

LOCAL (MUNICIPAL/COMMUNITY) ELECTIONS

INFORMATION ON COMMUNITY LAW

RIGHT TO VOTE AND TO STAND AS A CANDIDATE IN MUNICIPAL/COMMUNITY ELECTIONS

Every EU citizen residing in an EU country of which he/she is not a national has the right to vote and to stand as a candidate at municipal elections in his/her country of residence, under the same conditions as nationals of that country. The main rule is thus that EU citizens living in another EU country are treated as if they were nationals of the country in which they live.

If an EU country requires a minimum period of residence from its own nationals as a condition for participation in local elections, similar minimum period of residence can be required from non-national EU citizens. However, they are deemed to have fulfilled that condition where they have resided an equivalent period in another EU country.

It should be noticed that Community law guarantees the franchise only in local elections. Right to vote and to stand as a candidate in regional elections or in national elections is covered by national legislation, and it depends thus of the EU country whether it grants the right to participate to regional or national elections to citizen of other EU countries.

RIGHT TO VOTE

An EU citizen can exercise his/her right to vote in the country of residence, if he/she has expressed the wish to do so. The EU voters are entered on the electoral rolls according to the national provisions of the country of residence. In order to have his/her name entered on the electoral roll, an EU voter produces the same documents as a voter who is a national. They can be also required to produce a valid identity document, a formal declaration stating their nationality and their address in the country of residence.

EU citizens, who have been entered on an electoral roll in their country of residence, remain on the roll as long as they satisfy the requirements for exercising the right to vote. If they have been entered on the roll at their request, they can also be removed if they so request.

RIGHT TO STAND AS A CANDIDATE

As regards standing as a candidate, EU citizens must produce the same supporting documents as national candidates, when they present their application for candidacy. They can be also required to produce a valid identity document and a declaration on their nationality and their address in the country of residence. Furthermore, they can be required to state in a formal declaration that they have not been deprived the right to stand as a candidate in their home country, possibly with a respective attestation, and that they hold no public office in their home country, which is incompatible with holding an elected office in the country of residence.

USEFUL REFERENCES

- ❖ Council Directive 94/80/EC of 19 December 1994, laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections for citizens of the Union residing in a Member State of which they are not nationals.

- ❖ Report from the Commission to the European Parliament and the Council on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections. COM(2002)260 final, 30.5.2002.

USEFUL INFORMATION ON NATIONAL PROVISIONS

ELECTIONS FOR LOCAL AUTHORITIES

WHO HAS THE RIGHT TO VOTE AND STAND AS A CANDIDATE?

Persons entitled to vote must be nationals of a Member State of the European Union who are over 18 years of age, are entered on a special electoral roll in Cyprus and have not been deprived of their right to vote either in Cyprus or in

their home Member State. Any person who meets all the requirements for exercising the right to vote and is over 25 years of age also has the right to stand as a candidate

WHAT CYPRUS IS DOING

What must I do in order to be able to vote?

You must submit the following application to be entered on the special electoral roll. <http://moi.gov.cy/pdf/elections.pdf>

Your application may be submitted to the local offices of your District Administration at any time during the year. The electoral roll is revised and updated four times a year, on 2 January, 2 April, 2 July and 2 October.

EU citizens who have been entered on the special electoral roll remain registered as long as they reside in Cyprus and satisfy the conditions for exercising the right to vote, and unless they apply to be removed from the electoral rolls.

Applications for removal from the special electoral roll must also be submitted to the local offices of the regional administration at least fifteen days before the elections.

Since voting is compulsory in Cyprus, EU citizens of other Member States who are on the electoral roll must exercise their right to vote in the same way as Cypriots who are eligible to vote.

CANDIDATURE APPLICATIONS

Candidature applications must be submitted to the General Election Officer at the time and place announced by the officer by means of publication in the Official Gazette of the Republic of Cyprus and public display within the Municipality/Community at least five days before the date for submission of applications.

EU citizens may not stand as candidate mayors or presidents of community and if they are elected as members of the council they may not be elected as deputy mayors or presidents of community.

Candidates may submit their applications in conjunction with a party/coalition of parties/coalition of independents or as independents.

The maximum number of candidates for each coalition may not exceed the number provided for by law, which is the number of seats attributed to each Municipality/Community.

Each candidate must submit the following:

- (a) the candidature signed by two voters, one of whom propose the candidature and the other second it;
- (b) a declaration by the candidate that he/she meets the conditions on eligibility, and a deposit of £50.

Candidates from other Member States must, in addition to the above, also submit the following:

- (a) a formal declaration stating:
 - i. their nationality;
 - ii. their usual place of residence in Cyprus;
 - iii. their last address in their Member State of origin;
 - iv. where applicable, the last electoral roll on which they were entered in their Member State of origin;
 - v. they have not been deprived of the right to stand as a candidate there;
 - vi. that they are not also standing as a candidate in the elections to the European Parliament in another Member State or in Cyprus on the list of another party or coalition of parties;
 - vii. the date as from which he/she is a citizen of a Member State.

- (b) confirmation from the competent authorities of their Member State of origin that they have not been deprived of the right to stand as a candidate there or that those authorities are unaware of such deprivation of rights.
- (c) a Cyprus identity card.

The names of the candidates are made public in an announcement by the General Election Officer displayed at the place where the candidatures were submitted. Any interested party may then appeal in writing against any of the candidatures on the grounds specified by law within 24 hours of the final date for submission of candidature.

FOR MORE INFORMATION, CONTACT

Ministry of the Interior
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NATIONAL RULES

- ❖ The Municipal and Community Elections (Citizens of other Member States) Law of 2004 (N.98(I)/2004);
- ❖ The Election of Members of the House of Representatives (N.72 of 1979 up to 3(I)/2003);
- ❖ The Municipalities Law (N. III of 1987 up to 47(I)/2003);
- ❖ The Communities Law (N. 86(I) of 1999 up to 228(I)/2002)

(Emmanouil Tyrakis)