The Interplay between Transnational Lists and European Democracy

Exploring Opportunities, Challenges, and the Transformative Influence of Social Media, Artificial Intelligence, and E-voting

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European Democracy: the required institutional reforms
The Interplay between Transnational Lists and European Democracy

EUROPEAN DEMOCRACY: THE REQUIRED INSTITUTIONAL REFORMS

THE INTERPLAY BETWEEN TRANSNATIONAL LISTS AND EUROPEAN DEMOCRACY

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EXECUTIVE SUMMARY

The paper analyzes opportunities and challenges of transnational lists in European Parliament elections. It makes a case for transnational lists, arguing they will Europeanise European elections. The paper explores using social media, AI, and e-voting to support transnational campaigns arguing that new technologies can help create a transnational political discourse, mobilise EU citizens across borders, bridge language barriers and make EU elections more accessible. Yet the associated risks are also highlighted. The paper assesses the latest European Electoral Act proposal, supporting transnational lists but suggesting increasing their number, lowering the voting age uniformly and considering a new distribution method. Overall, the paper recommends implementing transnational lists and responsibly leveraging technology

Social Media summary

Paper supports transnational lists, arguing that combined with social media and AI they will Europeanize European elections.

Keywords

#transnational lists #European elections #european parliament # social media #artificial intelligence #e-voting

Short bio

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Abbreviation	Definition
AFCO	European Parliament committee on constitutional questions ()Affaires constitutionnelles)
EEA	European Electoral Act
EP	European Parliament
EU	European Union
MEP	Member of European Parliament
MS	Member States

A. Introduction

In the evolving landscape of European politics, the concept of transnational lists has emerged as a pivotal discussion point, aiming to redefine the way European elections are conducted. At its core, transnational lists in European elections introduce a system where certain Members of the European Parliament (transnational MEPs) are elected not based on national constituencies, but from a single constituency that encompasses the entire territory of all Member States (Union-wide or transnational constituency). This idea, although innovative for European democracy, is not new.

The journey towards transnational lists began with the Anastassopoulos report in 1998[1], which ambitiously aimed at introducing 10% of MEPs to be elected from a pan-European constituency. However, the Council did not give its approval. The momentum continued with the Duff reports in 2011[2] and 2012[3], suggesting that 25 members be elected in a similar pan-European fashion. Challenges arose as the first report never reached a plenary vote due to anticipated lack of support, and the second faced opposition from the European People's Party (EPP), leading to its withdrawal. A subsequent third report, focusing solely on the Spitzenkandidaten process without the inclusion of transnational lists, was submitted and adopted in the plenary. The Hübner-Leinen Report[4] in 2015 sought to intertwine the Spitzenkandidaten process with the creation of a European constituency. Yet, the Council once again removed any references to the creation of such a constituency or the Spitzenkandidaten process.[5] This latest version of the European Electoral Act (EEA) however has not yet been ratified by all Member States (MS).

A significant turning point came in September 2017 when French President Emmanuel Macron, in his speech at the Sorbonne University, ardently favoured transnational lists.[6] The French President not only suggested electing the 73 seats of the European Parliament (EP) that would become vacant after Brexit to joint constituencies but went a step further, proposing that half of the Members of the European Parliament should be elected on the same basis in the subsequent European elections. This sentiment was further echoed in January 2018 when Southern European countries[7], and Ireland too[8], expressed their support for the

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[1] (European Parliament, 1998)
[2] (European Parliament, 2011)
[3] (European Parliament, 2012)
[4] (European Parliament, 2015)
[5] (*Council Decision (EU, Euratom) 2018/994 of 13 July 2018 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976*, 2018; EPRS, 2021)
[6] (Macron, 2017)
[7] (Heads of State and Government of the Republic of Cyprus, France, Greece, Italy, Malta, Portugal and Spain, 2018)
[8] (Varadkar, 2018)

