

Electoral rights of mobile EU citizens in municipal elections

During the February II plenary session, under the consultation procedure, the European Parliament is due to vote on the report on a European Commission proposal concerning the right to vote in municipal elections of 'mobile' EU citizens, that is, those residing and voting in a Member State of which they are not nationals. Under this procedure, Parliament is consulted, while the Council is not bound by Parliament's position.

Background

Articles [20\(2\)\(b\)](#) and [22\(1\)](#) of the Treaty on the Functioning of the European Union set out EU citizens' right to vote and stand as a candidate in municipal elections in their Member State of residence, even if they are not nationals of that Member State. [Council Directive 94/80/EC](#) lays down the specific rules for exercising this right. Nearly [13.7 million](#) EU citizens – of whom about 11 million are of voting age – reside in a Member State other than that of their nationality. Although the right to vote in municipal elections has been enshrined in EU law for nearly three decades, [many barriers](#) still exist to exercising this right. These include lack of accessible information, and administrative barriers making it difficult to exercise the right to vote.

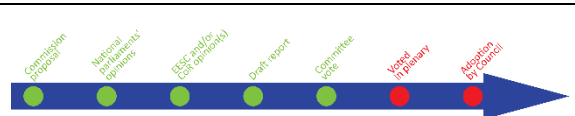
European Commission proposal

On 25 November 2021, the Commission put forward a [proposal](#) to modify Council Directive 94/80/EC. The proposal, which ties in with Commission President Ursula von der Leyen's priority of a new push for European democracy, sets higher standards for providing electoral information to mobile EU citizens. It requires the appointment of authorities that will inform mobile EU citizens proactively of the conditions and detailed rules for registration as a voter or candidate in municipal elections. This has to be done in the Member State's official language and in an official EU language that is broadly understood by the largest possible number of EU citizens residing on its territory. The proposal further introduces standardised templates for the formal declarations EU citizens have to produce to register as voters or candidates, with the possibility of changing these templates, and the list of basic government units, with delegated acts. It also requires Member States to ensure access for mobile EU citizens to the same means of advance, postal, electronic, and internet voting that are available to their own nationals. Moreover, it introduces regular monitoring and reporting of implementation by Member States. If approved, the proposal would change the current directive substantially for the first time. All previous amendments only concerned the annex to the directive, following successive accessions of new Member States.

European Parliament position

The [report](#) of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) proposes to remove all derogations and possible restrictions currently in place for certain offices. Unlike the Commission proposal, it proposes that the voter or candidate receive the information in the language of their choice indicated at the time of registration. It also requires that the Commission set common indicators for collection of data. Furthermore, the report asks Member States to consider implementing appropriate arrangements tailored to their national voting procedures, to make it easier for citizens with disabilities to vote.

Report (consultation): [2021/0373\(CNS\)](#); Committee responsible: LIBE; Rapporteur: Joachim Brudziński (ECR, Poland). For further information see our 'EU Legislation in progress' [briefing](#).



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Author: David de Groot, Members' Research Service
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epres@ep.europa.eu (contact) <http://www.eprs.ep.parl.union.eu> (intranet) <http://www.europarl.europa.eu/thinktank> (internet) <http://epthinktank.eu> (blog)