

UNITED CYPRUS REPUBLIC



Federal Law on Elections to the European Parliament (2004)

Foundation Agreement
Annex III, Attachment 20, Law 3

For the purposes of -

- (a) harmonization with the European Community Act referred to as "Council Directive 93/109/EC of December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals" (OJ L 329 of 30.12.1993, p. 34); and
- (b) application of paragraph 2 of Article 19 of the Treaty Establishing the European Community,

It is hereby provided as follows:

Short title.

1. This Law may be cited as the Federal Law on the Elections of Members of the European Parliament.

PART I PRELIMINARY

Interpretation.

2.-(1) In this Law, unless the context otherwise requires -

"Act" means the Act concerning the election of the members of the European Parliament by direct universal suffrage, attached to the decision of the Council of the European Union of 20 September 1976 (OJ L 278 of 8.10.1976, p.5), as is in force from time to time;

"appropriate authority" means the Member of the Presidential Council and includes any person, generally or especially, duly authorised by him for the purposes of this Law;

"candidate" means any Cypriot citizen who is nominated as a candidate by virtue of this Law;

"community candidate" means a national of another Member State who has the right to stand as a candidate in elections to the European Parliament to be held in Cyprus in accordance with this Law;

"community elector" means a national of another Member State who is entitled to vote in elections to the European Parliament to be held in Cyprus in accordance with this Law;

“Court” means a court of a competent jurisdiction;

“Cyprus” means the United Cyprus Republic;

“elections to the European Parliament” means elections by direct universal suffrage of the Members of the European Parliament in accordance with the Act of 20 September 1976, as is in force from time to time;

“elector” means any Cypriot citizen who is entitled to vote in elections to the European Parliament to be held in Cyprus in accordance with this Law;

“electoral registers” means the official electoral register of electors and the official electoral register of community electors, entitled to vote in a given precinct, drawn up and kept up to date by the competent authority under Part III of this Law;

“home Member State” means a Member State other than Cyprus, of which a citizen of the Union is a national;

“Member State” means a Member State of the European Union other than Cyprus;

“Presidential Council” means the Presidential Council as defined in article 26 of the Constitution and includes, during the transitional period, the Council of Ministers as defined in article 41 of the Constitution;

“qualifying date” has the meaning assigned to it under section 6 of the Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies);

“Union” means the European Union.

(2) Subject to sub-section (1) and unless the context otherwise requires, words or expressions contained in this Law shall, in their application to an election under this Law, have, mutatis mutandis, the meanings respectively assigned to them by the Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies).

(3) This Law shall be read in conjunction with the Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies), except where other provision is made in this Law which is either expressly or by implication inconsistent

with the provisions of the Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies), in which case this Law shall prevail.

PART II GENERAL PROVISIONS

*Electoral
precincts.*

3.-(1) For the purposes of the elections to the European Parliament which are to be held in Cyprus, Cyprus shall be divided into two electoral precincts, each consisting of one constituent state, as specified in Article 22.2 of the Constitution.

(2) There shall be elected a total of six members of the European Parliament. Cyprus will be represented in the European Parliament according to proportional representation, provided that each constituent state is attributed no less than one third of the Cypriot seats in the European Parliament.

*System of
election.*

4. The members of the European Parliament, as specified in sub-section (2) of section 3, shall be elected on the basis of proportional representation, in accordance with the provisions prescribed in this Law, the elections to be held simultaneously in each one of the constituent states.

PART III RIGHT TO ELECT

*Acquisition of
right.*

5. A person shall have the right to vote in elections to the European Parliament who is -

- (a) a Cypriot citizen , or
- (b) a national of another Member State,

who has attained the age of eighteen years by the qualifying date and who is and has been ordinarily resident in Cyprus for a period of at least six months immediately prior to the qualifying date.

