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# **Elections to the European Parliament**

**23-26 May 2019**

**ELECTION-WATCH.EU**

**Election Assessment Mission**

**Final Report**



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The views expressed in this report are solely the views of  
Election-Watch.EU and the authors of this report

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## LIST OF ABBREVIATIONS

ACRE	Alliance of Conservatives and Reformists in Europe
AEGEE	Association des États Généraux des Étudiants de l'Europe / European Students' Forum
ALDE	Alliance of Liberals and Democrats for Europe Party
APPF	Authority for European Political Parties and European Political Foundations
AT	Austria
BE	Belgium
BG	Bulgaria
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFR	Charter of Fundamental Rights
CJEU	Court of Justice of the European Union
CoE	Council of Europe
CRPD	Convention on the Rights of Persons with Disabilities
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EAM	Election Assessment Mission
EDP	European Democratic Party
EE	Estonia
EMB	Election Management Body
ENF	Europe of Nations and Freedom Group
EOM	Election Observation Mission
EP	European Parliament
EPP	European People's Party
EPRS	European Parliamentary Research Service
ERGA	European Regulators Group for Audio-visual Media Services
ES	Spain
EU	European Union
FI	Finland
FR	France
GDPR	General Data Protection Regulation
GR	Greece
GRECO	Group of States against Corruption (Council of Europe)
HR	Croatia
HU	Hungary
ICCPR	International Covenant on Civil and Political Rights
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MENF	Movement for a Europe of Nations and Freedom Party
MEP	Member of the European Parliament
MT	Malta
NAM	Needs Assessment Mission
NC	National Coordinators
NL	Netherlands
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PES	Party of European Socialists
PL	Poland
PT	Portugal
PWD	Persons with Disabilities
RO	Romania
S&D	Socialists & Democrats Group
SE	Sweden
SI	Slovenia
SK	Slovakia
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom

## I. EXECUTIVE SUMMARY

For the first time, elections to the European Parliament were observed by a comprehensive citizen-led Election Assessment Mission (EAM). The Mission, with 28 national chapters, comprising over 60 international election experts and observers as well as eight like-minded citizen election observer organisations, focused on specific aspects of the electoral process, including the right to vote, the right to stand as a candidate, electoral calendars, voter registration, campaign finance, social media regulation, the participation of persons with disabilities, and conditions for election observation. The EAM followed established election observation methodology, referenced international standards and regional human rights commitments, and has been carried out on a pro bono basis across the European Union (EU).

The May 2019 elections to the European Parliament were one of the biggest democratic events worldwide, with an estimated 426 million citizens eligible to vote. European voters cast their ballot to elect the 751 Members of the European Parliament (MEPs), from a total of 539 lists and 15,221 candidates in all 28 EU Member States. The campaigns for the European elections were decidedly more active than in the past, with a greater European dimension, positively resulting in an increased turnout of 50.62 per cent across the EU. European citizens were able to choose from a broad political spectrum in a largely genuine competition, although with nationalist and populist rhetoric in some Member States.

Key campaign topics included immigration, the environmental crisis, and euroscepticism. In many Member States, the competition for votes remained a test for national politics rather than a contest for representation at the European level. The non-binding ‘Spitzenkandidaten principle’ was formalised by the European Parliament in 2014 to enhance the transnational character of the process and the impact of the election result on the future EU leadership. Despite increased efforts by European political parties, their lead candidates remained little known, as the parties themselves. It remained unclear prior to the elections whether and how the principle would be applied to the procedure for the appointment of the President of the European Commission.

An overall legislative framework for the elections is in place at the European level. Each Member State, looks to its own electoral system and election administration – embedded within its own legal framework and electoral traditions – to carry out the elections. This results in a variance of electoral rules and procedures, contributing to these elections’ complexity. The differences extend to election days and electoral calendars, voter and candidate eligibility, voting methods, and specific aspects of the electoral system, including constituency size and electoral thresholds. Following the principle of “degressive proportionality”, smaller member states have at least six MEPs, and therefore more MEPs per capita, and larger member states have up to 96 MEPs. A number of proposals to adjust this seat allocation method have been made over the past years, with an emphasis on the need to adopt clear, objective and transparent criteria for the distribution of seats in the European Parliament, taking shifts in population numbers into account. No decisions on possible changes to the allocation method have yet been made.

European citizens directly elect their representatives to the European Parliament for a five-year period. Conditions for electoral participation as a voter and as a candidate vary considerably across the EU Member States, including differing age, residency, and registration requirements. In many Member States, suffrage rights continue to be restricted based on criminal conviction, and no provisions for individual (independent) candidacy are made, at odds with international standards. Positively, a number of Member States have undertaken efforts in recent years to initiate review and to adopt legal amendments with a view to removing or at least narrowing the scope of remaining restrictions on suffrage rights.

Member States have made evident efforts to encourage the electoral participation of persons with disabilities, albeit with varying focus, scope, and impact. Thirteen Member States guarantee the right to vote for all persons with disabilities without restrictions. The remaining Member

States impose limitations on the right to vote and the right to stand as a candidate based on mental disability or lack of legal capacity, which is against the Convention on the Rights of Persons with Disabilities. In facilitating participation, the Member States prioritize the physical accessibility of polling premises, with accessibility requirements included in laws or special accommodations put into place. Participation is also facilitated through a range of alternative voting options. Concerns remain regarding the level of support and information granted to persons with disabilities to enable them to make an informed choice and to vote independently.

The elections are administered by the national election authorities who welcomed an EU-wide coordination and data exchange mechanism, facilitated by the European Commission since 2014 in order to enhance greater consistency of approaches. This exchange was only partially effective with regard to the exchange of voter eligibility and registration data. While almost all Member States exchanged information in an encrypted format, the data was not always compatible or complete. Furthermore, different voter registration cut-off dates in the Member States made it difficult to exchange information in a timely manner, resulting in concerns about possible omissions or multiple registrations in different countries, and about double voting.

The UK was due to leave the EU on 29 March 2019, but on 7 May an extension was agreed until 31 October 2019. As a result, the UK participated in the European elections and the topic of Brexit became less dominant during the campaign period. The late decision affected the electoral process in a number of ways. In the wake of Brexit negotiations, the UK electoral authorities did not participate in coordination and data exchange as fully as other EU Member States' election management bodies. As a result of late election preparations and information shortcomings for citizens from other Member States living in the UK, a significant number of such voters were denied the right to vote.

Diverging national campaign finance frameworks and campaign timeframes complicated the organization of a European campaign and created unequal conditions for parties and candidates across the EU. These were the first elections that took place under a new regulatory framework for European political parties, including a new oversight body. European political parties can receive funding from the general budget of the European Union and donations from legal and natural persons. At the national level, public funding is usually available for political parties in all but three Member States where private funding is the only source of campaign finance. Foreign funding is forbidden in half of the Member States to avoid undue foreign influence, while in ten EU countries even the financing of national campaigns by European political parties is prohibited. At the European level, the regulations for campaign finance provide for a thorough and comprehensive reporting and disclosure system, while in some Member States there is a lack of detailed provisions for reporting requirements.

In an effort to protect the European Parliament elections against new threats, the EU implemented a set of measures tackling online disinformation. The European Commission requested online platforms, social media networks and the trade associations representing the advertising sector to follow a self-regulatory Code of Practice. This resulted in increased transparency of political advertisements, searchable public political advertisement repositories, and numerous suspected disinformation accounts being taken offline in several countries. While social media have become a vividly important as well as rapidly evolving part of electoral processes, it seems that the EU, but in particular most Member State regulators, are lagging behind in providing guidance about greater transparency, independent oversight and permissible regulations.

The EU and its Member States conduct and promote election observation globally and have also committed themselves to facilitate access for international and citizen election observers. Not all Member States have implemented this commitment through national law. Eight Member States have legislation and accreditation systems in place for both international and national observers, and voting and counting processes are open to the public without limitations in five

additional member states. Election-Watch.EU requested accreditation in all 28 EU Member States and was accredited in 12.

Election-Watch.EU conducted this EAM with the objective of raising awareness of the importance of the European elections, promoting good practices, contributing to European electoral integrity and providing recommendations to further strengthen European electoral processes. Upcoming electoral reform advocacy will target newly elected MEPs, EU governments and political parties to demonstrate commitment to UN, EU, Council of Europe and OSCE standards and commitments. An underlying objective is to strengthen civic engagement in European electoral processes, with a special focus on youth participation. The EAM also aimed for the recognition of the value of non-partisan election observation not only outside the EU, but also within Europe, to further strengthen European democracies.

## **II. INTRODUCTION**

For the first time, the European Parliament (EP) elections were observed by a comprehensive Election Assessment Mission (EAM) with 28 national chapters, comprising more than 60 international election experts and observers, as well as eight like-minded citizen election observer organisations.<sup>1</sup> The mandate for this mission derives from the European Union (EU) Member States' international obligations and regional commitments.

The EAM focused on specific areas to evaluate the EU Member States' electoral processes. These areas included the right to vote and the right to stand as a candidate, electoral calendars, voter registration, campaign finance, social media regulation, the participation of persons with disabilities, and the conditions for election observation. The EAM followed established election observation methodology, used international standards and regional human rights commitments as references, and has been carried out on a pro bono basis across the EU. Prior to the EAM, Election-Watch.EU conducted a Needs Assessment Mission (NAM) in Brussels between 28 January and 1 February. The NAM assessed the relevance of citizen-led election observation and resulted in the decision to deploy a comprehensive EAM. Findings and conclusions were published in a pre-election NAM report.<sup>2</sup>

The EAM had a Coordination Team in Brussels between 8 and 31 May 2019 and met with officials from the European Parliament, the General Secretariat of the Council of the European Union, and the European Commission, as well as with representatives of European political parties.<sup>3</sup> The mission also met with election management bodies and representatives from political parties, media and civil society organizations at the national and at the European level. Election-Watch.EU would like to thank the representatives of EU institutions and European political parties as well as national election management bodies and other stakeholders for their co-operation, and to thank all EAM interlocutors for taking the time to meet and for sharing their views. Further, Election-Watch.EU expresses its gratitude to all colleagues who contributed to and reviewed this report.

Election-Watch.EU is an independent, non-partisan civil society initiative aiming to strengthen electoral integrity and democracy in the European Union. The initiative endorsed the Declaration of Global Principles for Non-Partisan Election Observation<sup>4</sup> and is a member of the Global Network of Domestic Election Monitors.<sup>5</sup> For the 2019 European elections, Election-Watch.EU had a Memorandum of Understanding with the European Parliament for public outreach and for contributing to overall electoral integrity.

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<sup>1</sup> See the list of contributors in Annex III.

<sup>2</sup> [Election-Watch.EU NAM Report](#).

<sup>3</sup> See the list of NAM and EAM interlocutors in Annex V.

<sup>4</sup> [Declaration of Global Principles for Non-Partisan Election Observation](#).

<sup>5</sup> [Global Network of Domestic Election Monitors](#).

### III. BACKGROUND AND POLITICAL CONTEXT

The 9<sup>th</sup> European Parliament elections took place between 23 and 26 May 2019, with an estimated 426 million citizens in 28 EU Member States eligible to elect the 751 Members of the European Parliament (MEPs). European citizens were able to choose from a broad political spectrum in a largely genuine competition. The elections were contested by a total of 539 lists and 15,221 candidates<sup>6</sup> in all 28 EU Member States, amounting to one of the biggest democratic events worldwide. In ten Member States (BE, DE, ES, GR, IE, IT, LT, MT, RO, and SE), EP elections were held concurrently with national and/or local elections, or referenda.

The campaigns for the European elections have become decidedly more active than in the past, with a greater European dimension. Key campaign topics included immigration, the environmental crisis, and euroscepticism, which resulted in an increase of EU-critical positions and the strengthening of nationalist parties in some Member States, but also helped to mobilise debates about European integration. The period of the European elections also provided a test for national politics, at times with severe repercussions for the governments in place. In the UK, the Prime Minister resigned in light of the election results. A political scandal caused the government to collapse in AT before the European elections. Snap elections were also called in GR. In HU in particular, various interlocutors held that the electoral contest did not take place on a level playing field, as limitations on access to media and recent tightening up of campaign regulations limited the possibility of voter outreach for opposition parties.<sup>7</sup>

The non-binding ‘Spitzenkandidaten principle’ (lead candidate principle) was introduced by the European Parliament in 2014 to enhance the transnational character of the electoral process, but dates back to earlier debates on how the President of the European Commission should be chosen.<sup>8</sup> For the 2019 European elections, seven out of ten European political parties nominated lead candidates, with Manfred Weber (EPP) from Germany and Frans Timmermans (PES) from Netherlands the most prominent.<sup>9</sup> Despite considerable efforts by the European political parties, their lead candidates remained little known, as the parties themselves.<sup>10</sup> The principle implies that lead candidates are also candidates for President of the European Commission, to be indirectly elected in the European Parliament with a majority of the votes. However, the varying positions of EU Member States and of the European institutions left it unclear prior to the elections how the next President of the European Commission would be chosen.<sup>11</sup> Following the elections, the Spitzenkandidaten principle was not decisive in the nomination of the new European Commission President.<sup>12</sup>

On a positive note, the turnout in these elections has increased significantly since 2014 and

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<sup>6</sup> Most candidates were candidates on lists and only a comparatively small number of candidates were independent candidates. Notably, all 59 candidates in IE were listed as independent while being associated with national political parties. There were also five independent candidates in EE, one independent candidate in FI, and three independent candidates in RO ([European Parliament Country Sheets](#)).

<sup>7</sup> The [2018 OSCE/ODIHR LEOM to Hungary Final Report](#) stated that „the ability of contestants to compete on an equal basis was significantly compromised by the government’s excessive spending on public information advertisements that amplified the ruling coalition’s campaign message“ (page 2).

<sup>8</sup> EPRS Briefing: [Election of the President of the European Commission. Understanding the Spitzenkandidaten process](#). April 2019.

<sup>9</sup> EPP, PES, ACRE and EFA nominated one lead candidate each, whereas the European Green Party and the Party of the European Left nominated two lead candidates each, and ALDE nominated seven lead candidates ([European Parliament](#), 10 May 2019). ALDE decided to put forward a “Team Europe” rather than individual lead candidates, indicating their rejection of the lead candidate process in the absence of transnational lists.

<sup>10</sup> A debate between six leading candidates was organised at the European Parliament on 15 May, broadcasted by Eurovision and followed by a TV duel of the EPP and PES candidates on the next day.

<sup>11</sup> See Legal Framework section for further detail.

<sup>12</sup> The nomination of the President of the European Commission was part of a compromise agreement between the Member States on key EU personnel, extending also to the President of the European Parliament, the President of the European Central Bank, and the High Representative of the Union for Foreign Affairs and Security Policy. Following her nomination by the European Council, the European Parliament confirmed the selection of former German Minister of Defence, Ursula von der Leyen, as new European Commission President on 16 July 2019 with a narrow majority of nine votes.

reached an average of 50.62 per cent across the EU. There was a wide margin of variation among Member States, ranging from 22.74 per cent in SK to 88.47 per cent in BE, where voting is compulsory and general elections were held concurrently.<sup>13</sup> Voter turnout decreased in eight Member States (slightly in BE, GR, LU, MT, but around three per cent in BG, IR, IT and PT), but increased in all other Member States – with growth rates close to or over 10 per cent in AT, CZ, DE, DK and HU, and close to or over 20 per cent in ES, PL and RO. The European Parliament had notably launched the initiative *This time I'm voting*<sup>14</sup> to encourage online and offline activities and information campaigns to enhance voter participation and motivation in order to achieve a higher turnout.

