

Von: JUST-CITIZENSHIP@ec.europa.eu
Gesendet: Freitag, 27. Oktober 2017 14:02
Cc: [REDACTED]

Betreff: Expert Group on Electoral Matters: minutes of 29/9 meeting go to registry and two requests for assistance Your Europe and local elections report
Anlagen: 20174610615a final Agenda.pdf; Report of meeting of expert group on electoral matters 29 09 2017 final.pdf; 26102017 Table MS replies.xlsx; Questionnaire Annex 1.pdf

Dear All,

With our apologies for sending two emails to the full list on the same day, please be advised that the report of our meeting on 25 September (attached) has now been uploaded to the registry of expert groups.

We also have two requests for assistance.

Local elections report

As we mentioned at the last expert group meeting, we are preparing the report on local elections. Please find a table of responses received to our questionnaire. In most places, we have merely marked (with an X) where information has been provided or not for the various questionnaire questions. We have also provided some of the numerical totals, to help you to validate them before we include them. **In all cases, we would be extremely grateful if you have updates or amendments.** We would be grateful if you could send us such updates, amendments or corrections by **Friday 3 November**. The original questionnaire is also attached.

Your Europe – Information on elections

We are all committed to ensure that our citizens are able to exercise their electoral rights to their full extent. Member States assist us greatly in achieving this by providing the information presented in our Your Europe website for local elections and European elections. Our colleagues liaise with a Committee of Member State experts which assist them in the compilation of all the data on the site (please note, where a national site presents this information comprehensively, it is perfectly sufficient merely to include a link).

We would like to request that you, as experts on electoral matters, review your respective national webpages (accessible through the links above). We would be more than happy to assist you by coordinating with our Your Europe colleagues and your colleagues on the Committee, if updates need to be made. This would enhance the information currently available on voting formalities for municipal elections considerably. **We will update on this issue at the next expert group meeting, expected early next year, and we would be grateful for your support in the meantime.**

Finally, just a quick mention that the study on remote voting, which we flagged at our last meeting, is progressing to the stage when our researchers may soon be contacting members of this group to assist them in their research. We will naturally ensure that our researchers have conducted a thorough inventory of all publically available information in advance of this.

Kind regards

Citizenship and Free movement



Contribute to our consultations on potential ways to improve the security of ID cards and residence documents and of the EU emergency travel document



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR JUSTICE AND CONSUMERS

Unit D3: Union citizenship rights and Free movement
Head of Unit

Meeting of the Expert Group on electoral matters

25 September 2017, from 9:15 to 13:00,

ALBERT BORSCHETTE building, room 4C,

Rue Froissart 36

1040 Brussels

DRAFT AGENDA

Coffee will be available from 9:00

1. Adoption of the agenda
2. Discussion of cryptographic tool
3. Report on the implementation of EU law on local elections – presentation on first draft and remarks about good practice to foster voter turnout in mobile EU citizens.
4. Proposal for a multilingual form to facilitate the timely exchange of information required under Directive 2013/1/EU (NL request)
5. Any other business
6. Closing the meeting (next meeting in March 2018)

[REDACTED]

Von: JUST-CITIZENSHIP@ec.europa.eu
Gesendet: Montag, 20. November 2017 16:35
An: VIS
Cc: JUST-CITIZENSHIP@ec.europa.eu
Betreff: RE: Update of contact point details related to the exchange of files for the European Crypto tool

Dear [REDACTED]

Thank you for this information, the Crypto tool points of contact list has been updated accordingly.

You can find this updated list in CIRCABC.

Kind regards,

[REDACTED]



DG Justice
D.3 – Union Citizenship Rights and Free Movement

[REDACTED]
[REDACTED]

B-1049 Brussels, Belgium

Contribute to our consultations on potential ways to improve the security of ID cards and residence documents and emergency travel documents

From: VIS@bmi.bund.de [mailto:VIS@bmi.bund.de]

Sent: Thursday, November 02, 2017 11:33 AM

To: JUST CITIZENSHIP

Cc: [REDACTED]

Subject: WG: Update of contact point details related to the exchange of files for the European Crypto tool

VIS -20202/14#1

Dear Colleagues,

Attached please find a document with the revised German contacts (column 7).

Kind regards,

For the Federal Ministry of the Interior

[REDACTED]

Division V I 5

Federal Ministry of the Interior

Alt-Moabit 144, 10559 Berlin

[REDACTED]

email: VIS@bmi.bund.de

Von: JUST-CITIZENSHIP@ec.europa.eu [mailto:JUST-CITIZENSHIP@ec.europa.eu]

Gesendet: Freitag, 27. Oktober 2017 10:14

An:



Betreff: Update of contact point details related to the exchange of files for the European Crypto tool

Dear All,

Following the Luxembourg email sharing with you their credentials in the context of the EP test campaign, **we would be grateful for you to help us have the cleanest email list possible.**

We have replaced the previous document with a file that contains three columns:

Column1: Expert group Mailing list (all communication with MS)

Column 2: Point of Contact EP crypto tool Mobile Voters confirmed (Point of contact for the exchange of Crypto tool credentials and electronic Mobile Voters confirmed)



Column 3: Point of Contact EP crypto tool Mobile Candidates confirmed (Point of contact for the exchange of Crypto tool credentials and electronic Mobile Candidates confirmed)

We have already indicated in Column2 & Column3 the emails addresses that were confirmed for this testing campaign.

Could all the Member States which have not yet confirmed their contact points please amend the file directly, or provide us with the information so that we can make the necessary changes.

This should help us avoid spamming some email addresses with unnecessary emails,

Best regards,

From: 
Sent: Wednesday, October 18, 2017 5:42 PM
To: 



Subject: EP Test campaign 2017 Crypto Tool - LU - Credentials

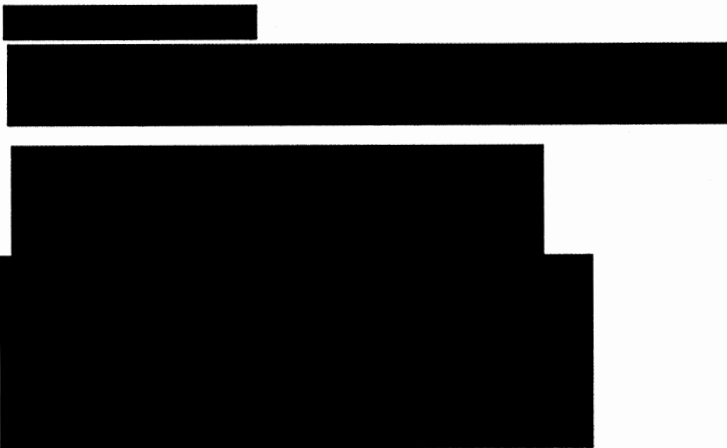
CTIE Anti-Virus solution:

The message content is encrypted and has not been scanned.
Please verify the message originates from a trusted source
and the password is not contained in the email.

Dear colleagues,

As discussed during the 25/09/2017 meeting of the Expert Group on Electoral Matters, please find in attachment [redacted] credentials to be used for the first test campaign of the Crypto Tool.

Best regards,



DECHARGE

Les informations contenues dans cet email peuvent être confidentielles ou protégées par des lois en vigueur. Elles sont à l'attention des destinataires uniquement. A moins de respecter les conditions de

la loi du 2 août 2002, les données nominatives éventuelles ne peuvent être communiquées à des tiers par le récepteur de cet email.

Si vous n'êtes pas le destinataire principal, ni un des destinataires placés en copie, la divulgation, la copie, la diffusion ou toute autre utilisation de cet email est prohibée et peut être illégale.

Dans ce cas, vous devez avertir l'expéditeur immédiatement et détruire cet email

L'émetteur de l'email supporte l'entière responsabilité pour le contenu purement privé non en relation avec les fonctions que ce dernier exerce auprès du CTIE.

[REDACTED]
European Commission
DG JUST – UNIT D3
Citizenship and Free movement

[REDACTED]
[REDACTED]

Contribute to our consultations on potential ways to improve the security of ID cards and residence documents and of the EU emergency travel document

[REDACTED]

Von: [REDACTED]
Gesendet: Dienstag, 16. Januar 2018 13:59
An: RegVIS
Cc: VI5_
Betreff: WG: Technical Event on Electoral Practices on 25-26 April 2018
Anlagen: Save the Date Technical event on electoral practices April 2018.pdf

1. Neuen Vg VI5 -20202/14#3 (?) "Technical Event on Electoral Practices/ Wahlrechtsexperten 25-26 April 2018" anlegen und bitte Az mitteilen
2. ZVg

MfG
[REDACTED]

Von: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu [mailto:JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu]
Gesendet: Dienstag, 16. Januar 2018 13:53
An: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu
Betreff: Technical Event on Electoral Practices on 25-26 April 2018

Dear colleagues,

Please find attached an announcement for a **Technical Event on Electoral Practices** due to take place on **25-26 April 2018** in Brussels.

