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ACCESS TO ELECTORAL RIGHTS

CYPRUS

Nicoletta Charalambidou

June 2013



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European University Institute, Florence
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Access to Electoral Rights

Cyprus

Nicoletta Charalambidou

1. Introduction

Upon decolonisation and independence of Cyprus in 1960, the Constitution established a presidential system of governance based on strict bi-communalism. Effectively, this meant that representation would be organised in state institutions according to the demographic weight of the two dominant communities. On this basis four-fifths of representative functions were divided among Greek Cypriots (G/C) while the remaining fifth was shared between Turkish Cypriots (TC). The Constitution provides for the election of the G/C President and the T/C Vice President; the House of Representatives, with 50 members, out of which 35 must be from the G/C and fifteen from the T/C community; and the G/C and T/C Communal Chambers legislative bodies which are responsible mainly for the educational, cultural and religious matters of each community as well as other matters relevant to each community at the local level. The three recognised 'religious' groups¹ – the Maronites, Latins and Armenians – had the right to elect members of their groups in the communal chamber of the community to which they adhered, namely the G/C community.

In 1964, due to inter-communal conflicts, the Turkish Cypriot community withdrew from the bi-communal institutions and since then all institutions of the state function only with members of the Greek Cypriot community. The Supreme Court of Cyprus found that there was an implied power in the lawmaker, based on the necessity to adapt the constitutional structure to the new circumstances², allowing therefore the functioning of state institutions only within the G/C community. Specific constitutional provisions stated that amendments to any electoral law required a separate majority of each community's members in the House of Representatives. Yet since the withdrawal of the Turkish Cypriot members from the House of Representatives that special majority has not been attainable. As a result, out of necessity and even though contrary to the provisions of the 1960 Constitution, the continued constitutional operation of the Republic of Cyprus has been based on the judgements of the Supreme Court.

Since the political crisis of 1964 and the subsequent events of 1974 that led to the *de facto* division of the island, the right to vote or stand for any office is linked to membership

¹ The Constitution of Cyprus defines as a "religious group" a community of persons ordinarily resident in Cyprus professing the same religion and either belonging to the same rite or being subject to the same jurisdiction and the number of whom, on the date of the coming into force of this Constitution, exceeds one thousand out of which at least five hundred became on such date citizens of the Republic.

² Decision of the Supreme Court of Cyprus in AG v Ibrahim case (1964) CLR 195.

of the Greek Cypriot community.³ This was ameliorated to a certain extent after a decision of the European Court of Human Rights in the case of Ibrahim Aziz vs Republic of Cyprus (Application 69949/01, Decision of 22.09.2004) with the enactment of Law 2(1)/2006 on the Voting Rights of Turkish Cypriot Citizens Habitually Residing in the Free Areas of 2006, allowing members of the Turkish Cypriot community to vote, but not to stand for any office, in any type of election in the government controlled areas of the Republic of Cyprus.⁴

In the meantime, the number of G/C Representatives in the House of Representatives was raised to 56 in 1985⁵ whereas the G/C Communal Chamber was replaced by the Ministry of Education which was established in 1965 to be renamed later as the Ministry of Education and Culture.⁶

Cyprus continues to follow a presidential governance system based on a clear separation of powers between the executive, the legislative and the judiciary.⁷ The executive functions in a centralised way through the President and the Council of Ministers which are appointed by the President to head the eleven ministries with specifically defined portfolios in the Constitution.⁸ The legislative is exercised by the House of Representatives and its 56 members while three representatives of the religious groups⁹ are additionally elected with the right to express their opinions in education and cultural matters but with no right to vote separately on these matters. As a member state of the European Union, Cyprus also elects six members to the European Parliament. Elected municipality and local community councils exercise both legislative and executive powers at municipal and local level.

In light of the above, there are four types of elections held in Cyprus at different periods through direct and universal suffrage. The presidential election every five years¹⁰, the elections of the representatives of the House of Representatives again every five years¹¹, election of MEPs to the European Parliament¹² and Municipal and Community Council

³ OSCE/ODIHR, (2011), Parliamentary Elections 22 May 2011, Election Assessment Mission Final Report

⁴ In the *Ellel vs The Republic of Cyprus* case (Application 39973/07, 14/12/2010) before the European Court of Human Rights, a group of Turkish Cypriots resident in the areas not under the control of the government of the Republic of Cyprus, sought to build on the Aziz case and strike down Law 2(1)/2006, so as to compel the government to grant voting rights to all Turkish Cypriots, irrespective of place of residence. This application was dismissed by the European Court of Human Rights at the admissibility stage owing to the scope available to states to restrict voting by reference to territory of residence, and to the irregular situation in Cyprus.