Provided that for the purposes of this Law a person will be considered as ordinarily resident in Cyprus for a period of six months immediately prior to the qualifying date, if he has so been ordinarily resident in another Member State for the same period and is ordinarily resident in Cyprus on the date of his registration on the special electoral register of electors or community electors, as the case may be.

Exercise of the

6.-(1) Community electors shall exercise their right to elect

right.

either in Cyprus or in their home Member State.

(2) No person may vote more than once in the same elections to the European Parliament.

(3) The exercise of the electoral right is compulsory for -

(a) electors; and

(b) community electors who have expressed the wish to do so in elections to the European Parliament which are to be held in Cyprus.

Disqualification of electors.

7.-(1) A person is deprived of his right to elect, if he has so been deprived by virtue of any law or by a decision of a Court.

(2) Subject to the provisions of sub-section (1), a community elector is deprived of the right to elect, if he has so been deprived in his home Member State by a decision of a Court.

PART IV SPECIAL ELECTORAL REGISTERS FOR ELECTORS AND COMMUNITY ELECTORS

Special electoral registers of electors and community electors.

8. Subject to the provisions of section 7, electors shall be registered on a special electoral register of electors and community electors shall be registered on a special electoral register of community electors, in accordance with the provisions of this Part.

Preparation of electoral registers.

9. Except where other provision is made in this Law, the provisions of the (Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies)) in respect of the preparation of the electoral register and anything related thereto shall apply, mutatis mutandis, in respect of the electoral registers compiled for the purposes of this Law.

Registration of electors in community electors

10.-(1) The Registrar of Electors shall enter on the special electoral register of electors –

(a) every person who is registered as an elector on the electoral register of each constituent state, and

(b) any other person, who is a qualified person to be an elector by virtue of this Law, who shall apply to the appropriate Registrar of Electors for his name to be

entered on the appropriate electoral register, as provided in section 9 of this Law.

(2)(a) The Registrar of Electors shall enter on the special electoral register of community electors every community elector who is qualified by virtue of section 5 of this Law and who applies to be so registered.

(b) A community elector who wishes to be registered on the special electoral register for community electors shall present a valid identity document and file an application with the appropriate Registrar of Electors, accompanied by a formal declaration stating -

- (i) his nationality,
- (ii) that he has not been deprived of his right to elect in his home Member State,
- (iii) where applicable, the electoral list or register on which his name was last entered,
- (iv) his address in Cyprus,
- (v) the date from which he has been resident in Cyprus or in any other Member State,
- (vi) that he will only exercise his right to vote in Cyprus.

(3) Any person who, knowingly, misrepresents or gives false information in respect of the formal declaration referred to in this section, or in relation to the electoral registers, or upon inquiry by the Registrar of Electors for the purposes of this Law intentionally refuses to deliver any such information, shall be guilty of a criminal offence and shall be liable, upon conviction, to imprisonment not exceeding six months or to a fine not exceeding 450 pounds or to both such imprisonment or fine.

Electoral booklet. 11. All registered electors and community electors may, at the discretion of the Member of the Presidential Council, be issued with electoral documents, in such form as may be prescribed.

Striking out or removal. 12.-(1) A person shall have his name struck out from the relevant electoral register,

- (a) if deprived of his right to elect in accordance with the provisions of this Law;
- (b) if registered at the same time on the electoral

register of any other Member State compiled for the purposes of the elections to the European Parliament;

- (c) if any of the conditions entitling him to be registered under this Law cease to apply.

(2) Community voters may submit an application at least 15 days prior to the date of the poll, for their names to be removed from the relevant electoral register.

(3) Any electoral document issued to a person whose name is struck out or removed from the relevant electoral register as prescribed under sub-sections (1) and (2), shall immediately be handed to the Registrar of Electors either by the person itself or by any other person who is responsible for such person's affairs.

(4) An elector or community elector who is not registered on the special electoral registers of electors or community electors, as the case may be, or whose name was struck out from the relevant electoral register, is not entitled to vote in accordance with the provisions of this Law.