Director-level MS representation is sought, coordinated through the **expert group on electoral rights** (which includes Member State representatives from electoral authorities and relevant ministries).

We would be grateful if you could inform the relevant authorities in your Member States and ask them to save the date for this event. Further information on the event will follow soon.

Kind regards,

DG JUST/D3 unit team

[REDACTED]

Von: [REDACTED]
Gesendet: Dienstag, 20. März 2018 15:13
An: RegVI5
Cc: [REDACTED]
Betreff: WG: Invitation to elections event on 25-26 April plus supporting documents
Anlagen: Lessons learned and Questions following EP Crypto tool test campaign 201....pdf; 1543011 s - 20174349083s agenda electoral event v2.pdf; 1543011s - invitation JHA councilors.pdf

Z Vg VI5 -20202/14#3

MfG
[REDACTED]

Von: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu [mailto:JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu]
Gesendet: Dienstag, 20. März 2018 10:44

[REDACTED]
Betreff: Invitation to elections event on 25-26 April plus supporting documents

Dear All,

Regarding our event on elections on 25-26 April (including the usual meeting of the expert group on electoral matters on the afternoon of 26 April, please find attached an invitation and agenda which will have also been dispatched to JHA counsellors today.

As highlighted in our previous, save-the-date email, we are planning a practical, interactive event with you and senior decision-makers (directors) from the responsible authorities (in most cases electoral commissions, but we leave it to your discretion to decide which national officials best suit the subject matter). This is in line with the Commission's commitment to support democratic participation and the dissemination of practices which achieve this made in its EU Citizenship Report 2017, and the Commission's recent Recommendation on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament, particularly recommendation 5.

We will circulate the promised discussion paper in the next few days to give you an indicative summary of practices which the European institutions have discussed in the past in the context of driving up democratic participation. For the avoidance of doubt, we will reimburse the attendance of one expert as normal, and additionally reimburse the attendance of a director or equivalent for the two days. We look forward to seeing you in April.

Please also find attached a document (Lessons learned and Questions following EP Crypto tool test campaign 2017) summarizing the findings from the last European Parliament Crypto tool campaign run last Autumn.

Following this campaign, the Commission proposes some solutions to fix the issues encountered but is also asking you some questions to make sure we implement the solutions which work best for you and your colleagues.

We would be grateful if you could send us your responses to the 6 questions by the Thursday 19 April (one week before the next expert group meeting).

Should you have questions on the attached document, please feel free to send them to (DIGIT-ECI@ec.europa.eu). For all other questions, feel free to contact those cc'ed to this mail.

Kind regards

[Redacted]

[Redacted]
European Commission
DG JUST – UNIT D3
Citizenship and Free movement

[Redacted]



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate D:Equality and Union Citizenship
Director

Brussels,
JUST.D.3/HP/mb(2018)s1543011

**FOR THE ATTENTION OF HEADS OF JHA SECTIONS
AT THE PERMANENT REPRESENTATIONS TO THE EU**

Subject: Event on democratic participation and electoral matters

In view of the Commission's commitments in its Citizenship report 2017 to:

- promote best practices which help citizens vote and stand for EU elections, including on retaining the right to vote when moving to another Member State and cross-border access to political news, to support turnout and broad democratic participation in the perspective of the 2019 European elections; and
- organise a high-level event on democratic participation with a particular focus on encouraging best practices to increase the participation of young people and vulnerable and underrepresented groups,

and in line with the Commission's Recommendation of 14 February 2018 on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament, **we are organising an event with the competent Member States authorities to exchange best practices and practical measures** to promote the exercise of electoral rights of underrepresented groups, including persons with disabilities, and overall to support democratic conduct and a high turnout.

25-26 April 2016, from 9:00-16:30
Albert Borschette Conference Centre
Rue Froissart 36, 1040 - Brussels

We would be grateful if you could arrange for suitable, Director-level attendance from your Member State.

Our aim is to bring together a breadth of expertise and experience to discuss practical steps that Member State could implement. We envisage an interactive series of presentations from experts, stakeholders and the Member States themselves on such practices, and two rounds of discussions among the national representatives to enable an exchange of views: the first a brainstorm to elicit practices and to provide Member States with the opportunity to showcase their planned activities, followed by a closing discussion on the second day, where Member States will have the opportunity to evaluate the ideas discussed.

To provide a basis for discussion we are preparing a discussion paper reviewing practices from previous Commission publications, which will be circulated soon, and we will present our recently announced report on local elections as well as a review of recent

European electoral statistics. Further background will be provided by the Commission's recently established Network of academic experts in citizenship rights, and from a team conducting a study on remote voting (all kinds of voting which does not require attendance at a voting booth) for the Commission in the context of a European Parliament Pilot Project. The remote voting study team has already been in contact with your electoral experts to obtain input.

The European Parliament will also attend to present on the information activities to increase awareness about the 2019 European elections that it is jointly organising with the Commission, for which substantial resources have been allocated, and which will be delivered in decentralised partnership with the national authorities, coordinated by the institutions' national representations.

This event is a valuable opportunity for senior leadership in the competent national authorities to come together to share expertise and knowhow, and to jointly prepare for the 2019 elections, with the support of the European institutions and in partnership with international stakeholders. It is part of a number of initiatives that the Commission is promoting this year with a democratic theme, which include a Eurobarometer which will be conducted to increase our understanding of EU citizens awareness of and views about their democratic rights, and a call for action grants under the Rights, Equality and Citizenship programme, which this year has allocated EUR 1.5 million to supporting the democratic participation of mobile EU citizens (the call is open and closes 26 April). The current event and these initiatives will feed into the high level event that the Commission committed to delivering this year in the 2017 EU Citizenship report.

Attached you will find an outline programme. The Commission will reimburse the travel expenses for one Director level representative, in addition to the national expert invited for **the regular expert group on electoral matters session which will take place on the second day.**

If you have any questions concerning the meeting, please contact the responsible official in DG Justice and Consumers, Mr [REDACTED] [REDACTED]
[REDACTED]

Yours faithfully,

(e-signed)
[REDACTED]

Enclosure: Draft agenda

Von: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu
Gesendet: Freitag, 20. April 2018 17:31
An: JUST CITIZENSHIP ELECTIONS@ec.europa.eu
Betreff: Update: Event on Electoral Practices, 25-26 April 2018
Anlagen: Draft Agenda Event on Electoral Practices (20.04.2018).pdf; MS
Questionnaire - Media & Elections.docx

Wichtigkeit: Hoch

Dear colleagues,

The **Event on Democratic Participation and Electoral Processes** is approaching and will take place on 25-26 April next week. You will note that the agenda has developed somewhat, and we attach an **updated version**.

As we are in the final steps of the preparation process, we would like to draw your attention to the following:

- Please note that the primary purpose of the event is to enable the exchange of views among the Member States. We have provided for three such exchanges formally – the first discussion at 11:30 on 25 April will take the form of an **input session**, and we have invited a team from Scotland to provide an example, but we would strongly urge you to take advantage of the space to provide your own **practices to promote electoral participation**. Member States are also encouraged to intervene in the sessions themselves – we have asked our presenters to be brief to allow as much space as possible for your input.
- **Commissioner JOUROVÁ** plans to attend for a special session on the first day, to learn about the Member State's perspectives on the important issue of social media, the electoral process and campaigning, and the use of personal data.
- In this context, we would like to remind you of our **questionnaire** on national approaches and practices regarding **media and elections**, which was circulated on 11 April. We kindly remind you of our request for feedback by the end of this week and look forward to receiving your answers at your earliest convenience.
- We will also circulate an updated version of the **discussion paper** in the beginning of next week.

Finally, we kindly ask those Member State authorities which still have not informed us about their **participation** to do so as soon as possible.

Please do not hesitate to contact our organisation team in case of any further questions.

We look forward to welcoming you on 25 26 April.

