

Questions and answers on the European elections and on election observation

European elections are of great political importance for citizens in every EU Member State but many voters are not well informed and voter turnout is usually low. Election observation is recognized internationally as a means of supporting and strengthening democratic processes, however, its mechanisms and opportunities are little known to the public. The independent, impartial and not-for-profit citizen initiative Election-Watch.EU (wahlbeobachtung.org) sheds light on these topics. This resource paper is a collection of up-to-date questions and answers regarding the European elections and election observation.¹ The following topics are covered:

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¹ The information contained was compiled and edited by Election-Watch.EU / wahlbeobachtung.org and, in addition to its own research, is based on the following sources: Austrian Federal Ministry of the Interior, European Parliament - Scientific Service and Liaison Office in Austria, OSCE/ODIHR, German Federal Agency for Civic Education, and Wikipedia.

² This paper was first developed for the Austrian context and contains several examples from Austria. It could be updated for other EU Member States.

A. EUROPEAN ELECTIONS

1. What are the European elections?

The [European elections](#) elect delegates who represent the citizens of EU Member States in the European Parliament. The members of the European Parliament (MEPs) are elected in general, direct and free elections by secret ballot. The European elections are held periodically every five years and are one of the largest democratic events in the world.

Since 1979, the European elections have been held eight times. Austrian MEPs have been elected five times since Austria joined the European Union in 1995. The last European elections took place between 22 and 25 May 2014. The next elections for the European Parliament will take place between 23 and 26 May 2019 – in Austria on 26 May.

2. What is the European Parliament?

The [European Parliament](#) is the only directly democratically elected EU body and the only directly elected international assembly. Its responsibilities extend to:

- *Europe-wide legislation:* The European Commission presents draft legislation, which must be approved by the European Parliament and the Council of the European Union.
- *Supervisory authority:* The European Commission and the Council must regularly report to the European Parliament about their activities. If the Parliament is not satisfied with the work of the Commission or has reservations, it can express mistrust and force the Commission to resign.
- *Budgetary management:* Together with the Council, the European Parliament must approve the draft budget of the European Commission or adopt amendments.
- *Election of the President of the European Commission:* Following the 2009 Treaty of Lisbon, the European Parliament has the task to elect the President of the European Commission for five years. The President of the European Commission has an important position in the EU, much like a Head of Government.

3. On which laws are the European elections based?

In all EU Member States, the European elections are regulated by the relevant Europe-wide legislation. In addition, the organization of European elections is determined by each respective national legislation and electoral traditions in the Member States, which results in a certain variance in the election procedures, contributing to the complexity of the European elections.

The most important legal basis of the EU for the European elections is

- the [Treaty on European Union](#) (Art. 14 paragraph 3 EU Treaty)
- and the 1976 Election Act, which forms the general framework for the election.

Also of importance are:

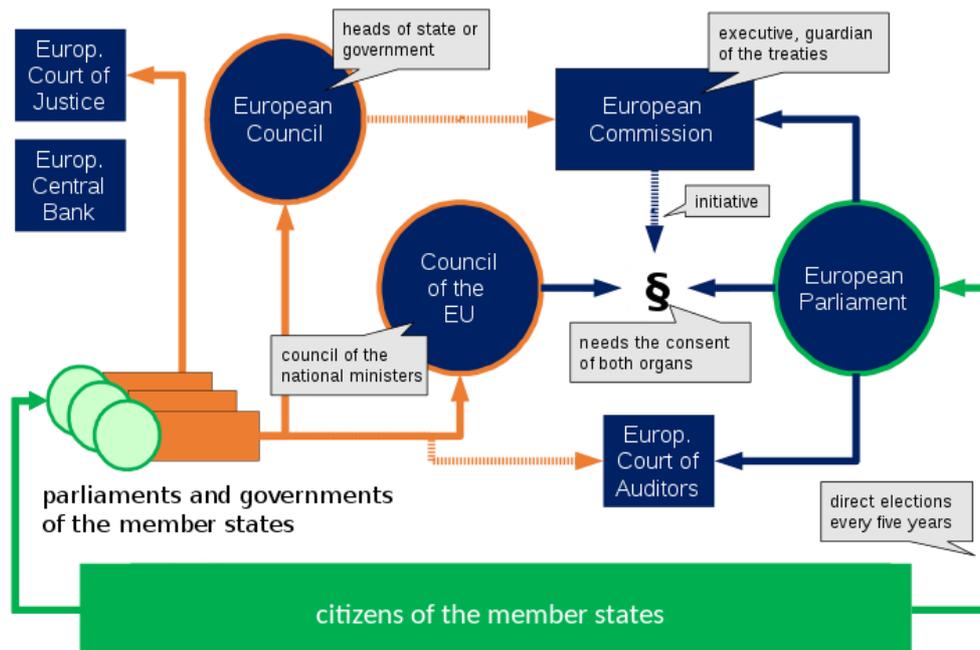
- the [Treaty on the Functioning of the European Union](#) (in particular Art. 223 paragraph 1 TFEU), which stipulates that the European Parliament enacts the necessary provisions for the direct universal election of its members, and that the Council enacts the necessary rules unanimously, in accordance with special legal procedures and after obtaining the consent of the European Parliament. These provisions enter into force after the Member States have given their consent in accordance with their respective constitutional requirements;
- and Council Directive 93/109/EC of 6 December 1993 on the details of the right to vote and the right to stand for elections for citizens of the Union residing in a Member State of which they are not nationals.