creation of transnational lists. A statement signed by the Ministers of European Affairs of France, Italy, and Spain proposed that a certain number of the vacant seats of the European Parliament post-Brexit should be elected in a pan-European constituency, ensuring gender-balanced European lists with candidates from at least seven different Member States.[9] Around the same time in 2018 French President Emmanuel Macron also managed to convince German Chancellor Angela Merkel of the merits of transnational lists. This culminated in a Franco-German non-paper in 2019[10], highlighting transnational lists as a priority for the Conference on the Future of Europe. By early 2022, a significant political agreement was reached among the larger groups in the European Parliament, including the previously opposing EPP. This consensus led to a historic moment on 3 May 2022, when Parliament, backed by the outcomes of the Conference on the Future of Europe[11] and the insights from the European Youth Event 2021[12], voted in favor of a proposal for a transnational list of 28 MEPs.[13] Yet, the proposal is still blocked in the Council once again, with signs of major opposition.[14]

In this paper, I provide a thorough analysis of the opportunities and challenges associated with transnational lists in European elections. I present a case for these lists, highlighting their pivotal role in fostering the growth of European Political Parties, Europeanizing the electoral process, bolstering the legitimacy of the European Parliament, their importance in achieving electoral equality and in strengthening the Spitzenkandidatensystem (B.). I then explore the transformative influence of modern tools such as social media, AI, and e-voting on the success of transnational lists (C.) before critically assessing the latest proposal for a new European Elections Act (D.). The paper culminates with policy recommendations, offering a clear and informed perspective on the future trajectory of European elections in the context of transnational lists.

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[9] (Loiseau, Gozi and Toledo, 2017)
[10] ('Franco-German Non-Paper on the Conference on the Future of Europe', 2019)
[11] (Council of the European Union. General Secretariat of the Council of the European Union., 2022)
[12] (European Parliament, 2021; 'Youth ideas report for the conference on the future of Europe', 2021)
[13] (*EU elections: MEPs want transnational lists and all countries to vote on 9 May | News | European Parliament*, 2022)
[14] (Vasques, 2023; *General Affairs Council, 27 June 2023*, 2023)

B. The case for transnational lists despite the criticism

I.   Transnational lists will lead to the emergence of European Political Parties

As *Andrew Duff* very straight forward points out, political parties remain an essential pillar supporting a robust representative democracy, while not enjoying significant popularity.[15]

First, these parties serve as the vital link connecting citizens and governing authorities. They define the political options available to the public, while also establishing pathways for those who are elected into office. Political parties contribute to the vigor of partisan competitions and engage in negotiation processes within and between parliamentary bodies. They are the medium on which our representative democracies are built.

Second, in a federal system, political parties take on added significance as they aid in fostering collaborative efforts among politically aligned groups within member states. Simultaneously, they facilitate effective coordination between the various levels of a multilevel governance structure.

Third, in the last few years one could observe that even on a European level, party affiliation has gained importance. This holds true not only for political appointments but also for legislation more prominently informal gatherings of the political groups. One only needs to remind the reader of the informal meetings that occur within the College of Commissioners between affiliated Commissioners and the Europarty-summits prior to European Council meetings.

Keeping all of this in mind, we see that having robust, political parties is therefore not only important for representative democracy itself but becomes ever more relevant in a federative system like the EU. Indeed, even the treaties stipulate that "Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union".[16] Yet, they are forbidden, both by national and paradoxically by European law (with regards to referenda) from campaigning directly in those very elections.[17] Besides this legal barrier, in practice, although the European Political Groups publish common electoral programs declarations, agendas, strategies, roadmaps, analyses and reports and yet, these are neither known nor taken seriously. At the moment MEPs owe "next

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[15] (Duff, 2022, pp. 38–39)

[16] (*Treaty on the European Union*, 2009, art. 10 (4))

[17] (*Treaty on the Functioning of the European Union*, 2009, art. 224; *Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations*, 2014)

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to no loyalty to the European political parties to which they are attached".[18] Their careers depend on the performance of their national parties, which themselves focus strongly on national topics, national discourses and "have little vested interest in the success of their respective European Family".[19]

