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COMMUNITY LEGISLATION
AND NATIONAL LAWS**

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I. INTRODUCTION

The aim of this document is to introduce the reader to the national laws provisionally applicable to European elections by direct universal suffrage, with particular regard to those soon to be held in Spain and Portugal.

Its aim is to make for easier understanding of a complex subject which at present encompasses thirteen pieces of legislation (twelve national plus the Act of 20 September 1976 concerning the election of the representatives of the Assembly by direct universal suffrage).

This survey is available in all nine Community languages and its bibliography gives details of the relevant legislative acts.

It offers the reader a rapid yet comprehensive and up-to-the-minute review of the main provisions on European elections by direct universal suffrage. To this end the survey will regularly be brought up to date to take account of new legislation adopted at national or European level.

II. COMMUNITY LEGISLATION

The Act of 20 September 1976¹, concerning the election of the representatives of the Assembly by direct universal suffrage, has 16 articles and includes the following provisions:

- elections shall be held on a date falling within the same period starting on a Thursday morning and ending on the following Sunday; the counting of votes may not begin until after the close of polling in all the Member States;
- Members of the European Parliament shall be elected for a term of 5 years;
- the European Parliament shall meet, without requiring to be convened, on the first Tuesday after expiry of an interval of one month from the date of the elections, shall verify the credentials of representatives and rule on any disputes;
- the European Parliament shall draw up a proposal for a uniform electoral procedure to serve as a basis for deliberations by the Council with a view to the adoption of this proposal by the Member States.

The Act of 20 September 1976 lays down general rules governing incompatibility which deal in the main with national ministerial office and political or administrative duties within the Community institutions. The Member States may also lay down their own rules on incompatibility at national level. The Act states that membership of the European Parliament is compatible with membership of a national parliament. The Act also lays down provisions governing the distribution of seats among the nine States which were members of the European Community in 1976. The number of seats allocated to new Member States is laid down in the respective Acts of Accession².

¹ OJ No. L 278, 8.10.1976.

² For Greece, OJ No. L 291, 19.11.1979; for Spain and Portugal: OJ No. L 302, 15.11.1985.

On 10 March 1982 the European Parliament adopted a draft Act laying down a uniform electoral procedure for the election of its members.

This draft Act stipulates that election of representatives shall be carried out by proportional representation on the basis of constituency lists. Provision is also made for a 'threshold clause' stating the minimum number of votes which a list must obtain in order to win a seat.

This draft has not been adopted by the Member States. At the beginning of the second legislative period the European Parliament decided to re-examine the issue.

To this end, the European Parliament is at present considering a new report, but as yet no decision has been taken in plenary.

Until such a draft is adopted the Member States retain the power to determine the procedure for the election of Members of the European Parliament (Art. 7(2) of the Act of 20 September 1976).

The previous European elections by direct universal suffrage took place:

- from 7 to 10 June 1979, in the nine States which were then members of the European Community;
- on 18 October 1981 in Greece, which had become a member of the European Community on 1 January 1981;
- from 14 to 17 June 1984, in the 10 States which were then members of the European Community.

The 10 June 1987 the first European elections by direct universal suffrage will take place in Spain, which became a member of the European Community on 1 January 1986.

Portugal, which became a member of the European Community on the same day, has fixed the 19th July 1987 as the date of the first European elections.

III. THE ELECTORAL LAWS: BY COUNTRY

1. Belgium

(a) Legislation

The Belgian electoral law of 1978 has been superseded by a new text laying down provisions for elections to the European Parliament. The new electoral law was adopted by the Chamber of Representatives on 2 February 1984 and by the Senate on 11 February 1984, and came into force on 27 February 1984 (Belgisch Staatsblad/Moniteur Belge of 5 April 1984).

(b) Distribution of seats

The country is divided into three constituencies: Flemish constituency, Walloon constituency and Brussels.

13 of Belgium's 24 seats go to the Flemish-speaking region (Flanders plus part of the Brussels constituency) and 11 to the French-speaking region (Wallonia plus part of the Brussels constituency) which also includes the German-speaking region.