*The EU, its Member States and the EP in particular should further enhance civic education and encourage citizens to become active in democracy, in their own society and at local level to promote democratic practices and electoral participation.*

Based on the 2019 European election results, the composition of the EP has changed.<sup>15</sup> Since the first European elections in 1979, the Group of the European People's Party (EPP; Christian Democrats) and the Group of the Progressive Alliance of Socialists and Democrats (S&D; formerly Socialist Group) used to be the most dominant groups in the EP. In the newly elected European Parliament, the EPP and S&D groups no longer constitute an absolute majority. They are joined by Renew Europe (RE), which emerged out of the Alliance of Liberals and Democrats for Europe (ALDE; Liberals), as the third-largest group, as well as four other political groups and a number of non-attached members, changing the conditions for decision-making in the EP.<sup>16</sup> A total of 308 out of 751 newly elected MEPs are women, representing an increase in the proportion of women parliamentarians from 36 per cent to 41 per cent.<sup>17</sup>

**Table 1: Composition of the European Parliament 2019-2024 (as of September 2019)<sup>18</sup>**

182 MEPs	EPP	Group of the European People's Party (Christian Democrats)
154 MEPs	S&D	Group of the Progressive Alliance of Socialists and Democrats in the European Parliament
108 MEPs	RE	Renew Europe
74 MEPs	Greens/EFA	Group of the Greens/European Free Alliance
73 MEPs	ID	Identity and Democracy
62 MEPs	ECR	European Conservatives and Reformists Group
41 MEPs	GUE/NGL	Confederal Group of the European United Left – Nordic Green Left
57 MEPs	NI	Non-attached members

<sup>13</sup> Turnout in the European elections had declined from 62 per cent in 1979 to 42.6 per cent in 2014.

<sup>14</sup> [This time I'm voting](#).

<sup>15</sup> Membership in the parliamentary political groups does not necessarily coincide with membership in European political parties. Some political groups in the EP, but not all, carry the same name as the corresponding European political party, but they are organisationally different (compare Section X). 25 MEPs are needed to form a group and at least one-quarter of the Member States (7). Members may not belong to more than one political group. Some MEPs do not belong to any political group and are known as non-attached members

<sup>16</sup> This is partly due to the election results and partly due to the configuration of the groups themselves. In particular the formation of the RE group, in which the previous Alliance of Liberals and Democrats for Europe (ALDE) group and other political parties are joined by the French "La République en Marche" (LREM) which contested the European elections as the list "Renaissance", changed the balance between the groups in the EP.

<sup>17</sup> [European Parliament](#).

<sup>18</sup> European Parliament: [2019 European election results](#).



## IV. LEGAL FRAMEWORK

### A. OVERVIEW

The EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities.<sup>19</sup> All Member States are party to the International Covenant on Civil and Political Rights (ICCPR), the main human rights treaty with relevance for the holding of democratic elections. The EU and all its Member States, as members of the Council of Europe (CoE), have also ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which includes binding provisions on the right to “free elections”. All Member States are party to the major anti-discrimination treaties, which include provisions on political rights and affirmative action.<sup>20</sup> Furthermore, politically binding regional standards of the 1990 OSCE Copenhagen Document and a number of non-binding standards for democratic elections are applicable, including the Code of Good Practice in Electoral Matters of the European Commission for Democracy through Law (Venice Commission) of the Council of Europe.<sup>21</sup>

The Treaty on European Union (TEU) states that the EP is to be composed of representatives of the Union’s citizens and that its members are to be elected for a term of five years, by direct universal suffrage in a free and secret ballot. With the Treaty of Lisbon, the rights to vote and to stand as a candidate set out in the Charter of Fundamental Rights (CFR) became legally binding and have the same legal value as the EU Treaties.<sup>22</sup>

The legal basis of the 2019 EP elections stems from the TEU (Articles 10 and 14), the Treaty on the Functioning of the European Union (TFEU, Articles 20, 22, 223), and the Election Act of September 1976, as amended in 2002.<sup>23</sup> These are supplemented by directives, regulations and other secondary legislation. In particular, the Council Directive 93/109/EC lays down detailed arrangements for the exercise of the right to vote and to stand as a candidate in EP elections for citizens of the Union residing in a Member State of which they are not nationals.<sup>24</sup>

The European legal framework pertaining to political parties includes the recent Regulations (EU, Euratom) 2019/493 and 673/2018, amending the Regulation (EU, Euratom) 1141/2014 of the EP and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations (compare Section X).

The common rules for the European elections can be summed up as follows:

- The number of EP members (MEPs) should not exceed 750 plus the President. Representation of citizens shall be “degressively proportional” with smaller member states having at least six MEPs, and therefore more MEPs per capita, and larger member states up to 96 MEPs.<sup>25</sup> Thresholds not exceeding five per cent of votes nationally may be set for the allocation of seats in the EP.

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<sup>19</sup> [TEU Article 2](#) states that “These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

<sup>20</sup> The 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD).

<sup>21</sup> Besides the [1990 Copenhagen Document](#), the [1996 Lisbon Document](#), [1999 Istanbul Document](#), and the [2002 Porto Document](#) are also of relevance to elections. The Venice Commission’s [Code of Good Practice in Electoral Matters](#).

<sup>22</sup> The [Lisbon Treaty](#) amending the TEU was signed in 2007 and came into force in 2009. The [Charter of Fundamental Rights](#) became legally binding in 2009, when the Lisbon Treaty came into force.

<sup>23</sup> The [Election Act](#) was amended by Council [Decision 2002/772/EC](#) of 25 June and 23 September 2002. To date, this version of the Act remains in force.

<sup>24</sup> Council [Directive 93/109/EC](#) of 6 December 1993, as last amended by Council [Directive 2013/1/EU](#) of 20 December 2012, which amends the provisions dealing with ineligibility to stand as a candidate.

<sup>25</sup> See table of comparison in the Annex II.

- EU citizens have the right to vote and to stand as candidates in EU Member States in which they reside under the same conditions as nationals of that State.<sup>26</sup>
- The elections must be based on proportional representation and use either the list system or the single transferable vote system.<sup>27</sup> Preferential voting may be used.
- The office of an MEP is incompatible with that of member of the government of a Member State, member of the European Commission, member of a national parliament and also EU staff, among others.<sup>28</sup>

Apart from the provisions stemming from EU legislation, the EP elections are regulated by national laws and it is each Member State's prerogative to establish its own legal framework and details of the electoral system. Therefore, the European elections can be considered as 28 de facto separate elections to a supra-national body.

## B. EUROPEAN ELECTORAL REFORMS AND NATIONAL LEGAL FRAMEWORKS

In November 2015, the EP initiated a reform of EU electoral law, proposing additional common rules with the objective of harmonising the European elections.<sup>29</sup> The proposed changes included the codifying of the lead candidates ("Spitzenkandidaten") process, the enhancing of European political parties' visibility, a common minimum deadline for establishing voter lists at the national level,<sup>30</sup> an obligatory electoral threshold for the allocation of seats in the EP, a uniform end of voting on election day, voting rights for EU citizens residing in Member States other than their own, measures to achieve a more balanced gender representation, and the introduction of a common minimum voting age of 16 years. In addition, the EP encouraged its Member States to allow postal, electronic and Internet voting in order to increase the participation of all citizens, including of persons with reduced mobility and for persons living or working outside their home Member State.<sup>31</sup>

Following the EP Resolution, and after having obtained its consent, the Council of the European Union, on 13 July 2018, adopted a less far-reaching Decision amending the 1976 Electoral Act.<sup>32</sup> The adoption of reform proposals faced difficulties, as Member States are obliged to decide unanimously and some reforms require constitutional changes in various EU Member States. The Council Decision enters into force once every Member State has notified the Council of its adoption. Since five Member States, including Germany and Spain, did not complete the approval procedures in time and the Decision was frozen until 26 May, it did not apply to the 2019 EP elections and the Electoral Act, as amended in 2002 remained applicable.

The Council Decision sets out a number of common rules concerning EP elections, including a common minimum threshold between 2 and 5 per cent for Member States with more than 35 seats, to apply upon ratification to the elections after next.<sup>33</sup> It also includes provisions on the possibility of different voting methods and protection of personal data; penalisation of double voting by national legislation; and a three-week deadline for the submission of lists before election day. No agreement was reached on the establishment of a joint EU-wide constituency, or on the lead candidates' procedure as proposed by the EP. The possibility for EU citizens to

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<sup>26</sup> Article 22(2) TFEU and Article 39 CFR; the arrangements for implementing this right were adopted under Council Directive 93/109/EC, following the introduction of the concept of EU citizenship in the 1993 Maastricht Treaty.

<sup>27</sup> Article 1 of [Council Decision 2002/772/EC](#), Euratom.

<sup>28</sup> According to [Article 7 of the 1976 Act](#).

<sup>29</sup> EP [Resolution of 11 November 2015 on the reform of the electoral law of the European Union \(2015/2035\(INL\)\)](#).

<sup>30</sup> The proposed deadlines were 12 weeks before the elections for establishing candidate lists, 8 weeks for finalising electoral rolls and 6 weeks for the exchange of information among Member States.

<sup>31</sup> For further detail see European Parliamentary Research Service (EPRS): [The Reform of the Electoral Law of the European Union \(2015\)](#); European Added Value Assessment accompanying the legislative own-initiative Report (Co-Rapporteurs Danuta and Jo Leinen), September 2015.

<sup>32</sup> [Council Decision \(EU, Euratom\) 2018/994 of 13 July 2018 amending the 1976 Act](#).

<sup>33</sup> This requirement will apply to DE, ES, FR, IT, PL, UK; however, of these only DE and ES currently do not have thresholds for EP elections in place.

vote from third countries and the visibility of European political parties on ballot papers remained subject to national rules.<sup>34</sup>

With attempts to codify the lead candidate process having failed, it remained unclear in the run-up to the elections how the next President of the European Commission would be chosen.<sup>35</sup> In February 2018, the Commission made a recommendation in support of the process.<sup>36</sup> The EP stated that it is ready to reject any candidate, who is not nominated as a lead candidate of a European political party.<sup>37</sup> The European Council stated to the contrary that “(t)here is no automaticity in this process”; it is an “autonomous competence of the European Council to nominate the candidate, while taking into account the European elections, and having held appropriate consultations.”<sup>38</sup>

Election legislation in most EU Member States has undergone revision since the 2014 EP elections. While changes introduced were usually related to broader electoral processes, adjustments to legislation in several Member States (DK, EE, LU, MT, SI) were specifically related to the European elections. A considerable number of improvements were introduced across Member States, including on the basis of and in follow-up to past recommendations by international and citizen election observers.<sup>39</sup> This included, most commonly, amendments to enhance political party and campaign finance regulation (BE, CY, CZ, DE, GR, HR, MT, RO, SK), to broaden the use of alternative voting methods and to tighten related regulations (AT, BE, BG, CZ, FI, HU, LV, MT, PL, PT), to improve national voter registration and data management processes (AT, BG, DE, FR, PT, RO), and to further support the electoral participation of persons with disabilities (FR, DE, HU, LT, SI).

In some cases, technical and procedural improvements were prioritised, with more fundamental recommendations, in particular regarding remaining restrictions on suffrage rights and the absence of provisions for election observation, remaining to be addressed (see respective sections below). In other cases, electoral reforms were initiated, but were not successful due to the lack of a political consensus and majority requirements, including for constitutional amendments.

OSCE/ODIHR monitored the European elections in 2004 and 2009 and provided 12 recommendations for further improvement of the European electoral legislation and practice.<sup>40</sup> Election-Watch.EU EAM noted progress in some Member States in respect of continuous voter information, disclosure and auditing of party financing and expenditures, provisions for

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<sup>34</sup> For further detail see EPRS: [Reform of the electoral law of the EU: July 2018](#).

<sup>35</sup> Article 17(7) of the TEU gives the power to nominate the President of the European Commission to the European Council, “taking into account the elections to the European Parliament”. There is a debate as to whether the European Council is obliged, legally or politically, to nominate one of the lead candidates. The majority of the European Council, including leaders of the CZ, FR, HU, LI, NL, PL, PT and SK, have voiced opposition to the process ([Politico](#), 10 September 2018) and there remained no consensus in the Council on its use ([Politico](#), 9 May 2019).

<sup>36</sup> The Commission [recommendation](#) stated that the lead candidate system had „overall (..) a positive impact” on the work of EU institutions, but needed improvement. It suggested earlier selection of the lead candidates to allow more time for campaigning and called for greater visibility of the process.

<sup>37</sup> EP [Decision](#) of 7 February 2018. However, the decision will be taken by the new composition of the EP, which is not legally bound by previous EP decisions. The EP encouraged European parties to nominate their lead candidates through „an open, transparent and democratic competition”.

<sup>38</sup> [European Council meeting of 23 February 2018](#). For further background, see EPRS Briefing: [Election of the President of the European Commission. Understanding the Spitzenkandidaten process](#). April 2019.

<sup>39</sup> [Follow-up to OSCE/ODIHR recommendations](#) has been a long-standing demand in the OSCE and was emphasized by the Heads of participating States at the 1999 Istanbul Summit, where they agreed to “follow up promptly the ODIHR’s election assessment and recommendations”. Also the [Venice Commission](#) states that “(i)t often happens that recommendations made following election observation do not have any effect. In such cases, European countries should show a positive example and, if necessary, reform their electoral legislation in order to include provisions on the observation process.” Similarly, the [EU Action Plan on Human Rights and Democracy](#), adopted in 2015, underscores the need to “consolidate best practices for leveraging EU and OSCE/ODIHR electoral recommendations in political dialogues and democracy support activities”.

<sup>40</sup> [OSCE/ODIHR European Parliament elections reports 2004 and 2009](#). See also the 2009 OSCE/ODIHR recommendations listed in the Annex IV.

accreditation of observers, extending voting rights to prisoners, as well as regarding an independent media monitoring mechanism for assessing whether media regulations are respected.

*Further concerted efforts are required on the part of European institutions and EU Member States to continue the initiated electoral reforms. Past recommendations and long-standing issues and concerns, stemming inter alia from the insufficient consistency of national electoral rules and varying timeframes for key electoral processes, need to be addressed.*

*Further electoral reforms at the EU level and in individual Member States would be best developed and adopted as part of an inclusive, consultative and participatory process, with the involvement of all stakeholders, including civil society and citizen observer organizations.*

*The ‘Spitzenkandidaten principle’ should be reviewed to ensure greater cohesion among European institutions and Member States regarding its purpose and expected impact, and to enhance clarity for the electorate.*

### **C. UNITED KINGDOM WITHDRAWAL FROM THE EU**

Following a public referendum of 23 June 2016, when 51.9 per cent of those who voted supported the United Kingdom’s (UK’s) withdrawal from the EU, the UK Government invoked Article 50 of the Treaty on European Union (“Brexit”). The UK was initially due to leave the EU on 29 March 2019. On 10 April, the UK and the EU agreed on a Brexit extension until 31 October 2019, with a possibility of an earlier exit contingent on the completion of the withdrawal agreement negotiations. Following a period of uncertainty as to whether the UK would participate in the European elections or not, on 7 May, the UK government confirmed that the country would be holding the elections.<sup>41</sup>

The impending Brexit necessitated legislative adjustments, both at the EU level and in Member States. In June 2018, the European Council, on the EP’s initiative and with its consent, decided on a new post-Brexit distribution of parliamentary seats. The number of MEPs will be reduced from 751 to 705. A total of 27 of the UK’s 73 seats will be shared among slightly under-represented EU countries, while the other 46 seats will be reserved for possible EU enlargements and/or for MEPs elected from transnational lists in case they are introduced in the future. A number of Member States, including DK, IE and NL, adjusted their national election legislation for the eventuality of having to elect an adjusted number of MEPs. However, since the UK remained an EU Member State at the time of the elections, the old distribution of seats remained in force.

### **D. COMPLAINTS AND APPEALS MECHANISMS**

Election-related complaints and appeals procedures, as well as the rules governing which body certifies final election results, are not set out in EU law, but in national legislations.<sup>42</sup> Domestic courts serve as the primary legal redress mechanism in the Member States. However, in some countries, such as DK, IT and NL, national parliaments take final, non-appealable decisions on complaints. In 2009, OSCE/ODIHR recommended that the procedures for the review of challenges related to election results should include the possibility of an appeal to a court.<sup>43</sup>

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<sup>41</sup> See Voter Registration section for information about the impact of Brexit on registration and participation of EU voters in the UK.

<sup>42</sup> [The European Parliament: electoral procedures.](#)

<sup>43</sup> Section II.3.3.a of the 2002 Venice Commission [Code of Good Practice in Electoral Matters](#) recommends that “Appeal to parliament, as the judge of its own election, is sometimes provided for but could result in political decisions. It is acceptable as a first instance in places where it is long established, but a judicial appeal should then be possible”.



