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Elections to the European Parliament

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ELECTION-WATCH.EU

Needs Assessment Mission

Final Report



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The views expressed in this report are solely the views of
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I. EXECUTIVE SUMMARY

Election-Watch.EU conducted a Needs Assessment Mission (NAM) in Brussels between 28 January and 1 February 2019 to assess the relevance of citizen-led election observation in the context of the 2019 European elections, taking the electoral processes in European Union (EU) Member States into account. This mission was based on Member States' international obligations and regional commitments and EU respect of international election observation methodology.

The introduction of a directly elected European Parliament, the only directly elected EU institution, has deepened European integration by establishing a supra-national legislative and representative body. Elections to the European Parliament take place every five years through universal suffrage and by secret ballot. Between 23 and 26 May 2019, approximately 340 million citizens will be eligible to elect the Members of the European Parliament (MEP), making it one of the biggest democratic events in the world.

An overall legislative framework for the elections of the European Parliament is in place at the European level. Each Member State, however, looks to its own electoral system and election administration – embedded within its own legal framework and electoral traditions – to manage the elections. This, inevitably, leads to differences in election procedures contributing to the complexity of these elections. Conditions for electoral participation, including equal suffrage and the right to stand as candidate, vary across the Member States. EU regulations and recommendations are inconsistently integrated into national laws and procedures.

Following the United Kingdom's (UK) decision to withdraw from the EU the European Council, on the initiative of the European Parliament and with its consent, decided on a new distribution of parliamentary seats in June 2018. The number of MEPs will be reduced from 751 to 705 and a number of Member States have altered their electoral legislation to prepare voting for a changed number of seats. However, if the UK decided to remain within the EU, or at the time of the EP elections would be still part of the EU, the UK would need to conduct elections. In case the UK is still a Member of the EU at the beginning of the next parliamentary term, the distribution of seats will remain the same as the one in 2014.

The Action Plan issued by the EU High Representative and the European Commission in December 2018 and the Commission's Communication on "Securing free and fair European elections" recognise the urgent need to strengthen democratic practices in Europe. Political and social tensions in EU Member States have contributed to a growing anxiety regarding the European elections. Potential digital threats, including the possibility of cyber-attacks and social media disinformation campaigns, create uncertainty. Furthermore, the impact of the Brexit process on the elections is as yet unclear. While confidence in the conduct of elections by the Member States remains high, the integrity of European electoral processes, as robust as they might appear, must not be taken for granted.

Based on its NAM, Election-Watch.EU is now planning to deploy a comprehensive Election Assessment Mission (EAM) for the 2019 European elections. The EAM will work with national chapters, led by a focal point augmented by international election experts, deployed in each Member State. The objective is to enhance the European integration by raising awareness of the importance of these elections, encouraging best electoral practice, detecting possible shortcomings, and by providing detailed recommendations for reform.

This initiative will further strengthen European democratic practices and contribute to the overall electoral integrity of European elections. A comprehensive, publicly available EAM report will focus in particular on the adaptation by Member States of international standards and European regulations, covering voter registration, campaign finance, social media and the electoral participation of persons with disabilities. The report will provide a comprehensive basis for follow-up advocacy.

II. INTRODUCTION

Election-Watch.EU / wahlbeobachtung.org is an independent, non-partisan initiative aiming to strengthen democracy in Europe. A Needs Assessment Mission (NAM) based on international election observation methodology, led by Armin Rabitsch and Michael Lidauer, was conducted in Brussels between 28 January and 1 February 2019. The mandate for this mission derives from the Member States' international obligations and regional commitments.¹ The mission assessed the pre-election environment and the preparations for the 2019 European elections. In reference to international election observation methodology, the NAM considered how citizen election observers can contribute to improving the conduct of and confidence in the European elections.

The NAM met with Members of the European Parliament (MEPs) and officials from the European Parliament (EP), the European Council, and the European Commission. The mission also met a range of representatives from political parties, media, and civil society organizations (see Annex III).

Election-Watch.EU would like to thank the MEPs, the representatives of European Union (EU) institutions and political parties for their acknowledgement and co-operation, and to thank all NAM interlocutors for taking the time to meet and for sharing their views. Further, Election-Watch.EU extends its thanks to those who reviewed and commented this report.

III. BACKGROUND AND POLITICAL CONTEXT

The European Parliament (EP) is the only directly elected body of the EU and the only directly elected international assembly. Elections to the European Parliament take place every five years through universal suffrage and by secret ballot. Between 23 and 26 May 2019, during the 9th round of European elections approximately 340 million citizens in 27 EU Member States² will be eligible to elect the 705 Members of the EP, making it one of the biggest democratic events in the world.

The adoption of the 1976 Election Act, allowing for the direct election of MEPs, contributed to the deepening of European integration by establishing a supra-national legislative and representative body. However, the European elections are held under differing national legal frameworks and electoral traditions, which results in a variance of electoral procedures and contributes to the complexity of the European elections. Previous campaigns for the European elections were dominated by national rather than European issues.³

¹ Paragraph 20 of the [General Comment No. 25](#) to the International Covenant on Civil and Political Rights (ICCPR) requires that "There should be independent scrutiny of the voting and counting process." Section II.3.2.a of the [Code of Good Practice in Electoral Matters](#) of the Venice Commission of the Council of Europe states that "Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise." All EU Member States are also OSCE participating States: Paragraph 8 of the 1990 OSCE Copenhagen Document states: "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." See also Article 25 of the OSCE Istanbul Document 1999: "In line with these commitments, we will invite observers to our elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe our election proceedings." Also the [EU Handbook on Election Observation](#) states that "citizen observation can greatly enhance transparency as well as public confidence in the integrity of an electoral process" (p. 24).

² The withdrawal of the UK from the EU is anticipated for the end of March 2019.

³ Compare EPRS Study: [History of European electoral reform and the Electoral Act 1976](#). Issues of democratisation and political legitimacy. October 2016.