⁵ The Election of the Members of the House of Representatives (Amendment) Law of 1985 (Law 124/85).

⁶ Law 12/1965 and Law 47(I)/1993 respectively.

⁷ It should be noted that this report describes the current situation in Cyprus and the way the 1960 Constitution of Cyprus and the relevant legislation is currently implemented on the basis of the law of necessity after the 1964 withdrawal of the Turkish Cypriots from state institutions.

⁸ The exception to this is the Ministry of Education which was only established in 1965 (Law 12/1965), after the Turkish Cypriot Community's elected Vice president/ representatives in the House of Parliament withdrew from the Governing institutions in 1964. The Ministry of Education was renamed in 1993 into the Ministry of Education and Culture (Law 47(I)/1993) to replace in the exercise of its competence the Greek Communal Chamber responsible for all matters in education, religion and culture of the Greek Cypriot Community. That body was also a legislative body with specifically reserved powers on certain issues mentioned above, elected directly by the members of their respective communities.

⁹ Their election is regulated by the Constitution and the Religious Groups (Representation) Law of 1970 (Law 58/1970). It is noted that the member of the religious groups have the right to participate in all other elections as members of the G/C community but they have the additional right to elect their three representatives in the Parliament.

¹⁰ The Election of the President is regulated by the Constitution and the Elections (President and Vice President of the Republic) Laws of 1959 until 1998 (Law 37/1959).

¹¹ The election of the House of Representatives is regulated by the Constitution and the Elections of Members of the House of Representatives Law of 1979 (Law 72/1979 as amended).

¹² The Election of the Members of the European Parliament Law of 2004 (Law 10(I)/2004)

elections again every five years.¹³ The Constitution does not provide for any matters which have to be decided by a referendum and does not regulate the matter as such. However, the law¹⁴ provides that referendums may be held on important matters of public interest upon a decision of the House of Representatives on the basis of a proposal submitted by the Council of Ministers.¹⁵ Under all electoral laws, there is an obligation to exercise the right to vote, failure of which may lead to criminal prosecution and the imposition of criminal penalties if convicted, the exception being only the European Parliament elections. This exception was found constitutional by the Supreme Court.¹⁶ In recent years however, and particularly after 2004, no prosecutions has taken place against voters who fail to exercise their right to vote.¹⁷

Criteria in relation to the right to vote, registration in the electoral registry and all details pertaining to the preparation and updating of the electoral registry are governed by a single piece of legislation for all types of elections.¹⁸

Eligibility for the right to vote depends on citizenship status, age and habitual residence in Cyprus for a period of at least six months immediately before the date of acquisition of electoral rights.¹⁹ Eligibility for the right to stand as candidate in presidential elections and elections of the members of the House of Representatives, on the other hand, is based only on citizenship, age, mental capacity and the absence of criminal convictions in relation to offences involving dishonesty or moral turpitude as well as the absence of any disqualification imposed by the court due to the commission of an electoral offence.²⁰ In order to be eligible to run for local elections candidates must be residents in the municipality or local community.

Electoral rights have always been regulated so as to reflect the traditional understanding of governments and state authorities that these are reserved only to citizens as they define the relationship between the state and its citizens. Expatriates are not allowed to vote, unless they take up their habitual residence in Cyprus for a period of at least six months (see footnote 16). The relevant provisions were challenged as unconstitutional and in violation of the right to equal treatment of all citizens of the Republic, but the Supreme Court rejected such arguments noting that the Constitution allowed for the provision of criteria qualifying the right to vote.²¹ Only members of diplomatic staff are exempted from that

¹³ Election of Mayors and Municipal Councils is regulated by the Municipalities Law of 1985 (Law 111/1985) and the Municipalities and Community Councils (Nationals of other Member States) Law of 2004 (Law 98(I)/2004) and Elections of Community Councils is regulated by the Communities Law of 1999 (Law 86(I)/1999) and the Municipalities and Community Councils (Nationals of other Member States) Law of 2004 (Law 98(I)/2004)

¹⁴ Law on Referendums of 1989 (Law No 206/89)

¹⁵ In 2004 the Referendum on the Comprehensive Settlement of the Cyprus Problem on the basis of the Plan of the UN Secretary General Kofi Annan has taken place on the basis of a special law drawn up with the specific purpose of regulating that referendum (Law on the Practical Arrangements for the Conduct of the Referendum of the Greek Cypriot Community of 24th April 2004 (Law 74(I)/2004).

