. Preferential voting

In nine Member States (Germany, Spain, France, Greece, Portugal, the United Kingdom, Estonia, Poland and Hungary) the voters cannot alter the order in which candidates appear on a list (closed list). In fourteen Member States such as Austria, Belgium, Denmark, Finland, Italy, Luxembourg, the Netherlands, Sweden, Lithuania, Latvia, Slovakia, Slovenia, Czech Republic and Cyprus, casting preferential votes may change the order of names on the list (semi-open list). In three countries (Ireland, Luxembourg and Malta) and in one region (Northern Ireland) the lists are open. In Luxembourg voters may cross-vote, i.e. they can vote for candidates from different lists and they have got as many votes as there are mandates to allocate. In Malta, Ireland and Northern Ireland the electors vote for individual candidates, i.e. every voter lists the candidates in order of preference (single transferable vote). In Sweden voters may also add or delete names from the list.

3. Vacant seats

In most of the Member States (e.g. Austria, Denmark, Finland, France, Italy, Luxembourg, the Netherlands and Portugal) vacant seats are allocated to the first non-elected candidate on the relevant list (in some cases after permutations based on the number of votes received by the various candidates). In Belgium, Ireland, Germany and Sweden vacant seats are filled by

¹⁷ In an STV election the quota is the minimum number of votes a candidate must receive in order to be elected. Any votes a candidate receives above the quota are transferred to another candidate.

¹⁸ A technical description of the mathematical methods of seat apportionment mentioned here is provided in: Dieter Nohlen, *Electoral Systems and Voting Procedures at Local Level*, Council of Europe Publishing, Strasbourg 1999.

substitutes; in Spain and Germany, in the absence of substitutes, seats are filled according to the order on the list. In Greece vacant seats are allocated to substitutes on the same list; if there are insufficient candidates on the list, by-elections are held. In the UK, vacancies are no longer filled by means of by-elections: the next candidate on the relevant party list will take a vacant position. In some Member States (e.g., Austria) Members have the right to return to the Parliament once the reason for their departure has run out.

4. Electoral system

Following the EU Council decision of May 2002, all members of the European Parliament must be elected on the basis of proportional representation, using the List-PR system or the Single Transferable Vote (STV). In practice 25 Member States use the List-PR system, while Malta and the Republic of Ireland use the Single Transferable Vote.¹⁹

The threshold for gaining representation in the different Member States also varies. The 2002 decision allows for individual countries to determine the threshold but sets the ceiling for any formal threshold at 5 %. In France (depending on the constituency), Germany, Lithuania, Poland, Slovakia, the Czech Republic, Romania and Hungary lists obtaining fewer than 5% nationally, in Austria, Italy, Slovenia and Sweden fewer than 4%, in Greece fewer than 3% and Cyprus fewer than 1,8% of the votes do not qualify for the allocation of seats.

5. Franchise

The minimum voting age in all Member States is 18, except in Austria (16).

Every citizen of the Union residing in a Member State of which he is not a national now has the right to vote in the elections to the European Parliament on the same conditions as the nationals of that State. However, the concept of residence varies considerably from one Member State to another and may require a person to have his domicile or usual residence in the electoral territory (Finland, France, Romania, Poland, Estonia and Slovenia), or to be ordinarily resident there (Denmark, Greece, Ireland, Luxembourg, the United Kingdom, Cyprus, Slovakia and Sweden) or to be entered on the population register (Belgium, the Czech Republic). To be eligible to vote in Luxembourg, Cyprus and in the Czech Republic, EU citizens must also satisfy a minimum period of residence.

As regards the right to vote extended to citizens living abroad, the United Kingdom restricts this right to government officials and members of the armed forces and to citizens who have been resident abroad for less than fifteen years, provided the latter have made a declaration to the relevant authorities.

¹⁹ For more details on voting methods see The International IDEA Handbook of Electoral System Design, available at http://www.idea.int/publications/esd/upload/ESD_overview_inlay_LowRes.pdf. See also Douglas J. Amy, Behind the Ballot Box: A Citizen's Guide to Voting Systems; Praeger Publishers, Westport 2000.

Belgium, Denmark, Greece, Italy and Portugal grant the right to vote only to those of their citizens living abroad who are resident in an EU Member State. Austria, the Netherlands, Spain, Finland, France and Sweden allow all their citizens resident abroad to vote. Germany grants the right to vote to soldiers and officials and to citizens living abroad who are resident in another EU Member State, in another Member State of the Council of Europe or in any country of the world provided that they did not leave Germany more than 25 years ago. In Bulgaria, Ireland and Slovakia the right to vote is restricted to citizens of the European Union domiciled in the country.

6. Candidature

The minimum age to stand for election is non-uniform in the Member States - it varies between 18 and 25 years. The age requirement is 18 years in Austria, Denmark, Spain, Finland, the Netherlands, Germany, Sweden, Hungary, Luxembourg, Portugal, Malta and Slovenia; 21 years in Belgium, Estonia, Ireland, the United Kingdom, Latvia, Lithuania, Poland, Slovakia, Bulgaria and the Czech Republic, 23 years in France and Romania and 25 years in Greece, Italy and Cyprus.

To be eligible to stand for election in Denmark, Germany, Sweden, Belgium, Ireland, Luxembourg, Romania, the Czech Republic, Slovenia, Slovakia and France it is necessary to satisfy the residence requirements laid down in the electoral law of the Member State concerned. All Member States require candidates to be a national of one of the Member States of the European Union. In Luxembourg, EU nationals' right to stand as a candidate in the European elections is subject to a two-year residence requirement and no list may be composed of a majority of non-Luxembourg candidates.

Three MEPs have been elected in other Member States in 2004 (1999: 4).

7. Nomination of candidates

In seven Member States the submission of nominations is restricted to political parties and political organizations (Czech Republic, Denmark, Greece, Estonia, the Netherlands, Germany and Sweden).

In Greece, the Netherlands, Latvia, Slovakia and the United Kingdom a deposit is also required.

Elsewhere the only stipulation is that nominations should be endorsed by a specific number of signatures of voters. In Ireland and Italy candidates can nominate themselves if they are endorsed by the required number of signatures. In Portugal and Sweden candidates need not collect a certain number of signatures. However, nominations must be submitted to the central electoral authority.

8. Constituencies

In most of the Member States the whole country forms a single constituency.

Four Member States (Belgium, France, Ireland and the United Kingdom) have divided their national territory into a number of regional constituencies.

Constituencies of merely administrative interest or distributive relevance within the party lists exist in Belgium (4), Germany (16, only for the CDU/CSU), Italy (5), Poland (13) and in the Netherlands (19).

9. Polling days

The next elections to the European Parliament will be held 4-7 June 2009 in the 27 Member States of the European Union. According to national traditions, voting days vary: the election will take place on Thursday 4 June 2009 in the Netherlands and the United Kingdom; on Friday 5 June 2009 in the Czech Republic and in Ireland; on Saturday 6 June 2009 in the Czech Republic, Italy, Cyprus, Latvia, Slovakia and Malta; and on Sunday 7 June 2009 in the other Member States, including Italy.

The 2009 election will be the first time that Bulgaria and Romania participate in European Parliament elections at the same time as the other Member States. Bulgaria and Romania elected their members of the European Parliament for the first time in 2007. Bulgaria elected 18 MEPs on 20 May 2007 and Romania held the EP elections on 25 November 2007, electing 35 MEPs.

10. Validation of election results

In Denmark, Luxembourg and Germany, the national Parliament rules on the validity of the election. In Slovenia the National Assembly confirms the election of MEPs.

In Belgium, Austria, Finland, Ireland, Italy, Slovenia, Czech Republic, Estonia and the United Kingdom, the courts rule on this matter and this is also the case in Germany if the parliamentary ruling is challenged. In France, the Council of State is competent for disputes concerning the elections, but the Minister of the Interior also has the same right if (s)he feels that the legally stipulated forms and conditions have not been respected. In Spain, the Junta Electoral Central rules on validity, and in the Netherlands, Portugal and Sweden this is done by a special validation board.

IV. INFORMATION BY MEMBER STATE

The provisions governing electoral procedures are - in most Member States - very detailed. The Austrian Law on Elections to the European Parliament, for instance, has 91 Articles. Many provisions are of an administrative (e.g., the enumeration of personal data to be given when registering to vote or standing for election) or mathematical character (such as the allocation of seats). Often they regulate only exceptional cases (e.g., some incompatibility criteria). Other seemingly technical selection criteria, such as duration of residence, can of course be eminently political. The following sections strive to limit technical details to a reasonable degree and to underline politically salient points.

Readers interested in more intensive research on the topics covered here can make use of the websites provided at the end of each section. Furthermore, a link list at the end of the document provides direct access to some original legislation.²⁰

1. Belgium ♦ Belgique / België / Belgien

Belgium, as one of the founding Member States, has had six direct elections to the EP.

(a) Legislation

The elections to the European Parliament are governed by the European Parliament Elections Act of 23 March 1989 as amended by the law of 16 July 1993 on the federal structure of the State, the law of 11 April 1994 implementing Council Directive 93/109/EC (Moniteur belge, 16.4.1994), the law of 18 December 1998 (Moniteur belge, 31.12.1998), the law of 4 May 1999 (Moniteur belge, 28.11.1999), the law of 26 June 2000 (Moniteur belge, 14.07.2000), the law of 27 December 2000 (Moniteur belge, 24.01.2001), the law of 17 June 2002 (Moniteur belge, 28.08.2002), the law of 19 February 2003 (Moniteur belge, 21.03.2003), the law of 11 March 2003 (Moniteur belge, 17.07.2003), and the law of 21 April 2007 (Moniteur belge, 26.04.2007).

(b) Distribution of seats

- Under current legislation the elections to the European Parliament are based on the following four constituencies:
 - the Flemish electoral constituency comprising the administrative districts belonging to the Flemish region with the exception of Hal-Vilvorde;
 - the Walloon electoral constituency comprising the administrative districts belonging to the Walloon region with the exception of municipalities in the German-speaking region;
 - the Brussels-Hal-Vilvorde electoral constituency comprising the administrative districts of Brussels-Capital and Hal-Vilvorde;
 - the German-speaking electoral constituency comprising the municipalities of the German-speaking region.

²⁰ There is also a useful web page where many of the legal bases mentioned in this chapter can be found in English: <http://www.legislationline.org/>.

- There are three electoral colleges: French, Dutch and German-speaking persons entered on the electoral roll of the Brussels-Hal-Vilvorde electoral constituency may opt for either the French-speaking electoral college or the Dutch-speaking electoral college.
- Number of seats: In the elections on 13 June 2004 Belgium had 24 seats in the EP: 14 were elected by the Dutch-speaking electoral college (Flanders + the voters of the Brussels region who vote for Dutch-speaking lists), 9 by the French-speaking electoral college (Wallonia + the voters of the Brussels region who vote for French-speaking lists) and 1 by the German-speaking electoral college. After the European Parliament elections in 2009 Belgium will have 22 seats²¹.
- On average, each Belgian MEP corresponds to approximately 445.000 citizens.
- As can be seen from the following figures the percentage of women elected to the EP, who now hold 8 of the 24 seats, has been increasing with each election period:

	1979	1984	1989	1994	1999	2004
MEPs	24	24	24	25	25	24
Women	2	5	6	8	8	8
%	8,3	20,8	25,0	32,0	32,0	33,0

(c) Electoral system

- Belgium uses the preferential voting system.
- Each voter has one vote that (s)he can give either to a list and/or to a specific candidate on the list.
- Vote-splitting is not permitted. Seats are allocated by proportional representation using the D'Hondt system.

(d) Franchise

- In addition to Belgian nationals aged 18 or over, the following are entitled to vote in elections to the European Parliament and may exercise their right to vote for candidates standing on Belgian lists:
 - Belgian nationals who are resident in another Member State of the European Community;
 - Belgian nationals residing in any other country outside the EU who are aged 18, in full possession of their voting rights and who apply to vote by post for Belgian lists;
 - nationals of other EU Member States who are aged 18 or over, who are entered on the population register of a Belgian municipality and who have not been deprived of the right to vote in their home Member State, provided they register themselves as voters.
- Voting is compulsory for all voters registered on electoral rolls and failure to do so carries a penalty. Due to this fact the turnout for the elections of the European Parliament has been one of the highest amongst the Member States:

	turnout
1979	91,6%
1984	92,2%
1989	90,7%

²¹ under the Treaty of Lisbon

1994	90,7%
1999	91,05%
2004	90,81%

- In the 2004(1999) elections 11,5%(7,7%) of the total number of 515.715(494.326) voters from other Member States of the EU who are potentially allowed to vote in Belgium registered to vote.
- Both voting by proxy and postal voting are allowed. Postal voting is restricted to Belgians resident in another Member State of the European Union. Voting in consulates is possible in cases where a specific request was sent to the authorities.

(e) Candidature

- In order to stand as a candidate it is now necessary:
 - to be entered on the Belgian electoral roll,
 - to be over the age of 21 on the day of the election,
 - to be French-speaking if standing for the French-speaking Electoral College, German-speaking if standing for the German-speaking Electoral College and Dutch-speaking if standing for the Dutch-speaking electoral college.
- In the 2004 (1999) European elections 8 (14) citizens from other Member States resident in Belgium registered as candidates. None (two) of them were elected.

(f) Polling days

- The last voting took place on Sunday, 13 June 2004 between 8 am and 1 pm, although computerized voting was possible between 8 am and 3 pm. In the event of simultaneous elections there is a provision to extend the hours of voting. The next elections will take place on Sunday 7 June 2009.
- Counting of the votes: the time when the counting of the votes will begin will be fixed by the King, taking into account the closure hours of the polling-stations in the other Member States. The proclamation of the results will consequently depend on the moment when the counting of the votes begins.

(g) Nomination of candidates

- Lists of candidates must be endorsed by at least five Belgian Members of Parliament belonging to the relevant linguistic group or by the signatures of at least 5.000 voters registered on the relevant electoral roll (for the Walloon, Flemish or Brussels-Hal-Vilvorde constituencies), or by 200 voters registered in the German-speaking constituency.
- Nominations must be submitted on the 58th or 57th day preceding the elections.

(h) Distribution of seats

- Seats are allocated according to the criteria of proportional representation on the basis of the number of votes cast for individual lists and candidates.
- Substitute candidates from the same list fill in vacant seats.
- There is no threshold clause.

(i) Incompatibilities

Apart from the incompatibilities laid down in the Act of 20 September 1976 and in the EC directive of 6 December 1993, membership of the European Parliament is incompatible with

membership of the federal government, membership of community and regional assemblies or executives and with membership of a permanent representative body (*membre d'une députation permanente*). Membership of the European Parliament is also incompatible with the office of mayor, alderman or chairman of the OCMW / CPAS (social aid centre) of a municipality with more than 50.000 inhabitants.

(j) Regulations concerning the election campaign

- There are no special rules for the European elections.
- Campaign financing has been limited and controlled by the law of 14 May 1994 as amended by those of 25 June 1998, 26 June 2000, 11 March 2003, and 25 April 2004, notably the expenditure made in the three months preceding the elections. Total expenses and also financial engagements may not exceed 1 million € per party.
- The aforementioned law restricts access to the media. The radio and TV stations themselves determine broadcasting time via the national media, although the length of time awarded to a party depends on its importance.
- The official campaign starts 40 days before the election.
- No restrictions on opinion polls.

(k) Validation of election results

The Chamber of Representatives rules on the validity of elections with regard to those elected and their substitutes and on any objections lodged pursuant to the electoral law.

(l) Useful websites

<http://www.fed-parl.be/>

(Federal Parliament)

<http://www.senate.be/>

(Senate)

<http://www.verkiezingen.fgov.be/>

(elections website of the Federal Department of Internal Affairs)

2. Bulgaria ♦ България / Bǎlgarija

Since January 1, 2007 Bulgaria has been a Member State of the European Union. As a full member of the Union, Bulgaria appointed 18 Members of the European Parliament in anticipation of the direct European Parliament elections. Voters elected their representatives to the European Parliament for the first time on 20 May 2007.

(a) Legislation

On 5 March 2007 the bill on European Parliament elections was signed (State Gazette No. 20/06.03.2007).

(b) Distribution of seats

- Currently Bulgaria has 18 MEPs in the European Parliament that were elected by general suffrage. In the parliamentary term 2009-2014 Bulgaria will have 18 seats²².
- Number and percentage of women elected to the European Parliament in 2007: 5 (27,8%).

²² under the Treaty of Lisbon

- The country, including voting stations outside Bulgaria, is a single multi-member constituency.
- On average, each Bulgarian MEP corresponds to approximately 425.000 citizens.

(c) Electoral system

- Bulgaria is using proportional representation.
- Preferential votes cast for separate candidates shall be taken into consideration where the number of votes obtained by a candidate at least amounts to 15% of the valid votes cast for the respective candidate list. In this case the candidate that gets preferential vote moves up the list to replace the candidate sitting in the last elected position in the original list order.
- Seats are allocated according to the Hare-Niemeyer method.

(d) Franchise

- According to the current European Parliament election bill, Bulgarian nationals who have not been living in an EU member state for at least 60 days in the three months prior to the elections are banned from voting, unless they are in Bulgaria on the day elections are scheduled to take place. Compulsory voting was ruled out by the Parliament.
- The first European Parliament elections held in May 2007 were marked by a weak turnout of only 28,6%.

