Volt's Electoral Reform Policy

Making Europe More Democratic

Table of Contents:

I. Vision

Despite successive amendments to the EU's Electoral Law and of European treaties, the standards of European elections fall far short of what we should expect.

Article 14.2 of the Treaty on European Union (TEU) enshrines the principle of "degressive proportionality", which directly undermines the principle of equal representation of all citizens, an imperative in modern democracies recognised in Article 9 of the TEU. This fundamental contradiction must be resolved through treaty revision[1], and the equality of European citizens must be guaranteed.

Furthermore, while Article 14.3 TEU ensures a European election by "direct universal suffrage" as well as by a "free and secret ballot", it does not guarantee the equality of European citizens before the vote, another pillar of democracy. As a result, European citizens from different Member States face different voting systems, different thresholds, different voting ages, and different voting modalities. Once again, the equality of citizens' political rights is not guaranteed.

Article 223.1 of the Treaty on the Functioning of the European Union (TFEU) authorises the European Parliament to propose "a uniform procedure in all Member States" for adoption by the European Council. However, failing to agree on a uniform procedure, the European Council has instead settled for "common principles", turning European elections into 28 national elections for the same institution.

This lack of a common framework fails to provide a distinctively European character to this election: debates centre mostly on national matters, campaigns and candidates are in the hands of national parties, citizens often use this election as a sanction vote against their national government, and voter turnout remains chronically lower than for national and local elections. Worse, the inequality of Europeans from different Member States creates discrimination in the use of a right that all Europeans derive from their common European citizenship.

We believe that the benefits of ensuring citizens' equal representation and equality before the vote will significantly enhance the legitimacy of European institutions, outweigh any loss of MEPs by some Member States, empower citizens, and finally make this a true European election — the foundation of a strong European democracy.

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[1] In all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies.

In its Mapping of Policies, Volt already calls for a reform of the election of the European Parliament[2], in particular through the "one person, one vote" principle and the election of MEPs both at a local level and through an EU-wide proportional voting system. We also call for the reform of the Council of the European Union into a full-fledged, directly-elected second legislative chamber, providing equal representation for all Member States as a balance to proportional representation in the European Parliament. This policy is an essential step in further detailing and strengthening the provisions of the Mapping of Policies.

Armed with these proposals, Volt supports a full review of the EU's electoral law and, even more importantly, the revision of EU treaties to finally transform our Union into a true parliamentary democracy.

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[2] See Mapping of Policies, Challenge 5+1 EU Reform, part II.B

II. Modalities

Below is an ensemble of aspects for the reform of the EU's electoral law and European treaties. It may be expanded upon with time. Beyond the specific proposals we make, the underlying red thread is the uniformity of the election across Member States, as, in order to be equal in the enjoyment of the rights derived from their common citizenship, European citizens must be equal in carrying out their basic right to vote on their democratic representatives.[3]

A. Election organisation

In order to ensure the equal application of electoral rules as included in the EU's Electoral Law and to guarantee the equality of rights of all European citizens during this common election, the EU needs a new European body dedicated to the preparation, organisation, and management of European elections. In order to move past a collection of national elections, this duty cannot be left to the 28 national electoral commissions.

➢ **Create a European Electoral Commission in charge of preparing, organising and managing the European election.** This commission should have a federal structure with branches at the national and local levels. However, their work should remain under the direct control of the European Electoral Commission and not be delegated to national authorities. This Electoral Commission shall be chiefly responsible for the implementation of the EU's Electoral Law and its decisions will be reviewed by the European Court of Justice. The European Electoral Commission will also be expected to provide legal and administrative guidance to European parties and candidates, so that electoral requirements serve their purpose without being a supplementary hurdle for stakeholders.

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[3] It was drafted in accordance to, and by balancing, our general principles for EU Reform: democracy, subsidiarity, efficiency, transparency, clarity, and ease of citizen involvement.