With kind regards,

JUST D3 TEAM

European Commission
DG JUSTICE AND CONSUMERS
Unit D.3 – Union Citizenship Rights and Free Movement

Event on Democratic Participation and Electoral Matters

25-26 April 2018

Questions to Member States' authorities

1. *Has your country introduced any measures governing the use of media and social media in the context of election campaigns? These measures may include, but not be limited to:*

i. the observance of election silence period,

The freedom of expression (Article 5 Subsec. 1 of the Basic Law) and the freedom of political parties (Article 21 Subsec. 1 of the Basic Law) are essential elements of the free democratic basic order. Article 21 Subsec. 1 of the Basic Law guarantees political parties the right of free establishment and participation in the formation of the political will, including the freedom of campaigning (cf. Federal Constitutional Court's Judgment of 27 February 2018, 2 BvE 1/16). There is no general silence period before elections in Germany. During polling hours however no influence may be exerted on voters by word, sound, writing or image and no signatures may be collected in or around the building in which the polling station is located as well as directly in front of the entrance to the building (Section 32 Subsec. 1 of the Federal Election Act).

ii. prohibition of disinformation (fake news)

The Act to Improve Enforcement of the Law in Social Networks (Network Enforcement Act, NetzDG) entered into force on 1 October 2017. The new law defines binding standards for effective and transparent complaints management, which ensure that social networks process complaints about specific unlawful content more effectively. Amongst other things, the law requires the take down or blocking of hate crime, criminally punishable fake news and other unlawful content within specific time frames. With regard to manifestly unlawful content, the content needs to be checked and removed within 24 hours of receiving a user complaint. With regard to unlawful content, a social network in general needs to respond within 7 days; however there are some exceptions where the networks have more time. Systemic failure can result in a fine of up to EUR 50 million. It is important to note that the act only covers illegal fake news, i.e. content that constitutes an offense according to the German Criminal Code, e.g. insults, defamations, intentional defamation and holocaust denial. No new offenses were created so far to deal with the phenomenon of fake news.

iii. equal representation of candidates

Section 5 of the Act on Political Parties states that where a public authority makes facilities available to political parties or provides them with other public contributions and services, equal treatment shall be accorded to all political parties. Pursuant to Section 42 Subsec. 2 of the Interstate Broadcasting Agreement any political party taking part in elections for the German Bundestag or in the election of candidates from the Federal Republic of Germany for the European Parliament shall, subject to cost reimbursement, be granted a reasonable amount of transmission time if at least one state list or one electoral list has been approved for that party. However neither the Political Parties Act nor the Interstate Broadcasting Agreement is applicable to social media platforms.

iv. financial rules on campaigning and especially advertising limitations, awareness campaigns or bypassing the established financial limits.

There are no statutory limitations and no government regulations of the way parties decide to conduct their election campaigns and citizens make use of their basic rights of freedom of expression and political participation. Owing to the freedom of political parties enshrined in the Constitution (Article 21 of the Basic Law) and the right contained therein of citizens to be active in and for political parties, there are no statutory limitations by the state to the amount of legal donations and campaign expenditure. The Constitution and the Political Parties Act however provide for total transparency of party finances and sources of party income without limitation to election campaigns by annual public statements of accounts for all parties publicised by the President of the Bundestag that must contain the expenditure spent on election campaigns (Section 24 Subsec. 5 No. 2 c).

If so, please briefly list such measures and explain possible exemptions for example for social media. If not, is your country currently considering introducing such measures in the future and for which media?

See above.

2. *Is there any existing case law in your country or relevant opinions of the electoral commission regarding the use of media, and of social media platforms, during election period? If so, please provide an overview.*

Public and private broadcasting in TV and radio provides for a certain amount of time to present themselves to the electorate for all parties taking part in an election. There is case law concerning the scope of access to free advertisement in public and private broadcasting. These cases are decided by the courts, not by the electoral commission. The Political Parties Act provides in accordance with decisions of the Federal Constitutional Court that where a public authority makes facilities available to political parties or provides them with other public contributions and services, equal treatment shall be accorded to all political parties. The extent to which such facilities or services will be provided may be scaled in accordance with the respective importance of the various parties measured by their electoral performance in recent elections.

The broadcasting operator is essentially limited to control whether the content is even election advertising and whether the advertising is an evident violation of general laws, especially criminal law.

There is no limitation to additional purchased advertisements. Political advertisements purchased by private persons are considered as party donations and must be declared as such in the annual statements of account of the party if they are launched in collaboration with the party.

3. *Has your country introduced any transparency or disclosure requirements for political entities advertising online in general and social media in particular? Do political digital ads have to be explicitly labelled with an imprint? Does the funding and provenance of these ads have to be clearly displayed?*

Specific laws are applicable in the area of marketing and advertising (not just for political entities advertising online), in particular provisions from the Telemedia Act (Telemediengesetz - TMG), the

Interstate Broadcasting Treaty (Rundfunkstaatsvertrag - RStV) and from the Unfair Competition Act (Gesetz gegen den unlauteren Wettbewerb - UWG) are relevant.

Section 58 Subsec. 1 Interstate Broadcasting Treaty requires that "advertising shall be clearly recognizable as such and shall be distinctly separate from the other parts of the offers provided. Advertising shall not use subliminal techniques. "

According to Section 6 Subsec. 1 No. 1 and 2 Telemedia Act (1) commercial electronic communication has to be clearly recognizable as such and (2) the natural or legal person, on whose account the commercial communication is happening, has to be clearly identifiable.

Section 6 Telemedia Act serves the purpose of transparency in electronic communication. It is based on the principle of separation of information and advertisement and implements Article 6 of the e-Commerce Directive (2000/31/EC).

The benchmark for the recognisability as advertisement is the average user. Whether the advertisement is recognisable as such depends on the concrete design and implementation of the advertisement. If the average user is not able to immediately recognize that a given content constitutes commercial communication, the content needs to be labelled as advertisement.

To fulfil the requirement that the natural or legal person, on whose account the commercial communication is happening, has to be clearly identifiable, it is sufficient that the name of the natural or legal person or the (company) logo is visible on the advertisement, or that the information can be reached permanently and without much technical effort, e.g. via a link on the same webpage.

The Constitution and the Political Parties Act provide for transparency of party finances and sources of party income without limitation to election campaigns by annual public statements of accounts for all parties publicised by the President of the Bundestag and that must contain the expenditure spent on election campaigns (Section 24 Subsec. 5 No. 2 c).

There are considerations on federal states level to introduce a fine-enforced labeling requirement in the Interstate Broadcasting Treaty regarding the use of social bots in social networks. On federal level there are considerations to assess whether the providers of social networks located in Germany and third countries should be obliged to label content which is created or distributed by social bots.

4. In which way do you monitor the application of relevant provisions of national election laws or other above mentioned measures? Which authority covers political ads (i.e. advertising authority or other authorities)? Have you started to develop online archives of political adverts?

Under the free and democratic order of the Basic Law it is not for the government to establish an authority to control parties, the political activities of its citizens or the conduct of political campaigns. Where infringements of the laws (i.e. penal laws against libel, infringements on personal honour, damages, misconduct under the state statutes regulating misconduct of the free press) occur it is for the law enforcement agencies and the penal and civil courts to sanction legal misconduct. Where the rules of party financing set up in the Political Parties Act are ignored or broken it is in the authority of the President of the Bundestag to apply sanctions under the Political Parties Act. There is no state agency that collects and controls advertisements in election campaigns. The scrutiny of elections and

of infringements on electoral law is within the responsibility of the Bundestag and its electoral scrutiny committee under the supervision by the Federal Constitutional Court.

5. *Would you consider a possible role for National Statisticians to play in formal fact checking during elections, at least of certain materials where statistical data is at the core?*

All state bodies have to refrain from any intervention into the electoral process and electoral campaigns. That also applies for national statisticians. The national statistics office and all government officials can make public statements concerning statistical facts. In a free democracy it is however neither for government officials nor for objective and independent statisticians offices, but for the electorate to judge the validity and soundness of political arguments and electoral campaigns. Where infringements of the ordinary law of the land occur remedy is to be sought before the courts.

6. *Given the importance of freedom of expression in election campaigning and the democratic process, what is in your view the balance between formal regulation and self-regulation?*

Any state measures must respect the process of a free and open formation of the will and opinion of the people (Federal Constitutional Court's Judgment of 10 June 2014, 2 BvE 4/13). When exercising their power to inform and to maintain public relations, state bodies are obliged to observe the principle of neutrality towards political parties. In regard to election campaigns of political parties they have to observe utmost restraint (Federal Constitutional Court's Judgment of 2 March 1977, 2 BvE 1/76). Under the Constitution, the Federal Government may not identify with individual parties and may not make use of the available means and possibilities in their favour or at their expense. When the Federal Government explains its policies and refutes objections thereto, it may not use this as an opportunity to advertise for governing parties or to fight opposition parties. Instead, it must restrict itself to explaining its political decisions and to deal with objections thereto in an objective, facts-based manner. Like all state action, the Federal Government's information and public relations activities are subject to the requirement of objectivity. This does not exclude rejections of incorrect representations of facts or of discriminating value judgments. (Federal Constitutional Court's Judgment of 27 February 2018, 2 BvE 1/16).

Fundamental rules for a fair conduct of electoral campaigns have been agreed upon in informal agreements among the major parties. The general law of the land sets limits to the freedom of expression. In a free and democratic society it is for the electorate to judge the validity and soundness of political arguments and electoral campaigns.

7. *The use of third party data sources by political parties is increasing significantly - from companies such as Experian, Axiom etc. These data sources are then linked to electoral registers. There are significant issues around transparency and whether the public are aware of this. What in your view can be done to make the public more aware of how data is used in campaigning?*

Companies or political parties do not receive personal data from the electoral registers. Political parties may however receive limited information about personal data from the population registers.

