



Reform of the EU electoral law

European Disability Forum Position Paper
September 2021

**Right to vote and stand as candidate for persons with
disabilities in the European Parliament elections**



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Executive summary

The European Disability Forum (EDF) welcomes the European Parliament [legislative initiative to reform the European Union \(EU\) electoral law](#) of 1976, as well as its commitment to make the European Parliament elections more inclusive for the 100 million persons with disabilities who live in the EU.

In the 2019 EU elections, approximately 400,000 persons with disabilities in 14 Member States were deprived from their right to vote. Many more persons with disabilities could not exercise this very basic political right because of lack of accessibility of the elections, restrictions in choosing assistance to vote, and lack of specific measures to guarantee the possibility to vote independently and in secret. In eight Member States, people who cannot get to a polling station (because of accessibility barriers, reduced mobility, or living in a residential institution), do not have any other possibility to vote by themselves – not even by postal voting.

Therefore, given the European Parliament’s intention of setting up common provisions to strengthen the EU’s elections system, we would like to propose a set of amendments to the [draft report](#) aiming at:

- Referring to the [UN Convention on the Rights of Persons with Disabilities](#) (CRPD), ratified by the EU and all its Member States, and particularly to its article 29 on participation in political and public life.

- Ensuring the right to vote and stand as candidate regardless of legal capacity status. Being under partial or total guardianship must not limit the political rights of any EU citizen.
- Ensuring accessibility of the EU elections for persons with disabilities by tackling three crucial elements at national level. The first two will depend on the national voting system in place:
 1. Introducing accessibility requirements for the general voting procedures, facilities, information, and other materials. These include the elements used by all voters, such as information websites, polling stations, voting booths and devices, ballot papers, etc.
 2. Making specific solutions available for persons with disabilities to vote independently and in secret. These may include mobile ballot boxes, possibility to choose an alternative (more accessible) polling station, Braille envelopes, tactile stencils, etc.
 3. In the case that a person with disabilities requests voting assistance, that they can freely choose the person to assist them.
- Ensuring the right to vote for people living in closed residential settings.
- Guaranteeing accessibility in electronic and internet voting, and in electoral materials by using the existing EU harmonised accessibility requirements laid down in the [European Accessibility Act](#).
- Ensuring the meaningful involvement of persons with disabilities and their representative organisations in their countries' efforts to make elections more inclusive, and making sure that citizens with disabilities receive information about the measures put in place.

EDF has prepared the below proposals for amendments taking into consideration the diversity of electoral systems in the EU. Following this logic, our proposals set out general obligations, giving Member States in the case of accessibility (article 7 of the proposed Council regulation) the necessary flexibility to choose the most suitable solution to their electoral practices. Further explanations and examples of these accessibility solutions can be found after the proposed amendments.

What cannot be negotiable for the European disability movement are the rights to vote and to stand as candidate to all citizens without exemption and differences across Member States. A new EU electoral system must be fully in line with the UN Convention on the Rights of Persons with Disabilities, the which the EU and every European Member State is a party.

This document draws on data gathered in 5 key reports on the right to vote, which are referenced in the [acknowledgements](#) section of this document.

EDF proposed amendments

Motion for a European Parliament resolution

Preamble (new)

EP text	EDF proposal
<p>- having regard to the Framework Agreement of 20 October 2010 on relations between the European Parliament and the European Commission, as modified on 7 February 2018,</p> <p>- having regard to the European Economic and Social Committee report on real rights of persons with disabilities to vote in European Parliament Elections adopted in its plenary session on 20 March 2019 and its opinion on the need to guarantee real rights for persons with disabilities to vote in European Parliament Elections adopted on 2 December 2020,</p>	<p>- having regard to the Framework Agreement of 20 October 2010 on relations between the European Parliament and the European Commission, as modified on 7 February 2018,</p> <p>- having regard to the UN Convention on the Rights of Persons with Disabilities, ratified by the EU in 2010, and by all Member States, and its article 29 thereof on participation in political and public life,</p> <p>- having regard to Commission Communication 2021/101/EU of 3 March 2021 on the Strategy for the Rights of Persons with Disabilities 2021-2030,</p> <p>- having regard to the European Economic and Social Committee report on real rights of persons with disabilities to vote in European Parliament Elections adopted in its plenary session on 20 March 2019 and its opinion on the need to guarantee real rights for persons with disabilities to vote in European Parliament Elections adopted on 2 December 2020,</p>
<p>Justification:</p> <p>It is essential that the resolution as well as the proposed regulation refer to the CRPD, since it is part of the legal framework of the EU and all its Member States, underscoring the obligations concerning political rights derived from article 29 on participation in political and public life. Similarly, the European Commission, in its recently launched European</p>	

