



# European elections: from ‘second-order’ elections to ‘first-order supranational’ elections

## How can a ‘first-order supranational’ European election be created?

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Starting from the idea that European elections cannot be considered as purely second order elections, the author gathers some proposals in order to encourage a more effective electoral process. According to the author, if political leaders adopt these reforms, it could transform gradually the European elections into genuine ‘first-order supranational elections’.

### 1. Introduction

‘*This time it’s different*’ was the ambitious official slogan of the European Parliament for the 2014 pan-European elections. Was it really different? Was the slogan too ambitious? Are European Parliament elections still second-order elections? Many scholars uphold the classic view that European elections are second-order national contests.<sup>1</sup> In 2014, however, the elections were indeed different. For the first time in the history of the European elections, most European political parties nominated a candidate for the

Commission presidency. Following their nomination, the lead candidates launched their campaigns, which were in many ways similar to traditional national election campaigns. We could thus propose that the 2014 EU elections pioneered a tradition of ‘indirectly electing’ the president of the European executive, as in most European countries with parliamentary regimes.<sup>2</sup>

Consequently, the conditions for a breakaway from the second-order election were already palpably present. Given this state of affairs, I believe we are shifting towards a type of ‘supranational first-order elections’. The 2014 European elections were the first step, and the Spitzenkandidat experience was more crucial than many academics argued in their papers.

This policy brief is not intended to formulate the ‘magic potion’ needed to transform the next EU elections. Modestly, its main objective is to make some proposals for gradually remodelling the European elections into genuine ‘first-order elections’. I will put forward the main proposals for improving EU election turn-out and I will explore the ways in which EU elections can generate genuine interest from European

citizens. In my view, these proposals are the most urgent and constructive considerations for the next EU elections in 2019. 2019 is tomorrow: if we really want ‘first-order’ EU elections, we have to start now.

### *What’s wrong with the European elections?*

Since 1979, participation has steadily decreased, reaching an abstention level of 57.5% in 2014.<sup>3</sup> Paradoxically, we have witnessed an inverse correlation between the falling turn-out for the European elections and the increasing empowerment of the Parliament. Therefore we may assume that the new competences adopted by the Parliament after each treaty have not improved the legitimacy of the EU in the eyes of its citizens. Moreover, the results of each European election show that governing parties lose and small opposition parties win. After the first European direct elections, Reif and Schmitt defined EU elections in a theoretical framework as second-order elections because no government is created as a result of them, so less is at stake for voters, journalists or parties.<sup>4</sup>

### *State of play after the 2014 EU elections*

Given 2014’s results, the second-order elections model did appear to be a relevant theoretical framework for analysing EU elections.<sup>5</sup> However, some nuances should be observed in order to reconsider the nature of any second-order pattern in European elections.

One of the main elements of the definition of second-order elections is that their turn-out is lower than that of first-order elections. In analysing this empirical data, we observe that participation in European elections has decreased from 62% in 1979 to 42.54% in 2014.

However, the level of abstention in Europe between 1989 and 2014 indicates that national legislative elections have lost on average 9.5% of voters, while the turn-out for the European elections has decreased by 15.87%.<sup>6</sup> While the

level of abstention is high for the Parliamentary elections, we can distinguish the same trend at national level. Moreover, the turn-out for the last European Parliamentary elections marked a limited decrease comparable to the 1989 EU elections. Last but not least, the EU 2014 election’s impact has considerably increased citizens’ impression that their voice counts in the EU, and it enhanced their self-identification as European citizens.<sup>7</sup> In other words, we see a propensity for EU citizens to believe that they influence EU policies when they vote.

