

EMI Background briefing

European Electoral Reform

European Movement

At its 2014 Federal Assembly, the European Movement International adopted a resolution on the reform of electoral law and the rules governing European political parties. The [resolution](#) proposes various measures to strengthen the link between the European parties and the European public. The EMI proposals are also outlined in an opinion piece from Bernd Hüttemann, Vice-President of EMI and co-chair of the Political Committee More Democracy, Citizens' Rights and Freedom, published on EurActiv: [The case for common rules for EU democracy](#).

European Parliament

The rationale behind a reform of [European electoral law](#) is that the existing European Election Act dates from 1976, determines only a few common principles, and is outdated. Furthermore, the 1992 Maastricht Treaty provided that elections must be held in accordance with a uniform procedure and that Parliament should draw up a proposal to this effect, for unanimous adoption by the Council. As the Council was unable to agree on any of the proposals, the Treaty of Amsterdam introduced the possibility of adopting 'common principles', after which the 1976 Act was modified to include the principles of proportional representation and incompatibility between national and European mandates. Since then, the Parliament has come up with several proposals to adapt European Electoral law, the latest one a [report by Andrew Duff](#) during the last legislature, including a proposal for a transnational list elected by a single constituency.

The issue of electoral reform is now again on the table in the Parliamentary Committee on Constitutional Affairs (AFCO). On 4 December 2014, a hearing was held on the reform of electoral law with [contributions](#) from Andrew Duff, Professor Friedrich Pukelsheim, Professor Brendan O'Leary, Professor Roberto D'Alimonte, and Notre Europe Director Yves Bertoncini.

On 5 February 2015, the Conference of Presidents gave green light for the drafting of a report on the reform of European Electoral Law, upon request of the AFCO committee. Co-rapporteurs on the report are Mrs. Danuta Hübner (EPP), Chair of the AFCO Committee, and Mr. Jo Leinen (S&D), member of AFCO – and also President of the European Movement International.

AFCO discussion 17 March

A [first discussion](#) on the reform of European electoral law was held in the AFCO Committee on 17 March 2015. AFCO members exchanged their views on the aspired ambition of the new proposal and various elements that could be included. In particular, the discussion focussed on:

- *Implementing measures versus law amendment*: there are two possible tracks to follow with the report on the reform of electoral law. The first option is the use of implementing measures to the existing electoral act, but this can only cope with what is already in the law and precludes new ideas. The second option is the amendment of the electoral act. In both instances, unanimity in the Council is needed, but for the second option ratification by the Member States is required as well, complicating the process. The co-rapporteurs are awaiting a written

opinion from the legal service on the possibilities for the reform of the electoral act. Regarding the two options for reform, suggestions were made to: follow a double track; to fall back on a third option – recommendations to the Member States - for the suggestions that not make it through the Council; or to prepare two texts: a legal text that might get a majority, and a separate text in which ideas for the future are developed.

- *The importance of unanimity in the Council:* unanimity in the Council is required for any change, also for implementing measures. The discussions centred on the level of ambition the report should express: should it limit itself to measures that can be expected to be agreed by the Council only, or should it be more ambitious and also include proposals that most likely will not be accepted by the Member States? Opinions on the subject differed, from those advocating a pragmatic approach and to focus on the areas where something can be achieved, to those saying that it is the duty of AFCO to come up with a proposal for a common European electoral law, not letting itself be restricted by what can be accepted. The co-rapporteurs hope that the Luxembourg presidency will give them an opening to discuss their reform ideas with the Council, to see what they are open for.
- *Top candidates and visibility of European Political Parties:* the selection of so-called Spitzenkandidaten is regarded as a good approach to make the European dimension of the elections more visible. It was suggested that there could be a link to national party lists, for example by putting European candidates on national ballot papers. Another suggestion was a formal presentation of European party candidates as part of the electoral timetable. A deadline was proposed – of for example 6 weeks before the elections – to announce candidates and start the election campaign. The democratic election of top candidates and internal party democracy was an issue raised in relation to this as well. Obliging (or allowing) national parties to put the logo of their European Political Parties on the ballot paper to increase visibility was suggested too. Reservations were made, however, regarding politicians that do not belong to a European political family, for example non-attached politicians and local and regional parties.
- *Minimum threshold:* a minimum threshold to acquire a mandate for the European Parliament, in order to ensure a good working environment for the Parliament, could count on agreement of many of the AFCO members. Indeed most of the Member States have electoral thresholds either directly or indirectly.
- *Voting age:* lowering the voting age to 16 was proposed by several members in order to get young people interested in Europe. However, the issue was raised that lowering the voting age would not necessarily increase interest of young Europeans in European politics, and that it cannot be assumed it would increase turnout. One member even advised firmly against, doubting that 16-year-olds will know enough to be capable to cast an informed vote. A remark was also made that the voting age is often enshrined in the constitutions of Member States, and hence cannot easily be changed.

- *Electronic voting*: the use of electronic voting - Estonia mentioned as an example – was advocated by several members to increase electoral turnout. It was also mentioned that it ties in nicely with the digital agenda. However, it could also count on concerns regarding the security of electronic voting. Technological advances, however, could make electronic voting possible in a secure way in the future.
- *Simplified rules for cross-border voting*: it was argued that simplifying the rules, allowing citizens to vote and be a candidate in another country, could be beneficial for people that left their home country but are interested in participating in European elections. Electronic voting would help in this regard, and also enhance the European character of the elections. Regional cross-border lists were suggested as well for border regions.

Other proposals that were made were deciding on one fixed date for the European elections across Europe, and introducing European wide referenda. Ideas on the role of the parliament were expressed as well, advocating the principle that each member represents all citizens of Europe, regardless were he or she was elected, and thus stressing political allegiance instead of nationality. The issue of electoral participation was also related to the work of the parliament in between elections: not just the change of electoral law, but the daily work of the parliament and the parliamentarians should be related to citizen's daily life and increase their interest and turnout.

Timetable

The co-rapporteurs are expecting a written opinion about the feasibility amendments to the electoral act from the legal service.

Furthermore, the co-rapporteurs will pursue discussions with the Luxembourg presidency and Member States, hoping that the presidency can create a platform for discussions with the Council.

In May, the next discussion will be held in the AFCO committee on the basis of a working document, to be drafted by the co-rapporteurs.

In July, if possible, a first exchange of views could take place with the Council, depending on the Luxembourg presidency.