[Disability Rights Strategy 2021-2030](#), sets out within the limits of its competences a set of actions aiming at encouraging Member States to make elections more accessible to persons with disabilities. Hence, ensuring alignment and complementarity between the Strategy initiatives and this EP proposal is of utmost importance.

Recital V

EP text	EDF proposal
<p>V: whereas any barriers to the right to vote for persons with disabilities, especially legal barriers for adults with intellectual disabilities declared legally incapacitated, should be removed, guaranteeing physical and sensory accessibility in polling stations as well as alternative participation systems to exercise the right to vote, in particular through postal voting;</p>	<p>V. whereas any barriers to the right to vote and stand as a candidate for persons with disabilities, especially legal barriers for adults with intellectual disabilities declared legally incapacitated, should be removed, guaranteeing physical and sensory accessibility in polling stations throughout the elections process should be ensured, as well as including by providing alternative participation systems to exercise the right to vote, in particular through such as postal voting, and through appropriate voting arrangements for persons with disabilities to facilitate their voting rights on an equal basis with others;</p>
<p>Justification: Although persons with intellectual disabilities are indeed among the most affected by discriminatory laws removing their legal capacity, other persons with disabilities, such as those with psychosocial disabilities or autistic people, may find themselves in a similar situation: not only without the possibility to vote, but also prevented from standing as a candidate due to the so-called “fitness” requirements in some EU countries¹. In addition to recognising this situation and the essential rights to vote and stand for office, the proposed recital must outline the three key elements to make EP elections more inclusive to persons with disabilities: alternative means of voting, accessibility, and specific arrangements for persons with disabilities.</p>	

¹ More information and examples of countries can be found in the next section.

Paragraph 4

EP text	EDF proposal
<p>4. Observes that diverging electoral cultures have resulted in a range of different electoral systems; considers therefore that common minimum standards are needed, in order to ensure approximation towards a unified European electoral law and equality of the vote for citizens of the Union, including as regards: the right to register a party and to stand for elections; access to ballots; the fielding of candidates; accessibility of voting; or what happens on the day of the elections;</p>	<p>4. Observes that diverging electoral cultures have resulted in a range of different electoral systems and different voting rights across the EU; considers therefore that common minimum standards are needed, in order to ensure approximation towards a unified European electoral law and equality of the vote for citizens of the Union, including as regards: the right to vote, the right to register a party and to stand for elections; access to ballots; the fielding of candidates; accessibility of voting for persons with disabilities; or what happens on the day of the elections;</p>
<p>Justification: Currently, there are 14 Member States in which certain persons with disabilities are deprived from their right to vote, whereas in the remaining 13, positively, this restriction has been lifted. In 18 countries blind people can vote independently and in secret, but not in the remaining Member States. This creates different voting rights depending on the country. One of the main objectives of this EP proposal is to ensure legal approximation, which should also aim at the implementation of the CRPD. Lastly, it is also important to specify when accessibility refers to persons with disabilities to differentiate from accessibility as physical availability.</p>	

Paragraph 23

EP text	EDF proposal
<p>23. Considers it essential to facilitate access to voting in European elections and to guarantee that all those who have the right to vote, including, if they are granted such a right in</p>	<p>23. Considers it essential to facilitate access to voting in European elections and to guarantee that all those who have the right to vote, including, if they are granted such a right in</p>