The lack of awareness among voters of the real impact of their votes is seen as one of the reasons for low participation in EU elections. Most scholars tend to explain that the general public simply does not understand how their votes will change the political orientations of the EU. Nonetheless, the results of the Eurobarometer published in October 2014 reveal that the last European elections boosted the feeling among a significant proportion of Europeans that their voice counts in the EU.<sup>8</sup>

Another characteristic of second-order elections is their effect on political parties and their electoral performance: at EU level, larger parties perform worse than smaller parties, and vice versa at national level. Also, in many situations, governing parties end up losing more votes in the European Parliamentary elections than their opposition.<sup>9</sup> According to Reif and Schmitt, in second-order elections, voters go to polls in order to express their views to another level of power (the national level). In other words, EU citizens make use of the European elections to express their views for or against their national governments.<sup>10</sup> Yet data show us the opposite: only 19% of EU voters at the last EU elections voted in order to express approval or disapproval of their national government.<sup>11</sup>

The 2014 European Parliamentary elections have shown significant gains for eurosceptic parties (generally small parties). They won seats

in 23 out of 28 Member States, while government parties in 20 of the 28 Member States lost votes. Even if we analyse the result of the EU elections as a whole, we still have to admit that governing parties and mainstream parties continue to enjoy a large share of the votes and they continue to be the biggest parties in the Parliament. This reality stands as a counterargument to those who claim that the latest EU elections were mainly a rejection of the European project. Moreover, small and extremist parties are still a minor part of the EU Parliament.<sup>12</sup>

In addition, authors like Michael Marsh and Hanspeter Kriesi find no evidence of a particularly successful pattern of performance among extremist parties. Extremist parties from both ends of the political spectrum often take a more anti-European stance than centrist parties. The authors claim that, leaving aside the success of some parties that only contest European Parliament elections, anti-EU parties on average do much better in European elections than in national elections.<sup>13</sup>

Finally, if EU elections are not yet as relevant to European citizens as national elections, it seems to be more difficult to define the European Parliamentary elections as purely second-order elections. Indeed, European elections are moving towards becoming a kind of first-order supranational election and the remaining question is how this will be achieved.

## 2. How can a ‘first-order supranational’ election be facilitated?

### 2.1. The missing link: real European political parties

Article 10, paragraph 1 of the Lisbon Treaty states that: *‘Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union.’* During each European election, you know your national

political party, you know perhaps the name of your candidates, but what about the European political parties? The missing link between European citizens and EU institutions during European election campaigns is simply the actual concept of European political parties. It is paradoxical that we nominate a candidate for the presidency of the Commission from a ‘political family’ and yet the subsequent campaigning around Europe takes place without a reliable, visible political party.

Most democracies are based on political parties that play a mediating role between citizens and authorities. In this sense, the best way to reconnect EU citizens to their European institutions is to form transnational actors with a key role in articulating the voices of citizens at European level and in giving real power to European political parties.<sup>14</sup>

Until now, most EU citizens considered national parties to be powerless in the EU decision-making process. This is why we need to create a clear link between the national parties and their affiliated European political parties. This shift will bear an important significance for EU citizens regarding decision-making in the EU. In a domino effect, it will increase the liability of the national and European political parties during the European electoral campaign, and will make citizens more aware of the repercussions of European elections.

***Proposal 1: Increasing the visibility of European political parties throughout the entire electoral process.***

### 2.2. Individual members should be recognised by all European parties

A political party gathers members on the basis of political affinity and political programme. It also puts forward for election candidates who represent the ideas and the vision of the party.<sup>15</sup>

As in national parties, members of a European political party structure should have the possibility to be active in internal decision-making processes otherwise there is no interest for people to be member of them. Alas, until now this possibility has been limited at the European level to only a few parties (e.g., the European People's Party). However, the Party of European Socialists (PES) has put together a list of some 'PES activists' from the ranks of party members. In parallel, the Alliance of Liberals and Democrats for Europe (ALDE) shares the same practice, all EU citizens could be "individual member" of the party and receive direct mailing from the party as well as the ability to express their views at congresses.