(c) Electoral system

Each voter has one vote which he can give either to a list or to a candidate on the list. Vote-splitting is not permitted. Seats are allocated by proportional representation using the d'Hondt system.

(d) Entitlement to vote and eligibility for election

- Belgian citizens aged eighteen years or over.

Belgians resident abroad are also entitled to vote provided they are still domiciled in Belgium.

Citizens of other Member States domiciled in Belgium who are debarred from voting in their country of origin may vote for a Belgian candidate. Voting is compulsory for Belgian citizens and failure to do so carries a penalty.

- Belgian citizens are eligible for election if they are 21 years or over and are domiciled in Belgium or another Member State of the EEC.

- Postal voting and voting by proxy are allowed.

(e) Nomination of candidates

Lists of candidates must be endorsed by at least five Members of Parliament or by the signatures of at least 5 000 registered voters.

Individual candidates must be supported by at least five Members of Parliament or at least 1 000 registered voters from the province in which they intend to stand.

(f) Allocation of seats

Seats are allocated according to the criteria of proportional representation on the basis of the number of votes cast for individual lists and candidates.

Vacant seats are filled by substitute candidates from the same list.

There is no threshold clause.

(g) Incompatibilities

Membership of the European Parliament is incompatible with elected public office or membership of an executive body. The incompatibilities laid down in the Act of 20 September 1976 also apply.

(h) Regulations concerning the election campaign

No special rules for the European elections.

(i) Validation of election results

By the Council of State.

2. Denmark

(a) Legislation

The electoral law of 2 December 1977 was amended by a new law on the election of Danish Members of the European Parliament. The new text was adopted by the Folketing on 6 April 1984. (Bill No. L 115; Folketing 1983-84, page No. 397)

(b) Distribution of seats

Denmark forms a single national constituency from which all 16 Members are elected. The seat which was allocated to Greenland under the previous legislation (Law No. 619 of 14 December 1977) has reverted to Denmark. The Faeroes and Greenland do not form a part of the constituency. Voting takes place in the wards used for elections to the Folketing.

(c) Electoral system

Proportional representation.

Voters have one vote which they can give either to a list as a whole or to a candidate of their choice on the list. During counting, all votes cast for candidates and lists in the individual wards are added together. Candidates with the most votes on the individual lists are elected.

Seats are allocated to the individual lists using the d'Hondt system.

(d) Entitlement to vote and eligibility for election

- Danish citizens aged 18 years or over.
Inhabitants of the Faeroes and Greenland do not vote.
- The same conditions apply to eligibility for election.
- Danish citizens resident in another Member State of the EEC may vote at the Danish Consulate or by post. Danish citizens resident outside the EEC are not entitled to vote.

(e) Nomination of candidates

Parties represented in the Folketing are entitled to submit lists of candidates. Lists submitted by other parties must be supported by electors numbering at least 2% of votes cast at the last election.

A list may contain a maximum of 20 candidates.

Parties have the right to decide the order in which names appear on their list (party list).

Lists may be linked.

(f) Allocation of seats

- According to the number of votes which the individual candidates or lists obtain.

- Vacant seats are filled by the next candidate on the same list.

- There is no threshold clause.

(g) Incompatibilities

The same as those laid down by the Act of 20 September 1976.

(h) Regulations concerning the election campaign

No special provisions for the European elections.

(i) Validation of election results

By the Danish Parliament.

3. Federal Republic of Germany

(a) Legislation

The new draft of the German electoral law was adopted by the Bundestag on 8 March 1985 (Bundesgesetzblatt I of 15 March 1985, p. 521).

(b) Distribution of seats

With the exception of the three seats for West Berlin which are allocated by the Berlin Parliament, the 81 Members are elected from Land or Federal lists

(c) Electoral system

Proportional representation.

Votes are counted at Federal level using the Hare-Niemeyer system. When a party submits Land lists the total number of seats won by that party is divided among them using the Hare-Niemeyer system.

