

European elections 2024

Rules of a pan-European democratic event

SUMMARY

In June 2024, around 400 million EU citizens go to the polls to elect the Members of the European Parliament's 10th legislature. As the only EU institution that represents EU citizens, elections to the European Parliament are therefore major democratic events, and the only one at EU level that resembles national democratic electoral consultation. European elections, however, differ from the national version, as they are part of a context of multi-tier government, sometimes perceived as 'second order elections'.

The main difference is that the European elections are a rather fragmented exercise, since a great part of the electoral process, including the way in which the right to vote is exercised, remains subject to national rules. In addition, the lack of a real transnational forum in which to debate European (as opposed to national) issues during European elections is one reason why European elections have failed to earn attention comparable to national elections, despite the prominent role the European Parliament has acquired in European policy-making in recent decades.

A number of reforms have been put forward over the years. Measures to harmonise rules or mechanisms that would personalise the elections and hence bring more visibility to the candidates and their campaigns have been proposed. Two reforms are pending. In one case, to harmonise a few aspects of the electoral process. In the other, to make additional deeper reforms with the introduction of a Union-wide constituency. A repeat of the lead candidate process (a political rather than a legal practice), is also likely to be attempted for the 2024 elections.

This briefing explores the legal framework of the EU electoral rules, highlighting which aspects are governed by national rules, and describes the innovations the reforms currently on the table could bring. It also analyses decisions on the composition of Parliament and initiatives to strengthen the resilience of the electoral process.



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Introduction

[European elections](#) are a major democratic event, potentially bringing around [400 million citizens](#) to the ballot box. Although the European Parliament has vastly increased its [powers](#) since the creation of the European Economic Community (today's European Union), [European elections](#) have periodically been an object of reflection and labelled as 'second order elections', despite the enthusiasm of EU supporters. European elections select the Members of the European Parliament who, working in political groups and committees, will discuss and amend legislation proposed by the European Commission. In policy areas that now comprise the great majority of EU competences, Parliament acts as co-legislator with the Council. In some instances, Parliament will even propose legislation in areas of its own competence. The elections to the European Parliament are therefore a vital element of European democratic architecture, and the only fully democratic event in pan-European politics.

This briefing explores the main aspects governing the electoral rules applicable to European elections, highlighting not only their content and historical background, but also how national rules apply to some of them.

How we currently vote in European elections

Status of current electoral rules

Today, EU election rules are a combination of EU and national rules. Notwithstanding the reforms attempted or implemented since the first election of Members of Parliament by direct universal suffrage in 1979,¹ moves to **govern EU elections under harmonised rules failed** (i.e. the same set of rules do not apply in all Member States).

[Article 223](#) of the Treaty on the Functioning of the European Union (TFEU) gives the European Parliament the power to propose rules on the election of its Members, through proposing either a uniform procedure or a set of rules that reflect principles common to all Member States. While the uniformity of rules has not been achieved so far, the main legislative act that regulates the rules applicable to European elections, the [1976 Electoral Act](#) (as amended), merely provides a set of principles, leaving some leeway to regulate aspects of the European elections according to national law.

The 1976 Electoral Act, as amended by [Council Decision 2002/772/EC](#), consists of [16 articles](#), establishing some of the main features of the European elections. In particular, the 1976 Electoral Act (as amended), provides that the **current principles applicable to European elections** are the following:

- obligation to elect representatives of the European Parliament on the basis of a proportional voting system, either a list or a transferable vote system. Member States are however free to determine the procedure where a preferential list is used (Article 1);
- obligation to institute elections that are held by direct universal suffrage, free and secret (Article 1(3));
- freedom to establish constituencies or to decide on the subdivision of the electoral area, provided the proportional nature of the voting system is preserved (Article 2);
- freedom to set thresholds not higher than 5 % (Article 3);
- freedom for Member States to set a ceiling for candidates' electoral expenses (Article 4);
- determination of the beginning of a Member's term of office, which is set at five years, at the opening of the first session following each election (Article 5);
- Member's mandate to be individual, personal and not subject to instructions, and be covered by the 1965 Protocol on Privileges and Immunities (Article 6);