<p>accordance with national laws, citizens of the Union living outside their country of origin, homeless people and prisoners, are able to exercise this right; calls on Member States to improve access to polling stations and the right to vote for persons with disabilities;</p>	<p>accordance with national laws, citizens of the Union living outside their country of origin, homeless people and prisoners, are able to exercise this right; calls on Member States to improve access to polling stations and the right to vote for persons with disabilities;</p>
<p>Justification: Although the last sentence of this paragraph is positive, it is insufficient to give a comprehensive approach to make EP elections more inclusive to persons with disabilities. Therefore, a new paragraph 24 is proposed below.</p>	

Paragraph 24 (new)

EP text	EDF proposal
	<p><i>24 (new). Calls on Member States to grant the right to vote and stand as candidate to all persons with disabilities, regardless of their legal capacity; suggests to introduce measures to maximise accessibility of the elections for citizens with disabilities covering, among others and where appropriate, voting information and registration, polling stations, voting booths and devices, electronic means of voting, and ballot papers; recommends to implement appropriate arrangements tailored to their national voting procedures to facilitate the vote of citizens with disabilities such as the possibility to choose polling station, early voting, mobile ballot boxes, closed polling stations in key locations, and the use of assistive technologies, formats</i></p>

and techniques like Braille, large print, audio-based information, tactile stencils, easy to read information and sign language communication; calls on Member States to allow persons with disabilities assistance in voting through a person of their own choice, where necessary and at their request;

Justification:

This new paragraph outlines the main provisions of the new proposed electoral law as for persons with disabilities. It is also replicated in a new recital 12 in the proposed regulation. It covers four elements. First and foremost, the right to vote and stand for elections without exemption. Second, calls Member States to maximise accessibility of the elections. This includes general accessibility requirements of the proceedings, facilities, information, and materials used by *all* voters. More accessibility will benefit *all* voters and will ensure equal access to many persons with disabilities, older people, and persons with temporary functional limitations. Third, and given that accessibility improvements may not be possible or sufficient for certain persons with disabilities, the paragraph acknowledges the diversity of voting systems at national level, and recommends Member States to enable specific solutions² for persons with disabilities tailored to their voting culture and electoral practices to ensure they can vote on an equal basis with others, independently and in secret. Some of the solutions proposed can be used by all Member States, whereas others will depend, for example, on the type of voting. Lastly and also in line with the CRPD article 29, the paragraph calls for no limitation as for freely choosing assistance to vote (e.g. a relative, a friend, an acquaintance, or an election official in the polling station).

² More information about these solutions can be found in the next section of this document, and at the [EESC report](#) and [additional opinion](#), and the [European Blind Union Accessible Voting Awareness report](#).

Annex to the resolution: proposed Council regulation on a new EU electoral law

Recital 10

EP text	EDF proposal
<p>(10) In order to encourage voter participation in elections to the European Parliament, Member States should provide for advance and postal voting. To fully take advantage of the possibilities offered by technological developments, Member States could also permit electronic and internet voting, while ensuring the reliability of the result, the secrecy of the vote and the protection of personal data, in accordance with applicable Union law.</p>	<p>(10) In order to encourage voter participation in elections to the European Parliament, Member States should provide for advance and postal voting. To fully take advantage of the possibilities offered by technological developments, Member States could also permit electronic and internet voting, while ensuring the reliability of the result, the secrecy of the vote, <i>the accessibility for persons with disabilities</i>, and the protection of personal data, in accordance with applicable Union law.</p>
<p>Justification: As proven by Estonia’s internet voting system and some electronic voting devices in Flanders, electronic and internet voting can be a very accessible solution for persons with disabilities, only if accessibility is duly taken into consideration from the beginning. Fortunately, the EU has a very comprehensive set of accessibility requirements for ICT products and services laid down in the European Accessibility Act, as well as a robust technical harmonised standard (EN 301 549) for ICT accessibility which can be followed by developers to make sure persons with disabilities will be able to use it on equal basis with others.</p>	

Recital 11

EP text	EDF proposal
<p>(11) Citizens of the Union have the right to participate in its democratic life, in particular by voting or standing as candidates in elections to the European Parliament. Member States should</p>	<p>(11) Citizens of the Union have the right to participate in its democratic life, in particular by voting or standing as candidates in elections to the European Parliament. Member States should</p>

take the measures necessary to allow those of their citizens residing or working in third countries, those who are homeless or who are serving a prison sentence in the EU, to exercise the right to vote in elections to the European Parliament. Access to polling stations should also be facilitated for all citizens, and in particular for persons with disabilities.