(e) Candidature

- A person standing for European Parliament elections must be at least 21 years old.
- Registration of candidate lists shall occur not later than the 35th day prior to election day.
- A deposit for parties (BGN 15,000), coalitions (BGN 20,000), initiative committees (BGN 10,000) is required. The deposit shall be returned to the parties and coalitions that have obtained no less than 2 percent of the valid votes, as well as to the initiative committees whose candidates have obtained no less than 1 percent of the valid votes.
- Candidates have to declare that they do not hold the nationality of a state outside the EU and have resided permanently in the Republic of Bulgaria or in another EU Member-State at least for the last two years

(f) Polling days

The second European Parliament elections will take place on Sunday, 7 June 2009.

(g) Incompatibilities

The status of a Member of the European Parliament shall be incompatible with that of being (a member of):

- the Government of a Member-State;
- the Commission of the European Communities;
- the Board of Directors of the European Central Bank;
- the Court of Auditors of the European Communities;
- the Economic and Social Committee of the European Economic Community and the European Atomic Energy Community;
- committees and other bodies constituted by virtue of the Treaties establishing the European

- Economic Community and the European Atomic Energy Community with a view to managing funds of the Communities or to performing permanent administrative tasks;
- the Board of Directors or of the Management Committee or an official of the European Investment Bank;
 - Ombudsman of the European Communities;
 - a Judge, Advocate-General, or Registrar of the Court of Justice of the European Communities or of the Court of First Instance;
 - a representative or servant of the institutions of the European Communities or of other specialized units attached to them or of the European Central Bank.
 - another office or activity that by virtue of the law is incompatible with the status of a Member of Parliament.

(h) Regulations concerning the election campaign

- The election campaign shall be funded with resources of the parties, the coalitions and the initiative committees, as well as with donations from individuals and legal entities. Donations may not exceed the amount of BGN 10,000, when coming from individuals, and the amount of BGN 30,000, when coming from a legal entity. The sum total of funding for the election campaign per candidate list may not exceed BGN 2,000,000.
- The election campaign shall begin 30 days and shall end 24 hours prior to election day.
- National Television and the National Radio provide parties and coalitions with television and radio airtime for at least three debates of a total duration of at least 180 minutes. At least half of the time shall be given to parties and coalitions represented in Parliament who have registered candidates. The remainder is for parties and coalitions outside Parliament and initiative committees, based on an agreement between the media and the parties, coalitions and initiative committees concerned.
- Printed media and private radio and television stations provide equal conditions and prices for paid publications and broadcasts to all political parties, coalitions of political parties and initiative committees registered to take part in the elections. Tariffs for such services shall be announced not any later than the 40th day prior to election day.
- No election campaigning shall be allowed 24 hours before and on election day. Results of opinion polls concerning the elections may not be announced before the end of election day.

(i) Validation of election results

- The Central Election Commission shall announce the votes obtained and the distribution of seats among parties and coalitions not any later than three days after election day; the names of elected Members of the European Parliament are provided not any later than 5 days after election day.

(j) Useful websites

- <http://www.parliament.bg/> (National Assembly)
- <http://www.mfa.bg/> (Ministry of Foreign Affairs)

3. Czech Republic ♦ Česká republika

The Czech Republic joined the EU on 1 May 2004. The first EP elections were held on 11 and 12

June 2004.

(a) Legislation

Law No. 62/2003 Coll. on European Parliament elections governs the elections of MEPs in the Czech Republic. This law fully implements the Act concerning the elections of MEPs (1976/787/ECSC, EEC, Euratom) as amended in 2002.

(b) Electoral system and distribution of seats

- After the 2004 elections the Czech Republic had 24 seats. After the 2009 elections it will have 22 seats.²³
- The electoral system for the European election is based on proportional representation. Seats are allocated by using the d'Hondt system. This system is also applied to the election of the Chamber of Deputies since 2000.
- The whole territory of the Czech Republic is one constituency; political parties present only national candidate lists. The threshold required to win a seat is 5%. Preferential voting is possible; each voter has two preferential votes. For shifting to the first position of the list, a candidate has to obtain at least 5% of votes delivered for his/her political party.
- On average, each Czech MEP corresponds to approximately 432.000 inhabitants.
- Number and percentage of women elected to the European Parliament: 5 (20,8%).

(c) Franchise

- Any EU citizen aged 18 or over on the second polling day at the latest, with full voting rights in their Member State of origin, is entitled to vote. Citizens other than Czech Republic citizens must be registered as resident for at least 45 days.
- Voting from abroad by correspondence or in advance is not possible.
- The participation rate in the Czech Republic was 28,32 % in the 2004 European Parliament elections.

(d) Candidature

- Any EU citizen aged 21, mainly resident in the Czech Republic, with full eligibility rights in their Member State of origin, may stand for election. Other EU citizens may stand for election if they have been registered as resident for at least 45 days.
- In the 2004 European elections 5 citizens from other Member States resident in the Czech Republic registered as candidates. One of them was elected.

(e) Polling days

- The last elections took place on Friday 11 June 2004, from 2 pm to 10 pm, and Saturday 12 June 2004, from 8 am to 2 pm. The next elections will take place on 5 and 6 June 2009.
- The count begins when the last polling station in the EU is closed.

(f) Nomination of candidates

- The deadline for registration is 66 days before the election date.
- Only political parties or political movements registered according to the Law on Political Parties or their coalitions may nominate candidates for elections. The contribution to election expenses is 15.000 Czech Crowns (about 600 Euros) for each party, political

²³ under the Treaty of Lisbon

movement or coalition.

(g) Incompatibilities

In addition to what is specified in the 1976 Elections Act, as amended by Council decision 2002/772/EC, Euratom, a mandate as a Member of European Parliament is incompatible with the position of member of the Czech government, President of the State, Ombudsman, judge or public prosecutor.

(h) Regulations concerning the election campaign

- Certain election expenses are refunded for parties gaining at least 1% of the total valid votes cast. They receive CZK 30 per vote (about €1).
- The election campaign starts 16 days before the election date. Campaign posters may be displayed.
- Political parties, movements and coalitions may be presented on the *Český rozhlas* radio channel and the *Česká televize* television channel for a total of 14 hours, starting 16 days before polling day and ending 48 hours before. Broadcasting time is shared fairly between parties, political movements and coalitions. During the election period canvassing by political parties, movements and coalitions is prohibited.
- Publication of opinion polls by any legal entity, on any radio or television channel, is prohibited for the period starting three days before the polling day, and ending on the day of publication of the results.

(i) Validation of election results

Complaints may be lodged to the Supreme Administrative Court.

(j) Useful Websites

- | | |
|---|----------------------------|
| http://www.volby.cz/ | (Czech statistical office) |
| http://www.psp.cz/ | (Chamber of Deputies) |
| http://www.senat.cz/ | (Senate) |

4. Denmark ♦ Danmark

Denmark has been a member of the Community since 1973. The 2004 election was the sixth direct election to the European Parliament. Denmark is currently represented by 14 MEPs. It will be represented by 13 MEPs after the 2009 elections²⁴.

(a) Legislation

The election is governed by the Consolidated Act on Election of Danish Representatives for the European Parliament, Lb.no. 264 of 18 April 2001.

²⁴ under the Treaty of Lisbon

(b) Distribution of seats

- Denmark forms one single constituency from which all 14 MEPs are elected. However, the Faroe Islands and Greenland do not form part of the constituency. The seat that was allocated to Greenland under previous legislation (Lb.no.619 of 14/12 1977) reverted to Denmark following Greenland's withdrawal from the EU in 1985.
- On average, each Danish MEP represents approximately 391.000 citizens.
- The number and percentage of women elected to the European Parliament during the 1979-2004 period:

	1979	1984	1989	1994	1999	2004
MEPs	16	16	16	16	16	14
Women	5	6	6	7	6	5
%	31.2	37.5	37.5	43.8	37,5	35,7

(c) Electoral system

- Denmark employs a system of proportional representation.
- Each voter has one vote that can be given either to a list as a whole or to a candidate chosen from the list. During the counting of the votes, all votes cast for candidates and lists in the individual electoral districts are added together. The candidates with the most votes on the individual lists are elected.
- Seats are allocated to the individual lists using the D'Hondt system.

(d) Franchise

- Any person who has the right to vote in elections to the Danish Parliament (Folketinget) has the right to vote in elections to the European Parliament. In addition, anyone who is a Danish citizen, is 18 years old and has permanent residency in one of the other EU Member States has the right to take part in the European Parliament elections, unless she/he has been placed, with legal effect in Denmark, under the care of legal guardians.
- Citizens of other Member States who are 18 years old or over and permanently resident in Denmark are also entitled to take part in the elections to the European Parliament, unless she/he has been placed, with legal effect in Denmark, under the care of legal guardians.
- However, no person who is entitled to vote can do so without being registered on the electoral roll.
- Voting is not compulsory.
- Votes by correspondence are accepted in addition to casting a regular vote. The ballots can be cast throughout the last 3 months before the Election Day. In the Faroe Islands, Greenland, in foreign countries and on Danish ships travelling outside of Danish waters and on Danish off-shore installation plants outside Danish waters, postal votes can be cast during the 3 months which precede the Election Day, without the restriction that applies to Denmark. The Minister of Home Affairs may issue rules that citizens of other Member States of the EU are only allowed to cast their vote in specified diplomatic or consular representations.
- The participation rate in European Elections:

	turnout
1979	47,8%
1984	52,4%
1989	46,2%
1994	52,9%
1999	50,5%
2004	47,9%

- In the 2004 elections 26,7% of the total number of 58.148 voters from other Member States of the EU who are potentially allowed to vote in Denmark registered to vote.

(e) Candidature

- Any person who has the right to vote in the elections to the European Parliament and who, at least four weeks before Election Day, fulfills the criterion for the right to vote, with the exception of the age criteria, may stand for elections.
- No one can run for election without giving her/his consent to be a candidate.

(f) Polling days

The last elections to the European Parliament took place on Sunday, 13 June 2004. The next will take place on Sunday, 7 June 2009.

(g) Nomination of candidates

- Parties represented in the *Folketing* are entitled to submit lists of candidates. Lists submitted by parties not represented in the *Folketing* must be supported by at least 2% of valid votes cast in the last election.
- A list may contain a maximum of 20 candidates and the political parties have the right to decide the order in which names appear on their list (party list). Moreover, lists may be linked.

(h) Distribution of seats

- Seats are allocated according to the number of votes that individual candidates or lists obtain. The next candidate on the same list fills in the vacant seat.
- There is no threshold clause.

(i) Incompatibilities

- The Community level incompatibilities are listed in the 1976 European Electoral Act, as amended in 2002, and in Council Directive 93/109. The Consolidated Act of Election of Danish Representatives to the European Parliament (Lb. 264/2001) incorporates these incompatibilities.
- In addition, Danish law states that a person who has been punished for an action, which according to common sense makes her/him undeserving of being an MEP, cannot be elected. The same applies for persons who, in a civil or criminal procedure in their country of origin, have lost their eligibility.

(j) Regulations concerning the election campaign

- Rules regarding election campaigning are laid down by the Government Order on Campaigning No.645 of October 12, 1989, as amended by Government Order no. 828 of 12

December 1998.

- There is no official campaign starting date.
- Campaign expenses are not subsidised by the state.

(k) Validation of election results

The Danish Parliament carries out validation of the results in elections to the European Parliament.

(l) Useful websites

<http://www.folketinget.dk/> (Parliament)

5. Germany ♦ Deutschland

Germany was a founding member of the EC in 1957. It has thus seen six direct elections to the EP. Germany currently has 99 seats in the European Parliament and this number will be maintained both under the interim provisions of the 2005 accession treaty and the Lisbon Treaty²⁵.

(a) Legislation

- The European electoral law in its version as published on 8 March 1994 (BGBl. I S. 423, 555, 852) and last amended on 15 August 2003 (BGBl. I S. 1655).
- The European electoral regulation in its version as published on 2 May 1994 (BGBl. I S. 957) and last amended on 12 December 2003 (BGBl. I S 2551).

(b) Distribution of seats

- The current 99 Members are elected from either Land or Federal lists.
- On average, each German MEP corresponds to approximately 830.000 citizens.
- Number and percentage of women elected to the EP over the period 1979-2004:

	1979	1984	1989	1994	1999	2004
MEPs	81	81	81	99	99	99
Women	12	16	29	35	37	31
%	14,8	19,7	35,8	35,4	37,4	31,3

(c) Electoral system

- System of proportional representation by means of “closed” lists. Parties or other political associations submit either a federal list (SPD, Greens, PDS, FDP) or lists at the level of the *Länder* (CDU and CSU).
- Votes are counted at the federal level. Where a party submits *Land* lists the total number of seats won by that party is divided among them using the divisor method with standard

²⁵ as amended by the European Council in December 2008.

truncation (Sainte-Laguë/Schepers).

- The threshold required to win a seat is 5% at the national level.

(d) Franchise

- Any German citizen (cf. Art. 116 Section 1 Basic Law) aged 18 or over and who is a resident of Germany, of any EU Member State, of any Member State of the Council of Europe, or of any other country provided they have been resident in this country for less than 25 years, and who are on a German electoral roll, is entitled to vote.
- EU citizens aged 18 or over and in full possession of their voting rights in their Member State of origin are entitled to vote.
- Voting is not compulsory.
- The holder of a polling card may vote in person or by post.
- Voting by proxy or at an embassy is not allowed.
- Statistics of the turnout of past elections:

	turnout
1979	65,7%
1984	56,8%
1989	62,4%
1994	60,0%
1999	45,2%
2004	43,0%

- In the 2004 elections 6,1% of the total number of 2.156.388 voters from other Member States of the EU who are potentially allowed to vote in Germany registered to vote.

(e) Candidature

- Anyone, who on polling day has been considered German, as written down in Art. 116 Section 1 Basic Law, for at least one year and who is aged 18 or over is entitled to stand for election. The candidate has to be in full possession of his/her right to stand as a candidate.
- EU citizens who on polling day are residents of Germany or usually reside in Germany and who are aged 18 or over, are entitled to stand for election. The candidate has to be in full possession of his/her right to stand as a candidate in his/her Member State of origin.
- In the 2004 (1999) European elections 16 (16) citizens from other Member States resident in Germany registered as candidates. One (none) of them were elected.

(f) Polling days

- Elections always take place on a Sunday; the last one took place on Sunday, 13 June 2004, the next will take place on Sunday, 7 June 2009.
- Other elections on the same day²⁶: municipal elections in Baden-Württemberg, Mecklenburg-West Pomerania, Rhineland-Palatinate, Saarland, Saxony, Saxony-Anhalt and Thuringia.
- The counting starts at around 18.00 and the final results are not published until 22.00 on the same day.

²⁶ subject to possible modifications, e.g. due to court decisions (as in North-Rhine Westphalia)

(g) Nomination of candidates

- Federal lists may be registered with the federal returning officer no later than 68 days before the elections and for lists at the level of the 16 Länder, no later than 66 days before the elections. The latter have to be submitted to the returning officer at Länder level.
- Political parties and political associations organised on the basis of affiliation and based on European Union territory may submit lists with candidates' names.
- Parties with less than five representatives in the German Bundestag or in the Parliament of a "Land" must submit 4000 signatures alongside their official registration. For lists at the level of a Land it is just 2000 signatures. Lists for single federal states of parties and other political associations that have not been represented continuously in the European Parliament, the *Bundestag* or one of the state parliaments (*Landtage*) on the basis of own candidate proposals with at least five delegates also have to be signed personally and by hand by one of each thousand of eligible voters, but not more than 2000 voters, of the respective federal state. Collective lists for all federal states by those eligible to register proposals in terms of paragraph 1 also have to be signed personally and by hand by 4000 eligible voters.
- No deposit is required.

(h) Distribution of seats

- A party/political association must attract at least 5% of the national vote to qualify for any seats.
- The seats are allocated at the national level using the divisor method with standard truncation Sainte-Laguë/Schepers.

(i) Incompatibilities

Those laid down in the 1976 Act on the Elections to the European Parliament, as amended in 2002.

(j) Regulations concerning the election campaign

- Any party and/or political association that obtained at least 0.5 % of the valid votes cast is entitled to public funding, which is granted in view of the number of votes obtained, the membership fees and the donations received. It is € 0,85 for the first four million valid votes cast for their list, and € 0,70 for any votes exceeding this number.
- There is no official starting date for the campaign. However, public relations activities of governmental institutions before elections are subject to constitutional limits following the principle of equal opportunities for parties and political associations. In this context the Federal Constitutional Court has defined a period before the election characterised by an "order of strict restraint" and the "ban of any public relations work in the form of so called work reports, efficiency reports and success reports financed by budget resources". The moment the Federal President announces the election date may act as an orientation for the start of this period in which "there is no room anymore" for said reports (BVerfGE, 44, 125, 2 BvE 1/76, decision of 9 September 1976, IV.3.a). When applied to European elections, this decision would suggest a similar approach starting from the publication of the election date by the Council.
- As laid down in the TV and Radio regulations (*Rundfunkstaatsverträge*) and in the electoral law, state broadcasters must ensure access for all political parties/associations admitted

- to the elections.
- Opinion polls are permitted until polling day.

(k) Validation of election results

The election results are validated by the *Bundestag*. Its decision can be contested in the *Bundesverfassungsgericht* (Federal Constitutional Court).

(l) Useful websites

<http://www.bundestag.de/> (Parliament)

6. Estonia ♦ Eesti

Estonia joined the EU on 1 May 2004. It's only election was held in June 2004.

(a) Legislation

The European Parliament Election Act was passed on 18 December 2002, came into force on 23 January 2003 and was amended on 18 December 2003, 21 January 2004, 9 March 2004, 14 April 2004, 22 September 2004, 29 September 2004, 9 June 2005, 7 June 2006 and 16 November 2006.