- a set of incompatibilities is established with the office of Member of Parliament, such as being a: member of government, Commissioner, Judge, Advocate General or Registrar of the Court of Justice of the EU or Court of First Instance, Ombudsman; or a member of some institutions, e.g. the Central Bank, Court of Auditors, Economic and Social Committee or Committee of the Regions; or being a member of bodies tasked with managing EU funds or exercising direct administrative tasks; being member of the board of directors, management committee or staff of the European Investment Bank; being an active official or servant of the EU institutions, other specialised bodies or the European Central Bank. Since 2004, the mandate of Member of the European Parliament is incompatible with that of member of a national parliament (Article 7). The incompatibilities set in the 1976 Electoral Act are a *de minimis* requirement, as national legislation may identify further sources of incompatibility;
- Article 8 of the 1976 European Electoral Act lays down a crucial provision which leaves to national legislation those parts of the electoral procedure that are not covered by the Electoral Act, provided the proportional nature of the voting system is not affected;
- while scheduling 'election day' remains within the power of Member States, the elections must take place in the EU within a specific 'electoral period', which is the same for all Member States, starting on a Thursday and ending on a Sunday. The results may not be made publicly available until the polls have closed in the last Member State to vote (Articles 10 and 11);
- the power to determine the first 'electoral period' lay with the Council, acting unanimously, after consulting Parliament. Subsequent elections must then take place in the corresponding period at the end of each five-year term. However, if this is not possible, the Council, after consulting Parliament, may determine another electoral period. This cannot be earlier than two months or later than one month after the 'electoral period' that would have been applicable at the end of the five-year mandate. Parliament meets, without the need to be convened, on the first Tuesday following one month after the end of the 'electoral period'. Until then, the outgoing Parliament remains in office (Article 11);
- The new Parliament is responsible for verifying the credentials of new Members (Article 12), and in doing so, relies on the results declared by Member States. Parliament also rules on any dispute arising from the application of the 1976 Electoral Act, other than those disputes arising from national provisions to which the Electoral Act refers;
- seats may become vacant due to death, resignation or withdrawal of the mandate of a Member. In this case, Member States must lay down the rules and procedures to fill vacant seats for the remaining period of the term of office. If the law of a Member State provides for withdrawal of the mandate, national authorities must duly inform Parliament, while if the mandate ends because of death or resignation, the European Parliament must duly inform national authorities (Article 13);
- the Council has the power to adopt the Electoral Act's implementing measures, acting unanimously upon a proposal from Parliament after consultation with the European Commission, if agreement is not reached, a conciliation committee comprising representatives of Council and Parliament should deal with the matter (Article 14).

That Member States have the freedom to decide many aspects of the electoral process may on the one hand affect the electoral procedure, but also the equal treatment of EU citizens on the other hand. This may create discrepancies as to the attribution of the right to vote and the exercise of the right to vote, i.e. how EU citizens express their vote in different Member States.

For example, [different rules](#) governing the [minimum age](#) for active or passive voting apply in different EU Member States. While the overwhelming majority of Member States allow voting at 18 years, four Member States (Belgium, Germany, Malta and Austria), have lowered the minimum

voting age to 16 years, and Greece to 17 years. Likewise, differences exist as to the minimum age to [stand as a candidate](#) in the EU, with the majority of Member States requiring 18 years, and some 21 (Bulgaria, Cyprus, Czechia, Estonia, Ireland, Lithuania, Latvia, Poland and Slovakia). In Romania, the age to stand as candidate is 23 years, and in Italy and Greece, 25 years. Similarly, other [aspects](#) of the electoral process are left to the discretion of the Member States, such as the applicable electoral thresholds (5 %, 4 %, 3 % or 1.8 %); or the length of the [electoral campaign and electoral silence](#). In this latter respect, some Member States have no specific rules on the length of the election campaign period, while others may allow 12 days (Portugal), 120 (Latvia), 4 months (Belgium) or even 6 months – the longest in the EU (Lithuania). Periods of electoral silence, during which electoral canvassing may be prohibited, also cover a range of possibilities. In 12 Member States there appear to be no specific rules introducing a period of silence prior to elections. In the Member States that do impose a period of silence, this may include the 24 hours prior to election day and the day itself. However, there are exceptions to this rule in Lithuania and France, where the silence period is shorter than this general rule, or Slovakia, where it is longer. Beyond the length of the silence period, Member States also differ as to the activities allowed during the period of silence, with the majority of those Member States imposing a period of silence prior to the elections also prohibiting the publication of opinion polls. In some Member States such prohibition applies for a longer period prior to election day (15 days in Italy, 7 days in Cyprus and 5 days in Spain).