B. Election date

Current EP elections usually take place on a single day per country, between a Thursday and the following Sunday. Out of the 28 Member States who voted in the 2019 EP elections, 21 voted on Sunday, 4 voted on Saturday, 2 voted on Friday, and 2 voted on Thursday.[4]

> ➢ **Vote across Europe over two days, on Saturday and Sunday.** In order to balance the need for a common voting date and flexibility aimed at increasing voter turnout, we propose that voting be open for two days across the EU. Voting would open on Saturday morning and close on Sunday evening. These two days shall be considered a single election period and no exit polls or similar shall be published before the end of the entire period. For Volt's proposed reformed Council, we propose the same modalities and, as much as possible depending on mandate durations, to synchronise the elections of the two legislative chambers.

C. Date of declaration of candidates

The deadlines for registering candidates differ highly from Member State to Member State, ranging from around three months in Sweden to less than three weeks in Greece and Spain. This wide discrepancy affects both candidates and voters. Volt therefore supports a common deadline for establishing candidate lists, giving candidates enough time to present their ideas in the campaign, and enabling citizens to prepare adequately to scrutinise and choose among the various candidates.[5]

> ➢ **Set a common deadline for the declaration of candidates.** Candidates (or lists of candidates) should submit their candidacy, including the required signatures and their electoral manifesto, to the European Electoral Commission at a common date ahead of the beginning of the official campaign. This deadline should be 60 days before the beginning of the election.

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[4] Czech Republic voted on Friday and Saturday, hence the figures totaling 29.
[5] The Hübner-Leinen report on electoral reform suggested the introduction of a 12 week deadline. See the European Added Value Assessment.

D. Candidate and list eligibility

Eligibility requirements for candidates and parties vary widely from country to country, including signature collection, presence in local or national elective bodies, or an indirect requirement for financial resources.

For instance, Germany requires only the collection of signatures from 0.01% of the voting population to stand as a candidate; Italian parties not in Parliament need 54 times that amount, with signatures being collected individually and in front of a notary. Sweden and France do not require the collection of signatures; however, parties are responsible for printing their own ballots, thus severely limiting the ability of new, grassroots parties to actively stand for election — beyond the official declaration of candidates.

Considering our focus on broadening the political offer independently of financial resources, Volt supports a harmonisation of these rules to a low common denominator.

> ➢ **Adopt common eligibility criteria for European election candidates.**
>   - Candidates for the European elections shall have been legal residents of the electoral district they run in for a period of at least six months[6].
>   - For individual elections in local electoral districts, candidates officially endorsed by a European party shall gather 100 signatures from that electoral district; candidates not endorsed by a European party shall gather 250 signatures.
>   - For list-based elections, European parties shall gather, for each list, signatures totalling 0.01% of the voting population for the concerned Member State or electoral district. The minimum number of signatures shall be 250. Lists not

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[6] An exception shall be made for MEPs who would have moved their residence from their district to Brussels following their election; they shall be able to run for re-election despite not being residents of their districts of election.

affiliated to a European party shall gather signatures totallying 0.06% of the voting population, with a minimum amount of 500, or 50 elected officials (among local, regional or national elected officials).

- Candidates to Volt's proposed reformed Council shall follow the above requirement for lists. Percentages shall be calculated from the general voting population, and not from the latest turnout. The collection of signatures, as far as possible, will be made easy for candidates and parties, in particular through the use of electronic signatures, provided a secure system is developed and available. Random checks will be performed by the European Electoral Commission in order to ensure the authenticity of the signatures.

➢ **Require lists to be gender alternate.** Wherever lists are used and in order to promote gender balance in the European Parliament (and not only among the candidates), electoral lists shall be gender-alternate, meaning that no two consecutive names shall be of the same gender. This provision matches Volt's calls for the active promotion of gender balance. The European Electoral Commission shall be responsible for ensuring that this system is not abused by candidates selecting a gender for the specific purpose of the election.

➢ **Promote gender balance for single-winner elections.** Wherever lists are not used and parties endorse candidates in local electoral districts, we should also seek to promote gender balance. In each Member State, the group of candidates endorsed by a political party — with the exception of those candidates who have been elected through a primary by residents of that local electoral district — shall not be composed of more than 60% of individuals of the same gender.

➢ **Require every European list to declare a lead candidate.** In order to bolster the link between the parliamentary election and the choice of the EU's

executive, every European party submitting candidates shall declare one lead candidate.

