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Criteria for standing in local and regional elections

Governance Committee

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Summary

The right to stand for election at local or regional level is a key component of local and regional democracy. While there needs to be some regulation to weed out spurious candidates, the health of territorial democracy depends on the greatest possible proportion of the electorate being able to stand for election.

The rapporteurs believe that there remain too many restrictions on standing for local and regional elections. The increase in mobility in Europe is raising expectations and highlighting the drawbacks of maintaining practices and regulations that are overly restrictive in this respect. Governments are invited to review their legislation with a view to removing unnecessary restrictions on standing for election.

The Congress therefore asks its committees to work with the Venice Commission in drawing up a supplement to the Code of Good Practice in Electoral Matters to address the issue of criteria for standing in local and regional elections.

1 L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

categories of criteria that are used in most member states. It will focus on each of these in turn, while providing country-specific examples.

II. ELIGIBILITY REQUIREMENTS RELATING TO THE PERSON

11. The most obvious is age. It can symbolise the self-confidence of society. Choosing an early age signifies confidence in its system of education and integration, as well as awareness that democracy demands perpetual renewal and can be a school for responsibility

A. Age requirement to stand for election

12. Age of candidacy is the minimum age at which a person can legally qualify to hold certain elected government offices. The current requirements of candidacy age in Council of Europe member states are listed in Appendix i.

13. Two groups of states are distinguishable: those where the age of eligibility to stand is identical to that of entitlement to vote, i.e. in principle 18 years, and those who differentiate between the two rights. The majority of Council of Europe member states are in the first group, 35 out of 47 countries fix the age of candidacy at 18.

14. Conversely, a distinction in the exercise of these rights applies in the other states, with a difference dating back only a few years. In most cases it is because the candidacy age is higher than the age of entitlement to vote. This is the case in Lithuania (eligibility fixed at 20 years), Armenia, Azerbaijan, Cyprus, Monaco, the Russian Federation (21), Romania (23) and Turkey (25).

15. In other cases, while there are differences, they are reversed as the voting age can be lowered to 16 years for local elections, with the age of eligibility to stand remaining fixed at 18 years. This type of situation is encountered in certain German Länder and in Austria. Quite frequently the age for performing the functions of a local executive body is higher than for membership of a local assembly. In Germany, the office of mayor may be reserved in certain Länder for older persons, up to 27 years of age. In Armenia, mayor's office is reserved for persons of at least 25, and even 30 for the capital city of Yerevan, 25 in Cyprus for discharging the office of mayor or community president, 21 in Greece to be a mayor or president of a region, 25 in The Republic of Moldova for mayoral office, and 25 in Slovakia too, for the offices of mayor or president.

16. In several of these countries, this question is regularly debated at national as well as at local and regional levels. Campaigns are conducted to lower the age of candidacy to the European norm of 18 years.

17. In most countries adulthood, when many rights and responsibilities begin, is deemed to commence at 18 years of age. This majority termed civil and criminal majority, is even frequently lower (16 years). To discriminate against young adults, by not allowing them candidacy rights at the same time as voting rights, is to deprive them of a representative voice, which is against the spirit of universal suffrage.

18. The rapporteurs believe that the maturity required for candidacy should be determined by voters and voters alone, and that there should be no discrimination against young adults. Voters should be trusted to choose the most appropriate and qualified candidate to represent them.

19. At the other end of the age spectrum, only certain German Länder and Swiss cantons set maximum age restrictions for local and regional candidates, with limits varying from 60 to 67 years of age. Again, it would seem more appropriate for voters to be left to decide whether advanced age is a valid reason not to elect a candidate.

IX. APPENDICES

Appendix i Age requirements for candidates in local and regional elections in member states

Country	Lower age limit	Further details
Albania	18	
Andorra	18	
Armenia	21 (local assembly) 25 (mayor) 30 (mayor of Yerevan)	
Austria	18	
Azerbaijan	21	
Belgium	18 (21)	
Bosnia and Herzegovina		
Bulgaria	18	
Croatia	18	
Cyprus	25 (mayor) 21 (council)	
Czech Republic	18	
Denmark	18	
Estonia	18	
Finland	18	
France	18	
Georgia	21	
Germany	18 except mayoral elections	Maximum age for elections of mayor and in certain Lander 67 years
Greece	18 21 (mayor or regional president)	
Hungary	18	
Iceland	18	
Ireland	18	
Italy	18 21 (Valle d'Aosta and Sicilia) 25 (Friuli-Venezia Giulia)	

Latvia	18	
Liechtenstein	18	
Lithuania	20	
Luxembourg	18	
Malta	18	
Republic of Moldova	18 25 (mayor)	
Monaco	21	
Montenegro	18	
Netherlands	18	
Norway	18	
Poland	18 25 (mayors, heads of municipalities, presidents of towns)	
Portugal	18	
Romania	23	
Russian Federation	21	
San Marino	18	
Serbia	18	
Slovak Republic	18 25 (mayors)	
Slovenia	18	
Spain	18	
Sweden	18	
Switzerland	18 can vary 27 (Geneva canton)	Some cantons and municipalities have a maximum age limit on some mandates, which vary from 60 to 74 years.
"The former Yugoslav Republic of Macedonia"	18	
Turkey	25	
Ukraine	21	
United Kingdom	18	