(d) Entitlement to vote and eligibility for election

- German citizens aged 18 years or over resident in the Federal Republic or in another Member State of the European Community or the Council of Europe, and those who have been resident in another country for less than 10 years.
- German citizens aged 18 years or over are eligible for election.
- Postal voting is allowed.

(e) Nomination of candidates

Political parties and 'political associations organized on a membership basis' (e.g. the European party federations) may submit lists of candidates.

If not already represented in the Bundestag or the Landtag by at least five members, they must collect 4 000 signatures for a Federal list or 2 000 for a Land list.

(f) Allocation of seats

- According to the order in which names appear on the lists.
- Vacancies are filled by substitutes which can be designated at the same time as each candidate on the list. In the absence of any substitute, the seat is allocated to the next candidate on the list.
- Lists obtaining fewer than 5% of the votes do not qualify for the allocation of seats.

(g) Incompatibilities

The same as those laid down by the Act of 20 September 1976 and, in addition, those laid down by the Bundeswahlgesetz (Federal Electoral Law).

(h) Regulations concerning the election campaign

Parties receive a sum in proportion to their share of the votes from an election campaign expenses fund. This fund totals approx. DM 215 million (DM 5 per voter). This reimbursement is granted for any list obtaining at least 0.5% of votes cast. There are plans for an agreement between the parties limiting election campaign expenditure.

(i) Validation of election results

By the Bundestag. Its decision can be contested in the Bundesverfassungsgericht (Federal Constitutional Court).

4. Greece

(a) Legislation

Electoral Law of 20 July 1981 (Official Journal of the Greek Government No. 188) and Law Nr. 1443/84 (J.O. 73 A of 22 May 1984).

(b) Distribution of seats

The whole of Greece constitutes one electoral area from which 24 deputies are elected to the European Parliament.

(c) Electoral system

Proportional representation on a national basis.

Votes are cast for a single list and vote-splitting or preferential voting are prohibited.

(d) Entitlement to vote and eligibility for election

- Voting is compulsory for Greek citizens aged 18 years or over.
- Greek citizens resident in another Member State of the EC may vote at Greek consulates.
- Greek citizens resident outside the EC are unable to vote unless they return to Greece or go to vote at a consulate in an EC country.
- Greek citizens who are at least 21 years old are eligible.

(e) Nomination of candidates

Lists may be submitted only by political parties or parties' coalitions. Each list can include a maximum of 24 candidates.

(f) Allocation of seats

- Seats are allocated according to the order of candidates on the list.

- Vacant seats are filled by substitute candidates from the same list. If the number of candidates presented on the list is exhausted replacement elections are to take place.

- No quorum clause exists.

(g) Incompatibilities

According to the Greek electoral law of 1981 a national parliamentary mandate is incompatible with the European mandate.

However, law 1443/84 admits a dual mandate as an exception for the first two candidates on an electoral list. Otherwise the incompatibilities as laid down by the European Election Act of September 1976 are valid. Professors of universities are not eligible.

(h) Regulations concerning the election campaign

For each list a deposit of 150 000 drachmas is required. This amount is repayable if the list obtains 3% or more of the votes.

(i) Validation of election results

The election results can be contested in the Constitutional Court.

5. Spain

(a) Legislation

The Spanish electoral law has been adapted on 2 April 1987.
(LEY ORGANICA 1/1987, BOE Nr. 80).

(b) Distribution of seats

There are 60 seats.

Constituencies: Spain is divided into electoral regions corresponding to the provinces.

(c) Electoral system

- Proportional representation using the d'Hondt system, in accordance with the law on general electoral procedure.

(d) Entitlement to vote and eligibility for election

- Spanish citizens aged 18 years or over.
- Spanish citizens resident abroad may vote at the Spanish Consulate.
- Postal voting is permitted.
- Spanish citizens aged 18 years or over are eligible for election.

(e) Nomination of candidates

Lists of candidates may be submitted by parties, coalitions, federations and groups of voters who have collected the signatures of 15 000 registered voters or 50 elected representatives.