Divergence in the exercise of the right to vote is also visible in the obligatory or voluntary nature of the act of voting, which differs between EU Member States. Voting is obligatory in Belgium, Bulgaria, Greece and Luxembourg. The impact of such divergence on voter's rights is particularly evident in the **modalities of casting a vote** for [EU citizens residing abroad](#). In some Member States (Czechia, Ireland, Malta and Slovakia, for example) it is not possible to vote from abroad, while in others only voting by post is possible (Germany, Luxembourg and Austria). Some allow voting by post or at an embassy or consulate (Spain, Latvia, Lithuania, Hungary, Slovenia, Finland and Sweden). A conspicuous group of Member States offer citizens resident abroad the possibility to vote only at an embassy or consulate (Denmark, Greece, Croatia, Cyprus, Poland, Portugal, Romania). In Italy and Bulgaria, this possibility exists only if the residence abroad is in another Member State – it is not possible to vote at an embassy or consulate if the citizen resides in a third country. Both France and the Netherlands offer the possibility to cast a vote by proxy, but France additionally allows voting at an embassy or consulate, and the Netherlands allows postal votes. Belgium and Estonia both provide either postal voting or voting at an embassy or consulate. In addition, Belgium also allows a proxy vote, while Estonia provides an e-vote. Further differences exist in the exercise of the right to vote in particular circumstances and status, i.e. for [disabled people or people in detention](#). This variety shows how national divergences create a true difference in treatment between EU citizens.

Finally, [disenfranchisement](#) is also subject to national rules. However, the European Court of Human affirmed in its [judgment](#) in *Schindler v United Kingdom*, that there is no legal obligation to grant non-resident nationals unrestricted access to voting rights.

A further element, although not enshrined in either national or European electoral rules, is the [lead candidate](#) or *Spitzenkandidaten* process. This practice ran in the past two rounds of European elections, with differing outcomes. The [lead candidate process](#) establishes a political link between the European elections and the nomination of the President of the Commission. Ahead of the elections, European political parties indicate their candidate for the position of President of the European Commission. The candidate of the party gaining most seats should then be designated by the European Council and thereafter voted by the Parliament. The main aim of this process is to bring the choice of the head of the EU's executive closer to citizens. Voting for a European party whose lead candidate is known in advance and who campaigns on that ticket, offers citizens the possibility to consciously influence the choice of the holder of this top EU position. This process was run with positive results in 2014, leading to the election of [Jean-Claude Juncker](#) (the [EPP lead candidate](#)) as President of the Commission. However, the process failed in 2019, as none of the lead candidates obtained that position – which went instead to 'outsider' [Ursula von der Leyen](#).

The lead candidate process² is based on a reading of [Article 17\(7\) TEU](#) which emphasises the political connection between European elections and the nomination of the President of the EU's executive. The process is intended as innovative, although hotly debated in terms of interinstitutional relations, as the European Council has always claimed full ownership of the power to propose the candidate for the Commission presidency according to Article 17(7) TEU. This constitutional innovation was intended to make the process of nomination more transparent, fair and not subject to the 'horse trading' approach often present within European Council interactions. It aimed at making the process leading to the election of the Commission President more comprehensible to EU citizens, thereby increasing turnout, by injecting drama and personalisation in the process. Finally, it was meant as a first step towards the creation of a European demos.

At the time of writing, the **European political parties** have not yet all nominated their lead candidates. The [European Greens](#) voted for Terry Reintke and Bas Eickhout as their [lead candidates](#) at an extraordinary extended congress on 2-4 February 2024. The [Alliance of Liberals and Democrats for Europe](#) selection procedure should culminate with formal election of a lead candidate in March 2024. The Party of European Socialists [candidate](#) will be announced at the [Rome Congress](#) on 2 March 2024. The [European Left](#) launched its selection process as early as June 2023. The [European People's Party](#) is due to decide on its lead candidate at the Bucharest party congress on 6-7 March 2024. The [Identity and Democracy and European Conservatives and Reformists](#) are opposed to the lead candidate process and are unlikely to select any lead candidate.

In a resolution of [12 December 2023](#), Parliament returned to the issue of running the lead candidate process with a more nuanced approach, calling for the formalisation of the lead candidate process in an interinstitutional agreement between Parliament and the European Council. Parliament [proposed](#) that the **lead candidate** from the European political party that obtained the most seats should **lead the negotiation for a common Parliament candidate with the largest majority**, followed by the other lead candidates if needed. The Parliament's President should be ready to steer the process, and would have the prerogative to communicate the common Parliament candidate to the European Council. However, should Parliament fail to agree on a common candidate, the European Council should engage in negotiations with the President, the lead candidates, the presidents of the European political parties and their groups, in advance of the formalisation of a proposal from the European Council to the European Parliament. For this purpose, the European Council should refrain from making a proposal until Parliament presents a common candidate, in accordance with the consultations provided for under Article 17(7) TEU. This marks a departure from the [2013 resolution](#), which indicated that 'the candidate for Commission President put forward by the European political party that wins the most seats in the Parliament will be the first to be considered, with a view to ascertaining his or her ability to secure the support of the necessary absolute majority in Parliament'.