Acknowledging the interest of political parties, associations of voters and other nominated candidates in obtaining information in the run-up to elections and voting, Section 50 (1) of the Federal Act on Registration permits the communication of information about names, academic titles

and postal addresses of groups of eligible voters without any particular preconditions. Age is the only criterion defining the composition of any group of people for whom this information may be communicated. Hence, communicable information from the population register relates to groups of eligible voters of a particular age (e.g. junior voters, older persons or other groups of voters of a particular age group). It is not permissible to retrieve information based on gender or marital status. Apart from the aforementioned information, it is not permissible to communicate any other information in the context of elections or voting. Information about a person's eligibility to vote and their belonging to a certain age group to which the communicated information relates is implicitly communicated. The person or body to whom the data are released is permitted to use these data only for advertising for an election or vote referred to in the information request and must delete or destroy them no later than one month after the election or vote.

Section 50 (1) of the Federal Act on Registration does not apply to requests for information from the population register by any third party. In accordance with Section 46 of the Federal Act on Registration, third parties may request information about a number of unidentified persons (groups of people); for the composition of such groups, only certain criteria may be used. The third party must also demonstrate that there is a public interest in such information. Economic interests of individuals or businesses are not considered a public interest in the meaning of Section 46 of the Federal Act on Registration.

8. Has your national data protection authority issued guidance on personal data processing, including with regards to social media, in the context of election campaigns?

As provisions in national legislation, which implement the Member States' obligation under Article 14(3) TEU and Article 39 of the Charter of Fundamental Rights of the EU (CFREU), must be considered to be implementing EU law within the meaning of Article 51(1) CFREU (cf. Judgment of the Court of Justice of 6 October 2015, Thierry Delvigne v Commune de Lesparre-Médoc, Préfet de la Gironde, C-650/13, EU:C:2015:648, paragraph 33), the Regulation of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) applies to the processing of personal data in regard to the Election of Members of the European Parliament from the Federal Republic of Germany.

9. Does the electoral commission in your country have any specific collaboration with data protection authorities with regard to the issues discussed above? Is this collaboration formalised in any way (e.g. through a Memorandum of Understanding or similar)?

In case the election is threatened by fake news spread nationwide and the technical connection of the Federal Returning Officer breaks down, there is an agreement that the Federal Office of Civil Protection and Disaster Assistance transmits announcements of the Federal Returning Officer to the population via secure channels of communication. In collaboration with the federal authority responsible for IT security, the Federal Returning Officer has furthermore taken measures and issued guidelines for the federal states to prevent manipulation of the election through interference with the electoral process.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate D: Equality and Union Citizenship
Director

Brussels,
JUST.D.3/HP/mb(2018)s1918694

**FOR THE ATTENTION OF HEADS OF JHA SECTIONS
AT THE PERMANENT REPRESENTATIONS TO THE EU**

Subject: Event on democratic participation and electoral matters

Further to our mail of 20 March 2018 where we invited suitable, Director-level attendance from the competent authorities of your Member States to exchange best practices and practical measures to promote the exercise of electoral rights of underrepresented groups, including persons with disabilities, and overall to support democratic conduct and a high turnout.

Please find attached the discussion paper we indicated we would be circulating, reviewing practices to increase democratic participation, from previous publications of the European institutions. This non-exhaustive mapping of practices is intended to form the starting point for discussions, and will be supplemented by the input provided by our thematic session presenters, and of course by the participating Member State representatives themselves.

Please find attached the draft agenda. Please note the Commission will reimburse the travel expenses for one Director level representative, in addition to the national expert invited for the regular expert group on electoral matters session which will take place on the second day. The Commission will be in touch directly with your nominated participants to arrange this reimbursement, and we would appreciate it if these **could be confirmed to us in writing by close 16 April.**

If you have any questions concerning the meeting, please contact the responsible official in DG Justice and Consumers, Mr [REDACTED] [REDACTED]
[REDACTED]

Yours faithfully,

(e-signed)
[REDACTED]

Enclosures (2): (1) Draft Agenda

(2) Discussion Paper

[REDACTED]

Von: VIS_
Gesendet: Freitag, 20. April 2018 13:10
An: RegVIS
Cc: VIS_
Betreff: WG: Member States' questionnaire for Event on Electoral Practices 25-26 April 2018
Anlagen: GER questionnaire media elections.pdf

Z Vg

MfG
[REDACTED]

Von: VI5_
Gesendet: Freitag, 20. April 2018 13:09
An: 'JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu'
Cc: [REDACTED]
Betreff: AW: Member States' questionnaire for Event on Electoral Practices 25-26 April 2018

Federal Ministry of the Interior, Building and Community
VI5-20202/14#3

Dear colleagues,

please find attached the German responses to the questionnaire on the use of media/disinformation campaigns.

Kind regards
[REDACTED]

Federal Ministry of the Interior, Building and Community
Division VI 5
(Electoral Law, Law on Political Parties)
Alt-Moabit 140
D-10557 Berlin
Germany

Von: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu [mailto:JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu]
Gesendet: Donnerstag, 19. April 2018 17:10
An: VI5
Cc: [REDACTED]
Betreff: FW: Member States' questionnaire for Event on Electoral Practices 25-26 April 2018
Wichtigkeit: Hoch

Dear colleagues,

Due to recent developments, an important part of the upcoming Event on electoral practices will be a discussion on how to secure the integrity of elections from online threats – such as targeted disinformation campaigns and the abuse of personal political data of citizens for online political campaigning.

In order to better understand national approaches and practices on these issues, we have prepared a questionnaire, which was circulated to Member States' Permanent Representations on 11 April.

As advised by your Permanent Representation, we hereby forward this questionnaire to your Ministry as the responsible institution for electoral questions – and would be very grateful if you could send us your reply at your earliest convenience.

Thank you very much in advance and kind regards,

JUST D3 TEAM

European Commission

Unit D.3 – Union Citizenship Rights and Free Movement
DG JUSTICE AND CONSUMERS

From: [REDACTED]
Sent: Wednesday, April 18, 2018 12:02 PM
To: JUST CITIZENSHIP ELECTIONS
Cc: [REDACTED]
Subject: WG: Member States' questionnaire for Event on Electoral Practices 25-26 April 2018
Importance: High

Dear colleagues,

For electoral question the responsible institution in Germany is the Ministry of Interior. Therefore, I kindly would like to request to add the following mail addresses:

VI5@bmi.bund.de
[REDACTED]

In order to insure a swift handling in this matter.

Many thanks for your understanding.

Best regards,
[REDACTED]

Counsellor - Justice and Home Affairs
Ständige Vertretung der Bundesrepublik Deutschland bei der EU
Referat Innenpolitik I
[REDACTED]

Von: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu [<mailto:JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu>]
Gesendet: Mittwoch, 11. April 2018 16:22

An: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu

Betreff: Member States' questionnaire for Event on Electoral Practices 25-26 April 2018

Dear JHA counsellors,

An important part of the upcoming Event on electoral practices will be a discussion on how to secure the integrity of elections from online threats – such as targeted disinformation campaigns and the abuse of personal political data of citizens for online political campaigning.

In order to better understand national approaches and practices on these issues, we have prepared the attached questionnaire. We are grateful for your reply by April 20th.

We take this opportunity to kindly remind those of you who have not yet informed us of their Member State's representatives to the Event that the registration deadline is April 16th. For your convenience, please find attached the original invitation letter, preliminary agenda and the discussion paper, which were sent to you on 20th and 28th March respectively.

In order to access the EC building, would you be so kind and send us following information on the participants:

Name, nationality, date of birth, ID/passport number and email address, please?

We take this opportunity to remind you that only travel expenses for 1 Director's level participant per Member State and 1 member of the Expert group per Member State will be reimbursed.

In the attachment you will find the reimbursements forms. We will collect the originals on the day of the meeting together with the invoice for the flight ticket.

Please do not hesitate to contact us in case of any question.

With kind regards

JUST D3 TEAM

European Commission

Unit D.3 – Union Citizenship Rights and Free Movement
DG JUSTICE AND CONSUMERS

[REDACTED]

Von: VIS_
Gesendet: Montag, 16. April 2018 11:10
An: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu
Cc: [REDACTED]
Betreff: WG: Invitation to elections event on 25-26 April plus supporting documents
Anlagen: Lessons learned and Questions following EP Crypto tool test campaign 201.....pdf; 20180411_StellungnahmeFragebogen_EU-KOM.PDF

Federal Ministry of the Interior, Building and Community
VIS -20202/14#3

Dear Mr. [REDACTED]

attached please find the German responses to the questions following the Crypto tool test campaign.

Kind regards
[REDACTED]

Federal Ministry of the Interior, Building and Community
Division V I 5
(Electoral Law, Law on Political Parties)
Alt-Moabit 140
D-10557 Berlin
Germany

Von: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu [<mailto:JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu>]
Gesendet: Dienstag, 20. März 2018 10:44

[REDACTED]

Betreff: Invitation to elections event on 25-26 April plus supporting documents

Dear All,

Regarding our event on elections on 25-26 April (including the usual meeting of the expert group on electoral matters on the afternoon of 26 April, please find attached an invitation and agenda which will have also been dispatched to JHA counsellors today.