When nominating candidates to the Central Electoral Board the parties, federations, coalitions and groups of voters can indicate the area in which they wish their ballot papers to be distributed, provided this is smaller than the State as a whole and corresponds to the existing constituencies in at least one Autonomous Community.

At the same time, those submitting a list may indicate their wish that in certain constituencies which correspond to the territory of one of the Autonomous Communities only the names of the candidates and substitutes who are members of parties or their regional organizations with powers limited by statute to the said territory should appear on the ballot paper along with, if need be, the party's name, acronym and symbol.

(f) Allocation of seats

- In the order

- If a Member dies, is incapacitated or resigns, the seat will be filled by the next candidate on the list or, where applicable, the relevant substitute.

(g) Incompatibilities

The same as those laid down by the Act of 20 September 1976 and the general procedures for elections in Spain.

A European mandate is incompatible with membership of the Cortes or the legislative assemblies of the Autonomous Communities.

For membership of the Cortes and the legislative assemblies of the Autonomous Communities the mandate last achieved prevails.

(h) Regulations concerning the election campaign

The State subsidizes election campaign expenses at a rate of 2 million pesetas for each seat obtained and 70 pesetas for each vote received.

The maximum figure for campaign expenses which can be reimbursed is obtained by multiplying by 35 pesetas the number of people entitled to vote in the constituencies in which a party puts up candidates.

(f) Validation of election results

By the Central Electoral Board, after initial validation by the Regional Electoral Boards.

6. France

(a) Legislation

The French electoral law was adopted on 30 June 1977 (Law No. 77 - 729, 'Journal Officiel' of 3 July 1977, p. 3579).

(b) Distribution of seats

France has 81 seats. French MEPs represent the entire national territory (including overseas departements and territories).

(c) Electoral system

- Proportional representation;
- The entire national territory makes up a single constituency;
- Votes are counted and seats allocated for the entire national territory. Seats are allocated among the various lists using the d'Hondt system;

(d) Entitlement to vote and eligibility for election

- French citizens aged 18 years or over. French citizens resident abroad have the right to vote;
- French citizens aged 23 years or over are eligible for election;
- Voting by proxy is permitted.

(e) Nomination of candidates

- Submission of lists by the candidate at the head of the list or his representative;
- A deposit of FF 100 000 for each list (not reimbursed if the list fails to obtain 5% or more of the votes cast).

(f) Allocation of seats

- According to the order of names on the list. Voters have a single vote to be given to a list. The order of names on the lists cannot be changed;
- Lists which receive fewer than 5% of the votes cast are not allocated any seats;
- Vacant seats are filled by the next candidate on the list.

(g) Incompatibilities

The same as those laid down by the electoral code.

(h) Regulations concerning the election campaign

- Only French political parties are allowed to take part in the election campaign. This begins two weeks before election day. Broadcasting time is made available on radio and television;
- Parties winning at least 5% of the vote have part of their campaign expenses refunded.

(i) Validation of election results

- By the Council of State (not the Constitutional Council as in the case of national elections).

7. Ireland

(a) Legislation

Irish electoral law for elections to the European Parliament is governed by the European Assembly Elections Act 1977; the European Assembly (Irish representatives) Act 1979; and the European Assembly Elections Act 1984. (Acts of the Oireachtas 1977, 1979 and 1984).

(b) Distribution of seats

The 15 Irish Members of Parliament are elected in four constituencies of five, four, three and three members respectively.

(c) Electoral system

Proportional representation.

The traditional single transferable vote system is used. Candidates are listed in alphabetical order on the ballot paper. Each voter casts his vote for one candidate and in addition indicates in order of preference the candidates to whom his vote should be given if the candidate of his first choice has already received more than the number of votes necessary for election, or has obtained too few votes and so has been eliminated.

(d) Entitlement to vote and eligibility for election

Irish citizens resident in Ireland and 18 years of age or over entitled to vote. Citizens of other EEC States resident in Ireland are also entitled to vote for candidates contesting Irish constituencies. Candidates must be Irish citizens of 21 years or over.