take the measures necessary to allow those of their citizens residing or working in third countries, those who are homeless or who are serving a prison sentence in the EU, to exercise the right to vote in elections to the European Parliament. ~~Access to polling stations should also be facilitated for all citizens, and in particular for persons with disabilities.~~

Justification:

This sentence is clearly not sufficient as for the rights of persons with disabilities. It does not recognise the deprivation of voting rights of persons with disabilities, and it does not address accessibility comprehensively. A new recital 12 is therefore proposed.

Recital 12 (new)

EP text	EDF proposal
	<p><i>All persons with disabilities, regardless of their legal capacity, should enjoy political rights on an equal basis with others, in accordance with the UN Convention on the Rights of Persons with Disabilities to which the Union has been a Party since 21 January 2011* and which all Member States have ratified, and as stated in the European Commission Strategy on the Rights of Persons with Disabilities 2021-2030**. Member States depriving persons with disabilities of their rights to vote and to stand as candidates to the European Parliament elections due to legal incapacitation should remove such restrictions, ensuring equality of political rights</i></p>

across the EU. Additionally, Member States should take measures to maximise accessibility for persons with disabilities, among others and where appropriate, to voting information and registration, polling stations, voting booths and devices, electronic means of voting, and ballot papers. Based on their elections system, Member States should also introduce specific arrangements for persons with disabilities to vote independently and in secret. Such specific solutions may include, but are not limited to, the possibility of choosing an alternative, more accessible, polling station, early voting, mobile ballot boxes, closed polling stations in key locations, and the use of assistive technologies, formats and techniques like Braille, large print, audio-based information, tactile stencils, easy to read information and sign language communication. Member States should always guarantee to persons with disabilities assistance to vote by a person of their own choice without any limitation.

**** Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (2010/48/EC)***

***** Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "A Union of Equality: Strategy for the***

Justification:

This new recital outlines the main provisions of the proposed electoral law as for persons with disabilities. It follows the same logic as new recital 12 of the proposed EP resolution. It covers four elements and highlights the obligations to which the EU and all Member States are bound by the CRPD, which must be referred to in the regulation. Firstly, it states the right to vote and stand for elections regardless of being under total or partial legal guardianship. Secondly, it lists the main elements in which accessibility requirements can be introduced at national level covering voting proceedings, facilities, information, and other materials used by *all* voters. Thirdly, and given that accessibility improvements may not be possible in certain voting systems or may not be sufficient for certain persons with disabilities to exercise their right independently and in secret, the recital also lists the main solutions which already exist³ in the EU countries to ensure the right to vote for persons with disabilities. Lastly, it recalls the CRPD obligation of guaranteeing assistance by a person of persons with disabilities' own choice.

This recital is essential to understand and implement articles 4, 5 and 7 of the proposed regulation. National governments will be clear in their obligations and will be able to develop the appropriate solutions that best suit their voting system.

Article 4. Voting rights

EP text	EDF proposal
Every European Union citizen from 18 years of age shall have the right to vote and to stand as a candidate for election to the European Parliament, in both the national and in the Union-wide constituency, without prejudice to those Member States that, at the date of the entry into force of this Regulation, have set the minimum age that is lower than 18 for eligibility to vote and for eligibility to stand as a candidate.	Every European Union citizen from 18 years of age, <i>and regardless of their legal capacity status,</i> shall have the right to vote and to stand as a candidate for election to the European Parliament, in both the national and in the Union-wide constituency, without prejudice to those Member States that, at the date of the entry into force of this Regulation, have set the minimum age that is lower than 18 for

³ More information about these solutions can be found in the next chapter of this paper, and at the [EESC report](#) and [additional opinion](#), and the [European Blind Union Accessible Voting Awareness report](#).

	eligibility to vote and for eligibility to stand as a candidate.
<p>Justification: The proposed regulation must explicitly reflect one of the objectives of the resolution, this is to ensure the right to vote and to stand as a candidate to all persons with disabilities, regardless of being under total or partial guardianship regimes in their country⁴.</p>	