¹⁶ *Cristodoulos Pingouras vs The Police* (4662/1987) where the Supreme Court held that making voting compulsory for all those with the right was not unconstitutional.

¹⁷ 2010, European Institute of Law, *Study on possible developments of EU legislation in the field of electoral matters including possible modification of Directive 93/109/EC National Report of CYPRUS*.

¹⁸ The Data Archives Law of 2002 (Law 141(I)/2002). However, some sectoral electoral legislation also includes provisions on the same matters. Sometimes these two piece of legislation conflict and thus create confusion as to which provisions actually prevail. One must therefore resort to more general principles of legal interpretation.

¹⁹ Depending on the case, the right to vote is legally acquired on the 1st of January, 1st of April, 1st of July or 1st of October of the same year immediately preceding the preparation of the electoral register.

²⁰ All electoral laws include special electoral offences such as forging a ballot, placing other objects in the ballot box e.t.c.

²¹ *Michaelides v. Republic*, Revisional Appeal 1237/2003, 14.5.2008.

requirement and therefore are allowed to be registered in the electoral registry as their habitual residence is always perceived to be Cyprus.

Regulating the right of citizens eligible to vote from abroad, in embassies and consulates, was met with a lot of resistance from political parties and state authorities and was only made possible with an amendment to the law on the Elections of the House of Representatives in 2002 which also applies *mutatis mutandis* to the presidential and European parliament elections. Though initially applicable only to students and workers temporarily living abroad, this law was subsequently extended to cover any person registered in the electoral registry and living abroad. This may also include expatriates who fulfil the legal requirements for voter registration. However, a decision to establish voting centres abroad is at the discretion of the Minister of Interior and may be only taken if certain requirements are fulfilled (see below).

The accession of Cyprus to the EU in 2004 and the obligatory amendment of legislation to provide for electoral rights to EU nationals, at least for municipal and community council elections at the local level, brought with it a different perspective which opened up to a limited extent the possibility for a special category of non-citizen to acquire electoral rights at least at local and European Parliament elections. Nevertheless, EU nationals are only entitled to be elected as members of the municipal and community councils but not as mayors, deputy mayors or presidents and deputy presidents of the community councils.

Despite Cyprus becoming a migrant destination country since the beginning of the 1990's, the strict migration model which is based predominantly on temporary migration residence permits linked to specific sectors of employment and to specific employers does not allow for permanent or long-term residence possibilities for the majority of third country nationals.²² Notwithstanding strict migration policies, currently 10.7% of the total population in Cyprus are third country nationals.²³ Third country nationals who remain legally in Cyprus longer than the current immigration policies allow as a rule face serious obstacles in their integration process as no comprehensive integration policies have been adopted. There is no access to electoral rights for any third country national at any level or type of election. Naturalisation of third country nationals, which could pave the way towards access to electoral rights, is purely discretionary and restrictive.²⁴

Cyprus signed the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level but never proceeded with ratification. Recent proposals by the current government to promote legislation which would allow for long-term residents and those with permanent immigration permits to vote in local elections, so as to proceed with the ratification of the Convention, met with resistance from the House of Representatives and were eventually rejected. It is interesting to note that according to data provided by the Ministry of the Interior during the discussion of the relevant bill at the House of Representatives, the bill would grant the right to vote only in local elections to two categories of third country nationals, which represent a very limited number of persons. Long-term

²² The exception to the rule of four years maximum residence and employment permit are third country nationals working in the international business sector, a handful of highly skilled workers as well as domestic workers caring for the elderly or persons with health problems of special needs.

²³ CYPSTAT, Population Census 14/9/2012, http://www.mof.gov.cy/mof/cystat/statistics.nsf/populationcondition_22main_gr/populationcondition_22main_gr?OpenForm&sub=2&sel=2 The percentage may be bigger taking into account that many irregular migrants tried to skip the census in fear of apprehension even though it was widely published that the census had nothing to do with immigration controls.

