

European Communities

EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 43/77

Report

drawn up on behalf of the Political Affairs Committee

on voting rights in direct elections

Rapporteur: Mr S. PATIJN

At its meeting of 2/3 December 1976, the Political Affairs Committee decided to draw up a report on voting rights in direct elections in accordance with the instructions received from the European Parliament following the adoption on 14 January 1975 of the resolution on the adoption of a draft Convention introducing elections to the European Parliament by direct universal suffrage (Doc. 368/74).

At that same meeting the Political Affairs Committee appointed Mr Patijn rapporteur.

At its meeting of 28 March 1977 the committee approved the motion for a resolution by 26 votes in favour and 6 abstentions.

Present: Mr Radoux, vice-chairman and acting chairman; Mr Johnston, vice-chairman; Mr Patijn, rapporteur; Mr Albers (deputizing for Mr Espersen), Mr Amadei, Mr Amendola, Mr Berkhower, Mr Bettiza, Mr Blumenfeld, Lord Brimelow, Mr Caro (deputizing for Mr Colin), Lord Castle (deputizing for Mr Faure), Mr Durieux, Mr Fletcher-Cooke, Mr Granelli, Mr Jahn, Sir Peter Kirk, Mr Klepsch, Mr Krall (deputizing for Mr Bangemann), Mr McDonald, Mr Mitchell, Mr Nyborg (deputizing for Mr de la Malène), Mr Prescott, Lord Reay, Mr Sandri (deputizing for Mr Ansart), Mr Scelba, Mr Schuijt, Mr Seefeld, Mr Spinelli, Mr Terrenoire, Mr Yeats (deputizing for Mr Lenihan) and Mr Zagari.

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A

The Political Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with **explanatory statement**:

MOTION FOR A RESOLUTION

on voting rights in direct elections

The European Parliament,

- desirous to safeguard the right to vote in European direct elections of all citizens of the Community who are eligible to take part in national elections in each Member State;
- having regard to its resolution of 14 January 1975 containing a draft convention on elections to the European Parliament by direct universal suffrage¹;
- having regard to the Council decision of 20 September 1976 including an Act concerning the election of the representatives of the Assembly by direct universal suffrage²;
- having regard to Article 8 of the Council Act which states that no one may vote more than once in any election of representatives to the European Parliament;
- having regard to the report of the Political Affairs Committee (Doc. 43/77),

1. Recommends that the Governments and Parliaments of the Member States of the European Communities should ensure that every citizen of one of the Member States who fulfils all the conditions necessary to have the right to vote, save that of residence, should be able to exercise a vote in the direct election of the European Parliament,

2. Calls upon the Council so to coordinate action taken by Member States to enfranchise citizens in direct elections as to prevent double voting;

3. Instructs its President to forward this Resolution and the report of its committee to the Council and Commission of the European Communities and to the Parliaments and Governments of the Member States.

¹ OJ No. C 32 of 11.2.1975, p. 15.

² OJ No. L 278 of 8.10.1976, p. 1.

EXPLANATORY STATEMENTIntroduction

1. The Political Affairs Committee has, since in November 1974 it adopted the draft Convention on the election of the European Parliament by direct universal suffrage, discussed on several occasions the matter of the right of Community citizens to vote, either in their own country or abroad, in direct elections. Petition No. 9/76 to the European Parliament by Mr Walter BRAUN and others sought a right for those citizens of Member States living abroad to vote in national elections. But the Political Committee took the view that this aspect of voting rights was covered by the draft report on 'special rights' which was in preparation by its Rapporteur, Mr Scelba. The other aspect of voting rights to which the Petition drew attention was that of the right of Community citizens living in another Community country to vote in direct elections to the European Parliament. This report will therefore deal with this right from two aspects, namely the right of citizens resident in another Member State to vote in direct elections in their home country; and the right of citizens resident abroad to vote in direct elections in their country of residence.