Article 5. Exercise of the right to vote

EP text	EDF proposal
Member States shall ensure that all citizens of the Union, including those living or working in a third country and those who are homeless or who are serving a prison sentence in the EU, are entitled to and are able to exercise their right to vote in elections to the European Parliament, and, with regard to those citizens serving a prison sentence, without prejudice to national law or court decisions handed down in accordance with national law.	Member States shall ensure that all citizens of the Union, including those living or working in a third country, <i>those living in closed residential settings</i> , and those who are homeless or who are serving a prison sentence in the EU, are entitled to and are able to exercise their right to vote in elections to the European Parliament, and, with regard to those citizens serving a prison sentence, without prejudice to national law or court decisions handed down in accordance with national law.
<p>Justification: It is important to recognise the discrimination and barriers faced by people living in closed settings, such as psychiatric institutions. Solutions like closed polling stations set up in those locations can ensure their right to vote.</p>	

Article 7. Accessibility

EP text	EDF proposal
Member States shall ensure physical and sensory access to	1. Member States shall ensure <i>physical and sensory</i> access <i>on</i>

⁴ More information about the deprivation of voting rights, and in which countries this may happen, can be found in the next chapter and at the [FRA report](#) and the [EESC additional opinion](#).

polling stations for all citizens, in particular for persons with disabilities.

an equal basis to ~~polling stations voting procedures, facilities, information, and other materials~~ for all citizens, ~~in particular for including for~~ persons with disabilities.

2. Based on their national voting systems, Member States shall provide appropriate arrangements aiming at facilitating the exercise of the right to vote by persons with disabilities independently and in secret.

3. Member States shall guarantee to persons with disabilities, where necessary, at their request, assistance in voting by a person of their own choice and without any restriction.

4. Member States shall undertake the measures derived from paragraphs 1, 2 and 3 of this article in consultation with representative organisations of persons with disabilities, and shall duly inform persons with disabilities about these measures in accessible formats.

Justification:

This article is complemented by new recital 12. Paragraph 1 focuses on maximising accessibility using the CRPD wording to cover all aspects of elections. Paragraph 2 requires Member States to develop specific solutions for persons with disabilities tailored to their national voting systems; a list of existing solutions can also be found in the proposal for a new recital 12. Paragraph 3 recalls the CRPD obligation to ensure assistance to vote. Last but not least, paragraph 4 addresses two elements previously absent, these are the obligation to meaningfully involve persons with disabilities and their representative organisations

in matters that affect them (following article 4.3 of the CRPD and the motto of the disability movement “nothing about us without us”), as well as the obligation to inform persons with disabilities about the measures put in place to ensure their political rights. Way too often, representative disability organisations and persons with disabilities themselves are not meaningfully consulted, and are not aware of the plans and solutions rolled out by their governments. Guaranteeing information and meaningful consultation will ensure the success of such measures.

Article 8. Postal voting

EP text	EDF proposal
<p>2. Member States may provide additional possibilities of voting by way of electronic and internet systems, without prejudice to the possibility of proxy voting as allowed by applicable national provisions at the time of the entry into force of this Regulation. In the event of electronic, internet, and proxy voting, Member States shall adopt all necessary measures to ensure the reliability and the secrecy of the vote, and the protection of personal data in accordance with applicable Union law.</p>	<p>2. Member States may provide additional possibilities of voting by way of electronic and internet systems, without prejudice to the possibility of proxy voting as allowed by applicable national provisions at the time of the entry into force of this Regulation. In the event of electronic, internet, and proxy voting, Member States shall adopt all necessary measures to ensure the reliability and the secrecy of the vote, the accessibility for persons with disabilities, and the protection of personal data in accordance with applicable Union law.</p>
<p>Justification: Having alternative means of voting, such as postal voting, is definitely beneficial and convenient for persons with disabilities. Likewise, electronic and internet voting can also be a very good solution for persons with disabilities, if accessibility is duly considered, as proven by Estonia’s internet voting and some accessible voting devices in Flanders. Fortunately, the EU has a very comprehensive set of accessibility requirements for ICT products and services laid down in the European Accessibility Act, as well as a robust technical harmonised standard (EN 301 549) for ICT accessibility which can be followed by developers to make sure persons with disabilities will be able to use it on equal footing with others.</p>	