Apart from the provisions stemming from EU legislation, the European elections are regulated by the national laws of each Member State. In Austria these are:

- the [National Council Election Directive \(NRWO\), last amended in 2018](#), and
- the [European Electoral Code](#) (EuWO 1996, last amended in 2016).

The details of the [electoral system](#) at the national level are determined by each Member State.

Table 1: Political System of the European Union



Graphic from Wikipedia: [Political System of the European Union](#) (Ziko van Dijk)

4. Which electoral system is the basis for the European elections?

In the European elections, a system of proportional representation is used in all Member States to distribute the seats in the European Parliament among the successful candidates. Member states may have a minimum threshold of up to 5 per cent of votes cast.³ In this case a candidate needs to receive at least 5 per cent of all votes cast in his/her country. A higher threshold is not allowed. In Austria, the same 4 per cent hurdle applies for the European elections as for the parliamentary elections.

Member states may allow preferential votes. This is the case in Austria, whereby the successful candidate needs to receive a number of preferential votes that is equal or higher to 5 per cent of all valid votes cast for the respective party list to have an effect. In the European elections, there is only one constituency in Austria, covering the entire federal territory.

Since the introduction of European elections, efforts have been made to standardize the electoral system throughout Europe; the European Parliament and the Council of the European Union are explicitly mandated to do so by [Art. 223 TFEU](#). However, the treaty does not stipulate a fixed timetable for this; minor amendments to standardize the elections have been implemented over the years. Since the 2004 European elections, all Member States have to apply the principle of proportional representation, even if they use a majority voting system in national elections (as in France).

5. Do the European elections work the same way in all EU Member States?

No. Since many aspects of the European elections are based on the [national legislation of the Member States](#), the elections differ significantly from country to country. Differences include the choice of election day(s), active and passive suffrage, deadlines for list and voter registration, campaign finance regulation, details of the electoral system and vote distribution, as well as ballot format and design. In addition, the campaign around European elections is often determined by national issues, and voters choose national, not European candidates.

6. Who is allowed to vote?

There is no single EU-wide rule for free and equal voting; variations apply, for example, to the requirements for voting age or to persons serving a prison sentence. In principle, all citizens of the EU are entitled to vote, with citizens living in other EU countries generally being allowed to vote. Voters can alternatively vote in the elections in their country of residence or in their country of citizenship. For the latter it is necessary for Austrian voters residing abroad to be registered in the European electoral register of an Austrian municipality. In some Member States, the right to register a non-citizen in the electoral roll for the European elections depends on the duration of residence. In Austria, citizens of other EU countries who are registered residents in Austria are allowed to participate in the European elections.

The age to qualify for the right to vote is 18 years in almost all Member States. In Austria, the voting age is 16 years since the European elections 2009 (since 2018 also in Malta); in Greece

³ As a result of a reform of EU electoral law, all Member States with more than 26 seats should introduce a barring clause between 2% and 5% by 2024 at the latest; this concerns Germany and Spain.

it is 17 years. Among other variations, voting is still compulsory in Belgium, Bulgaria, Cyprus, Greece and Luxembourg, but not in other Member States.

7. Who can be elected?

Members of the European Parliament are elected separately to represent each Member State. In principle, EU citizens can also be elected as candidates in countries other than their country of citizenship if they officially reside in another country. The age for the acquisition of the right to be elected (eligibility) depends on the national regulation of the country of origin. While most EU citizens can be elected at the age of 18, in Greece, Italy and Cyprus, for example, candidates must be at least 25 years old.

In Austria, candidates to the European Parliament must have the right to vote and must have reached the age of 18 on election day. A valid proposal to be a candidate for election requires the supporting signatures of at least three members of the national assembly or of one member of the European Parliament. Alternatively, there is also the possibility of proving the support of 2,600 voters to become eligible for candidacy.