Prerequisites to voting.

13. No elector or community elector may be allowed to vote in elections held under this Law unless the following are ascertained:

- (a) his identity, by the production of a valid identity document issued by any of the constituent states, and
- (b) that he is registered as an elector in the special electoral registers of electors or community electors, as the case may be, and
- (c) that he has not already exercised his right to elect in the same elections to the European Parliament which are being held in Cyprus.

Notification of information concerning the right to elect.

14. The appropriate authority shall inform community electors, in good time and in an appropriate manner, as to the conditions and arrangements for the exercise of their right to elect in the elections to the European Parliament which are to be held in Cyprus.

PART V
RIGHT TO BE ELECTED

Qualifications of candidates.

15. A person shall be qualified to be a candidate, if on the date of election he is a Cypriot citizen or a national of another Member State, who on the qualifying date fulfills the conditions of section 8 of this Law and -

- (a) has attained the age of 25 years,
- (b) has not been convicted of an offence involving dishonesty or moral turpitude or is not under any disqualification imposed by a competent Court for any electoral offence,
- (c) is not suffering from a mental disease incapacitating such person from acting as a member of the European Parliament.

Submission of nominations.

16.-(1) Any person qualified to be a candidate in accordance with the provisions of this Law, shall be nominated as a candidate for an election in the manner specified in the relevant provisions of the Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies), which shall apply mutatis mutandis, in relation to submission of nominations and nomination of candidates.

(2) A community elector may not be nominated as a candidate, unless he submits the following documents:

- (a) a formal declaration stating -
 - (i) his nationality,
 - (ii) his address in Cyprus,
 - (iii) where applicable, the electoral list or register on which his name was last entered,
 - (iv) that he is not standing as a candidate for election to the European Parliament in any other Member State, and
 - (v) the date since which he has been a national of a Member State;
- (b) an attestation from the competent administrative authorities of his home Member State, certifying that he has not been deprived of the right to stand as a candidate in that Member State, or that no such disqualification is known to those authorities; and

(c) a valid identity document.

(3) The provisions of sub-section (3) of section 12 shall apply in relation to any offences committed under this section.

Attestation.

17. If a Cypriot citizen intends to stand as a candidate in another Member State where he is resident, the competent authority shall issue, on his request, an attestation as prescribed in sub-section (2)(b) of section 16.

Incompatibility.

18. The office of member of the European Parliament shall be incompatible with the following:

(a) the offices referred to in Article 7 of the Act, as amended; and

(b) the federal offices of -

(i) the members of the Presidential Council,

(ii) the Co-Presidents referred to in Article 40 of the Constitution,

(iii) the Governor and the Deputy Governor of the Central Bank of Cyprus, the members of its Board of Directors and the members of its Monetary Policy Committee,

(iv) the Federal Attorney-General of Cyprus and Federal Deputy Attorney-General of Cyprus,

(v) the Auditor-General of Cyprus and Deputy Auditor-General of Cyprus,

(c) the offices in a constituent state corresponding to those referred to under paragraph (b) above.

Disqualification of the right to be elected.

19. No person may be a candidate for election if -

(a) he does not fulfill the provisions of this Law; or

(b) being a community candidate, fails to submit within the prescribed time the declaration referred to in section 16.

Exercise of the right to be elected.

20.-(1) Candidates and community candidates shall exercise their right to be elected in the manner provided in the relevant provisions of the (Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies)), which shall apply mutatis mutandis.

(2) No person may exercise his right to stand as a

candidate in more than one Member State during the same elections to the European Parliament.

Deprivation of the right to be elected.

21. A candidate or community candidate is precluded from exercising his right to be elected, if through an individual criminal law or civil law decision he has been deprived of his right to stand as a candidate, in accordance with the laws of Cyprus or the law of his home Member State.

Information as to the right to stand as a candidate.