Article 17. Common campaign provisions

EP text	EDF proposal
<p>1. Electoral campaigning shall not start until eight weeks before Election day. Electoral campaigning comprises, in particular, the request of a vote for an election to the European Parliament by way of print or digital material and other formats of public communication, media advertising, and public events. Electoral campaign materials shall include a reference to the manifesto of the European electoral entity, if any, to which the national party is affiliated.</p>	<p>1. Electoral campaigning shall not start until eight weeks before Election day. Electoral campaigning comprises, in particular, the request of a vote for an election to the European Parliament by way of print or digital material and other formats of public communication, media advertising, and public events. Electoral campaign materials shall include a reference to the manifesto of the European electoral entity, if any, to which the national party is affiliated.</p> <p><i>Electoral campaign materials shall be accessible to persons with disabilities in accordance with EU harmonised legislation*.</i></p> <p><i>* Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services</i></p>
<p>Justification:</p> <p>In addition to the accessibility measures which must be put in place by Member States, European electoral entities must also acknowledge their responsibility and ensure that nobody is excluded because of their disability. Therefore, to ensure an end-to-end inclusive election, all the main electoral actors must also make sure their materials are accessible to persons with disabilities in accordance with EU legislation. The European Accessibility Act provides a set of accessibility requirements for information and communication technologies (websites, mobile applications, digital documents, etc.), non digital information, or built environment, among others, which can be useful for such electoral entities. Soon, different harmonised European standards derived from the Accessibility Act will be adopted to facilitate the implementation of this Directive.</p>	

Further explanations

The European Disability Forum

The European Disability Forum is an independent NGO that advocates for the rights of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisation of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

Acknowledgements

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The data and information used for the preparation of this document has been found at the following reports:

- [EESC: The need to guarantee real rights for persons with disabilities to vote in European Parliament elections \(additional opinion\)](#)
- [EESC: The real right of persons with disabilities to vote in European Parliament elections \(Information report\)](#)
- [FRA: Who will \(not\) get to vote in the 2019 European Parliament elections? \(report\)](#)
- [Elections Watch EU: Elections to the European Parliament](#)
- [EBU: Accessible Voting Awareness \(report\)](#)

Right to vote and stand as candidate

There is no reliable and comparable EU-wide data on the number of persons with disabilities deprived of **legal capacity**, affecting mostly (but not only) those with intellectual and psychosocial disabilities. This discriminatory situation contrary to the CRPD may also entail the potential or automatic deprivation of the person's voting rights depending on the country. Despite recent progress in some countries, persons under total or partial guardianship are not allowed to vote in 14 Member States. Thus, we can distinguish three groups of countries:

First. In 8 Member States certain persons with disabilities are **automatically excluded from political participation** and thus denied

the right to vote. This is the case in Bulgaria, Cyprus, Estonia, Greece, Lithuania, Luxembourg, Poland and Romania.

Second. In 6 countries, placing a person under guardianship does not automatically mean the loss of voting rights, but the court or authority taking the decision to place somebody under guardianship **may also decide to restrict the voting rights**. This may happen in Belgium, the Czech Republic, Hungary, Malta, Portugal, and Slovenia.

Third. Positively, recent progress in implementing the CRPD increased the number of countries in which **under no circumstances** may an individual be deprived of the right to vote. These 13 Member States are Austria, Croatia, Denmark, Finland, France, Germany, Ireland, Italy, Latvia, the Netherlands, Slovakia, Spain, and Sweden.

Besides, the right to stand as candidate in the EP elections may also vary across countries. In Finland, for example, a person under guardianship can vote but cannot run for elections.

EDF proposed amendments aim at ensuring that all Member State live up to the CRPD obligations and ensure that persons with disabilities can vote and stand as candidates in EP elections without any exemption based on legal capacity status. We appreciate the EP resolution mention to this unfair situation, but want to strongly stress the need to tackle it in the proposed Council regulation article 4 as well.