The next President of the European Commission will be elected indirectly in the 2019 European elections. The main political groups in the European Parliament have already agreed on the lead candidate principle or “Spitzenkandidatenprinzip” ahead of the European elections in 2014. According to this principle, the group who receives the highest number of mandates also has the right to propose a candidate for President of the European Commission who is then elected by the majority of MEPs.

8. How many MEPs are elected?

The number of MEPs is determined separately for each country by a decision of the European Council. In principle, larger EU countries have more MEPs, however, smaller EU countries have more MEPs per capita than larger Member States. This is called “degressive proportionality”. According to Art. 14 paragraph 2 of the EU Treaty, each EU country has between 6 and 96 elected representatives in the European Parliament. Following the UK's exit from the EU, the European Parliament would be reduced from 751 to 705 seats (mandates/delegates). For the 2019 to 2024 legislative period, Austria would have 19 seats instead of the 18 it currently has.

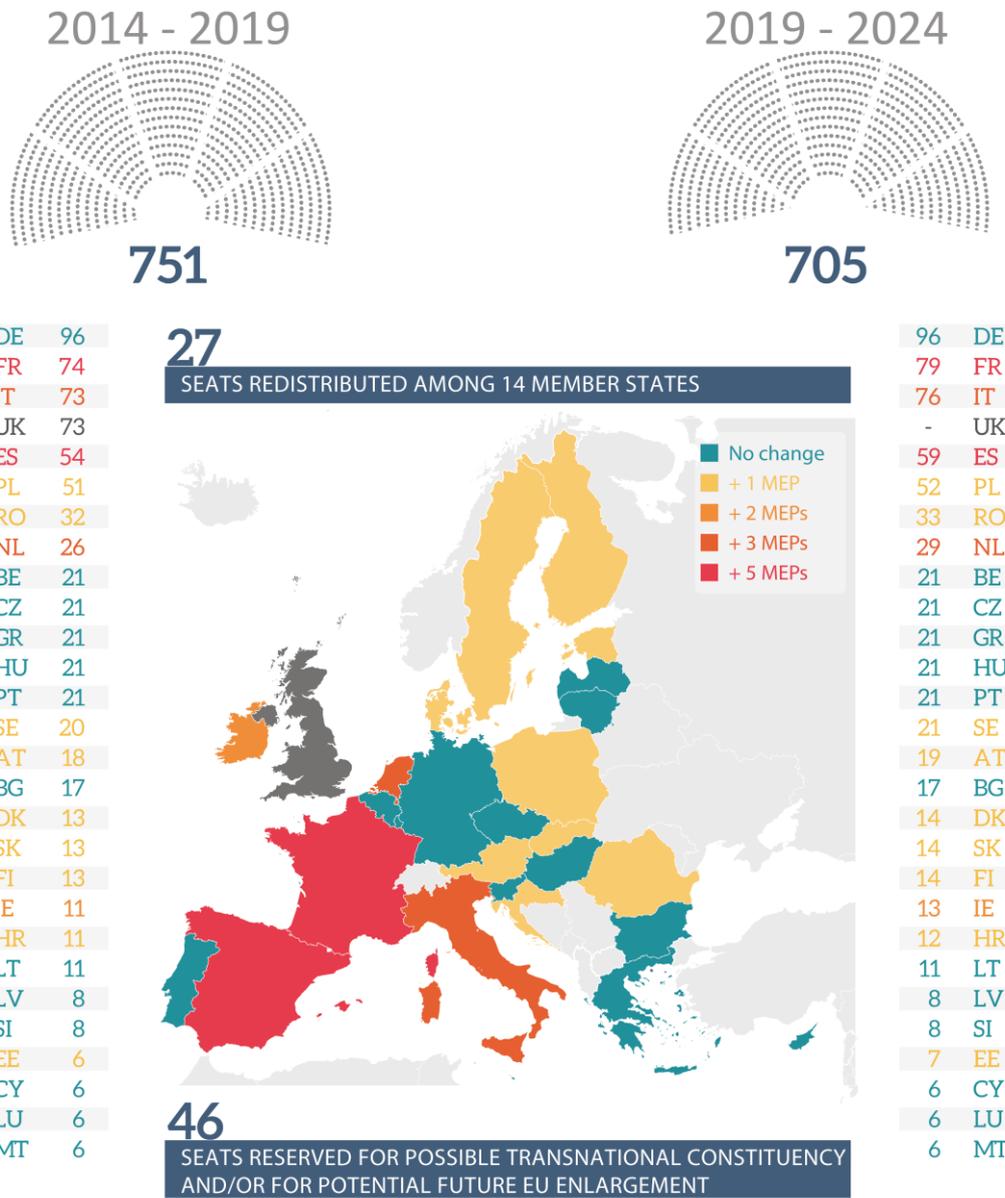
Table 2: Number of voters and elected seats in the European Elections 2014 and 2019⁴