Indeed, if one believes that real European, federal parties will emerge organically over time, one will probably be disappointed. Time has proven that this is not the case. Instead, genuine federal parties will only emerge, once they compete against each other directly and once their candidates credibly run against each other votes and seats.[20] Yet, such a competition does not exist today. That is where transnational lists come into play: Transnational candidates from different political groups running against each other would force the Europarties to build up their capacities. Starting from writing common European political programs that are to be taken seriously[21] to organising genuinely European electoral campaigns. The Europarties and their transnational candidates would gain visibility and thus credibility. This could in turn also rescue European elections them from their "second class" status.[22] In that sense, transnational lists would be a significant tool towards the creation of the genuine European political parties, which – as we have seen – are necessary for European democracy.

II. Transnational lists will Europeanize European elections.

Transnational lists also harbor the potential of "Europeanizing" European elections. As Olaf Scholz has described it before becoming German Chancellor, we currently have "28 separate national monologues"[23] instead of one European dialogue. And it is arguably this lack of transnational dialogue that enables populists and nationalists to grow, spread anti-European sentiment end rhetoric. Transnational lists would help in breaking these "monologue bubbles"[24] and infusing a fresh, captivating, and authentically continental aspect into the election campaign. These candidates could traverse the continent during their campaigns, interacting with various national media outlets and directly addressing citizens across all corners of the EU. Such an approach might lead to the emergence of genuinely European public figures and personalities, recognized by a wider European audience. This could result "Europe

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[18] (Duff, 2018, p. 3)
[19] (Duff, 2018, p. 3)
[20] (Duff, 2022, p. 40)
[21] (Bartl, 2020, p. 66)
[22] (von Ondarza and Schenuit, 2018, p. 4)
[23] 'Humboldt-Rede zu Europa von Bundesfinanzminister Olaf Scholz' (*HU Berlin REWI*) as referenced by Kalojan Hoffmeister at <https://www.rewi.hu-berlin.de/de/lf/oe/whi/veranstaltungen-und-neuigkeiten/wise-18-19/humboldt-rede-zu-europa-von-bundesfinanzminister-olaf-scholz> accessed 13 June 2023.
[24] (Hoffmeister, 2020b, p. 137)

acquiring a recognizable face"[25] in the discourse – an individual, political figure with whom citizens can establish a connection when it comes to European Politics.

III.   Transnational lists will strengthen the Legitimacy of the European Parliament, putting a premium on the Union's citizenship and widen their electoral choice

Critics of transnational lists often point out that transnational lists would lead to a different legitimation amongst MEPs (difference between MEPs elected from a national constituency and from a Union-wide constituency)[26], that those transnational MEPs would lack a real constituency ("rootless MEPs")[27] and that this distance between Parliamentarians and the electorate would benefit populists and nationalists.[28] Yet, such critics often overlook the fact that national MPs are also elected through a variety of systems, from the "personalisierte Verhältniswahl" (personalized proportional election) as seen in Germany to the "enhanced proportionality" system employed in the Hellenic parliament. Furthermore, MEPs themselves are currently elected using diverse methods, representing constituencies of varying sizes and necessitating different vote counts.[29]

In fact, introducing a fresh and dynamic federal dimension could potentially ignite heightened citizen engagement and consciousness regarding European elections, consequently bolstering the prospect of increased voter participation. This surge in turnout for European elections would, in turn, enhance the overall legitimacy, credibility and validity of European Parliament elections. Furthermore, enabling citizens of the Union to cast two votes – one for their national or regional constituency and another for the broader European constituency – would provide them with a tangible incentive, a substantial recognition, "prize" of their European citizenship – a "premium on Union citizenship".[30] Finally, offering citizens two votes would allow them to support a (transnational) European political party (maybe in form of a protest vote), even when such a (national) party is absent in their national constituency or lacks a realistic chance of winning a seat from the national constituency.[31] It therefore also contributes to a more pluralistic choice for citizens.