²⁴ Trimikliniotis, N., Charalambidou, N., Country Report: Cyprus, EUDO Citizenship Observatory

residents²⁵ and persons with permanent immigration permits²⁶ totalled 2,644 persons at the time the bill was discussed.

The bill was rejected by DISY (conservatives), EDEK (socialists), DIKO (centre right) and EVROKO (right wing/nationalist) on grounds of insufficient information brought forward by the government, specifically concerning the number of persons who would acquire the right to vote which, according to some representatives, would amount to “eight thousand” and possibly more. In addition, much of the discussion revolved around the “dangers” of opening up the window for refugees, asylum seekers and irregular migrants to acquire voting rights on top of the “millions” they allegedly already receive in welfare benefits. The Greens were only willing to vote for the bill if acquisition of the right to vote would be limited only to long-term residents, as these totalled just 161 persons. All the above mentioned parties held that the Bill could not be passed unless more information was provided and it could not pass just before the Local Elections which were due very soon. It is noted however that the electoral register was already closed for new registrations and that the law, if passed, would only be applicable to the next local elections. The only party who voted for the bill was the party in government AKEL (left wing). As a result the bill was rejected.²⁷

2. Eligibility: Who has electoral rights under national law?

2.1. *Citizen residents*

Citizens who are residents in Cyprus have the obligation to register in the electoral registry when they turn eighteen years of age and within thirty days from the acquisition of the electoral qualifications (see footnote 16). The electoral register is the same for all types of elections with the exception of elections to the European Parliament where a special electoral register is created both for Cypriot and European Union citizens.

The Data Archives Law of 2002, as amended, provides that a person may be disenfranchised only in accordance with the provisions of subsequent legislation or a court decision. The amended Law on the Elections of the House of Representatives of 1979, which applies *mutatis mutandis* in all other types of elections, provides that persons who have been detained, imprisoned or declared as mentally incapable in accordance with the provisions of the relevant legislation in force do not have the right to vote.²⁸ There is no other law providing specifically for the disenfranchisement of persons detained or imprisoned or of mentally incapable persons. The Mental Health law of 1997²⁹ does not provide any further provisions on that matter while in the Penal Code nothing is provided on disenfranchisement as an additional penalty for convicted persons.

Despite the provisions of the Elections of the Members of the House of Representatives law in relation to the disenfranchisement of imprisoned persons and those mentally incapacitated, the state considers that those provisions do not apply as the

²⁵ According to government statistics given the status [what status?] was given to 161 TCN's [what are these?]

²⁶ According to government statistics of the persons with permanent immigration permits at the time amounted to 2,483, amongst which, EU nationals in their majority pensioners with secured income as well as persons who may have acquired already the nationality or have in the meantime died.

²⁷ Minutes of the House of Representative of 13 October 2011, No 5, available at www.parliament.cy/.../praktiko2011-10-13.doc

²⁸ Article 6 of the Law on Elections of the House of Representatives.

²⁹ The Mental Health Law of 1997 as amended.

subsequent provisions of the Data Archives law prevail. The Government's position is that in practice, persons imprisoned exercise their right to vote.³⁰

2.2. Citizens abroad

Habitual residence in Cyprus for a period of six months before the date of the acquisition of electoral rights is a precondition for the registration of citizens in the electoral register. Habitual residence however is not a requirement for standing as a candidate at the presidential and parliamentary elections according to the Constitution and relevant legislation. As a result, citizens permanently residing abroad are not entitled to vote even if they would travel in the country on the Election Day as they are not entitled to be registered in the electoral registers, whereas they could stand as candidates. The only Cypriots living abroad who are entitled to vote either on their return to Cyprus on the election day, or at an electoral centre established abroad on the election day, are those who temporarily live abroad such as students or persons temporarily away on business or holidays as well as diplomats and persons posted at embassies or consulates.

However, even the right of this latter category to vote abroad is dependent on the decision of the Ministry of the Interior to operate polling stations abroad.³¹ For the Ministry to decide to operate an electoral centre abroad an application has to be made by at least 30 persons of each electoral district or, in the case of presidential elections, by at least 50 persons irrespective of their electoral district. These applications must be made three months before the relevant elections to the Ministry of Interior. Under any circumstances, the decision to operate electoral centres abroad is discretionary and relates only to presidential, parliamentary and European Parliament elections.