(b) Distribution of seats

- Estonia has 6 seats in the European Parliament and it will keep this number of seats also for the parliamentary term 2009-2014²⁷. The country forms one single constituency.
- Each Estonian MEP represents approximately 223.000 citizens.
- Number and percentage of women elected to the European Parliament in 2004: 3 (50%).

(c) Electoral system

- Proportional representation.
- The parties put forward lists of candidates. Each voter has one vote that can be cast either in favour of a candidate list (closed party lists) or an independent candidate.
- No preferential voting.
- The seats are allocated according to the D'Hondt system.

(d) Franchise

- An Estonian citizen who has reached the age of 18 by election day has the right to vote. Voting is not compulsory.
- A citizen of another Member State has the right to vote, provided that he/she has reached the age of 18 by election day and his permanent residence is in Estonia (the address details of his residence have been entered in the Estonian population register), and he/she has not been deprived of the right to vote in his Member State of origin.
- The right to vote is removed when the elector has been divested of active legal capacity by a court or has been convicted by a court and is serving a sentence in a custodial institution.

²⁷ under the Treaty of Lisbon

- Estonian residents that live abroad are entitled to vote either by post or at the Estonian representation. Voting is also held on Estonian ships located in international waters or waters of a foreign state.
- Advance voting is held from the 6th to 4th day before Election Day.
- The participation rate in Estonia was 26,83% in the last European election 2004.
- In the 2004 elections 12,2% of the total number of 5.054 voters from other Member States of the EU who are potentially allowed to vote in Estonia registered to vote.

(e) Candidature

- The right to be elected includes every Estonian and European Union citizen with the right to vote and who is at least 21 years old.
- Regular Members of the Defence Forces have no right to stand as candidates in elections to the European Parliament.
- A person who has been divested of legal capacity or who has been convicted of a crime by a court and is serving a sentence in a penal institution shall not stand as a candidate to the European Parliament.

(f) Polling day

- The election day was on Sunday, 13 June 2004.
- The count began on 13 June 2004 at 7 pm.
- The next election will take place on Sunday, 7 June 2009.

(g) Nomination of candidates

- Presentation of candidates for registration ends at 6 pm on the forty-fifth day before the election day.
- Any eligible person may stand as an independent candidate. Registered political parties may present candidates' lists that can include up to 12 candidates.
- A member of a political party may not stand as a candidate in the candidates' list of another political party.
- The candidate's written consent to stand for election is required. A citizen of another Member State must also produce an attestation from the competent administrative authorities of his/her home Member State certifying that he/she has not been deprived of the right to stand as a candidate in that Member State or that no such disqualification is known to those authorities.
- A deposit to the Account of the National Electoral Committee is required for each candidate. The amount of the deposit is five times the minimum monthly wage established by the government. Based on the current minimum monthly wage the deposit would amount to 21,750 Estonian Kroons (about 1390 Euros).

(h) Distribution of seats

- Seats are allocated according to the order of candidates on the candidate list. There is no threshold clause.
- The next candidate on the list fills vacant seats.

(i) Incompatibilities

- In addition to the incompatibilities specified in the Act concerning the election of the

representatives of the European Parliament by direct universal suffrage, the following shall not be Members of the European Parliament:

- President of the Republic;
- members of the Government of the Republic;
- persons serving in offices appointed by the *Riigikogu* (Parliament), the President of the Republic, the Government of the Republic, the Prime Minister or the head of a government agency or another state agency, except the chairman of a board if the appointment is made by the *Riigikogu* pursuant to the law;
- the Chairman of the Board of the Bank of Estonia;
- regular members of the Defence Forces;
- a rural municipality or city major;
- members of a rural municipality or city council;
- members of the Commission of the European Communities;
- judges, Advocates-General and the Registrar of the European Court of Justice and the Court of First Instance of the European Communities;
- other officials or servants of the institutions of the European Communities or of the specialised bodies attached to them or of the European Central Bank.

(j) Regulations concerning the election campaign

- Active campaigning is prohibited on election day. Campaigning is prohibited in polling places as well as rooms through which voters enter the polling places.
- No official date for the beginning of the election campaign is specified. The period of active election campaigning usually starts on the day when the presentation of candidates for registration ends, i.e. on the forty-fifth day before election day. Active election campaigning on election day is prohibited.
- There is no fixed ceiling for campaign expenses. The election campaigns of political parties are financed from their private resources. Campaign funds derive from membership fees, donations, estate, economic activities of a political party, loans and other sources. Anonymous donations are not permitted. There is no fixed reimbursement for campaign expenses. However, the political parties represented in the *Riigikogu* receive yearly allocations from the state budget. The amount is proportional to the number of seats received in the *Riigikogu* elections. A political party and an independent candidate shall, within one month after election day, submit a report to the National Electoral Committee concerning expenses incurred and sources of funds used for the conduct of the election campaign.
- The Broadcasting Council establishes the rules of procedure for election campaigns conducted on Estonian Radio and Estonian Television. The Broadcasting Act also states the requirement for political balance as being one of the founding principles of broadcasting activities.
- There are no restrictions on publishing opinion polls.

(k) Validation of election results

- The National Election Committee declares the results no later than on the twentieth day after Election day.
- Any decision or act of an election committee can be contested. The county election committee reviews the acts of the polling decision committee which, on their side are reviewed by the National Election Committee. The National Court reviews the acts and decisions of the National Election Committee.

(I) Useful websites

<http://www.vvk.ee/> (National Election Committee)
<http://www.riigikogu.ee> (Parliament)

7. Greece ♦ Ελληνική Δημοκρατία

The 2004 elections were the 6th electoral mandate of Greek MEPs in the EP. 24 MEPs are elected to the European Parliament, in 2009 there will be 22 seats for Greece²⁸.

(a) Legislation

The Electoral Law No. 1180/81 of 20 July 1981 and Law No. 1427/84, on the exercise of the electoral rights of Greek nationals living in the EU, have been supplemented and amended by the law of 22 March 1994 establishing the arrangements for the election of the Greek representatives to the European Parliament (Greek official journal No 2196).

(b) Distribution of seats

- The whole of Greece constitutes one electoral area.
- On average each Greek MEP corresponds to approximately 467.000 citizens.
- Proportionally, Greece has one of the lowest representation of women amongst the Member States:

	1984	1989	1994	1999	2004
MEPs	24	24	25	25	24
Women	2	0	4	4	5
%	8,3	0	16	16	20,8

(c) Electoral system

- Proportional representation on a national basis.
- Votes are cast for a single list and vote-splitting or preferential voting are prohibited. The seats are distributed in accordance with the order of the candidates on the lists.

(d) Franchise

- Greek citizens and nationals of other EU Member States aged 18 years or over may vote in elections to the European Parliament and exercise their right to vote for candidates on the Greek national lists.
- Greek citizens resident in a municipality other than the one where they were born are allowed to vote in the place of residence if they have submitted a request to do so to the mayor of the municipality where they are resident at least 2 months before the elections.
- Greek citizens resident in another EU Member State may vote at the Greek consulate.
- Greek citizens resident outside the EC are unable to vote unless they return to Greece or go to vote at an embassy or a consulate in an EC country.

²⁸ under the Treaty of Lisbon

- Voting is compulsory for all voters entered on the electoral roll. Due to this fact the turnout for the elections to the EP has been consistent and rather high:

	turnout
1981	81,5%
1984	80,6%
1989	80,0%
1994	73,2%
1999	70,2%
2004	63,3%

- In the 2004(1994) elections 3,9%(1,55%) of the total number of 64.672(approx. 40.000) voters from other Member States of the EU, who are potentially allowed to vote in Greece, registered to vote.

(e) Candidature

- Greek citizens and citizens of other Member States of the European Union who are at least 25 years old are eligible to stand as a candidate in the European Parliament elections.
- In the 1994/1999/2004 EP elections, one/5/4 citizens of another Member State registered as a candidate, but none was successful.

(f) Polling days

- The last election took place on Sunday, 13 June 2004 between 7 am and 7 pm.
- Counting of the votes began on 13 June 2004 at 10 pm. On Monday, 14 June 2004 the counting of the votes was completed and the results were announced at 5 pm.
- The next European Parliament elections will take place on Sunday, 7 June 2009.

(g) Nomination of candidates

- Political parties or party coalitions may submit lists of candidates. Each list can include a maximum of 24 candidates.
- A deposit of 2934,70 EUR is required when submitting a list. This amount will be reimbursed if the list obtains 3% of the votes.
- The lists must be deposited 17 days before the elections, at the very latest. Fourteen days before the elections, the Appeal Court proclaims the names of the candidates and informs the Minister of Home Affairs.

(h) Distribution of seats

- Seats are allocated according to the order of candidates on the list.
- Substitute candidates from the same list fill out the vacant seats. If the number of candidates presented on the list is exhausted, replacement elections are held.
- No quorum clause exists.

(i) Incompatibilities

- The incompatibilities contained in the European Election Act of September 1976, as amended in 2002, and the Council directive of 6 December 1993 apply.
- University professors cannot stand as candidates.

(j) Regulations concerning the election campaign

- The election campaign starts 30 days before the election day.
- Campaign financing is limited to a certain amount by the Government.
- The Supreme Court determines the broadcasting time for all the legal parties. Opinion polls should not be published by the media 15 days before the elections.

(k) Validation of election results

The election results can be contested in the Constitutional Court.

(l) Useful websites

<http://www.parliament.gr/> (Parliament)

8. Spain ♦ España

Spain joined the EC in 1986. The first direct election to the European Parliament took place on 10 June 1987.

(a) Legislation

- Organic Law No. 5/1985 of 19 June 1985 on the General Electoral System, last amended by Organic Laws No. 3/2007 of 22 March 2007 (BOE No 71 of 23 March 2007) and No. 9/2007 of 8 October 2007 (BOE No 242 of 9 October 2007).
- Royal Decree No. 605/1999 of 16 April, supplementing the rules on electoral procedures, as amended by Royal Decree No. 1382/2002 of 20 December.
- Royal Decree No. 562/1993 on the special procedure for the administration of electoral expenses, as amended by Royal Decree No. 332/1999 of 26 February.
- Royal decree No. 1621/2007 of 7 December, regulating a voting procedure for Spanish citizens who are temporarily resident abroad.

(b) Distribution of seats

- Spain has 54 seats. After the 2009 elections it will keep the same number of seats²⁹.
- For the European Parliament elections, Spain forms a single national constituency.
- On average each Spanish MEP corresponds to approximately 839.000 citizens.
- The number and percentage of women elected to the EP over the period 1984-2004:

	1984	1989	1994	1999	2004
MEPs	60	60	64	64	54
Women	6	11	21	22	17
%	10	18,3	32,8	34,4	31,5

²⁹ under the Treaty of Lisbon

(c) Electoral system

Proportional representation at national level, using the D'Hondt system, in accordance with the law on general electoral procedure.

(d) Franchise

- Any EU citizen aged 18 or over and fully entitled to vote in his/her country of origin.
- Spanish nationals residing abroad are entitled to vote by post.
- Proxy voting is not permitted.
- Statistics about the turnout of past elections:

	turnout
1987	68,9%
1989	54,8%
1994	59,1%
1999	63,1%
2004	45,1%

- In the 2004 elections 18,5% of the total number of 700.906 voters from other Member States of the EU, who are potentially allowed to vote in Spain, registered to vote.

(e) Candidature

- Any EU citizen aged 18 years or over and fully entitled to stand for election in his or her country of origin.
- In the 2004 (1999) European elections 10 (1) citizens from other Member States resident in Spain registered as candidates. None of them were elected.

(f) Polling day

Voting takes place on a Sunday. The 2004 elections took place on Sunday, 13 June 2004 and in 2009 they will take place on Sunday, 7 June.

(g) Nomination of candidates

- The organic law states that candidates must register their candidacy between 15 and 20 days after publication of the decree calling for the election.
- No deposit is required.
- Rules: parties, coalitions, federations and groups of voters who have obtained the signatures of 15.000 voters or 50 elected representatives (including members of local councils) may submit ordered lists of candidates.

(h) Distribution of seats

- Seats are allocated in the order in which the candidates appear on the lists. For elections to the European Parliament candidates who do not obtain 3% of the vote are not excluded.
- If a Member dies, is incapacitated or resigns, the next candidate on the list takes the seat or, where applicable, the relevant substitute.

(i) Incompatibilities

As specified in the 1976 Act, as amended in 2002. The Organic Law also provides a long list of

national offices that are incompatible with an MEP mandate, e.g.:

- members of the Spanish Royal Family as well as their spouses;
- the Presidents of the Constitutional Court, of the Supreme Court, of the Council of State, of the Court of Auditors and of the Council referred to in Section 131.2 of the Constitution;
- judges of the Constitutional Court, members of the General Judiciary Council (Consejo General del Poder Judicial), Standing Councillors of State and members of the Court of Auditors;
- the Ombudsman (Defensor del Pueblo) and his/her assistants;
- the Attorney-General (Fiscal General del Estado)
- undersecretaries, Secretaries-General, Directors-General of Ministries and similar departments; in particular, the Directors of departments in the Office of the President of the Government and Directors of the Offices of Ministers and Secretaries of State;
- accredited Heads of diplomatic missions with official residence in a foreign State or at the seat of an international organisation;
- higher court judges, ordinary judges and public prosecutors in active service;
- professional and reserve military officers as well as members in general of the armed forces and security and police corps in active service;
- chairmen, members and secretaries of Electoral Commissions;
- Government delegates in Autonomous Communities, provincial sub-delegates and deputy-sub-delegates and similar authorities with a different area of jurisdiction;
- the Director-General of the Radio and Television Authority (RTVE) and the directors of companies belonging to said Authority;
- Presidents, Directors and similar officers of autonomous state organisations with responsibility over the whole national territory, as well as the respective Government's Delegates;
- Presidents and Directors-General of Social Security Managing Boards with responsibility for the whole national territory;
- the Director of the Electoral Register Office;
- Member of the legislative assembly of one of the autonomous communities (Andalusia, Aragon, Asturias, Balearic Islands, Cantabria, Catalonia, Canaries, Castile-La Mancha, Castile and León, Estrémadura, Galicia, La Rioja, Madrid, Navarra, Basque country, Valencia, Murcia) or one of the autonomous cities (Ceuta and Melilla).

(j) Regulations concerning the election campaign

- The State covers all expenses involved in electoral activities up to a maximum of €18.030,36 per seat obtained in the EP and € 0,60 per vote obtained.
- For the elections to the European Parliament, the ceiling for electoral expenses is obtained by multiplying €0,12 by the number of inhabitants legally resident in the electoral areas required to issue ballot papers.
- The campaign officially opens 38 days after the election is called. Its duration is 15 days.
- The Campaign closes at the latest at midnight on the day before the elections.
- Access to the media: political parties represented in the European Parliament and the national Parliament will be allocated broadcasting time on television and radio in proportion to the number of votes obtained by them in previous elections.
- No polls are allowed in the 5 days preceding the elections.

(k) Validation of election results

- By the Central Electoral Board, after initial validation by the Regional Electoral Boards within 20 days of the elections.

- The Supreme Court has sole jurisdiction where the results are contested.

(I) Useful websites

<http://www.congreso.es/> (Parliament)

9. France

France was a founding member of the Community in 1957. The French representatives to the European Parliament were elected by direct universal suffrage for the first time in 1979.

(a) Legislation

- Law No 77-729 of 7 July 1977, as amended by Law No. 2003-327 of 11 April 2003.
- Decree No 79-160 of 28 February 1979, as amended by decree No. 2004-30 of 9 January 2004, on the election of regional councillors and MEPs and on the funding of political parties.

(b) Distribution of seats

- In the 2004 elections, France had the right to elect 78 MEPs. Under the Treaty of Lisbon it will have 74 seats for the 2009-2014 term.
- Number and percentage of women elected to the EP over the period of 1979-2004:

	1979	1984	1989	1994	1999	2004
MEPs	81	81	81	87	87	78
Women	18	17	17	26	38	33
%	22,2	20,9	20,9	29,9	43,6	42,3

On average, each French MEP corresponds to 817.000 citizens.

(c) Electoral system

Regional list system (8 electoral regions). Proportional representation, with no cross-voting or preference voting.

(d) Franchise

- All EU citizens aged 18 or over having their main address in France or being resident in France on a continuous basis, and in full possession of their voting rights in their Member State of origin.
- Voting is not compulsory.
- French Overseas Territories: although these territories are associated with the EU rather than being an integral part of it, their inhabitants may vote by virtue of the French legal principle of the indivisibility of the Republic.
- Participation rate in France in past European elections:

	turnout
1979	60.7%
1984	56.7%
1989	48.7%
1994	52.7%
1999	46,8%
2004	42,76%

- In the 2004 elections 13,1% of the total number of 1.102.517 voters from other Member States of the EU, who are potentially allowed to vote in France, registered to vote.

(e) Candidature

- Any EU citizen aged 23 or over who has his main address in France or is resident in France on a continuous basis, and is in full possession of his right to stand as a candidate in his Member State of origin may stand for election.
- In the 2004 (1999) European elections 8 (8) citizens from other Member States resident in France registered as candidates. Each time one of them was elected.

(f) Polling day

- The 2004 European elections took place on Sunday, 13 June 2004 between 8 am and 10 pm. The next European elections will take place on Sunday, 7 June 2009.
- No polls may be distributed, published or commented on polling day or the day before.
- As laid down in the Council decision 2002/772 of 25 June and 23 September 2002 the results of the count shall not be published until after the close of polling stations in the Member State whose electors are the last to vote.