Rules on mobile EU citizen voters

In accordance with [Article 22\(2\)](#) TFEU, [Directive 93/109/EC](#) ('the directive') lays down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.

According to the Treaties, EU citizens who reside in a Member State other than that of their nationality ('mobile EU citizens'), have the right to vote in European Parliament elections in their Member State of residence ([Articles 20\(2\)\(b\)](#) and [22\(2\) TFEU](#) and [Article 39\(1\) Charter of Fundamental Rights](#)). Many Member States also provide an alternative option to vote in the Member State of their nationality, as detailed above. In such cases, the mobile EU citizens must choose in which Member State to vote, as double voting is prohibited (Article 4 of the directive). To avoid double voting, the Member State of residence and the Member State of nationality exchange lists of registered voters (Article 13 of the directive).

To be eligible to **vote in a Member State of residence**, mobile EU citizens must ask to be **registered on the electoral roll** (Articles 8(1) and 9 of the directive). If voting is compulsory in a Member State, this obligation also applies to mobile EU citizens once they register in that country (Article 8(2) of the directive).

If mobile citizens opt to vote in their country of residence, the directive grants them the right to participate in the elections under the same conditions as nationals of that country, as long as their voting and candidacy rights are not restricted in their home and residence country (Articles 3, 6 and 7 of the directive).

In the 2024 elections, these rules affect approximately [11 million](#) EU citizens.

Some Member States do not allow their **nationals to vote when residing abroad** or apply certain conditions. These differences may touch upon voting eligibility or registration requirements, voting methods, or the type of elections, as stated above.

The directive also allows a special derogation if more than 20 % of the total eligible EU voters are mobile EU citizens (Article 14). This is currently only the case in Luxembourg (41.88 %). Whereas before 2013, Luxembourg restricted voting rights, requiring mobile citizens to have resided for five of the previous six years in Luxembourg, the restrictions now only apply to candidates. More than half of the list of candidates for each party (four out of six) must be Luxembourg nationals. The Commission granted this derogation for the 2024 elections on [11 November 2023](#).

In the [2019 election](#), turnout among mobile EU citizens was lower than that of nationals of the country they lived in, and also usually in their countries of origin. Four times as many registered to vote for lists from their country of nationality, where that option was available (approximately 5.5 million compared to 1.3 million, out of a total of 14 million eligible voters at the time).

The European Parliament and Commission have set up a [dedicated website](#) to encourage mobile EU citizens to register and vote in the 2024 European Parliament elections, raising awareness about registration deadlines and procedures in the home and residence countries.

On 25 November 2021, the European Commission submitted a [proposal](#) to modify Directive 93/109/EC. The proposal would change information requirements, introduce a standardised declaration, and provide equal treatment with nationals in different voting methods such as advance voting, postal voting, and electronic and internet voting. While Parliament adopted its [opinion](#) on the proposal in February 2023, the Council has yet to reach agreement.

Composition of Parliament

The allocation of seats in the European Parliament among Member States is a traditionally political issue, which the Treaties (in particular [Article 14 TEU](#)) regulate in a rather general manner. According to this provision, the European Parliament has the initial power to propose its own composition, which is then subject to the European Council's unanimous decision following Parliament's consent.

Article 14 TEU establishes three main principles governing the composition of Parliament:

- i. the total number of Members may not exceed 750, plus the President;
- ii. the allocation per Member State must follow the principle of degressive proportionality;
- iii. the allocation may not be less than 6 seats and not more than 96 seats per Member State.

Notwithstanding these general principles, the allocation of seats remains subject to delicate negotiations, since the Treaties do not provide an automatic allocation key and the population of Member States varies over time.

The most recent allocation of seats, which will be applied in the European elections in June 2024, is the result of proposals and negotiations that took place between June and September 2023.