	EU	Austria
MEPs / Delegates 2019	705	19
MEPs / Delegates 2014	750	18
Voters (2019)	~ 340 million	~ 6.4 million
Voters (2014)	384.5 million	6.4 million
Voter turnout (2014)	42.6% (163.6 million)	45.4% (2.9 million)

Table 3: Distribution of seats in the European Parliament

⁴ Taking Brexit into account

Future distribution of seats in the European Parliament



Sources:

EPRS | European Parliamentary Research Service

The following [table](#) illustrates the differences among European elections within the Member States. The table details the number of inhabitants per mandate as well as the over-representation of smaller Member States (e.g. Austria) and the under-representation of larger Member States (e.g. Germany) with a percentage deviation from the median. Furthermore, the table shows the number of electoral constituencies (Austria only has one national constituency), as well as illustrating the question whether there are preferential votes or whether candidate lists are fixed, whether there is a per cent hurdle for representation in the European Parliament (electoral threshold) and how the seats are allocated. There are various mathematical procedures for the allocation of national mandates, which are also listed.

Table 4: Differences among European elections within the Member States

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

*modified table of the German Federal Agency for Civic Education; bpb.de

9. Which parties contest the European elections?

Candidates for the European Parliament are nominated on lists at national or at regional level, mostly through national parties. Most political parties in the EU Member States joined political fractions at European level. 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. It is possible for national political parties which are not organized 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 political group with the highest number of seats in the European Parliament, which nominated the President of the European Commission in the outgoing legislature (Jean Claude Juncker), is the European People's Party (EPP; members are for example the ÖVP in Austria and the CDU/CSU in Germany). There are also the Progressive Alliance of Social Democrats (S&D; the SPÖ in Austria and the SPD in Germany belong to it), the Alliance of Liberals and Democrats for Europe (ALDE; the NEOS in Austria and the FDP in Germany belong to it), the Greens/European Free Alliance (Greens/EFA; the Green Parties in Austria and Germany belong to it), and the Europe of the Nations and Freedom Group (ENF; the FPÖ in Austria belongs to it). There are also other political party groups in the EP which do not correspond to any political group in Austria, such as the Group of the European Left – Nordic Green Left (GUE/NGL; the Left Party in Germany belongs to it), the European Conservatives and Reformist Group (ECR; the British Tories and the Polish PIS party belong to it) and the Europe of Freedom and Direct Democracy Group (EFDD; the Alternative for Germany and the Five Star Movement in Italy belong to it). There are also independent MEPs who are politically non-attached.

10. Can independent candidates also stand for election?

Theoretically yes, since any list of nominations can list only one candidate. The conditions for entering the race as a single candidate remain the same as those for political parties, but independent candidates are not entitled to state financial party support. In Austria, in contrast to Presidential elections for which a candidate can run without being affiliated to a political party or as an independent, an independent candidate in the European elections would be required to submit a short name of his/her party with a maximum of seven letters like all other political party nominations. In addition, all parties in Austria standing for election must pay a contribution to the Federal Government amounting to 3,600 Euros for the cost of producing the official ballot.

11. When do the elections take place?

As the EU Member States have different traditions when it comes to setting election dates, the European elections are not held on the same day. In the Netherlands, for example, election day is usually during the working week, but in Germany, Austria and many other countries it is on Sundays. In some countries, such as Italy and the Czech Republic, it is also common that polling stations are open for two days. In total, the European elections are usually stretched over a period of four days, from Thursday to Sunday. The next European elections will take place between 23 and 26 May 2019 and in Austria will be held on Sunday, 26 May.

12. How is the vote conducted?

Each person entitled to vote receives a ballot on which a nomination or a party list can be ticked. The European elections are held on the basis of proportional representation in which the 19 seats (mandates) awarded in Austria, for example, are determined by the d'Hondt method. In Austria there is also the possibility of casting a preferential vote for a candidate. For a better position on the list, a candidate must receive at least 5 per cent of valid votes cast for a party. The political representation of each Member State in the European Parliament is understood to reflect the partisan preferences of the respective electorate.

