

TASK FORCE FOR THE CITIZENS' INITIATIVE FOR EUROPEAN CITIZENS:

“ALWAYS LET US VOTE!”

INTRODUCTION

This proposal is based on work already done by the ECIT foundation and the recommendations from the annual summer university on European citizenship. The title *“Always let us vote!”* is based on the paradox of the Maastricht Treaty which created EU citizenship 26 years ago. The Treaty was a step forward introducing the right of European citizens to vote and stand as candidates in local and European elections in their country of residence. Political rights were attached to freedom of movement. The reform did not however include regional elections or the ones which really count-the national ones-or referenda. The aim of this European citizens' initiative (ECI) is to create **full political rights** for European citizens.

An ECI is the right instrument to raise such a constitutional issue as the need for universal suffrage on the European continent. This agenda-setting right was added to the catalogue of European citizenship rights by the Lisbon Treaty and enforced by regulation (EU) 2019/788 -a new instrument designed to make it easier to use this right. An initiative is registered provided it is in the legal competence of the Commission and reaches the threshold set in at least 7 member states and over 1 million signatures within one year. The Commission is not obliged to act on a successful ECI but has to take the proposal seriously and is under a moral and political obligation to do so. The real question is whether this ECI can succeed in gathering over 1 million signatures. This paper is divided in two parts:

Part one presents the ECI, and the reasons why this this demand for full political rights for people on the move should be launched

Part two explains how a task force of young people will be recruited and trained to conceive, create and campaign for the ECI, which will be launched at the ECIT annual summer university in September 2020.

In the conclusion, we summarise the argument for “Always Let us Vote” and explain why this is the right time to launch this initiative. The ECI is a follow-up to the European elections and the appointment of a new Commission giving priority to an action plan for democracy and a conference with citizens on the future of Europe.

PART ONE. WHY “ALWAYS LET US VOTE”?

The Commission should accept to register this initiative to extend electoral rights. If it does not, no single signature can be collected. This is an important first hurdle: of some 90 ECIs attempted about one third have been rejected by the Commission as being outside its competence and having no legal basis in the Treaties. The proposed ECI will be based on Article 25 of the Treaty on the functioning of the EU which gives a mandate to the Commission to report every three years on the development of Union citizenship and make proposals for new European rights¹. ECIT asked the collaborative platform set up by the Commission to provide advice and received the following reply : “it is, in fact, possible to give effect to your proposal , without any Treaty change, by using article 25 TFEU to extend Treaty provisions which allow EU citizens to vote in municipal elections in their Member States of residence”. There is a strong argument that since the Maastricht Treaty, the regional level has become more important as shown for example by the campaign in Brussels to extend the right to vote for EU citizens from the communal to the city level, which if spread to the rest of the EU would require an extension of the scope of the existing directive. Electoral rights in national elections and the decisions on the right to vote in referenda raise national constitutional issues, but those are taken in account by the way Article 25 is drafted. There is also a precedent since the Commission already accepted to register one of the earliest ECIs “Let me vote”, which demanded the right to vote in national elections, on this legal basis. Moreover, the Commission has since then become more tolerant and shown greater willingness to register initiatives, recognising that the process should be made easier. If an ECI demanding full political rights for EU citizens was rejected, there would be a possibility of appeal to the European ombudsman or the European Court of Justice. We are though sufficiently confident that we can register this initiative and go ahead.

This initiative aims to achieve:

- **More European citizenship.**

Political rights are the defining feature of any citizenship, so that as long as they are incomplete people will doubt whether this first transnational citizenship of the modern era really exists. Moreover, since the Maastricht Treaty the number of EU citizens resident in another member state has more than doubled. As of 2017, 3.8% of European citizens of working age were living in a Member state other than their own, whereas ten years earlier the figure was 2.5%. The situation varies among Member States, ranging from 1.00% in Germany to 19.7% in Romania. It is time to scale up political rights and make them more equal to those of nationals. Patterns of freedom of movement in the EU are uneven so that when political rights are extended some safeguards will be necessary as there are in existing legislation on municipal elections. Whilst giving voting rights to EU citizens, some restrictions on their rights to stand in elections and hold office are justified to preserve the interests of the local population.

There are places like Brussels where EU citizens represent 40% of the total population and identify strongly with the city without being able to vote and stand in elections at this level. In Germany for example, European citizens cannot vote in Land or regional elections but there have been moves to

¹ Article 25 (ex Article 22 TEC)

The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of this Part. This report shall take account of the development of the Union.