(e) Nomination of candidates

Candidates may nominate themselves or be nominated by a third party. For each candidate a deposit of £1 000 IR. is paid; this is refunded if the candidate receives at least one third of the votes required for election.

(f) Allocation of seats

The alphabetical order in which candidates are listed on the ballot paper does not affect the order in which seats are allocated. There is no threshold clause. To be elected candidates must obtain a pre-established quota of votes.

Vacant seats are filled by the Irish Parliament. If the former occupant of the seat belonged to a party, that party has the right to propose a successor.

(g) Incompatibilities

In addition to the incompatibilities laid down in the European Electoral Act of 20 September 1976 membership of the European Parliament is not compatible with the office of Attorney General or with the Chairmanship or Deputy-Chairmanship of the Dail (House of representatives) or Seanad (Senat). Membership of the European Parliament is compatible with membership of the Dail.

(h) Regulations concerning the election campaign

No special rules are laid down for the election campaign.

(i) Validation of election results

Receipt of a minute describing the implementation of the electoral procedure from the local electoral officer for each constituency to the relevant Minister suffices to verify the validity of the result. Electors or candidates can challenge the election results in the High Court.

8. Italy

(a) Legislation

Law of 9 April 1984, No. 61, amending the Law of 24 January 1979, No. 18 (Gazzetta Ufficiale della Repubblica Italiana No. 101 of 11 April 1984, p. 3062).

(b) Distribution of seats

Italy has 81 seats. The national territory is divided into five constituencies (North-West, North-East, Centre, South and Islands).

(c) Electoral system

Proportional representation.

Votes are counted and seats distributed at national level where a quotient is established determining how many votes are required to win a seat. If in a constituency a list has obtained an insufficient number of votes to win a seat, these votes are transferred to the constituency in which the list of the party in question has obtained a relative majority of the votes. In this way all parties benefit from a redistribution of votes at national level.

(d) Entitlement to vote and eligibility for election

- Italian citizens aged 18 years or over.

Italian citizens resident in the other Member States of the Community vote in that State for the candidates in their constituencies in Italy.

Italian citizens resident outside the Community vote in Italy.

- Italian citizens aged 25 years or over are eligible for election.

(e) Nomination of candidates

- Political parties and political groups which won at least one seat in the European Parliament at the previous election may submit lists of candidates.
- Individual nominations may be submitted provided they are endorsed by at least 30 000 signatures.

(f) Allocation of seats

- Seats are allocated to candidates who obtain the largest number of preferential votes. Voters can give their vote to three candidates in the North-West constituency, two candidates in the North-East, Centre and South constituencies and one candidate in the Islands constituency. There is special provision for preferential votes in areas with linguistic minorities.
- Vacant seats are filled by the next candidate on the list.
- There is no threshold clause.

(g) Incompatibilities

Those laid down by the Act of 20 September 1976.

(h) Regulations concerning the election campaign

Election campaign expenses are refunded within set limits.

(i) Validation of election results

If necessary, by the courts.

9. Luxembourg

(a) Legislation

The Luxembourg electoral law of 25 February 1979 on direct elections to the European Parliament has been supplemented and amended by two additional laws. These were approved by the Chamber of Deputies on 7 and 8 March 1974 and by the Council of State on 9 March 1984, and came into force on 14 March 1984 (Memorial - Amtsblatt des Großherzogtums Luxemburg, Compendium A - No. 15 of 21 March 1984, pp. 320 and 324).

(b) Distribution of seats

Luxembourg forms a single national constituency from which all six members are elected.

Voting takes place in four wards.

(c) Electoral system

Proportional representation.

Each voter has as many votes as the number of candidates to be elected.

He may vote for a list as a whole or distribute these votes among individual candidates. If a voter casts all his votes for a list with fewer than six candidates, that list is credited with as many votes as it has candidates.

Votes are counted using the d'Hondt system.

Vote-splitting is permitted.

(d) Entitlement to vote and eligibility for election

- Luxembourg citizens aged 18 years or over.
- Voting is compulsory.
- Luxembourg citizens aged 21 years or over are eligible for election.
- Luxembourg citizens resident abroad may vote by post.

