



DIPUTACIÓN
DE ALICANTE



ELECTIONS TO THE EUROPEAN PARLIAMENT

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1. The European Parliament

The European Parliament is one of the European Union's main institutions, and has important decision-taking and legislative powers, through which approves the EU's main laws for subsequent adoption and transposition by Member States.

Direct elections to the European Parliament are held every five years. This is the only institution that is elected by direct suffrage to defend citizens' interests in the EU decision-making process.

The Parliament's position in joint decision-making processes with other European institutions such as the Commission or the Council has been strengthened by recent reforms to European treaties, which have given it responsibility for more areas and a greater role in processes such as elections to the main positions in the European Union.

Every Member State has the right to elect a fixed number of Members of the European Parliament (MEPs), mainly based on the size of its population. The European Parliament has had 766 MEPs since the last elections. Every Member State is assigned a fixed number of seats, with a maximum of 99 and a minimum of six. Spain was allocated 54 seats at the last European elections.

Each country establishes its own procedure for electing representatives to the European Parliament. In Spain, this is governed by articles 210 and subsequent of Statutory Law 5/1985 on the General Electoral Regime (LOREG, Spanish abbreviations), although rules exist that apply to all Member States, which are mainly concerned with direct, equal universal suffrage and the principle of proportional representation.

2. Who is entitled to vote and to stand in the Elections to the European Parliament in Spain?

Under Spanish Law, all Spanish citizens aged 18 years or over with full civil rights and whose names appear on the register of electors are entitled to vote, regardless of whether they reside in Spain or abroad.

In addition, non-Spanish nationals who are citizens of another EU Member State but who reside in Spain are entitled to vote, if:

- They are registered in the register of electors of the municipality where they wish to exercise the right to vote.
- They are registered in the Electoral roll of European Union (CERE).
- They have applied to vote in the European Elections and made the appropriate statutory declaration. This statutory declaration of intention to vote is made using form CERE.DFA, which is available from local authorities. The declaration continues to be valid so long as the citizen resides in Spain and need not be renewed for every election.
- The person must be aged 18 or over and of sound mind.

European citizens declaring their right to vote in Spain may not do so in another Member State.

European Citizens wishing to vote in their countries of origin must meet the legal and administrative requirements of these Member States.

All Spanish and Spanish-resident EU citizens meeting Spain's legal requirements may stand for election to the European Parliament. In other words, they must:

- Be entitled to vote.
- They must not have been disqualified from voting by a court.
- They must not be disqualified on legal grounds, these being mainly concerned with certain civil service occupations that may be interfere with the electoral process, such as being a member of the judiciary

or the armed forces. In case of European citizens, this also applies if they are civil servants in their countries of origin which disqualify them from standing. European and Spanish laws contain other grounds that disqualify certain civil servants from membership of the European Parliament, which are considered incompatible with other positions.

In addition, EU citizens must not have been disqualified from standing in their countries of origin. In any case, when presenting their candidatures for the Elections to the European Parliament in Spain, in addition to the documents required under Spanish law, EU citizens must include a formal declaration containing the following information:

- Nationality and address in Spain.
- That the person must not be a candidate in elections to the European Parliament in another Member State.
- A document from the municipality or Member State of origin accrediting that the candidate for the EU Parliament has not been disqualified from standing as a candidate in that State.
- European citizens must also submit a document from the competent administrative authority of their Member States of origin accrediting that they have not been disqualified from standing as a candidate. The Central Electoral Commission may also require a valid identity document showing the date on which candidates became citizens of a Member State.

When the candidates have been announced, the Central Electoral Commission provides the other Members States with information about their own citizens standing as candidates in the aforementioned constituencies.

Candidates may stand for the European Parliament as members of national political parties, but once they have been elected, must opt to belong to transnational political groups. Most national parties are members of European political families, therefore one of the main matters to take into consideration on election night is which of these groups will have more weight in the decisions taken during the next legislature.

MEPs form groups based on their political affinities rather than nationality, although they exercise their mandate in an independent fashion.

★ **3. System and electoral process**

In Spain, the entire State forms a single constituency for the European Parliamentary elections, meaning that all votes obtained by each party are added together, regardless of the province where the voters reside. These are the only elections where this occurs, because in other elections (local, regional or General), constituencies are either municipalities or provinces.