Recent electoral events of global significance – such as the 2016 UK referendum to leave the EU, as well as the 2016 US presidential elections – revealed vulnerabilities related to the cyber-security of electoral infrastructure as well as uncertainties resulting from online campaign and organised disinformation in social media.⁴ Allegations of fraud by electoral stakeholders could have an impact in undermining the trust in the election administration.

The potential declining trust in the elections is exacerbated by the polarising political contexts of recent elections within the EU, with a departure from democratic traditions and practices by some Member States. In 2018, for the first time the EU applied Article 7 Treaty on European Union (TEU) concerning the risk of breaching the EU's founding values, and started consultations with Poland and Hungary.⁵ The level of awareness for the importance of protecting European democratic institutions and practices has increased. In a response to protect the European elections, the EU institutions issued an "Action Plan against Disinformation" and a Communication on "Securing free and fair European elections" in autumn 2018.⁶

Turnout in the European elections declined from 62 per cent in 1979 to 42.6 per cent in 2014 but remained relatively stable between 2009 and 2014;⁷ however, with a wide margin among Member States, ranging from almost 90 per cent in Belgium (where voting is compulsory), to 13 per cent in Slovakia. Considering recent political developments in Europe several NAM interlocutors voiced their concerns that populist parties could gain disproportionately in the next elections by mobilising their supporters while general voter turnout remains low. The European Parliament has notably launched an initiative to encourage online and offline activities and information campaigns to enhance voter participation and motivation in order to reach a higher turnout.⁸

In this context, non-partisan international and citizen election observation can contribute to protect democratic and human rights principles. To date, elections to the European Parliament have not been fully assessed by an independent, non-partisan organization in a comprehensive manner. The Organisation for Security and Cooperation in Europe, through its Office for Democratic Institutions and Human Rights (OSCE/ODIHR), deployed an Elections Expert Team to the European elections in 2004 and observed the European elections in 2009 with an Elections Expert Group in 15 Member States.⁹ Repeatedly, international organisations have been recommending electoral reforms in EU Member States.¹⁰

⁴ 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.

⁵ [Article 7 TEU](#).

⁶ „[Action Plan against Disinformation](#)” and „[Securing free and fair European elections](#)”.

⁷ [European Parliament / Results of the 2014 European elections](#); See table of EU MS comparison in Annex I.

⁸ [This time I'm voting](#).

⁹ [OSCE/ODIHR European Parliament elections reports 2004 and 2009](#).

¹⁰ [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 [European Commission for Democracy through Law](#) (Venice Commission), as the Council of Europe's advisory body on constitutional matters, 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”.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

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.¹¹ All Member States of the European Union 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 Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights/ECHR), which includes binding provisions on the right to “free elections”.¹² Furthermore, the EU and its Member States have committed to a number of non-binding standards for democratic elections of the European Union itself, the Council of Europe and as OSCE participating States to the 1990 Copenhagen Document, the 1996 Lisbon Document and the 1999 Istanbul Document.¹³

The Treaty on European Union (TEU) states that the European Parliament 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 right to vote and to stand as a candidate acquired the status of a fundamental right.¹⁴

The legal basis of the 2019 EP elections are the TEU (Article 14) the Treaty on Functioning of the European Union (TFEU, Articles 20, 22, 223), and the amended Election Act¹⁵ of September 1976 concerning the election of the representatives of the Assembly by direct universal suffrage. Further, the Council Directive 93/109/EC of 6 December 1993 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. The European legal framework pertaining to political parties include the recent Regulation (EU, Euratom) No 673/2018 amending the Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations. The common European rules can be summed up as follows:

- Based on TEU Article 14, the number of MEPs should not exceed 750 plus the President. Representation of citizens shall be digressively proportional, with a minimum threshold of six members per Member State while no Member State shall be allocated more than 96 seats.
- Non-national citizens of EU Member States have the right to vote and to stand as candidates in the EU Member State in which they reside.¹⁶
- The elections must be based on proportional representation and use either the list system or the single transferable vote system.¹⁷
- The office of a MEP is incompatible with that of member of the government of a Member State, member of the European Commission, Member of a national Parliament but also EU staff among others.¹⁸

In November 2015, the European Parliament initiated a reform of EU electoral law, proposing additional common rules with the objective of harmonising the European elections.¹⁹ The

¹¹ [TEU Article 2](#).

¹² The EU is also committed to acceding to the [European Convention for the Protection of Human Rights and Fundamental Freedoms](#).

¹³ OSCE [1990 Copenhagen Document](#), [1996 Lisbon Document](#) and [1999 Istanbul Document](#).

¹⁴ The [Lisbon Treaty](#) amending the TEU was signed in 2007 and came into force in 2009.

¹⁵ As amended by [Decision 2002/772EC](#), Euratom of the Council of 25 June 2002 and of 23 September 2002.

¹⁶ [Article 22\(2\) TFEU](#); the arrangements for implementing this right were adopted under Council Directive 93/109/EC, as last amended by Council Directive 2013/1/EU.

¹⁷ Article 1 of [Council Decision 2002/772/EC](#), Euratom.

¹⁸ According to [Article 7 of the 1976 Act](#).

¹⁹ [European Parliament Resolution of 11 November 2015 on the reform of the electoral law of the European Union \(2015/2035\(INL\)\)](#).

proposed changes included the codifying of the lead candidates (“Spitzenkandidaten”) process, the enhancing of European political parties’ visibility, a common minimum deadline for establishing electoral lists and electoral rolls at the national level, 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 abroad, a more balanced gender representation and the possibility of harmonizing the minimum voting age of 16 years in the future. In addition, the EP encouraged its Member States to allow postal, electronic and internet voting in order to increase the participation of all citizens. These measures aimed especially at persons with reduced mobility and for persons living or working in a Member State of which they are not a citizen or in a third country, provided that necessary measures are taken to prevent any possible fraud in the use of voting by those means.²⁰

Following the EP’s 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,²¹ laying down a number of common rules concerning elections to the European Parliament. The reform proposals faced difficulties, as the Member States are obliged to decide unanimously and some reforms require constitutional changes in some EU member states. The Council Decision enters into force once every Member State has notified the Council of the adoption of the Decision. According to the EU legal services, to date only 16 EU Member States have adopted the Decision and it is unlikely to be in force ahead of the 2019 elections.