(e) Nomination of candidates

Lists may be submitted with the endorsement of 25 registered voters, one Member of the European Parliament or the National Chamber or three elected members of the municipal council.

The Lists are drawn up in each of the four wards by candidates' associations and submitted by their appointed representative.

(f) Allocation of seats

- In the order of the number of votes which the individual candidates or Lists have received.
- Vacant seats are filled by the next candidate on the list.
- There is no threshold clause.

(g) Incompatibilities

Those laid down by the Act of 20 September 1976.

An elected Member of the European Parliament who subsequently assumes office in the Luxembourg Government and must therefore resign his seat becomes, as of right, the next candidate on the list from which he was elected.

(h) Regulations concerning the election campaign

No special rules for the European elections.

(i) Validation of election results

By the Luxembourg Parliament.

10. The Netherlands

(a) Legislation

The Netherlands electoral law dates from 13 December 1978 (Staatsblad 652). Amendments were made on 30 May 1975 (Staatsblad 285), 27 January 1982 (Staatsblad 19) and 25 September 1985 (Staatsblad 527).

(b) Distribution of seats

The Netherlands has 25 seats and the country forms a single national constituency.

(c) Electoral system

Proportional representation. Votes are counted and seats allocated at national level using the d'Hondt system.

(d) Entitlement to vote and eligibility for election

- Dutch citizens aged 18 years or over. Dutch citizens resident in the other Member States of the Community can take part in the election (personally, by proxy or by postal vote).

In addition citizens from other EEC countries resident in the Netherlands have the right to vote provided they are debarred from voting in their country of origin.

- Dutch citizens aged 25 years or over are eligible for election.

(e) Nomination of candidates

Candidates are nominated by political parties (25 signatures are required). The lists can include up to 40 names. A deposit of Fl 18 000 is required when a list is submitted by parties not represented in the European Parliament (Fl 1 000 per constituency).

(f) Allocation of seats

Each voter has one vote which he can give either to a list or a candidate. In this way the order of names on the list can be changed. Vacant seats are filled by the next candidate on the relevant list.

(g) Incompatibilities

Those laid down by the Netherlands Parliament (Law of 13 December 1978, 'Staatsblad' 653).

(h) Regulations concerning the election campaign

No special rules for the European elections.

(i) Validation of election results

By the central polling office.

11. Portugal

(a) Legislation

The electoral law on elections to the European Parliament was approved by the Assembly of the Portuguese Republic on 28th April 1987 (Decree 68/IV).

(b) Distribution of Seats

Portuguese territory constitutes a single electoral constituency.

(c) Electoral System

- Proportional representation;
Seats are allocated among the different lists under the d'Hondt system, in accordance with the provisions of the general election regulations of 16 March 1979.

(d) Entitlement to vote and eligibility for election

- Portuguese citizens aged at least 18 and residing in Portugal or another Member State of the European Community have the right to vote.
- Portuguese citizens aged at least 18 may stand for election.

(e) Nomination of Candidates

Lists of candidates are submitted to the Constitutional Court.

(f) Allocation of seats

- Seats are allocated in the order in which candidates appear on the lists; provision is made for between 3 and 8 substitutes.

- In the event of the death, invalidity or resignation of a Member, the seat is allocated to the candidate or, possibly, the substitute on the same list in the order in which candidates appear on the list.

(g) Incompatibilities

Account is taken of:

- the instances of incompatibility cited in the Act of 20 September 1976;
- the general instances of incompatibility provided for by the Assembly of the Portuguese Republic.

Members of certain local, administrative and judicial institutions are not eligible.

(h) Regulations concerning the election campaign

After consulting the government, the President of the Republic fixes the date of the elections within 75 days. The election campaign lasts for 12 days.

(i) Validation of election results

The election results are checked at district and autonomous region level by an intermediate verification Committee. The arrangements for national elections apply for general verification.

The general verification of results and the proclamation of successful candidates is undertaken by an assembly for general verification established in Lisbon.