EU law does regulate some aspects of elections and Member States have a duty under EU law to take all measures necessary to implement provisions of EU law, including through establishing effective remedies and effective sanctions.<sup>44</sup> An individual may challenge a Member State's failure to properly implement EU law, for example, the provisions on the right to vote in another Member State. Such a challenge can be brought in the domestic courts, and a domestic court may refer the issue to the Court of Justice of the European Union (CJEU) for a binding decision on whether the national law or practice is compatible with EU law. An individual could also make a complaint to the European Commission about national laws or practices that are contrary to EU law. The Commission may decide to open a formal infringement procedure against the country and take the case to the CJEU. Another avenue of redress at EU level is to submit a petition to the European Parliament regarding the application of EU law.<sup>45</sup>

In a case where an EU institution is carrying out its obligations under EU law, there are various remedies available at EU level, both judicial and non-judicial. Cases of failure by EU institutions to meet their legal obligations can be challenged in the CJEU. In addition, if a person (natural or legal) believes that another party has violated EU regulations, s/he may make a complaint to the European Ombudsman who conducts inquiries into cases of maladministration, acting on own initiative or on the basis of complaints from EU citizens.

## V. ELECTORAL SYSTEM

A proportional representation system is used in all Member States since 2004. There is, however, considerable variation in how this electoral system is applied.<sup>46</sup> While in the majority of Member States the territory of the country constitutes a single electoral constituency, four Member States (IE, IT, PL, UK) establish multiple constituencies. Electoral thresholds applied vary, including 5 per cent (BE, CZ, HR, HU, FR, LT, LV, PL, RO, SK), 4 per cent (AT, IT, SE), 3 per cent (GR), and 1.8 per cent (CY). All other Member States apply no threshold. The differences in thresholds result in varied conditions for political parties across EU Member States, making it easier for parties and candidates from some countries to enter the EP than for others.

The possibility for voters to change the order of candidates by casting preferential votes differs among Member States. In the majority of Member States, voters have the possibility of a preferential vote to influence which candidates will be elected. The single-transferable vote (STV) is used in three Member States (IE, MT and in Northern Ireland (UK)). In seven Member States the lists are closed (DE, ES, FR, HU, PT, RO, UK except Northern Ireland), with political parties determining the order of candidates on the ballot. There is also a variety of methods for the allocation of seats among parties. The majority of Member States use a method that slightly favors larger parties (d'Hondt), while eleven Member States distribute seats more proportionally to the number of votes obtained.<sup>47</sup> For the filling of vacant seats during the electoral term, Member States' legislation either provides for the next on the same list (AT, DK, FI, FR, HR, IT, LU, NL, PT, RO, UK) or for substitutes (BE, DE, GR, IE, SE).<sup>48</sup>

At the EU-level, based on Article 14(2) of TEU, the seats in the EP are allocated to each Member State in line with the principle of "degressive proportionality". The distribution of seats should also be carried out in compliance with the general principle of transparency and, as per Article

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<sup>44</sup> TEU Art 4(3).

<sup>45</sup> TFEU Art 227.

<sup>46</sup> The EP also summarized some differences in the national legal frameworks pertaining to elections on its [website](#); compare EPRS Infographic [2019 European elections: National rules](#).

<sup>47</sup> See table 1 part 2 in Annex II for more detail. The Hare/Niemeyer and Sainte-Laguë/Schepers methods lead to more proportional results than the d'Hondt mathematical formula. See also EPRS Briefing: [Understanding the d'Hondt method: Allocation of parliamentary seats and leadership positions](#). PE 580.901. April 2016.

<sup>48</sup> [The European Parliament: electoral procedures](#).

296(2) of TFEU, the duty to provide the reasoning on which a legal act is based.<sup>49</sup> While not based on any particular mathematical formula and involving political negotiation, seat allocation based on “degressive proportionality” is known to yield a degree of inequality in that it grants smaller countries greater representation than they would have been entitled to under a purely proportional method.

The allocation method and the related procedures were subject to a number of discussions in the past, with various revision proposals having been put forward.<sup>50</sup> The 2013 European Council Decision establishing the composition of the EP called for the development of a system for the allocation of seats among Member States in an objective, fair, durable and transparent way, taking account of any change in their number and demographic trends in their population.<sup>51</sup> Similarly, the 26 January 2018 report by AFCO on the EP composition and the subsequent related EP Resolution acknowledged the shortcomings in the distribution of seats in the outgoing Parliament and reiterated the need for the development of a permanent system for a fair, objective and transparent distribution of seats as a long-term goal.<sup>52</sup> An EP-commissioned study of April 2019 demonstrated that due to fluctuations in population numbers in some Member States, the distribution of seats for 2019-2024, which remained unaltered from the preceding parliamentary term following the delay in the Brexit process, is no longer degressively proportional in the sense of the established legal definition and therefore not in conformity with Article 14(2) TEU.<sup>53</sup>

*While recognizing the complex nature of seat distribution in a supra-national body, further efforts are required in order to adopt an objective, fair, durable and transparent method for the allocation of seats in the European Parliament. The method should facilitate and include clear procedures on periodic review to reflect shifts in population numbers.*

## A. ADVANCE AND ALTERNATIVE VOTING METHODS

With a view to facilitating greater participation, the majority of Member States offer a variety of alternative and advance voting methods in addition to voting in polling stations on election day. However, advance and/or alternative voting methods are not available consistently in all Member States and to all voters, raising questions of equality of opportunity in the exercise of the right to vote across the EU.

The majority of Member States grant the possibility of voting in advance of election day. Postal voting is provided for in 16 Member States, albeit with great variation as to the scope of use, ranging from being available to voters in-country and abroad (AT, DE, ES, LU, SI, UK) to being offered only to special groups of voters (PL). The possibility to vote from outside the country, most commonly at diplomatic representations, is available in most Member States,<sup>54</sup> with the

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<sup>49</sup> Degressive proportionality has been most recently defined in the European [Council Decision 2018/937 of 28 June 2018](#) establishing the composition of the European Parliament. It provides that “The ratio between the population and the number of seats of each Member State before rounding to whole numbers is to vary in relation to their respective populations in such a way that each Member of the European Parliament from a more populous Member State represents more citizens than each Member of the European Parliament from a less populous Member State and, conversely, that the larger the population of a Member State, the greater its entitlement to a large number of seats in the European Parliament.” See also [The impact of the UK’s withdrawal on the institutional set-up and political dynamics within the EU](#), PE 621.914, April 2019.

<sup>50</sup> The EP Committee on Constitutional Affairs (AFCO) has commissioned a number of research papers and reports with a view to determining alternatives to the current rules, including a stable mathematical method for the allocation of seats. See [The impact of the UK’s withdrawal on the institutional set-up and political dynamics within the EU](#), PE 621.914, April 2019, fn. 60 for a list of materials and publications on the topic.

<sup>51</sup> European [Council Decision 2013/312/EU](#) of 28 June 2013 establishing the EP composition.

<sup>52</sup> [AFCO Report on the composition of the European Parliament](#) of 26 January 2018, A8-0007/2018 and the EP [Resolution on the composition of the European Parliament](#) of 7 February 2018, P8\_TA(2018)0029.

<sup>53</sup> [The impact of the UK’s withdrawal on the institutional set-up and political dynamics within the EU](#), PE 621.914, April 2019.

<sup>54</sup> Inadequate arrangements for Romanian out of country polling stations resulted in the *de facto* disenfranchisement of a substantial number of voters, thus undermining their constitutional right to vote.

exception of CZ, IE, LU, MT and SK.<sup>55</sup> A number of countries condition the possibility of voting from abroad on prior registration, and some stipulate residence requirements and/or length of absence restrictions. In addition, voters in a few countries had the option of electronic voting (BE, BG, PT)<sup>56</sup> and of Internet voting (EE). Proxy voting is permitted in six countries (BE, FR, NL, PL, SE, UK), albeit with considerable variations in scope, but is not in line with international standards for ensuring the equality and the secrecy of the vote.<sup>57</sup> Voting is compulsory in five Member States (BE, BG, LU, GR, CY).<sup>58</sup>

*To fully ensure the equality of opportunities in the exercise of the right to vote in and across Member States, consideration could be given to adopting common minimum requirements for the administration of alternative and advance voting methods, in particular with regard to the uniformity of voter eligibility criteria.*

## VI. SUFFRAGE RIGHTS

### A. RIGHT TO VOTE

Beyond the EU principle of equal treatment between nationals and non-nationals of other Member States, EU legislation is silent on who has the right to vote in the European elections. There are also no provisions in EU law that limit voting in the European elections only to EU citizens. Some Member States have extended the right to other categories of citizens<sup>59</sup>

Member States have varying approaches to enfranchisement. Voting age differs but in most Member States it is 18; only in AT and MT it is set at 16 years, and in GR it is 17. Voting age in HU is 18, but married citizens of at least 16 years of age also have the right to vote.<sup>60</sup> Lowering the voting age to 16, as supported in the past legislative term by a majority vote in the European Parliament<sup>61</sup> but opposed by the European Council, has proven beneficial to increasing voter turnout when accompanied with civic education at schools, as demonstrated in AT.<sup>62</sup>

A number of Member States stipulate restrictions on the right to vote. EE and LT do not grant voting rights to residents who do not hold citizenship of any State.<sup>63</sup> Seventeen Member States

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<sup>55</sup> The Venice Commission's 2011 [Report](#) on out-of-country voting and the 2005 Parliamentary Assembly of the Council of Europe [Resolution 1459](#) (2005) on the abolition of restrictions on the right to vote encourage CoE Member States to adopt a positive approach to the right to vote of citizens living abroad. However, the European Court of Human Rights (ECtHR) has stated in case *Sitaropoulos and Giakoumopoulos v Greece* (2012) that neither international law nor the varying practices of Member States revealed any obligation or consensus requiring States to make arrangements for the exercise of voting rights by citizens living abroad.

<sup>56</sup> In BG, electronic voting was available in parallel to paper voting as an option in 3,000 polling stations. In PT, an electronic voting pilot project was carried out in one district with some 50 polling stations. In MT, a new electronic vote counting system was used for the first time during these elections.

<sup>57</sup> Paragraph 7.3 and 7.4 of the 1990 OSCE Copenhagen Document state that the participating States will "guarantee universal and equal suffrage to adult citizens" and will "ensure that votes are cast by secret ballot or by equivalent free voting procedure..." See also Article 25 of the ICCPR; General Comment to Article 25, paragraphs 20-22, and ECHR, Protocol 1 of 1952, Article 3 for applicable standards pertaining to the equality and secrecy of the vote.

<sup>58</sup> Bulgaria's Constitutional Court abolished the penalty but not compulsory voting in 2017.

<sup>59</sup> In the UK qualifying Commonwealth citizens and citizens of the British Overseas Territory of Gibraltar are allowed to vote in the European elections. In NL, citizens in the Kingdom countries of Aruba, Curacao and Sint Maarten and in the municipalities of Bonaire, Sint Eustatius, and Saba are also entitled to participate in the European elections. FR grants the right to vote to citizens resident in French overseas departments and collectivities.

<sup>60</sup> It has been an [OSCE/ODIHR observation](#) that enfranchisement based on marital status constitutes discrimination between citizens.

<sup>61</sup> On 11 November 2015, the EP adopted a [Resolution on the reform of the electoral law of the European Union](#) (2015/2035(INL)), which recommended Member States to consider ways to harmonize the minimum voting age at 16, in order to further enhance electoral equality among Union citizens.

<sup>62</sup> See Report by [Austrian Institute for Empirical Social Studies](#) (2018).

<sup>63</sup> In particular, persons with undetermined citizenship in Estonia and non-citizens in Latvia; see: [European Parliament PETI Committee](#). OSCE/ODIHR has pointed out in its [Report](#) on the 2009 EP elections that "[...] the fact that the EP is a supra-national body, and the fact that each Member State extends suffrage rights to citizens of other

deny the right to vote to certain categories of prisoners, with varying criteria, including the gravity of the offence, the duration of the conviction, or explicit court orders to remove political rights.<sup>64</sup> Blanket restrictions on prisoners' right to vote are contrary to international standards and European case law.<sup>65</sup> Positively, some Member States have recently reviewed and narrowed the scope of existing restrictions based on criminal conviction (HU, SK).

## B. RIGHT TO STAND AS A CANDIDATE

Apart from conditions in EU law related to the citizenship of a Member State, listed incompatibilities,<sup>66</sup> and the requirement to stand as a candidate only in one Member State,<sup>67</sup> candidate eligibility requirements vary across the EU Member States. In the majority of Member States, the minimum age to stand for elections is 18 years. Ten Member States have a minimum age of 21 years (BE, BU, CY, CZ, EE, IE, LT, LV, PL, SK), RO has 23 years, and GR and IT have 25 years. Many States impose restrictions on the right to stand based on criminal conviction, either linked specifically to candidacy or stemming from a similar restriction on the right to vote as the basic qualifying criterion for candidacy.

EP elections are predominantly contested by political parties. Individual candidacy is allowed in a few countries, including BG, CY, DK, EE, FI, HR, IE, NL and RO. The exclusion of individual candidates is inconsistent with the right to stand for office according to the authoritative interpretation of the ICCPR<sup>68</sup>. Party and candidate registration provisions in some Member States require supporting signatures or a deposit. These are permissible requirements under international standards as long as they are reasonable and do not constitute a barrier to candidacy.<sup>69</sup>

CEDAW has been ratified by all EU Member States. Gender equality in candidate lists put forward by political parties, by means of zipped lists or equivalent methods as proposed by the EP, was not included in the 13 July 2018 Council Decision.<sup>70</sup> The positive practice of applying such measures in the composition of party lists, as is the case in FR and IT, is not followed in all Member States. In the newly elected European Parliament, a total of 41 per cent of MEPs are women, a strong increase from the 36 per cent of the outgoing Parliament, but still falling short of gender parity. Overall, 13 Member States elected between 45 and 55 per cent female MEPs, with seven countries reaching exactly 50 percent (AT, FR, LU, LV, MT, NL, SI). SE elected the highest number of female MEPs with 55 per cent. CY, on the other hand, did not

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Member States - and one Member State even to citizens of States outside the EU - indicates that the EP elections are not entirely national in character, despite being conducted on a national basis. In this context, the possibility of granting voting rights for EP elections to long-term EU residents without the citizenship of any EU Member State could be considered as an issue for EU consideration, rather than only as a responsibility of individual Member State."

<sup>64</sup> AT, BE, BG, DE, EE, ES, FR, GR, HU, IT, LU, LV, MT, NL, PL, SK, UK.

<sup>65</sup> The ECtHR ruled in *Hirst v UK* (2005) that a general and automatic deprivation of the right to vote for all convicted prisoners is a breach of Article 3 of Protocol No 1 of the ECHR. This position was confirmed in subsequent cases such as *Scoppola v Italy* (2012), although the Court has accepted that each State has a wide discretion as to how to regulate disenfranchisement, which categories of offence it applies to, and whether it is ordered by a judge or by general application of law. In 2015, the European Court of Justice ruled that the French restriction on voting for a person convicted of a serious criminal offence did not contravene the right of EU citizens to vote in EP elections, as protected by the CFR. This was because the restriction was provided by law, respected the essence of the right because it applied only to specific people in specific circumstances related to their conduct, and the measure was proportionate to the nature of the offending (C-650/13 *Delvigne* [2015]). See also [Prisoners' Right to Vote](#), ECtHR, April 2019.

<sup>66</sup> Article 7 of the 1976 Election Act as amended stipulates all applicable incompatibilities with candidacy. Additional incompatibilities are included in Member States' legislation, predominantly relating to positions in public service, active military service and the judiciary, past convictions for electoral offences, or bankruptcy.

<sup>67</sup> Article 4 of Council Directive 93/109/EC specifies that it is only possible to stand as a candidate in one Member State. The Directive provides for Member States to exchange information on candidates in order to ensure that these requirements are complied with.

<sup>68</sup> General Comment 25, paragraph 17 of the ICCPR.

<sup>69</sup> General Comment 25, paragraph 17 of the ICCPR. In RO, the number of required signatures exceeds slightly the 1 per cent recommended by the Venice Commission.