➢ **Allow lists to choose their number of candidates.** Where voting is done by list, a specific requirement for lists to present as many (or sometimes more) candidates than there are positions available is not only useless (since no list ever receives 100% of the vote) but clearly detrimental to new or smaller political players and constitutes another barrier to entry. Lists must therefore be allowed to choose their number of candidates. Should a list receive more seats than it has candidates, the extra seats shall be forfeited and redistributed to the other lists of the electoral district. In order to prevent this, lists are encouraged to include a sufficient number of candidates.

➢ **Use a single ballot.** Many countries use a single government-prepared ballot listing candidates and parties, depending on the electoral system. However, some countries still require each party to print out and deliver its own ballots; for each voting citizen, all but one of these ballots will be thrown away. The result is a tremendous waste of time, money and resources, including paper and ink, for political parties. In particular, this places an undue hurdle for small and new parties. We propose that, across Europe, citizens each vote on a ballot prepared and provided by the European Electoral Commission. When applicable, we propose that the election of the Volt's proposed reformed Council also share the same ballot.

E. Voter eligibility

In order to guarantee the equality of European citizens before the European election, all shall be subject to the same eligibility criteria. Since voting eligibility for the European election is derived from European citizenship and not national citizenship, no additional national criteria shall be considered valid and discrepancies between eligibility criteria at the European and national elections are not problematic.

➢ **Set the voting eligibility to 16 across Europe.** The voice of youth should be given more attention in the European Parliament elections. We therefore propose setting the European voting age at 16.

F. Voting as a civic duty

In line with the chapter on Citizens' Empowerment[7], Volt supports measures aimed at increasing voter turnout. While not the only method for assuring high voter turnout —other options which we support include automatic registration, a proportional electoral system, infrequent elections, and day-off—, compulsory voting is seen as "the strongest of all the institutional factors" that can increase voter turnout and the only institutional mechanism that can assure high turnout[8] virtually by itself. Overall, the democratic goal should not just be universal[9] suffrage but universal or near-universal turnout. Voting is considered a civic duty[10] in a number of countries, including Belgium, Luxembourg, and Australia, which see turnout rates consistently over 90%.

> ➤ **Make voting in elections compulsory.** Volt recognises voting as much as a right as a civic duty for the good functioning of representative democracy, alongside other civic obligations such as taxation, education, or jury duty. As part of a broader ensemble of measures aimed at increasing voter turnout and representativeness, Volt therefore proposes that electoral laws compel registered citizens to present themselves at a polling station and vote[11]. So as to ensure citizens' freedom of opinion, blank voting shall always remain a legal option. Any citizen failing to vote and to provide a valid and sufficient reason for failing to vote within a determined time frame shall receive a fair and deterring fine. Conversely, authorities will endeavour to make voting registration as automatic, and the act of voting as easy for voters as possible. In particular, postal voting, advance voting, and —should this prove feasible— e-voting will be made available. A dedicated office of the Electoral Commission will oversee voting participation and the administration of fines.

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[7] See Mapping of Policies, Challenge 5, Citizen Empowerment.

[8] Arend Lijphart, Unequal Participation: Democracy's Unresolved Dilemma, Presidential Address to the American Political Science Association, available at https://www.cambridge.org/core/journals/american-political-science-review/article/abs/unequal-participation-democracys-unresolved-dilemma-presidential-address-american-political-science-association-1996/FB743AB4AEBB70C9363A9F8B898A17BC

[9] Lijphart, op. cit.

[10] Lijphart, op. cit.

[11] Australia provides a strongly positive example of compulsory voting, with turnout rates consistently above 90% since the introduction of compulsory voting in 1922 following a 59% turnout election. Likewise, in Luxembourg, the turnout rate of registered voters has been rather stable between 88 and 92% for the past 40 years. See background information from the Australian Electoral Commission, available at https://www.aec.gov.au/About_AEC/Publications/backgrounders/compulsory-voting.htm, the Commonwealth Electoral Act, available at https://www.legislation.gov.au/Details/C2019C00103 . Luxembourg also includes an age consideration, with voting no longer being compulsory for citizens above 75. However, where a first penalty in Australia is set at $20, Luxembourg sets it between 100 and 250€.