13. Where and in which form can the vote take place?

Voting modalities vary from Member State to Member State. For example, postal voting does not exist in all EU countries. Estonia is the only Member State where Internet-voting is possible for all voters at national level. Belgium and France use electronic voting machines in some parts of the country. Other countries have experimented with electronic voting machines and internet voting but have stopped it due to security concerns, among others. In Austria, the Constitutional Court declared Internet-voting (E-voting) as non-constitutional in 2009. A new European Council decision allows Member States to organize early voting, electronic voting and online voting while calling for measures to ensure the reliability of results and the protection of both electoral secrecy and personal data.

In Austria, citizens can exercise their right to vote as follows:

- 1) In the allocated polling station on election day,
- 2) by postal ballot before election day,
- 3) by postal ballot before election day in chartered towns & district authorities,
- 4) by postal ballot on election day in the allocated or in another polling station,
- 5) to be visited by a mobile electoral commission on election day if the voter is bedridden and requested this in advance,
- 6) for Austrians living outside Austria by mailing the postal ballot or by delivery to the representative authority (embassy, consulate).

14. Who is responsible for the administration of the European elections?

There is no EU body that organizes the European elections in a centralized manner. The European elections are organised by the competent national electoral management bodies in each Member State; these vary in their institutional shape and can range from independent election commissions to ministries and to courts. Usually, it is the same authorities that are responsible for organizing the European elections which also conduct the respective national elections.

In Austria, elections are administered by the municipalities together with the electoral authorities of the districts and states (Länder) under the overall supervision of the Federal Electoral Authority and its election department in the Federal Ministry of Interior.

15. Can EU citizens vote in other Member States?

In principle yes. On the basis of a 1993 Council Directive, EU citizens are allowed to vote in other Member States, provided that they officially reside in these countries. Voters who reside in a Member State of the European Union which is not their country of citizenship are in principle free to choose to vote for either an MEP of their country of residence or of their home country. However, in 2014, this was not possible in all Member States (i.e. not in Ireland, Malta, Slovakia, and the Czech Republic).

16. Is there an on-going reform of the European elections? What are the main issues?

The European legal framework for elections could reflect to a greater extent contemporary societal debates and political developments. In June 2018, the European Parliament decided on a new distribution of parliamentary seats in the wake of Brexit: the number of MEPs would be reduced from 751 to 705. 27 of the UK's 73 seats are to be shared among slightly under-represented EU countries while the other 46 seats are reserved for possible EU enlargements and/or transnational lists in a future single European constituency (see table on page 6).

Since the last European elections, a [proposal for reforms](#) was developed by the European Parliament with the aim to highlight the European significance of this electoral process and to increase the participation of EU citizens. The parliamentary reform proposal was only partially accepted by the Council of the European Union. Changes to the EU electoral law are difficult to achieve because they require unanimity as well as constitutional changes in some Member States.

After the Council's decision in July 2018, an electoral amendment was approved in the European Parliament which has to be integrated in national legislation by Member States before the elections. The amendment covers issues such as: barring clauses, prevention of double voting, data exchange and the establishment of national focal points to enable Europe-wide active and passive voting rights, recognition of multiple forms of voting (including the Internet, preserving electoral secrecy and protection of personal data), and the adaptation of ballots with the mention of European political parties.

Not all of these measures are binding, but rather guidelines for implementation. With the aim of strengthening voters' interest in European elections, aspirations for EU-wide lead candidates ('Spitzenkandidaten') were already partially implemented in 2014, but not supported and communicated to voters in all Member States. The lowering of the voting age for all EU citizens to 16 years as proposed by the European Parliament was not passed, and neither was the call for action to enhance the role of women, nor the long-discussed introduction of transnational lists. The European Commission also looked into the role of social media in the election campaign, targeted disinformation and the regulation of political advertising on the Internet. These are questions that affect all Member States and are also of concern to the newly created European Data Protection Council. During the Austrian EU Council presidency in 2018, the European Commission also issued recommendations to securing free and fair European elections.

17. What is the voter turnout in the European elections?

The overall turnout in the European elections shrank from about 62 per cent in 1979 to about 42.6 per cent in 2014. However, the number of Member States tripled during the same period, increasing the number of eligible voters to 340 million. Measures to enhance voter education and voter motivation are necessary to strengthen overall participation in future European elections. The European Parliament has launched the initiative "[This time I'm voting](#)" to encourage activities and information campaigns online and offline and thus contribute to a higher turnout in the European elections.

Between 2009 and 2014, turnout in the European elections remained relatively stable; in Germany, it increased slightly while in Austria it declined slightly from 46 per cent to 45.39 per cent.

18. Can the European elections be appealed?

Each Member State determines the national electoral results of the European elections. As with the respective competent authorities, the bodies, responsibilities and processes regarding complaints and appeals are also different. As a rule, courts are key institutions in this regard – in Austria, the Constitutional Court – but in some countries the national parliament is the last level of jurisdiction for electoral complaints and appeals, for example in Luxembourg.