As highlighted in our previous, save-the-date email, we are planning a practical, interactive event with you and senior decision-makers (directors) from the responsible authorities (in most cases electoral commissions, but we leave it to your discretion to decide which national officials best suit the subject matter). This is in line with the Commission's commitment to support democratic participation and the dissemination of practices which achieve this made in its [EU Citizenship Report 2017](#), and the Commission's recent [Recommendation](#) on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament, particularly recommendation 5.

We will circulate the promised discussion paper in the next few days to give you an indicative summary of practices which the European institutions have discussed in the past in the context of driving up democratic participation. For the avoidance of doubt, we will reimburse the attendance of one expert as normal, and additionally reimburse the attendance of a director or equivalent for the two days. We look forward to seeing you in April.

Please also find attached a document (Lessons learned and Questions following EP Crypto tool test campaign 2017) summarizing the findings from the last European Parliament Crypto tool campaign run last Autumn.

Following this campaign, the Commission proposes some solutions to fix the issues encountered but is also asking you some questions to make sure we implement the solutions which work best for you and your colleagues.

We would be grateful if you could send us your responses to the 6 questions by the Thursday 19 April (one week before the next expert group meeting).

Should you have questions on the attached document, please feel free to send them to (DIGIT-ECI@ec.europa.eu). For all other questions, feel free to contact those cc'ed to this mail.

Kind regards

[Redacted]

[Redacted]
European Commission
DG JUST – UNIT D3
Citizenship and Free movement

[Redacted]



Discussion paper - Event on democratic participation and electoral matters

25-26 April 2018

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1. GENERAL

In line with its commitment in the **EU Citizenship report 2017**, to promote best practices which help citizens vote and stand for EU elections, to support turnout and broad democratic participation in the perspective of the 2019 European elections, and following the **Commission's Recommendation of 14 February 2018** on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament, the meeting of Member State experts from the competent national authorities aims at discussing **best practices which can be implemented to support the exercise of electoral rights**.

The aim of the meeting is to facilitate the **collection, dissemination and commitment to the implementation of such practices** among the Member States to **support voter turnout and inclusive candidate selection** to benefit all EU citizens, with a particular focus on **practical measures**.

These practices can be categorised as follows:

1. Interventions to foster the democratic participation of EU citizens, including mobile EU citizens and other underrepresented groups, including awareness raising, communications activities, candidacy funding for specific underrepresented groups, support networks, community championing etc;
2. Procedural adjustments to facilitate voting/standing as candidate for European citizens (including underrepresented and vulnerable people);
3. Interventions to assist officials in the administration of local and European elections to foster the participation of mobile EU citizens, and EU citizens more broadly;
4. Interventions to support the European dimension of the elections and interventions to support campaigning focused on European issues (e.g. display of EU party logos in manifestos and transparency about European party affiliation);
5. Remote voting solutions and other practical facilitations.

We will also have a session looking at practices to identify, mitigate and manage risks to the electoral process from cyber-attacks and disinformation.

To support the discussion, a list of indicative practices is presented and the annexes provide background material on the basis of previous publications from the Commission and projects funded by the Commission.

2. PRACTICE MAPPING

	Policy issue	Practice examples	Other elements
1.	Steps to encourage the full enjoyment of the voting rights of mobile EU citizens.	<ul style="list-style-type: none"> Promote participation in democratic life by better informing citizens of their rights to vote in local and European elections and removing barriers for their participation. EU citizens should be encouraged to be members of or found political parties in the Member State of residence and the relevant procedures should be made as simple as possible. 	<ul style="list-style-type: none"> Make extensive use of the Your Europe website information on European Parliament elections to inform EU citizens on: <ul style="list-style-type: none"> Their rights to vote/stand as candidate when they live in another EU country. Administrative requirements on the home country and their host country. Assistance services and means of redress in case their rights are not respected.
2.	<p>Making citizens better aware of the European dimension of the elections.</p> <p>Inform voters about the affiliation between national parties and European political parties.</p>	<ul style="list-style-type: none"> Encourage and facilitate the provision of information to the electorate on the affiliation between national parties and European political parties as well as their lead candidates before and during the elections to the European Parliament, such as by allowing and encouraging the indication of such an affiliation in the campaign material, on the websites of national and regional member parties, and, where possible, on the ballots used in those elections. 	<ul style="list-style-type: none"> Specific role for national political parties participating in European elections to make transparent their affiliation to European political parties ahead of the elections, and include their logos in campaign materials Also for European political parties to make known ahead of the start of the campaign, and preferably when announcing their candidates for President of the Commission, which political group in the European Parliament they intend to join or create in the next legislature.
3.	Awareness raising to increase participation.	<ul style="list-style-type: none"> Member States to inform EU citizens of their electoral rights (include a link to the Your Europe website in all information sources –written, audio-visual- and train desk officers in 	

		<p>consulates, EC representations, local administrations to provide accurate information).</p> <ul style="list-style-type: none"> • Promote participation in democratic life by better informing citizens of their rights to vote in local and European elections and removing barriers for their participation. 	
4.	Encouraging the efficient conduct of European elections.	<ul style="list-style-type: none"> • To ensure that European citizens resident in another Member State (mobile EU citizens) can use their right to vote in that Member State, to promote the exercise of electoral rights of underrepresented groups, including persons with disabilities, and overall to support democratic conduct and a high turnout, the competent national authorities are encouraged to meet in spring 2018, with the support of the Commission, to exchange best practices and practical measures. 	
5.	Engaging with European citizens in debates on European issues ahead of elections to the European Parliament	<ul style="list-style-type: none"> • Citizens' Dialogues and encouragement to public debates, to improve public understanding of the impact of the EU on citizens' daily lives and to encourage an exchange of views with citizens. • Outreach events to engage with citizens in public debates concerning European Union issues and the future of Europe. These outreach events should continue until the Leaders' meeting in Sibiu of 9 May 2019, shortly before the elections to the European Parliament. 	<ul style="list-style-type: none"> • Specific role of European political parties and national parties to raise citizens' awareness on the issues at stake at Union level and on how they intend to address them during the upcoming legislature.

6.	Facilitation of democratic participation for people with disabilities.	<ul style="list-style-type: none"> • Dedicated campaign funding, mentoring, other support to encourage disabled candidates. • Making polling stations wheelchair friendly. • Polling stations in homes and hospitals. • Assisted voting, special ballots with safeguards to ensure the secrecy of the vote. • Remote voting. 	<ul style="list-style-type: none"> • Transport of people with disabilities to the polling station by local authorities. • Get out to vote campaign by civil society associations of people with disabilities. • Provision of direct funding or creation of sponsorship schemes to support disabled candidacy.
7.	Facilitation of democratic participation of women.	<ul style="list-style-type: none"> • Promote a balanced representation of women and men in the political process (e.g. system where male and female candidates would appear alternately on electoral lists and by calling on national political parties to make a commitment to Women on Party Lists). • Supporting projects which help women turn out to vote, specific focus on them to stand as candidate, get involved in campaigning and political organisations. • Educational activities which increase awareness of the right to vote and be elected for women with focus on local and European elections. 	<ul style="list-style-type: none"> • supporting projects which help women turn out to vote, stand as candidate, get involved in campaigning and political organisations. • Providing networks and candidacy support.
8.	Facilitation of democratic participation of other underrepresented groups.	<ul style="list-style-type: none"> • Propose the simplification of the procedure for EU citizens when registering to vote and standing as candidates in their Member State of residence. 	
9.	Prevention of double voting in European Parliament elections.	<ul style="list-style-type: none"> • Single point of contact to support exchange of information under Directive 93/109/EC. • Secure exchange of information facilitated by the Commission and its expert group on electoral 	

		matters	
10.	Strengthening and developing the European public space to end the current fragmentation of public opinion along national borders.	<ul style="list-style-type: none"> • Support cross-border access to political news. 	<ul style="list-style-type: none"> • National parties should ensure that their political information, including their political broadcasts, in view of the elections to the European Parliament are also used to inform citizens about the candidate for the function of President of the European Commission they support and about their candidate's programme.
11.	Digital society tools.	<ul style="list-style-type: none"> • Explore how using digital society tools can contribute to democratic debate, and improve the electoral process and democratic participation, including for mobile EU citizens, young people and underrepresented groups. 	<ul style="list-style-type: none"> •
12.	Identification, mitigation and management of risks to the electoral process from cyber-attacks and disinformation.	<ul style="list-style-type: none"> • Cyber security systems and their application to electoral processes; • Taking action to combat hate speech and fake news in social media, including the question of making companies liable for content posted on their platforms; 	<ul style="list-style-type: none"> • Balancing free elections and freedom of expression and promoting transparency in the European elections process.
13.	Spitzenkandidaten	<ul style="list-style-type: none"> • Inclusion of the relevant lead candidates on ballots, for information purposes next to the lists associated with them. 	<ul style="list-style-type: none"> • Inclusion of information on lead candidates in campaign materials by political parties; transmission of European debates by national public broadcasters and media. • European political parties and national political parties make known their nominations for the function of President of the Commission and the candidate's programme in the context of the European elections.