The new law, once adopted, defines a common minimum threshold between 2 per cent and 5 per cent for Member States with more than 35 seats, to apply from 2024 at the latest. It includes provisions on the possibility of different voting methods and protection of personal data; penalisation of 'double voting' by national legislation; and a three-weeks-deadline for submission of lists before election day. The Council did not agree on the establishment of a joint constituency or on the lead candidates’ procedure as proposed by the Parliament. The possibility for EU citizens to vote from third countries and the visibility of European political parties on ballot papers remain subject to national rules.²²

In addition, the TEU requires the European Council, acting by qualified majority, to propose to the European Parliament a candidate for President of the Commission, taking the results of the European election into account and after having held the appropriate consultations.²³ This candidate shall be elected by the EP by a majority of its members. Prior the 2014 elections, the European Parliament adopted a Resolution urging the European political parties to nominate candidates for the position of President of the Commission to reinforce the political legitimacy of both Parliament and the Commission.²⁴

Ahead of the 2019 elections, the varying positions of EU Member States and the European Parliament on the issue of lead candidates (“Spitzenkandidaten”) leave it unclear whether European voters indirectly determine the next President of the Commission.²⁵ The European Parliament stated that it is ready to reject any candidate for President of the European Commission who is not nominated as a lead candidate of a European political party.²⁶ The European Council stated to the contrary that “(t)here is no automaticity in this process”; it is an

²⁰ Compare: European Parliamentary Research Service (EPRS): [The Reform of the Electoral Law of the European Union](#). European Added Value Assessment accompanying the legislative own-initiative Report (Co-Rapporteurs Danuta and Jo Leinen). September 2015.

²¹ [Council Decision \(EU, Euratom\) 2018/994 of 13 July 2018 amending the 1976 Act](#).

²² Compare [EPRS Reform of the electoral law of the EU](#); July 2018.

²³ [Article 17\(7\) Treaty on European Union \(TEU\)](#).

²⁴ On 22 November 2012 the European Parliament adopted a [Resolution](#) urging the European political parties to nominate candidates for the position of President of the Commission.

²⁵ A majority of the European Council, including French President Emmanuel Macron as well as the leaders of the Czech Republic, Hungary, Lithuania, the Netherlands, Poland, Portugal and Slovakia have voiced opposition to the process ([Politico](#), 10 September 2018).

²⁶ [European Parliament decision](#) of 7 February 2018.

“autonomous competence of the European Council to nominate the candidate, while taking into account the European elections, and having held appropriate consultations.”²⁷

Apart from the provisions stemming from EU legislation, the European elections are regulated by national law and the details of the electoral system are determined by each Member State. Therefore, the European elections can be considered as 27 de facto separate elections to a supra-national body.

FOLLOW UP TO RECOMMENDATIONS

OSCE/ODIHR monitored the European elections in 2004 and 2009 and formulated 12 recommendations for the further development of the European electoral legislation and processes (see Annex II). While this report cannot pre-empt any findings of assessments in the Member States during the elections, as there might have been changes addressing previous recommendations, the NAM noticed progress in respect of few recommendations, such as continuous voter information (#1), disclosure and auditing of party financing and expenditures (#6), as well as providing for an independent media monitoring mechanism for assessing whether media regulations are respected (#10).

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 EU (“Brexit”). The UK is due to leave the EU on 29 March 2019 when the period for negotiating a withdrawal agreement will end unless an extension is agreed. According to the legal services of the European Council and EP, the European election dates are fixed. However, if the UK decided to remain within the EU, or at the time of the EP elections would be still part of the EU, the UK would need to conduct elections to the EP.

In June 2018, the European Council, on the initiative of the European Parliament and with its consent, decided on a new distribution of parliamentary seats in the wake of Brexit. The number of MEPs will be reduced from 751 to 705. A total of 27 of the UK’s 73 seats are shared among slightly under-represented EU countries while the other 46 seats are reserved for possible EU enlargements and/or transnational lists in a possible future single European constituency. A number of Member States²⁸ have already altered their electoral legislation to prepare voting for a changed number of MEPs.²⁹ However, in case the UK is still a Member of the EU at the beginning of the next parliamentary term, the distribution of seats will remain the same as the one in 2014.

THE ELECTORAL SYSTEM

Since 2004, a system of proportional representation is used in all Member States, even if they use a majority voting system in national elections, to distribute the seats in the EP among the successful candidates. There is a wide variation in how proportional representation is implemented in the Member States: the existence and level of thresholds, the method for distributing seats, the possibility to cast preferential votes, single or multiple constituencies, and the allocation of vacant seats may differ.

Further differences among Member States conducting European elections include eligibility requirements for active and passive suffrage, modalities of voter registration, the timeline of the electoral calendar (for example the deadlines for the submission of candidate lists and the

²⁷ [EPRS Election of the President of the European Commission](#); February 2019.

²⁸ For example, Ireland has altered its constituency boundaries to provide for the increase from 11 to 13 seats.