Because there is just one constituency, political parties or coalitions of these so-called groups of voters (entities that bring together citizens who stand only at specific elections), submit one list of candidates for the entire country. This list of candidates cannot be changed, so candidates are chosen as they appear. However, parties may request limited dissemination of their candidatures so that they are only available in some Autonomous Communities, or that only the names of candidates in a specific region appear on a ballot list.

As already mentioned above, the number of European deputies to choose, the so-called 'electoral magnitude', is determined by European law, which allocates a fixed number of seats for each country, so this will be the number of candidates that each candidature should contain well, as a specific number of alternates.

In case of death, incapacity or resignation of a Member of the European Parliament, the seat is allocated to the next candidate on the list or the alternate, in the order in which they appear.

In Spain, each party is assigned the seats corresponding to it in the European Parliament, depending on the votes received, according to the so-called D'Hondt method, set out in article 163 of Statutory Law 5/1985 on the General Electoral Regime, although no minimum number of votes is specified to obtain a seat, as is the case in the Spanish elections.

The call for the election to the European Parliament is made pursuant to Community regulations and the

Royal Decree issued by the President of the Government, after deliberation by the Council of Ministers.

The Central Electoral Commission is the body responsible for performing most of the functions assigned by Spanish law to the so-called Electoral Administration, although political parties may nominate representatives to the Provincial Electoral Commission. The latter are responsible for counting votes and scrutinising each province once the votes have been cast.

All organisations that intend to present candidates in the election must provide at least 15,000 voters' signatures. Voters may not sign more than one nomination. This requirement can be substituted by the signature of 50 elected civil servants (Members of Parliament, Senators, European Members of Parliament, Members of the Regional Parliaments, Councillors, etc.).

The lists presented by each party are presented and published in the Official State Gazette (Boletín Oficial del Estado (BOE)) for public information and, if appropriate, challenge.

Local Authorities are obliged to provide an enquiry service for the electoral lists on the days following the call.

Electoral lists can be consulted electronically (if the Local Authority has the necessary resources), by prior identification of the interested party, or by public display of the electoral lists.

If citizens wish to complain to the Electoral Register, either because they do not appear or because the information contained is incorrect, they should address these to the Provincial Electoral Census Office or the Local Authority, which will forward them to the aforementioned Regional Offices.

Claims must be resolved within three days and any corrections made must be displayed in public and claimants and Local Authorities must be notified. Decisions taken on these matters can be appealed in court.

The Electoral Register Bureau sends all voters a card with updated details of their registration on the electoral roll and the Section and Table where they will vote.

★ 4. The Electoral Campaign

An electoral campaign comprises the activities organised by Political Groups inform voters about their electoral programme and candidates.

From the moment when the elections are called to the start of the electoral campaign, public authorities are prohibited from performing acts that aim to win votes, such as officially opening public services or other types of activity designed to draw attention to their achievements, or which use the same expressions as those used by other political bodies standing in the elections.

The electoral campaign begins on the 38th day after the election is called and lasts for 15 days. The campaign always ends at twelve midnight on the day immediately before polling day, after which time distribution of electoral propaganda and electoral campaign events are prohibited. This is the so-called 'day for reflection'.

Public campaign events organised by Political Parties are governed by the right to meet enshrined in the Spanish Constitution.

Local Authorities are obliged to reserve official premises and public places where political parties can hold their campaign events.

Meanwhile, public authorities are entitled to organise institutional advertising during this period to inform citizens of the date of the election, voting procedures and requirements and postal vote procedures, among other matters, without influencing voters' decisions in any way. Institutional advertising is carried out using free spaces in public advertising media in the territorial area corresponding to the election process involved.

The law expressly prohibits some people from spreading propaganda and other electoral campaign activities in relation to specific political parties (members of the Armed Forces, the Police and the Judiciary).

★ **5. How and where to vote?**

Generally speaking, voting is universal, free, equal, direct and secret. Voting in Spain is not mandatory, so there are not sanctions of any type imposed on those who do not vote, even when they have previously stated their desire to do so.

Citizens cast their votes at polling stations (Colegios Electorales), which consists of Sections and Tables. On polling day, voters go to the polling station, table and section assigned to them and printed on the ballot card between 09.00 and 20.00.