I. Provisions on voting rights in texts on direct elections

2. In 1960 the European Assembly adopted a draft Convention on direct elections, which included provisions relating to the right to vote in direct elections.¹ A uniform voting age of 21 years was proposed for elections to the European Parliament. The age of eligibility for election was fixed at 25 years. However, my consultations in 1974 in Member States as Rapporteur of the Political Committee on direct elections indicated that no consensus existed then in such fields, and I accordingly advised the Committee to exclude them from the draft Convention.

3. Article 7 of the draft Convention contained in the Resolution voted by the European Parliament on 14 January 1975² provided that, until a uniform electoral system had been drawn up for direct elections, the electoral system should fall within the competence of each Member State. The right to vote in direct elections was therefore to be included within the compass of the legislation passed in each Member State to implement the draft Convention. Article 7 of the Act adopted on 20 September 1976 by the Council of Ministers³ followed Article 7 of the draft Convention in this regard.

¹ OJ 37, 2.6.60 and OJ 49, 27.7.60

² OJ C 32, 1975

³ OJ L 278, 1976

4. Article 8 of the Act provided that no one should vote more than once in any election of Members to the European Parliament. This was included in order to provide for the possibility that certain Member States might wish to enable their citizens living abroad to vote at home; and that other Member States might choose to give the right to vote to citizens from other countries residing in their territory. If both these methods of enfranchisement were to be employed, a prohibition of double voting would become necessary.

5. On 15 September 1976 the European Parliament debated a motion for resolution on direct elections, urging the Council of Ministers finally to take a decision on 20 September 1976 on an Act concerning direct elections. An amendment was tabled to the motion for resolution by Mr Bersani of the Christian Democrat Group, urging that the Act should provide that all European citizens, and in particular migrant workers, could exercise their right to vote in the country in which they work. The amendment was withdrawn in the interest of ensuring that the Council of Ministers could arrive at a final conclusion on the Act.¹ The debate showed that a strong feeling existed in certain quarters of the Parliament that citizens working abroad should not on this account be disfranchised in direct elections.

6. Subsequently a Petition was deposited by Mr Walter Braun and nine others, demanding that Parliament should 'take appropriate steps to ensure that all citizens of the Member States of the European Community may take part in elections to the European Parliament, irrespective of whether they work and reside permanently in the country of which they are nationals or in another country, and in the latter case, irrespective of whether they can prove that they have a second residence in the Member State of which they are nationals.' The Petition cited in particular the position of citizens of the Federal Republic of Germany who were resident in Belgium and who, unless they had a second residence in Germany, were not entitled to vote in German elections.

II. Constitutional provisions on nationality in Member States and proposals on 'special rights'

7. In six of the nine Member States the right to vote and eligibility for election are dependent on fulfilment of a condition on nationality which is contained in the constitution. In all the Member States the right to vote and eligibility for election are dependent on the fulfilment of conditions as to residence. In each Member State nationality is governed either by the constitution, or by legislation, or by both. Where legislation on nationality exists, it would require amendment to provide voting rights in

¹ OJ C 238 1976; Annex No. 206 to the OJ, Debates of the European Parliament, September 1976, pages 98-99

direct elections for residents from abroad, or to enfranchise citizens of each Member State residing elsewhere in the Community. In certain Member States, the right to vote is to be exercised as a civic and moral duty, while in others there is a strict legal obligation to exercise it.¹

8. The communiqué of the Paris Conference of Heads of Government in December 1974 included the following item as point 11:-²

'Another working party will be instructed to study the conditions and timing under which the citizens of the nine Member States could be given special rights as members of the Community'.

On 24 April 1974, the Committee of Permanent Representatives (COREPER) had agreed that the Commission should study the subject of special rights. The Commission submitted its observations to the Council on 3 July 1975.³ In its covering letter, it described 'special rights' as certain civil and political rights, the granting of which would be based on a principle parallel to that on which the Community Treaties are based, i.e. equality with nationals of the host country in economic matters. Special rights were defined as 'essentially the right to vote, to stand for election and to hold public office', but the Commission recommended that the exercise of these rights should be examined at first at municipal level.

