*Translation from Greek*

Cyprus Bar Association

THE LAWCONCERNING THE ELECTION OF THE MEMBERS

OF THE EUROPEAN PARLIAMENT OF 2004 (10(I)/2004)

**History of amendments**

**10(I)/2004**, 202(I)/2004, 207(I)/2004, 13(I)/2009, 144(I)/2013

**Preamble**

For the purpose of-

1. Harmonization with the act of the European community titled “Council Directive 93/109/EC of December 6th 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” (EE L 329 of December 30th 1993, p. 34), and
2. Implementation of paragraph 2of Article 19 of the Treaty establishing the European community,

The House of Representatives enacts as follows:

**PART I: INTRODUCTORY PROVISIONS**

**Short title**

1. The present lawwill be referred to as the Lawconcerning the election of the members of the European Parliament of 2004.

(10(I)/2004)

**Interpretation**

1. –(1) In the present Law, unless the context otherwise requires:

“competent authority” means the Minister andany other person generally or specifically authorized by the Minister to do so;

“Registration Certificate of Union citizen” means the registration certificate issued on the grounds of The Right of Union Citizens and their Family Members to Move and Reside Freely within the Territory of the Republic of Cyprus Law of 2007;

“special electoral register for voters” means the electoral register of voters compiled in accordance with Part III of the present Law;

“special electoral register for Community voters” means the electoral register of Community voters compiled in accordance with Part III of the present Law;

“voter” means every citizen of the Republic[[1]](#footnote-2) who has the right to vote in the elections to the European Parliament in the Republicunder the provisions of the present Law;

“European Parliament elections” means the elections for Membersof the European Parliament by direct universal suffragein accordance with the present Law and the Act:

“election laws” means

1. the Lawconcerning the election of members of the House of Representatives;
2. the Law concerning the Civil Registry

and includes any other law that amends and/ or replaces the abovementioned, as well as the Regulations concerning the election of members of the House of Representatives and/ or any other regulations issued on the grounds of any of the abovementioned laws;

“candidate” means any citizen of the Republic who has the right to stand as a candidate in elections to the European Parliament in the Republic in accordance with the provisions of the presentLaw;

“European Parliament” means the institution with the same title of the European Union;

“reference date” meansthe day of each election to the European Parliament;

“Community voter” meansany national of another Member State who has the right to vote in elections to the European Parliament in the Republic in accordance with the provisions of this Law;

“Community candidate” meansany national of another Member State who has the right to stand as a candidate in elections to the European Parliament in the Republic in accordance with the provisions of this Law;

“Member State” means member state of the European Union;

“Member State of origin” means the Member State, other than the Republic,of which the person isa national;

“Member State of residence” means the Member State, other than the Republic, in which a citizen of the Republic resides;

“Act” means the Act concerning the election of Members of the European Parliament by direct universal suffrage, annexed to the Decision of the Council of the European Union dated September 20th1976, as amended or replaced;

“Minister” means the Minister of Interior.

(2) Any other terms contained in this Law and not otherwise defined have the meaning attributed to them by the election laws.

10(I)/2004, 13(I)/2009

**Constituency**

1. For the purposes of the elections to the European Parliament in the Republicthe entire territory of the Republic is a single constituency.

10(I)/2004

**PART II – RIGHT TO VOTE**

**Right to vote**

1. Right to vote in the elections to the European Parliament have all the citizens of the Republic, and all the nationals of another Member State who reside in the Republic, who on the reference day areeighteen-years oldand hadbeen resident in the Republic for a period of six months immediately before the day of acquisitionof electoral qualifications, as defined in paragaph (7) of Article 101 of the Civil Registry Law.

It is understood that for the purposes of this Law, the requirement for six-month residence in the Republic before the time of acquisition of electoral qualifications is met if a citizen of the Republic or a nationalof another Member State was habitually resident for an equivalent time in any other Member State, provided that on the date of entry in the special electoral registers for voters and Community voters, as the case may be, is residing in Cyprus.

**Exercise of the right to vote**

1. –(1) The Community voters exercise their right to voteeither in the Republic or in the Member State of origin.

(2) None can exercise the right to vote more than once in the same elections to the European Parliament.