			<ul style="list-style-type: none">• European political parties and their national member parties are encouraged to select their lead candidates in an open, inclusive and transparent way.• National political parties should ensure that their political information, including their political broadcasts, in view of the elections to the European Parliament are also used to inform citizens about the candidate for the function of President of the European Commission they support and about their candidate's programme.
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BACKGROUND MATERIAL

ANNEX 1 – DETAILED REFERENCES TO PRACTICES IN COMMISSION INSTRUMENTS

EU Citizenship Report 2017: Strengthening Citizens' Rights in a Union of Democratic Change, http://ec.europa.eu/newsroom/document.cfm?doc_id=40723

- IN 2018, promote best practices which help citizens vote and stand for EU elections, including on retaining the right to vote when moving to vote to another Member State and cross-border access to political news, to support turnout and broad democratic participation the perspective of the 2019 European elections.
- The Commission will intensify the Citizens' Dialogues and encourage public debates, to improve public understanding of the impact of the EU on citizens' daily lives and to encourage an exchange of views with citizens.
- The Commission will continue its efforts to inform citizens about their rights and about what to do if these are not respected, especially through the Your Europe portal.
- Member States should promote participation in democratic life by better informing citizens of their rights to vote in local and European elections and removing barriers for their participation. Member States are invited to include specific references to the relevant page of the Your Europe portal in all their promotion and training activities.
- In the run up to the 2019 European election, the Commission will organise in 2018 a high-level event on democratic participation with a particular focus on encouraging best practices to increase the participation of young people and vulnerable and underrepresented groups.
- The Commission will explore how using digital society tools can contribute to democratic debate, and improve the electoral process and democratic participation, including for mobile EU citizens, young people and underrepresented groups.
- In 2014 the Commission invited the Member States concerned to enable their nationals who make use of their free movement rights to retain their right to vote in national elections if they show a continuing interest in the political life of their country. The Commission will continue to monitor developments in the relevant Member States and consider appropriate action to encourage them to look for balanced solutions. It will also explore the possibilities for non-national EU citizens who have exercised their right to free movement to vote in national elections in the country they live in.

European Commission report on the 2014 European Parliament elections <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015DC0206>

The 2014 elections stemmed the steady fall in overall turnout since the first direct European elections in 1979. These elections have laid the ground for future European elections and established a clear link between the results of the European Parliament elections and the choice of European Commission President. An important precedent has been set for 2019 and beyond, and a European-level forum for political debate has been established.

- The recommendation that affiliation to European parties be displayed on ballot papers was followed only exceptionally, including in the Member States where this was possible.
- Both the Commission and the Parliament took measures before and during the electoral campaign to raise citizens' awareness of how the elections would impact their lives.
- Member States took various approaches to their awareness-raising campaigns: some carried out general campaigns, covering the whole electorate, while others also specifically targeted EU citizens from other Member States residing in their territory.
 - In Greece, national authorities organised a meeting in the national parliament to inform parties of the Recommendation.
 - In Italy and Finland, guidelines were issued to make national parties aware of the Recommendation and encourage them to follow it.
- On 11 September 2013, the European Parliament launched an information campaign entitled *Act. React. Impact*. One of the main aims was to generate an EU-focused debate on issues of EU-wide relevance, such as the economy, jobs, quality of life and the EU's role in the world. This campaign had a significant impact in the media. The Parliament website dedicated to the elections was visited 7.1 million times between December 2013 and May 2014. A European elections video was produced in 34 languages and broadcast over 7 400 times on 173 TV channels. There were 11 million online views. Roughly one in five European voters was reached via Facebook. The 'I voted' message on Facebook was shared more than 2.7 million times and seen by nearly 90 million people.
- In addition, the Parliament organised ReACT conferences in Paris, Frankfurt, Warsaw, Rome and Madrid with the participation of citizens, experts and European politicians. During these events, EU citizens could share their views on the main issues raised in the campaign.
- Examples of NGO projects funded by the Programme Europe for Citizens, enabling EU citizens to reflect on, discuss, exchange on European issues, including with candidates, and make an informed choice in the elections:
 - JoiEU: Joint Citizen Action for a Stronger, Citizen-friendly Union (European Citizen Action service - ECAS).
 - The 2014 Transeuropa Caravans: transnational citizens' engagement with the European Parliament elections (European Alternatives)
 - Encouraging Young Europeans to Vote Out the EU Democratic Deficit (International Management Institute).
- Examples of NGO projects funded by the Programme on Fundamental Rights and Citizenship. Action taken included work with associations, awareness-raising projects, the development of training tools and support in completing voting formalities. Campaigns encouraging participation by mobile EU citizens:
 - 'Operation Vote' (Cooperazione per lo Sviluppo dei paesi – COSPE);
 - 'Access to rights & civil dialogue for ALL' (Pour la Solidarité);
 - 'All citizens now' (University of Chieti-Pescara).

1. Energising mobile citizens' participation by Centre for Public Policy Providus
<http://providus.lv/en/article/energising-mobile-citizens-participation>

A project to increase what is known about mobile EU citizens' participation, focusing on Latvian, Lithuanian and Polish nationals living in Ireland made the following suggestions:

- The Irish political parties, the Government and local authorities should pay more attention to **communicating with mobile EU citizens** residing in Ireland about the importance and opportunities of political participation. Where possible, this communication should be **accessible also in the languages of immigrant communities**, such as e.g. the Polish, Latvian and Lithuanian languages.
- **Information about registration and voting in local elections** in particular should be promoted more actively, encouraging immigrant communities to use the political rights they have in Ireland – not only to vote in local elections, but also to run for office.
- Local municipalities and political parties in Ireland should **engage the leaders of immigrant communities** and encourage them to introduce community members to election procedures and party programmes. This engagement could lead to more peer pressure within the community to participate in local elections.
- **Proactive approaches** – not only informing, but also engaging mobile citizens in initiatives designed to raise their political activity seems to be the way forward to ensuring that in next local elections in Ireland, more mobile EU citizens vote and more of them run for office.
- The choice of the **right channels of communication** with immigrant communities is significant – thus, among the Latvians in Ireland, diaspora groups seem to be the hub of local activity, but this is not necessarily true of Lithuanians. Communication strategies taking note of these differences may be more effective than 'one size fits all' approaches.
- EU countries with diaspora policies should look not only at the participation of mobile citizens in national elections in the home country, but also at their use of **civic, political and labour rights** in the country of residence. For instance, Polish, Latvian and Lithuanian embassies in Ireland could collect data on political participation and civic engagement of their national communities in Ireland, and promote the use of research to monitor engagement.
- The European institutions can do more to **monitor and encourage participation of mobile citizens**. Surveys and detailed data collection on voting, on local community engagement of mobile citizens, their volunteering activities and involvement in migrant associations would enable creating political instruments to increase political participation at different levels and in various forms."¹

¹ M. Golubeva, K. Žibas, V. Petrušauskaitė, M. Rikša, A. Austers and J. Segeš Frelak, "Do mobile citizens engage? A Study on the Participation of Polish, Lithuanian and Latvian Citizens in Ireland," 2016, 30.

2. The 'Living Rights' Project by Law Centres Network
<http://www.lawcentres.org.uk/lcn-s-work/living-rights-project>

A project to encourage the successful inclusion and participation of EU citizens living in the UK implemented the following practices:

- Awareness raising events;
- Outreach sessions on rights of EU Nationals in UK;
- Recruit EU Nationals as Community Champions;
- Project promotion and publicity (social media, flyers, community champions and organisations to promote their events);
- Publicise workshops to public officials and 3rd sector agencies in each region;
- Establish networks with relevant organisations such as local authorities and citizens advice bureaux to promote workshops;
- Workshops on rights of EU Citizens and how to better support EU Citizens when they use public services;
- Presentation on Civic Participation at awareness raising events;
- 'Town Hall' Civic Engagement meetings with local politicians & councillors;
- Guide titled: "How to vote in local and European Parliament Elections in the UK' A guide for EU Citizens".

3. ACT Active Citizens Together by East of England and Local Government Association
<http://smp.eelga.gov.uk/migrant-workers/act-project.aspx>

A project to encourage and support Mobile European Citizens across the East of England to engage in civic and community life, and to recognise and exercise their voting rights, with a particular focus on volunteering, conducted the following practices:

- The development of a new module at entry level 2-3 for ESOL tutors on the civic rights of EU citizens
- ESOL tutors briefed about, and provided with the (above) module, along with supporting learning materials
- ESOL class participants from EU countries study the (above) citizenship module, become more aware of their civic rights
- The development of two-hour interactive workshops featuring guest speakers with roots in other EU countries and positive experiences of undertaking community and civic activity
- EU migrants participate in the (above) interactive workshops which take place approximately monthly throughout the project
- The development of a mentoring programme comprising local councillors and others with roots in other EU countries, to support EU migrants wanting to take up roles such as Local Councillors; Special Constables; Patient Advocates; Advice & Guidance; Volunteering in community support networks

- The development of an 'Active Citizens Together' network, producing and disseminating quarterly newsletters on the project
 - Hosting a conference for the (above) network members in the latter stages of the project to reflect on its achievements, and to identify ways for the network to continue to stimulate active citizenship amongst EU migrants into the future.
- 4. One-stop-shops for the political participation of mobile EU citizens by Migration Policy Group <http://www.migpolgroup.com/diversity-integration/european-website-on-integration/>**

The project focused on informing and encouraging EU mobile citizens to take up rights and opportunities to participate in their host EU country's civic and political life. In addition to the 'one-stop-shop' information website, the project conducted the following activities in Belgium and Ireland.