9. After the Commission submitted its report to the Council on the granting of special rights a Working Party of the Council was set up to consider the subject. To date progress in the discussions of this Working Party has been slow. The European Parliament, to which the Commission sent its report in July 1975 for information, referred the report to the Political Committee, and also for an Opinion to the Legal Committee. Mr Scelba was appointed Rapporteur for the Political Committee and has produced a draft report and a motion for resolution based on discussions in the Committee.⁴ These discussions, and the texts produced by Mr Scelba, have not dealt with voting rights in direct elections to the European Parliament.

III. Voting rights at home of citizens resident abroad

10. Certain limited provision is made at present in some Member States for citizens who reside abroad to vote in national elections in their own country. The fullest enfranchisement is provided for Italian citizens living abroad, who have the right to vote in Parliamentary elections by returning to the constituency in Italy where they are registered.⁵ French citizens resid-

¹ Voting is obligatory in Belgium, Italy and Luxembourg.

² Bulletin of the European Communities No. 12/74, paragraph 1104

³ COM(75) final/2 and Supplement 7/75 to Bulletin of the European Communities

⁴ PE 45.833 and PE 45.833/res.

⁵ For details see Annex A

ing abroad will, in the next Presidential election, be able to vote at the nearest Embassy or Consulate to their place of residence; this provision does not at present extend to voting in elections other than that to elect a President.

11. In certain other countries, diplomats and Servicemen residing abroad have the right to a postal or proxy vote in a constituency in their home country, for example Denmark and the United Kingdom.¹ But in other cases, for example in the Netherlands, such provisions have only recently been adopted.

IV. Voting rights in host countries of citizens resident abroad

12. At present the only Community Member State which offers to citizens of another Community country the right to vote in Parliamentary and local elections is the United Kingdom. Because of the special circumstances governing the relationship between the United Kingdom and Ireland, citizens of the Republic of Ireland, who are resident in Britain on the qualifying date each year, have the right to be included on the electoral register and to vote in Parliamentary and local elections. It must be emphasised that this arrangement found its origin in the process by which the Irish Republic became independent of Britain, yet retained close ties in many sectors, such as commerce, finance and the currency with Britain.

13. Apart from these existing rights, a proposal was made in May 1974 by Mr C. Nothomb, Mr W. Martens and others to the Chamber of Representatives of Belgium which is of interest in this field.² It was proposed that the Belgian Members of the European Parliament should, in advance of the agreement of the Council of Ministers under Article 138 EEC on elections to the European Parliament by direct universal suffrage, themselves be elected by this method; thereafter the Belgian Parliament should appoint its delegation to the European Parliament following the results of this election. The first such election was to take place in October 1976, using the proportional system based on a single national constituency. Article 4 of the draft law proposed that the right to vote should be held by Belgian citizens qualified to vote in local elections, and citizens of Member States of the European Communities who had established domicile in Belgium. The draft law and certain amendments proposed to it is at present pending before the Joint Committee on European and Internal Affairs of the Chamber.³

¹ For details, see Annex A

² Draft Law No. 15, 2 May 1974 relating to a direct election for the appointment of the Belgian Members of the European Parliament: See Annex B

³ In 1971 Mr Westerterp proposed to the Dutch Second Chamber that the Dutch delegation to the European Parliament should in future be elected, the candidates being drawn from existing Members of the States General. The procedure for electing Members of the Second Chamber was to be used. (Doc. 10696, No. 12, of session 1970-71)

14. A further draft law was presented, in this case to the Belgian Senate, by Mr Vandewiele and others in July 1974.¹ Its object was to enable Belgian nationals who were employed abroad, either in the public service or in the service of the Communities, to remain on the electoral lists of the commune where they were last resident for six months.

V. Voting rights for Community citizens in local elections

15. On the Continent, the first political right granted to foreigners was the right to be consulted by municipal authorities. This right is exercised through immigrants' consultative councils. The first of these councils was set up in Belgium in 1968; there are at present about 20 in existence. They also exist in Germany and the Netherlands. At the Summit Conference in Paris in October 1972 the Heads of Government of Belgium and Italy proposed that the right to vote and to be elected should be granted at local level to all Community nationals. At meetings of the Council of Ministers on Social Affairs, in February, May and December 1973 the Belgian Government confirmed the policy it had proposed at the Paris Summit Conference and proposed that all Member States should adopt this policy reciprocally.