IV.   Transnational lists will contribute to electoral equality.

[25] (Hoffmeister, 2019)
[26] (Jouvenat, 2016a, pp. 15–16, 2016b)
[27] (Hökmark, 2018; Lamassoure, 2018)
[28] (*Why transnational lists are neither European nor democratic*, 2018)
[29] (Verhofstadt *et al.*, 2018)
[30] (Duff, 2018, p. 3)
[31] (Hoffmeister, 2020b, p. 139)

Currently, the European Parliament is elected on a degressive proportional basis.[32] For the EU, the concept of degressive proportionality is introduced to address the significant population imbalance between its member states, ranging from the smallest, Malta, to the largest, Germany. As a result, an MEP from a smaller Member State represents a smaller number of individuals compared to an MEP from a larger state. In other words, the vote of a citizen of a bigger Member state is "worth less" than the vote of someone voting in a smaller Member State. "One (wo)man, one vote" doesn't apply for EP elections. Introducing a second vote through transnational lists however, could slightly repair this imbalance and contribute to more electoral equality. As the transnational lists candidates would be elected in a common "Union-wide" constituency instead of national constituencies, all votes would count the same. Elected transnational MEPs would then accurately represent vote distribution of the whole Union and thus contribute to electoral equality.

V.   Transnational lists will strengthen the *Spitzenkandidatensystem*

Finally, transnational lists, if designed as closed lists would also strengthen the Spitzenkandidatensystem. Having the contender for the European Commission Presidency running on a pan-European platform and being elected from voters across the continent not only gives "Europe a face" as mentioned before but also legitimizes the Presidency of the Commission in case he or she is elected.

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[32] (*Treaty on the European Union*, 2009, art. 14 (2))

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C. Leveraging Technology for Successful Transnational Campaigns

Social Media, AI and e-voting systems are all powerful tools that can elevate European elections to the next level and thus be a quantum leap for European democracy overall, if combined with transnational lists. This section will delve into how (I.) social media, (II.) AI and (III.) e- and i-voting could and should be used for transnational campaigns and transnational list candidates.

I.   Social Media for Transnational Discourse and Mobilisation

The effects of media and social media on the Europeanisation process have long been subjects of studies and academia. [33] After the last European Elections in 2019 some authors have even claimed to have identified a "European Twittersphere"[34] and upheld Twitters potential "to generate a European demos".[35] Yet, other studies have shown that the "second-class" nature of EP-elections remains and that candidates still primarily direct their campaign communication towards the national arena, even when using social media platforms that in theory are accessible from citizens from across the Union.[36] Nevertheless, they also conclude that the Spitzenkandidaten-element received "more vertical transnational linkages".[37] This could lead to the following possible interpretation: Federal, supra- and transnational elements – such as the Spitzenkandidatensystem – can foster a greater transnational dialogue and integrative effect leading to an embryo of a European space of debate during election time. This in turn leads naturally to the conclusion that additional federal elements such as transnational campaigns with transnational list candidates would have the same if not even a greater Europeanisation effect. For lack of transnational lists being tested in European elections, one cannot argue based on empirical data or studies. Nevertheless, let me share some reflections.

I identify three main areas where social media and transnational lists together could have a significant impact the further Europeanisation of EP-elections:

1. Social media offers a platform for political discourse, enabling citizens and transnational candidates to engage in discussions and voice their opinions.

2. Social media can also be used for mass political mobilization. We have seen that in autocratic regimes or in states where traditional media is captured, digital platforms can be instrumental in promoting political freedom by providing citizens with an avenue to bypass government censorship and organize protests. The Arab Spring is a marvellous example considering protestors utilized platforms like Twitter

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[33] (Koopmans and Erbe, 2004; Habermas, 2011; Risse, 2014; Statham and Trenz, 2015)

[34] (Hänska and Bauchowitz, 2019)

[35] (Ruiz-Soler, Curini and Ceron, 2019)

[36] (Stier, Froio and Schünemann, 2021, p. 1457)

[37] (Stier, Froio and Schünemann, 2021, p. 1474)

to disseminate information and coordinate actions. In the context of European elections, transnational candidates can on the one hand challenge some closed national media landscapes (the independence of media has for example been subject of heated clashed between Poland, Hungary and the EU institutions[38]). On the other hand, they can also be used to mobilize citizens from across the Union for their cause. 3. Lastly, the rapid dissemination of information through social media can also discipline politicians and reduce corruption. In this respect social media can act as a democratizing force, enhancing transparency and accountability.