²⁹ The Council of Europe Venice Commission Code of Good Electoral Practice suggests that no significant changes should be made within a year of an election, except in exceptional circumstances and with broad political support.

electoral campaign), political party and campaign finance regulations, the choice of election day(s), as well as ballot format and design (see table in Annex I).³⁰

Member states may have a minimum threshold of up to five per cent for candidates to become eligible to join the EP; a higher threshold is not allowed. Member States apply a threshold of 5 per cent (FR³¹ (depending on the constituency), LT, PL, SK, CZ, RO, HR, LV, HU), 4 per cent (AT, IT, SE), 3 per cent (GR), or 1.8 per cent (CY), while all other Member States apply no threshold.³²

Voter's options to alter the order of candidates by casting preferential votes differ among Member State. In eight Member States the lists are closed (DE, ES, FR, GR, PT, EE, HU, RO). The single-transferable vote (STV) is used in two Member States (MT, IE). Member States' processes differ also for the validation of results and electoral legal redress.³³ 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, HC, IT, LU, NL, PT) or for substitutes (BE, IE, DE, SE).³⁴

The 2019 European elections will take place from Thursday, 23 to Sunday, 26 May. Elections are held on Thursday (NL), on Friday (IE), on Saturday (MT, LV, SK), and in all other Member States on Sunday, except for Czech Republic where voting takes place on Friday and Saturday.³⁵ Voting is compulsory in four Member States (BE, LU, GR, CY) but there is no penalty implemented for failing to vote.³⁶

THE RIGHT TO VOTE

Beyond the EU principle of equal treatment³⁷ EU legislation is silent on who is entitled to the right to vote. Voting age differs; only Austria and Malta lowered it to 16 years, in line with the European Parliament's recommendation. Greece lowered it to 17 years, while all other Member States kept the voting age at 18 years.³⁸ There is a lack of provision in some Member States on voting rights, particularly for prisoners and for EU residents who do not hold citizenship of any State.³⁹

There exists a great variance among Member States regarding the possibilities of advance voting and postal voting (the latter only possible in BE, DK, DE, EE, ES, LV, LT, LU, HU, NL, AT, SI, FI, SE) as well as electronic voting (BE), proxy voting (BE, FR, NL) and internet voting (EE).⁴⁰

³⁰ The European Parliament also summarised some differences in the national legal frameworks pertaining to elections on its [website](#); compare EPRS Infographic [2019 European elections: National rules](#).

³¹ Country abbreviations: Austria (AT), Belgium (BE), Bulgaria (BG), Czech Republic (CZ), Denmark (DK), Germany (DE), Estonia (EE), Ireland (IE), Greece (GR), Spain (ES), France (FR), Croatia (HR), Italy (IT), Cyprus (CY), Latvia (LV), Lithuania (LT), Luxembourg (LU), Hungary (HU), Malta (MT), Netherlands (NL), Poland (PL), Portugal (PT), Romania (RO), Slovenia (SI), Slovakia (SK), Finland (FI) and Sweden (SE).

³² Following [Council Decision \(EU, Euratom\) 2018/994](#), all EU Member States with more than 26 seats in the EP should introduce a barring clause between 2% and 5% by 2024 at the latest; this concerns Germany and Spain.

³³ [The European Parliament: electoral procedures](#).

³⁴ [The European Parliament: electoral procedures](#).

³⁵ Some Member States will hold national and/or municipal elections concurrently.

³⁶ Bulgaria's Constitutional Court abolished compulsory voting in 2017.

³⁷ [Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin](#).

³⁸ On 11 November 2015, the European Parliament passed a joint report on reforming EU electoral law and voted 323 to 276 in favour of enfranchising 16 and 17 years olds.

³⁹ In particular persons with undetermined citizenship of Estonia and non-citizens of Latvia; see: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/604953/IPOL_BRI\(2018\)604953_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/604953/IPOL_BRI(2018)604953_EN.pdf).

⁴⁰ In BE, BU, GR only non-resident nationals who are living in another member state can vote in their country of origin. IT and DK restrict the right to vote of non-resident nationals living in a third country to diplomats and military personnel. In MT, IE, SK the right to vote is confined to EU citizens domiciled on their national territory. EPRS Infographic: [2019 European elections: National rules](#).

The possibility of voting by non-nationals in their host country varies with the Member States' requirements for residence status. According to Eurostat, on 1 January 2017 there were 16.9 million persons living in one EU Member State with the citizenship of another EU Member State.⁴¹ 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) or to be listed in the population register (BE, CZ). Further, to be eligible as EU citizen a minimum period of residence is required in some Member States (LU, CY, CZ). Ten Member States (AT, BE, HC, DK, FR, GR, IT, LU, MT, PL) require non-nationals to register to vote.⁴² Two Member States (CY, IE) require all voters to register ahead of an election.

Multiple voting is prohibited. To avoid the possibility of multiple voting, national election management bodies would be required to exchange data and to review their voter registers. Feasible solutions to the challenge of different cut off dates of the national voter registers and an efficient exchange of information on registered voters to protect the equality of the vote have not yet been implemented.⁴³

PARTICIPATION OF PERSONS WITH DISABILITIES

The EU and all its Member States have ratified the UN Convention on the Rights of Persons with Disabilities (CRPD).⁴⁴ Eight Member States (AT, HC, IT, LT, NL, SE, SK, ES) guarantee the right to vote for all persons with disabilities (PWD), including those without legal capacity.⁴⁵ Four Member States (HU, SI, BE, CZ) have a system whereby an assessment is made of the individual's actual ability to vote. A further 12 Member States prohibit PWD who have been deprived of their legal capacity from voting (BU, CY, EE, DE, GR, IE, LT, LU, MT, PL, PT, RO). In three Member States voting is only possible in polling stations (CY, GR, PT) while other Member States offer mobile polling commissions and/or postal voting. Proxy voting for PWD is offered in four Member States (NL, FR, PL, SE).

THE RIGHT TO STAND

Apart from the common European requirement to be citizen of a Member State and the requirement to stand only in one Member State as a candidate, conditions for candidate eligibility can vary. The minimum age to stand for elections is 18 years in the majority of Member States. Other Member States have a minimum age of 21 years (BE, BU, CY, CZ, EE, IE, LV, LT, PL, SK), 23 years (RO) and 25 years (IT, GR).

In six Member States, only political parties or political organisations can submit nominations (CZ, DK, DE, GR, NL, SE) and independent candidates are not allowed to stand for elections. This preclusion is inconsistent with the right to stand for offices according to the authoritative interpretation of the ICCPR and paragraph 7.5 of the 1990 OSCE Copenhagen Document.