On this basis, and without prejudice to the other provisions of the Treaties, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may adopt provisions to strengthen or to add to the rights listed in Article 20(2). These provisions shall enter into force after their approval by the Member States in accordance with their respective constitutional requirements.

allow them to vote in some cities. There are also examples of countries where the rights to vote in local and regional elections are the same, suggesting that scaling up is possible.

It is illogical that European citizens are able to vote in their country of residence in elections to the European Parliament but not in the national ones which determine the more important question of who represents them in the European Council. National elections such as recent ones in Austria, Greece, Italy, France or the Netherlands give increasing prominence not only to strictly national issues of the economy and public services, but are also the arena where the debate about more or less Europe and basic values are played out.

Similarly, whilst EU citizens have been able to vote in some referenda such as that on Scottish independence, they have been excluded from most others, even those on European issues such as that in the Netherlands on the EU association agreement with Ukraine or in the UK referendum on membership of the European Union. Of the 3.3 million EU citizens in the UK only those from Malta and Cyprus as Commonwealth citizens could vote whilst the majority were excluded, despite the impact of Brexit on their own interests and life choices.

Across Europe, particularly from the younger generation, there is an increasing demand for more political representation to be attached to the exercise of rights to freedom of movement and European citizenship, since the same arguments and political choices about Europe are to an increasing extent present at all geographical levels and in all electoral contests.

- **More democracy.**

Ensuring that people who use their rights to move freely within the EU or come from the rest of the world and decide to live there permanently do not lose their voting rights is the last barrier to be overcome to achieve universal suffrage. The majority believe that our democracies have achieved universal suffrage, but that will not be the case until the nettle of the link between political rights and migration is grasped. Only then will the principles of no taxation without representation and one person one vote be applied universally.

Other reforms are important such as lowering the age to 16 to sign this ECI, a reform all EU member states can introduce with the new regulation which enters in to force in January 2020. There are increasing calls for a lower age to be allowed for participation in representative democracy. Extending the franchise is important to the progress of democracy but so too is removing the stain of disenfranchisement among the existing electorate. The earlier ECI "let me vote" drew attention to the fact that a minority of EU member states do not allow their own citizens to vote in elections back home if they have taken up permanent residence abroad. British expatriates cannot vote in UK elections if they have lived abroad for over 15 years and despite repeated promises to repeal this legislation by successive governments it has remained in force. This has meant for example that some 60% of 1.3 million British citizens in the EU have been unable to vote in the referendum of 2016 or the following general election which have had such a detrimental effect on their rights to free movement and residence in the EU and led to the loss of their EU citizenship status.

The European Commission has recommended that all EU member states should allow their own citizens to be able to vote back home in elections. The courts, whilst upholding the rights of the State to decide on who is eligible to vote, are showing the way forward: "The right to vote is not a privilege. In the 21st century, the presumption in a democratic state must be in favour of its inclusion" In a true democracy, the right to vote is no longer conditional on conditions such as ownership of property or

the degree of connection to the body politic. More advanced democracies are making progress with removing barriers to participation in elections by making it possible to choose when, where and how you can vote. It is possible for European citizens to be both in touch with politics in their country of residence and back home with cheaper transport and digital technologies, so arguments in favour of disenfranchisement are increasingly weak.

In theory, reform to secure full political rights for EU citizens on the move can follow any of the four following options:

- 1) European citizens retain full voting rights in their country of origin;
- 2) They acquire such rights in their country of residence after a certain number of years;
- 3) They have a choice between these first two options provided there are safeguards against double voting;
- 4) European citizens should have a fair and equal opportunity of acquiring the nationality of their Member State of residence if they wish to vote there;

Basic democratic principles are at stake, it is more important that reforms should allow for full political rights for EU citizens to be achieved both in theory and in practice. How this is done should be a secondary issue.

- **More integration**

For European citizens the limited rights to vote and stand as candidates in elections in their country of residence are a subtle reminder that they are still regarded as foreigners, not fully integrated in society. The information on the extent to which the existing rights are used is also insufficient, but turnout is on average as low as 8%, which can be explained by a number of factors. There are still obstacles to being registered on the electoral role. In the case of the 2019 European elections in the UK this led to the de facto disenfranchisement of a significant numbers of EU citizens who were not made aware of a form to be filled in to prove they had not voted in their country of origin. This has led to litigation and calls for a committee of inquiry. Another explanation is that many European citizens choose to vote in their country of origin in local and European elections, as they do in national elections. There are a number of measures which could be considered and which could increase turnout by mobile EU citizens:

-more timely and personalised information about registering on the electoral role for first-time voters; automatic inclusion on the electoral role thereafter on the same basis as national voters;

-spread of electronic voting and more choice of when and where you can vote in person before the final date for the election;

- inclusion of more European citizen candidates on the lists of political parties for both municipal and European elections;

-introduction of transnational lists as a basis for electing a certain number of members of the European Parliament for the next elections in 2024, a measure which is particularly popular with mobile EU citizens.