As provided for in Article 14 TEU, the European Parliament began the process by adopting a [legislative resolution](#) on 15 June 2023, proposing 11 additional seats, to be allocated to 9 Member States. Parliament proposed to allocate 1 additional seat each to Denmark, Ireland, Latvia, Austria, Slovenia, Slovakia and Finland; and 2 additional seats each to Spain and the Netherlands. Parliament's resolution was based on a [report](#) from its [Committee on Constitutional Affairs \(AFCO\) \(2021/2229 \(INL\)\)](#), adopted days before the vote in plenary, testifying to the urgency of the procedure, as seat allocation needed to be established in good time before the 2024 elections. As suggested by the [Venice Commission](#) of the Council of Europe, it is good practice that the electoral system, membership of electoral commissions and the drawing of constituency boundaries are not modified later than one year prior to elections.

According to Article 14(2) TEU and by written procedure ([Article 7](#), EUCO Rules of Procedure), on 22 September 2023, the [European Council](#) unanimously adopted the **new composition of Parliament**, which in addition to the seats [proposed by Parliament](#), awards 4 additional seats to be shared between Belgium (1), Poland (1) and France (2).

In conclusion, the **European Council decided to add 15 seats to the current Parliament:**

- 1 each to Belgium, Denmark, Ireland, Latvia, Austria, Poland, Slovenia, Slovakia and Finland;
- 2 each to Spain, France and the Netherlands;
- No Member State loses any seats.

As a result, the composition of Parliament for the **2024-2029 legislature** will total **720 seats**. Parliament gave its [consent](#) to the European Council [draft decision](#), as required by Article 14(2) TEU, on [13 September 2023](#). In the [Explanatory Statement](#) on the draft legislative resolution laying down Parliament's consent, Parliament regretted that it was not informed of the European Council's modification of its original proposal to add a number of seats. Parliament also regretted the deletion of the reference to the 28 seats to be allocated to a Union-wide constituency (subject to the adoption of the pending reform).

In addition, recital 5 of the draft European Council decision contained a statement to the effect that the budgetary authority and the Commission, in the exercise of their prerogatives under the annual budgetary procedure, should ensure that the increase in seats would be budget neutral. In giving its consent to the draft European Council decision, Parliament included an annex, which stated that such decision is 'without prejudice to the prerogatives of the European Parliament and the Council in the annual budgetary procedure and [that] recital 5 of that draft decision concerns matters that do not fall within the scope of the European Council's competences under Article 15(1) TEU and the legal basis of Article 14(2) TEU. It is for the European Parliament and the Council alone to decide on the content of the Union's budget in accordance with the procedure laid down in Article 314 TFEU.'

The new composition of Parliament is now set out in [European Council Decision \(EU\) 2023/2061](#) of 22 September 2023.

The allocation of Parliament's seats has also been modified in the past due to demographic change in the Member States, inter alia. For this purpose, the Commission (Eurostat) calculates the total population of the EU countries on the basis of the most recent data provided by the Member States. The past two modifications are contained in European Council Decisions, of 28 June 2013 ([2013/312/EU](#)) for the 2014-2019 legislative term and more recently in the 28 June 2018 decision ([2018/937/EU](#)) for the 2019-2024 legislative term. This latter decision provided that, should the

Figure 1 – Change in seats from outgoing parliament

FR	+2
ES	+2
NL	+2
PL	+1
BE	+1
AT	+1
DK	+1
FI	+1
SK	+1
IE	+1
LV	+1
SI	+1

Source: EPRS.

United Kingdom withdraw from the EU, 27 (of the 73) seats left vacant would be redistributed among 14 Member States. This composition of Parliament for the 2019-2024 legislative term was the result of the subtraction of the 73 UK seats and the simultaneous reallocation of 27 seats, to correct the allocation which at the time did not comply with the degressive proportionality principle enshrined in Article 14(2) TEU for some Member States. As a result, the final Parliament composition for the 2019-2024 legislative term was 705 seats.

Parliament often discusses the allocation of seats among EU Member States. In [January 2017](#), during the 8th legislative term (2014-2019), the AFCO committee hosted a discussion with experts to examine the possibility of a permanent allocation key based on a mathematical formula. The [key findings](#) of the three studies presented proposed, inter alia, the adoption of the 'Cambridge Compromise' and/or the 'Jagellonian Compromise'. Although *prima facie* interesting, these and further options remain to be explored. No further proposals have followed. In general, a permanent allocation key would be more objective and transparent, however, as the AFCO [explanatory statement](#) notes, Parliament has warned that a permanent seat allocation mechanism would require the revision of the Council voting system to ensure institutional balance.

Parliament is dealing with the sensitive issue of a permanent system of [distribution of Parliament seats](#) in an autonomous legislative procedure ([2023/2104 \(INL\)](#)).