16. In July 1976 Senator Minnocci presented a draft law to the Italian Senate proposing that Community citizens resident in Italy for at least five years, and having reached the age of majority, should have the right to vote in communal, provincial and regional elections in Italy.² This draft law has not yet been adopted by the Italian Parliament.

17. In May 1974, Mr Glinne and others presented to the Belgian Chamber of Representatives a draft law with the object of granting the right to vote in communal elections to Community citizens who had been resident for at least five years in Belgium and were 21 years of age.³ Although Belgian nationals are eligible to vote at the age of 18, the authors of the draft law believed that it would be unfair to them to enfranchise other Community citizens at this age, as the latter were not liable to military service as were Belgian nationals. Mr Glinne and his colleagues also expressed the view that, under the conditions set out in the draft law, Community citizens resident in Belgium could vote in direct elections to the European Parliament, but not in elections to the Belgian Parliament. They believed that each Member State should give the opportunity, by means of postal and proxy voting, to its citizens to vote in their own country in Parliamentary elections.

¹ Draft Law No. 369 of 18 July 1974: See Annex B

² Draft constitutional law No. 12, 6 July 1976: See Annex B

³ Draft Law No. 65, 22 May 1974

The draft also proposed a residential qualification of 10 years before Community citizens were eligible for election at communal level. The draft proposal is still pending before the Committee for Internal Affairs of the Chamber of Representatives.

18. A further draft law was presented to the Belgian Chamber of Representatives in June 1974 by Mr Levaux and others.¹ Its object was to enfranchise persons of 18 years not of Belgian nationality but with Belgian residence of five years and who, if under 28, have completed military service or its equivalent in Belgium or in their home country. The draft law applied to communal elections, elections to conurbation Councils (Conseils d'agglomération) and to elections in federations of communes. Certain provisions were also made as to eligibility for election of non-Belgian nationals for election in such elections. This draft law is pending before the Committee for Internal Affairs of the Chamber of Representatives.

19. In its Resolution of 9 February 1976 on an action programme for migrant workers and their families, the Council expressed the wish that the work on special rights for Community citizens, contained in point 11 of the Paris Summit Conference communiqué of December 1974, should be expedited.² On 24 September 1975, the European Parliament adopted a resolution relating to the Commission Communication on an action programme which urged that a complete programme for migrant workers should include -

'the extension of the civil and political rights enjoyed by the ordinary citizen over 18 years to all migrant workers irrespective of their origin.'³

VI. Proposals made to grant voting rights in direct elections to the European Parliament

20. Since the adoption by the European Parliament of the draft Convention on direct elections proposals have been made, in several Member States, to grant the right to vote in direct elections to classes of citizens who, without such special provision, would be disfranchised. In the United Kingdom, the Select Committee of the House of Commons on direct elections to the European Assembly, recommended that United Kingdom nationals resident in another Community country should have the right to vote in the United Kingdom on direct elections.⁴ They would also be required to have establish-

¹ Draft Law No. 136, 27 June 1974

² OJ C 34/2 of 14.2.76, p.2.

³ OJ C 239/34 of 20.10.76, p.34.

⁴ Third Report of the Select Committee on Direct Elections, HC 715/462-xii of session 1975-76, paragraphs 18-22

ed a right of abode in the United Kingdom under the Immigration Act 1971; they or their spouses should have resided in the United Kingdom; and they or their spouses should be employed abroad. The Select Committee also recommended that British nationals who fulfilled these conditions should be entitled to vote in direct elections, wherever they lived outside the Community.¹ The British Government has to date given no indication of its attitude to these two recommendations of the Select Committee; nor have they yet been debated by the House of Commons. However, a Private Member's Bill presented by Lord Banks was given an unopposed second reading (i.e. decision on the principle of the Bill) in the House of Lords on 7 March 1977. This Bill provides that British nationals resident in other Member States should be enfranchised in the United Kingdom in direct elections.²