(3) Each voter who has been registered in the electoral registers for voters and each Community voter who has expressed the desire to exercise the right to vote in the elections to the European Parliament in the Republic and who has been registered in the electoral register for Community voters, must exercise the right to vote granted to them under Article 4 of this Law.

10(I)/2004

**Registration in the special electoral registers**

1. The voters and the Community voters who have not beendeprived of the right to vote under the Article 7 of this Law, are registered in accordance with the provisions of Part III of the present Law, in the respective special electoral registers provided for in the said Part.

10(I)/2004

**Deprivation of the right to vote**

1. –(1) Deprived of the right to vote is any person who has been deprived of that right under the provisions of any law or pursuant to a court decision.

(2) Without prejudice to the provisions of paragraph (1) Community voter is deprived of the right to vote if he/ she has been deprived of this right in the Member State of origin pursuant to a decision of a court of civil or criminal jurisdiction.

10(I)/2004

**PART III – SPECIAL ELECTORAL REGISTERS FOR VOTERS AND COMMUNITY VOTERS**

**Special electoral registers for voters and Community voters**

1. –(1) The voters and the Community voters are registered in special electoral registers for voters and Community voters,respectively, that are prepared and completed for the purposes of this Lawby the Civil Registry and Migration Department in accordance with the procedure laid down in the Civil Registry Law, mutatis mutandis, and in accordance with the provisions of Article 9 of this Law, in order to include all the voters and Community voters who have the right to vote pursuant to the provisions of Article 4 of thisLaw.

(2) In relation with theexposure, inspection, deletion, correction and finalization of the special electoral registers for voters and Communityvoters shall apply, mutatis mutandis, the relevant provisions of the Civil Registry Law.

10(I)/2004

**Registration in the special electoral registers for voters and Community voters**

1. –(1) The Civil Registry and Migration Department enters in the special electoral register for voters:
2. Each voter who on the date of publication of this Lawin the Official Gazette of the Republic, is registered in the permanent electoral register under the Civil Registry Law, and
3. every other citizen of the Republic who has the right to vote under Article 4 of this Law, and who presents himself to the Electoral Register Services at the offices of the District Administrations, and submits in a form specified by the Minister a formalstatementin order to be entered into the special electoral register for voters concerting the fact that he/ shemeets the terms and conditions for registration as set out in Article 4 of this Law.

It is understood that the citizen of the Republic declares in his/ her statement the address of their usual residence in the Republic.

 (2) The Civil Registry and Migration Departmentregisters in the special electoral register for Community voters each Community voter having the right to vote under Article 4 of this Law, who wishes to exercise the said right in the Republic and presents to the Electoral Register Services at the offices of the District Administrations an ID card issued by the authorities of the Republic, or a valid passport or a valid ID card issued by the authorities of the Member State of which the Community voter is a citizen, and/ or Registration Certificate of a Union citizenconcerninghimself, and submits a statement in which he/ she declares the following:

(i) citizenship;

(ii) that he/ she has not been deprived of the right to vote in the Member State of origin;

(iii) if applicable, the last electoral register, in which he/ she has been entered in the Member State of origin;

(iv) address of permanent residence in the Republic;

(v) the date from which he/ she resides in the Republic or in another Member State;

(vi) that he/ she will exercise the right to vote only in the Republic.

 (3) Voters and Community voters who acquire the right to vote submit within thirty days from the date of acquisition of their voting rights an application to the respective District officer in order to be entered into the special electoral registers for voters or for Community voters, as the case may be, subject to the provisions of paragraphs (1) and (2) of the present article.

It is understood that voters and Community voters who acquire their right to vote in the elections to the European Parliament due to completion of the eighteenth year of age on the reference date may submit the application for registration in the electoral registers before that day, but not later than theday immediately preceding the date of the preparing of the respective special electoral register.

 (4) Anyone who knowingly provides false information in a statement submitted under paragraphs (1) and (2) of the present article and/ or in relation with that statement, and/ or in relation with the preparation of the special electoral registers for voters or Community voters, and/ or in relation with any investigation carried out by the District officer in accordance with the provisions of the present Law, or who deliberately refuses to give any such information, commits an offense punishablewith imprisonment not exceeding six months or with a fine not exceeding four hundred-fifty (Cyprus) pounds or with both penalties.