<sup>70</sup> [European Parliament resolution of 11 November 2015 on the reform of the electoral law.](#)



elect any woman to the EP, and SK elected only two women (15 per cent). BU, GR, LI, and RO elected fewer than 30 percent female MEPs in 2019.<sup>71</sup>

*In order to ensure the equality of the right to vote and the right to stand as a candidate across the EU and to narrow the disparity in national approaches to suffrage rights, additional common European minimum voter and candidate eligibility criteria should be considered. These should strive to harmonize the requirements related to the minimum voting age, residency requirements, independent candidacy, permissible restrictions on suffrage rights, and measures to support the equal participation of women and men.*

## VII. PARTICIPATION OF PERSONS WITH DISABILITIES

The CRPD has been ratified by the EU and all its Member States.<sup>72</sup> The extent to which it is implemented varies. Thirteen Member States (AT, CY, DK, ES, FI, FR, HR, IE, IT, NL, SE, SK, UK) uphold the right to vote for all persons with disabilities (PWD) without restrictions. Contrary to CRPD, the remaining Member States impose limitations on the right to vote and/or the right to stand as a candidate based on mental or intellectual disability and/or lack of legal capacity. However, positively, several Member States (BE, DE, DK, ES, FR, SK) initiated reviews and adopted amendments in this area during recent years with the aim of removing or narrowing the scope of restrictions. Such reforms constitute a positive trend, as noted also by the European Union Agency for Fundamental Rights (FRA).<sup>73</sup>

In many EU Member States, efforts aimed at facilitating PWD's electoral participation have been focused on ensuring the physical accessibility of polling stations. A number of Member States improved their legislation to explicitly require polling station accessibility, and the majority of States introduced special measures, including ramps, ground-floor location, special voting booth design, and on-site support. Good practice includes making the information about polling station accessibility easily verifiable on electronic map applications and on EMB websites, and including information on accessibility in voter notification cards (EE, DE, LT, LV, PL). However, the level of implementation of accessibility measures varies greatly, with access to polling stations remaining an issue of concern in some countries (for example in BG and RO).

To facilitate participation, the majority of EU Member States provide PWDs with alternative voting options, including, most commonly, mobile voting at voters' homes, hospitals, care homes, and at preferred locations, as well as postal voting. In some countries, alternative voting methods require a prior and/or a grounded application. Three Member States (BE, CY, GR) do not provide for mobile voting solutions, disadvantaging elderly voters and voters with reduced mobility. Proxy voting for PWD is offered in six Member States (BE, FR, NL, PL, SE, UK). The administration of these voting methods and of assisted voting has been a source of concern in some Member States, because of not sufficiently ensuring the secrecy of the vote as well as the ability to exercise the right to vote freely.<sup>74</sup>

Apart from issues related to physical accessibility of polling premises, concerns remain regarding the level of support and information granted to PWDs to enable them to make an

<sup>71</sup> See [European Data Journalism Network](#) and [Women in the European Parliament](#), EP, 8 March 2018.

<sup>72</sup> Three EU Member States (EE, FR, NL) entered a declaration and one Member State (PL) raised a reservation with respect to Article 12 of CRPD. This means that these countries will implement Article 12 in accordance with their respective national legislation, which in each case allows restrictions on the right to vote of persons deprived of legal capacity. MT raised reservations with respect to Article 29 and thereby reserved the right to continue applying its existing electoral legislation in so far as voting procedures, electoral facilities and materials, and assisted voting are concerned.

<sup>73</sup> See FRA Report: [Who will \(not\) get to vote in the 2019 European Parliament elections? Developments in the right to vote of people deprived of legal capacity in EU Member States](#). February 2019.

<sup>74</sup> Information is based on interviews by Election-Watch.EU focal points in BU, HU, MT, RO, and ES. See also Information Report, [Real Rights of Persons with Disabilities to Vote in European Parliament Elections](#), SOC/554, European Economic and Social Committee, 20 March 2019.

informed choice and to exercise the right to vote independently. Positively, EMBs in 14 Member States (AT, BE, BG, FI, DE, GR, HU, IT, LT, LU, NL, PT, ES, UK) have produced various voter education and information materials adjusted for persons with disabilities, including in large print, plain text, easy-to-read formats, and in sign language. Election authorities in several countries (AT, BE, CZ, ES, FI, HU, IE) actively collaborated with PWD organizations in designing and disseminating this information. However, such materials are available to considerably varying degrees across the Member States, and have been assessed as scarce or insufficient in a number of countries. In addition, digital tools and key online resources, including EMB websites and online voter registration and verification services, were often not configured for PWDs.

Welcome efforts were undertaken by Member States (DK, ES, FI, FR, HU, IE, LT, LU, MT, NL, PL, PT, UK) to support independent voting through the use of Braille ballots, tactile ballot sleeves, as well as by making supportive tools such as magnifying glass, special writing utensils, and lamps available. The availability of such supportive tools is, however, far from being a common standard, but remains in the domain of good practice. In most Member States, voters with disabilities are allowed to be assisted during voting by a person of their choice, while seven States (DE, DK, FI, GR, HU, MT, SE) task or do not exclude election officials from persons allowed to provide the support.<sup>75</sup> The latter practice raises concerns of possible undue influence.

*Remaining barriers to effective electoral participation of persons with disabilities should be removed, including those related to restrictions on suffrage rights based on mental/intellectual disability, to the lack of access to polling stations, and to barriers to accessible information. Measures aimed at supporting independent and informed voting and decision-making by persons with disabilities should be prioritized.*

## VIII. ELECTION ADMINISTRATION

For the organization of the European elections, no central European election management body (EMB) is in place.<sup>76</sup> Elections are conducted by the EMBs of the EU Member States. There are a variety of EMB set-ups in Member States, including specialised judicial or governmental bodies, independent electoral commissions, and mixed composition EMBs administering the elections.

With a view to ensuring the uniform and consistent application of EU laws, the Member States are called upon to collaborate with one another in the organization of the EP elections. In particular, the Council Directive 93/109/EC as amended by Council Directive 2013/1/EU of 20 December 2012 requires Member States to exchange information on voters and candidates with the aim of facilitating the exercise of the right to vote and to stand, and to prevent multiple voter and candidate registrations. In 2014, an EU-wide coordination and data exchange mechanism was established to facilitate the exchange of information among national EMBs.<sup>77</sup> In September 2018, the European Commission adopted a number of recommendations and measures aimed at further improving the coordination among national authorities.<sup>78</sup> Member States were encouraged to establish national election networks involving all relevant national authorities with competence and responsibilities related to elections and to participate through designated national contact points in a European cooperation network.<sup>79</sup>

<sup>75</sup> Information Report, [Real Rights of Persons with Disabilities to Vote in European Parliament Elections](#), SOC/554, European Economic and Social Committee, 20 March 2019.

<sup>76</sup> The 11 November 2015 EP [Resolution on the reform of the electoral law of the European Union](#) (2015/2035(INL)), stated that it is desirable to establish a European election authority that could be tasked with centralising information on elections, overseeing the conduct of elections, and facilitating the exchange of information among Member States.

<sup>77</sup> See: [EP Crypto Tool](#).

<sup>78</sup> [Communication](#) and [Recommendation](#) of 12 September 2018; see also: [European Commission: Electoral rights](#).

<sup>79</sup> See the designated European Commission elections network [page](#) for further information.

The majority of EMBs welcomed the coordination efforts as a step towards greater consistency of approaches, and placed a high value on collaboration with counterparts in other EU Member States. All Member States designated the respective contact points.<sup>80</sup> In 2019, three meetings of the European cooperation network took place to exchange best practices among national networks and to discuss common solutions to identified challenges.

Positively, EMBs of many Member States have assumed an active role in advocating for electoral reforms. A number of EMBs published lessons learned reports in the aftermath of the 2014 EP elections (BG, CZ, EE, HU, NL, PL, RO, SE, UK), some held inclusive review discussions, and saw through adjustments to regulations and practice. In addition, election authorities in some Member States consulted civil society organizations and invited them to contribute to reviewing and designing election regulations (BG, MT, UK). Such outreach constitutes good practice.

## IX. VOTER REGISTRATION

All EU Member States maintain a population register, which is the set of records of all citizens or residents, including foreign citizens, of the Member State, with some registers held at municipal level. The national voter register is usually a subset of the population register, both in terms of the contents of the respective record and of eligibility for inclusion. If computerized, the separate voter register can be extracted from and maintained based on the population register.

With the exception of the UK, IE and CY where voters have to actively register at local administrative offices, all other Member States practice passive registration, whereby the names of citizens are automatically included in the voter register once they become eligible to vote. A number of Member States (CZ, IE, IT, PL, UK) still have decentralized voter registers at municipal level and no central voter register, which could potentially lead to multiple entries.

No central European-level population or voter register exists for the European elections.<sup>81</sup> A number of Member States have recently streamlined national voter registration and data management processes (AT, BG, DE, FR, PT, RO). Austria, for example, has established a central voter register, which makes it easier for the authorities to detect double entries. In general, citizens have great confidence in the Member States' voter registers. In a few Member States where concerns were raised in the past, public confidence in the quality of the voter registration process has not yet improved (HR, HU)<sup>82</sup>, or concerns were raised regarding the inclusion of names of dead persons (ES, HU) in the voter register.

As EU law provides EU citizens living in another Member State with the right to vote in the European elections, citizens may choose whether to vote for the EP elections in their EU country of residence or in their home country, but may not vote more than once in the same election.<sup>83</sup> According to Eurostat, on 1 January 2018, there were 17.6 million persons living in one EU Member State with the citizenship of another EU Member State.<sup>84</sup> In order to be included on the

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<sup>80</sup> See the [list](#) of designated national contact points in EU Member States.

<sup>81</sup> As of July 2019, the European Parliament has not released official data about how many voters have been registered for the 2019 elections or how many European citizens were eligible to vote. In the 2014 elections, 396 million voters were registered in the 28 Member States. For the 2019 European elections, media reported more than 426 million eligible voters. See: [EU EPRS Review of European and National Election Results](#) 2014-2019 Mid-term January 2017; p.38; [Politico](#).

<sup>82</sup> See [OSCE/ODIHR Final Report Croatia 2015](#) and [OSCE/ODIHR Final Report Hungary 2018](#). In Hungary there is a lack of sufficient safeguards concerning the removal of deceased voters from the list of out of country voters.

<sup>83</sup> The prohibition on voting more than once is set out in Article 9 of the Election Act 1976 and in Article 4 of Council Directive 93/109/EC. Several Member States stipulate penalties for multiple voting. A provision making the establishment of penalties a requirement for all Member States is included in Article 1(5) of Council Decision 2018/994 of 13 July 2018 (pending approval).

<sup>84</sup> On 1 January 2018, the number of people residing in an EU Member State with citizenship of a non-member country was 22.3 million, representing 4.4 per cent of the EU-28 population. See [Eurostat](#) figures.

electoral roll for the European elections, EU citizens resident in another Member State must produce the same documents and information as voters who are nationals. These requirements vary considerably across the EU, in particular regarding residence requirements. Some countries require voters to have their domicile or usual residence within the electoral territory (EE, FI, FR, DE, PL, RO, SI), to be ordinarily resident there (CY, DK, GR, IE, LU, SK, SE, UK<sup>85</sup>), or to be listed in the population register (BE). Some Member States stipulate a minimum required period of residence (CY, CZ).<sup>86</sup>

In CY, for the purpose of the European elections, the law was amended in 2014 to provide for the registration of Turkish-Cypriot citizens residing in areas where the Government of the Republic of Cyprus does not exercise effective control in a separate special voter register, and special polling stations have been set up to this end. Only the Turkish-Cypriot citizens residing in areas where the Government of the Republic of Cyprus does not exercise effective control were automatically included in the special voter register once they were eligible to vote. All the other voters in CY may register through local administrative authorities or through the Ministry of Interior.

In addition to meeting general eligibility and registration requirements, EU citizens wishing to register to vote in their Member State of residence need to submit, among other information, a formal declaration confirming that they have not been deprived of the right to vote in their home country and that they will exercise the right to vote only once.<sup>87</sup> While the prevention of double voting is a valid objective, the additional requirement for EU citizens resident in another Member State to make a formal declaration before each election can in practice amount to a barrier to their participation.<sup>88</sup> In some countries, problems occurred with EU citizens not being able to vote, as their names were not included on voter registers. This was most prominently reported for the UK, where as a result of late electoral preparations and administrative errors in handling of declarations for EP elections, a significant number of voters from other Member States were denied the right to vote.<sup>89</sup>

Previous election observation reports have recommended to further strengthen the exchange of information about registered voters among Member States.<sup>90</sup> Also a number of EMBs recommended better coordination for data exchange.<sup>91</sup> In 2019, the coordination among EMBs appears to have been only partially effective, in particular with regard to the exchange of voter eligibility and registration data, resulting in concerns about possible omissions or multiple entries on voter registers in different countries. While almost all Member States exchanged voter registration data in an encrypted format, the data was not always compatible or complete. In the wake of Brexit, the UK electoral authorities did not participate in coordination and data exchange as fully as other EU election management bodies. Furthermore, the different voter registration cut off dates made it difficult to exchange information in a timely manner to limit multiple registrations across the EU, opening possibilities for double voting.<sup>92</sup>

The late decision by the UK government that the UK would participate in the elections also meant administrative complications and uncertainty for the involved EMBs, both in the UK and

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<sup>85</sup> UK law requires otherwise eligible voters to have been resident in the UK within the last 15 years. This restriction was upheld by the ECtHR in *Shindler v UK* (2013) as being within States' margin of appreciation.

<sup>86</sup> Data from the [Electoral Procedures Factsheet](#), EP, 2019.

<sup>87</sup> Article 9 of Council Directive 93/109/EC also requires the declaration to state nationality, address in the Member State of residence and the locality of last entry on the electoral roll in his/her home Member State.

<sup>88</sup> [The Guardian](#); article by the UK EMB Chairperson on 24 May 2019. The UK Electoral Commission noted in its [report on the 2014 EP elections](#) that a number of EU citizens had been unable to vote as they were not aware of this additional requirement or had not been able to complete it in time. It also stated that it was „unacceptable that administrative barriers prevented eligible and engaged electors [...] from exercising their right to vote.

<sup>89</sup> [The Guardian](#), 23 May 2019.

<sup>90</sup> [OSCE/ODIHR Final Report 2009](#); p.28.

<sup>91</sup> Several EMBs called for better coordination and data exchange already after the 2014 elections. See, for instance, the post-election reports of the [Netherlands](#), [Sweden](#), [Romania](#), and the [United Kingdom](#). See also [EC Report](#).

<sup>92</sup> See table in Annex II.



in other EU Member States, on how to prepare for the elections. Most Member States issued additional clarifications and instructions in an effort to safeguard the entitlement of UK citizens to vote in other EU Member States and vice versa, as well as to spell out applicable procedures. The date when the decision on the UK's participation was announced, 7 May, coincided with the deadline for registration of all as yet unregistered voters in the UK. It also happened after the deadline for voter registration in the majority of EU Member States, rendering any new registrations for UK citizens to vote in these States impossible. The short period available to election authorities in the UK to make all the necessary arrangements was seen by the UK Electoral Commission as being partly responsible for the high number of reported cases of EU citizens who were unable to vote in the UK on election day.<sup>93</sup>

*To effectively enable franchise of voters in the EU notwithstanding their place of residence and to elicit and prevent possible multiple registration and voting, the coordination and voter data exchange mechanisms between EU Member States require considerable improvement. Further guidelines could be developed to ensure the uniformity of format and the scope of data to be exchanged. Solutions need to be identified for the issue of different voter registration cut-off dates to facilitate data exchange within common timeframes and in a timely manner.*

## X. POLITICAL PARTIES AND CAMPAIGN FINANCE

The European political parties have a limited, but increasing role in the European elections; they help to coordinate the campaigns of their national member parties and adopt common electoral programs.<sup>94</sup> Candidates for the European Parliament are nominated on lists at national or at regional level. Most political parties in the Member States have joined a party at European level. It is also possible for national political parties, which are not organised in a European party, to participate in the European elections. Demands for transnational European parties<sup>95</sup> that can be directly elected have not yet prevailed.<sup>96</sup>

Following the 2014 elections, the regulation of European political parties was put on a new legal basis with the foundation of the Authority for European Political Parties and European Political Foundations (APPF). The APPF has been established for the purpose of registering, controlling and imposing sanctions on European political parties and European political foundations.<sup>97</sup>

The APPF has registered ten European political parties<sup>98</sup> and ten European political foundations,<sup>99</sup> and has also removed two political parties and one political foundation from the register.<sup>100</sup> A European political party has to be European in their composition and "it or its members must be, or be represented by, in at least one quarter of the Member States, members

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<sup>93</sup> See the [Statement](#) by the UK Electoral Commission regarding some EU citizens being unable to vote in the EP elections, 23 May 2019.

<sup>94</sup> While European political parties conduct electoral campaigns, the political groups in the EP are prohibited from campaigning. MEPs and their staff cannot use EP resources and time for campaigning.

<sup>95</sup> Commonly associated with French President Macron.