While the [Conference on the Future of Europe](#), a major exercise of participatory democracy (2021 to 2022), did not deal with the issue of Parliament's composition among its institutional proposals, Parliament's extensive follow-up proposals made in September 2023 included that it should gain exclusive competence on its composition. This should be decided by the majority of component Members, subject to Council's consent by reinforced majority (point 10 and amendment 23 of Parliament's [resolution](#)).

Pending reform of the 1976 European Electoral Act

Over the years, several attempts have been made to reform the 1976 European Electoral Act. However, only [Council Decision 2002/772/EC](#) has entered into force, introducing rules such as the obligation to have a proportional voting system; freedom for Member States to establish constituencies or to subdivide the electoral area, provided for the proportionality of the voting system is preserved; the option for Member States to introduce a threshold not higher than 5 %, and a ceiling for candidates' electoral expenses. One crucial innovation in the 2002 reform was the introduction of incompatibility between the office of Member of the European Parliament and that of member of a national parliament. However the 2002 reform did not contain a legal basis for the creation of a Union-wide constituency, proposed in the [Anastassopoulos report](#) (1998, see [OJ C 292](#) of 21 September 1998, p. 66), i.e. the basis of Parliament's proposal that led to Council Decision 2002/772/EC.

Further reform of the 1976 Electoral Act has since been attempted, but without success. However, in 2018 a reform was adopted with [Council Decision \(EU\) 2018/994](#) introducing **a number of improvements to the EU electoral system**. This reform originated in the AFCO 'Hübner-Leinen' [report](#), defining Parliament's proposal and adopted by [Parliament](#) in November 2015. Almost two and a half years after Parliament's proposal, Council unanimously adopted the reform on 7 June 2018. Council Decision 2018/994 contains a number of specific modifications to the 1976 Electoral Act. While introducing a threshold at national level remains possible, the 2018 Council Decision introduces an obligation where the list system is used, to set a threshold no lower than 2 % and not higher than 5 % in constituencies electing more than 35 seats. Some aspects of the electoral calendar are also regulated, i.e. where there is a national deadline for the submission of candidacies, the deadline should be at least three weeks before the election day in that Member State. Council Decision 2018/994/EC attempts to make European elections more 'European' by giving Member States the option to allow candidates or national parties to display the logo of the European political party to which they are affiliated. Council Decision 2018/994/EC attempts a further approximation

of national voting procedures, but still leaves some leeway to Member States by giving Member States the possibility (not the obligation) to allow citizens to vote from a third country or to vote in advance through postal or electronic voting, providing data protection and secrecy of the ballot are ensured. Council Decision 2018/994/EC does not refer to the lead candidate process as contained in Parliament's proposal, which would have made it compulsory for European political parties to nominate their lead candidate (see [proposed Article 3f](#) of Parliament's proposal). Likewise, Parliament's proposed reference to a Union-wide constituency was not retained in the final text adopted by Council (see [proposed Article 2a](#)).

While not comprehensive and rather limited to specific aspects of the electoral process, the reform adopted under [Council Decision 2018/994/EC](#) requires 'ratification' or, as [Article 223\(1\) TFEU](#) mandates, Member State approval 'in accordance with their respective constitutional requirements' a circumstance that has not materialised to date.

On the contrary, Parliament adopted a **more** comprehensive **proposal for** reform on [3 May 2022](#). Parliament proposed a draft legislative act to replace the 1976 Electoral Act, aiming at in-depth reform of the European electoral system. Some current aspects of European elections would remain unchanged – elections based on a direct universal suffrage, the possibility for Member States to establish either a single or several constituencies, for example. However, the proportional character of the electoral system would be preserved, with Member States able to choose between a single transferrable vote, or the list system, or any formula ([d'Hondt system](#) or other) for the allocation of seats. In other respects, the proposed reform introduces many new elements. The draft legislative proposal addresses two main streams, seeking on the one hand to harmonise the exercise of the right to vote and on the other to introduce a Union-wide constituency with its own characteristics and rules.