The congresses of the parties should be the supreme decision-making bodies where all members can actively participate. Members of European political parties should vote for the manifesto of the party as well as for the main decisions affecting its future. Obviously, national or regional MPs and MEPs from the party can have the power of proposal. The seats should naturally be allocated in accordance with the size of members' country of origin.

***Proposal 2: Better internal democratisation and more involvement of party members in decision-making process.***

### 2.3. Primaries for the candidates for the presidency of the Commission

If we have started a new procedure with Spitzenkandidat experience, it would be logical to have genuine political parties which support their candidates during the European campaign. This is why the organisation of primaries is paramount in ensuring that the majority of party members follow the candidate.

Given that the Spitzenkandidat procedure could generate a long-term impact on the institutional balance, and could transform the Commission in

a genuine European executive. European political parties should establish specific and more democratic rules concerning the designation of their candidates.

During the last EU elections, we witnessed a plethora of potential candidates advertised by the press, but they were, in the end, all nonrunners. It was clearly too risky for them to jeopardise their national position by starting a campaign to head the European executive.

In order to avoid a sneaky manoeuvre by the European Parliament and the European Council, who decide on candidates for the European Commission, candidates should have to declare themselves well in advance.

We could predict that the designation of candidates by open procedures within the parties would improve the Spitzenkandidat experience of 2014. More importantly, it would help candidates to become better known by EU citizens and thus to generate a remarkable step forward in involving all Europe's citizens and mobilising party members.

***Proposal 3: European parties should designate a candidate for the presidency of the Commission on the basis of primaries.***

### 2.4. A European election needs a European communication campaign

Until now, European election campaigns could only be broadcasted via national political parties. Member States need to allow political broadcasts by the European political parties in order to circumvent a narrow public perception of the candidates.<sup>16</sup> It is also another way to consolidate the direct link between voters and European political parties. The main channels for achieving this goal are 1) strengthening the European political parties and 2) increasing their visibility. It is essential to make these links between the main actors in order to gain visibility in the public perception.

*The power of money*

Whoever has the money, has the power. Until now, the power has remained in the hands of national political parties. To enable European political parties to fully accomplish their mission, the Commission has taken the positive step of adopting a proposal for a Regulation on the statute and funding of European political parties and European political foundations. The proposal aims to ensure that European political parties benefit from a more visible status and a more flexible, transparent and efficient framework for their funding.

The Council adopted the new rules on the statute and funding of European political parties on 29 September 2014. The rules cover a regulation aimed at helping European political parties and their affiliated political foundations to play their role in expressing the political will of EU citizens, and a regulation adjusting the financial regulation to the specific needs of European political parties.

The first regulation will provide EU-level legal status for European political parties and their affiliated political foundations, aiming to increase their visibility and EU-wide recognition. An independent authority located within the European Parliament will grant this legal status. The authority may also impose financial sanctions on European political parties and their foundations in the event of infringements of the regulation. The regulation also contains provisions governing the funding sources of European political parties and their foundations. The second regulation adds specific rules on contributions from the EU budget to European political parties.

The negotiations were difficult. Hopefully, these new regulations will be effective, starting 1 January 2017.<sup>17</sup>

***Proposal 4: European political parties need the right to run political campaigns in Europe under the European political name.***

## 2.5. A European election needs a European Electoral Law

A closer look at our electoral law for European Parliament elections reveals that the common elements are surprisingly underdeveloped. How can we imagine an EU-wide election held according to different regulations in different Member States? Yet this is exactly what happens at the European elections.

We do not have common standards for nomination procedures in the Member States. In certain countries, this process follows very strict procedures, whereas in others, the decision is taken by the head of the party. This is an area where we could clearly strengthen and further develop the democratic process for the elections.

*Common voting day*

Currently, no result can be published before the closing time of the last election ballot in the last Member State, which is 22:00 in some countries. This practice has a consequence: European citizens never share a ‘common electoral evening’ as they do during national elections. Citizens are not able to see how a political majority is formed in Europe.