21. The Irish Government has recently proposed that Community citizens resident in Ireland and over the age of 18 years should have the right to vote in Ireland in direct elections, but this proposal has not yet been incorporated in a draft electoral Bill.³ In the Netherlands, Mr Berkhouwer, a former President of the European Parliament, has presented a Motion for Resolution⁴ in the Second Chamber of the States General, supported by Members of several parties, proposing that any Dutch elector, wherever resident in the Community, should have the right to vote in direct elections in their country of residence. In January 1977 the Parliamentary Assembly of the Council of Europe expressed the hope that the Governments of the Community Member States should make provision so that nationals of other Member States residing in their territory could participate fully by voting there in direct elections to the European Parliament.⁵

22. Up to the present, certain of the proposals made to enfranchise citizens living in other Member States are based on the exercise of the suffrage in their home country either by returning there to vote, by proxy or postal vote, or by voting in the nearest Embassy or Consulate abroad. But the alternative proposal, that such citizens should be able to vote in their host country, has its supporters, and follows logically from the Commission's proposals on special rights. Whatever method of voting is selected in each Member State, two considerations appear to be paramount in importance.

23. The first is that, whichever method is adopted, that which follows most closely existing national practice has the greatest chance of being accepted and comprehended by the electors. National electoral law, procedures and

¹ Third Report of the Select Committee on Direct Elections, HC 715/462-xii of session 1975-76, paragraph 23

² Representation of the People (Amendment) Bill (Lords) Clause and Official Report, House of Lords, 7 March 1977.

³ Statement by Minister for Local Government, 15 January 1977

⁴ Second Chamber, 1976-77 session, 14 100V, Motion No. 18 of 3.11.76

⁵ Resolution 646 (1977), adopted 25 January 1977.

traditions have developed in each Member State over a long period of years and much store is set in each country by their retention with as few changes as possible. Direct elections have no precedent in Europe and it is therefore doubly important that voting procedures and principles should be readily comprehended by the electorate of 181 million scattered from the Shetland Isles to Sicily and from Brittany to Berlin.

24. The second consideration of cardinal importance is that double voting should be controlled as effectively as possible. If all the Nine enabled their citizens resident abroad to vote in their home country by one means or another, adequate control of double voting could be exercised. But if certain of the Nine permitted Community citizens to vote in their host country, while others permitted voting in the home country, special measures to control double voting would be required. With this point in mind, Mr Spénale, then President of the European Parliament, on 2 February 1977 addressed a telegram to the late Mr Crosland, then President-in-Office of the Council of Ministers. The President of the European Parliament drew the attention of the President-in-Office to the desirability of coordinating the actions of the Member States in regard to the possible conflict between the granting of the right to vote, either at home or in the host country, to Community citizens living in other Member States than their own. He went on to suggest that the matter should be discussed by the Council 'in order to give full application to the right to vote and to Article 8 of the Act of 20 September 1976'.

VII. Conclusions

25. The European Parliament proposed in January 1975 that, for the first direct election, national electoral procedures should be used. This proposal was adopted by the Council of Ministers in Article 7(2) of the Act of 20 September 1976. The question of the right to vote in direct elections is in principle therefore a matter for Member States. The European Parliament can make recommendations on the principle of the right to vote, but would not be justified in making recommendations on the methods by which such a right might be exercised in each Member State.

26. It is therefore for each Member State to consider whether citizens of other Member States resident in its territory and equally whether its own citizens resident abroad should be enfranchised and, if so, by what procedures. The Rapporteur is firmly of the opinion that every Community citizen who would be eligible to vote in his home country should, wherever in the Community he is resident, be able to vote in direct elections to the European Parliament.

27. As regards double voting, the Rapporteur takes the view that the Council of Ministers should seek to coordinate the proposals for enfranchisement made by Member States in such a way that the problem of double voting can be solved satisfactorily. Only the Council is in a position to take effective action in this regard, but Parliament should not hesitate to make proposals under Article 13 of the Act in order to prevent double voting.