22. The competent authority duly informs and in the prescribed manner, a community candidate of its decision concerning the admissibility of his application to stand as a candidate.

Objections as to candidates.

23. The provisions of the (Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies), shall apply mutatis mutandis in relation to objections concerning nomination papers and decisions related thereto.

Information as to the exercise of the right to be elected.

24. The competent authority shall inform community candidates, in good time and in an appropriate manner, as to the conditions and arrangements for the exercise of their right to stand as candidates in the elections to the European Parliament which are to be held in Cyprus.

PART VI CONDUCT OF ELECTIONS

Conduct of elections.

25. The provisions of sections 34 to 58 of the Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies) shall, subject to section 26, apply mutatis mutandis in relation to elections to be held under this Law, contested and uncontested elections, the procedure to be followed on polling day and subsequent to the poll, manner of voting, ballot papers, counting of votes, election of candidates, supplementary elections and anything related thereto.

Manner of voting.

26. Notwithstanding anything to the contrary contained in section 46 of the Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies), an elector shall mark the ballot paper in the prescribed manner by placing opposite the name of the candidate or candidates of his choice, a cross of preference, provided that the total number of crosses of preference for each precinct shall be two for the electors of the Greek Cypriot State and one for the electors of the Turkish Cypriot State.

**PART VII
EXCHANGE OF INFORMATION WITH
OTHER MEMBER STATES**

Exchange of information as to deprivation of the right to elect.

27.-(1) In order to verify whether a national of another Member State who has expressed his intention to exercise his right to elect in Cyprus, has not been deprived of such right in his home Member State by virtue of any court decision, the competent authority notifies the home Member State of the formal declaration made by him.

(2) If the information provided by the Member State does not confirm the contents of the declaration, the competent authority shall take all necessary steps to prevent the person concerned from exercising his right to elect in the elections to the European Parliament to be held in Cyprus.

(3) All such information received shall be applied solely for the purposes of this section.

(4) If another Member State requests information concerning a citizen of Cyprus, who resides therein, for the purpose of ascertaining whether he has been deprived of his right to elect in accordance with the relevant legislation, the competent authority shall transmit within a reasonable time prior to any election and in the appropriate form, any information which is absolutely necessary for the purposes of this section.

Information for avoidance of double voting and double candidacy.

28. For the purposes of application of sections 6 and 20 the competent authority shall transmit to the home Member State, on the basis of the formal declarations referred to in this Law, information concerning its citizens who are registered on the special registers of community electors who are standing as candidates.

Measures to avoid double voting and double candidacy.

29. If the competent authority is informed by another Member State that a Cypriot citizen, who is resident therein, intends to exercise his right to elect or to be elected in that Member State, it shall take all necessary measures in accordance with the electoral legislation to avoid any double voting or double candidacy by the said citizen.

**PART VIII
FINAL PROVISIONS**

*Offences and
punishments.*

30.-(1) A person who contravenes the provisions of this Law commits an offence in relation to which the provisions of the (Federal Law on the Elections of the Members of Parliament (Senate and the Chamber of Deputies) shall apply mutatis mutandis:

Provided that a contravention of the provisions of sub-section (3) of section 6 and of section 8 does not constitute a punishable offence.

(2) Without prejudice to the generality of sub-section (1) any person who attempts to exercise or exercises the right to elect or to be elected in Cyprus and in any other Member State in respect of the same election to the European Parliament, commits an offence punishable with imprisonment not exceeding one year or to a fine not exceeding 1000 pounds or to both.

Regulations.

31.-(1) The Presidential Council may make regulations to be published in the Gazette for the more effective application of the provisions of this Law.

(2) Without prejudice to the generality of sub-section (1), any such regulations may provide for all or any of the following matters:

- (a) prescribing anything which under the provisions of this Law is required or permitted to be prescribed;
- (b) forms and fees for any matter required or permitted by or under this Law, or incidental to the provisions thereof.