The fact that European elections currently take place on different days under different rules generates the perception that European elections are still primarily national elections and limits the creation of a European momentum. One same day with polling stations closing at the same time would better develop the feeling for EU citizen to take part of a genuine European democratic moment within the continent as part of the representative democracy on which the EU is founded.<sup>18</sup>

A common voting day would generate pan-European momentum when the results were made public. Of course, we know that it will be impossible to confirm all the results that evening, but nevertheless it would be possible to know approximately the majority in the next parliament. By logical deduction, it would also be possible to know the name of the next president of the Commission.

***Proposal 5: Organise European elections on a common day with polling stations closing at the same time around Europe.***

## 2.6. Encouraging and facilitating information for voters on the affiliation between national parties and European political parties

National political parties participating in the elections to the European Parliament should make publicly known ahead of elections their affiliation with European political parties. As major actor of the European elections, European political parties should be clearly indicated on the ballots used in those elections.

Practically, all campaign materials as well as communication actions and political broadcasts should mention the affiliation between national political parties and European political parties.

Currently, when citizens enter the voting booth they only find the name of the national party on their ballot. This practice is totally correct and normal, but we all know that those candidates, once elected to the European Parliament, they will work in European political families. This logic leads us to believe that it would be very useful and in fact natural if the name of the European political party also featured on the ballot paper.

This innovation would clearly put an end to the confusion that citizens face due to the lack of information on the ballot about the affiliation of national parties – especially given the Spitzenkandidat element. For clear purposes, the

ballot sheets should exhibit the emblem and name of the EU-wide party to which a domestic party is affiliated.

During the election campaign, the emblems of the European political parties should be disseminated and bring a European perspective to the collective understanding of the voters. It would be altogether easier for voters to develop a clear and consistent opinion of their European options.

***Proposal 6: The names and emblems of the European political parties appear on the ballot paper alongside their respective candidates.***

## 2.7. The Spitzenkandidat experience: the beginning of the democratic revolution

As Simon Hix suggests, one of the factors behind the low turn-out was the limited impact of the European elections on the EU political agenda, and the lack of personalisation in the pan-European election process.<sup>19</sup> As highlighted above, the essential element of the first-order election definition (i.e., the direct impact on the executive, in this case the proposal of presidential candidates by the political parties) was successfully put into practice for the 2014 EU elections. This was the ‘big change’ expected to reinvigorate the EU political landscape. In the same vein, we may assume that the nomination of candidates for the Commission presidency by the main European political groups, each with their own political agenda, is arguably a tactic that could contribute to the decrease of abstention levels.

It is difficult to assess the impact of the Spitzenkandidat practice, as it took place for the first time last year. It is clear, however, that 2014 created a ‘precedent’ for the next European elections. As with every new process in the electoral system, citizens and political parties need time to understand the new challenges and

the new electoral rules and mechanisms. In the EU context, the heterogeneity of European political parties can trigger consequences such as national parties of the same political grouping not supporting the same candidate for the Commission presidency. The fact that the European elections are actually 28 separate elections with 28 electoral processes does not help EU voters to understand the Spitzenkandidat procedure and its consequences. The situation in 2014 proved difficult to explain to EU citizens, as there were no clear rules.

Indeed, President Juncker likes to say that his Commission is different to its predecessors because he was elected by EU citizens. He also mentions that he is aware that citizens did not know that they voted for him. This leads us to the biggest problem, as this is the reason national parties should ensure that their political broadcasts for the European Parliament elections inform citizens about the candidate they support for president of the European Commission and the candidate's programme.

In the Commissioners' mission letters, the new president of the Commission stressed that he had received 'a political mandate' from the European Parliament. We can emphasise this as a clear sign of the new institutional and political role of the Commission. Indeed, with the first appointment of the Commission president by the Parliament, the latter can be reckoned to be a true political majority.