19. What happens after the elections?

- **Formation of Parliament:** After the elections, the newly elected delegates form parliamentary groups. To form such a group, at least 25 MEPs from at least one quarter of the Member States have to come together. On 2 July 2019, the new European Parliament will convene for the first time and will elect its new President and Vice-President. In addition, the parliamentary committees will be formed.
- **Election of the President of the European Commission:** It is usually the parliamentary group which won the highest number of seats which proposes a candidate for President of the European Commission (lead candidate principle). The MEPs have to elect the President of the European Commission with an absolute majority (at least 353 of 705 votes). The designated President of the European Commission and the governments of the Member States agree on a list of candidates for the offices of the Commission. The Commission consists of one member per Member State. The nominees have to face a hearing in the European Parliament whereby the MEPs may refuse a candidate as unsuitable for the designated position. In such a case, the Commission President-elect must reassign the portfolios among the designated Commissioners or ask the Member State concerned to propose another candidate.
- **Election of the European Commission:** After the hearings, the designated President and the Commissioners will be elected by the European Parliament to form the new European Commission. A simple majority of the votes cast is enough for the election to be successful. Following the election, the new European Commission is formally appointed by the EU Heads of State or Government and is sworn in by the European Court of Justice before it can begin its work.

B. Election observation

20. What is election observation, and how does it work?

International election observers act as independent and impartial witnesses in national electoral processes on the basis of invitations from national governments and electoral authorities. Depending on the format of a so-called election observation mission, experts examine and analyse the national election administration, the electoral legislation, the election campaign and the media, visit polling stations and monitor the implementation of the results as well as possible complaints and appeals procedures. Their observations are measured against international conventions and good practices which are based on the Universal Declaration of Human Rights. After an election, international observers usually make recommendations for possible reforms and make their reports publicly available.

There is not always a full election observation mission with a large number of observers who visit polling stations on election day (short term observers/STOs) or monitor the election campaign and interview candidates in various regions ahead of the ballot (long term observers/LTOs). Often, also shorter, smaller expert missions are deployed to analyse the electoral legislation and administration in detail, but also to meet leading political and civil society actors, but without significant observations on election day.

21. May election observers intervene in the process?

No. Election observers have a code of conduct which urges them to remain politically neutral and to not interfere in the process. Under no circumstances should they play the role of the election administration; this is the sole responsibility of national authorities (unless there is mandated international technical assistance, for example by the United Nations). The principle of non-interference preserves the observers' independence and strengthens their assessment. The main international election observation organizations have agreed on a single code of conduct.⁵ An analogous code also exists for national election observer organizations.⁶

22. Since when does election observation exist?

Election observation is not a new political instrument. The first known international election observation mission took place in 1857 to observe referenda in the principalities of Wallachia and Moldova; it consisted of observers from Austria, France, Great Britain, Prussia, Russia and the Ottoman Empire. Since World War II, United Nations-led election observation missions were conducted primarily in former colonies and disputed territories.

As a regularly used foreign policy instrument, international election observation missions have only existed since the fall of the iron curtain and the political changes that began in 1989. The Organization for Security and Cooperation in Europe (OSCE) began observing more and more

⁵ [Declaration of Principles for International Election Observation and Code of Conduct for Election Observers](#), United Nations, New York, 2005.

⁶ [Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations and Code of Conduct for Non-partisan Citizen Election Observers and Monitors](#), United Nations, New York, 2012.

electoral processes in the new states of former Yugoslavia and the former Soviet Union. United Nations election observation missions were also deployed in landmark elections such as the end of the Pol Pot regime in Cambodia in 1993, the end of the apartheid regime in South Africa in 1994, or the 1999 referendum on East Timor's independence from Indonesia. The EU has increasingly pursued international election observation as a foreign policy instrument to promote democracy and human rights since 2000.

23. Who does international election observation?

In Europe, international election observation is known mainly through three organizations: the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE). For the EU, election observation is a foreign policy instrument for the promotion of democracy and human rights within the meaning of the Lisbon Treaty. Depending on the global election calendar and on political priorities for each year, a number of elections or referenda are observed, in 2018 for example in Lebanon, Colombia and Zimbabwe.⁷

Unlike the EU, for the OSCE, election observation is an organization-internal matter. On the basis of the Copenhagen Document of 1990, the 57 OSCE Participating States send election observers to each other's elections. These missions are organized by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw as well as by the OSCE's Parliamentary Assembly. The OSCE/ODIHR maintains a detailed electoral calendar online, indicating which elections are observed.⁸

Since 1990, the Congress of Local and Regional Authorities of the Council of Europe has been deploying election observation missions to local elections in the 47 Member States of the Council of Europe.⁹ The United Nations now observe elections only in exceptional circumstances but mostly provide technical support for electoral processes. Internationally, there are also other election observation organizations, such as the US-based Carter Center and inter-governmental regional organizations such as the Organization of American States (OAS), African Union (AU) as well as non-governmental regional organisations such as the Asian Network for Free Elections (ANFREL).