⁴¹ On 1 January 2017, the number of people residing in an EU Member State with citizenship of a non-member country was 21.6 million, representing 4.2 % of the EU-28 population. See [Eurostat](#).

⁴² See [FRA Report 2014](#), page 42.

⁴³ The 1976 Election Act prohibits multiple voting and a [1993 Directive](#) foresees that Member States exchange the information required to implement the ban. The Member State of residence is supposed to supply the home Member State with information on its nationals standing as candidates or entered on voter lists, and the home Member State is supposed to take measures to ensure that its nationals do not vote more than once or seek election in more than one Member State. This is foreseen with Article 6 (concerning 9b) [Council Decision \(EU, Euratom\) 2018/994](#).

⁴⁴ Of the EU Member States that have ratified the [CRPD](#), Estonia, France and Poland have entered a declaration to Article 12. These declarations provide that they 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.

⁴⁵ Two-thirds of EU Member States restrict the right to vote of people deprived of legal capacity. The EU Fundamental Right Agency (FRA) assessed progress: In Germany the Federal Constitutional Court ruled in January 2019 that provisions on disenfranchisement from voting are unconstitutional. In Denmark legal amendments in 2016 provide for persons under full legal guardianship to vote and run for EP, regional and municipal elections but not for national parliament elections and referenda. See [FRA Report February 2019](#): 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.

Gender equality in the list of candidates put forward by the political parties, by means of zipped lists or other equivalent methods as proposed by the EP was not included by the Council in the amendment of the 1976 Electoral Act.⁴⁶ In the current parliament a total of 36.1 per cent of MEPs are women.⁴⁷ Three Member States have more female MEPs than male MEPs (FI, IE, HC) and three Member States have equal numbers of female and male MEPs (MT, LV, SE). On the other end of the scale are Member States where less than 25 per cent of MEPs are women (CZ, GR, HU, LT, BU, CY).

V. ELECTION ADMINISTRATION

For the administration of European Elections, no central European election management body exists. Elections are conducted as Member State responsibility by the respective national election management bodies. Procedures for EP elections are similar or identical to those used for national elections.

The European Commission adopted a number of documents including Recommendations on 12 September 2018 to secure free and fair European elections.⁴⁸ It recommended the use of sanctions where appropriate, including for the illegal use of personal data to influence the outcome of the elections. The Commission encouraged Member States to set up national election networks, involving national authorities with competence for electoral matters and authorities in charge of monitoring and enforcing rules related to online activities relevant to the electoral context.

National contact points, mostly representing the responsible election management body, met twice to exchange on best practices among national networks, discuss common solutions to identified challenges, alert on threats and encourage common projects among national networks. While the focus of the European network are the upcoming 2019 European elections in the immediate term, its broad objective is to support the integrity of elections and electoral processes in the EU in general.⁴⁹ In addition, the Commission stressed that Member States take urgent steps to preserve the integrity of their electoral systems and infrastructure and test them ahead of the European elections.⁵⁰

VI. POLITICAL PARTIES AND CAMPAIGN FINANCE

The 2014 elections resulted in 751 elected representatives of 28 Member States who are currently organised in eight political groups, corresponding roughly to the political spectrum found in most Member States. There are also non-attached MEPs who do not belong to any group:⁵¹

- The European People's Party (EPP, 219 MEPs) includes all the Christian democrat and conservative parties (except the UK Tories, which shifted to ECR in 2009),
- The Progressive Alliance of Socialists and Democrats (S&D, 189 MEPs),
- The Alliance of Liberals and Democrats for Europe (ALDE, 68 MEPs).
- The European Greens/European Free Alliance (Greens, 51 MEPs),

⁴⁶ [European Parliament resolution of 11 November 2015 on the reform of the electoral law.](#)

⁴⁷ The number of female Vice-Presidents has risen from 3 to 5 out of 14. The number of women chairing a committee or subcommittee has increased from 8 to 12 out of 24. See European Parliament: [Women in the European Parliament](#), 8 March 2018. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has been ratified by all EU Member States.

⁴⁸ [Communication](#) and [Recommendation](#) on 12 September 2018; see also: [European Commission: Electoral rights.](#)

⁴⁹ In principle this, arrangement supports cooperation among a range of stakeholders, but the NAM was informed that civil society including election observers and industry have not yet been invited.

⁵⁰ [Action Plan against Disinformation](#) (2018).

⁵¹ 25 Members are needed to form a political group, and at least one-quarter of the Member States must be represented within the group. Members may not belong to more than one political group. See: [European Parliament.](#)

- The European United Left/Nordic Green Left (GUE/NGL, 52 MEPs),
- The European Conservatives and Reformists (ECR, 71 MEPs),
- The Europe of Freedom and Direct Democracy (EFDD, 45 MEPs),
- The Europe of Nations and Freedom (ENF, 35 MEPs).

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 pursuant to Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014.⁵² The APPF has registered ten European political parties⁵³ and ten European political foundations,⁵⁴ and has also removed two political parties and one political foundation from the register.⁵⁵ European political parties have to be European in their composition and are required to have chapters in at least seven Member States. They also must run for the European elections; if they do not fulfil these conditions they can be deregistered. 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 to the EP.

The European political parties have a limited role in the European elections, although they help to coordinate the campaigns of their national member parties and adopt common electoral programmes. Candidates for the European Parliament are nominated on lists at national or at regional level. However, 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 that can be directly elected have not yet prevailed.

The funding of European political parties has become more proportional to their support at the European elections as a total of 90 per cent (previously 85 per cent) of party funding will be distributed in proportion to the parties' share of MEPs. The change intends to further discourage the creation of European political parties for the primary purpose of receiving EU funding. In an attempt to increase transparency, 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.⁵⁶ Membership in the parliamentary political groups does not necessarily coincide with membership in European political parties. 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.

