

Valentin Bou-Franch*

The right to participate in European Parliament elections

SLIDE 1

Hello, welcome. My name is Valentin Bou, and in this publication I am going to talk to you about the right to participate in the elections to the European Parliament.

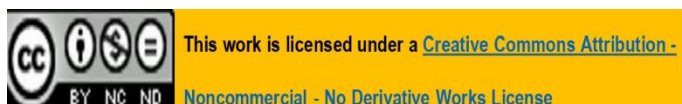
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As an introduction, we recall that the European Parliament is the only institution of the European Union whose members are elected by direct universal suffrage of all citizens of the Union.

The election to the European Parliament changed with the adoption of the Maastricht Treaty in 1992, which created the European Union.

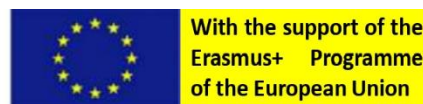
Before the Maastricht Treaty, only nationals of a Member State who exercised these rights in the territory of their State of nationality could vote or stand for election.

After the Maastricht Treaty, when citizenship of



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the European Union was created, and as a new feature, it was established that every citizen of the Union has the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he or she resides, under the same conditions as the nationals of that State.

European citizens must therefore choose in which of the two possible States they will vote: in the State of their nationality or in the State of their residence.

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There are seven principles governing the right to participate in elections to the European Parliament.

The first principle is the absence of uniformity in the electoral legislation of the Member States of the European Union. This is because European rules only lay down basic principles, which must be supplemented by state laws.

The second is the principle of freedom of choice. This means that citizens of the European Union are free to decide whether to vote in the State of their nationality or residence. Member States must therefore lay down in their laws the conditions under which a national residing in another foreign State may vote in the territory of the national State.

The third is the principle of equal access to electoral rights, i.e. non-discrimination. Citizens of the European Union residing in a Member State of which they are not nationals enjoy the same electoral rights as nationals of the State of their residence. This is provided that they satisfy the conditions imposed by the electoral law of the Member State on its own nationals. In addition, the obligation of prior registration on the electoral roll of the Member State of residence must be complied with.

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The fourth principle concerns the extraterritorial effect of the rules on the inadmissibility of candidatures. In elections to the European Parliament, European citizens who have been deprived of the right to stand as a candidate in their national State cannot regain this right by residing in another Member State.

The fifth principle is the existence of two exceptions justified only by problems specific to a Member State. The first is a restrictive derogation in Member States where more than 20% of the citizens of the European Union of voting age are nationals of other Member States. The second is the possibility of requiring a minimum period of residence of up to five years for the exercise of the right to vote and a maximum of ten years for the

exercise of the right to stand as a candidate. Only Luxembourg requires this derogation.

The sixth principle is the requirement of an adequate information campaign. This principle is that Member States are obliged to inform the citizens of the European Union residing in their territory of their new electoral rights in a timely manner.

Finally, the seventh principle is the one-vote, one-candidate principle for elections to the European Parliament. It is not possible to vote or stand as a candidate in more than one Member State in the same elections to the European Parliament. Consequently, in order to avoid double voting and double candidacies, Member States are obliged to exchange information on nationals exercising their rights abroad.

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That is all I had to say to you. Thank you very much for your attention.