 (5) The provisions of paragraphs (4), (5), (6) and (8) of Article 97 of the Civil Registry Law shall apply, mutatis mutandis, in relation with voters and Community voters who have been registered in the special electoral registers for voters or Community voters, as the case may be, subject to the provisions of the present Law.

10(I)/2004, 13(I)/2009

**Deletion from the special electoral registers for voters and Community voters**

1. –(1) The following individuals shall be deleted from the special electoral registers for voters and Community voters:
2. Anyone deprived of the right to vote under Article 7 of this Law;
3. Anyone who, while being registered in the electoral registers prepared under this Law, registers in the electoral registers of another Member State prepared by the authorities of the other Member State for the purposes of the European Parliament elections heldin the said state;
4. Anyone, in relation with whom any of the terms and conditions for entry on the special electoral registers for voters or Community voters, as the case may be, is no longer valid.

(2) The Community voters may apply for their deletion from the registers at least fifteen days before the reference date.

(3) Voters or Community voters who have not been registered in the special electoral registers for voters or Community voters, as the case may be, or who have been deleted from the said registers, do not have the right to vote under the present Law.

10(I)/2004

**Voting conditions**

1. A voter or Community voter is allowed to vote in elections held in accordance with the provisions of this Lawonly if the following conditions have been met:
2. (i) The voter has proved his/ her identity bypresenting the ID card issued by the authorities of the Republic or his/ her voting card;

 (ii) The Community voter has proved his/ her identity bypresenting the document presented at the offices of the District Administration for his/ her registration in the special electoral register for Community voters under Article 9, and

1. The person has been registered in the special electoral registers for voters or Community voters, as the case may be, and
2. The person has not already voted in the same elections to the European Parliament in the Republic.

10(I)/2004, 202(I)/2004, 13(I)/2009

**Notifyingof the Community voters regarding the details of exercising their voting rights**

1. The competent authority informs in time and in the appropriate mannerthe Community voters in relation with the conditions and the details of exercising their voting rights in the elections to the European Parliament in the Republic.

10(I)/2004

**PART IV – RIGHT TO STAND AS A CANDIDATE**

**Right to stand as a candidate**

1. Right to stand as a candidate in the elections to the European Parliament in the Republic have the citizens of the Republic and the citizens of other Member States who on the reference date meet the conditions under Article 6 of the present Law, and:
2. Are twenty-one years old;
3. Have not been convicted of an offense involving dishonesty or moral turpitude, or have not been deprived of their right to stand as a candidate pursuantto a court decision becauseof any electoral offence;
4. Do not suffer from a mental disease that renders them unable to perform their duties as members of the European Parliament.

10(I)/2004, 144(I)/2013

**Submission of a candidacy**

1. –(1) The submission of the candidacy of any candidate and Community candidate is made,mutatis mutandis, in accordance with the procedure provided for in Article 19 of the Law concerning the election of members of the House of Representatives.

(2) No Community candidate may submit his/ her candidacy unless he/ she submitsat the same time the following documents:

(a) adeclaration stating:

 (i) citizenship;

 (ii) the address of permanent residence in the Republic;

 (iii) the date and place of birth;

(iv) that he/ she is not at the same time candidate for the elections to the European Parliament in another Member State, but neither in the Republic within the combination of another party or coalition of cooperating parties;

 (v) the date from which he/ she is citizen of a Member State;

(vi) that he/ she has not been deprived of the right to stand as a candidate in the Member State of origin;

 (vii) the last address in the Member State of origin;

(b) an ID card issued by the authorities of the Republic or valid passport or valid ID card issued by the authorities of the Member State of which the Community candidate is a citizen, and/ or Registration Certificate of Union Citizen concerning himself/ herself.

(3) The provisions of paragraph (4) of Article 9 of the present Law shall apply for the purposes of this article as well.

10(I)/2004, 13(I)/2009, 144(I)/2013

**Information upon request by the competent authority of the Member State of residence**

1. If a citizen of the Republic intends to exercise his/ her right to stand as a candidate in the Member State of residence, the competent authority, upon the request of the competent authority of the Member State of residence, informs within five (5) working days from receiving the request, whether the person concerned has been deprived of the right to stand as a candidate or not.