(g) Nomination of candidates

- Lists of candidates are to be lodged with the Interior Ministry. They must have twice as many candidates as there are seats to be filled, in each constituency.
- In order to implement equality rules, lists must consist of an equal number of candidates per gender (Law of 6 June 2000).

(h) Distribution of seats

- The new electoral regime, resulting from Act no. 2003-327 of 11 April 2003, entered into force in the June 2004 elections on the basis of one seat for approximately 820.000 inhabitants. In order to bring elected representatives and their voters closer, it has provided eight regional constituencies in place of the single constituency formed by the national territory hitherto.
- Allocation of seats and number of representatives in the European Parliament:

NORTH-WEST	12	Lower Normandy	2
		Upper Normandy	2
		Nord-Pas-de-Calais	5
		Picardy	3
WEST	10	Brittany	4
		Loire Region	4

EAST	10	Poitou-Charentes	2
		Alsace	2
		Burgundy	2
		Champagne-Ardenne	2
		Franche-Comté	1
SOUTH-WEST	10	Lorraine	3
		Aquitaine	4
		Languedoc-Roussillon	3
SOUTH-EAST	13	Midi-Pyrénées	3
		Corsica	1
		Provence-Alpes-Côte d'Azur	5
LOIRE, MASSIF CENTRAL	6	Rhône-Alpes	7
		Auvergne	2
		Centre	3
ILE-DE-FRANCE	14	Limousin	1
		Ile-de-France	14
		OVERSEAS TERRITORIES	3
		Indian Ocean Section (Réunion, Mayotte)	1
		Pacific Section (New Caledonia, French Polynesia, Wallis-et-Futuma)	1

NB: The number of candidates per electoral region must be double the number of seats to be filled in that electoral region.

- The rule of the highest average applies. Lists obtaining less than 5% of total votes cast in the electoral region do not qualify for seats.

(i) Incompatibilities

Law No 77-729 of 7 July 1977 as amended by Law No 2003-327 of 11 April 2003, provides for the following incompatibilities:

- member of the Monetary Policy Council of the Banque de France;
- magistrate or Judge in a commercial Court;
- member of the Economic and Social Council;
- member of the *Conseil d'État*;
- regional councillor, councillor in the Corsican Assembly, general councillor, Paris councillor, municipal councillor in a local authority with 3500 or more inhabitants.

(j) Reimbursement of campaign costs

- Lists of candidates having obtained at least 3% of total votes are entitled to have reimbursed the cost of paper, printing of ballots, posters, circulars and bill posting expenditure.
- Electoral expenditure other than that relating to propaganda incurred by lists obtaining at least 3% of total votes cast is reimbursed on a lump-sum basis by the government. The sum reimbursed is equivalent to a maximum of 50% of the ceiling on authorised election expenditure. This ceiling has been set at 1.150.000 € per list.

(k) Campaign and electioneering

- The official campaign should start two Mondays before the polling day.
- Media access: political parties have to submit an application in order to participate in the audio-visual campaign during the elections. A list of parties that have applied to participate in the audio-visual campaign is published on a particular previously fixed day.
- TV and radio: two hours of TV and two hours of radio for parties and groupings represented by parliamentary groups in the National Assembly or the Senate; one hour of TV and one hour of radio to be divided between the other parties and groupings joined by lists of candidates in at least 5 electoral regions, which have applied to use public service broadcasts by a certain date before polling day.

(l) Validation of results and disputes

The Council of State (*Conseil d'État*) is competent for disputes concerning the elections of representatives to the European Parliament. Any voter in the constituency concerned can, in effect, for ten days following the announcement of the ballot results, object to the election of representatives to the European Parliament before the Council of State, which rules on the dispute. The Minister of Home Affairs also has the same right if (s)he feels that the legally stipulated forms and conditions have not been respected.

(m) Useful websites

http://www.assemblee-nat.fr/	National Assembly
http://www.senat.fr/	Senate
http://www.interieur.gouv.fr/	Ministry of the Interior
http://www.legifrance.gouv.fr/	Legislative and administrative texts
http://www.service-public.fr/	Practical information site for citizens

10. Ireland

Ireland has been a member of the Community since 1973, which means that the 2004 elections to the European Parliament were the 6th in the country's history.

(a) Legislation

The Electoral Act 1992, the European Parliament Elections Acts 1997, the Electoral Act 1997, the Electoral (Amendment) Act 1998, the European Parliament Elections (Forms) Regulations 1998, the Electoral (Amendment) Act 2002 and 2004, and the European Parliament Elections (Amendment) Act 2004.

(b) Distribution of seats

- The 13 Irish Members of Parliament are elected in four constituencies as follows:

Dublin	4
Munster (South)	3
Leinster (East)	3
Connacht/Ulster (North West)	3

- On average, each Irish MEP corresponds to approximately 338.000 inhabitants. Under the

- Treaty of Lisbon, Ireland will be represented by 12 MEPs.
- Number and percentage of women elected to the European Parliament:

	1979	1984	1989	1994	1999	2004
MEPs	15	15	15	15	15	13
Women	2	2	1	4	4	5
%	13,3	13,3	6,7	26,7	26,7	38,5

(c) Electoral system

- The Single Transferable Vote (STV) method is used.
- This system is quasi-proportional. Candidates are listed on the ballot paper in alphabetical order. Each voter casts his vote for one candidate and in addition indicates in order of preference the candidate(s) to whom his vote is to be transferred if the candidate of his first or subsequent choice has already reached the quota or has obtained too few votes and has thus been eliminated.

(d) Franchise

- All EU citizens aged 18 or over who are resident in Ireland and in full possession of their voting rights in their Member State of origin are entitled to vote.
- Irish citizens resident abroad, whether in the EU or outside it, are not entitled to a postal vote.
- Participation rate:

	turnout
1979	63,3%
1984	47,6%
1989	68,3%
1994	44,0%
1999	50,2%
2004	59,7%

- In the 2004 elections 39% of the total number of 118.118 voters from other Member States of the EU, who are potentially allowed to vote in Ireland, registered to vote.

(e) Candidature

Any EU citizen aged 21 or over who is resident in Ireland and in full possession of his right to stand as a candidate in his Member State of origin may stand for election.

(f) Polling day

The last voting took place on Friday, 11 June 2004, between 7 am and 9 pm. The next will take place on Friday, 5 June 2009.

(g) Nomination of candidates

- A candidate must be nominated by a political party. Independent candidates may

nominate themselves but their nomination must be supported by 60 signatures (of persons on the electoral register in the same constituency, excluding the candidate). No one may stand for election in more than one constituency.

- No deposit is required.

(h) Distribution of seats

A candidate is elected once he or she has reached the quota. Any votes accruing to a candidate in excess of the quota are redistributed on a proportional basis among the remaining candidates in accordance with the preferences expressed by the voters.

(i) Incompatibilities

- Membership of the European Parliament is not compatible with the office of:
 - Judge or Comptroller and Auditor General;
 - European Ombudsman or member of the board of the European Investment Bank.
- Persons who are elected to the European Parliament while holding the office of:
 - Attorney General,
 - Chairman or Deputy Chairman of the Dáil or Seanad,
 - Minister of Stateshall, on election to the Parliament, cease to hold that other office.

(j) Regulations concerning the election campaign

- There are legal limits on the electoral expenditure (which includes both the candidate's own expenditure as well as any expenditure on the candidate's or his/her party behalf and/or any other organisation or person). The 1999 limit was IR £ 150,000 (€ 190,461). The 2004 limit was € 230,000.
- No official campaign starting date.
- The state broadcaster (RTE) strictly ensures equitable access for all candidates and parties.
- Each candidate may send one message by post to all voters in his or her constituency.
- Opinion polls are permitted up to polling day.

(i) Validation of election results

When the count is completed, the returning officer for the constituency declares the results of the election and returns the names of the elected members to the Clerk of the Dáil for notification to the European Parliament. The European election result may only be questioned by a petition to the High Court. The decision of the High Court is final, subject only to appeal on a question of law to the Supreme Court.

(j) Useful websites

<http://www.irlgov.ie/> (Irish government)

11. Italy ♦ Italia

Italy, as one of the founding Member States, has had six direct elections to the EP.

(a) Legislation

Law n.18 of 24 January 1979 as amended and supplemented by laws n. 61 of 9 April 1984, n. 9 of 18 January 1989 and decree n. 408 of 24 June 1994 (right to vote and to stand as a candidate for citizens of the Union), as amended by law n. 79 of 27 March 2004, law n. 90 of 8 April 2004, and law n. 10 of 20 February 2009.

(b) Distribution of seats

- The national territory is divided into five constituencies. Enlargement by ten new Member States has reduced the number of Italian representatives in the European Parliament from 87 to 78 in the period 2004-2009. In the period 2009-2014 Italy will have 73 MEPs.³⁰ The following distribution of the 78 seats is determined by a decree of the President of the Republic of 10 April 2004. The seats have been divided among the electoral regions in proportion to their population.

North-West	20
North-East	15
Centre	15
South	19
Islands	9

- As can be seen from the following figures the percentage of women elected to the EP has been rather consistent, whilst the overall average has steadily increased:

	1979	1984	1989	1994	1999	2004
MEPs	81	81	81	87	87	78
Women	11	8	12	11	8	16
%	13,6	9,8	14,8	12,6	9,2	20,5

- On average each Italian MEP corresponds to approximately 764.000 citizens.

(c) Electoral system

- Proportional representation with preferential voting.
- Votes are counted and seats allocated at national level. A quotient is established determining how many votes are required to win a seat. If, in a constituency, a list has obtained an insufficient number of votes to win a seat, these votes are transferred to the constituency in which the list of the party in question has obtained a relative majority of the votes. In this way all parties benefit from a redistribution of votes at national level.
- A nation-wide 4% threshold was introduced in February 2009.

(d) Franchise

- Citizens of the European Union aged 18 years or over.
- Italian citizens resident in the other EU Member States can vote either at the Italian

³⁰ under the Treaty of Nice

consulate in that State or for candidates in their constituency in Italy. In the 1999 elections 194.606 Italians voted in one of EU Member States, accounting for 19,4% of the overall number of foreign voters.

- Italian citizens that reside outside the Union must vote in Italy.
- Nationals of another EU Member State who wish to take part in the elections to the European Parliament must submit their applications to the local authority not later than 90 days before the elections.
- Voting is not compulsory but is considered as a 'civil duty'. Below we can see that the turnout in Italy for the EP elections has been consistent and fairly high:

	turnout
1979	85,5%
1984	83,9%
1989	81,5%
1994	74,8%
1999	69,8%
2004	73,1%

- In the 2004 elections 10,9% of the total number of 149.544 voters from other Member States of the EU, who are potentially allowed to vote in Italy, registered to vote.
- Voting at an embassy or consulate is allowed for those Italians that are usually resident abroad.

(e) Candidature

- Citizens of the Member States aged 25 years or over are eligible to stand for election, provided they satisfy the conditions of eligibility in their home Member State.
- Bills to amend law No 18 of 24 January 1979 aim to lower the age required for candidates but do not seem to pass through Parliament.
- In the 2004 (1999) European elections 0 (6) citizens from other Member States resident in Italy registered as candidates. One was elected in 1999.

(f) Polling days

The election took place on Sunday, 13 June 2004, between 8am and 10pm. The next elections will be held on 6 and 7 June 2009.

(g) Nomination of candidates

- Political parties and political groups that have at least one seat in the European Parliament, form a parliamentary group in one of the two national Chambers and/or have at least one seat in one of the two Chambers may submit lists of candidates without the need to be endorsed by signatures.
- Individual nominations may be submitted provided they are endorsed by 30.000 signatures from each constituency. The signatures must represent at least 10 % in each region of the separate constituencies.
- The lists must be deposited 39 days before the elections, at the very latest.

(h) Distribution of seats

- Seats are allocated to candidates who obtain the largest number of preferential votes.

Voters can give their vote to three candidates in the North-West constituency, two candidates in the North-East, Centre and South constituencies and one candidate in the Islands constituency. There is a special provision for preferential votes in areas with linguistic minorities.

- Vacant seats are filled by the next candidate on the list once the national electoral result has been established for each list and the seats have been allocated on the list on the basis of the national electoral result of each list.
- There is no threshold clause. However, the parliament is currently discussing a bill that aims at introducing a threshold.

(i) Incompatibilities

- Those laid down by the Act of 20 September 1976, as amended in 2002, and those contained in Council Directive 93/109/EC of 6 December 1993.
- Membership of the European Parliament is incompatible with the offices of member of the government, president of regional administration or regional councillor.

(j) Regulations concerning the election campaign

- The election campaign may begin only 30 days before the elections.
- Expenses are refunded within set limits.
- Opinion polls must not be published during the fifteen days before the poll.

(k) Validation of election results

Any voter may lodge an objection with the Latium regional administrative tribunal and subsequently appeal to the Council of State.

(l) Useful websites

<http://www.parlamento.it/> (Parliament)

12. Cyprus ♦ Κύπρος / Kypros

The Republic of Cyprus has been a European Member State since 1 May 2004. The first elections to the European Parliament took place on 13 June 2004. Cyprus is represented by 6 MEPs.

(a) Legislation

Law of 2004 on the Election of the Members of the European Parliament.

(b) Distribution of seats

- In the parliamentary period 2004-2009 the Republic of Cyprus has 6 seats and will keep this number also in the term 2009-2014.
- The whole territory of the Republic of Cyprus forms a single constituency for the European Parliament elections.
- Number and percentage of women elected to the European Parliament: 0. Malta and Cyprus have the lowest participation of women amongst the EU Member States.

(c) Electoral system

Seats are allocated by proportional representation using a combination of the Droop method and the highest remainder.

(d) Franchise

- All citizens of Cyprus and all citizens of another Member State residing in Cyprus who are at least 18 years old and who had their habitual residence in the Republic for a period of at least six months immediately prior to the date of acquisition of voting rights, have the right to vote.
- Voters and EU voters shall be entered on the respective electoral rolls by virtue of a special application form.
- Voting is compulsory but without penalties in case of failure to vote.
- Voting by post is not possible.
- Participation rate in Cyprus was 71,19% in the 2004 European Parliament election, among the highest in the EU.
- In the 2004 elections 4,4% of the total number of 45.725 voters from other Member States of the EU, who are potentially allowed to vote in Cyprus, registered to vote. 1213 of them voted.

(e) Candidature

Cypriot citizens and nationals of other Member States aged 25 who have not been deprived of their voting rights have the right to stand for election.

(f) Polling day

- The first elections took place on Sunday, 13 June 2004; the next will take place on Saturday, 6 June 2009.
- The counting begins immediately after the polls close.

(g) Nomination of candidates

- The deadline to nominate a candidate was the 20 May for the 2004 elections.
- The competent authority, upon application, shall grant certification that the candidate has not lost the right to stand as a candidate or that the authorities are not aware of any such loss of this right.

(i) Incompatibilities

Article 16 of the Law of 2004 on the Election of the Members of the European Parliament refers to Article 70 of the Constitution of the Republic of Cyprus which determines incompatibility with the following positions:

- Minister,
- Member of a Communal Chamber or member of any Municipal council including a Mayor,
- Member of the armed or security forces of the Republic or with a
- Public or Municipal office or, in the case of a Representative elected by the Turkish Community
- Religious functionary (din Adami).

(j) Regulations concerning the election campaign

- The electoral campaign starts officially after the deadline for registration of candidates.

- Political parties receive an annual grant by the Government, according to the strength in the previous parliamentary elections. There is no provision for how to use the grant to fund European elections campaigns.

(k) Useful websites

www.parliament.cy/ (House of Representatives)

13. Latvia ♦ Latvija

Latvia joined the European Union on 1 May 2004. The first elections to the European Parliament were held on 12 June 2004. Latvia is represented by 9 MEPs; after the 2009 elections it will be represented by the same number of MEPs³¹.

(a) Legislation

The Law on Elections to the European Parliament was submitted to the Saeima on 12 November 2003, and adopted on 29 January 2004.

(b) Distribution of seats

- The country forms one single constituency.
- On average each Latvian MEP corresponds to approximately 252.000 citizens.
- Number and percentage of women elected to the European Parliament in 2004: 2 (22,2%).

(c) Electoral system

- Proportional representation.
- The allocation of seats is made applying the Sainte-Laguë method (division by successive odd numbers).

(d) Franchise

- Citizens of the European Union, who on election day have reached the age of 18, and whose data have been included in the voters' register of Latvia are entitled to vote in the European Parliament elections.
- Voting is not compulsory.
- The following persons shall not be entitled to vote:
 - persons who are recognized as mentally incapacitated according to the procedure set by law;
 - persons serving a court sentence in penitentiaries;
 - persons who are not eligible to vote in the European Union member state they come from.
- Voting by post is permitted only for Latvians living abroad.
- The participation rate in Latvia was 41,34% in the European election 2004.
- In the 2004 elections 14,4% of the total number of 3736 voters from other Member States of the EU, who are potentially allowed to vote in Latvia, registered to vote.

³¹ under the Treaty of Lisbon

(e) Candidature

- Citizens of the European Union who have reached the age of 21 on the Election Day may stand for election to the European Parliament unless any of the following restrictions apply.
- Persons who are not eligible for the European Parliament:
 - those recognised as mentally incapacitated according to the procedure set by the law;
 - those serving a court sentence in penitentiaries;
 - those sentenced for a grave or especially grave crime and whose criminal record has not been expunged or annulled unless the persons have been pardoned;
 - those who have committed a criminal offence, according to the Criminal Law, in a state of mental incapacity.
- Citizens of the European Union are not eligible to run for the European Parliament if they have no right to stand for elections in the European Union member state of origin.