The budget of European political parties saw a steep increase in 2019 with a total budget of €50 million while the total for political foundations has surged to €19.7 million. The EPP receives €21.8m for the party and its political foundation. The PES will get the second biggest portion and together with its foundation receives €18.3 million. ALDE will receive a total of €6.2 million for the party and its foundation.⁵⁷

⁵² [Regulation \(EU, Euratom\) No 1141/2014](#).

⁵³ 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.

⁵⁴ 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, Coppeters Foundation and Transform Europe.

⁵⁵ Europa Terra Nostra, Alliance for Peace and Freedom, Alliance of European National Movements.

⁵⁶ [European Parliament News](#), 17 April 2018.

⁵⁷ [New Europe](#), 1 October 2018.

In the past, the campaign for European elections was predominantly determined by national issues, and voters usually chose national, not European candidates. In 2014 the lead-candidate-process started late and gained no traction outside a few Member States. This seems to be different in 2019 as some candidates already positioned themselves to run as President of the European Commission in the second half of 2018. By the time of the NAM, five European political parties had selected lead candidates, indicating an intensified, Europe-wide campaign.⁵⁸

VII. MEDIA AND SOCIAL MEDIA

The media landscape in the EU is very diverse and characterised by national markets determined by linguistic and regional identities. The media in the Member States are going through a massive transformation for multiple reasons, including shifting revenues to global internet platforms. This is expected to further deepen due to artificial intelligence, robotics, cognitive computing, and big data. The European Convention on Human Rights (Article 10) and the various decisions of the European Court of Human Rights influence today's European media landscape.⁵⁹ EU Member States differ widely in how to regulate political parties' access to public broadcasters and private media.

The European Commission Communication on tackling online disinformation in April 2018 emphasised the key role played by civil society and the private sector, notably social media online platforms in managing the problem of disinformation.⁶⁰ In September 2018, online platforms (Google, Facebook, Twitter, Mozilla) and the trade associations representing the advertising sector agreed on a self-regulatory Code of Practice⁶¹ to increase online transparency and protect citizens, especially with a view to the 2019 European elections.⁶² In addition, the Commission aims to develop an independent network of fact-checkers to increase the ability to detect and expose disinformation, and sustained efforts are being made at Union and national level to support media literacy. According to a representative from DG Justice of the European Commission in case the self-regulatory principle would not work the EU is intended to proactively regulate the Internet advertising businesses.

In December 2018, an Action Plan Against Disinformation was presented by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to answer the call for measures by the European Council to "protect the Union's democratic systems and combat disinformation, including in the context of the upcoming European elections". The Action Plan calls for "urgent and immediate action to protect the Union, its

⁵⁸ The European People's Party (EPP) elected Manfred Weber (CSU, Germany), chair of the EPP group in the EP, as its lead candidate. The Party of European Socialists (PES) endorsed the Commission's First Vice-President Frans Timmermans (PvdA, Netherlands) as its lead candidate. The Alliance of European Conservatives and Reformists (AECR) nominated Czech MEP Jan Zahradil (Civic Democratic Party, Czech Republic) as its lead candidate. The European Green Party elected the Ska Keller (Bündnis 90/Die Grünen, Germany) and Bas Eickhout (GroenLinks, the Netherlands) as its lead candidates. The European Left Party elected Violeta Tomič (Slovenia) and Nico Cue, (Belgium) as its lead candidates. The Alliance of Liberals and Democrats for Europe (ALDE) announced that, instead of nominating one lead candidate, it will designate a 'team of liberal leaders' for the campaign. See [EPRS Briefing PE 630.264](#), February 2019.

⁵⁹ [European Court of Human Rights Case Law](#).

⁶⁰ [Tackling online disinformation: a European Approach](#).

⁶¹ Commitment under the [Code of Practice](#) include safeguards against disinformation; ensure transparency about political and issue-based advertising, also with a view to enabling users to understand why they have been targeted by a given advertisement; implement and promote reasonable policies against misrepresentation; intensify and demonstrate the effectiveness of efforts to close fake accounts and establish clear marking systems and rules for bots to ensure their activities cannot be confused with human interactions.

⁶² On 12 September 2018, on the occasion of his [State of the Union Address](#), Commission President Jean-Claude Juncker said: "We must protect our free and fair elections. This is why the Commission is today proposing new rules to better protect our democratic processes from manipulation by third countries or private interests."

institutions and its citizens against disinformation.”⁶³ According to the Action Plan, disinformation techniques include video manipulation (deep-fakes) and falsification of official documents, the use of internet automated software (bots) to spread and amplify diverse content and debates on social media, troll attacks on social media profiles, and information theft. The Action Plan sets out to establish a Rapid Alert System by March 2019 for addressing disinformation campaigns, working closely with existing networks of the European Parliament, NATO and G7 rapid response mechanisms. The EU further established a Hybrid Fusion Cell to gather information and intelligence from Member States to inform decision-makers both in EU institutions and Member States.

VIII. ELECTION OBSERVATION

The European elections have already been subject to international election observation. The OSCE/ODIHR has observed the European elections with an Elections Expert Team in 2004 and with an Elections Expert Group in 2009. Since 2002, the OSCE/ODIHR has also increasingly conducted assessments of national elections in EU Member States.⁶⁴

The EU Member States have a variety of approaches to election observation. Only six Member States (BU, HC, FI, NL, PL, RO) have legislation and accreditation systems in place for both international and domestic observers. Five additional countries (AT (with restrictions), BE, HU, LT, LU) have respective legislation and an accreditation system for international observers, but not for domestic observers.⁶⁵ In Germany and Sweden, while legislation does not contain explicit provisions for election observation, voting, counting, and tabulation processes are fully open to the public.