<sup>96</sup> [Volt Europa](#) is a pro-European and European federalist political movement that also serves as the pan-European structure for subsidiary parties in several EU member states. Volt candidates stood on a common, pan-European manifesto in eight member states and gained one seat in Germany.

<sup>97</sup> Pursuant to [Regulation \(EU, Euratom\) No 1141/2014](#), amended by Regulation No [2018/673](#).

<sup>98</sup> Alliance of Liberals and Democrats for Europe Party (ALDE), European People's Party (EPP), Party of European Socialists (PES), European Democratic Party (PDE/EDP), European Free Alliance, European Green Party (European Greens), Party of the European Left (European Left), Alliance of Conservatives and Reformists in Europe (ACRE), European Christian Political Movement (ECPM) and Mouvement pour une Europe des Nations et des Libertés.

<sup>99</sup> Political foundations are complementary organisations to political parties for activities of political education or training, and need to be affiliated with a political party; but only political parties can run for elections. European political foundations: Wilfried Martens Centre for European Studies (EPP), European Liberal Forum (ALDE), Institute of European Democrats (PDE/EDP), Green European Foundation (European Greens), Foundation for European Progressive Studies (PES), Sallux ECPM Foundation, New Direction – The Foundation for European Reform, Coppieters Foundation and Transform Europe.

<sup>100</sup> Europa Terra Nostra, Alliance for Peace and Freedom, Alliance of European National Movements.

of the European Parliament, of national parliaments, of regional parliaments or of regional assemblies, or it or its member parties must have received, in at least one quarter of the Member States, at least three per cent of the votes cast in each of those Member States at the most recent elections to the European Parliament.<sup>101</sup> They also must run for the European elections, or must have publicly declared the intention to participate, and cannot be profit-making organisations; if they do not fulfil these conditions they cannot be registered. Registration by the APPF, together with the condition of having at least one MEP, is a pre-condition for a European political party to apply for funding from the general budget of the European Union.<sup>102</sup>

Interlocutors from European political parties expressed their discontent with some recent interpretations of the legal framework, in particular concerning the issue of donations of member parties from outside the EU to European parties.<sup>103</sup> Furthermore, the campaign spending of European political parties and their national member parties has to be kept strictly separate. Some camps argued that lead candidates cannot campaign as such in their Member States, which has been described as creating challenges during the campaign period.

Campaign finance expenditure of national political parties and candidates is regulated by the EU Member States' national legislations. The diverging national campaign finance frameworks and spending limits further complicate the organisation of a European campaign and create unequal conditions for candidates.<sup>104</sup> The applicable laws and regulations vary from a loose set of rules (for example in DE, DK, NL) to tightly regulated systems (for example in HR, IE, LV, RO, SK).

## A. SOURCES OF FUNDING

At the European level, the APPF Regulation provides for a mixed system of financing. European political parties can receive financing from the general budget of the European Union<sup>105</sup> and donations from legal and natural persons of up to a value of EUR 18.000 per year and per donor, as well as membership fees.<sup>106</sup> The APPF Regulation sets out the eligibility and allocation criteria of European funds: European political parties which are represented in the European Parliament by at least one of their members are eligible for funding from the European Union budget. The European allocation is distributed annually in two allotments: 10 per cent is distributed among the eligible European political parties in equal shares and 90 per cent is distributed among them in proportion to their share of elected members of the European Parliament.<sup>107</sup> In an attempt to increase transparency,<sup>107</sup> political parties in the EU Member States have to display on their websites the logo and the programme of the European political parties to which they are affiliated as a requirement for the European parties to receive EU funding.<sup>108</sup>

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<sup>101</sup> According to article 3 of [Regulation \(EU, Euratom\) No 1141/2014](#), amended by Regulation No [2018/673](#).

<sup>102</sup> EPRS Briefing: European political parties and political foundations – Statute and funding. EU Legislation in Progress. [PE 620.198](#).

<sup>103</sup> The question of whether political formations from outside the EU can make contributions as members to European political parties has been the subject of a decision of the Bureau of the European Parliament in December 2018. The European Parliament clarified in that decision that European political parties cannot receive contributions from political formations from outside the EU. This decision is currently being litigated in the General Court of the European Union in case in Case T-107/19 *ACRE v Parliament*.

<sup>104</sup> The variation in campaign periods also contributes to differences in the conditions to campaign: In FR and LT, the campaign period started at the end of November 2018 and in mid- or end-January 2019 in the CZ and in LV respectively, while it only began in mid-May in ES and PT, and it remains unregulated in a number of other countries.

<sup>105</sup> Financial contributions or grants from the general budget of the European Union shall not exceed 90 per cent of the annual reimbursable expenditure indicated in the budget of a European political party.

<sup>106</sup> Anonymous donations or contributions, donations from the budgets of political groups in the European Parliament, donations from any public authority from a Member State or a third country, donations from any private entities based in a third country or from individuals from a third country who are not entitled to vote in elections to the European Parliament are forbidden.

<sup>107</sup> These criteria do not take into account the non-attached MEPs and tend to favour well-established parties.

<sup>108</sup> [European Parliament News](#), 17 April 2018.

In 25 Member States, public funding is provided to political parties, most commonly based on the number of votes received or seats obtained by the political parties at the last general elections. In three Member States, no public funding is available for the European elections, and private funding is the only source of campaign finance (HU, IT, MT). Within 13 Member States parties are allocated public funding specifically for the European elections (AT, CZ, ES, FR, GR, HR, IE, LT, LU, PL, PT, RO, SI), while 12 Member States provide no specific public funding for the European elections other than the annual public grants distributed to eligible parties.

Foreign funding is forbidden in half of the EU Member States to avoid undue foreign influence. Out of the 28 EU Member States, only three do not have rules with regards to foreign funding in place (BE, DK, NL). The situation varies among the ten countries where foreign funding is not forbidden *per se*: In BU, CZ, LT, RO, SI, EU citizens who are residents can contribute to a campaign; in AT, foreigners can donate to a campaign, but their donations are capped; in DE, EE, LU, LV, only foreign individuals, but not other foreign legal entities can contribute to a campaign. This variety creates disparities between Member States that allow foreign funding (sometimes subject to conditions) and those with more restrictive mechanisms.

Ten EU Member States forbid the financing of national campaigns in EP elections by European political parties: BU, EE, ES, FR, HR, HU, LT, PL, SI, SK. In FR, foreign funding is forbidden in principle, but based on a March 2019 Opinion from the State Council, European political parties are allowed to fund the campaign for the EP elections.<sup>109</sup>

*Consideration could be given to further regulating the financing of national European campaigns by European political parties in order to level the playing field across the EU. A distinction could be made between the ban on foreign funding that prevails in half of the EU Member States and the possibility of the financing of national European campaigns by European political parties.*

## **B. SPENDING LIMITS**

The Regulation leaves it to each Member State to set the spending limit applicable to the elections to the European Parliament. While European political parties can finance campaigns conducted in the context of elections to the European Parliament, the funding and limits on election expenses for parties and candidates are therefore governed by the rules applicable in each Member State.

Out of the 28 EU Member States, eight do not have campaign spending limits in place. For the other Member States, there are considerable differences in the level of campaign spending limits. In AT, the spending limit is set at EUR 7.396 million, in FR, at EUR 9.2 million, in ES at EUR 6.94 million, and in PL at some EUR 4.5 million. On the other hand, the spending limit is established at some EUR 1.1 million in LT, at some EUR 1 million in BU, at EUR 75,000 in GR, and at EUR 50,000 in MT.

*Consideration could be given to reviewing the spending limits within EU Member States in order to create a more level playing field for the electoral contestants to campaign. Furthermore, the establishment of a spending limit at the European level that would apply to European political parties' campaigns could be envisaged.*

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<sup>109</sup> Their contributions must be included in the campaign accounts of the lists they are endorsing. The State Council adopted the approach that funding from foreign political parties is forbidden (even from foreign parties within the EU), but funding from registered European political parties is allowed on the basis of Article 21 of the Regulation.

## C. REPORTING AND DISCLOSURE OF CAMPAIGN FINANCE

At the European level, the regulations for campaign finance provide for a thorough and comprehensive reporting and disclosure system; all donations greater than EUR 1,500 must be disclosed. However, donations between EUR 1,500 and EUR 3,000 cannot be disclosed if the natural donor has not given prior written consent to the publication. The APPF Regulation does not explicitly deal with aggregate donations and does not stipulate whether and if so, what action could or should be taken in cases of multiple donations below the stipulated limits made by the same donor.

In the majority of the 28 Member States the legal frameworks provide for detailed reporting requirements, but there is a lack of detailed provision in AT and DE. In DK and SE, the reporting requirements only pertain to sources of income, but not the amount of contributions, the purpose, and the amount of expenses.

*To strengthen the overall transparency of campaign spending in the EU Member States, the rules for reporting and disclosure of campaign income and expenses could be reviewed and further enhanced.*

## D. OVERSIGHT AND SANCTIONING MECHANISMS

The APPF Regulation sets out the rules governing the control of compliance by European political parties and political foundations with their obligations, which is carried out by the APPF, by the Authorising Officer of the European Parliament, and by the competent Member States' political finance oversight bodies. Further, it foresees cooperation between these bodies with regards to funding provisions, controls and sanctions, but does not define the type of coordination and cooperation between the European and national levels. Moreover, the APPF's investigative powers are not mentioned in the Regulation. Financial sanctions can be imposed by the APPF, for example in case of non-submission of the annual financial statements, failure to submit the list of donors, acceptance of illegal donations, illegal financing of national campaigns or political parties.<sup>110</sup>

The most common type of campaign finance oversight body across the 28 Member States is the national audit institution, closely followed by *ad hoc* commissions. These oversight bodies' investigative and sanctioning powers differ significantly from one Member State to another, as do the sanctioning mechanisms.

*Consideration could be given to further define the type and nature of cooperation between the APPF, the Authorising Officer of the European Parliament and the competent Member States' political finance oversight bodies with regard to campaign finance supervision in order to enhance the effectiveness of the control carried out at the European and national levels. Further consideration might be given to spelling out the respective tasks and jurisdictions of each of these bodies to enhance the overall campaign spending accountability.*

## XI. ONLINE CAMPAIGN AND SOCIAL MEDIA REGULATION

Sources of information and tools for communication, which lie at the core of political competition, have seen significant changes since the last European elections. Public broadcasters and independent media, in many Member States historically trusted for their impartiality and professional reporting on electoral processes, are challenged by the generation of an overwhelming quantity of information, limited quality checks and the rapid circulation of news through social media networks and online platforms.

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<sup>110</sup> The sanctions are foreseen and detailed in Article 27, and Article 35 sets out the right of appeal.



The EU's Media Pluralism Monitor assessed that "no country analysed is free from risks to media pluralism."<sup>111</sup> Journalists are facing threats in several EU countries, the working conditions of journalists are deteriorating, whistle-blower protection is still weak, media ownership concentration threatens media pluralism, and there are concerns regarding the lack of political independence of public service media, especially in Central and Eastern Europe.<sup>112</sup>

Social media networks and online platforms harvest personal data of users and sell them to commercial companies to promote their products, but also directly or indirectly to political parties for them to maximise their electoral chances. Micro-targeting, used in electoral campaigns to address voters' personal emotions like anxiety and anger for the purpose of maximising votes, fuels populism and division. In the European elections, it appears that in particular right wing populist movements and parties have been successful in mastering and using social media campaigns for their own advantage, and entered government (AT, EE, IT) or gained substantial popular support (BE, CZ, ES, FI, FR, NL), often with questionable methods.

Disinformation has become an increasing problem to electoral integrity and to citizens' trust in their democratic institutions. Recent electoral events of global significance – such as the 2016 UK referendum to leave the EU, as well as the 2016 US presidential election – revealed vulnerabilities as well as uncertainties resulting from online campaigning and organised disinformation in social media.<sup>113</sup>

At the European level, the EU has moved proactively on data protection with the implementation of the European General Data Protection Regulation (GDPR) in 2018.<sup>114</sup> The European Data Protection Supervisor (EDPS) concluded that connectedness under the current model has led to division. The problem of online manipulation is likely to worsen, as no single regulatory approach would be sufficient on its own, and regulators therefore need to collaborate urgently to tackle localised abuses but also structural distortions caused by excessive market concentration.<sup>115</sup>

In an effort to protect the European elections, the April 2018 European Commission Communication on tackling online disinformation emphasised the key role played by civil society and the private sector, notably social media networks and online platforms, in managing the problem of disinformation.<sup>116</sup> The European Commission requested online platforms and social media networks (Google, Facebook, Twitter, Mozilla) and the trade associations representing the advertising sector to follow a self-regulatory Code of Practice.<sup>117</sup> The Code established provisions on how to ensure transparent labelling of online political campaigning, transparency of campaign ads, how to effectively respond to disinformation and hostile Artificial Intelligence (AI) driven online campaign interference (bots), and promoted measures to provide citizens with easily accessible tools to report disinformation.

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<sup>111</sup> [Media Pluralism Monitor & EUI / CMPF Monitoring Media Pluralism in Europe](#): Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey Policy Report 2018.

<sup>112</sup> See also for example the report of the [Society of Journalists monitoring the Polish public broadcaster](#) ahead of the EP elections 2019, which concluded that the public broadcaster „favoured the ruling party and omitted, downplayed, ridiculed or vilified the opposition parties' candidates and politicians by the use i.a. of fake news, picture and sound manipulations." In HU, many interlocutors see the media situation as the biggest hurdle to calling Hungarian elections free and fair. HU dropped 14 places to 87th on [Journalists Without Borders' \(RSF\) World Press Freedom Index 2019](#).

<sup>113</sup> Regarding outside interference see the following reports: UK House of Commons Digital, Culture, Media and Sport Committee Report on Disinformation and 'fake news' of 14 February 2019; US Senate Committee on Intelligence: Russian Targeting of Election Infrastructure During the 2016 Election of 8 May 2018; [French Ministry for Europe and Foreign Affairs and the French Ministry for the Armed Forces Report](#): Summary of Initial Findings and Recommendations in the French presidential elections 2017; August 2018.

<sup>114</sup> [Netzpolitik.org](#).

<sup>115</sup> The [European Data Protection Supervisor \(EDPS\)](#) is an independent institution of the EU; See Opinion 3/2018 on online manipulation and personal data.

<sup>116</sup> [Tackling online disinformation: a European Approach](#).

<sup>117</sup> [Code of Practice](#) September 2018.

This resulted in increased transparency of political advertisements in social media. Furthermore, searchable public political advertisement repositories were established ahead of the European elections, and numerous suspected disinformation accounts were taken offline in several countries.<sup>118</sup> The monitoring of the Code of Practice was part of the Action Plan Against Disinformation that the EU adopted in December 2018.<sup>119</sup> The European Regulators Group for Audio-visual Media Services (ERGA) has been monitoring reliability, searchability, and completeness of such repositories. Regular progress reports regarding implementation and action taken were published by the online platforms and social media networks.<sup>120</sup> On this basis, the European institutions urged Google, Facebook and Twitter to further improve and ensure higher standards of responsibility and transparency.<sup>121</sup> EU stressed especially that more significant progress is required in key parts of the Code, such as transparency of issue-based ads or the operational cooperation with fact-checkers and the research community. The EU assessed the set measures positively, but announced plans to further strengthen cooperation within the Rapid Alert System, including international partners.<sup>122</sup>

Companies operating outside the Code of Practice like LinkedIn, Snapchat or national digital champions harvesting digital data for micro targeting in the Member States are also monitored by national data protection authorities. In Austria, for example, a private company was ordered to stop its data harvesting for use in political campaigns.<sup>123</sup> In addition, the European Commission established an independent network of fact-checkers to increase the ability to detect and expose disinformation,<sup>124</sup> and sustained efforts were made at the EU and national levels to support media literacy.

At the national level, a few Member States introduced specific legislation (DE, FR, IT, ES) and special oversight mechanisms (DK, EE, LV, LU, SK) for social media. FR, for example, recently passed new legislation on fighting manipulation of information and set a duty for online platforms with over 5 million single visits per month to cooperate with the French authorities, and to publish in an open database who purchased space for political advertisement.<sup>125</sup> FR specifically prohibits micro-targeting during electoral campaigns – contrary to most other Member States<sup>126</sup> - and has the most restrictive legislation in this regard within the EU. Political parties and candidates are further not allowed to purchase content on Facebook, Twitter and other commercial social media. In one incident, Twitter preventively blocked a French government campaign promoting young voter participation (*#OuiJeVote*), arguing that it was contravening the prohibition against paid political publicity. Following an outcry involving the French

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<sup>118</sup> For example in Italy the most active of the pages taken down by Facebook was *Vogliamo il movimento 5 stelle al governo*, an unofficial page in support of the 5 Star Movement.