10(I)/2004, 144(I)/2013

**Incompatibility**

1. The office of member of the European Parliament of members who have been elected during the elections to the European Parliament held under the present Lawshall be incompatible with:
2. The positions or the offices mentioned in the Article 7 of the Act as amended, and
3. The offices, the capacity or the posts with which the status of MP (member of the parliament) is incompatible pursuant to Article 70 of the Constitution.

10(I)/2004

**Prohibition from standing as a candidate**

1. No one may exercise the right to stand as a candidate if he/ she does not comply with the provisions of the present Lawor the applicable provisions of the electoral laws.

10(I)/2004, 144(I)/2013

**Exercising the right to stand as a candidate**

1. –(1) The candidates and the Community candidates exercise their right to stand as a candidate for election as provided in the provisions of the Law on Election of Members of the House of Representatives, which shall apply mutatis mutandis.

(2) No one can exercise the right to stand as a candidate for election in more than one Member State during the same elections to the European Parliament.

10(I)/2004

**Deprivation of the right to stand as a candidate for election**

1. Any candidate and Community candidate is deprived of the right to stand as a candidate if he has been disqualified under a decision by a court of civil or criminal jurisdiction of the Republic or of the Member State of origin.

10(I)/2004

**Notification regarding the admissibility of the candidacy of a Community candidate**

1. The competent authority notifies in time and in the appropriate manner the Community candidates in relation with its decision regarding the admissibility of their candidacy.

10(I)/2004

**Objections against documents of submission of candidacy**

1. The provisions of Article 21 of the Law on Election of the Members of the House of Representatives shall apply, mutatis mutandis, in relation with the objections against documents of submission of candidacy, as well as againstadverse decisions of the Elections Inspector.

10(I)/2004

**Notification of the Community voters[[2]](#footnote-3) regarding the details of exercising the right to stand as a candidate**

1. The competent authority informs in time and in the appropriate manner the Community candidates[[3]](#footnote-4) regarding the terms and the details of exercising the right to stand as a candidate in the elections to the European Parliament.

10(I)/2004

**PART V – HOLDING THE ELECTIONS**

**Holding the elections**

1. (1) For the holding of the elections to the European Parliament the allocation of seats is made in accordance with the provisions of Article 32 of the Law on Election of the Members of the House of Representatives and, if any seats remain unallocated, instead of the provisions of Article 33 of the same law, the allocation shall be made by the Elections Inspector in accordance with the provisions of paragraphs (2) and (3) of the present article.

(2) The allocation of the free seats is made between the candidates of the independent parties, of coalitions of parties, of combinations of independent candidates or between independent candidates who haveobtained 1.8% of the total valid votes, whether they have obtained any seat during the first distribution or not, according to the order of the amount of unused balances.

(3) Any seat allocated under paragraph (2) to an independent party, coalition or combination of independents shall be occupied by their candidate who has the most votes.

10(I)/2004, 207(I)/2004

**Voting hours**

 23A. Voting hours are from 7:00am until 6:00 pm with a break from 12:00 until 1:00 pm.

13(I)/2009, 144(I)/2013

**PART VI –EXCHANGE OF INFORMATION WITH OTHER MEMBER STATES**

**Transmission of information in order to find out whether an individual has been deprivedof the right to vote or to stand as a candidate**

1. –(1) The competent authority shall verify whether the national of another Member State who has expressed the desire to exercise his/ her right to vote or to stand as a candidate, respectively, in the Republic, has not been deprived of the said right in the Member State of origin pursuant to a decision of a court of civil or criminal jurisdiction.

(2) For the implementation of paragraph (1) the competent authority notifies the Member State of origin the formal statement mentioned in paragraph (2) of Article 9 and paragraph (2) of Article 14 of the present Law.

(3) If from the information submitted by the Member State of origin the content of the formal statement has not been verified, the competent authority shall take all the appropriate measures in order to not allow the national of another Member State to exercise the right to vote or to stand as a candidate, respectively, in the Republic.

(4) The information transmitted by the Member State of origin may be used only for the purpose of the implementation of the present Law.

(5) If the Member State of residence requests information regarding a citizen of the Republic who resides on its territory in order to find out if the said person has been deprived of the right to vote in accordance with the election laws, the competent authority transmits within a reasonable time-limit before each polling-day and in the appropriate manner only the absolutely necessary information for the implementation of the present Law.