24. Is there international election observation in the EU?

Yes. Although the media mainly report on election observation missions deployed to countries outside Europe or in the immediate EU neighbourhood, election observation in Member States of the EU is a common practice for the OSCE. The 1990 Copenhagen Document establishes a commitment to welcome election observers from other OSCE Participating States. The OSCE/ODIHR has already deployed missions to all EU Member States (compare table 5). Although this does not require an explicit invitation, such invitations are commonly extended.

In 2009, the OSCE/ODIHR also deployed a group of experts to observe the 2009 European

⁷ See: http://eeas.europa.eu/topics/election-observation-missions-eueoms/421/election-observation-missions-eueoms_en

⁸ See: <http://www.osce.org/odihr/elections>

⁹ <https://www.coe.int/en/web/congress/observation-des-elections>

elections. These observers visited 15 EU Member States and published a report on their findings.¹⁰ It is a standing recommendation of the OSCE/ODIHR to implement paragraph 8 of the 1990 Copenhagen Document and to make national and international election observation possible in all EU Member States, both legally and in practice.

25. What is the difference between citizen and international election observers?

When talking about election observation by independent persons or bodies, it is important to distinguish between international and citizen election observation. While international election observation missions are an instrument of foreign policy practice and inter-state obligations, citizen election observers are part of the national political process. They can function as a civic control mechanism independent of party membership, without being aligned with specific candidates or parties.

Methodologically, citizen and international election observation are very similar. Both are based on principles ratified by the United Nations and by the main election observation organizations around the world. In many countries, national organizations are able to mobilize a larger number of observers than international organizations. Due to their wider presence, citizen election observation missions also have the opportunity to conduct a parallel vote tabulation to verify the accuracy of official election results. This additional component of national election observation has led in some cases to independent scrutiny of electoral authorities and their announcement of results in Latin American, African and Asian countries.

Among the more renowned national observer organizations is the National Citizens' Movement for Free Elections (NAMFREL) in the Philippines, which campaigned against electoral fraud in 1987 by mobilizing thousands of civilian observers and led to the overthrow of General Marcos. Since then, many such organizations have evolved around the world and are increasingly using digital communication technologies. A European example of such an organization is the European Network of Election Observation Organizations (ENEMO).

26. Is citizen election observation also possible in the EU?

Yes, but the conditions for national election observers in EU Member States are mostly unregulated as are the conditions for international election observers. A study by wahlbeobachtung.org¹¹, based on 200 OSCE/ODIHR reports between 2002 and 2017, shows that only five EU Member States have statutory regulated provisions and accreditation systems for national and international election observers without any further recommendations for improvement.¹²

¹⁰ [OSCE/ODIHR Expert Group Report on European Parliament Elections, 4-7 June 2009](#)

¹¹ Lidauer, Michael; O'Rourke, Iris; Rabitsch, Armin (2017): Mapping Legislation for Citizen and International Election Observation in Europe: A Comparative Analysis on the Basis of OSCE/ODIHR Reports, in: Nordic Journal of Human Rights (NJHR) – Special Issue on International Election Observation (*peer reviewed*).

¹² Bulgaria, Croatia, Finland, The Netherlands, Romania and the United Kingdom (with restrictions).

Seven other Member States have a legal framework and an accreditation system for international but not for national election observers.¹³ In Estonia, observers of both groups can be accredited although the legal framework does not provide for observers. In Slovakia, election observation is limited to election day and the counting of votes. In Germany and Sweden, voting and counting can be observed by the public without a specific legal framework for election observation.