(f) Polling day

- The election took place on Saturday, 12 June 2004, between 7am and 10pm. The 2009 election will take place on Saturday, 6 June 2009.
- The counting begins after the closing of polling stations. The results are published after the closure of the last polling station in the EU.
- No other elections can be on the same day.

(g) Nomination of candidates

- A list of candidates may be submitted by a political organisation (party) or by an association of political organisations (parties) registered in the Republic of Latvia;
- Lists of candidates shall be accepted from the 80th day before the Election Day, until the 65th day before.
- There is no official election campaign starting date.
- Candidates must not exceed the number of members to be elected to the Parliament by more than twice.
- The following documents shall be attached to the list of candidates:
 - A statement signed by each candidate nominated on the list, certifying his consent to be a candidate in the elections and that he is not a candidate in the elections of any other EU member state;
 - A pre-election programme signed by all candidates on the list, the text of which shall not exceed 4,000 characters;
 - A declaration signed by each candidate on the list stating that he complies with requirements to stand for elections;
 - An informing paper signed by each candidate on the list containing the data about the candidate.
- The Central Election Commission shall register only those lists of candidates whose submitters have made a security deposit of LVL 1,000 (about 1,300 €) in the bank account of the Central Election Commission. This deposit is refunded if at least one MEP is elected.

(h) Distribution of seats

- The number of votes cast for each candidate shall be equal to the number of votes cast for the list in which his name has been included, minus the number of ballot papers on which the surname of this candidate has been crossed out and plus the number of ballot papers on which voters have made a "+" mark opposite the candidate's surname.

- If two or more candidates on the same list have received an equal number of votes, they shall be ranked in the same order as on the originally submitted list.
- The candidates who have received the largest number of votes shall be regarded as elected, whereas the others shall remain as candidates, and their names shall be ranked in the order of the largest number of votes received.

(i) Incompatibilities

The President of the State, a member of the Cabinet of Ministers, and a member of a city, district, county or *pagasts*³² council may be nominated as a candidate for the elections, but he will lose the office and/or the respective mandate of member upon being elected.

(j) Rules on the electoral campaign

- The amount of pre-election campaign expenses can not exceed 0.20 LVL (Latvian Lats) per voter. It is unclear how this will apply if EP and municipal elections are held concurrently.
- There is no official election campaign date fixed but for financial restriction purposes a deadline concerning later expense audits is fixed 270 days prior to the election, for which certain campaign expenditures must be documented. This period may be reduced. The maximum amount to be spent per voter is currently being reconsidered by the *Saeima*.
- Media access is regulated by the Law on Pre-election Campaigning before Saeima Elections as well as by special mass media laws. Commercial organizations have to act according to the general radio and television rules. Facts and events have to be presented objectively. Printed media, radio and TV have an obligation to indicate who has financed pre-election campaign ads and to provide accounting.
- There are no special rules or restrictions for opinion polls

(k) Validation of election results

- The Central Election Commission compiles an estimation of results immediately after the election. Provisional results are announced after closure of the last polling station in the EU.
- Any decision or act of an election committee can be contested at the court.

(l) Useful websites

www.saeima.lv/index_eng.html (Parliament)

14. Lithuania ♦ Lietuva

In Lithuania elections to the European Parliament were held for the first time on 13 June 2004, following Lithuania's accession to the European Union on 1 May 2004. Lithuania is represented by 13 MEPs. From the parliamentary term 2009-2014 it will be represented by 12 MEPs³³.

³² smallest administrative unit in Latvia

³³ under the Treaty of Lisbon

(a) Legislation

The Law on Elections to the European Parliament adopted by the *Seimas* on 20 November 2003. Amendment to the Law of the Republic of Lithuania on Elections to the European Parliament of 29 January 2008.

(b) Distribution of seats

- The territory of Lithuania forms a single multi-member constituency.
- On average each Lithuanian MEP corresponds to approximately 259.000 citizens.
- Number and percentage of women elected to the European Parliament in 2004: 5 (38,5%).

(c) Electoral system

Proportional representation with preferential voting.

(d) Franchise

- Citizens of the Republic of Lithuania as well as citizens of the European Union aged 18 years old or over.
- Persons who have been declared by a court legally incapable shall not participate in elections.
- Voting is not compulsory.
- Lithuanian citizens and citizens of other EU Member States permanently residing in Lithuania shall be included into the Electoral Roll. Voters are included automatically into the Electoral Roll on the basis of the Population Register. The reference date (65 days prior to the elections) is the date by which a person must declare his place of residence in Lithuania. His data about the place of residence in Lithuania must be included into the Population Register by that date.
- Voting by post is possible.
- The participation rate in Lithuania in the last European Parliament elections was 48,38%.
- In the 2004 elections 17,5% of the total number of 1826 voters from other Member States of the EU, who are potentially allowed to vote in Lithuania, registered to vote.

(e) Candidature

- A candidate must be at least 21 years old.
- A person is prohibited from standing for election as a member of the EP if:
 - by the 'reference date' he/she has not served the sentence imposed by a court;
 - he/she is in the active military service;
 - the application of forced medical treatment measures established by a court has not expired yet;
 - a court has declared him/her legally incapable.
- Only political parties can put forward lists of candidates.

(f) Polling day

- The election took place on Sunday, 13 June 2004 between 7am and 8pm. The next election will take place on Sunday, 7 June 2009.
- Counting the votes begins immediately after the closing of polling stations.
- No other elections can take place on the same day.

(g) Nomination of candidates

- Each political party registered by the Ministry of Justice 65 days prior to the elections is entitled to register its list of candidates.
- Only political parties can nominate lists of candidates.
- The registration of candidates lists starts 65 days before the Election Day and stops 34 days prior to the election.

(h) Distribution of seats

Lists gaining less than 5% of total votes are not entitled to parliamentary representation.

(i) Incompatibilities

An MEP may not be a member of the *Seimas*, the Government or a municipal council.

(j) Regulations concerning the election campaign

- The deposit required to register each list of candidates is 20 times the average monthly wage (as determined by the Department of Statistics.). In the 2004 elections the amount was approximately 23.500 LTL (approx. € 6.800). This deposit is returned to a political party if its list has passed the 5 % threshold and the party has submitted a report on financial expenditure for the elections.
- Funding for publishing each candidate's election programme, as well as for campaign broadcasts on National Radio and TV is provided by the State. Each candidate has the right to one hour of broadcast on National TV and one hour on the National Radio (*Lietuvos Nacionalinis Radijas ir Televizija*).
- A political party shall cover all other costs of the election campaign from the account opened for this specific purpose. The total cost of the electoral campaign cannot exceed 1000 times the average monthly wage (i.e. approximately 1.175.000 LTL, approximately € 340.580 euros in 2004 elections).
- Publication of opinion polls is prohibited 30 hours before the start of the polling.
- Opinion polls *per se* are not prohibited but the publication of the results is forbidden as it is construed to be a part of the electoral campaign. It is permissible to ask the elector after he/she has voted on their voting preferences. However, the results of such a poll can be published only after the closure of elections. More specifically, publication of opinion polls is prohibited 30 hours before the start of polling.

(l) Useful websites

<http://www.lrs.lt> (Parliament)
<http://www.vrk.lt> (Central Electoral Commission)

15. Luxembourg

Luxembourg was a founding member of the EC in 1957. It has seen six direct elections to the EP. Luxembourg is represented by 6 MEPs.

(a) Legislation

The Luxembourg electoral law of 25 February 1979 on the direct election of Luxembourg

Members of the European Parliament has been supplemented and amended by three additional laws of 14 March 1984, of 28 January 1994 and of 18 February 2003 on the election of the representatives of the Grand Duchy of Luxembourg to the European Parliament, supplemented by the law of 10 February 2004 concerning the election of Members of the European Parliament in the new Member States.

(b) Distribution of seats

- Luxembourg forms a single national constituency from which all six Members are elected.
- On average each Luxembourg MEP corresponds to approximately 80.000 citizens.
- Number and percentage of women elected to the EP over the period 1979-2004:

	1979	1984	1989	1994	1999	2004
MEPs	6	6	6	6	6	6
Women	2	1	3	2	2	2
%	33,3	16,6	50,0	33,3	33,3	33,3

(c) Electoral system

- Proportional representation.
- Every elector has six votes and can vote for up to six candidates.
- She/he may vote for a list as a whole or distribute her/his votes among individual candidates. If a voter casts all votes for a list with fewer than six candidates, that list is credited with as many votes as the candidates it contains.
- Votes are counted using a variant of the D'Hondt system, called Hagenbach-Bischoff system.
- Vote-splitting is permitted.

(d) Franchise

- Luxembourg citizens aged 18 years old on the day of elections or over.
- Nationals of other EU Member States must apply to be entered on the electoral rolls established by the Luxembourg municipalities and at the time of their application to have resided in Luxembourg for at least two years. However, EU voters who are not entitled to vote because they reside outside their home Member State or have done so for a particular period are not subject to this residence requirement.
- Due to the fact that voting is compulsory for all persons entered on the electoral roll, the average turnout is very high.

	turnout
1979	88,9%
1984	87,0%
1989	87,4%
1994	88,5%
1999	85,8%
2004	90,0%

- In the 2004 elections 10,3% of the total number of 133.831 voters from other Member States of the EU, who are potentially allowed to vote in Luxembourg, registered to vote. 9556 of them voted.
- Postal voting is allowed for Luxembourg voters aged over 75 years, or voters who prove that for professional or private reasons they cannot present themselves in the voting office they belong to. Voting by proxy or at an embassy is not possible.

(e) Candidature

- Luxembourg citizens aged 21 years on the day of the election.
- Nationals of other EU Member States may stand as a candidate provided that they have been resident in Luxembourg for at least five years at the time of submission of the list of candidates.
- In the 2004 European elections 8 citizens from other Member States resident in Luxembourg registered as candidates. None of them was elected.

(f) Polling day

Elections always take place on a Sunday; the last one took place on Sunday, 13 June 2004. The next will take place on Sunday, 7 June 2009, together with the national elections.

(g) Nomination of candidates

- Lists may be submitted with the endorsement of 250 registered voters, or of one Member of either the European Parliament or the Luxembourg Chamber of Deputies.
- No list may include more than 6 candidates or be composed of a majority of candidates who are not of Luxembourg nationality.
- The list of candidates for the election has to be submitted 60 days before the election.

(h) Distribution of seats

- In the order of the number of votes which the individual candidates or lists have received.
- The next candidate on the list fills a vacant seat.
- There is no threshold clause.

(i) Incompatibilities

An elected Member of the European Parliament who subsequently assumes office in the Luxembourg Government and must therefore resign his seat becomes, as of right, the next candidate on the list from which he was elected.

(j) Regulations concerning the election campaign

- There are no special rules for the European elections.
- There is no official date for the beginning of the election campaign; the parties that are taking part in the elections agree a date among themselves.
- For one month before the election it is forbidden to publish the results of opinion polls.
- Campaign expenses, resulting from one written communication to each voter, are reimbursed to parties that gain at least 5% of the total number of votes.

(k) Validation of election results

The Luxembourg Chamber of Deputies validates the election results.

(I) Useful websites

<http://www.chd.lu/> (Parliament)

16. Hungary ♦ Magyarország

Hungary joined the EU on 1 May 2004. The first elections to the EP were held on Sunday, 13 June 2004. Hungary is represented by 24 MEPs.

(a) Legislation

The regulations concerning the right to vote are laid down in the Constitution. The regulations of the substantive law concerning the elections to the European Parliament are established in the Act No. CXIII. of 2003, on the Election of the members of the European Parliament, which at the same time also amends the Act No. C. of 1997, on the Electoral procedure. The Act authorizes the Minister of Interior to lay down the detailed arrangements for the conduct of the election in a regulation. Act LVII of 2004 regulates the legal status of Hungarian Members of the European Parliament.

(b) Distribution of seats

- Hungary has the right to 24 seats (from the 2009 elections 22 seats³⁴) that are distributed according to the D'Hondt method.
- The country is considered as one constituency. Voters vote for party lists with no preferential votes.
- On average each Hungarian MEP corresponds to approximately 419.000 citizens.
- Number and percentage of women elected to the European Parliament in 2004: 9 (37,5%).

(c) Electoral system

The election is conducted in a proportional system based on party lists. Only those party lists, which have obtained more than 5% of the total amount of valid votes will take part in the allocation of mandates.

(d) Franchise

- Every Hungarian citizen having reached the age of majority and a residence in Hungary is entitled to vote, unless he/she has been previously deprived of this right.
- The list of voters is established for each community based on the information of the central register of personal data and addresses. Those citizens, who – according to the data provided by the other Member States of the European Union – have decided to practice their right to vote in another Member State, are deleted from the list of voters in Hungary.
- Citizens of other European Union Member States, who have a residence in Hungary, have also the right to vote if they meet the requirements for Hungarian voters and request inclusion in the list of voters.
- Voting is not compulsory.

³⁴ under the Treaty of Lisbon

- Voting by post is not possible. Citizens who are not present at their place of residence on polling day may vote with a certificate within the territory of Hungary. Citizens who are abroad on polling day may vote at the embassies, given that they asked for their inclusion to the register of voters at the diplomatic missions 30 days before polling day at the latest.
- Participation rate in Hungary was 38,5% in the last European election 2004.
- In the 2004 elections 11% of the total number of 17.719 voters from other Member States of the EU, who are potentially allowed to vote in Hungary, registered to vote.

(e) Candidature

All voters have the right to stand for election as candidates on party lists. Candidates shall declare that they have the right to vote and do not have a function, which is incompatible with the membership of the European Parliament, or in case they obtain a mandate they resign from that function. In order to register a candidate who is citizen in another European Union Member State, a certificate of the competent authorities of the Member State of which the candidate is a national, shall be attached stating that he is eligible for election.

(f) Polling day

- The President of the Republic sets the polling day 72 days before the election at the latest. Elections usually take place on Sunday.
- The 2004 elections took place on 13 June 2004. The 2009 elections will take place on 7 June.
- There is no legal prohibition for holding other elections on the day of the European Parliament elections.
- Counting of votes begins after the closure of the polling stations at 7pm. At diplomatic missions abroad polling stations close at the latest at the same time as in Hungary.
- Preliminary data on non-official results are published by the election offices. Final official results can only be established based on the original records and published by the National Election Committee in the *Magyar Közlöny* (Official Journal of Hungary). Results may only be published after the end of the election in every Member State of the European Union.

(g) Nomination of candidates

- The party lists containing the candidates shall be submitted to the National Election Committee 30 days before the Election Day at the latest. The National Election Committee decides on them within three days after the submission.
- No deposit is required.
- Lists can be put forward by parties registered according to the Act on the operation and financial functioning of political parties. In order to put forward a list, a party needs to collect at least 20.000 voter endorsements.

(i) Incompatibilities

A candidate may not be the member of elected bodies and may only stand for election in one Member State of the European Union.

(j) Regulations concerning the election campaign

- From the day prior to voting until the end of the voting period it is prohibited to campaign.

- The Act on electoral procedure and the Act on radio and television broadcasting regulate media access for political parties during election campaigns. During the campaign period broadcasters may publish political advertisements based on equal conditions for each party.
- For the 2004 elections no opinion polls have been published between 5 and 13 June 2004 until the closing of polling stations.

(k) Useful websites

www.mkogy.hu/parl_en.htm (Parliament)

17. Malta

Malta has been a member of the EU since 1 May 2004. With a population of 410.300 it is the smallest EU Member State. Malta is represented in the European Parliament by 5 MEPs, in the future it will have 6.³⁵

(a) Legislation

General Elections Act (1991), Electoral polling Ordinance (1939), Constitution of Malta, European Parliament Elections Act adopted on 26 November 2003.

(b) Distribution of seats

- Malta shall constitute one single electoral district.
- On average each Maltese MEP corresponds to approximately 82.100 citizens.
- Under the 2004 electoral mandate women held none of the 5 seats. With Cyprus, Malta has the lowest participation of women amongst EU Member States.

(c) Electoral system

Proportional representation by means of the single transferable vote.

(d) Franchise

- Maltese citizens aged 18 years old or over.
- Every person whose name appears in the Electoral Register or in the European Union Electoral Register.
- No person shall be registered in the EU Electoral Register if:
 - incapacitated for any mental infirmity by a court in a Member State;
 - serving imprisonment exceeding twelve months;
 - disqualified for registration as a voter by or under any law in Malta.
- Voting is not compulsory.
- Voting by post is not possible. Voting should take place in the Country.
- The government offers special facilities for voters residing in other EU countries to vote in Malta. For example, flights to Malta are subsidised.
- Participation rate in Malta was 82,37% in the last European election 2004.
- In the 2004 elections 12,8% of the total number of 8273 voters from other Member States

³⁵ under the Treaty of Lisbon

of the EU, who are potentially allowed to vote in Malta, registered to vote.

(e) Candidature

To stand for election a candidate must be at least 18 years old and registered as a voter in the Electoral Register or in the EU Electoral Register.

(f) Polling day

- The election took place on Saturday, 12 June 2004. On the same date there were also the Elections for Local Councils. Counting began on Sunday 13 June 2004.
- The next elections in 2009 will take place on Saturday, 6 June.

(g) Nomination of candidates

- At least 35 days before Election Day (when the names of the candidates must be published in the Gazette).
- Deposit: 40 Maltese pounds (90 Euros) per candidate (to be returned if obtaining 10% of the votes).