<sup>119</sup> [Action Plan Against Disinformation](#).

<sup>120</sup> [Regular progress reports](#).

<sup>121</sup> [European Commission Statement 23 April 2019](#).

<sup>122</sup> [Report of the European Commission and the HR on the implementation of the Action Plan Against Disinformation](#), 16 June 2019.

<sup>123</sup> The Austrian Post company processed special categories of personal data by attributing preferences for certain political parties to data subjects by using statistical calculation methods. In the absence of explicit consent given by the data subjects concerned, and in the absence of any other legal basis for processing these data, the Austrian Data Protection Authority (DPA) found this to be contradictory to the GDPR. Consequently, the DPA imposed an immediate ban on these processing operations. The decision has been challenged before the Federal Administrative Court. [European Data Protection Board](#), 12 February 2019.

<sup>124</sup> The European Commission launched the [Social Observatory for Disinformation and Social Media Analysis](#) (SOMA). On [FactCheckEU](#) 19 European media outlets from 13 countries were fact-checking the May 2019 European elections.

<sup>125</sup> The law on fighting manipulation of information known as the 'Anti-fake news law' was voted in December 2018. In addition, FR has prepared another law to tackle online hate speech, but which was not passed ahead of the European elections.

<sup>126</sup> Italy's Data Protection Authority adopted rules in 2014 on processing of personal data by political parties prohibiting the use of personal data made public on the Internet, such as on social networks or forums, for the purposes of political communication, if this data was collected for other purposes; see [European Data Protection Supervisor \(EDPS\)](#) Opinion 3/2018, p.6. In most other Member States, microtargeting ads sold by Facebook and others are common.

government, Twitter had to reconsider and allowed campaigns aimed at encouraging voter participation.<sup>127</sup>

Latvia has a law on pre-election campaigning stipulating that each advertisement, including online, should be clearly labelled as such, and that the sponsoring organisation needs to be identified. In addition, Latvia's Corruption Prevention and Combating Bureau has a written disclosure agreement with Facebook regarding party expenditures on the platform. It has further special online scraping software to identify political adverts on social media platforms including Facebook, while final decisions are still made by humans.

In Spain, a controversial newly passed amendment to the Election Law allowed parties to use personal data obtained through web sites and other public access sources for political activities. Political parties could send voters unsolicited messages through WhatsApp during the election campaign. Facebook, like in most other Member States (BE, NL, SK, etc.), sold segmented advertisements to the main political parties based on personal information obtained from users' data and behaviour on the social network.

In Hungary, on the contrary, no specific legislation and online content regulation exists, and a 2018 Constitutional Court ruling stated that during election campaign periods there is broader public space for opinions. Even proven untruths can be considered as opinions and are permitted if they do not restrict other rights.<sup>128</sup>

In other Member States (CZ, GR, IT, PL, PT, UK) civil society has been taking on a strong role in monitoring social media and fact checking. In Italy, the campaign group *Avaaz*,<sup>129</sup> an international network of online activists, reported that Facebook had taken down 23 Italian accounts with a total of more than 2.46 million followers which were spreading "false information and divisive content" over issues such as migration and anti-Semitism. In the Czech Republic, the Prague Security Studies Institute worked together with think tanks from PL, SK, HU, Moldova and Ukraine in a project devoted to gaining better understanding of disinformation campaigns in Central and Eastern Europe. In Greece, a monitoring body on hate speech and inflammatory language, *Ellinika Hoaxes*,<sup>130</sup> operated on behalf of social media platforms, mainly Facebook. In the Netherlands, *Bits of Freedom* proved that cross border advertising was possible, thereby contradicting Facebook, which claimed this was not the case and that only residents could buy political advertisements.<sup>131</sup> In PT, alleged fake news led to the resignation of a party campaign manager.<sup>132</sup> UK-based researchers at the *Oxford Internet Institute* analysed fake content of Twitter messages covering content in seven languages, while *Who Targets Me* analysed campaign spending via Facebook across the EU.<sup>133</sup>

While social media have become a vividly important, but also rapidly evolving part of electoral processes, it seems that the EU, but especially regulators in the Member State, are lagging behind in providing guidance about the permissible boundaries articulated in comprehensive legal frameworks. The potential next level of disinformation campaigns, deep fake content,

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<sup>127</sup> [Politico, 4 April 2019](#).

<sup>128</sup> [The ruling of the Constitutional Court](#) (in Hungarian).

<sup>129</sup> According to [Avaaz](#), more than half of the accounts taken down supported either the 5-Star or the League, the two parties in the Italian government coalition.

<sup>130</sup> [Ellinika Hoaxes](#), a Greek independent fact-checking website operating as an NGO fact-checked a broad range of stories, from current affairs to conspiracy theories, health myths and pseudoscience, circulating in Greece's online sphere and abroad.

<sup>131</sup> [Bits of Freedom](#).

<sup>132</sup> In PT, one party (PS, Socialists) submitted a complaint to the EMB claiming the creation of fake profiles on social media by another party (PSD, Social Democrats). The PSD digital communications director resigned after the complaint became public. The [case](#) is pending a decision from the EMB.

<sup>133</sup> The [Oxford Internet Institute's \(OII\) Computational Propaganda Project](#) analysed the quality and quantity of political news and information shared on Twitter across seven European languages. [Who Targets Me](#) established that €17 million was spent on highly targeted political ads directed at Facebook users across the European Union.

appears not to have been used yet in EP electoral campaigns.<sup>134</sup> However, while micro-targeting requires timely and decisive European regulation, deep fake content also needs proactive regulation, as it could cause a deterioration in citizens' trust in politics. Also other AI-driven political campaigning, including arbitrary blocking and filtering of online content and automated messaging through chatbots, requires attention as well as joint action in protecting the integrity of electoral processes.

*To effectively promote a level playing field and transparency in campaigns, to protect the privacy of European citizens and to safeguard electoral processes against manipulation and disinformation, the EU and its Member States should provide clear regulations, coherent implementation and independent oversight of political campaigns in social media and online platforms.*

*To enhance effective electoral campaign oversight and better detection and analysis of disinformation campaigns, social media platforms should give meaningful access to data to election observers and researchers in line with personal data protection rules.*

## XII. ELECTION OBSERVATION

The 2019 European elections were the first European elections observed by a citizen-based election observation initiative in a systematic manner.<sup>135</sup> Election-Watch.EU requested accreditation for election observation in all 28 EU Member States and received accreditation for 12 Member States (BG, CY, FI, HR, HU, LT, LV, MT, NL, PL, RO, UK).<sup>136</sup>

All Member States of the European Union are OSCE participating States and, by its 1990 Copenhagen Document, have committed to facilitate access for international and national election observers to the electoral process.<sup>137</sup> Not all EU Member States have implemented this commitment through national law. However, a number of EU Member States have changed their regulations to further enable and protect international and citizen election observation since the last European elections, namely BG, EE, FI, PL, and SI.

At the time of the 2019 European elections, eight Member States (BG, FI, HR, LT, PL, RO, SI, UK) have legislation and accreditation systems in place for both international and national observers. Five additional countries (AT (with restrictions), BE, HU (with restrictions), LU, NL) have respective legislation and an accreditation system for international observers, but not for national observers. In EE, international and national election observation is allowed without accreditation, while in LV international and national election observers can be accredited without corresponding provisions in the law. In DE, DK, EE and SE, while legislation does not contain explicit provisions for election observation, voting, counting, and tabulation processes are fully open to the public; these processes are also open to the public in NL. Two countries (CY, MT) have provided accreditation to Election-Watch.EU without having a law or accreditation procedures in place.

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<sup>134</sup> Example of deep fake video of former US President Obama. See: [The Guardian](#); Also House of Representative Speaker Nancy Pelosi was targeted by a doctored video shared via Facebook. See: [New York Times](#). Other deep fake content reportedly was used and impacted politics in Gabon and Malaysia.

<sup>135</sup> The student organisation [AEGEE](#) conducted short-term election observation of the 2019 European elections in 18 EU Member States.

<sup>136</sup> Four of the [Election-Watch.EU](#) National Chapters were also national election observer organisations accredited in their respective Member States (HR/[GONG](#), LT/[White Gloves](#), RO/ member organisations of the [FiecareVot](#) network, and UK/[Democracy Volunteers](#)).

<sup>137</sup> [1990 OSCE Copenhagen Document](#), Paragraph 8: "The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings."

**Table 2: Regulation for Election Observation in the EU Member States**

	Law foresees international election observation	Accreditation for international observers	Law foresees national election observation	Accreditation for national observers
Austria	X <sup>138</sup>	X		
Belgium	X			
Bulgaria	X	X	X	X
Croatia	X	X	X	X
Cyprus				
Czech Republic	(X) <sup>139</sup>	(X) <sup>140</sup>		
Denmark <sup>141</sup>				
Estonia	X		X	
Finland	X	X	X	X
France				
Germany <sup>142</sup>				
Greece				
Hungary	X <sup>143</sup>	X		
Ireland				
Italy				
Latvia		X		X
Lithuania	X	X	X	X
Luxembourg	X	X		
Malta				
Netherlands	X	X		
Poland	X	X	X	X
Portugal				
Romania	X	X	X	X
Slovakia	X <sup>144</sup>		X <sup>145</sup>	
Slovenia	X	X	X	X
Spain				
Sweden <sup>146</sup>				
United Kingdom	X	X	X	X

The European Parliament, the European Commission and the Council of the European Union are endorsing organisations of the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, which was commemorated at the United Nations in 2005.<sup>147</sup> This document upholds the guiding principles of impartial and non-partisan election observation.

Election-Watch.EU received reports of partisan groups in Germany who sought to gain access to the electoral process as observers while portraying themselves as independent, with claims about election manipulation after the vote. Cases have also been made known where MEPs, and Members of Member States' Parliaments, have contributed to politically biased international election observation missions in various countries during the last legislative term.<sup>148</sup> This

<sup>138</sup> Only by OSCE/ODIHR.

<sup>139</sup> For Presidential elections only.

<sup>140</sup> For Presidential elections only.

<sup>141</sup> Voting, counting and tabulation processes are open to the public.

<sup>142</sup> Voting, counting and tabulation processes are open to the public.

<sup>143</sup> Only by OSCE/ODIHR.

<sup>144</sup> Limited to voting and counting on election day.

<sup>145</sup> Limited to voting and counting on election day.

<sup>146</sup> Voting, counting and tabulation processes are open to the public.

<sup>147</sup> [Declaration of Principles for International Election Observation.](#)

<sup>148</sup> The Democracy Support and Election Coordination Group of the European Parliament has strongly condemned the participation in a "fake" election observation mission of three MEPs from the ECR Group in Azerbaijan in 2018. See also European Platform for Democratic Elections (EPDE): ["Politically Biased Election Observation – A Threat to](#)



underlines the importance of both adherence to international principles as well as of accreditation procedures for election observers.

*All EU Member States should include in their legislation provisions to explicitly allow for access and accreditation of international and national election observation according to international principles and throughout the electoral process.*

### **XIII. ELECTION DAYS**

Elections took place across the EU from Thursday 23 to Sunday 26 May 2019. Elections were held on Thursday (NL and UK), on Friday (IE), on Saturday (MT, LV, SK), and in all other Member States on Sunday, except for CZ where voting takes place on two days, Friday and Saturday. In line with the methodology for EAMs, Election-Watch.EU did not carry out a comprehensive and systematic observation of election day proceedings, but visited a limited number of polling stations across the Member States.

As an important integrity safeguard, voters in all Member States, with the exception of the UK, are required to present an ID or a special voting document issued by election authorities, or both as in IT, in order to be able to vote. Regulations in IT, LU, PT and SE require an ID document, but allow for voter identity to be also reconfirmed by others present. The latter practice could be reviewed.

Voting hours and arrangements for vote counting vary, with some countries counting the ballots in a centralized manner, at municipal or regional administrations or at designated counting centers, as is the case in BE and as was tested in these elections in NL.

No serious issues related to the secrecy of the vote on election day were brought to the EAM's attention. Positively, in SE, the importance of ensuring the secrecy of the vote was emphasized through a legislative amendment and the introduction of special screens in polling stations to shield off the place where the ballots are placed from direct view. In ES, on the contrary, it was noted that because of the way ballots are placed outside polling stations and because voters might only take one ballot of choice and not all the ballots as per procedures, secrecy of the vote might inadvertently be compromised.

In several Member States transparency is provided by provisions that voting and/or counting processes are public, as is the case in DE, DK, EE, NL and SE. Another transparency measure used in the majority of the Member States, but not in AT, GR, LU, MT and the UK, is the publication of election results with a breakdown to polling station level. EMBs across the EU Member States also published comprehensive and detailed election results online, facilitating verification by the public and serving to enhance confidence in the electoral process. Good practice in BG and RO included the additional publication of scanned original results protocols from polling stations.

The release of national results was banned across the EU before 23.00 hours Central European Time on 26 May, when the last polling station closed in IT, to limit influence on voter behaviour.<sup>149</sup> This restriction was duly incorporated in laws and regulations of all Member States. Nevertheless, exit polls estimating partial results became available after the first election day on 23 May. The regulation of opinion polls differs across the EU; IT, for example, prohibits their publication up to two weeks ahead of elections. After the close of polls on 26 May, the EP started publishing national estimates, based on exit polls and pre-election voting intention surveys from 18:00 hours.

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[the Integrity of International Institutions](#)" (January 2019) and "[Detection and Prevention of Politically Biased Election Observation \("Fake Observation"\) in the OSCE Region](#)" (February 2017).

<sup>149</sup> Article 10(2) of the [Election Act](#) as amended by Council [Decision 2002/772/EC](#).

#### XIV. CONCLUSIONS

The 2019 European Parliament elections marked a robust exercise in democratic practice, with clear indications where improvements could be made. The increased voter turn-out across the EU indicates that European citizens have recently become more concerned about who represents them in the European Parliament and in which direction the European project should be moving. Fears of foreign interference in the elections, of a strong performance of EU-critical populist right wing parties, as well as disinformation campaigns did not materialise to the anticipated degree. However, perpetual monitoring and continuous development to uphold and protect electoral integrity are important to guarantee the exercise of civil and political rights to citizens. European responses need to increase equality, inclusion, transparency and accountability of electoral processes.

The principle of equality lies at the heart of the European human rights heritage, is protected by key international obligations, and is enshrined in EU legislation, yet Member States have varying approaches to enfranchisement. The inclusion of citizens in the electoral process in various ways instils ownership, trust, and transparency, and involves the electorate in democratic decision-making. Further, the European Parliament considers transparency, integrity, and accountability as essential prerequisites of a democracy based on the rule of law.<sup>150</sup> The European Commission also emphasised greater transparency in its 2018 Communication “Securing Free and Fair European Elections” as a key precondition for voters to make an informed choice.

In exercising accountability, many national EMBs have been advocating for electoral reforms, including on the basis of past recommendations by international and citizen election observers. Election legislation across the EU already saw a considerable number of improvements, but the EU and its Member States’ parliaments, national EMBs and civil society organisations need to continue following up on electoral recommendations, be it from EU institutions, the OSCE/ODIHR, the Council of Europe (GRECO<sup>151</sup>), or citizen election observers.

The diversity of electoral regulation and practices across the EU has demonstrated both the richness and complexity of the European electoral heritage and that many electoral processes would benefit from greater cohesion. During its last term, a proposal for electoral reforms was developed in the European Parliament with the aim of highlighting the European significance of the electoral process and of further harmonising it across the Member States. The proposed reforms either did not find a majority in the outgoing European Parliament, like the introduction of transnational lists, or were supported by the majority of MEPs but not by the European Council, like the introduction of a common minimum voting age of 16. Election-Watch.EU provides this report as a comprehensive reference document for potential future electoral reforms and follow-up advocacy ahead of the next European elections.

Election-Watch.EU conducted this Election Assessment Mission with the objective of contributing to European electoral integrity, raising awareness of the importance of the European elections, promoting good practices and providing recommendations to further strengthen European electoral processes. An underlying objective is to strengthen civic engagement in European elections, with a special focus on youth participation. EU governments and political parties need to demonstrate commitment to UN, EU and OSCE principles by recognising the value of non-partisan election observation, not only outside the EU, but also within Europe, to further strengthen European democracies.