Accessibility

EDF acknowledges the great diversity of voting cultures and electoral practices, the progress made in many Member States, and the European Commission' proposals to support EU countries in making their elections more accessible. We do also welcome very much the proposed new article 7 in the Council regulation focusing on accessibility, however, in order to succeed we believe that countries will benefit from clearer obligations as well as having the flexibility to fulfil them in their national context.

This is why we propose that article 7 of the Electoral Law is complemented by a new recital 12 outlining the ways in which countries can implement those provisions. In this section we will explain the differences among the provisions proposed in our amendment to article 7.

Accessibility

Accessibility for persons with disabilities means equal access; this includes the characteristics, elements and functions that allow access to a wider range of people. Thus, the first step to make elections accessible would

be to maximise the accessibility of the procedures, facilities, information, and other materials used by all voters. Generally, this involves information and registration, polling stations, voting booths and devices, electronic means of voting, and ballot papers.

Information and registration. In line with the [Web Accessibility Directive](#), all public sector websites and mobile apps must be designed following the web accessibility standard (included in the [harmonised European standard EN 301 549](#)). Accessibility requirements for other means of information can also be introduced: for example ensuring an appropriate font size in printed letters.

Polling stations. Eleven countries apply the general principle that all polling stations must be accessible, but this is not always the reality or just focuses on the physical access for users of wheelchairs. In Poland, for example, there are very detailed accessibility standards to be met by the accessible polling stations. To fulfill this, EU countries can also use the European Standard on accessibility and usability of the built environment ([EN17210](#)).

Polling booths. Belgium and Lithuania have accessibility requirements as for the polling booths (e.g. their height and width).

Voting devices. Except for certain rural areas, in Flanders (Belgium) there are accessible voting devices. In Bulgaria, the legislation requires to design them in an accessible and easy to use manner.

Internet voting in Estonia is accessible for persons with disabilities, and very convenient for many. The way to do it is by following the web accessibility standard mentioned above.

Finally, even **ballot papers** can be made more accessible. In Norway, for example, the legislation defines font sizes and types of its ballot papers facilitating legibility to all voters.

Thus, this first step would require that Member States introduce accessibility requirements for the different elements of the elections. Some of these can be found in EU harmonised legislation, such as the [European Accessibility Act](#) or the [Web Accessibility Directive](#), as well as in technical accessibility standards like the [EN 301 549](#) on ICT, the [EN 17210](#) on built environment, and the [EN 17161](#) on Design for All.

Appropriate arrangements

Even when accessibility requirements are in place, and given the constraints and characteristics of the different voting systems, Member

States will need to set up specific solutions to ensure that persons with disabilities can vote independently and in secret. Depending on the type of voting, some of the following solutions may not be suitable. This is why, the legislation needs to ensure a meaningful dialogue between the public authorities and persons with disabilities. All of the below solutions are already used in some countries. We will now explain what they are and why they are important.

Choosing an alternative, more accessible, polling station. Countries such as Hungary, Slovenia, Denmark, Italy, Lithuania, Croatia, Poland, Slovakia, or Germany allow persons with disabilities to change polling stations to choose one that is more accessible to them.

Early voting. In 10 countries it is possible at least for certain groups of people to vote in advance, most often in accessible facilities for persons with disabilities. This is useful as the person with disabilities can take their time in a more suitable environment to cast their vote.

Mobile ballot boxes. 17 countries already have arrangements in place for voting by mobile ballot box. When the polling station is not accessible, or the person with a disability cannot go there, the ballot box is brought outside the polling station, or in some countries brought to the person's home.

Closed polling stations in key locations. Similar to the mobile ballot box logic, this is to facilitate the right to vote to those who cannot physically go to the polling station, some EU countries like Italy or Poland organise closed polling stations in long term care institutions.

Assistive technologies, formats, and techniques. These are those technologies, formats and techniques tailored to specific groups of persons with disabilities. For example, in Spain and Sweden blind people can receive an envelope containing the information of the ballot paper in **Braille** (with the ballot paper inside).