G. Voting from abroad, postal voting, and proxy voting

While the EU recognises a right to vote for all EU citizens, the modalities of this vote for citizens residing in a country different from their country of citizenship are not uniform. Currently, European citizens can either vote in their country of citizenship or in their country of residence — in both cases, subject to national rules. At any rate, double voting (voting in both, in the Member State of origin and in a Member State of residence) is forbidden. Subject to these regulations are EU citizens residing in another Member State, EU citizens residing in a non-EU country, and non-EU citizens residing in the EU. In order to simplify the voting process and increase the representativeness of EU elections, Volt proposes the following.

➢ **Allow EU citizens residing and legally registered in another Member State to vote in their Member State of residence.** Any EU citizen living in another Member State can therefore vote for European elections in the same manner as the citizens of this Member State. A minimum period of residency before the elections (for instance 3 to 6 months) may be set up.

➢ **Allow EU citizens temporarily present in another Member State to vote as if in their Member State of citizenship.** Any EU citizen temporarily present in another Member State must be given the means to vote as if in their country of citizenship. This can be achieved through national embassies or local representation of the European Parliament, provided their register at least 30 days ahead of the vote.

➢ **Allow EU citizens residing or temporarily present in a non-EU country to vote as if in their Member State of citizenship.** Any EU citizen living in a non-EU country must be given the means to vote as if in their country of citizenship. This can be achieved through national embassies abroad or EU Delegations. Depending on the exact form of the voting system, citizens residing and legally registered abroad may cast a vote for specific electoral districts for citizens residing abroad. No maximum duration for residence abroad shall be used to deprive EU citizens of their right to vote.

➢ **Provide a common framework for postal and proxy voting.** Mindful of

logistics challenges, the proposed European Electoral Commission shall provide a harmonised framework for EU citizens residing in EU Member States to vote by post. Postal voting shall be free of charge for citizens. Likewise, and bearing in mind potential abuses, the European Electoral Commission shall provide a common framework allowing proxy voting.

➢ **Allow EU citizens residing and legally registered in another Member State to vote in either their Member State of residence or Member State of citizenship.** Given the number of situations where EU citizens may be residing and legally registered in another Member State, yet only be there for short periods of time or, for other personal reasons, wish to exercise their voting rights in their Member State of citizenship, EU citizens residing in another Member State must be allowed to choose where they exercise their voting rights, provided they only vote in one Member State.

H. Campaign rules and financing

An essential aspect of an election is that all actors abide by the same rules and that proper coordination can take place across the territory of the election. In the case of the European election, and in order to move beyond our current 28 national elections, we must adopt common campaigning rules and allow campaigning on a European scale.

We therefore propose the following principles which shall be expanded upon in the EU's electoral law and enforced by the proposed European Electoral Commission.

➢ **Allow the cross-border financing of European campaigns.** Mindful of the importance of transparency for the financing of European elections, campaigns shall be allowed to finance their activities across borders. Likewise, donations shall be allowed across borders within the EU; donations originating from outside the EU shall not be accepted. The European Electoral Commission shall be empowered, through proper funds and staff, to tightly control the origin of funds and the use made of them.

➢ **Set a common ceiling for donations and publicise donors beyond a common amount.** For the sake of fairness and in order to avoid the undue influence of large donors, a common maximum amount for donations shall be

in place across Europe. Likewise, the identity of donors who give more than the determined amount shall be made public.

➤ **Set a limit on campaign financing.** In order to avoid the undue influence of money in elections, a maximum spending amount shall be decided. In order to avoid parties focusing all their spending on one or a few Member States, this amount shall be broken down into maximum spending amounts for each Member State, taking into account economic disparities and the local cost of campaigning.

➤ **Set a calendar for campaigns.** In order to avoid the disruption of regular political life by overly long election seasons, campaigns shall be restricted to a fixed calendar following the declaration of candidates. Parties and other actors shall not air campaign propaganda outside of the agreed-upon dates.

