

## THE FEDERALIST DEBATE

### Papers on Federalism in Europe and the World

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#### Comments

#### **Reform of the European Electoral Law: Towards a Political Single Market**

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In two previous articles titled ‘Europe's Road to Democracy’ (The Federalist Debate 3/2014) and ‘The European Electoral System. The Weak Link of Supranational Democracy’ (The Federalist Debate 1/2015), I argued that the new *modus operandi* for the election of the Commission President, with top candidates nominated by the European Political Parties, constituted an important leap towards supranational democracy in Europe, that needs to be reinforced by a reform of the European Electoral System. Therefore, I called on the European Parliament to use its right under Art. 223 (1) TFEU to initiate a revision of the European Electoral Act stemming from 1976. The Constitutional Affairs Committee (AFCO) took the proposal up and appointed the Committee's Chair Danuta Hübner and me as Co-Rapporteurs for the formulation of a reformed European Electoral Law. After months of intensive work and discussion, we presented a draft report in late June, which is now being discussed in the Committee and should be passed in the plenary already in late October, to be able to swiftly start negotiations with the Council. In this contribution, I want to present the main innovations proposed in our report.

#### **A two-track approach**

I am deeply convinced that we need an integrated system of political parties on the European level to foster genuinely European discussions on European policies that do not focus on national politics and national personalities. Thus, the introduction of transnational lists established by the European political parties remain the goal. However, on the background of the political realities the difficult procedure for the reform of the electoral law, which is closer to the rules applicable to treaty changes than to the ordinary legislative procedure, we decided for a two-track approach. The Council needs to unanimously accept the proposals by the European Parliament, and all Member States have to ratify the decision according to their national rules. We made proposals that are as ambitious as possible, but as pragmatic as needed to achieve gradual improvements already for the 2019 European elections.

It is unfortunately true that the connection between national parties and their affiliated European political parties has not been sufficiently presented to the electorate in the past and their visibility remains low. The goal of the current reform proposal is to break the deadlock, by giving European Political Parties a greater appearance in electoral campaigning. This would constitute an interim step towards the introduction of transnational lists, enabling the European political parties to fight

for mandates in the European Parliament. In a separate report currently prepared by the Constitutional Affairs Committee outlining the European Parliament's position on the future institutional development of the EU and a reform of the treaties, we will make concrete proposals for a European Electoral System that finally connects the procedure of the European elections with the supranational working method of the European Parliament.

### **Making European political parties known**

Our proposal aims at making the next step after the successful initiative by the European political parties to nominate lead candidates, connecting the European elections with the election of the Commission President and giving the citizens a direct influence on the selection of the European executive's leader.

Firstly, we want to secure this practice for 2019 and exclude the possibility for the European Council to fall back in pre-Lisbon times, where the choice of the Commission President followed backroom deals by the heads of state and government. The nomination of lead candidates by the European political parties will be a binding provision in the European Electoral Act, with a twelve-week deadline for this procedure before the election. This would not only consolidate the procedure, but also, for the first time ever, give the European political parties a formal role in the European elections under the European law.

Furthermore, we propose measures to make the affiliation of national parties with European parties and their lead candidates known to the voters. During the campaigns of the lead candidates in the 2014 European elections, many citizens did not know how to support a particular candidate for the office of Commission President. While Martin Schulz was candidate for the Party of European Socialists (PES) and Jean-Claude Juncker of the European Peoples Party (EPP), the names and logos of the European political parties were neither visible on the campaign materials of the national parties nor on the ballot papers. The argument brought forward against such measures has always been that it would confuse voters, if they suddenly see the names and logos of European political parties, which they cannot vote for. In my view, this is not only a strange perception and arrogant underestimation of the voters' intelligence, but also an odd logic. If you do not want to confront voters with European political parties they do not know, how are they supposed to get to know them? If we are really serious about fostering transnational democracy in Europe, we have to start somewhere.

Our report proposes that the 'ballot papers for European elections shall give equal visibility to the names and logos of national parties and their affiliated European Political Parties, if such an affiliation exists'. With this wording, Member States have still the possibility to design their ballots according to their national traditions. In Finland and Sweden, for example, the names of parties are traditionally not printed on the ballot papers and there is no need to change this practice. In Member States that list the national parties, however, the name of the European political party should appear as well - if the logo is printed on the ballot, this should also apply to the logo of the European

political party. This way, voters will be able to link clearly their vote for a national party and the European political party and lead candidate they support.

While the visibility of European political parties on the ballot paper should be obligatory, we also recommend that national parties themselves finally start to make a reference to their affiliated European political party on their campaign materials, especially their posters, flyers and television and radio spots. Member States are furthermore encouraged to facilitate the participation of European political parties in electoral campaigns. Not all Member States have legal provisions which assign airtime to parties campaigning for elections, but if such rules exist for national parties, they should apply in the same way to European parties.

### **More transparency and democracy**

Strengthening the European political parties is the core idea of our report. However, we propose a number of additional innovations to render European elections more democratic and transparent. A common deadline for the finalisation of electoral lists will put an end to the practice in some Member States, where candidates are presented at the last possible moment before the elections. This measure gives all voters the necessary time to make an informed choice, and, at the same time, creates a common European start point for campaigning. The polling stations in Member States should as well close at the same time on Sunday evening, creating a pan-European moment with the simultaneous publication of first projections. Furthermore, we propose that gender equality, as a fundamental principle of the European Union, should be sought throughout the whole process of European elections, that national parties must follow transparent and democratic procedures when establishing their lists, and that Union citizens should have the right to vote when they live outside of the European Union in third countries.

To establish comparable conditions in all Member States the rules concerning electoral thresholds should be amended as well. Considering that currently 186 national parties are represented in the European Parliament, and that the vast majority of Member States has either a legal threshold between 3 and 5% or a factual threshold of above 3%, we propose to formalise this practice and extend it to all Member States. In all constituencies that are comprised of more than 26 seats a legal threshold between 3 and 5% should be introduced. Against the background of the new role of the European Parliament under the Lisbon-treaty, the functioning of the European Parliament and its ability to form lasting majorities has to be safeguarded.

Taking into account the societal changes during the last decades, Member States are encouraged to fix the minimum voting age at 16. The European elections should be as inclusive as possible, and, taking into account that one can work, pay taxes and go to the military with 16 in most Member States, we believe it is time to give the young generation a say. To further enhance the access to the elections we advise Member States to use the technologies which have emerged, proposing to introduce electronic and internet voting along with measures sufficient to ensure the reliability of the result, the secrecy of the vote and data protection.

**Pushing the reform agenda**

So far, the Council refused every single proposal for a reform of the European Electoral Law by the European Parliament, denouncing them as too unrealistic, too federalist or not compatible with national traditions. With our report, we propose measures, which would prepare the ground for a more comprehensive reform of the European Electoral System in the future.

However, not everything can be regulated by law. Much depends on the national parties and their readiness to closer connect their electoral campaigns, coordinating them under the umbrella of the European Political Parties and campaigning together for the European lead candidate. The transnationalisation of European politics and the emergence of an integrated European party system will need new dynamics and engagement. If duly implemented, this reform could facilitate the process and form the basis for truly European elections in the next reform step.