- **Partners' meeting and training**
 - Train national partners on mobile EU citizens' political rights/opportunities and procedural obstacles
 - Exchange best practice and experience on the community-based methods related to one-stop-shops
- **Community trainings and meetings**
 - Identification and contracting local partners
 - Support in search for potential partners
 - Training of local partners and volunteers
 - Discussion of major issues of interest
- **One-stop-shop events**
 - Preparatory meeting(s) with local NGOs
 - Practical organisation for logistics, printing and volunteers
 - Community/media outreach before/after event
 - Reporting
- **Analysis and Evaluation**
 - Observation of selected one-stop-shop events
 - Completion of questionnaire for ECAS comparative report
 - Compilation of satisfaction surveys and evaluation forms from events

5. Participation Matters – Fostering civic and political engagement of mobile EU citizens by Cooperation For The Development of Emerging Countries (COSPE) <http://participationmatters.eu/about-the-project/>

A project conducted principally in Italy, Spain and Austria which focused on improving the knowledge and expertise of local authorities the inclusion and participation of mobile EU citizens in their host EU country's civic and political life, and enhancing their contribution to a greater political inclusion of EU mobile citizens. It also aimed to

improve knowledge, increase awareness and promote active engagement of European mobile citizens and their associations on the political rights linked to the status of European citizen; to boost the role of political parties and national authorities in removing the obstacles to political participation of European mobile citizens; to raise awareness of the general public on the political rights deriving from European citizenship. It conducted the following activities:

- **"Participatory meetings with local authorities** aimed at identifying innovative ways to inform about and promote voting rights of EU mobile citizens.
- **Testing of innovative procedures and practices** by local authorities aimed at promoting a complete and effective information on voting rights.
- **Digital storytelling videos**, to give value to the personal stories of political engagement and civic participation of EU mobile citizens.
- **Awareness raising events and initiatives** organized with EU mobile citizens' organizations.
- **A social media campaign** targeted to EU movers.
- **Training courses of 'education to politics'** addressed to EU mobile citizens who have a strong interest in direct political participation.
- **Guidelines for local authorities** that will illustrate the most effective procedures aimed at promoting a complete and effective information on electoral rights.
- **Handbooks for EU mobile citizens**, with practical information on how to register and how to vote.
- **European Handbook on best practices**, which illustrates the best practices in fostering political participation carried out by municipalities and EU movers associations.
- **European exchange meeting**, held in order to exchange experiences and good practices among local authorities and EU movers associations.
- **Awareness raising and advocacy meetings** with political parties and national authorities, in order to raise their awareness and to promote changes aimed at facilitating the exercise of voting."²

² <http://participationmatters.eu/about-the-project/>

European Parliament, EPRS, The Reform of the Electoral Law of the European Union, European Added Value Assessment, September 2015

- Overview of electronic voting practices in Member States
 - Estonia: internet voting allowed for the entire electorate for nationwide, binding elections
 - Germany – Discontinued (lack of transparency and auditing capacity were the primary reasons for which the German Constitutional Court declared that electronic voting was unconstitutional)
 - Ireland - Piloted and Not Continued
 - UK - Piloted and Not Continued
 - Belgium - Currently used in parts of the country
 - France - Currently used in parts of the country, mainly for voting from abroad
 - Netherlands – Discontinued (a group opposed to electronic voting independently tested the voting machines to demonstrate their vulnerability to hackers' attacks)
 - Italy - Piloted and Not Continued
 - Vote via internet allows voters who live in isolated places to continue to participate in public political life. It makes voting easier for people with reduced mobility. It is also a practical tool for citizens living abroad during the elections. In fact, it has been used in France mainly for this purpose.

Luc Van den Brande, Reaching Out to EU Citizens: a New Opportunity; 'About us, with us, for us', October 2017

- In order to reconnect with grass-roots level organisations, the EU needs to fully recognise and exploit the know-how of civil society representatives. They are the ones who often define new solutions, as was evidenced recently by the Covenant of Mayors on climate change. Grass-roots organisations have been particularly vocal in recent months in defending European values and enhancing the social dimension of the European project in times of growing inequality and external threats (e.g. Eurocities). 'Pulse of Europe' is a good example of this mobilisation.
- The promotion of horizontal civil dialogue at European level is very welcome and is long overdue. This is all the more relevant given that young people prefer more activity-related and issue-related politics. Several interesting initiatives have been launched recently in this area which could serve as pilots for more global action. These include the 'My Europe...Tomorrow' initiative, launched by the European Economic and Social Committee; the 'Eleven-One-Austria Project', run by the Austrian Institute for European Law and Policy together with the University of Graz; and the 'REIsearch' project and 'Futurium' open-source tool, developed internally within the European Commission's Directorate-General for Communications Networks, Content and Technology.

- Develop new means of participative democracy, based on the experiences of the G-1000 platform for democratic innovation and the concept of 'deliberative democracy'. The objective is to involve 'non-organised citizens', as well as organised movements belonging to different groups in society, in order to discuss essential societal issues, and enable them to develop proposals that can be brought into the public sphere and submitted to public authorities for further development.

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 (Municipal elections report):

- Luxembourg, Spain and Malta organise campaigns specifically targeting foreign nationals to raise electoral awareness.
- Latvia and the UK have dedicated 'helplines'.
- In Ireland, the local authorities in Dublin provided support to mobile EU citizens to vote at the 2014 municipal elections. These were combined municipal and European Parliament elections. They used various out-of-home advertising and online information. An online campaign targeted all residents — i.e. Irish and non-Irish — to get young people in Ireland to register to vote. Brochures were also published in 17 languages to explain the electoral roll and systems for registration in the country.
- Some Member States have specific practices to support turnout of specific groups. In Malta there are facilities to make it easier for voters with a disability to vote, including mobile EU citizens (braille templates for the ballot paper, audio recorders at polling booth, and voting instructions written and read in Maltese and English). The Local Councils Act was amended to enable national and mobile EU citizens residing in retirement homes to vote inside their homes and patients in hospitals to vote inside their hospital. Also, if justified, EU citizens can cast their vote a week before Election Day.
- The 'Welcome Europe project' brought the cities of Amsterdam, Brussels, Copenhagen, Dublin, Gothenburg and Hamburg together with universities and the non-governmental sector. Running from January 2015 to December 2016, the project sought to encourage the exchange of good practices on designing 'welcome policies' for mobile EU citizens. Project results were disseminated through a series of transnational conferences and the production of a toolkit. The project showed that it was important for municipal authorities to actively inform mobile EU citizens about their rights, entitlements and duties and about the practicalities of living in their new community. This could be done, for example, through a one-stop-shop and brochures. Municipal authorities' communication channels should be made accessible to people who have imperfect abilities in the local language. Municipal authorities should also try to include representatives of mobile EU citizen groups in local advisory bodies and discussion groups. Finally, the local population should be encouraged to interact with mobile EU citizens living in the city.

Recommendation on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament C(2018) 900 final
https://ec.europa.eu/commission/sites/beta-political/files/recommendation-enhancing-european-nature-efficient-conduct-2019-elections_en.pdf

The Commission called on Member States to:

- hold outreach events to engage with citizens in public debates concerning European Union issues and the future of Europe.
- encourage and facilitate the provision of information to the electorate on the affiliation between national parties and European political parties as well as their lead candidates before and during the elections to the European Parliament, such as by allowing and encouraging the indication of such an affiliation in the campaign material, on the websites of national and regional member parties, and, where possible, on the ballots used in those elections.
- encourage the competent national authorities to meet in spring 2018, with the support of the Commission, to exchange best practices and practical measures to promote the exercise of electoral rights of underrepresented groups, including persons with disabilities, and overall to support democratic conduct and a high turnout, to ensure that European citizens resident in another Member State can use their right to vote in that Member State. The competent national authorities are further encouraged to identify, based on the experiences of Member States, best practices in the identification, mitigation and management of risks to the electoral process from cyber-attacks and disinformation.

The Commission called each European political party to make known sufficiently early ahead of the elections to the European Parliament, ideally by the end of 2018, the candidate for the function of the President of the European Commission they support. Ideally by early 2019 they should also make known the candidate's own political programme.