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<sup>150</sup> [European Parliament: Transparency, integrity and accountability in the EU institutions](#); Briefing for the PETI Committee, March 2019.

<sup>151</sup> The [Group of States against Corruption \(GRECO\)](#) is the Council of Europe anti-corruption body.

## ANNEX I: LIST OF EAM RECOMMENDATIONS

### *Electoral reform process*

1. Further concerted efforts are required on the part of European institutions and EU Member States to **continue the initiated electoral reforms**. Past recommendations and long-standing issues and concerns, stemming inter alia from the insufficient consistency of national electoral rules and varying timeframes for key electoral processes, need to be addressed.
2. **Further electoral reforms** at the EU level and in individual Member States would be best developed and adopted as part of an **inclusive, consultative and participatory process**, with the involvement of all stakeholders, including the civil society and citizen observer organizations.
3. The **'Spitzenkandidaten principle'** should be reviewed to ensure greater cohesion among European institutions and Member States **regarding its purpose and expected impact, and to enhance clarity for the electorate**.

### *Electoral system*

4. While recognizing the complex nature of seat distribution in a supra-national body, further efforts are required in order to **adopt an objective, fair, durable and transparent method for the allocation of seats in the European Parliament**. The method should facilitate and include clear procedures on periodic review to reflect shifts in population numbers.

### *Suffrage rights*

5. In order to **ensure the equality of the right to vote and to stand as a candidate across the EU** and to narrow the disparity in national approaches to suffrage rights, additional common European minimum voter and candidate eligibility criteria should be considered. These should strive to harmonize the requirements related to the minimum voting age, residency requirements, independent candidacy, permissible restrictions on suffrage rights, and measures to support equal participation of women and men.

### *Persons with Disabilities*

6. Remaining barriers to effective **electoral participation of persons with disabilities** should be removed, including those related to restrictions on suffrage rights based on mental/intellectual disability, to the lack of access to polling stations, and to barriers to accessible information. Measures aimed at supporting independent and informed voting and decision-making by persons with disabilities should be prioritized.

### *Voter registration*

7. To effectively elicit and **prevent possible multiple registration and voting**, the coordination and voter data exchange mechanisms between EU Member States require considerable improvement. Further guidelines could be developed to ensure the uniformity of format and the scope of data to be exchanged. Solutions need to be identified for the issue of different voter registration cut-off dates to facilitate data exchange within common timeframes and in a timely manner.



### **Civic education**

8. *The EU, its Member States and the EP in particular should further **enhance civic education and encourage citizens to become active in democracy**, in their own society and at local level to promote democratic practices and electoral participation.*

### **Alternative and advance voting methods**

9. *To fully ensure the equality of opportunities in the exercise of the right to vote in and across Member States, consideration could be given to **adopting common minimum requirements for the administration of alternative and advance voting methods**, in particular with regards to the uniformity of voter eligibility criteria.*

### **Campaign finance**

10. *Consideration could be given to **further regulating the financing of national European campaigns** by European political parties in order to level the playing field across the EU. A distinction could be made between the ban on foreign funding that prevails in half of the EU Member States and the possibility of the financing of national European campaigns by European political parties.*
11. *Consideration could be given to **reviewing the spending limits within EU Member States** in order to create a more level playing field for the electoral contestants to campaign. Furthermore, the establishment of a spending limit at the European level that would apply to European political parties' campaigns could be envisaged.*
12. *To **strengthen the overall transparency of campaign spending** in the EU Member States, the rules for reporting and disclosure of campaign income and expenses could be reviewed and further enhanced.*
13. *Consideration could be given to further define the type and nature of cooperation between the APPF, the Authorising Officer of the European Parliament and the competent Member States' political finance oversight bodies with regard to campaign finance supervision in order to **enhance the effectiveness of the control carried out at the European and national levels**. Further consideration might be given to spelling out the respective tasks and jurisdictions of each of these bodies to **enhance the overall campaign spending accountability**.*

### **Social media regulation**





























14. *To effectively **promote a level playing field and transparency in campaigns, to protect the privacy of European citizens and to safeguard electoral processes against manipulation and disinformation**, the EU and its Member States should provide clear regulations, coherent implementation and independent oversight of political campaigns in social media and online platforms.*
15. *To enhance effective electoral campaign oversight and better detection and analysis of disinformation campaigns, **social media platforms should give meaningful access to data to election observers and researchers** in line with personal data protection rules.*

### **Election observation**

16. *All EU Member States should include in their legislation provisions to **explicitly allow for access and accreditation of international and national election observation** according to international principles throughout the electoral process.*

ANNEX II: TABLES OF EU MEMBER STATES' COMPARISON<sup>152</sup>

TABLE 1: EQUALITY (part 1)

EU Member State	inhabitants 2019	registered voters 2019 EP website	closing date of voter registration	mandates 2019	mandates post-Brexit	inhabitants in mill. / mandates 2019	inhabitants in mill. / mandates post-Brexit	2019 deviation from median in %	post-Brexit deviation from median in %
 Austria	8,8	6.416.202	12.03.2019	18	19	0,49	0,46	33,0	36,6
 Belgium	11,4	8.240.960	01.03.2019	21	21	0,54	0,54	25,6	25,6
 Bulgaria	7,1	6.374.924	15.04.2019	17	17	0,42	0,42	42,8	42,8
 Croatia	4,2	3.700.000	15.05.2019	11	12	0,38	0,35	47,7	52,1
 Cyprus	0,9	641.181	02.04.2019	6	6	0,15	0,15	79,5	79,5
 Czech Rep.	10,6	8.316.737	14.04.2019	21	21	0,50	0,50	30,9	30,9
 Denmark	5,7	4.235.507	10.05.2019	13	14	0,44	0,41	39,9	44,2
 Estonia	1,3	883.024	26.05.2019	6	7	0,22	0,19	70,3	74,6
 Finland	5,5	4.510.040	07.03.2019	13	14	0,42	0,39	42,0	46,2
 France	67	47.144.750	31.03.2019	74	79	0,91	0,85	-24,0	-16,2
 Germany	82,8	64.800.000	05.05.2019	96	96	0,86	0,86	-18,2	-18,2
 Greece	10,8	9.922.294	28.02.2019	21	21	0,51	0,51	29,5	29,5
 Hungary	9,8	8.013.533	24.05.2019	21	21	0,47	0,47	36,1	36,1
 Ireland	4,8	3.200.000	07.05.2019	11	13	0,44	0,37	40,2	49,4
 Italy	60,6	50.952.719	25.02.2019	73	76	0,83	0,80	-13,7	-9,2
 Latvia	2	1.559.000	25.04.2019	8	8	0,25	0,25	65,8	65,8
 Lithuania	2,8	2.486.915	19.05.2019	11	11	0,25	0,25	65,1	65,1
 Luxembourg	0,6	285.435	28.02.2019	6	6	0,10	0,10	86,3	86,3
 Malta	0,4	371.625	01.04.2019	6	6	0,07	0,07	90,9	90,9
 Netherlands	17,1	12.815.496	09.04.2019	26	29	0,66	0,59	9,9	19,2
 Poland	38	30.636.537	05.05.2019	51	52	0,75	0,73	-2,1	-0,1
 Portugal	10,3	10.761.156	22.03.2019	21	21	0,49	0,49	32,8	32,8
 Romania	19,6	18.949.141	28.03.2019	32	33	0,61	0,59	16,1	18,6
 Slovakia	5,4	4.414.433	15.04.2019	13	14	0,42	0,39	43,1	47,2
 Slovenia	2,1	1.708.765	10.05.2019	8	8	0,26	0,26	64,0	64,0
 Spain	46,5	37.373.185	15.04.2019	54	59	0,86	0,79	-18,0	-8,0
 Sweden	10	7.300.000	26.04.2019	20	21	0,50	0,48	31,5	34,8
 UK	65,8	46.800.000	07.05.2019	73	0				
<b>Total</b>	<b>511,9</b>	<b>402.813.559</b>		<b>751</b>	<b>705</b>	<b>0,73</b>	<b>0,73</b>		

<sup>152</sup> Election-Watch.EU has made every attempt to ensure that the information contained in these tables is correct and will be glad to receive feedback about any inconsistencies as well as suggestions to develop the tables further.

TABLE 1: EQUALITY (part 2)





























EU Member State	constituencies	list / preferential votes	seat allocation method	threshold	% female candidates	women representation in the EP 2019	gender of head of EMB	independent candidacy allowed (yes)
 Austria	1 nat. con.	pref. vote	d'Hondt	4%	43%	50%	M	no
 Belgium	1 nat. con.	pref. vote	d'Hondt	5%	n/a	38%	M	no
 Bulgaria	1 nat. con.	pref. vote	Hare/Niemeyer	none	30%	29%	F	yes
 Croatia	1 nat. con.	pref. vote	d'Hondt	5%	43%	36%	M	yes
 Cyprus	1 nat. con.	pref. vote	Droop/largest remainder	1.8%	28%	0%	M	yes
 Czech Rep.	1 nat. con.	pref. vote	d'Hondt	5%	24%	33%	M	no
 Denmark	1 nat. con.	pref. vote	d'Hondt	none	39%	46%	M	yes
 Estonia	1 nat. con.	pref. vote	d'Hondt	none	32%	33%	M	yes
 Finland	1 nat. con.	pref. vote	d'Hondt	none	n/a	54%		yes
 France	1 nat. con.	closed list	Hare/d'Hondt	5% (in Con.)	50%	50%	M	no
 Germany	1 nat. con.	closed list	Sainte-Lagué/Schepers	none	35%	36%	M	no
 Greece	1 nat. con.	pref. vote	Droop/ largest remainder	3%	43%	24%	M	no
 Hungary	1 nat. con.	closed list	d'Hondt	5%	21%	38%	M	no
 Ireland	3 con.	open list/STV	Droop/STV	none	41%	45%	M	yes
 Italy	5 con.	pref. vote	Hare & largest remainder	4%	50%	42%		no
 Latvia	1 nat. con.	pref. vote	Sainte-Lagué	5%	31%	50%	F	no
 Lithuania	1 nat. con.	pref. vote	Hare-Niemeyer	5%	34%	27%	F	no
 Luxembourg	1 nat. con.	open list	d'Hondt	none	43%	50%		no
 Malta	1 nat. con.	open list/STV	Droop/STV	none	22%	50%	M	yes
 Netherlands	1 nat. con.	pref. vote	Hare/d'Hondt	none	39%	50%	M	yes
 Poland	13 con.	pref. vote	d'Hondt & Hare/Niemeyer	5%	47%	35%	M	no
 Portugal	1 nat. con.	closed list	d'Hondt	none	n/a	43%	M	no
 Romania	1 nat. con.	closed list	d'Hondt	5%	32%	22%	M	yes
 Slovakia	1 nat. con.	pref. vote	Droop	5%	24%	15%	F	no
 Slovenia	1 nat. con.	pref. vote	d'Hondt	none	50%	50%	M	no
 Spain	1 nat. con.	closed list	d'Hondt	none	47%	47%	M	no
 Sweden	1 nat. con.	pref. vote	modified Sainte-Lagué	4%	n/a	55%	F	no
 UK	12 con.	closed list	d'Hondt	none	39%	47%	M	no
<b>Total</b>						<b>41%</b>		

TABLE 2: INCLUSION (part 1)






























 EU Member State	voting age	right to stand (age)	compulsory voting	postal voting	proxy voting	out of country voting	electronic / internet voting	advance / early voting
 Austria	16	18	no	yes	no	yes		no
 Belgium	18	21	yes	yes	yes	yes	voting machines	no
 Bulgaria	18	21	no	no	no	yes	pilot elect. voting	no
 Croatia	18	18	no	no	no	yes		no
 Cyprus	18	21	yes	no	no	yes		no
 Czech Rep.	18	21	no	no	no	no		no
 Denmark	18	18	no	yes	no	yes		yes
 Estonia	18	21	no	yes	no	yes	internet voting	yes
 Finland	18	18	no	yes	no	yes		yes
 France	18	18	no	no	yes	yes		no
 Germany	18	18	no	yes	no	yes		no
 Greece	17	25	yes	no	no	no		no
 Hungary	18	18	no	yes	no	yes		no
 Ireland	18	21	no	yes	no	no		no
 Italy	18	25	no	no	no	yes, in EU MS only		no
 Latvia	18	21	no	yes	no	yes		yes
 Lithuania	18	21	no	no	no	yes		yes
 Luxembourg	18	18	yes	yes	no	no		no
 Malta	16	18	no	no	no	no	pilot elect. voting	yes
 Netherlands	18	18	no	yes	yes	yes		no
 Poland	18	21	no	yes, for PWD only	yes	yes		no
 Portugal	18	18	no	no	no	yes	pilot elect. voting	yes
 Romania	18	23	no	no	no	yes		no
 Slovakia	18	21	no	no	no	no		yes
 Slovenia	18	18	no	yes	no	yes		yes
 Spain	18	18	no	yes	no	yes		no
 Sweden	18	18	no	yes	yes	yes		yes
 UK	18	18	no	yes	yes	yes		no

Table 2: INCLUSION (part 2); PERSONS WITH DISABILITY





























EU Member State	UNCRPD signed, ratified	legislation requires PS to be accessible	incapacity - right to vote restriction	incapacity - incapacity - right to stand restriction	home or preferred location provided for	voting in hospitals / care institutions / elderly homes provided for	PWDs are allowed to be supported in voting in polling stations by a person of choice, no role is played by election commissioners	voter information and education materials are accessible (large print, easy to read text, video in sign language)	supporting materials in polling stations (Braille ballots, audio readers, tactile ballot sleeves, magnifying glass, LED lamp)	secrecy / influence concerns related to the administration of home / mobile voting / assisted voting / guardianship	PWD organizations consulted / involved in designing of measures
 Austria	yes	no	no	no	no	yes	yes	yes	no	no	yes
 Belgium	yes	yes	yes	yes	no	no	yes	yes	yes	no	
 Bulgaria	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	
 Croatia	yes	yes	no	no	yes	no/yes/yes	yes	no	no	no	
 Cyprus	yes	no	no	yes	no	no	yes	no	no	no	yes
 Czech Rep.	yes	yes	yes	yes	yes	yes	yes	yes		no	
 Denmark	yes	no	no	yes	yes	yes	no		yes		
 Estonia	yes, with decl.	yes	yes	yes	yes	yes	no	no	no		yes
 Finland	yes	yes	no	yes	yes	yes	no	yes	yes	yes	yes
 France	yes, with decl.	yes	no	yes	yes	yes	yes	no	yes, very little	no	
 Germany	yes	yes	yes	yes	yes	yes	no	yes		no	
 Greece	yes	yes	yes	yes	no	no	no	insufficient		no	
 Hungary	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	
 Ireland	yes	yes	no	yes	yes	yes	yes		yes, complicated to use		
 Italy	yes	yes	no	no	yes	yes	no support allowed	yes		no	
 Latvia	yes	no	no	yes	yes	yes	yes		no	no	yes
 Lithuania	yes	yes	yes	yes	yes	yes	yes	insufficient	yes, insufficient	no	yes
 Luxembourg	yes	yes	yes	yes	no	no	yes	yes	yes	no	yes
 Malta	yes, with res.	yes	yes	yes		yes	no	yes	yes	yes	yes
 Netherlands	yes, with decl.	yes	no			yes	no support	yes	yes	yes	yes
 Poland	yes, with res.	yes	yes	yes	yes	yes	yes	yes	yes		
 Portugal	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	
 Romania	yes	yes	yes	yes	yes	yes		no	yes	yes	
 Slovakia	yes	yes	no	yes	yes	yes	yes	no		no	
 Slovenia	yes	yes	yes				yes	no ?			yes
 Spain	yes	yes	no			yes	yes	yes	yes	yes	
 Sweden	yes	yes	no	no	yes	yes	no	yes			
 UK	yes	yes	no		yes	yes	yes	yes	yes		