➤ **Set common rules for electoral propaganda.** Common rules for the amount of allowed tv, radio, print and online advertising shall be adopted and monitored by the European Electoral Commission. Electoral posters shall be circumscribed to designated areas. The fair allocation of speaking time in the media shall be enforced and monitored. Cross-border online advertising shall be allowed within agreed spending limits, and if properly monitored.

➤ **Set up a European Democracy Bank.** Under settled transparency conditions, campaigns shall be free to choose in which financial institution to store their financial resources. However, the EU shall provide a dedicated European Democracy Bank providing financial services to registered lists for groups unable to find a financial institution or, for any other reason, willing to use these services. This is to avoid the elimination of lists based on their inability to secure private financial services, including bank accounts and loans.

➤ **Provide candidates and lists with an electoral starter kit.** The distribution of public funds to parties is understandably linked to each party's size and number of elected officials. However, in order to unduly avoid established parties to the detriment of new alternatives, an electoral starter kit will be provided equally to all lists or candidates meeting eligibility criteria. This is to prevent the *de facto* exclusion of candidates or lists benefiting from popular support but not receiving public funds and unable to secure sufficient private financing. This starter kit shall include a fixed sum of money as well as specific printing and mailing services for electoral propaganda. Tight scrutiny shall be exercised in the screening of applications to the starter kits as well as for the

use of these funds and services.

➢ **Require electoral propaganda to be under the name and logo of European parties.** Except for independent candidates, and with the understanding that European parties may operate in only one or a few Member States if they so choose (just as regional parties can only operate on a regional basis within their country), electoral propaganda for European elections must bear the name and logo of European parties. This is to bolster the European character of the European election and is in line with our proposed electoral system.

➢ **Balance free speech with the fight against disinformation and political attacks.** Free speech is a cornerstone of democracy and must be protected. At the same time, recent elections have demonstrated the harmful impact of disinformation, especially online. The European Electoral Commission shall therefore be vigilant and empowered to monitor the public discourse and address the blatant spread of false information and political attacks.

I. Voting system for the European Parliament

The choice of a voting system is a crucial element of an electoral law. Clearly, there is *no* perfect system.

The choice of a preferred electoral system, among the many options at our disposal, must instead rest on the values, goals, and priorities Volt chooses to enshrine. Recalling Volt's guiding principles of democracy, subsidiarity, efficiency, transparency, clarity, and ease of citizen involvement, we propose the following.

The Improved Bundestag Method

The Improved Bundestag Method enshrines two main principles:

➢ **Individual representation.** This system provides citizens with a single, clearly identifiable and locally-elected representative in the European Parliament. This promotes democratic accountability through a direct link between citizens and their MEPs, and is especially important in a large political entity such as the EU.

➢ **Proportionality.** This system ensures that the number of MEPs that European

parties get is proportional to the votes they receive. This guarantees the fair representation of citizens' opinions in the European Parliament.

Based on the German Bundestag, the Improved Bundestag Method successfully combines these two principles and applies them across the EU. Here are its main steps:

1. Draw electoral districts across Europe.

These electoral districts serve as the basis for the individual election of MEPs. They will include roughly the same number of citizens and respect Member States' borders and, as far as possible, regional and local borders. Bearing in mind Article 14.2 TEU's stipulation for a maximum size of 750 members for the European Parliament, we initially aim at having 700 MEPs. Half of that number, 350, will therefore be the number of electoral districts. With a post-Brexit EU population of 447 million, this means electoral districts of roughly 1.3 million citizens. Member States with smaller populations would nevertheless have one electoral district.

2. Apportion seats between Member States based on their population.

According to the "one person, one vote" principle, each citizen has equal voting power, and the attribution of seats to Member States reflects their population. Half of the seats are filled from the local electoral districts we established and the other half from Member-State-wide gender-balanced lists. Every Member State therefore has at least one local electoral district and at least two MEPs.