A citizen-based election observation of the European Parliament elections has not yet been conducted in a systematic manner. This lies in stark contrast with EU values for citizen participation and with EU policies for external action to promote democracy. All EU Member States are OSCE participating States and have committed to the 1990 OSCE Copenhagen Document that provides for mutual election observation. While progress to implement electoral reforms within Member States is limited, the EU is consistently using election observation as an external action tool since 2000⁶⁶ and promotes citizen participation as part of its policies to strengthening democracy globally.⁶⁷ The European Commission and the European Parliament are endorsers of the Declaration of Principles on Election Observation, which was commemorated at the United Nations in 2005.⁶⁸

⁶³ [Action Plan against Disinformation](#)

⁶⁴ For respective mission reports see [ODIHR elections website](#).

⁶⁵ Election-Watch.EU conducted a comparative analysis of 32 countries; see: Michael Lidauer, Armin Rabitsch & Iris O'Rourke (2017); Mapping Legislation for Citizen and International Election Observation in Europe: A Comparative Analysis on the Basis of OSCE/ODIHR Reports, *Nordic Journal of Human Rights*, 35:4, 360-374). Poland has since changed its legislation and citizen observers were provided access to local government elections. Slovakia also made its election-related legislation more inclusive for election observers in 2018.

⁶⁶ [Communication from the Commission on EU Election Assistance and Observation \(2000\)](#).

⁶⁷ The 2012 [EU Strategic Framework and Action Plan on Human Rights and Democracy](#) established a tight link between democracy and human rights, defining general policy orientations. The [EU's second Action Plan on Human Rights and Democracy](#), emphasises the need to consolidate best practices to ensure effective follow-up to Observation Missions.

⁶⁸ [Declaration of Principles for International Election Observation](#), providing also a Code of Conduct for International Election Observers.

IX. CONCLUSIONS

The European democratic practices are currently tested by anti-democratic forces from within the European societies and by foreign governments. The new challenges cannot provide a pretext in some Member States to limit human rights, increasing surveillance and the curtailing of free speech. Perpetual monitoring and continuous development to protect electoral integrity are important to guarantee the exercise of civil and political rights to citizens. European responses need to increase consistency, transparency, inclusion and technical security of electoral processes.

The inclusion of civil society expertise in elections is therefore essential. EU governments and political parties need to demonstrate commitment to OSCE principles by recognising the value of election observation, not only outside the EU but also within Europe, to further strengthen European democracies. Civil society organisations, parliaments, and governments in the EU need to follow-up on electoral recommendations, be it from EU institutions, the OSCE, the Council of Europe (GRECO⁶⁹), or citizen election observers. For the purpose the EU, and especially the European Parliament, should further enhance political education and encourage citizens to become active in democracy, in their own society and at local level to promote democratic practices.

Based on the assessment of the NAM and given that most interlocutors considered a citizen election observation mission of added value to further enhance and protect the democratic practices of the European elections, Election-Watch.EU plans to deploy a comprehensive Election Assessment Mission (EAM). Following election observation methodology⁷⁰ an EAM is deployed in situations where election stakeholders express full confidence in the election process and the impartiality and transparency of the election administration, and where political pluralism, respect for fundamental freedoms, effective democratic institutions, free, independent media and vibrant civil society are noted by a NAM.

Election-Watch.EU aims at working with 27 national chapters led by a focal point for each Member State. Such organisation will be based on the strong ties with international election experts, regularly trained and deployed as EU and OSCE/ODIHR Election Observation Missions (EOMs) core team members. The EAM would also provide the opportunity to further enhance relations and reach out to other citizen election observer groups in the Member States. The size and scope of the mission may vary depending on the availability of human and financial resources prior to the elections. The overall objective of the comprehensive EAM is to enhance European integration and contribute to upholding European democratic practices. The main actions, focusing on the importance of electoral processes and democratic participation, include awareness raising and advocacy for citizen participation in the European elections as well as setting up a monitoring framework for the next European electoral cycle. The aim of the comprehensive EAM is to particularly look into key aspects of the electoral process including:

- **Member States' adaptation of EU regulations and international standards:** particularly assessing the level of coherence in implementation across Member States and progress in implementing electoral reforms;
- **Voter registration:** assessing the differences in Member States' electoral calendar and closure of register as well as the level of exchange of election management bodies to avoid double registration and multiple voting;
- **Campaign finance:** assessing the role of political parties in campaigning, deducing best practice in campaign finance transparency and accountancy and generating recommendations for further European consistency and harmonisation;





























⁶⁹ The Group of States against Corruption (GRECO) is the Council of Europe anti-corruption body.

⁷⁰ [OSCE/ODIHR Election Observation Handbook](#), p.31.

- **Social media campaign:** assessing the level of preparedness by EU institutions and Member States to prevent disinformation campaigns and other cyber threats during the electoral process and monitoring incidents of inflammatory language and ill-intended interference in the electoral processes;
- **Participation of persons with disabilities:** assessing the level of implementation of international standards with special focus on the right to vote, the provision of accessible polling stations and accessible voter information materials.

The EAM will also raise awareness about the importance of European elections, deduct best electoral practices among Member States, provide recommendations for further strengthening European democratic practices and contribute to overall electoral integrity. A comprehensive EAM report including recommendations will be published. The EAM report is expected to become a supporting document for each Member State and EU institution for the coherent implementation of EU regulations and international commitments. The EAM report will also serve as benchmark for follow-up advocacy for electoral reforms and for developing a harmonised and consistent framework to monitor EP electoral cycles after the 2019 elections.