The fundamental problem remains however that the introduction of political rights by the Maastricht Treaty has been too limited to mobilise either the European citizenry electorate or the political parties.

Initiatives to extend the rights should increase interest and use of the existing ones and place them in a new context. In a number of cities there is increasing emphasis on the need to integrate newcomers from other Member states and the rest of the world and try various approaches to improve the dialogue both between EU citizens and local authorities through consultative forums. There are also many initiatives to bring together EU citizens, refugees and immigrants from the rest of the world with the local more sedentary population. These may work more or less well, but are poor substitutes for granting full political rights and giving EU citizens the opportunity to become fully rooted and equal members of society.

The same arguments in favour of extending political rights to encourage the integration of mobile EU citizens apply equally to nationals of countries outside the EU, who also pay taxes, contribute to the economy and send their children to the same schools as nationals of the host country. At local level, city authorities who are welcoming make no distinction between EU citizens and third country nationals when it comes to policies to encourage their integration in local society. There should be no difference in treatment either in EU policies especially since citizenship of the Union is now part of a binding Charter of Fundamental Rights which defines common European principles and values and bans all forms of discrimination. Legally an ECI can however only be signed by EU citizens and there is no legal basis in the Treaties on voting rights for third country nationals which is a responsibility of Member States. A European campaign to give full political rights to EU citizens should go hand in hand with national campaigns to do the same for third country nationals.

PART TWO: HOW TO ACHIEVE A SUCCESSFUL LAUNCH OF “ALWAYS LET US VOTE”?

The time is right to prepare the launch of this ECI which is planned for 1 November 2019, the 27th anniversary of the Maastricht Treaty. Turnout in the May European elections increased by 8% on average across Europe to reach just over 50%. The increase was due not so much to campaigning by political parties as to the accumulation of transnational civil society activism over the last ten years, which attracted first time voters. The impressive number of teams of young people criss-crossing Europe in the run up to the elections has created a body of talent and potential activists for this ECI. There are a considerable number of potential builders of this initiative among some 30.000 volunteers recruited by the European Parliament’s “this time I’m voting campaign” and other projects in which young people participated. The ECI should take advantage of this new sense of people asking not so much what Europe can do for me but what I can do for Europe. The delivery mechanism for the ECI will be a task force of young people supported by a steering group of representatives of ECIT and partner organisations.

i) Governance of the initiative

Steering group.

On the basis of the discussions at the annual summer university and earlier brainstorming meetings ECIT is putting together a light informal steering group of 6-10 ECI leaders, a representative and the project manager of the task force. The steering group will consist of European associations particularly those representing students and young people and which have shown an interest in forming a consortium for this ECI. The steering group should address the key strategic questions such as:

- what types of skills should be sought for the task force and how should its work be supported?
- how to build up momentum and support during the preparatory period and the actual launch of the ECI?
- what coalition of organisations across Europe needs to be set up and funded for signature collection after the launch?
- which are the minimum 7 countries to target for signature collection where there are already campaigns for voting rights and potential support on the ground?

The ECIT team have a track record of supporting ECI’s from the start and studying their track record whereas partners being approached have direct experience with running ECIs. The steering group should make as much use as possible of the collaborative platform and the contact points in each Member State set up under the new regulation and designed to provide assistance to ECI organisers. By January 2020 the steering group should have set up the citizens’ committee of 7 members and designed a detailed campaign strategy covering the period until 1 November 2021 and the follow-up.

Task force

To an extent the composition of the task force and how it will operate will depend on the recruitment process, the funding arrangements and the availability of its members. There should be a minimum of 12 young people recruited to cover a range of countries, languages and skills:

- The team should represent as many as possible of the 7 countries likely to be targeted for signature collection so that they can back up the work of the steering group by helping to set up national partners there and getting them involved in the preparatory activity. There should be a good geographical balance.

- The team should also have a wide range of language skills, so that help with translation can be provided and contacts can be made where possible in other languages apart from English, which should be the lingua franca but not the only language of the project.

- The aim should be to put together a team with a wide range of skills, so that most tasks can be performed in-house without recourse to expensive outside suppliers. The skills set is more important than knowledge of ECIs and European rights for which training will be provided.

-The team should include experience with organising a European network, knowledge of the EU in general and ECIs and voting rights in particular, experience with crowd funding and grant applications, research on EU and member state electoral systems, creation and design of multi-media materials for the campaign, press and social media communications, computers and on-line signature collection systems; organisation of events and one-to-one meetings.