10(I)/2004, 144(I)/2013

**Transmission of information in order to avoid double voting and candidacy**

1. For the purposes of the implementation of the paragraphs (1) and (2) of Article 5 and of paragraph (2) of Article 18 of the present Law, the competent authority, on the basis of the formal statements mentioned in paragraph (2) of Article 9 and in subparagraph (a) of paragraph (2) of Article 14 of the present Law, to the Member State of origin the information regarding the nationals of the said state, who have been registered in the special electoral registers or have submitted candidacy in the Republic within reasonable time-limit before each polling-day and in the appropriate manner.

10(I)/2004

**Measures for avoidance of double vote and double candidacy**

1. In case that the competent authority has been notified by the Member State of residence that the citizen of the Republic has the intention to exercise the right to vote or the right to stand as a candidate in the said state, it shall take all the appropriate measures in accordance with the election laws in order double vote and double candidacy of the citizen of the Republic to be avoided.

10(I)/2004

**PART VII – FINAL PROVISIONS**

**Implementation of the electionlaws**

1. For any issue that has not been provided for in the present Lawshall apply, mutatis mutandis, the provisions of the election laws.

It is understood that the provisions of paragraph (7) of Article 97 of the Civil Registry Lawand of paragraph (1) of Article 37 of the Law on Election of the Members of the House of Representatives shall not apply.

It is understood furthermore that the amount of three hundred (Cyprus) pounds and of five hundred (Cyprus) pounds referred to in paragraph (1) of Article 48 and in paragraph (1) of Article 49 of the Law on Election of the Members of the House of Representatives, respectively, shall be replaced for the purposes of the present Lawby the amount of five thousand Euro and forty-five thousand Euro, respectively.

It is understood still further that the amount of two hundred and fifty (Cyprus) pounds that has been referred to in paragraph (5) of Article 19 of theLaw on Election of the Members of the House of Representatives shall be replaced for the purposes of the present Law by the amount of one thousand Euro.

10(I)/2004, 13(I)/2009

**Offenses and penalties**

1. –(1) Any person who violates the provisions of the present Law commits an offense and in that case shall apply, mutatis mutandis, the provisions of the election laws.

It is understood that the violation of the provisions of paragraph (3) of Article 5 and of Article 6 of the present Law, is not punishable.

(2) Without any prejudice to the generality of paragraph (1), any person who tries to exercise or exercises the right to vote or the right to stand as a candidate in the Republic and in any other Member State in the same elections to the European Parliament, commits an offense punishable with imprisonment not exceeding one year or with fine not exceedingone thousand (Cyprus) pounds or with both penalties.

10(I)/2004

**Issue of regulations**

1. –(1) The Council of Ministers has the power to issue Regulations that shall be published in the State Gazette of the Republic in relation with any issue that needs or may be prescribed and generally for the better implementation of the provisions of the present Law.

(2) The regulations issued on the grounds of the present Law are laid before the House of Representatives that has the power of approval and/ or rejection within sixty days from the date of submission. If the House of Representatives approves the Regulations or if the term of sixty days expires without any action, the Regulations shall be published in the State Gazette of the Republic and shall enter into force on the day of their publication.

10(I)/2004

**Entry into force of the present Law**

1. (1) Subject to the provisions of paragraph (2), the present Law shall enter into force on the date of accession of the Republic to the European Union.

(2) The provisions regarding the registration in the special electoral register for voters and Community voters shall enter into force on the date of their publication in the State Gazette of the Republic.

10(I)/2004[[4]](#footnote-5)

I hereby certify that the present text is true translation of the attached document.

CHRISTINAPAPANICOLAOU

Iherebycertifythatthesignatureaboveisthatof

Mrs. Christina Papanicolaou.

For Director of the

Press and Information Office

Cyprus Republic 15.01.2014

1. *N.o.Tr.* In this text “Republic” means the Republic of Cyprus. [↑](#footnote-ref-2)
2. *N.o.Tr.*Probable discrepancy in the original text. [↑](#footnote-ref-3)
3. *N.o.Tr.* Same as footnote 2. [↑](#footnote-ref-4)
4. Total words: 4.292 [↑](#footnote-ref-5)