As already mentioned, the ballot card states the table and section to which each voter must go. It is important to remember that the ballot card is not proof the voter's identity, therefore you must take one of the following original documents with you, as specified by the electoral law:

- National Identity Document.
- Passport (with photograph).
- Driver's licence (with photograph).

Polling stations have ballot slips for all candidatures and envelopes, and cabins where voters can cast their votes in privacy. Voters go to the electoral table one by one, with their ballot papers in the corresponding envelopes, and give their names and surnames to the president of the table, proving their identity by way of one of the above documents.

All voters whose names are listed on the Electoral Roll may be chosen to serve on an Electoral Table by a random draw. The Authorities are responsible for providing them with the appropriate training. Attendance as a member of an Electoral Table is mandatory, and failure to do so without just grounds is punishable with a fine. Non-Spanish citizens must state that they have a sufficient knowledge of Spanish, otherwise they will be replaced. Among the grounds that excuse a voter from being a member of an electoral table (which are primarily medical grounds) are being over the age of 70 and in some cases, if determined by the Electoral Administration, being over the age of 65.

★ **6. Postal votes**

Voters who foresee they will be away from the place where they are entitled to vote on polling day or who are unable to go along to the polling station personally (work, illness, etc), may cast postal votes.

To do so they should apply to the Provincial Delegation of the Electoral Census Office on a form which can be obtained from any Post Office (Correos).

This application can be made from the day on which the elections are called until the tenth day before polling day.

Once the identity of the applicant has been accredited, they are entered on the Electoral Roll in a manner that prevents the voter from voting personally. Having entered this on the registry, the Electoral Census Office will send the voter an instruction sheet, ballot papers and electoral envelopes by certified mail, together with a certificate of registration on the census and the address of the table corresponding to the voter.

Voters choose their ballot papers, put them into the voting envelope and seal them. If several elections are held simultaneously (local elections and elections to the European Parliament, for example), the same procedure is followed for each of the electoral processes.

The voter then puts the envelope or envelopes corresponding to each election and the certificate in the envelope addressed to the table and sends them by certified mail before the third day prior to polling day. The envelope does not need a stamp.

★ **7. Voting for people with disabilities**

Spanish law requires that the premises where polling stations are organised must be accessible to people with limited mobility. In case of illness or incapacity that makes it impossible for the voter to go personally to a Post Office and request the postal vote application, the following procedure is available: A request for registration on the census may be made on behalf of the voter by another person authorised

before a notary or a consulate by way of a document that is issued individually in relation to each voter, which may not include several voters, nor may the same person represent more than one voter. It should be taken into account that travel by Notaries to the homes of sick or incapacitated voters for the purpose of granting these notarised powers of attorney is free of charge for voters.

In the specific case of people with visual disabilities, article 87.1 of Statutory Law 5/1985, of 19 June on the general election regime provides that they may be helped by a trusted person. In addition, should they so wish, they may make use of the procedure regulated by Royal Decree 1612/2007, of 7 December, which consists of documentation in Braille which will be given by the table to voters who have requested this in advance, allowing them to cast their votes independently.

Persons with visual disability who are familiar with the Braille reading and writing system and who have a recognised degree of disability equal to or in excess of 33% and who are members of the ONCE may use this procedure.

The use of this procedure is voluntary, therefore people who wish may be helped by a trusted person, as foreseen in article 97.1 of Statutory Law 5/1985, of 19 June, on the General Electoral Regime.

★ 8. Reference legislation

Reference law: European Parliamentary Elections and the electoral process

- Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.
- Spanish constitution: articles 13.2, 23, 140.1 and 141.
- Statutory Law 5/1985 of 19 June on the General Election Regime.
- Statutory Law L.O. 4/2000 on rights and freedoms of foreigners in Spain and their social integration: article 6.
- Statutory Law 6/2002, of 27 June, on Political Parties.
- Law 7/1985, of 2 April, on the Bases of the Local Regimen.

Links

Official website European Parliament.
Instituto Nacional de Estadística.
Ministry of Internal Affairs.
Central Electoral Commission.
Foreign Citizens Department.

<http://www.europarl.europa.eu/>
<http://www.ine.es/>
<http://www.mir.es/>
<http://www.juntaelectoralcentral.es/>
www.ciudadanosextranjeros.es

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Notes:



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