(h) Distribution of seats

According to the system of the single transferable vote (STV).

(i) Incompatibilities

- Membership of the House of Representatives, membership of the Local Council in Malta, or in any other EU Member State.
- Public Officers may be restricted from standing for election by the Public Service Management Code.
- The following are not allowed to stand for elections:
 - members of "disciplined forces" (armed forces, police, or prison service);
 - judiciary;
 - persons who are declared bankrupt;
 - incapacitated for mental infirmity or prodigality;
 - persons serving a sentence of imprisonment exceeding 12 months;
 - persons disqualified for standing in the elections for MEPs in terms of any law in force.

(j) Regulations concerning the election campaign

Officially, there is a maximum funding of 600 Maltese pounds (1400 euros) per candidate.

(k) Useful websites

- www.parliament.gov.mt (Parliament)
- www.legal-malta.com (Legislative texts)

18. The Netherlands ♦ Nederland

The Netherlands, as one of the founding Member States, has already seen six direct elections to the EP.

(a) Legislation

Since 28 January 1993 European Parliament elections have been governed by the Electoral Law (*Kieswet*), last update of Chapter V was on 1 March 2004.

(b) Distribution of seats

- The Netherlands forms a single national constituency. The 19 electoral regions in which the country is divided have only administrative meaning as the votes are added up on national level.
- In the elections of 10 June 2004 the number of Dutch MEPs dropped from 31 seats to 27. From 2009 the Netherlands will be represented by 26 MEPs³⁶.
- On average each Dutch MEP corresponds to approximately 608.000 inhabitants.
- As can be seen from the following figures the percentage of women elected to the EP has increased since the elections of 1979:

	1979	1984	1989	1994	1999	2004
MEPs	25	25	25	31	31	27
Women	6	7	7	10	11	11
%	24,0	28,0	28,0	32,3	35,4	40,7

(c) Electoral system

- Pure proportional representation. Votes are counted and seats allocated at national level using the D'Hondt system.
- No threshold.

(d) Franchise

- All EU citizens aged 18 or over who are in full possession of their voting rights in their Member State of origin may vote.
- Voting is not compulsory.
- Dutch citizens resident abroad may vote by proxy or by post.
- Participation rate:

	turnout
1979	57,8%
1984	50,6%
1989	47,2%
1994	35,6%
1999	30,0%
2004	39,3%

- In the 2004 elections 39,11% of the total number of 202.000 voters from other Member States of the EU having the right to vote in the Netherlands voted.

³⁶ under the Treaty of Lisbon

(e) Candidature

- Any EU citizen aged 18 or over who is in full possession of his/her right to stand as a candidate in the Member State of origin may stand for election.
- In the 2004 (1999) European elections 2 (2) citizens from other Member States resident in the Netherlands registered as candidates. None of them was elected.

(f) Polling day

- The 2004 elections took place on Thursday, 10 June 2004 from 7.30am to 9pm.
- Results were announced on Sunday 13 June 2004.
- The next elections will take place on Thursday 4 June 2009.

(g) Nomination of candidates

- In the last elections the deadline for the registration of candidates was on 28 April 2004.
- A deposit of € 11 250 is required for parties not represented in the outgoing European Parliament. The deposit is refunded by the State only if the party obtains at least three-quarters of the "electoral divisor" (the minimum number of votes required to win one seat).
- Lists submitted must be accompanied by the signatures of at least 30 voters. Lists represented in the outgoing European Parliament with more than 15 seats may contain twice the number of their seats; others may contain no more than 30.

(h) Distribution of seats

- Each voter has one vote, which he/she can give either to a list or a candidate. In this way, the order of names on the list can be changed.
- Vacant seats are filled by the next candidate on the relevant list.

(i) Incompatibilities

Those laid down in the 1976 Act on Elections to the European Parliament as amended in 2002, together with those relating to the national parliament (see law of 13 December 1978, as amended by law of 24 June 1992).

(j) Regulations concerning the election campaign

- There are no special rules for the European Parliament elections.
- As with national election campaigns, there is no official date on which to start the campaign.
- It is the government that distributes broadcasting time.
- There are no restrictions on opinion polls.

(k) Validation of election results

Validation is done by the central polling office.

(l) Useful websites

<http://www.kiesraad.nl/Home> (Dutch Electoral Council)

19. Austria ♦ Österreich

Austria has been a member of the European Union since 1 January 1995. Therefore, there have been three direct elections to the EP, which took place in October 1996, June 1999 and June 2004.

(a) Legislation

Constitutional law of the Austrian Federation (1929), as amended by Federal Law 1013 (1994), as well as the Law on Elections to the European Parliament (Law 117/96), as adopted on 21 January 1996 and amended by Federal Laws 201/96, 162/98, 90/03 and 132/03. Law on Elections to the European Parliament, BGBl Nr 117/1996 idF BGBl L Nr 28/2007. Law amending the Federal Constitutional Law of 29 June 2007.

(b) Distribution of seats

- For the purposes of elections to the European Parliament the federal territory forms a single constituency.
- Austria has 18 seats. By the term 2009-2014 it will have 19 seats in the European Parliament³⁷.
- Vacant seats are filled by the Electoral Authority; an MEP has the right to stay on the party list even if (s)he temporarily leaves the Parliament for other offices.³⁸
- Number and percentage of women elected to the European Parliament in 2004:

	1996	1999	2004
MEPs	21	21	18
Women	7	7	5
%	30	30	29,4

(c) Electoral system

- The electoral system being used for the European elections is based on proportional representation. Seats are allocated by using the D'Hondt system (largest average). The seat allocation is carried out at national level.
- Any list, which has not obtained at least 4% of the total votes, is excluded from the allocation of seats.
- Voters have one vote which they may cast either for a list as a whole or for a candidate of their choice on the list (preferential voting).

(d) Franchise

- All EU citizens having reached the age of 16 on the day of the European elections and being in full possession of their voting rights in their Member State of origin may vote.
- Voting is not compulsory.
- Austrians resident abroad may vote using polling cards.

³⁷ under the Treaty of Lisbon

³⁸ Art. 80 of the Law on Elections to the European Parliament

- Participation rate in Austria in past European elections:

	turnout
1996	67,7%
1999	49,4%
2004	42,43%

- In the 2004 elections 16% of the total number of approx. 150.000 voters from other Member States of the EU, who are potentially allowed to vote in Austria, registered to vote.

(e) Candidature

- Any EU citizen having reached the age of 18 on the day of the European elections and being in full possession of his right to stand for election in his Member State of origin may present himself/herself as a candidate to the European Parliament elections.
- In the 2004 (1999) European elections 1 (1) citizen from other Member States resident in Austria registered as candidates. None of them was elected.

(f) Polling day

- Voting takes place on a Sunday; the last one was on Sunday, 13 June 2004.
- The count begins immediately after the closing of each polling station.
- First provisional results were released during the night of 13 to 14 June. The final official results are made official three weeks later.
- The next elections will take place on Sunday, 7 June 2009.

(g) Nomination of candidates

- Deadline for registration no later than 37 days before the elections.
- No deposit is required. Every list must pay € 3.600 to the State for the cost of printing ballot papers.
- Any voter having reached the age of 18 at the latest on the day of the European elections may stand for elections if supported by:
 - three Members of the national Parliament;
 - an Austrian Member of the European Parliament; or
 - 2600 registered voters.

(h) Incompatibilities

Those laid down in the 1976 Act on Elections to the European Parliament, as amended in 2002. In addition, the office of an MEP is incompatible with that of member of the Constitutional Court or the Administrative Court, President or Vice-President of the Court of Auditors, Ombudsman, director of a limited company, bank, commercial, industrial or private transport company, provincial credit establishment, medical insurance scheme or insurance company.

(i) Regulations concerning the election campaign

There is no official date for the beginning of the election campaign. Access to the media is unlimited.

(j) Validation of election results

Following publication of the results in the 'Amtsblatt zur Wiener Zeitung', complaints may be

lodged with the Constitutional Court.

(k) Useful websites

<http://www.parlament.gv.at/PD/HP/show.psp>

(Parliament)

http://www.bmi.gv.at/wahlen/elections_start.asp

(Ministry of the Interior)

20. Poland ♦ Polska

Poland has been a Member of the European Union since 1 May 2004. It is represented by 54 deputies in the European Parliament, from the term 2009-2014 it will have 51 seats in the EP³⁹.

(a) Legislation

Act of 12 April 2001 on the Elections to the Sejm and the Senate of the Republic of Poland and Electoral Law to the European Parliament of 23 January 2004.

(b) Distribution of seats

- The national territory is divided into 13 constituencies:
 - Pomorskie Voivodship;
 - Kujawsko -pomorskie Voivodship;
 - Podlaskie and Warmińsko- Mazurskie Voivodship;
 - City of Warsaw and part of the Mazowieckie Voivodship (*powiats*: grodziski, legionowski, nowodworski, otwocki, piaseczyński, pruszkowski, warszawski zachodni i wołomiński);
 - The remaining part of the Mazowieckie Voivodship;
 - Łódzkie Voivodship;
 - Wielkopolskie Voivodship;
 - Lubelskie Voivodship;
 - Podkarpackie Voivodship;
 - Małopolskie and Świętokrzyskie Voivodship;
 - Śląskie Voivodship;
 - Dolnośląskie and Opolskie Voivodship;
 - Lubuskie and Zachodniopomorskie Voivodship
- On average, each Polish MEP corresponds to approximately 705.000 citizens.
- Number and percentage of women elected to the European Parliament in 2004: 7 (32%)

(c) Electoral system

Proportional representation.

(d) Franchise

- Polish citizens aged 18 years old or over.
- EU citizens aged 18 years old or over in case of permanent stay in Poland and if registered in the Voter Register.
- Voting is not compulsory.

³⁹ under the Treaty of Lisbon

- Voting by post is not allowed.
- The participation rate in Poland was 20,87% in the European election 2004.

(e) Candidature

- Polish citizens aged 21 years or over are eligible to stand for election when there exists no public accusation for a crime committed deliberately.
- EU citizenship (permanent stay in Poland or in any other EU Member State for at least 5 years).

(f) Polling day

- Elections took place on Sunday, 13 June 2004 between 8am and 10pm.
- As soon as the polling stations close, the election commissions in each of the election sectors (*obwody*) start comparing the number of inhabitants eligible to vote and the number of voters; count the remaining election cards and secure them.
- The National Elections Board in the Official Board announces the final results.
- The next voting will be held on Sunday, 7 June 2009.

(g) Nomination of candidates

- Lists of candidates have to be submitted to the National Election Commission for each of the constituencies before midnight of the 40th day before the elections.
- No deposit is required.
- Each electoral committee (administrative and functional body of political party, coalition of political parties, or civic groups, established for the elections) is allowed to register one list in each of the 13 constituencies (*lista okręgowa*).
- Each list (in each constituency) has to contain from 5 to 10 names.
- Each list has to be supported by at least 10.000 signatures of electors living in that constituency. If the electoral committee registers its lists in more than half of the constituencies, it is permitted to register further lists in remaining constituencies without obligation of collecting 10.000 signatures.
- An elector can give his/her signature to more than one list.
- Each candidate's name can be placed on one list only and registered in only one constituency.

(h) Distribution of seats

- Votes are first counted in the whole country using the D'Hondt method, thus determining lists with more than 5% support.
- Mandates are attributed to single constituencies, followed by the distribution to winning lists using the Hare-Niemeyer method (which takes into consideration the turnout).

(i) Incompatibilities

- The European Parliament mandate cannot be combined with:
 - membership in the Council of Ministers (Government);
 - the position of Secretary of State.
- Incompatibilities governing the elections to National Parliament provided in the Constitution (any post or function which may not be simultaneously performed with the mandate of a deputy to the Sejm or a senator).

(j) Regulations concerning the election campaign

- The official campaign starts with the publication of the Presidential Decision on the election day (produced not later than 90 days before elections day) and ends 24 hours before the election day.
- Financing of the campaign must be transparent:
 - funds of the electoral committees of political parties can only be provided by the party's election fund;
 - electoral committees can receive funds only from individuals, cannot receive money from abroad, and are not allowed to collect money in public actions;
 - funds of the electoral committee can only be collected on a bank account;
 - electoral committees can only spend 30 groszy (approximately 0,0625 €) per voter entered in the Voters' Register;
 - electoral committees of parties and citizens are authorised to receive a donation from the state's budget for each of the mandates gained in the elections: the donation is calculated as follows: $D = (W/L) * x M$
 - W - PLN (Zloty) per voter who took part in the elections (Poland-wide)*
 - L - Number of seats to the EP*
 - M - mandates gained by the given election committee*
- The election committees have the right to present their views and programmes on Polish Public Television and Radio: Poland-wide channels will be accessible for the election committees registered in at least 9 constituencies and regional channels for the election committees registered in at least one constituency.
- Total time of elections' programs:
 - 15 hours in the TVP (Polish public Television) between 5pm and 11pm;
 - 20 hours in the Polish Public Radio;
 - 10 hours in each regional program;
 - 20 hours in each regional radio;Divided equally in the Polish TV and Radio between election committees and proportionally in regional TV and radios.
- Between the end of the election campaign and the closing of polling stations, opinion polls are restricted.

(k) Useful websites

<http://www.sejm.gov.pl/english.html> (Parliament)

<http://www.senat.gov.pl/indexe.htm> (Senate)

21. Portugal

Portugal joined the EC in 1986. Therefore, it had five direct elections to the European Parliament. The first election took place on 19 July 1987. Portugal is currently represented by 24 MEPs and it will have 22 seats in the European Parliament after the 2009 elections⁴⁰.

(a) Legislation

European Parliamentary Elections Act, Law No 14/87, 29 April 1987 (as amended by Law No

⁴⁰ under the Treaty of Lisbon

4/94, 9 March and Organic Law No 1/99, 22 June). Electoral law of the Assembly of the Portuguese Republic, Law No 14/79, of 16 May.

(b) Distribution of seats

- For the purpose of elections to the European Parliament the Portuguese territory forms a single electoral constituency.
- In the elections on 13 June 2004 Portugal got 24 seats in the EP.
- On average each Portuguese MEP corresponds to approximately 442.000 citizens.
- Proportionally Portugal had the lowest representation of women amongst the Member States 1999-2004 but compared with the new Member States, in particular Malta and Cyprus, Portugal no longer has the lowest representation of women.

	1987	1989	1994	1999	2004
MEPs	24	24	25	25	24
Women	1	3	2	5	6
%	4,1	12,5	8,0	20,0	25,0

(c) Electoral system

- The electoral system used for the European Parliament elections is based on proportional representation using the list system in accordance with the law on general electoral procedure.
- Seats are allocated using the D'Hondt method.

(d) Franchise

- Entry on electoral rolls: up to 60 days before the date of the elections.
- Any EU citizen aged 18 or over and fully entitled to vote in his or her country of origin.
- Portuguese nationals, entered on the Portuguese electoral roll, residing in another EU Member State may vote by post at the Portuguese consulates.
- Voting is not compulsory in Portugal.
- Turnout statistics of the past elections:

	turnout
1987	72.2%
1989	51.1%
1994	35.5%
1999	39,93%
2004	38,6%

(e) Candidature

- Any EU citizen aged 18 or over and fully entitled to stand for election in his or her country of origin.
- In the 2004 (1999) European elections 1 (0) citizens from other Member States resident in Portugal registered as candidates. None of them was elected.

(f) Polling day

- Voting took place on Sunday, 13 June 2004 between 8am and 7pm, with the exception of the Açores Islands where the polling stations were open until 8pm. Counting of votes began on 13 June 2004 at 7pm.
- The next elections will take place on Sunday, 7 June 2009.

(g) Nomination of candidates

- Lists of candidates are submitted to the Constitutional Court. Lists must contain a number of candidates equal to the number of members to be elected and between three and eight substitutes.
- The time limit for registration is 41 days before the date of elections.
- When registering as candidates, the notifications of candidacy deposited by candidates who are not Portuguese nationals must be accompanied by a formal declaration stating the candidate's nationality and address in Portugal and certifying that he or she is not simultaneously standing for election in another Member State (nationality, address, name).
- Candidates must certify that they have not been disqualified from standing for office in their Member State of origin.
- The Parity Law (Organic Law s No 3/2006, 21 August) establishes that a minimum of 33,3% of women should be represented on every list of candidates, otherwise subventions granted by the state will be reduced and non-conformity with the law will be publicised.

(h) Distribution of seats

- Seats are allocated in the order in which candidates appear on the lists.
- In the event of death, invalidity or resignation of a Member, the seat will be filled by the next candidate on the same list.

(i) Incompatibilities

- Those specified in the European Parliamentary Elections Act, Law No 14/87, 29 April. The office of Member of the European Parliament is incompatible with holding office as:
 - member of the Portuguese Government;
 - minister of the Republic (Autonomous Regions of Madeira and the Azores);
 - member of the Supreme Council of Magistrates;
 - public prosecutor of the Republic;
 - ombudsman and deputy ombudsman;
 - member of the government bodies of the Autonomous Regions;
 - civil Governor and Vice-Governor;
 - Mayor and full-time Deputy Mayor;
 - President of the Economic and Social Council;
 - member of the High Authority for Social Communications, the National Commission for the Protection of Computerised Personal Data, and the Committee on Access to the Administrative Documents;
 - senior government administrator and member of the board of a public Institution;
 - member of the board of a company whose capital is wholly or mainly State-owned.
- The office of MEP is also incompatible with:
 - posts involving diplomatic duties in connection with representing Portugal abroad;
 - posts covered by Article 2 of Decree Law No 196/93, of 27 May (which lays down rules on incompatibility of staff appointed by holders of political office);
 - any posts listed under point 1 of Article 6 of the Community Act of 20 September 1976

concerning the election of the representatives of the European Parliament, which are not included among the foregoing;

- holding office as a civil servant or agent of the State or other public bodies, apart from lecturers working in higher education in an honorary capacity and persons carrying out research activities.