2.3. Foreign residents:

No electoral rights are granted to foreign residents in any of the elections.

3. Electoral rights of EU citizens

EU citizens are entitled to vote only at local level for the municipal and community council elections as well as at the European Parliament elections. Electoral rights to EU citizens are only granted to the minimum extent provided in Council Directives 94/80/EC as amended by Council Directive 96/30/EK on local elections and 93/109/EC on European Parliament elections.

3.1. Local elections:

Council Directive 94/80/EC has been fully implemented in 2004, upon accession of Cyprus to the European Union with the Municipalities and Local Communities (Citizens of other Member States) Law of 2004 (Law 98(I)/2004). The provisions of other electoral laws apply *mutadis mutandis* to these elections in relation to any matter that is not specifically regulated

³⁰ OSCE/ODIHR, (2011), Parliamentary Elections 22 May 2011, Election Assessment Mission Final Report

³¹ Electoral centres were operated on the decision of the Ministry of the Interior only in more recent elections and after the amendment of the law to allow for this, predominantly in countries where the majority of Cypriot students study such as Greece and the United Kingdom and not in all countries where Cyprus operates embassies or consulates.

in the special legislation on local elections for EU citizens. However, such a general clause on the application of other electoral legislation *mutadis mutandis*, does not always offer legal certainty as to how these provisions are implemented in practice in relation to EU citizens and how the special situation of EU citizens may be taken into account when implementing the relevant law.

EU citizens acquire electoral rights when they turn eighteen years of age ; on the day of the elections they have had their habitual residence in Cyprus for a period of six months; and they are registered in the special electoral register for local elections for EU citizens. To accommodate the special situation of EU citizens, the condition of habitual residence in Cyprus is satisfied, even if the EU national has been residing in another member state, provided that on the day of his/her registration in the special electoral register, he/she had his/her habitual residence in Cyprus.

All the other requirements for the acquisition and exercise of electoral rights as well as for the disenfranchisement of EU citizens are the same as those applying to Cypriot citizens, with the main exception of the prohibition for EU citizens to stand as candidates for the post of Mayor, Deputy Mayor and President and Deputy President of the Community Council. EU citizens are only entitled to stand for election as members of the Municipality or Community Councils. Another provision relative to the specific situation of EU citizens is that they can be disenfranchised on the basis of a Court decision not only in Cyprus but also in the Member State of origin.

3.2. *EP elections for EU citizens residing in the country*

EU citizens aged 25 and over who have not been deprived of their right to stand for elections have the right to stand for EP elections. Apart from all the other conditions that are the same for Cypriot nationals, EU citizens have to provide certification from the authorities of the member state of origin that they have not lost the right to stand as candidates or that the authorities are not aware of any such loss of this right.

More specifically, EU citizens shall have the right to stand as a candidate in the elections to the European Parliament in Cyprus if, on the reference date, they have reached the age of 25; have not been convicted of an offence involving dishonesty or moral depravity and have not been deprived of the right to stand as a candidate following a court decision on account of any electoral offence and do not suffer from a mental illness which would render them incapable of carrying out their duties as a member of the European Parliament.

When submitting a candidacy, an EU citizen must submit the following documents:

- (a) a formal declaration stating:
 - (i) his/her nationality;
 - (ii) the address of his/her habitual residence in Cyprus;
 - (iii) where applicable, the electoral register of the Member State of origin on which he/her was last entered;
 - (iv) that he/she is not at the same time standing as a candidate for election to the European Parliament in another Member State, or as a candidate in Cyprus on the list of another party or coalition of collaborating parties;
 - (v) the date from which he/she has been a national of another member state;

(b) an attestation from the competent administrative authorities of his/her member state of origin certifying that he has not been deprived of the right to stand as a candidate or that no such disqualification is known to those authorities;

(c) identity documents.

The law provides that the office of Member of the European Parliament shall be incompatible with the offices provided in the Act for the Elections of the Members of the European Parliament as well as in the Constitution of Cyprus, just as for Cypriot citizens. The competent authority shall inform voters in good time and in an appropriate manner of the conditions and detailed arrangements for the exercise of the right to stand as a candidate.

