

EUROPEAN ELECTORAL ACT REFORM: A FURTHER STEP NEEDED

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From June 6 to June 9, 2024, Europeans will head to the polls to elect the only supranational assembly endowed with genuine competencies and legislative powers. But how many will actually vote? Likely around 50%, making it comparable to the turnout in American presidential elections, where one in two voters participates. Intriguingly, these elections, which unfold within a single country following nearly two years of national campaigning that captivates the nation, and ultimately pits two clearly identified and defined figures against each other, do not significantly outpace the European vote in terms of turnout, despite seemingly having every reason to ignite more public passion...

Voting schedules vary across member countries between June 6 and June 9 – a setup that does not lend itself easily to media coverage aimed at timing and suspense. Four of the twenty-seven member countries will grant voting rights starting at 16 years of age, one (Greece) from 17 years, and the rest from 18 years. Europeans will elect 720 parliamentarians, but for each citizen, only a portion of these candidates will be eligible for selection on their ballots (those within national contexts). The proportional representation system with pre-established party lists at the national level complicates both the connection between voters and their

representatives and the emergence of a truly pan-European campaign.

How can this be remedied? Partly, and hopefully, through the educational efforts currently being deployed by European and national institutions, as well as civil society organizations to explain the importance and stakes of these elections, thereby reminding citizens of their duty, will have an effect. More fundamentally, a more “European” election must be established. For this, a reform of the electoral act, which outlines the parameters of the election and dates back to the first elections in 1979, seems inevitable, although it will not be an easy task.

Reforming the “EU Electoral Act” is no simple task...

To establish the rules for electing the EP, the treaties prescribe a complex procedure. Unlike other legislative procedures, the initiative lies with the EP. According to Article 223 of the Treaty on the Functioning of the EU, this next must then be unanimously approved by the States in the Council, before the deputies must give their consent, with a simple majority. The text thus accepted must then be ratified in all member states, according to their respective rules.

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TOWARDS a REFORM OF THE ELECTORAL CODE?

A majority of parliamentarians are aware of this challenge. After many months of negotiation, they proposed a reform of the electoral code in 2022. Naturally, this legislative initiative remains stalled in the Council for now, there is no chance of the new rules being applied to the upcoming election. And upon closer inspection, there is even another reform effort, begun in 2018, that still needs to be completed...

European Electoral Act Reform: Where Are We Now?

Initially, the European Electoral Act was established in 1976, ahead of the first European elections in 1979. It defines the common principles that must guide the States in establishing the respective rules governing elections to the EP in each member country. It is not, therefore, a uniform electoral code throughout the EU.

A significant attempt at reform was initiated by the EP in 2018. After

laborious negotiations, it was validated by the Council (unanimously), and then approved by the EP. However, ahead of the elections of 2019 and 2024, there remain two member states that have not ratified this reform (despite it being approved by their government in the Council). Therefore, the reformed act of 2018 cannot yet come into force for the 2024 elections...

In the meantime, the EP has initiated a new reform of the electoral act. The reform proposal was presented by the EP to the Council of Ministers in 2022. The Council has not yet been able to find a compromise that would allow it to approve this new reform unanimously, before sending the text back to the EP...

As a result, the 2024 elections will therefore take place based on a very broad electoral act, which



► MAKING ELECTIONS MORE UNDERSTANDABLE

The reform proposed by the parliament in 2022 incorporates many elements from the “Conference on the Future of Europe” (2021-2022). These proposals provide a fairly accurate picture of the necessary reform to make European elections more accessible, visible, and understandable. In summary, it is about making these elections more European and at the same time more democratic by improving the closeness of the relationship between parliamentarians and citizens.

For greater pan-European visibility, these elections should take place on the same day. To reduce the dispersion of votes, a minimal electoral threshold seems advisable, while keeping in mind the importance of allowing the European Parliament to reflect the full diversity of Europe.

To combine citizen proximity with a truly European dimension, the EP suggests that each voter should have two votes. One (as is currently the case) to elect national deputies who will sit in the Parliament, and a second to elect twenty-eight deputies from pan-European lists. The proposition to then select, from these deputies, the future European Commissioners, especially the President of the Commission, seems utopian today but undoubtedly moves in the right direction. It would strengthen the link between the election results and the policy to be implemented thereafter by the new Commission. Well-regulated, the composition of this “European list” will take into account past concerns that an automatic link between “lead candidates” in the European elections and their subsequent designation as President of the Commission would systematically benefit delegations from “large countries,” particularly Germany.

If “European lists,” transnational in nature, were established according to succinct rules that guarantee equal access for candidates from different countries, they could truly play the unifying role hoped for by Emmanuel Macron, who first spoke of “transnational lists” during his speech at the Sorbonne in 2017.

More challenging will be establishing closeness with citizens. Today’s system of

voting by proportional representation, with closed lists proposed by national parties, significantly complicates the establishment of a link between voters and elected officials. Except for a few deputies who “stand out,” the majority of EP members remain unknown to the public. Yet in democratic systems, accountability to voters is the most important and powerful tool citizens have to assert their rights. A system that replaces this direct link between voters and elected officials with parties that define, through mostly citizen-detached negotiations, closed lists, does not allow for such a connection – and may even degrade the legitimacy of the institution if party calculations become too visible. It would be more logical to combine the reform that will introduce pan-European lists with a significant change that would establish a majority voting system for the “national” vote, based on several constituencies, at least in the larger member countries (Germany, Italy, France, but also Poland, Spain). And as such a reform closely resembles a “Franco-German compromise” between “European lists” and a “lead candidate” system, why not also discuss the establishment of some cross-border constituencies, along the Franco-German border, between France and Spain, between Italy and Austria, or between Germany and Poland? The truly European character of the election would undoubtedly be enhanced by such a bold move. ■