(j) Regulations concerning the election campaign

- Funding is covered by the rules laid down in a new law on the funding of political parties and electoral campaigns that entered into force on 1 January 2005.
- Electoral campaigns are funded by the following:
 - state subsidies;
 - contributions from political parties;
 - gifts from natural persons, subject to the relevant rules.
- The right to State subsidy is granted to all parties that have previously stood for election to the European Parliament and obtained seats. The total amount of the subsidy is the equivalent of 10.000 times the national minimum monthly wage (EUR 426 in 2008). These funds are allocated as follows:
 - 20% to parties, which stand for election but do not obtain seats;
 - the remaining 80% is distributed in proportion to the results obtained.
- Campaign expenses: the limit is laid down by the law on the funding of political parties and electoral campaigns at 144 times the minimum national monthly wage per candidate.
- Official duration of the campaign: 12 days (the campaign begins 14 days before the date of the elections and must end at 12 pm of the day before the election) unless the election takes place on the same day as elections to the Assembly of the Republic. In that event, the duration of the campaign will be the same as the campaign for elections to the Assembly of the Republic.
- Access to the media: candidates have a right to broadcasting time. The rules are laid down by the law on elections to the Assembly of the Republic.
- No polls may be published or discussed on the day before the election or on the Election day itself.

(k) Validation of election results

- The election results are checked at each district and at each autonomous region level by an intermediate verification Committee.
- Both national and European elections are verified at national level. The general verification of results and the proclamation of successful candidates is undertaken by an assembly for general verification established in Lisbon.
- The Constitutional Court has sole jurisdiction in the event of the election results being contested. The election procedure as a whole is coordinated by the National Elections Committee (an autonomous and independent body) and by the Technical Secretariat for Electoral Affairs.

(l) Useful websites

<http://www.parlamento.pt/>

(Parliament)

<http://www.stape.pt/>

(Ministry of Internal Administration)

22. Romania ♦ România

Since January 2007 Romania has been a Member State of the European Union. The first European elections took place on 25 November 2007. A referendum on a new voting system was held on the same day.

(a) Legislation

Law 33 of 16 January 2007 and amending Government Ordinances (OUG 1/2007; OUG 8/2007; OUG 15/2007; OUG 84/2007; HG 991/2007).

(b) Distribution of seats

- 35 MEPs currently represent Romania in the European Parliament, for the parliamentary term 2009-2014 this number will decrease to 33 MEPs⁴¹.
- On average, each Romanian MEP represents 615.000 citizens.
- Number and percentage of women in the European Parliament: 11 (31,4%).

(c) Electoral system

Proportional representation.

(d) Franchise

- All Romanian citizens aged 18 or over and all EU citizens resident in Romania, in full possession of their voting rights, can vote.
- EU citizens resident in Romania shall register on a special list within the respective administrative unit. The registration shall be validated by the Permanent Electoral Authority.

(e) Candidature

- All Romanian citizens aged 23 or over and all EU citizens resident in Romania, in full possession of their voting rights, can stand for election.
- Ombudsmen, magistrates, active army officers, policemen and other public servants cannot stand for election.

(f) Election Day

The next elections are scheduled to take place on 7 June 2009.

(g) Nomination of candidates

- Candidates have to register at the Electoral Central Bureau at least 60 days before the Election Day.
- Judges of the Constitutional Court, ombudsmen, magistrates, active army officers, policemen and other public servants, including those with a special statute, cannot be candidate.

(h) Distribution of seats

- Romania is planning to set a threshold of 5 % of the votes.
- Allocation of seats is carried out using the D'Hondt method.

⁴¹ under the Treaty of Lisbon

(i) Incompatibilities

- Laid down in the Act of 1976 on Elections to the European Parliament, as amended in 2002;
- the following incompatibilities apply to candidates for the EP: holder of one of the positions mentioned under art. 81 and 82 of Book I, Title IV, Chapter III, Section 2 of Law 161/2003 concerning transparency in the public office and the fight against corruption or equivalent positions in the EU member states;
- furthermore, the position of MEP is incompatible with being member of the government.

(j) Regulations concerning the electoral campaign

- The provisions of Law 334/2006 concerning the funding of political parties and electoral campaigns apply.
- The official start of the campaign is one month before the elections. 48 hours before Election Day no campaigning is allowed.
- Media access of political parties and non-affiliated candidates shall be established after final decisions concerning the candidatures. The Standing Bureau of the two Parliament chambers will assign media access proportionally to the ratio between the candidates of each party and the total number of candidates.
- Opinion polls are forbidden 48 hours before Election Day.

(k) Useful websites

<http://www.cdep.ro/>

(Parliament)

[http://www.gov.ro/main/index/l/2/ /](http://www.gov.ro/main/index/l/2/)

(Government)

23. Slovenia ♦ Slovenija

Slovenia joined the EU on 1 May 2004. The European Parliament elections in 2004 were the first for the country. Slovenia has currently 7 seats in the European Parliament, 8 from 2009.⁴²

(a) Legislation

- Election of the deputies from Republic of Slovenia to the European Parliament Act (*ZVPEP, Official Gazette of RS, No. 40/2004*)
- Law on elections to the National Assembly (*Off. Gazette of RS, No. 44/92, 60/95, 70/2000, 109/2006*)
- Voting right register act (*ZEVP, Off. Gazette of RS, No. 52/02*)
- Law on election campaigns (*ZVolk, Off. Gazette of RS, No. 627/94, 17/97*).

(b) Distribution of seats

- The territory of Slovenia forms a single constituency.
- Seats are allocated on the national level to the candidate lists by the D'Hondt system and to the candidates by using the highest number of preferential votes that exceed the quotient calculated by dividing the number of all votes cast for such list by two times the

⁴² under the Treaty of Lisbon

number of candidates on the list, and the remaining seats allocated to such list according to the order of candidates on the list.

- On average each Slovenian MEP corresponds to 289.000 citizens.
- Number and percentage of women elected to the European Parliament in 2004: 3 (42,8%).

(c) Electoral system

- Proportional representation with 4% threshold.
- A voter may vote only for one candidate list but on the ballot paper it is possible to indicate one preferred candidate over the others (preferential voting).

(d) Franchise

- Each citizen of the Republic of Slovenia and each EU citizen with permanent residence in Slovenia, who has attained the age of 18 years by Election day and is not suffering from mental disorder, has the right to vote.
- The participation rate in Slovenia was 28,3% in the last European election 2004.
- In the 2004 elections 7,2% of the total number of 707 voters from other Member States of the EU, who are potentially allowed to vote in Slovenia, registered to vote.

(e) Candidature

Each Slovenian and EU citizen with permanent residence in Slovenia, who has attained the age of 18 years by the day of the election and is not suffering from mental disorder, has the right to stand as a candidate.

(f) Polling day

- The last election took place on Sunday, 13 June 2004, between 8am and 10pm.
- The 2009 election will take place on Sunday, 7 June.
- It is possible for citizens living abroad to vote by post or in diplomatic representations of Republic of Slovenia, if this was previously notified to the State Electoral Commission.

(g) Nomination of candidates

- Candidates may be nominated by political parties (according to their rules) or by voters. A political party can submit a list of candidates if it is supported by signatures of at least 4 members of the National Assembly or at least 1000 voters. If nominated by voters, the list of candidates must be supported by signatures of at least 300 voters.
- For non-Slovenian citizens, a declaration of the candidate must be attached to the list. In the declaration the candidates state their citizenship, the permanent residence address in Slovenia and assures that they are not a candidate to the EP in another Member State of the EU.

(h) Incompatibilities

A deputy of the EP may not carry out any executive functions in local communities. EP members may not carry out functions and activities that should not be performed by members of the National Assembly.

(i) Regulations concerning the election campaign

- European elections are regulated by the Electoral campaign Act, applied *mutatis mutandis*: except article 2, par. 4 and 5 (foreign legal and fiscal persons are thereof

- permitted to organize electoral campaign for the EP election).
- The list of candidates must be submitted to the Republic Electoral Commission at least 30 days before polling day.
 - The electoral campaign can be carried out until 24 hours before Election Day.
 - According to the regulations on financing political parties the organiser of the campaign shall open a transaction account “for the election campaign” at least 45 days prior to the elections. The organiser shall deposit all funds intended or donated by legal entities or private individuals to finance the election campaign to this account. All costs of the campaign shall be covered exclusively from this account. The account shall be closed at least within 3 months after the Election Day. The organiser of the campaign shall submit a full report on all expenses pertaining to the campaign to the National Assembly at least within 3 months after Election Day.
 - If the organiser is not a political party, the report shall include information on all assets collected for the election campaign and other information, which a political party must, according to the law, give in its annual financial report. A campaigner who is not a political party shall donate any surplus in the collected funds to charitable causes. The organiser of the campaign may spend a maximum of 0,25 EUR per voter. The organiser of the campaigns whose candidates were elected shall hold the right to reimbursement of election costs at 0,25 EUR per vote received. These costs shall not exceed the amount of funds used. The right to the reimbursement of part of the expenses shall also be held by the organiser whose list gained at least 2% of the total number of votes cast in the state. Revised amounts shall be determined by the National Assembly each time elections are called.
 - Public media shall determine and make public their rules about their use of programme time or newspaper space for presenting candidates, political parties and electoral programmes at least 45 day prior to the Election Day. These rules shall ensure equal rights to candidates and political parties. Public media shall not publish political propaganda information without giving the name of the client. Access to media is regulated, as well as hanging posters and holding meetings in public places.
 - No public opinion polls on candidates, lists of candidates or parties shall be published during the seven days prior to elections. If a survey is published during the campaign, the analysts involved, their polling methods and the name of the person whom commissioned the poll shall be given. The Law on election campaign also regulates penalties in case of violation of the law (i.e. gluing posters, publishing information during the prohibited time, publishing propaganda messages without stating the name of the client, not submitting the financial report, etc.).

(j) Validation of election results

The State Electoral Commission validates national and European elections. The National Assembly confirms the election of MEPs. Complaints can be lodged with the Constitutional Court.

(k) Useful websites

<http://www.dz-rs.si>

(National Assembly)

24. Slovakia Slovensko

Slovakia has been a Member State of the European Union since 1 May 2004. The country held its first elections to the European Parliament on Sunday, 13 June 2004. Slovakia currently is represented in the European Parliament by 14 deputies and it will be represented by 13 deputies starting from the parliamentary term 2009-2014⁴³.

(a) *Legislation*

- Act No. 331/2003 Coll. from 10 July 2003 on the Elections to the European Parliament, amended by Laws Nr. 515/2003 , 324/2004, 464/2005 and 788/2008 (Nr. of registration in the National Council of the Slovak Republic).
- Amendment of the Constitution of the Slovak Republic (Act No. 460/1993 Coll. as amended) concerning this issue is expected in the near future.

(b) *Distribution of seats*

- For the purpose of elections to the European Parliament the territory of the state is a single constituency.
- On average, each Slovakian MEP represents approximately 386.000 citizens.
- Number and percentage of women elected to the European Parliament in 2004: 5 (35,7%).

(c) *Electoral system*

- The electoral system being used for the European elections is based on proportional representation. Seats are allocated by using the Droop method. The electoral system is comparable to the system traditionally used in the Slovak Republic for national legislative elections.
- The threshold required to win a seat is 5% for a political party as well as for a coalition of political parties.
- Preferential vote.

(d) *Franchise*

- Citizens of the Slovak Republic or of the EU who have attained the age of 18 years by the day of the elections and reside in the Slovak Republic.
- Those citizens, who do not have permanent residence in the territory of the Slovak Republic or in any other EU member state, are entitled to vote under the condition that they are on the territory of the Slovak Republic on Election Day.
- Legal obstacles to the entitlement to vote are:
 - confinement of personal liberty due to a reason of protection of a person's health;
 - execution of punishment;
 - relief from liability for acts.
- EU citizens not enjoying the right to vote in their EU Member State do not have the right to vote.
- The participation rate in Slovakia was 16,96% in the last European election.
- In the 2004 elections 8,6% of the total number of 6871 voters from other Member States of the EU, who are potentially allowed to vote in Slovakia, registered to vote.

⁴³ under the Treaty of Lisbon

(e) Candidature

- Citizens of the Slovak Republic having attained the age of 21 years by election day and permanently resident in the Slovak Republic can stand for election, as long as there are no obstacles as stated in the Act on the Elections to the EP concerning the right to vote.
- Citizens of the EU residing in the Slovak Republic who attained the age of 21 years by the day of elections and who enjoy the right to vote in their Member State can stand for election, as long as there are no obstacles such as provided for in the Act on the Elections to the EP concerning the right to vote.

(f) Polling day

- After the elections are called, the election day is determined by the Chairman of the National Council of the Slovak Republic, based on the decision of the Council of the European Union. This shall be done at the latest 90 days before the elections. The call of elections shall be published in the official Collection of Laws of the Slovak Republic.
- The elections usually take place on Sunday from 7am until 10pm. If required by local conditions, the mayor of the community shall determine the start of the elections at an earlier hour.
- The last elections took place on Sunday, 13 June 2004 and the next EP elections will be held on Saturday, 6 June 2009.

(g) Nomination of candidates

- Each political party registered according to the Act on Political Parties (No. 424/1991 Coll. as amended), can nominate its candidates. More than one political party can agree on a common list of candidates and thereby create a coalition for the purpose of elections.
- A deposit of 50.000 SKK (1.200 €) has to be deposited by the political party before it submits the list of candidates to the Central Election Committee. The Ministry of Finance of the Slovak Republic shall return the sum back to the party within one month after the promulgation of the results of the elections where the political party has gained at least 2% of all valid votes.

(h) Distribution of seats

- The seats shall be allocated to candidates according to the order on the list.
- Candidates who win 10% of the preference votes out of all of those obtained by their party, shall obtain the seat as the first candidates of these political parties (irrespective of their position on the list).
- If there is an equal number of preference votes, the order according to the list shall be applied.
- Vacant seats are filled by the candidate determined by the political party or coalition, unless the preference votes have been obtained by another candidate.

(i) Incompatibilities

The Government discussed and approved the draft constitutional act modifying and supplementing Constitution of the Slovak Republic No. 460/1992 Coll. as amended, according to which the office of Member of the European Parliament is incompatible with the office of Member of the National Council of the Slovak Republic. The amendment also extends the

powers of the Constitutional Court to include rulings on the constitutionality and legitimacy of elections to the European Parliament.

(j) Regulations concerning the election campaign

- National radio and television stations, as well as licensed broadcasters shall assign to each political party and coalition a time of 30 minutes of transmission of a political advertisement with maximum of 5 hours of transmission.
- Each party or coalition shall have equal terms for the purchase of broadcasting time, including financial and payment terms.
- Political parties and coalitions are responsible for the content of broadcasts. Broadcasting of political advertisements shall only start 21 days before election day.
- The placement of electoral billboards and other public information shall only start 21 days before election day. These posters shall only be placed on locations determined by the municipality in its local ordinance.
- It is prohibited to publicise any opinion polls on election day.

(k) Useful websites

- <http://www.government.gov.sk/> (Government)
<http://www.nrsr.sk/> (National Council)

25. Finland Suomi

Finland joined the EU in 1995 and the first election to the European Parliament was held on 20 October 1996.

(a) Legislation

- The Election Act was passed on 2 October 1998 (Law No. 714/1998), replacing all previous electoral laws. The law was amended on 5 April 2002.
- Minor amendments were made in 2003 to the list of candidacy incompatibilities to make the law correspond to the Act on Elections to the European Parliament, amended in 2002.

(b) Distribution of seats

- Finland has 14 seats in the European Parliament in the current term and it will have 13 seats in the parliamentary term 2009-2014⁴⁴. The whole country forms one single constituency.
- Candidates stand at national level and are counted on a national basis.
- On average, each Finnish MEP represents approximately 379.000 citizens.
- Number and percentage of women elected to the European Parliament: 7 of 16 (43,8%) in 1999, 5 of 14 (35,7%) in 2004.

(c) Electoral system

Finland uses a list-based system with preferential vote and proportional allocation of seats by

⁴⁴ under the Treaty of Lisbon

the D'Hondt system.

(d) Franchise

- All Finnish citizens who are aged 18 or older on the day of the election are eligible to vote in the elections to the European Parliament, regardless of domicile.
- Citizens of another EU Member State aged 18 or over are eligible to vote if they are domiciled in Finland (on the 51st day before Election Day and if they apply for the right to vote not later than on the 80th day before Election Day).
- Citizens of another EU Member State who previously registered to vote in the 1999 EP elections in Finland and are still domiciled in Finland had automatically the right to vote in the 2004 EP elections, provided that they have not asked to be removed from the Finnish register.
- EU citizens who have lost their right to vote in their Member State of origin may not vote in the Finnish EP elections.
- Voters may also vote in advance in post offices, hospitals and certain other institutions as well as in Finnish diplomatic missions or their offices. Advance voting in 2004 began on 2 June and ended on 8 June. Advance voting abroad began on 2 June and ended on 5 June. Votes cast in advance are counted on the Election Day.
- Voting is not compulsory.
- Participation rate in past European elections:

	turnout
1996	60,3%
1999	31,4%
2004	39,4%

- In the 2004 elections 18,3% of the total number of 30.091 voters from other Member States of the EU, who are potentially allowed to vote in Finland, registered to vote. 2342 of them voted.