As to the harmonisation of the electoral rules applying to national constituencies (i.e. not the Union-wide constituency), the draft legislative act proposes, for example, to set the minimum common voting age at 16, except for those Member States whose constitutional order provides for 17 or 18 years (Article 4). It would oblige Member States to ensure the exercise of the right to vote for citizens residing in third countries and for those without a permanent residence, in closed residential settings or in detention (Article 6). Member States would be obliged to allow postal, advance, proxy, electronic, and internet voting (Article 8). The minimum age to stand as a candidate would be harmonised at 18 years in all Member States (Article 5). Furthermore, the draft legislative act proposes to introduce an obligation for all political parties and other entities entitled to participate in elections to observe democratic procedures and transparency in the election of candidates and ensure gender balance using a zipped system or a quota. A standard electoral campaign duration of eight weeks before 'election day' is proposed (Article 17), with an electoral silence period of 48 hours. Member States would have to finalise the electoral roll 14 weeks prior to 'election day' (Article 9). The draft legislative act proposes to hold the European elections on 9 May every five years in all Member States. The proposal also introduces a mandatory threshold for those constituencies electing more than 60 seats, of no less than 3.5 % and no more than 5 %. This provision is rather looser than that set in Council Decision 2018/994/EC. The option for Member States to introduce an electoral threshold of no more than 5 %, regardless of seats in the constituency, would remain.

The draft legislative act proposes that 28 seats would be elected in a **Union-wide constituency**, under a uniform electoral system. As a consequence, voters would cast two ballots: one for their national constituency, one for the Union-wide constituency. Closed lists would apply to the Union-wide constituency, with no electoral threshold, but democratic and transparent procedures for the election of candidates and to ensure gender equality would be required. In addition, precise arrangements would be introduced in the Union-wide constituency to avert the risk that candidates in that constituency originate from the most populous Member States. For that purpose, Annex 1 of the proposal divides all EU Member States into three categories depending on the size of their population: Group A (more than 37.9 million inhabitants), Group B (between 6.9 and 19.3 million inhabitants) and Group C (up to 5.8 million inhabitants). Electoral lists would also be divided into

sections containing three slots. In each section, alternate candidates would come from Group A, B and C countries. This expedient seeks to avoid the biggest Member States monopolising the leading positions. This works in combination with closed electoral lists for the Union-wide constituency, with no possibility to express a preference. There is therefore no possibility to alter the order of candidates.

The proposal also extends to European political parties, European voter associations, European electoral coalitions and European coalitions of national parties, and/or associations of voters providing the right to submit candidacies. It introduces an independent European electoral authority, comprising 27 members in charge of coordinating the exchange of information with national authorities and monitoring the implementation of the new rules. This authority would be in charge of the formation of the electoral roll for the Union-wide constituency, based on national rolls, and of proclaiming the list of candidates 11 weeks before the vote, and the electoral results, and deciding on any dispute arising from the implementation of the national provisions governing European elections.

The draft legislative act containing the proposed reform was submitted to the Council. According to Article 223 TEFU, the Council would need to agree unanimously for the proposal to be adopted. However, the [discussions in Council](#) demonstrate considerable difficulty in reaching unanimity. Major concerns include the introduction of a Union-wide constituency, the lead candidate process, 16 year voting age, and the obligation to provide postal voting. [Transnational lists](#) and a Union-wide constituency, despite their innovative character, have been proposed several times without success.

Strengthening European elections

As part of its [defence of democracy package](#), the Commission issued a [communication](#) on inclusive and resilient electoral processes in the Union and enhancing the European nature and efficient conduct of the elections to the European Parliament on 12 December 2023.

This communication is addressed to Member States and recommends a number of measures to facilitate participation and hence increase turnout. These include facilitating voter registration, adequately informing citizens of alternative voting methods (postal, for mobile citizens, advance or e-voting). It also recommends Member States ensure gender equality and the participation of persons with disabilities, both as voters and candidates. Political parties and campaign organisations are encouraged to adopt pledges and codes of conduct that forbid the use of falsified data or manipulative behaviour, for example. European and national political parties should provide information on amounts spent on political advertising. The communication particularly focuses on the resilience of the electoral environment, including election-related infrastructure, and election-related information. It recommends updating risk assessments to test preparedness against cyber-attack and other forms of hybrid disruptive action.

The Commission recommends the European Cooperation Network on Elections for exchange of best practices. Where necessary, the Commission recommends targeted messages on de-bunking and 'pre-bunking' of information to preserve the information environment – whilst respecting the freedom of expression and other fundamental rights and values. The Commission encourages Member States to address loopholes in their legislation on donations from foreign countries to national parties and foundations or political candidates, to minimise the risk of foreign interference by promoting transparency and limiting permitted donations. Political parties and affiliates should assess the risks deriving from donations potentially linked to criminal activity, corruption or other forms of crime. The Commission communication encourages Member States to raise awareness of the elections, promote events and information campaigns and exchanges with citizens on EU-related topics. This should include raising awareness and informing mobile EU citizens who either reside in a different Member State to their home state or in a third country, of their electoral rights. However, it also proposes a number of measures to avoid double votes.