NATIONAL CONSTITUTIONAL AND LEGAL PROVISIONS GOVERNING
VOTING RIGHTS OF COMMUNITY CITIZENS RESIDING IN
OTHER MEMBER STATES

A. RIGHT TO VOTE IN HOME COUNTRY OF CITIZENS RESIDING ABROAD

1. In the following Member State citizens who reside in another Community country have no right to vote in their home country:

Luxembourg

2. In the following Member States citizens who reside in another Community country have no right to vote in their home country, save with the following exceptions:

BELGIUM: Members of the public service posted abroad have the right to vote by proxy; their names are entered in the electoral roll of the commune in Belgium in which they last resided for a period of six months. (Electoral Code (Code electoral) Articles 20 and 21; Law of 8 July 1970)

DENMARK: Members of the public service who are required to serve abroad and their spouses are deemed to have a permanent residence in the Kingdom of Denmark. (Electoral Act, Section 1(2)). They therefore have the right to vote and are registered on the electoral roll for the municipality of Copenhagen but can vote at embassies or Consulates abroad (Section 3(3)).

FEDERAL
REPUBLIC
OF
GERMANY Members of the public service and Armed Forces who are posted abroad and their spouses are eligible to vote. (Federal Electoral Law, (Bundeswahlgesetz) Section 12).

FRANCE: Members of the public service posted abroad have the right to vote by proxy or by post.

IRELAND: Members of the police force and the defence forces are entitled to postal votes, whether stationed at home or abroad.

UNITED
KINGDOM: Members of the public service and Armed Forces and employees of the British Council who are posted abroad and their spouses accompanying them abroad are eligible to vote by proxy. (Representation of the People Act 1949, Sections 10, 12, 25. Representation of the People Regulations 1974, paragraphs 58-60).

3. In the following Member State, citizens who reside in another Community country have the right to vote in their home country:

ITALY: Citizens living abroad can, if registered on the electoral roll there, vote in their home commune.

B. RIGHT TO VOTE IN HOST COUNTRY OF COMMUNITY CITIZENS RESIDENT THERE

4. British subjects and citizens of the Republic of Ireland who are resident in the United Kingdom have the right to vote there (Representation of the People Act 1949, Section 1). The annual qualifying date for registration by residence is 10 October, and the register thus compiled is valid for a year from the 16 February following.

PROPOSALS MADE IN BELGIAN AND ITALIAN PARLIAMENTS FOR GIVING THE
RIGHT TO VOTE TO COMMUNITY CITIZENS

Chamber of Representatives of Belgium

1974 Extraordinary Session

2 May 1974

DRAFT LAW 15 - No. 1

Concerning the organization of the election by direct universal suffrage of the Belgian Members to the European Parliament

Article 1

The Belgian Parliament shall call an election by direct universal suffrage in order to appoint from among its Members the Belgian representatives to the European Parliament pursuant to Article 138 of the Treaty establishing the European Economic Community.

Article 2

The election shall be held on the date fixed by agreement between the Member States of the European Communities or between several of these states.

Should such a date not be fixed, the first election shall be held on the same day as the 1976 local elections, i.e. 10 October 1976.

Article 3

The election shall be held in accordance with the proportional system based on a single national constituency.

Article 4

The following shall be eligible to vote in this election: Belgian citizens qualified to vote in local elections and, on the same conditions as Belgian nationals, citizens of the Member States of the European Communities who have taken up residence in Belgium.

Article 5

1. The election shall be based on lists consisting of a maximum of 14 candidates, all of whom shall be Members of the Belgian Parliament at the time of the election.

2. The rules relating to nominations, the method of voting and the counting of the votes shall be established by the King by analogy with the system used for provincial elections.

Article 6

The Belgian Parliament shall appoint the representatives to the European Parliament on the basis of the results of the election established pursuant to the provisions of Article 3 and 5 with regard to the number and position of the candidates appearing on the various lists.

Article 7

In appointing representatives to the European Parliament pursuant to Article 6, the Belgian Parliament shall ensure that, as far as possible, the two Chambers are equally represented.

Article 8

This law shall apply until the entry into force of the provisions concerning the organization of the election of Members of the European Parliament by direct universal suffrage pursuant to Article 138(3) of the Treaty establishing the European Economic Community.