12. United Kingdom

(a) Legislation

The European Assembly Elections Act was adopted in May 1978 and subsequently modified by the European Assembly Elections Act of 1981. (Halsbury's Statutes of England, 4th Edition, Vol. 15, p. 463 and 476).

(b) Distribution of seats

The United Kingdom has 81 seats. These are divided among the different regions as follows:

England	:	66 seats
Scotland	:	8 seats
Wales	:	4 seats
Northern Ireland	:	3 seats

(c) Electoral system

Representatives from England, Scotland and Wales are elected according to the traditional majority vote system in individual constituencies. The three Northern Ireland representatives are elected by the same system as in Ireland, i.e. on a proportional representation basis in a single 3-member constituency. For the selection of candidates, the single transferable vote is used (cf. Ireland).

(d) Entitlement to vote and eligibility for election

British and Irish citizens resident in the United Kingdom and aged 18 years or over are entitled to vote. Contrary to the practice in national elections, members of the House of Lords also have the right to vote. British citizens who have registered to vote in the United Kingdom within the last five years, but now reside abroad, have the right to vote on completion of a declaration (Representation of the People Act, 1985) as have government officials and members of the armed forces. Candidates must be British citizens of 21 years or over. Members of the House of Lords and clergymen may also stand for election.

(e) Nomination of candidates

Candidates need not be nominated by a political party. Nominations in the constituencies must be endorsed by 30 electors. In addition a deposit of £1 000 must be paid.

(f) Allocation of seats

In England, Scotland and Wales the seats are won by the candidates with the greatest number of votes in each single member constituency. In the 3-member constituency of Northern Ireland candidates with sufficient first-choice votes are elected and thereafter the second and subsequent choice votes of the voters are used to fill the remaining seats.

Vacancies are filled by means of by-elections.

There are no 'threshold clauses'.

(g) Incompatibilities

Incompatibilities are as laid down in the European Electoral Act of 20 September 1976. Membership of the European Parliament is compatible with membership of the House of Commons and the House of Lords.

(h) Regulations concerning the election campaign

In contrast to national elections no special rules have been laid down for the European elections, with the exception of a limitation on campaign expenditure. No grants of public moneys are made available to political parties to fund the election campaign. Expenses are limited to £2 000 Stg. and between 2.3 pence and 3.1 pence per elector.

(i) Validation of election results

The Returning Officer in each constituency is responsible for the counting of the votes and the declaration of the results. Election results can be contested in the High Court.

IV. THE ELECTORAL LAWS: BY THEME

1. Electoral system

Eleven Member States use a system of proportional representation .

One Member State (the United Kingdom) uses a majority vote system (except in Northern Ireland, where proportional representation is used).

2. Constituency boundaries

In seven Member States (Denmark, Spain, France, Greece, Luxembourg, the Netherlands and Portugal) the whole country forms a single constituency.

Four other Member States (Belgium, Ireland, Italy, and the United Kingdom) have divided their national territory into a number of constituencies. In the Federal Republic of Germany the parties may submit either Land or Federal lists, with the exception of Berlin, where three members are elected by the Berlin Parliament.

3. Counting of votes

Of the eleven Member States which use proportional representation six have adopted the d'Hondt system for counting votes and allocating seats (Belgium, Denmark, Spain, France, the Netherlands and Portugal). The FRG uses the Hare-Niemeyer system and Luxembourg a variant of the d'Hondt system, the 'Hagenbach-Bischoff' system. In Italy seats are allocated using the method of whole quotients and highest remainders, in Ireland by the system of the single transferable vote and in Greece by the system of pure proportional representation known as 'Enishimeni Analogiki'.

4. Entitlement to vote

The minimum voting age in all Member States is 18. In nine States the right to vote is restricted to citizens of the country. In Belgium and Ireland citizens of other EEC States resident there may also vote. In the

Netherlands citizens of other EEC States resident there are entitled to vote if they would otherwise be debarred from voting. In the United Kingdom Irish citizens resident there are entitled to vote.