In countries in which the voter needs to make a mark manually, **tactile stencils** may be useful as it happens in Ireland or Germany, where they have Braille and large size letters. Stencil voting can be defined as voting through holes in an assistive device that relays the ballot content. Stamps or seals can also be a good assistive aid for electoral systems that require the voter to write down numbers (e.g. Romania), but if the vote is too complex, then this technique will not help much.

Moreover, other assistive technologies can also be considered. For example, in Sweden, Belgium, and the Netherlands voters may use a magnifying glass which is provided in each polling station.

Lastly, accessible means of information and communication are of great importance. A number of countries already produce information in, among others, **easy to read** format like in Latvia or Spain; **audio-based information**, which is mandatory in Malta, and in national **sign language** as it is the case in Finland.

Free choice of assistance in voting

Irrespective of the above-mentioned measures, certain persons with disabilities will require or prefer to vote with the assistance provided by another person. The CRPD is clear on the obligation to ensure the free choice of this person. However, some countries restrict this free choice.

Greece and Cyprus **only allow persons with disabilities to be accompanied by one or two members of the election commission**, which may discourage voting in smaller communities where everyone knows each other.

Commonly, **members of an electoral commission are not permitted to undertake the role of an assistant**. This is, for instance, the case in Bulgaria, Lithuania or Slovenia. This may discourage persons with disabilities who do not want to reveal their vote to relatives or friends.

In some countries, assistants are restricted by their age, residence, eligibility to vote, or even eligibility to vote in that specific polling station. Occasionally, the electoral commission is required to assess whether the assistant designated by the voter with disabilities will be capable of providing assistance, or whether the specific voter actually needs the help of an assistant. An extreme case is Ireland, where voters must first swear an oath that they have a disability and require an assistant.

As in some countries like Denmark or Hungary, the proposed new **EU electoral act should allow voters to be assisted by any person of their choice**: family, acquaintances, persons randomly chosen at the polling station, or election officials. A good example is Finland, where the Election Act mandates to appoint one polling assistant per polling station.

Final considerations

The EESC states that “in each of the 27 EU countries, there are rules or organisational arrangements that deprive some voters with disabilities of the possibility of participating in EP elections”. EDF believes that the reform of the EU Electoral Law is a significant opportunity to start reversing the current situation and ensure that persons with disabilities enjoy democratic rights as everyone else.

The [EU was reviewed by the CRPD committee in 2015](#). One of the recommendations reads: "across the European Union, persons with disabilities, especially those deprived of their legal capacity or residing in institutions, cannot exercise their right to vote in elections and that participation in elections is not fully accessible" and recommended to "take the necessary measures ... to enable all persons with all types of disabilities ... to enjoy their right to vote".

As explained before, currently persons with disabilities enjoy very different voting rights depending on the country where they vote. One country may automatically deprive their right to vote, another may grant it but with no guarantee of voting independently and in secret, and another may not have any alternative to vote if the process is not accessible. This is why, in addition to ensuring the right to vote, the right to stand as candidate, and the right to be assisted by a person of your own choice, countries should also be required to implement accessibility and alternative possibilities to vote for persons with disabilities.

We therefore support the EP intention to enable postal voting for the European Parliament elections, and salute other alternatives for voting such as early voting or internet voting where possible, as these are, if accessible, convenient for many persons with disabilities. An important aspect which we have not deliberately addressed in our proposals for amendments is proxy voting, as we do not think this alternative should replace the intrinsic right of voting independently and in secret.

It is important to note that most of the measures proposed above will not only benefit persons with disabilities, they will be important for our whole ageing population, for people living in long-term care facilities, rest homes, and for those with temporary impairments, those in hospital or who cannot leave their homes. As a matter of fact, some measures put in place for elections happening during the COVID-19 pandemic (like the mobile ballot boxes implemented in Croatia) take inspiration from those arrangements for persons with disabilities we mentioned earlier.

Finally, the spirit of our proposed amendments relies in the paradigm shift towards persons with disability brought by the universal ratification of the CRPD. Thus, a new EU Electoral Law should explicitly refer to it and, within the responsibilities of EU institutions and EU political entities, it should be fully respected.

This is the future EU democracy we want. Nothing about us without us.

Document credits

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