In order to vote for EP elections, EU citizens must be registered on the Special Electoral Register which cannot be substituted with the Population Registry. Registration is allowed for every EU citizen aged eighteen years and over on the day of the elections and who have their habitual residence in Cyprus for a period of six months before the reference day. For EU citizens the six months period of residence in Cyprus is deemed to be fulfilled even if they have been residing in another member state, provided that on the day of registration on the special electoral register they have their residence in Cyprus.

EU citizens may exercise their right to vote either in Cyprus or in their country of origin. Disenfranchisement can only take place with a judicial decision. Voting can be done in person only. Double voting is strictly prohibited as well as double candidacy. Voting is compulsory, but with no penalties if no voting takes place.

3.3. EP elections for national citizens abroad.

National citizens abroad have the right to vote in EP elections only if registered in the electoral register. The conditions are the same as for national elections whereas voting of national citizens abroad in embassies or consulates may be made possible pursuant to a decision of the Ministry of the Interior if the same conditions that apply in the case of national elections are fulfilled.

3.4. Regional and other elections:

EU citizens are not entitled to any other electoral rights for any other type of election under national law. Cyprus provided electoral rights to EU citizens only to the minimum extent provided under European Union Law.

4. Exercising electoral rights

4.1. *National and regional elections*

4.1.1. Voter registration

Citizen residents have to register at the electoral register on their own initiative. There is no automatic registration. However, as the same electoral register is used for all types of elections at the national level, they only have to register once after having received their electoral qualifications. The procedure is very easy and it can be done locally at the Citizens' Service Centres.

The electoral register is revised four times per year.³² The District Offices are responsible for collecting the data and for the compilation and periodic updating of the voter list for their district. Once updated, the District Offices post the district voter list for public scrutiny for a period of ten days. Each registered voter is provided with a voting booklet which is used for all types of elections. It contains the photo and identity data of the voter, the religious group (if the voter belongs to one of the three constitutionally recognized groups), and the district of origin for displaced voters.³³ The voting booklet is the only identification document accepted for voting, with the exception of 'enclave voters' (i.e. voters residing in in parts of Cyprus which are not under government control), and those voting in electoral centres abroad who can vote with an identity card.³⁴ Separate voter lists are compiled for religious groups, enclave voters, and imprisoned voters in the same manner. Voters entitled to vote for the representatives of religious groups in national parliamentary elections are listed in a separate list according to the polling stations where they can vote for their representative. Enclave voters are registered according to their place of residence in the territory not under government control, though they do vote in designated polling stations located in the areas under the control of the government.

The same procedure applies to those citizens residing abroad entitled to electoral rights such as members of diplomatic missions.

4.1.2. Casting the vote

Voters can only vote in person and only in the district where the voter is registered. A minimum of 30 registered voters is necessary to establish a polling station. Although the law does not provide for a maximum number of voters, the biggest polling stations in urban areas normally serve around 500–600 registered voters³⁵.

There is no possibility for proxy voting or e-voting or any other type of alternative voting for all types of elections.

4.1.3. Running as a candidate

Procedures for running as a candidate in parliamentary and presidential elections are as follows:

³² Electoral registers are update on the 2nd of January, April, July and October every year.

³³ Displaced voters are those who used to live before 1974 in the areas not under the effective control of the Government of the Republic of Cyprus.

³⁴ Ibid 28. [Cannot Ibid Fn 31, which is not a citation]

³⁵ Ibid 28

In parliamentary elections, candidates may run individually or as part of a political party or coalition list. The number of candidates included in a party or coalition list for a district cannot exceed the number of seats allocated to that district. Every candidate is to submit a separate nomination paper signed by four voters of the respective district. Each candidate should also pay a EUR 500 deposit. The deposit is reimbursed to parties, coalitions or independent candidates who receive a number of votes equal to at least one third of the electoral quotient.³⁶ Political parties are listed on the ballot in alphabetical order, followed by the independent candidates. Candidates on party and coalition lists are also listed in alphabetical order, except for the leader of the party who is on top of the list. The procedure for registering candidates for religious groups is the same, except that it is done at the national level under the auspices of the General Returning Officer.

In presidential elections, any person qualified to be a candidate in accordance with the provisions of the law may be nominated as a candidate for an election.