In Ireland the right to vote is restricted to citizens resident in the country. In the case of the United Kingdom the right is extended only to government officials and members of the armed forces resident abroad and to citizens who have been resident abroad for less than five years, provided the latter have made a declaration to the relevant authorities.

Denmark, Portugal and the Netherlands grant the right to vote only those of their citizens living abroad who are resident in Member States of the Community. Belgium, France, Greece and Italy allow all their citizens resident abroad to vote. The FRG grants the right to vote to their citizens who are resident in Member States of the EC or the Council of Europe or who live in another country since less than 10 years.

5. Eligibility for election

The minimum age requirement for eligibility is 18 years in Denmark, FRG, Spain and Portugal, 21 years in Belgium, Greece, Ireland, Luxembourg and the United Kingdom, 23 years in France and 25 years in Italy and the Netherlands. In every case candidates must be citizens of the particular state.

6. Nominations

In four States the submission of nominations is restricted to political parties and political organizations (Denmark, Greece, FRG and the Netherlands). Elsewhere the only stipulation is that nominations should be endorsed by a specific number of signatures and, in certain cases (France, Ireland, the Netherlands and the United Kingdom), a deposit is also required. In Ireland candidates may nominate themselves. In Italy they may be nominated by parties or must collect a certain number of signatures.

7. Importance of the order of names on lists

In five States (FRG, Spain, France, Greece and Portugal) the voters cannot alter the order in which candidates appear on a list. In five States (Belgium,

Denmark, Italy, Luxembourg and the Netherlands) the order of names on the list may be changed by casting preferential votes; in Luxembourg voters may in addition vote for candidates from different lists. In Ireland and the United Kingdom electors vote for individual candidates.

8. Vacant seats

In six States (Denmark, France, Italy, Luxembourg, the Netherlands and Portugal) vacant seats are allocated to the first non-elected candidate on the relevant list (in some cases after permutations based on the number of votes received by the various candidates). In Belgium and the FRG vacant seats are filled by substitutes; in Spain (and in FRG in the absence of substitutes), seats are filled according to the order on the list. In the United Kingdom a by-election is held; in Ireland vacant seats are filled by decision of the Parliament. In Greece vacant seats are allocated to substitutes on the same list; if there are insufficient candidates on the list by-elections are held.

9. Election day

The days of the week on which the election was held in the various states during the period from 14 to 17 June 1984 were as follows:

Six States went to the polls on Sunday, 17 June (Belgium, FRG, France, Greece, Luxembourg and Italy).

Four States went to the polls on Thursday, 14 June (Denmark, United Kingdom, Ireland and the Netherlands).

10. Validation of election results

In Denmark, FRG and Luxembourg Parliament rules on the validity of the election. In Belgium, France, Ireland, Italy and the United Kingdom the courts rule on this matter and this is also the case in the FRG if the parliamentary ruling is challenged.

In Spain the 'Junta Electoral Central' rules on validity.

In Portugal a Special validation board rules on validity.

V. SYNOPTIC TABLE

	Number of MEPs	Entitle- ment to vote	Eligibility for election	Electoral system	Constituency boundaries	Election day 1984
Belgium	24	18	21	PR with preferen- tial vote	3	Sunday
Denmark	16	18	18	"	Single constituency	Thursday
FRG	81	18	18	PR without preferen- tial vote	10 + 1 (Berlin)	Sunday
Greece	24	18	21	"	Single constituency	Sunday
Spain	60	18	18	"	"	-
France	81	18	23	"	"	Sunday
Ireland	15	18	21	PR with STV ¹	4	Thursday
Italy	81	18	25	PR with preferen- tial vote	5	Sunday
Luxembourg	6	18	21	PR with vote splitting	Single constituency	Sunday
Netherlands	25	18	25	PR with preferen- tial vote	"	Thursday
Portugal	24	18	18	PR without preferential vote	"	-
United Kingdom	81	18	21	Majority vote system (Northern Ireland PR with STV) ¹	78 + 1 (Northern Ireland: 3 seats)	Thursday

¹ STV = Single Transferable Vote

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