Article 9

The Minister for the Interior shall be responsible for implementing this law.

28 March 1974

C. NOTHOMB,
W. MARTENS,
J. VAN EYNDE,
A. COOLS,
F. GROOTJANS,
A. DAMSEAUX.

Belgian Senate
1974 Extraordinary Session
18 July 1974

DRAFT LAW 369 - No. 1

Draft law amending Article 19 of the Electoral Code

Sole Article

Article 19 of the Electoral Code shall be amended as follows:

'The following shall be entered or shall remain on the electoral register of the commune where at the time of their appointment they were last resident for at least six months:

1. Belgian nationals employed abroad in the service of the Belgian Government;
2. Belgian nationals employed in one of the Member States of the European Communities in the service of the European Communities.

The above provisions shall also apply to members of the household of the persons referred to under 1. and 2.'

M. VANDEWIELE
F. DELMOTTE
W. CALEWAERT
P. DESCHAMPS
P. BERTRAND

ELECTORAL CODE
TITLE II - ARTICLE 19

19. Belgian nationals employed abroad in the service of the government shall be entered or shall remain on the electoral lists of the commune where at the moment of their appointment, they were last resident for at least six months.

As amended by L. 26 June 1970, Article 1, paragraph 1, 11.

(L. 30 June 1953, Article 1, g. - The above provisions shall also apply to members of the household of Belgian nationals employed abroad in the service of the government).

III. DRAFT CONSTITUTIONAL LAW No. 12

on the initiative of Senator MINNOCCI

FORWARDED TO THE PRESIDENT ON 6 JULY 1976

Granting of the right to vote in local elections to citizens of the Member States of the European Economic Community resident in Italy

DRAFT CONSTITUTIONAL LAW

Article 1

The following paragraph shall be added to Article 48 of the Constitution:

'Citizens of the Member States of the European Economic Community who have been resident in Italy for at least five years and have reached the age of majority, shall also have the right to vote in local, provincial and regional elections.'

Article 2

The voting procedures for the persons referred to under Article 1 above shall be determined within six months of the entry into force of this law.

CONSTITUTION OF THE ITALIAN REPUBLIC

TITLE IV

Article 48^(*)

All citizens, men and women, who have reached the age of majority, shall have the right to vote.

The vote is personal and equal, free and secret. It shall be a civic duty to exercise the right to vote.

There shall be no restriction on the right to vote other than loss of civil rights or as the result of an irrevocable penal sentence or in the cases of moral unworthiness laid down in law.

(*) See Law of 7 October 1947, No. 1058, containing the rules for the control of the franchise and the maintenance and annual revision of electoral registers, and the amendments introduced by the Laws of 23 March 1956, No. 137, and 9 February 1963, No. 46.

Chamber of Representatives of Belgium

1974 Extraordinary Session

22 May 1974

DRAFT LAW 65 - No 1

extending the local electorate and the right to stand in local elections to nationals of the signatory countries of the EEC Treaty

Article 1

The following paragraph shall be added to Article 1 of the law on local elections:

'Nationals of both sexes of the signatory countries of the Treaty establishing the European Economic Community who have reached the age of 21 years and have been resident in Belgium for at least five years shall also have the right to vote in local elections.'

Article 2

In Article 65 of the law on local elections:

(1) the following shall be added to paragraph 1:

'or a national of a signatory country of the Treaty establishing the European Economic Community provided the person concerned has been resident in Belgium for ten years.'

(2) the following shall be added to paragraph 2:

'for a Belgian citizen, and 25 years for a national of a signatory country of the Treaty establishing the European Economic Community.'

Article 3

A second paragraph shall be added to Article 3 of the Electoral Code, to read as follows:

'The persons referred to in the second paragraph of Article 1 of the law on local elections shall also be entered in these registers for local elections.'

Article 4

This law shall also apply to elections to urban district councils and federations of communes as provided for in Article 10 of the law governing such elections.

Article 5

The King shall be empowered to adapt and extend the provisions of the law on local elections, including the penal provisions and those relating to exclusions and suspensions, to bring them into line with the provisions of this law and to ensure its implementation.