The Lisbon Treaty contains a provision that enables the president of the European Council to negotiate with the new European Parliament before asking the European Council to select candidates. This statement is not mandatory, but in anticipation of 2019, the European Parliament should start negotiations for an inter-institutional agreement that would cover this important aspect.

It was still not clear whether a true 'legally binding precedent' had been established and whether this rule would apply for the next European elections. This procedure cannot be taken for granted in the future, which is why the participants have not called it a complete success.

Indeed, many observers were sceptical about the 'formalisation' of the Spitzenkandidat process and have reiterated that the power of nomination is still in the hands of the Council. Even the president of the European Council, Herman Van Rompuy, was sceptical until the end. So if 2014 created a 'precedent' with the Spitzenkandidat procedure, now we have to set it in stone and clarify Declaration 11 of the Treaty. In this sense, candidates to the presidency of the European Commission from European political parties will be sure of what exactly they are running for.

***Proposal 7: The Commission candidate of the party that secures the most seats in the Parliament will be the new president of the European Commission, and this should be translated into the Treaty in clear terms.***

*A directly elected president, but which programme is applicable?*

One important aspect is missing from this new institutional evolution, and it's essential: the political programme of the Commission. While Juncker was elected by the European Parliament on account of his own 'political guidelines' for the legislative term of 2014–2019, a question persists: will he be able to implement the Commission's political agenda?

Indeed, the European Council of June 2014 identified 'the strategic agenda of key priorities for the next five years' that the Commission needs to implement. Furthermore, Jean-Claude Juncker designed and defended his proposal during the hearing preceding his investiture as

the new Commission president. Before the confirmation vote, he identified ‘ten areas’ in his Political Guidelines for the next European Commission. If we take a closer look at these documents, it is clear that there are strong convergences, and one could actually believe that the documents from each institution were drafted in parallel. Nevertheless, there is no institutional negotiation planned to formally produce a fully-fledged ‘contract for the legislative term’.

It indicates that the president-elect is barely constrained by the Member States, and thus EU citizens are not sure about the materialisation of Juncker’s promised political agenda. In other words, there is still no direct link between European election results and European political action.

**Proposal 8: Formal negotiations on the programme and the allocation of posts should be added to the Spitzenkandidat procedure.**

### 3. Conclusion: EU elections – between first- and second-order

To conclude, there are two main elements in these proposals: European political parties should play a genuine role during the European election and the European election procedure itself should be improved and formalized.

Are these reforms feasible? Yes – but like all reforms, they need the good timing as well as political courage. In this sense, it is easy to see several counter-arguments to these reforms. Indeed, we can easily suppose that national party officials would be unhappy with handing over power to the European level. Moreover, in these rocky times for the European project, many observers would say that the timing is bad. But the question is: if it’s not the right time now, when will it be?

An important thing to keep in mind is that all the reforms outlined above do not require a new treaty, and some of them are already on track. At least, for the reforms linked to the European elections procedure, some amendments to the treaty or substantive changes are needed.

For the first time since direct parliamentary elections began, turn-out has not dramatically dropped. In some countries like Germany, where the Spitzenkandidat procedure has gained popularity, participation increased more substantially than elsewhere because the media coverage was higher. This phenomenon has created a higher propensity for voters to participate in true pan-European elections. The Spitzenkandidat procedure can contribute to the consolidation of a European demos, which is partly based on common elections and common results that citizens can influence in the future.

The future of Europe has always been a political project and, like all political projects, it should be supported by public opinion. Because if we move towards a kind of supranational election, European political parties should fully participate in it. Those who believe that EU elections are still second-order elections point to the power of national political parties. European political parties should make the internal reforms necessary for them to be able to conduct a transnational European election campaign, and Member States should make reforms in order to have common rules for the next European elections. If good political decisions are taken, European elections will move towards a kind of ‘first-order supranational’ election.

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## ENDNOTES

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