TABLE 3: TRANSPARENCY & INFORMATION

























































EU Member State	Election Management Body published 2014 EP report	invitation to CSOs to review election regulations	results published per polling station	social media special legislation	social media special oversight mechanisms	invalid votes 2014	invalid votes 2019	voter turn out 2014	voter turn out 2019	ID checked in polling stations
 Austria	no		no			3.00 %	1,43%	45.39 %	59,77%	yes
 Belgium	no		no			6.10 %	6,32%	89.64 %	88,47%	yes
 Bulgaria	yes	yes	yes			5.19 %	3,83%	35.79 %	32,85%	yes
 Croatia	no		yes			3.06 %	2,68%	25.24 %	29,85%	yes
 Cyprus	no		yes			1.91 %	2,62%	43.97 %	44,99%	yes, but also voting booklet
 Czech Rep.	yes		yes			0.77 %	0,73%	18.20 %	28,72%	yes
 Denmark					yes	2.38 %	1,47%	56.32 %	66,08%	yes, but also voting card
 Estonia	yes		yes		yes	0.39 %	0,23%	36.52 %	37,59%	yes
 Finland	no		yes			0.56 %	0,33%	39.14 %	40,76%	yes
 France	no			yes		4.01 %	4,53%	42.43 %	50,12%	yes
 Germany	no		yes	yes		1.64 %	1,09%	48.14 %	61,38%	yes, but also voting card
 Greece	no		no			3.80 %	4,46%	59.97 %	58,69%	yes
 Hungary	yes		yes			0.39 %	0,51%	28.97 %	43,56%	yes
 Ireland						2.67 %	4,21%	52.44 %	49,68%	yes
 Italy	no		yes	yes		3.31 %	2,58%	57.22 %	54,50%	yes
 Latvia	no		yes		yes	1.11 %	0,83%	30.24 %	33,53%	yes
 Lithuania	no		yes			5.54 %	5,41%	47.35 %	53,48%	yes
 Luxembourg	no		no		yes	9.92 %	9,26%	85.55 %	84,24%	yes, but another can vouch
 Malta	no	yes	no			2.23 %	3,63%	74.80 %	72,66%	yes
 Netherlands	yes		yes			0.60 %	0,40%	37.32 %	41,93%	yes
 Poland	yes		yes			3.12 %	0,83%	23.82 %	45,69%	yes
 Portugal	no		yes			7.42 %	6,92%	33.67 %	30,75%	yes, but another can vouch
 Romania	yes		yes				2,93%	32.44 %	51,20%	yes
 Slovakia	no				yes	2.66 %	2,06%	13.05 %	22,74%	yes
 Slovenia	no		yes			4.19 %	2,11%	24.55 %	28,89%	yes
 Spain	no		yes	yes		1.80 %	1,82%	43.81 %	64,30%	yes
 Sweden	yes		yes			1.13 %	0,87%	51.07 %	55,27%	yes, but another can vouch
 UK	yes	yes	not always					35.40 %	36,90%	no

TABLE 4: ACCOUNTABILITY (Campaign Finance)

EU Member State	Public Funding	Private Funding*	Foreign Funding**	Spending Limits	Reporting & Disclosure Requirements	Reasonable sanctions
 Austria	yes - dependent on the election result	with limitations	with limitations	yes	Limited	no
 Belgium	no specific public funds - but regular public allotment	with limitations	yes***	yes	yes	yes
 Bulgaria	no specific public funds - but regular public allotment	with limitations	no	yes	yes	yes
 Croatia	yes - dependent on the election result	with limitations	no	yes	yes	yes
 Cyprus	no specific public funds - but regular public allotment	with limitations	no	no data	yes	no
 Czech Rep.	yes	with limitations	with limitations	yes	yes	yes
 Denmark	no specific public funds - but regular public allotment	yes, without limits	yes	no	limited	no data
 Estonia	no specific public funds - but regular public allotment	with limitations	no	no	yes	yes
 Finland	no specific public funds - but regular public allotment	with limitations	with limitations	no	yes	no
 France	yes - dependent on the election result	with limitations	no	yes	yes	yes
 Germany	no specific public funds - but regular public allotment	with limitations	yes	no	no	yes
 Greece	yes	with limitations	no data	yes	yes	no
 Hungary	no	with limitations	no	no	no data	no data
 Ireland	yes - dependent on the election result	with limitations	no	yes	yes	yes
 Italy	no	with limitations	no	yes	yes	yes
 Latvia	no specific public funds - but regular public allotment	with limitations	no	yes	yes	yes
 Lithuania	yes	with limitations	with limitations	yes	yes	yes
 Luxembourg	yes - dependent on the election result	with limitations	with limitations	no	yes	no data
 Malta	no	with limitations	no	yes	no data	no data
 Netherlands	no specific public funds - but regular public allotment	with limitations	yes	no	limited	yes
 Poland	yes - dependent on the election result	with limitations	no	yes	yes	yes
 Portugal	yes - dependent on the election result	with limitations	no	yes	yes	yes
 Romania	yes - dependent on the election result	with limitations	with limitations	yes	yes	no
 Slovakia	no specific public funds - but regular public allotment	with limitations	no	yes	yes	yes
 Slovenia	yes - dependent on the election result	with limitations	with limitations	no data	yes	yes
 Spain	yes - dependent on the election result	with limitations	with limitations	yes	yes	no
 Sweden	no specific public funds - but regular public allotment	with limitations	no	no	limited	no data
 UK	no specific public funds - but regular public allotment	with limitations	with limitations	yes	yes	yes

\* Limitations vary greatly and can pertain to a variety of criteria extending to the eligible amount of donation, the citizenship of the donor, anonymity, and other criteria.

\*\* Limitations can pertain to the eligible amount of donation, the citizenship of the donor, and the type of funding.

\*\*\* Donations from foreign persons or bodies are not prohibited and are not the subject of any specific regulations (GRECO evaluation report).

**ANNEX III: LIST OF EAM NATIONAL COORDINATORS AND CONTRIBUTORS**

Member State	Organisation	National Chapters National Coordinators (NC)
Austria	<a href="http://wahlbeobachtung.org">wahlbeobachtung.org</a>	Paul Grohma (NC) Friederike Santner Leonard Cuscoleca Mathias Huter
Belgium		Geoffrey Weichselbaum (NC)
Bulgaria		Aleksandra Baryakova (NC) Vania Angelova (NC) Velko Miloev Svetozar Kolibarski
Croatia	<a href="http://GONG">GONG</a>	Jelena Berkovic (NC) Josipa Dika
Cyprus		Eirini Skouzou (NC) Nicolas Koukoullis
Czech Republic		Marcela Mašková (NC)
Denmark		Carsten Schürmann (NC)
Estonia		Iuliia Krivonosova (NC)
Finland		Markku Suksi (NC) Kimmo Collander
France		Caroline Gonthier (NC) Raphaël Pouyé
Germany	<a href="http://EPDE">EPDE</a>	Adam Busuleanu (NC) Ralf Peters (not EPDE; CF)
Greece		Polyna Lemos (NC) Christos Christogeorgakis Panos Lekakis
Hungary		Marcell Nagy Péter Kramer
Ireland		Tatyana Hilscher-Bogussevich Michael Lidauer Armin Rabitsch
Italy		Renata Tardioli (NC) Daniela Bottigelli Cecilia Lagomarsino Domenico Castellani Alice Colombi (Social Media)
Latvia		Anitra Jankevica (NC) Inta Lase Pēteris Veits
Lithuania	<a href="http://WhiteGloves">White Gloves</a>	Julius Lizunas (NC) Carlos Butkevicius
Luxembourg		Nadine Haas (NC)
Malta		Nathania Tabone (NC)
Netherlands		Agnes Venema (NC) Jetske Maria Klein



Member State	Organisation	National Chapters National Coordinators (NC)
Poland	<a href="#">Observers in Action</a>	Karol Bijos (NC) Robert Lech Zofia Lutkiewicz Slawomir Szyszka
Portugal		Cristina Alves (NC) Ruth Silva
Romania	<a href="#">FiecareVot</a>	Maria Krause (NC)
Slovakia	<a href="#">MEMO98</a>	Rasto Kuzel (NC) Marek Mracka Ivan Godarsky
Slovenia		Adriana Aralica (NC)
Spain		Xabier Meilan (NC) Leandro Nagore (NC) Mauro Calvo
Sweden		Agnieszka Gorna (NC) Lena Ohre
United Kingdom	<a href="#">Democracy Volunteers</a>	John Ault (NC)
European legislation		Rebecca Cox
Campaign finance		Barbara Stonestreet
European Coordinator		Tatyana Hilscher-Bogussevich
European Coordinator		Michael Lidauer
European Coordinator		Armin Rabitsch

## ANNEX IV: OSCE/ODIHR RECOMMENDATIONS 2009<sup>153</sup>

- 1) EU institutions and Member States could consider conducting voter information about the EP elections on a continuous basis, not only immediately before the next EP elections. Furthermore, the EP may consider continuing its own awareness raising activities until immediately before election days as long as there is no risk of perceptions of partisanship or politicization. The involvement of MEPs running for re-election, or their parties, in awareness raising events during or shortly before the campaign for EP elections could be perceived as selective and as providing unfair campaign opportunities for these MEPs and their political parties.
- 2) Consideration should be given to ensuring harmonization of eligibility requirements for candidates in EP elections.
- 3) To ensure equality of the vote, the EU could consider adopting minimum standards on voting rights for EP elections. Such a review could include consideration of voting rights for EU residents not holding citizenship of any State.
- 4) EU Member States should review their legislation regarding voting rights for prisoners and other persons deprived of liberty in line with case law of the European Court of Human Rights, and with the principles identified by the Venice Commission and the UN Human Rights Council.
- 5) In EU Member States where individuals do not enjoy the right to run as candidates in European Parliament elections, the Member States could consider amending their legislation to allow them to do so, in accordance with paragraph 7.5 of the 1990 OSCE Copenhagen document.
- 6) In order to ensure increased transparency and accountability, consideration should be given in all EU Member States to enacting a regulatory framework for the disclosure and auditing of party financing and expenditures, to be accompanied by an enforcement mechanism.
- 7) EU Member States should consider reviewing their campaign finance legislation to ensure that it takes into account the campaign activities of Euro-parties.
- 8) It is suggested that further consideration be given by the EP and EU Member States to harmonizing the date of the EP election day, as this would address the challenges posed under the current system.
- 9) Additional efforts should be made to improve the process of the exchange of information on registered voters among Member States. The exchange of information about Community voters should be extended beyond bilateral exchanges, and the data should be harmonized and sufficiently detailed to allow accurate identification of Community voters and prevent possible multiple voting.
- 10) EU Member States could consider ensuring that their national laws on public media provide for an independent media monitoring mechanism, with specific responsibility for assessing whether media regulations are respected during the election campaign period.
- 11) Notwithstanding the established legal basis for existing complaint procedures in EU Member States, mechanisms to provide for the resolving of electoral disputes and appeals regarding decisions on results should include the possibility of appeal to a court.
- 12) Consideration should be given to introducing amendments into election legislation in order to ensure adequate access and co-operation for domestic and international observers, in line with OSCE commitments.

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<sup>153</sup> Numbering but not sequencing undertaken by Election-Watch.EU.

## **ANNEX V: TABLE OF MEETINGS BY THE NAM & EAM COORDINATION TEAM IN BRUSSELS**

### **European Parliament**

Elmar Brok, Member of the European Parliament, European People's Party  
Miroslav Poche, Member of the European Parliament, Socialists & Democrats  
Marietje Schaake, Member of the European Parliament, ALDE  
Judith Sargentini, Member of the European Parliament, Greens - European Free Alliance

Michael Alexander Speiser, Director, Directorate for Citizens' Rights and Constitutional Affairs  
José Luís Pacheco, Head of Unit, Secretariat of the Committee on Constitutional Affairs  
Velyana Topalova, Administrator, Secretariat of the Committee on Constitutional Affairs  
Cristina Castagnoli, Head of Unit, Democracy and Elections Actions Unit  
Karl Minaire, Administrator, Democracy and Elections Actions Unit  
Kristina Grosseck, Researcher, European Parliamentary Research Service  
Laura Tilindyte, Researcher, European Parliamentary Research Service  
Sara Joffre, Administrator, Directorate-General for Communication

### **Council of the European Union**

Maria Marotta, Director, General and Institutional Policy – GIP, Interinstitutional Relations  
Laine Skoba, Political Administrator, GIP Interinstitutional Relations Policy Unit  
Petra Cerna, Political Administrator, GIP Interinstitutional Relations Policy Unit  
Enea Desideri, Political Administrator, GIP Interinstitutional Relations Policy Unit

### **European Commission**

Marie-Helene Boulanger, Head of Unit Citizenship and Free Movement, Directorate-General for Justice and Consumers  
Harry Panagopulos, Citizenship and Free Movement Unit, Directorate-General for Justice and Consumers  
Paolo Cesarini, Head of Media Convergence and Social Media (Unit I.4), Directorate-General for Communications Networks, Content and Technology  
Patrick Costello, Head of Division Democracy and Electoral Observation, European External Action Service

### **Authority for European Political Parties and European Political Foundations (APPF)**

Michael Adam, Director  
Andrea Cilea, Legal Advisor  
Laura Seckar, Administrative and Financial Officer

### **Election Observation and Democracy Support Project (EODS)**

Konrad Olszewski, Project Director  
Giovanna Maiola, Training Coordinator

### **Supporting Democracy – A Citizens' Organisations Programme**

Raphaël Pouyé, Democracy & Innovation Expert

### **OSCE/ODIHR**

Alexander Shlyk, Head of Election Department (WhatsApp conversation)  
Richard Lappin, Deputy Head of Election Department (WhatsApp conversation)

### **European Political Parties and Groups<sup>154</sup>**

Dara Murphy, Vice President and Campaign Director, European People's Party  
Nathan Shepura, Political Adviser, European People's Party

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<sup>154</sup> Attempts to set up meetings with European United Left–Nordic Green Left Group and Europe of Freedom and Direct Democracy Group were unsuccessful.

Javier Moreno Sánchez, Secretary General, Group of the Socialists & Democrats in the EP  
Michael Hoppe, Deputy Secretary General, Group of the Socialists & Democrats in the EP  
Alberto Corsini, Adviser to the SG, Group of the Socialists & Democrats in the EP  
Didrik de Schaetzen, Campaign Director, ALDE Party  
Monika Frassoni, Vice-Chairperson, European Green Party  
Wojciech Danecki, Head of Unit, Foreign Affairs, Human Rights, Security & Defence,  
European Conservatives and Reformists Group  
Gareth Goldsmith, Head of Press and Communications, European Conservatives and  
Reformists Group  
Dietmar Holzfeind, Vice-Secretary General, Europe of Nations and Freedoms Group

### **Civil Society and Media**

Alastair Rabagliati, Director of Operations, European Endowment for Democracy  
Susanne Neeb, European Endowment for Democracy  
Ellen Riotte, Head of Partnerships, Research and Outreach, Open Society European Policy  
Institute  
Bram Dijkstra, Advocacy Specialist, Open Society European Policy Institute  
André Félix, External Communications Officer, European Disability Forum  
Noemi Arcidiacono, Head of Mission, AEGEE Election Observation  
Rebecca Wagner, Mission Coordinator AEGEE  
Thomas Leszke, Director of Missions AEGEE  
Marco Battaglia, Social Media and Campaign, AEGEE  
Flavio Grazian, European Democracy Coordinator, European Citizen Action Service (ECAS)  
Florian Eder, Managing Editor, Politico  
Alexander Fanta, EU-Korrespondent, netzpolitik.org  
Maria Koomen, Senior Program Manager, Carnegie Europe  
Javier Ruiz Soler, Researcher (twitter), European University Institute

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### **ABOUT ELECTION-WATCH.EU / WAHLBEOBACHTUNG.ORG**

[Election-Watch.EU](http://Election-Watch.EU) / [wahlbeobachtung.org](http://wahlbeobachtung.org) is an independent, non-partisan initiative aiming to strengthen democracy in Europe by assessing European elections and electoral processes in EU Member States, based on international obligations, commitments and best practices. Originating in Austria, it seeks to contribute to the improvement of electoral systems and processes in the EU through research, recommendations and advocacy, and more broadly to the strengthening of European fundamental values and democratic political practice in Europe.

[Election-Watch.EU](http://Election-Watch.EU) / [wahlbeobachtung.org](http://wahlbeobachtung.org) is an endorsing organisation of the *Declaration of Global Principles for Non-Partisan Election Observation* and its Code of Conduct, which was commemorated at the United Nations in 2012, and is a member of the Global Network of Domestic Election Monitors (GNDEM). GNDEM is an umbrella of some 250 organisations promoting solidarity, common norms and methodology, exchange of good practice and experience, as well as lessons learned among citizen observer organisations.

Contact: [wahlbeobachtung@gmail.com](mailto:wahlbeobachtung@gmail.com)