Table 5: Legal framework regarding election observation in EU Member States plus Iceland, Norway, Switzerland, and Turkey

Country	Last mission ¹⁴	Law Nat Obs ¹⁵	Accr Nat Obs ¹⁶	Law Int Obs ¹⁷	Accr Int Obs ¹⁸
Austria	2016			OSCE only	OSCE only
Belgium	2014			X	X
Bulgaria	2017	X	X	X	X
Croatia	2015	X	X	X	X
Cyprus	2016				
Czech Republic	2013			X	X
Denmark	2015				
Estonia	2015		X		X
Finland	2015	X	X	X	X
France	2017				
Germany	2013				
Greece	2012				
Hungary	2014			X	X
Iceland	2016				
Ireland	2016				
Italy	2013				
Latvia	2014				
Lithuania	2016			X	X
Luxembourg	2013			X	X
Malta	2013				
Netherlands	2017	X	X	X	X
Norway	2015	X	X	X	X
Poland	2015			X	X
Portugal	2015				
Romania	2016	X	X	X	X
Slovakia	2016	X		X	
Slovenia	2011				
Spain	2015				
Sweden	2010				
Switzerland	2015				
Turkey	2017				X
United Kingdom	2015	X	X	X	X

¹⁴ Last mission, including NAMs.

¹⁵ Law regulating national election observation.

27. Is there election observation in EU Member States (like Austria)?

Yes, but with restrictions. In 2007, the national electoral legislation in Austria was amended to allow election observation by independent observers, but only those from the OSCE.

To date, the OSCE/ODIHR has deployed observers to Austrian elections four times: an election assessment mission to the 2010 presidential election, an election expert team to observe the 2013 parliamentary elections, an election evaluation mission to observe the repetition of the 2016 presidential election, and an election assessment mission to observe the 2017 early parliamentary elections. Building on the findings of 2010 and 2013, the 2016 and 2017 reports reiterated that a solid framework and legal basis for elections exists in Austria. They also remarked that not all previous recommendations have been implemented: in particular those which concern public election information, the composition of electoral bodies, a simplification of candidate registration, campaign finance, restrictions on complaints and appeals as well as the legal hurdles for national election observers.

The recommendations of the OSCE were only partially implemented in 2012 with the Political Finance Act and in 2015 with the amendment of the electoral legislation, for example stipulating that postal ballots must be received by the deadline of 5 pm on election day. Previous OSCE missions also criticized elements of the electoral process that are reflected in the 2016 Constitutional Court ruling which annulled the Presidential run-off. In this respect, the positive effect of international election observation to help uncover the weaknesses of an election administration is obvious. The instrument should be used as an opportunity to strengthen democratic structures in Austria around future elections.

There is still no precedent for the mobilization of national election observers in large numbers in Austria – and for good reason: Citizen election observers are not foreseen in the electoral law. This situation contradicts international good practice which the Republic of Austria has committed to under various international and regional agreements.

28. What can citizen election observation contribute to optimizing the electoral process in EU Member States (like Austria)?

National election observation offers the opportunity for non-partisan civil society participation in political processes beyond voting. As with international election observers, their assessments are based on international and regional commitments, such as the United Nations International Covenant on Civil and Political Rights (UN ICCPR), the Copenhagen Document of the OSCE, and the “Code of Good Practice in Electoral Matters” of the Venice Commission of the Council of Europe. National observers can provide their own report with recommendations based on interviews – with representatives of the election administration, political parties, constitutional experts and non-governmental organizations – and thus contribute to a public opinion-making process. On the basis of their knowledge and insights, national election observers can formulate recommendations regarding the electoral process and can discuss these with international election experts e.g. of the OSCE/ODIHR.

¹⁵ Law regulating national election observation.

¹⁶ Accreditation procedures for national election observation.

¹⁷ Law regulating international election observation.

¹⁸ Accreditation procedures for international election observation.

In Austria, there is currently no mobilization of a larger number of civilian election observers, with their own organizational structure and the use of new technologies and social media, but this could be considered in the future. National election observation in an EU Member State like Austria would set a good example for countries with less pronounced democratic practices. However, the recognition of national election observation and the access of national observers to polling stations is (still) not provided for by law.

Already prior to the 2013 parliamentary elections Austrian election observers with international election observation and electoral assistance experience formed a working group called *wahlbeobachtung.org*. This civil society organisation pursued its intention to assess the Austrian electoral processes and use international electoral recommendations to show deviations from international obligations and best practice and thus contribute to improving the Austrian electoral system and electoral processes. Since the 2016 elections, *wahlbeobachtung.org* has intensified its activities. It has established and provided a catalogue of recommendations for reform for Austrian electoral processes, organized discussion events and published accordingly. The group was awarded the Barbara-Prammer-Prize 2017 for “outstanding work and realized initiatives in the field of civic education”. On September 13 2018, at the invitation of the President of the National Assembly, *wahlbeobachtung.org* together with OSCE/ODIHR presented recommendations for electoral reforms in parliament.¹⁹ *Wahlbeobachtung.org* constantly provides further information in German and English on its websites.

¹⁹ [Electoral reform. Exchange of observations and suggestions.](#) 13 September 2018, Parliament in the Hofburg. Vienna.