Every candidate shall be nominated by a separate nomination paper signed by the candidate and by nine electors whose names appear in a register of electors, one as his/her proposer and eight as his/her seconders.

Every candidate shall, at the time of nomination, deliver to the Returning Officer his/her nomination paper, a statutory declaration of his/her qualifications and the emblem of the party or parties supporting him/her if he/she wishes.

If such nomination papers are not delivered by or on behalf of the candidate at the time of nomination, the nomination shall be deemed void. The Returning Officer may, at any time between the date of the issue of the writ and 12 o' clock noon of the day of nomination, supply nomination papers to any person whose name appears in a register. Every candidate, not later than the time his nomination papers are delivered to the office of the Returning Officer, shall deposit or cause to be deposited with the Returning Officer the sum of EUR 1,720. Alternatively, the candidate may submit a written receipt issued by or on behalf of the Accountant-General, of the same amount received from or on account of such candidate in respect of such deposit. The deposit is refundable to the candidate and, in the case of his death, to his heirs or his personal representative if there is no contested election. If the election is contested and the candidate obtains a vote share equal to not less than one tenth of the total votes validly polled, the deposit is also refundable.

Nomination papers are delivered by the candidate himself or his proposer or one of his seconders, to the Returning Officer on the day and at the appointed time for each candidate, at the place of nomination, . Overdue papers are inadmissible. On receipt of the completed nomination papers the Returning Officer publishes, by posting it in a conspicuous place at the place of nomination, a notice containing the name of the candidate and the names of his/her proposer and seconders. The candidate nominated by each nomination paper and his/her proposer and one of his/her seconders and one other person appointed by the candidate in writing have the right to be present at the nomination proceedings and to examine the nomination papers of candidates which have been received at the place of nomination. No other person except the Returning Officer and his/her assistants are entitled to attend the nomination proceedings.

4.1.4. Assimilated or special representation of citizens residing abroad

³⁶ The electoral quotient is obtained by dividing the number of valid votes by the number of seats.

Citizens residing abroad and entitled to vote can do so by coming to Cyprus on the day of the relevant election and voting in their district of residence. Alternatively, if a decision is made by the Ministry of the Interior to operate polling stations abroad in their area or region of residence, eligible voters could cast their vote in such venues provided the voters are included in the separate voters list of a given polling station.

4.2. Local elections

4.2.1. Voter registration

The electoral register in relation to citizen voters is the same for all elections. Therefore, the same procedures and rules apply for local community elections as for national elections. EU citizens have to register in a special electoral register for European citizens for local and municipal elections. The same rules apply *mutadis mutandis* for the registration in the special electoral registry of EU citizens as for those in the permanent electoral register which is reserved for Cypriot citizens. In addition, however, EU citizens in order to register to the voters registration, they have to submit to the District Offices their passports or their registration as EU citizens in Cyprus, a statement with information as to their nationality and place and address of residence, as well as the date upon which they have taken residence in Cyprus.

In addition, upon registration, EU citizens get an electoral document of a different type than that of the electoral booklet given to citizens.

4.2.2. Casting the vote

When it comes to casting the vote in local elections, the same rules apply for everyone. EU citizens can exercise their right to vote with the electoral document given to them upon registration to the special electoral document.

4.2.3. Running as candidate

Candidates running for the community council elections have to fulfil eligibility criteria: they have to be 25 years of age and over to run for the office of president of the community council and 21 years of age to run for the office of member of the community council. In both cases, they must not have been declared mentally incapable nor been convicted within a ten year period prior to the election day for an offence involving dishonesty or moral depravity. The office of the president of the community council and of the member of the council is incompatible with various other offices specifically mentioned in the law.

Persons running for the office of the president of the community council or as members of the community council have to be nominated by one person registered in the electoral register of the relevant community and supported by another such person. They must also submit a deposit of EUR 200 and EUR 100, respectively. The nomination procedures are the same as those followed for national parliamentary elections.

The same rules and procedures also apply in the case of municipal elections, the only difference being that a deposit of EUR 1000 and EUR 100 apply for the office of Mayor and member of municipal council respectively.

The same rules apply in relation to EU nationals running as candidates for the office of member of a community or a municipal council, the only difference being that all the

checks and controls in terms of eligibility criteria and incompatibilities with the office are also applicable in relation to the member state of origin.