14 May 1974

E. GLINNE,
G. CUDELL,
H. DERUELLES,
A. VAN LENT,
A. VAN HOORICK.

LAW ON LOCAL ELECTIONS

Article 1

Persons who, without distinction of sex, ~~of Belgian nationality or~~ are naturalized Belgian citizens ~~have reached the age of 18 years~~ and have been resident in the commune for at least six months, shall have the right to vote in local elections.

As amended by the Law of 1 July 1969, sole article, and the Law of 26 June 1970, Article 1, paragraph 3,1.

Article 65

Persons wishing to stand for election as and occupy the position of, local councillor shall, without distinction of sex:

1. ~~Law of 26 June 1970, Article 1, paragraph 3,10. - be of Belgian nationality;~~
2. ~~Law of 2 July 1969, sole article - have reached the age of 21 years;~~
3. be resident in the commune.

In communes of less than 700 inhabitants a maximum of one third of the council members may be elected from among citizens resident in another commune on the day of the election, provided that they satisfy the first two conditions of eligibility.

No one may be a member of two local councils.

ELECTORAL CODE

Article 3

The right to vote shall be established by inscription in the electoral register.

Chamber of Representatives of Belgium

1974 Extraordinary Session

27 June 1974

DRAFT LAW 136 - No. 1

granting foreigners the right to vote and to stand for election to local councils, councils of federations of communes and urban district councils

Article 1

A second paragraph shall be added to Article 1 of the law on local elections to read as follows:

Persons who, without distinction of sex, though not of Belgian nationality, satisfy the following conditions, shall also have the right to vote in local elections:

1. They shall have reached the age of 18 years and have been resident in Belgium for at least 5 years including at least 2 years in the commune where they were last resident and where they would be eligible for inscription in the electoral register.

2. If they are under 28 years of age, they shall have fulfilled their liability obligations with regard to military service in their country of origin or have completed a period of civil defence service in Belgium, pursuant to the law of 3 June 1964 laying down the regulations for conscientious objectors, at least equal in length to that required for military service at the date of their application for inscription.

Article 2

A second paragraph shall be added to Article 3 of the Electoral Code to read as follows:

The persons referred to in the second paragraph of Article 1 of the law on local elections shall also be entered on this register for local elections.

Article 3

In Article 65 of the law on local elections the following shall be inserted between paragraphs 1 and 2:

In the case of non-Belgian nationals:

1. have satisfied the conditions of paragraph 2 of Article 1 of the law on local elections;

2. have been born in Belgium and have resided there since birth without interruption and satisfy the second condition of the first paragraph of this Article;

or

have exercised at least once their right to vote and since that date have resided in Belgium without interruption.

Article 4

This law shall also apply to elections to urban district councils and councils of federations of communes as provided for in Article 10 of the law governing such elections.

Article 5

The King shall be empowered to adapt and extend the law on local elections, including the penal provisions and those relating to exclusions and suspensions, to bring them into line with the provisions of this law and to ensure its implementation.

19 June 1974

M. LEVAUX,
L. VAN GEYT,
N. DINANT,
A. DELRUE.

LAW ON LOCAL ELECTIONS

Article 1

Persons who, without distinction of sex, [of Belgian nationality or] are naturalized Belgian citizens, [have reached the age of 18 years] and have been resident in the commune for at least six months, shall have the right to vote in local elections.

As amended by the Law of 1 July 1969, sole article, and the Law of 26 June 1970, Article 1, paragraph 3,1.

Article 65

Persons wishing to stand for election as and occupy the position of local councillor shall, without distinction of sex:

1. [Law of 26 June 1970, Article 1, paragraph 3,10. - be of Belgian nationality;]
2. [Law of 2 July 1969, sole article - have reached the age of 21 years;]
3. be resident in the commune.

In communes of less than 700 inhabitants a maximum of one third of the council members may be elected from among citizens resident in another commune on the date of the election, provided that they satisfy the first two conditions of eligibility.

No one may be a member of two local councils.

ELECTORAL CODE

Article 3

3. The right to vote shall be established by inscription in the electoral register.