The Commission called on European political parties and national parties to:

- help raise citizens' awareness on the issues at stake at Union level and on how they intend to address them during the upcoming legislature.
- select their lead candidates in an open, inclusive and transparent way.
- make known ahead of the start of the campaign, and preferably when announcing their candidates for President of the Commission, which political group in the European Parliament they intend to join or create in the next legislature.

The Commission called on national parties to:

- ensure that their political information, including their political broadcasts, in view of the elections to the European Parliament are also used to inform citizens about the candidate for the function of President of the European Commission they support and about their candidate's programme.

- make publicly known ahead of the European elections and before the start of the electoral campaign, if and with which European political party they are affiliated and which lead candidate they support. To the extent possible, they should prominently display this information, including, where appropriate, the logo of the European political party, in all campaign materials, communications and political broadcasts.

Communication of 14.2.2018 'A Europe that delivers: Institutional options for making the European Union's work more efficient' https://ec.europa.eu/commission/sites/beta-political/files/communication-institutional-options-for-making-the-european-union-work-more-efficient_en.pdf

The Commission made the following further observations:

- If European political parties, which bring together like-minded national and regional political parties and their leaders, were to hold, for instance "primary" elections to select their candidates, the process of familiarisation and profile-building could start earlier. By presenting a contest between personalities with different ideas, this could help generate more interest for the campaign and the subsequent elections to the European Parliament.
- The links between national parties and European parties should be more visible and encourage more openness in the European political landscape.
- Member States and the political parties themselves could go further on a voluntary basis, for example adding the logos of the European political parties to campaign and ballot material.
- National and regional political parties should position themselves clearly and distinctively on the main issues at stake in the European debate.
- National and regional political parties, including those not affiliated to European ones, should also make clear their intentions for participating in (existing or potential new) political groups in the European Parliament and their intended choice of European Commission President.
- For 2019, and to encourage wide, balanced and impartial reporting it would be desirable for at least one debate between the lead candidates to be broadcast on the main public service channels in each Member State. In any case, broadcast debates on the content and challenges of the elections to the European Parliament can help to raise awareness and increase citizens' involvement.

Recommendation Addressing the consequences of disenfranchisement of Union citizens exercising their rights to free movement, C(2014) 391 final, http://ec.europa.eu/justice/citizen/files/c_2014_391_en.pdf

- Where Member States' policies limit the rights of nationals to vote in national elections based exclusively on a residence condition, Member States should enable their nationals who make use of their right to free movement and residence in the Union to demonstrate a continuing interest in the political life in the Member State of which they are nationals, including through an application to remain registered on the electoral roll, and by doing so, to retain their right to vote.

- Where Member States allow their nationals residing in another Member State to retain their right to vote in national elections through an application to remain registered on the electoral roll, this should be without prejudice to the possibility for those Member States to put in place proportionate accompanying arrangements, such as reapplication at appropriate intervals.
- Member States that allow their nationals residing in another Member State to retain their right to vote in national elections through an application or a reapplication to remain registered on the electoral roll should ensure that all relevant applications may be submitted electronically.
- Member States providing for the loss of the right to vote in national elections by their nationals residing in another Member State should inform them by appropriate means and in a timely manner about the conditions and the practical arrangements for retaining their right to vote in national elections.

EU Citizenship Report 2013 EU citizens: your rights, your future, COM(2013) 269 final, http://ec.europa.eu/justice/citizen/files/2013eucitizenshipreport_en.pdf

- Participating in the democratic life of the EU – enhancing citizens' electoral rights and promoting their full participation in the democratic life of the EU; the Commission committed to:
 - Promote EU citizens' awareness of their EU citizenship rights, and in particular their electoral rights, by launching on Europe Day in May 2014 a handbook presenting those EU rights in clear and simple language;
 - Propose constructive ways to enable EU citizens living in another EU country to fully participate in the democratic life of the EU by maintaining their right to vote in national elections in their country of origin; and
 - Explore in 2013 ways of strengthening and developing the European public space, based on existing national and European structures, to end the current fragmentation of public opinion along national borders.

Recommendation 2013/142/EU on enhancing the democratic and efficient conduct of the elections to the European Parliament, C(2013) 1303 final, http://ec.europa.eu/justice/citizen/document/files/c_2013_1303_en.pdf

- Set of recommendations aimed to strengthen the transparency of the elections and the democratic legitimacy of the decision-making process in the Union; the Commission recommended:
 - That Member States “encourage and facilitate the provision of information to the electorate on the affiliation between national parties and European political parties before and during the elections to the European Parliament, inter alia, by allowing and encouraging the indication of such an affiliation on the ballots used in those elections;”
 - That national political parties “make publicly known ahead of those elections their affiliation with European political parties” and “prominently display their affiliation

- with European political parties in all campaign materials, communications and political broadcasts;”
- That European and national political parties “make known, ahead of the elections to the European Parliament, the candidate for the function of the President of the European Commission they support and the candidate’s programme” and that national political parties “ensure that their political broadcasts in view of the European Parliament elections are also used to inform citizens about the candidate for the function of President of the European Commission they support and about the candidate’s programme;”
 - That Member States “agree on a common day for elections to the European Parliament with polling stations closing at the same time”, to address fragmentation issues and create a more coherent pan-European election by holding polls on the same day across the EU.
- Set of recommendations addressed to Member States and aimed to increase the efficiency of the elections by streamlining procedures for the implementation of the right of EU citizens to vote and stand as candidate in their Member State of residence, laid down in Directive 93/109/EC; these recommendations, when implemented by Member States, should further improve the efficiency of the elections and, at the same time, decrease the administrative burden on Member States. The Commission:
 - Set out a list of measures to simplify the data exchange mechanism in place for this purpose, lightening the administrative burden on Member States when implementing it and making it more secure and more effective at preventing abuses;
 - Recommended in particular that Member States set up a single contact authority in each Member State to facilitate a smoother exchange of voters’ data with other Member States;
 - Member States of residence were encouraged to transmit additional personal data which may be necessary for more efficient identification of voters by the authorities of their home Member State;
 - Member States should all use the same electronic format for recording data and a secure, encrypted electronic method of exchanging data to protect voters’ personal data;
 - Member States should send the data in one single package per home Member States, with one further transmission at a later stage where necessary;
 - Member States should take into account the different electoral calendars in place across the EUs when exchanging data.


Communication Preparing for the 2014 European elections: further enhancing their democratic and efficient conduct, COM(2013) 126 final, http://ec.europa.eu/justice/citizen/document/files/com_2013_126_en.pdf

- To further underline the link between pan-European and national parties, the Commission is recommending that national parties also make clear their affiliation to pan-European political parties.

- It is important that Member States encourage and facilitate in their electoral system the provision of information to the electorate on affiliations between national parties and the European political parties. At the same time, national political parties participating in European elections should make publicly known their affiliation to European political parties ahead of the elections.
- Member States should agree on a common day for elections to the European Parliament, with polling stations closing at the same time.
- If European political parties and national political parties make known their nominations for the function of President of the Commission and the candidate's programme in the context of the European elections, this will make concrete and visible the link between the individual vote of the EU citizens for a candidate for membership of the European Parliament and the candidate for President of the Commission supported by the party of the candidate MEP.
- In view of the European elections of 2014, the Commission believes that:
 - voters should be informed of the affiliation between national parties and European political parties before and during elections to the European Parliament;
 - Member States should agree on a common day for the elections of the European Parliament, with polling stations closing at the same time;
 - each European political party should nominate its candidate for President of the European Commission;
 - national parties should ensure that their political broadcasts in view of European Parliament elections inform citizens about the candidate they support for President of the European Commission and the candidate's programme.

EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights, COM(2010) 603 final, http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf

- The Commission asked Member States to ensure that:
 - publication of the results of the European Parliament elections takes place at the same time in all Member States.
 - voting rights of EU citizens in their Member State of residence are fully enforced, that EU citizens can be members of or found political parties in the Member State of residence and that Member States duly inform EU citizens of their electoral rights.
- The Commission committed to
 - propose the simplification of the procedure for EU citizens when standing as candidates in their Member State of residence, and will improve the current mechanism for preventing double voting in European Parliament elections, taking into account the timeframe and outcome of a future European Parliament electoral reform.
 - launch a discussion to identify political options to prevent EU citizens from losing their political rights as a consequence of exercising their right to free movement.



Von: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu
Gesendet: Mittwoch, 28. März 2018 19:03
An: JUST-CITIZENSHIP-ELECTIONS@ec.europa.eu
Betreff: Event on Democratic Participation and Electoral Matters to be held on
25-25 April 2018 - discussion paper
Anlagen: dicussion paper.pdf; agenda.pdf; cover letter.pdf

Dear Members of the Expert Group on Electoral rights,

Please find attached the Discussion Paper and latest draft agenda for the Event on Democratic Participation and Electoral Matters to be held on 25-26 April 2018 in Brussels.

We look forward to seeing you there!

Kind regards,

JUST D3 TEAM