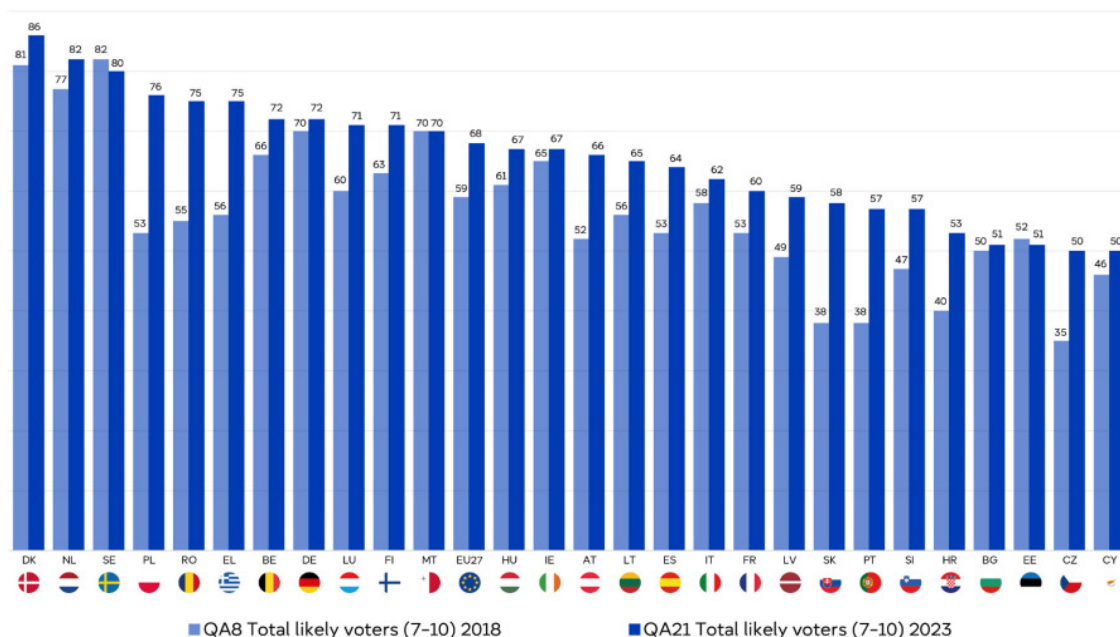
To enhance the European character of elections, the communication recommends making the affiliation of a national party with European parties visible not only on the ballot paper but also prior to the elections. Finally, besides encouraging cooperation between national election networks, the recommendation places valuable trust in the European Cooperation Network on Elections and the Rapid Alert System, the latter being particularly relevant to foreign information manipulation and interference. Six months after the 2024 elections, Member States should provide information on the conduct of the European Parliament elections to the Commission, including information on how they implemented the Commission recommendation.

What do European citizens think about European elections?

According to the [Autumn 2023 Eurobarometer survey](#), the majority of Europeans (57 %) are interested in the upcoming European elections. In autumn 2018, interest in the 2019 European elections was at 51 %.

Some 68 % of the respondents say they would be likely to vote if European elections were held in a week's time – nine points higher than in autumn 2018, i.e. six months before the 2019 European elections. Likelihood to vote in the upcoming elections is higher amongst those who recall having recently heard, read, or seen something about the European Parliament (75 %, against 53 % of those who do not recall seeing the European Parliament in the media).

Figure 2 – Likelihood of going to vote in 2018 and 2023 (Scores 7-10 - %)



Source: Eurobarometer, EP Autumn 2023 Survey

However, knowledge of the 2024 European election dates – 6 to 9 June 2024 – is not yet widespread, according to the Autumn 2023 Eurobarometer survey: 28 % of respondents know the month and year, and 21 % know the correct year, but not the correct month.

MAIN REFERENCES

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ENDNOTES

- ¹ For an analysis of the several reforms since 1979, see S. Kotanidis, [European Union electoral law](#) – Current situation and historical background, EPRS, European Parliament, October 2019; O. Costa, [The history of European electoral reform and the Electoral Act 1976](#), study written at the request of the Historical Archives Unit, EPRS, European Parliament, October 2016.
- ² For more on the lead candidate process, see S. Kotanidis, [Spitzenkandidaten or the lead candidate process: Ways to Europeanise elections to the European Parliament](#), EPRS, European Parliament, June 2023.

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