3. Vote twice on a single ballot.

On election day, voters cast two votes on the same ballot: one for the MEP of their own electoral district and one for the European party of their choice. The first vote (or "individual vote") is carried out by Majority Judgement, so as to better reflect the opinion of voters than[12] with the classic "first-past-the-post" system. The second vote (or "party vote") is a proportional vote, as most voters currently have for European elections: voters simply choose the party they support, and seats will

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[12] Majority Judgement is a single-winner voting system, meaning its result provides one winner — in our case, the MEP of a local electoral district. With Majority Judgement, voters are asked to give their opinion of all candidates (if they have no opinion about some candidates, this can be left blank). The winner is the candidate with the highest level of support from a majority of the population. This avoids polarising candidates who may get very strong support from a part of the electorate but are strongly rejected by all others. Since voters can assess all candidates, Majority Judgement also avoids the issue of small candidates syphoning votes away from larger ones.

be distributed to parties' lists proportionally.

4. Assign seats to candidates.

Every candidate winning a seat in a local district is guaranteed a place in the European Parliament; this makes up half of the baseline number of seats (in our example, 350). The remaining seats are filled from the Member-State-wide lists, using the results of the second vote to ensure EU-wide proportionality.

As a result, MEPs are elected as close to the citizen as possible (through local electoral districts and Member-State-wide lists) and proportionality is widely ensured in Parliament. Furthermore, the election is truly European as all lists run under the name, logo, and programme of European parties—for instance, all socialist candidates across Europe run under the banner of the Party of European Socialists (PES), making this a truly pan-European electoral campaign.

Member States are encouraged to make lists open, should this not complicate the ballot. Mindful of associated security risks, the European Electoral Commission shall encourage and financially and logistically support the development of electronic voting in Member States, through measures such as the provision, maintenance, and update of voting machines, so as to facilitate the implementation of open lists and enhance voters' say in the choice of their representatives.

As a compromise between giving the party a role in the selection of candidates and providing voters with flexibility, we propose that the first positions on party lists be open (either via a fixed number of positions or a percentage of the list). Lists may be automatically re-ordered to ensure they are gender-alternate.

Compared to the current "degressive proportionality" system, smaller Member States will see a decrease in their number of seats. This is only a fair rebalancing of the seat distribution in order to ensure the equality of European citizens. In practice, citizens from smaller Member States will remain more represented in the European Parliament and will continue to benefit from equal state representation in our proposed upper chamber, as is customary in many federal systems.

J. Voting system for Volt's proposed reformed Council

In the Mapping of Policies, Volt supports turning the Council of the European Union into a full-fledged legislative chamber, with two directly elected representatives per Member State.

Preferably, and based on their mandate duration, these representatives shall be elected by half every half mandate, with each Member State electing one representative at the same time. Should mandate durations not allow for half renewals, European parties shall be limited to presenting a single candidate. As for local electoral districts of the European Parliament, this election shall be carried out by Majority Judgement.

K. Getting into Parliament

Following the vote, seats are allocated to candidates. However, here too, Member States have introduced national regulations, such as thresholds. The current EU Electoral Law already includes provisions on electoral thresholds for European elections. However, even its most recent reviews have failed to provide a uniform solution. Other barriers, set up for national purposes, are contrary to the spirit of a truly European election.

➢ **Set a uniform and low threshold for list-based elections across Europe.** Thresholds for entry into Parliament aim to reduce the fragmentation of Parliament. However, their downside is that they prevent the emergence of new and small actors—unlike spin-offs of existing parties, which may be new but already count on wide popular support and existing political figures. As a result, they decrease the chance of renewal of the political class. At any rate, provisions in the European Parliament for the formation of political groups already limit fragmentation, since small parties are encouraged to sit together. The usefulness of thresholds is therefore limited, and only a low threshold can balance reasonable fragmentation with openness to new actors, for instance with a threshold of 1 to 2% per electoral district.

➢ **Forbid any extra national requirements for access to the European Parliament.** The election to the European Parliament derives from a common European citizenship and, as such, the European Parliament houses not the representatives of Member States but of European citizens, regardless of their

national citizenship. As a result, any extra requirement imposed at the national level—including but not limited to, swearing allegiance to a national constitution—must be declared void and cannot constitute an obstacle to sitting in the European Parliament. The allocation of seats to winning candidates must be done by a European Electoral Commission and not by Member States themselves. This provision shall also be applicable to Volt's proposed reformed Council.