The team can be hosted at SECO (salon for European civic organisations) near the European Parliament in Brussels, a large space of over 1.600 square meters ECIT shares with like-minded organisations. The environment is both large enough and sufficiently creative to be the headquarters of the team. The aim of this project is to succeed with the aim of full political rights for EU citizens over time whilst an immediate aim will be to provide a valuable educational and professional experience to young activists. This will be guaranteed by working together in a multi-disciplinary team on an interesting theme and in the context of legislation with precise requirements and deadlines. The project makes for a dedicated team with a common purpose.

ii) Outline strategy

-preparation (recruitment of the task force and two- day team building exercise)

The steering group should be formed by the end of this year and hold a first meeting in early January. The preparatory phase should begin with an announcement of the ECI on the websites of ECIT and partner organisations. The first task will be advertising and then recruiting the task force, which will take a month of pre-selection and interviewing of selected candidates. ECIT has to make sure that candidates can accept the conditions, meet the time constraints of the project and are available when necessary to come together at SECO. The ability of the group to work together as a team has to be assessed as much as individual qualifications. A similar process will be used as for Caravans 2019, a project run by European Alternatives in which ECIT was a partner, where it was necessary to put together a team of 25.

The team building process will be continued at a kick-off meeting at SECO which will take the form of a training session covering on the first day the issues of voting rights in different countries and at different geographical levels and on the second an assessment of European citizens initiatives in general followed by the strategy step-by-step for this particular ECI. This should be a two-way process- the team will learn about all the tools to make a success of the ECI and at the same time will help shape the strategy. ECIT has worked closely with the ECI campaign and Democracy International in preparing this initiative and will invite them to participate in the training session, as well as partner organisations and initiators of other initiatives

-creating the platform and multi-media tools for the ECI. Over the summer months the team will reassemble in order to work together on creating a website to spread support for the ECI. This should include a video, personal stories, activities of partner, a background policy document and tool kit for those who want to get involved and support the ECI in their own country. Research is still necessary

for this ECI on elections and referenda and in particular campaigns for voting rights with which the task force should work. The task force should work closely with the collaborative platform, national contact points and partner organisations. A data base of the constituency for this ECI should be built up and a monthly newsletter started reporting on the spread of support for the ECI and the countdown to its launch.

Launch of the ECI

The ECI should be registered with the Commission in time to agree on the launch date of 1 November 2020 . There will be an opportunity for a further round of preparatory activity and promotion at the summer university on European citizenship in September. The platform should be presented and discussed and updated for the launch. ECIT and partner organisations with the support of the task force should draw up and implement a campaign to promote the ECI on social media and with the press across Europe at the same time as the publication of the press release by the European Commission. The more signatures which can be gathered before the end of the year, the greater the chance that there will be sufficient momentum to build up signatures in 2021.

At each stage in this process the strategy will be updated, additional support searched for and fundraising carried out for subsequent stages.

CONCLUSION

When work began on preparing for this ECI, campaigning for more voting rights appeared as a laudable but isolated and neglected initiative which could be well supported but lacking sufficient popular support. It remains the case that this is an ambitious venture since despite their importance voting rights are often taken for granted, until they become difficult to access or are taken away. This is not such an easy ECI as those on a single topical issue in the public eye. There are the challenges of explaining why the right to vote is so fundamental, why it has become a European issue and why it should not be overlooked by reformers. There are also different degrees of political support or opposition to the extension of voting rights for European citizens. Attitudes may also be influenced by the impact extending the franchise could have on the outcome of elections.

The European political climate has however changed and this no longer appears as an isolated initiative:

-the increase in turnout in the last European elections was essentially due to more young voters realising that they had to take Europe as an issue seriously and participate. If the transnational movements and local initiatives directed at Europe continue, interest in this ECI will come naturally as part of the campaign to increase turn out still further in the next European elections in 2024.

-democracy issues are central to the agenda of the new European Commission which will launch a democracy action plan and a conference on the future of Europe including citizens and which will propose reforms to the process for electing the European Parliament. This ECI aiming at making democracy more European should be seen alongside the other reforms to introduce transnational party lists and improve the *Spitzenkandidaten* or lead European candidate system.

-there should be more willingness among the member states to discuss voting rights issues since they face common threats of fake news and interference with electoral processes. In early 2020 the Commission will launch a public consultation and then publish the report due every three years on activities related to European citizenship under Article 25 TFEU and which is also the legal basis for this ECI a report which for sure will raise issues about elections. There will therefore be a number of milestones and debates about European democracy to which the task force can link the message of "Always let us vote".