ANNEX I: TABLE OF EU MEMBER STATES' COMPARISON

EU Member State	Inhabitants	Mandates 2014	Mandates 2019	Inhabitants in mill. / Mandates 2019	Deviation from Median in %	Constituencies	List / preferential votes	Seat allocation method	ELECTIONWATCH.EU		voting age	right to stand (age)	compulsory voting	voter turnout 2014	postal voting	proxy voting	
									Threshold	method							
 Austria	8,8	18	19	0,46	36,6	1 nat. con.	pref. vote	d'Hondt	4%	16	18			x			
 Belgium	11,4	21	21	0,54	25,6	4 con.	pref. vote	d'Hondt	none	18	21	x	89,6	x		x	
 Bulgaria	7,1	17	17	0,42	42,8	1 nat. con.	closed list	Hare/Niemeyer	none	18	21		35,8				
 Croatia	4,2	11	12	0,35	52,1	1 nat. con.	pref. vote	d'Hondt	5%	18	18		25,2				
 Cyprus	0,9	6	6	0,15	79,5	1 nat. con.	closed list	Droop/largest remainder	1.8%	18	21	x	44,0				
 Czech Rep.	10,6	21	21	0,50	30,9	1 nat. con.	closed list	d'Hondt	5%	18	21		18,2				
 Denmark	5,7	13	14	0,41	44,2	1 nat. con.	pref. vote	d'Hondt	none	18	18		56,3	x			
 Estonia	1,3	6	7	0,19	74,6	1 nat. con.	closed list	d'Hondt	none	18	21		36,5	x			
 Finland	5,5	13	14	0,39	46,2	1 nat. con.	pref. vote	d'Hondt	none	18	18		39,1	x			
 France	67	74	79	0,85	-16,2	8 con.	closed list	Hare/d'Hondt	5% (in Con.)	18	18		42,4			x	
 Germany	82,8	96	96	0,86	-18,2	1 nat. con.	closed list	Sainte-Lagué/Schepers	none	18	18		48,1	x			
 Greece	10,8	21	21	0,51	29,5	1 nat. con.	closed list	Droop/ largest remainder	3%	17	25	x	60,0				
 Hungary	9,8	21	21	0,47	36,1	1 nat. con.	closed list	d'Hondt	5%	18	18		29,0	x			
 Ireland	4,8	11	13	0,37	49,4	4 con.	open list/STV	Droop/STV	none	18	21		52,4				
 Italy	60,6	73	76	0,80	-9,2	5 con & 1 nat. con	pref. vote	Hare & largest remainder	4%	18	25		57,2				
 Latvia	2	8	8	0,25	65,8	1 nat. con.	pref. vote	Sainte-Lagué	5%	18	21		30,2	x			
 Lithuania	2,8	11	11	0,25	65,1	1 nat. con.	pref. vote	Hare-Niemeyer	5%	18	21		47,6	x			
 Luxembourg	0,6	6	6	0,10	86,3	1 nat. con.	open list	d'Hondt	none	18	18	x	85,6	x			
 Malta	0,4	6	6	0,07	90,9	1 nat. con.	open list/STV	Droop/STV	none	16	18		74,8				
 Netherlands	17,1	26	29	0,59	19,2	1 nat. con.	pref. vote	Hare/d'Hondt	none	18	18		37,3	x		x	
 Poland	38	51	52	0,73	-0,1	13 con & 1 nat con	closed list	d'Hondt & Hare/Niemeyer	5%	18	21		23,8				
 Portugal	10,3	21	21	0,49	32,8	1 nat. con.	closed list	d'Hondt	none	18	18		33,7				
 Romania	19,6	32	33	0,59	18,6	1 nat. con.	closed list	d'Hondt	5%	18	23		32,4				
 Slovakia	5,4	13	14	0,39	47,2	1 nat. con.	pref. vote	Droop	5%	18	21		13,1				
 Slovenia	2,1	8	8	0,26	64,0	1 nat. con.	pref. vote	d'Hondt	4%	18	18		24,6	x			
 Spain	46,5	54	59	0,79	-8,0	1 nat. con.	closed list	d'Hondt	none	18	18		43,8	x			
 Sweden	10	20	21	0,48	34,8	1 nat. con.	pref. vote	modified Sainte-Lagué	4%	18	18		51,1	x			
 UK	65,8	73	0			12 con.	closed list	d'Hondt	none	18	18		35,6				
Total	511,9	751	705	0,73													

* modified table of the German Federal Agency for Civic Education; bpb.de, and EPRS resources

ANNEX II: OSCE/ODIHR RECOMMENDATIONS 2009⁷¹

- 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.

⁷¹ Numbering but not sequencing undertaken by Election-Watch.EU.

ANNEX III: TABLE OF MEETINGS

European Parliament

Elmar Brok, Member of the European Parliament, European People's Party
Miroslav Poche, Member of the European Parliament, Socialists & Democrats
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

European Council

Maria Marotta, Director, General and Institutional Policy – GIP, Interinstitutional Relations
Berta Carol Galcerán, 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 Panagopoulos, Citizenship and Free Movement Unit, DG Justice and Consumers
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)

Political Parties⁷²

Dara Murphy, Vice President and Campaign Director, European People's Party
Nathan Shepura, Political Adviser, European People's Party
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
Wojciech Danecki, Head of Unit, Foreign Affairs, Human Rights, Security & Defence, European Conservatives and Reformists Group

⁷² Attempts to set up meetings with ALDE Group, European United Left–Nordic Green Left Group and Europe of Freedom and Direct Democracy Group were unsuccessful.

Gareth Goldsmith, Head of Press and Communications, European Conservatives and Reformists Group
Dietmar Holzfeind, Vice-Secretary General, Europea of Nations and Freedoms Group

Civil Society

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
Noemi Arcidiacono, Director of Missions, AEGEE Election Observation
Flavio Grazian, European Democracy Coordinator, European Citizen Action Service (ECAS)
Alexander Fanta, EU-Korrespondent, netzpolitik.org

The Election-Watch.EU NAM attended further:

- Privacy Camp 2019 on Politics, Platforms and Participation on 29 January in Brussels;
- European Parliamentary Research Service (EPRS) Policy Roundtable; Data protection, (dis)information, algorithms: European Perspectives on 31 January at the EP in Brussels;
- European Parliament Disability Intergroup Seminar on Political Participation on 31 January at the EP in Brussel.

ABOUT ELECTION-WATCH.EU / WAHLBEOBACHTUNG.ORG

Election-Watch.EU / 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 bottom-up research, recommendations and advocacy, and more broadly to the strengthening of European fundamental values and democratic political practice in Europe.

Election-Watch.EU / 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 300 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