(e) Candidature

Any Finnish citizen or citizen of another EU Member State aged 18 or over who has the right to vote may also stand for election, except persons subject to a care order.

(f) Polling day

- Elections to the European Parliament are held on Sundays. The 2004 election took place on Sunday, 13 June 2004. The next elections will take place on Sunday, 7 June 2009.
- The count begins at 8 pm on polling day for votes cast in that day. In the afternoon of the polling day for the advance votes.

(g) Nomination of candidates

- Nominations for European Parliament elections may be submitted by political parties or a voters' association (*valitsijayhdistyksen/valmansförening*). A minimum number of 2.000 persons, who are eligible to vote in the elections, is required to form a voters' association.
- The list of candidates of a party or a voters' association may not contain more than 20 persons. The list shall be submitted to the central election committee (*vaalipiir-*

ilautakunta/ valkretsnämnd) in Helsinki at least 40 days prior to the day of the election.

(h) Distribution of seats

- Candidates on the lists are ranked according to the number of votes each person listed has received. Subsequently, the candidates are ranked according to a comparison figure: the first candidate from each party receives a comparison figure equivalent to the total number of votes for the party or voter's association in question, the second person on the list receives half of that number, the third receives one third of the total number, the fourth one fourth of the total number, etc. In the event of two or more candidates receiving the same number of comparison figures, their internal order is determined by means of a lottery.
- Following this procedure, all candidates are ranked in the order of their respective comparison figures. The seats are then allocated to the candidates with the highest comparison figures, until all seats are filled.

(i) Incompatibilities

Those laid down in the Act on Elections to the European Parliament and based on the Election Act (714/1998) include the following persons:

- Members of the Finnish Government;
- civil servants who, under the Finnish Constitution may not stand as candidates for the Finnish Parliament (military personnel, Chancellor of Justice, Vice-Chancellor of Justice, Members of the Supreme Court and Supreme Administrative Court, Ombudsman and Vice-Ombudsman of the Finnish Parliament).

(j) Regulations concerning the election campaign

- The 1998 Electoral Law does not lay down rules or limits concerning the funding of political parties or the election campaign.
- A person who has been elected as a Member of the European Parliament and a person who has been designated as a substitute Member has the duty of disclosure of campaign finance. A statement of election expenses must be submitted to the Ministry of Justice within two months of polling day (Act on Disclosure of the Funding of a Candidate's Campaign Finance of 12 May 2000, No. 414/2000).
- Under the Act on Political Parties, the Finnish Broadcasting Company (a national public service company) is required to give equal treatment to political parties in its election broadcasts.

(k) Validation of election results

- The Electoral District Committee of Helsinki declares the final election results.
- The *Uudenmaan/Nyland* regional administrative tribunal has sole jurisdiction if the results of the election are contested.

(l) Useful websites

<http://www.eduskunta.fi/> (Parliament)

26. Sweden Sverige

For Sweden, which joined the Union in 1995, the 1999 elections were the first regular elections to the European Parliament since a by-election was held in 1995.

(a) Legislation

The electoral law SFS 2005:837.

(b) Distribution of seats

- Sweden has 19 seats in the European Parliament. It will have 20 seats from 2009-2014⁴⁵. Due to the relatively low number of seats, the constituency system used in national elections cannot be employed in elections to the European Parliament since it would not satisfy fairness and predictability requirements. As a result, the whole country forms one single constituency.
- On average each Swedish MEP represents approximately 483.000 citizens.
- Proportionally, Sweden has the highest representation of women amongst the Member States:

	1995	1999	2004
MEPs	22	22	19
Women	10	9	11
%	45,5	40,9	57,9

(c) Electoral system

Sweden employs a list-based system with preferential vote and proportional allocation of seats by the modified St.Lagüe method.

(d) Franchise

- Voting is not mandatory in Sweden.
- All EU citizens aged 18 or over who are registered resident in Sweden are entitled to vote. Non-Swedish EU citizens must announce their intention of voting to the tax Council administrative board.
- Voting at the Swedish Post office and voting by mail from abroad is possible.
- In past European elections the participation rate was as follows:

	turnout
1995	41,6%
1999	38,8%
2004	37,8%

- In the 2004 elections 25,1% of the total number of 177.881 voters from other Member States of the EU, who are potentially allowed to vote in Sweden, registered to vote. 24.100

⁴⁵ under the Treaty of Lisbon

of them voted.

(e) Candidature

- Anyone entitled to vote may stand for election. Some minor exceptions are listed in SFS 2005:837.
- In the 2004 (1999) European elections 1 (0) citizens from other Member States resident in Sweden registered as candidates. None of them was elected.

(f) Election Day

- Voting took place on Sunday, 13 June 2004 from 8am to 9pm.
- The counting started immediately after the closure of polling stations and was completed on 16 June 2004. Final results were announced on 17 June 2004.
- The 2009 elections will take place on Sunday, 7 June.

(g) Nomination of candidates

- In the last elections the deadline for registration was 11 March 2004.
- No deposit is required.
- No conditions for a party to stand for elections. In order to register a party 1.500 signatures are required. Nominations (i.e. lists of candidates) must be submitted to the Central Election Authority or, depending on specific circumstances, to the county administrative board.

(h) Distribution of seats

- To qualify for the allocation of seats, parties must obtain at least 4% of the total number of votes cast.
- Votes for individual candidates can have the effect of overriding the order in which the candidates are placed on their party list. For this to occur, a candidate must obtain at least 5% of the total number of votes cast for his party. The candidate receiving the highest number of votes will then be placed first on the list, etc.

(i) Incompatibilities

The electoral law of Sweden 1997:157 (Art.8) incorporates the incompatibilities listed in the 1976 European Electoral Act and states that citizens of other EU Member States are ineligible if they have lost their eligibility in their country of origin. Further incompatibilities are laid down in the Elections Act 2005:837.

(j) Regulations concerning the election campaign

National electoral law does not lay down any specific rules or limits concerning the funding of political parties. No special rules for elections to the European Parliament apply.

(k) Validation of election results

The validation board has sole jurisdiction where the results of the election are contested. It has the power to order the annulment of a ballot and the organisation of new elections.

(l) Useful websites

<http://www.riksdagen.se/>

(Parliament)

27. The United Kingdom

The UK has been a member of the Community since 1973 and therefore had six direct elections to the EP.

(a) Legislation

- The European Parliamentary Elections Act 2002 (EPEA). This consolidated previous legislation:
 - The European Parliamentary Elections Act of May 1978 (as amended and supplemented by the European Elections Act of 1981)
 - The European Parliamentary Elections Act of 1993
 - The European Parliamentary Elections Act of 1999
- The European Parliamentary Elections Act 1999 provided for a change in the electoral system, introducing a proportional system based on regions and closed lists. The 1999 elections were held under this system, as were the 2004 elections.
- The European Parliament (Representation) Act 2003.
- European Parliamentary and Local Elections (Pilots) Act 2004.

(b) Distribution of seats

- The United Kingdom currently has 78 seats (after the elections in 2009 it will have 73 seats⁴⁶). These are divided among 12 regional constituencies, each of which will elect between 3 and 11 MEPs as follows⁴⁷:

Eastern	7
East Midlands	6
London	9
North East England	3
North West England	9
South East England	10
South West England	7
West Midlands	7
Yorkshire and Humberside	7
Scotland	7
Wales	4
Northern Ireland	3

- Representation of women:

⁴⁶ under the Treaty of Lisbon

⁴⁷ Gibraltar's first elections to the European Parliament were held on 10 June 2004 as part of Europe-wide elections. Although part of the European Union, Gibraltar had never before voted in European Parliamentary elections in part due to its small electorate of just over 20,000 which would cause Gibraltar to be over-represented by about 30 times if even a single seat were to be assigned to it. This disenfranchisement was successfully challenged before the European Court of Human Rights (case Matthews) and from 2004 Gibraltar was considered to be part of the South West England region for electoral purposes. None of the main Gibraltar political parties contested the election, so voters chose from United Kingdom party lists.

	1979	1984	1989	1994	1999	2004
MEPs	81	81	81	87	87	78
Women	11	12	12	16	21	19
%	13,6	14,8	14,8	18,4	24,1	24,0

- On average, each UK MEP corresponds to approximately 785.000 citizens.

(c) Electoral system

- Representatives from England, Scotland and Wales are elected under a form of proportional representation (PR) on the basis of regional constituencies.
- Candidates are placed on closed lists, i.e. voters will choose between party lists and not individual candidates.
- Northern Ireland is a single regional constituency with 3 members. These representatives are elected by the same system as that used in Ireland, i.e. the single transferable vote (STV). This involves choosing between candidates (see section IV, 10).
- The described changes only refer to the system for European elections. In national elections, the pluralist or "first past the post" (FPTP) system continues to be used. In the devolved assemblies, a combination of FPTP and PR is used.

(d) Franchise

- Citizens of the European Union resident in the United Kingdom aged 18 years or over are entitled to vote. Applications for entry on the electoral roll can be made on an annual basis, with optional late insertion.
- In order to exercise their right to vote in Northern Ireland, citizens of the European Union must have resided in the territory of Northern Ireland for three months prior to their entry on the electoral roll.
- Contrary to the practice in national elections, members of the House of Lords also have the right to vote.
- Overseas electors, including members of the armed forces, are entitled to be registered as electors only if they make an overseas elector's declaration under the Representation of the People Act 1985. Such a declaration has to be made each year within the twelve months following the date when the entry in the register first takes effect.
- Members of the armed forces, and their spouse, must make a declaration of eligibility in order to vote in the form of a 'service declaration'.
- Voting by post or proxy is possible for those citizens that have not been absent from the UK for more than 15 years. There are no provisions for voting at embassies or consulates abroad.
- On average, British turnout for the first five elections to the EP was 32%, which compares to 72% for national elections over the same period. Rates of participation in EP elections remained stable or grew slightly until the 1999 election, when the turnout fell sharply.
- Voting is not mandatory.

	turnout
1979	31.6%
1984	32.6%
1989	36.2%
1994	36.4%
1999	24.0%
2004	38,9%

(e) Candidature

- Candidates may submit their names up to three weeks before the elections. They must be citizens of the European Union and aged 21 years old or over. Members of the House of Lords and clergymen may also stand for election.
- In the 2004 European elections 2 citizens from other Member States resident in the UK registered as candidates. None of them was elected.

(f) Polling day

- Voting took place on Thursday, 10 June 2004. It was the first European election to be held in the United Kingdom using postal-only voting in four areas and coincided with local and regional elections.
- The next elections will take place on Thursday, 4 June 2009.

(g) Nomination of candidates

- Candidates are nominated by the political parties. In the case of the Liberal Democrat Party and the Conservative and Unionist Party, party members will decide how candidates are ranked on the list. In the case of the Labour Party, candidates will be ranked by a selection board drawn from national and regional executive committees.
- A deposit of £ 5.000 (appr. € 5.700, February 2009) must be paid.

(h) Distribution of seats

- In England, Scotland and Wales the seats will be won by the candidates with the greatest number of votes in each regional constituency.
- In the 3-member region of Northern Ireland, candidates with sufficient first-choice votes are elected and thereafter the second and subsequent choice votes of the voters are used to fill the remaining seats.
- Vacancies are no longer filled by means of by-elections. Henceforth, the next candidate on the relevant party list will take the position.
- There are no threshold clauses.

(i) Incompatibilities

- Above and beyond the European Electoral Act of 20 September 1976, as amended in 2002, incompatibilities are set out in the European Parliamentary Act of 1978. Basically, these are holders of certain important public offices, those convicted of electoral offences, non-British citizens, other than Irish, Commonwealth or EU citizens.
- Membership of the European Parliament is incompatible with membership of the House of Commons and the House of Lords. However, a derogation exists which disqualifies life

peers elected to the European Parliament from sitting or voting in the British Parliament for the duration of their European mandate. This permits them to take up a role as an MEP without formally renouncing membership of the House of Lords.

(j) Regulations concerning the election campaign

- Election expenditure by political parties is controlled by the Political Parties, Elections and Referendum Act (PPERA) 2000. No public grants are made available to political parties to fund election campaigns. Members who are elected under the list system are elected when voters vote for a political party rather than a specific candidate. Consequently, expenditure incurred in promoting a party's list candidates is treated as party campaign expenditure, and is regulated by the PERA. Candidates on a party list do not have individual expenditure limits.
- Media access is granted according to the size of the party's support.
- Opinion polls may be published up to polling day. No exit polls may be published before 21.00 BST on the last Europe-wide day of voting.

(k) Validation of election results

The Returning Officer in each constituency is responsible for the counting of the votes and the declaration of the results. Election results can be contested in the High Court. The Electoral Commission, set up as a result of PERA, is responsible for overseeing the elections.

(l) Useful websites

<http://www.parliament.uk/>

(Parliament)

<http://www.direct.gov.uk/>

(Government)

<http://www.electoralcommission.gov.uk/>

Electoral Commission)

ANNEX I: SYNOPTIC TABLE

	MEPs now/ after the Treaty of Lisbon	Entitle- ment to vote (years)	Eligibility for election (years)	Electoral system*	Constituency structure	Deadline for candidate lists
Austria	18/19	16	18	PR with pre- ferential vote 4 % threshold	Single constituency	1 May 2009
Belgium	24/22	18	21	PR with pre- ferential vote	5 (3 electoral colleges)	11 April 2009
Bulgaria	18/18	18	21	PR	Single constituency	22 May 2009
Cyprus	6/6	18	25	PR	Single constituency	14 May 2009
Czech Republic	24/22	18	21	PR with pre- ferential vote 5 % threshold	Single constituency	31 March 2009
Denmark	14/13	18	18	PR with pre- ferential vote	Single constituency	10 May 2009
Estonia	6/6	18	21	PR with pre- ferential vote	Single constituency	23 April 2009
Finland	14/13	18	18	PR with pre- ferential vote	Single consti- tuency (electo- ral districts)	28 April 2009
France	78/74	18	23	PR 5 % threshold	8	22 May 2009
Germany	99/99	18	18	PR 5 % threshold	16 <i>Länder</i>	31 March 2009
Greece	24/22	18	21	PR	Single constituency	24 May 2009
Hungary	24/22	18	18	PR 5% threshold	Single constituency	8 May 2009
Ireland	13/12	18	21	PR with STV ¹	4	4 May 2009
Italy	78/73	18	25	PR with pre- ferential vote 4% threshold	5	28 April 2009
Latvia	9/9	18	21	PR with pre- ferential vote 5% threshold	Single constituency	2 April 2009
Lithuania	13/12	18	21	PR with pre-	Single	4 May 2009

				ferential vote 5% threshold	constituency	
Luxembourg	6/6	18	21	PR with vote splitting	Single constituency	8 April 2009
Malta	5/6	18	18	PR with STV	Single constituency	2 May 2009
Netherlands	27/26	18	18	PR with pre- ferential vote	Single constituency	22 April 2009
Poland	54/51	18	21	PR with pre- ferential vote 5% threshold	Single constituency (13 electoral districts)	28 April 2009
Portugal	24/22	18	18	PR	Single constituency	27 April 2009
Romania	35/33	18	23	PR 5 % threshold	Single constituency	8 April 2009
Slovakia	14/13	18	21	PR with pre- ferential vote 5 % threshold	Single constituency	2 April 2009
Slovenia	7/8	18	18	PR	Single constituency	8 May 2009
Spain	54/54	18	18	PR	Single constituency	4 May 2009
Sweden	19/20	18	18	PR with pre- ferential vote 4 % threshold	Single constituency	13 March 2009
United Kingdom	78/73	18	21	PR (Northern Ireland PR with STV)	11 + 1 (Northern Ireland)	7 May 2009

* PR = Proportional representation; STV = Single Transferable Vote

ANNEX II: WEBLINKS TO NATIONAL ELECTORAL PROVISIONS

Note: some legal bases cannot be identified under a specific URL because the URL indicates only a general research instrument and does not change for individual documents.

Belgium

[Loi du 23 mars 1989 amendée](#)

Bulgaria

[Law on Elections to the European Parliament](#)

Denmark

[Law of 2 February 2004](#)

Germany

[European Elections Act](#)
[Legal Bases for the EP elections](#)

Spain

[Bolétin oficial](#)

Estonia

[Electoral Acts](#)

France

[Loi 2003-327](#)
[Décret 2004-30](#)

Ireland

[European Parliament Elections Act \(Amendment\)](#)

Italy

[Elezioni dei membri del Parlamento europeo](#)
[Legge 20 febbraio 2009, n. 10](#)

Latvia

[European Parliament Election Law](#)

Lithuania

[EP Election Law](#)

Luxembourg

[Loi du 10 février 2004](#)

[Loi de 19 décembre 2008](#)

Hungary

[Act CXIII of 2004 on the election of the Members of the European Parliament](#)

Malta

[EP Elections Act](#)

Netherlands

[Information on European elections](#)

Austria

[European electoral decree](#)

Poland

[Act of 23 January 2004](#)

Portugal

[Electoral Legislation](#)

Romania

[Act of 16 January 2007](#)

Slovenia

[Law of 20 April 2004](#)

Finland

[Election Act of 2 October 1998](#)

Sweden

[Elections Act 2005:837](#)

UK

[European Parliamentary Elections Act 1999](#)

[European Parliamentary and Local Elections \(Pilots\) Act 2004](#)

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

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