1. *Social media as a platform for transnational political discourse and campaigning*

Social media combined with transnational campaigns could ensure that European elections are not just a collection of national elections but truly reflect a pan-European perspective. Transnational campaigns and their candidates using social media could break down national silos and facilitate real time, cross-border discussion. Picture live discussion-panels on Youtube, LinkedIn, Twitter, Instagram live, Twitch, TikTok, Facebook live, Snapchat live etc. where transnational candidates not only discuss amongst each other on a panel but also engage with citizens from across the Union. Citizens and candidates from a variety of Member states could thus share their experiences, their worries, relate to each other's situation as they might be in a very similar one despite being in different member states. Bearing in mind that transnational list candidates bring a new innovative dimension, as they are running in the entirety of the union and competing for the same contingent of seats in the parliamentary hemisphere, this could also boost interest. Thousands of viewers across the Union, attracted by this supra-national element of being able to vote for the same party list or even person, and participating in online debates, polls, and discussions would leading to increased awareness of EU politics and support for a common polity. This holds especially true for young people who interact with social media more intensively. Using interactive quizzes on Instagram stories, TikTok Videos and the outreach power of influence can thus stir public attention to transnational issues and the pan-European campaign of transnational MEPs. Naturally, the power of social media can be used to foster the visibility of the respective Spitzenkandidat of each European Political Party. Social media platforms can provide a stage for Spitzenkandidaten to reach a wider European audience, beyond their national borders. Whether in forms of live debates, Q&A sessions, twitter-arguments etc.

2. *Mobilising support across borders*

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[38] (*Radio Free Europe/Radio Liberty*, 16:21:07Z)

This increased awareness that supra-national elements such as transnational lists bring could also lead to greater pan-European mobilisation. One could think of spontaneous pan-European hashtags during or after debates. The power of reaching out to millions of people online and across the Union could also be used by Euro-parties when running their transnational campaign. One only has to be reminded of the punctual success that "Pulse of Europe" had when organising simultaneous events supporting European integration. While still in its infancy, mobilizing support across national borders thanks to a transnational-campaign with the help social media show the potential for greater pan-European engagement in the future.

3. *Enhancing Transparency and Accountability*

Finally, Transparency and accountability are fundamental to fostering trust in the democratic process. This is especially true for MEPs elected on transnational lists who will inevitably encounter the criticism of being "too far" from the electorate and "without roots", as they do not have a regional or national but a pan-European constituency. Social media can help mitigate these worries, however unfounded they may be. For instance, an MEP from a transnational list could regularly hosts Q&A sessions on Reddit, Youtube and elsewhere, enabling Europeans across the Union to directly engage, ask questions, and express their concerns. Initiatives like these will not only promotes transparency but also strengthens the bond between representatives and their pan-European constituents.

II. AI to Bridge Language Barriers and Analyse Data

Transnational campaigns would naturally face challenges reaching across languages and cultures. Artificial intelligence (AI) can offer innovative solutions. AI-powered translation tools can overcome linguistic barriers to connect with voters Europe-wide (1.). Meanwhile, analysis of big data can also help campaigns craft resonant messages tailored to different Member States and demographics (2).

1. *Bridging the language barrier with translation tools and chatbots*

Europe is diverse in languages. AI-driven tools can help bridge this gap during campaigns and ensure that core campaign messages are understood by all. There are already a variety of live translation tools that will only get better over time. Examples include "Kudo" and "Interprefy". Another innovative solution could be the deployment of AI-chatbots, which can instantly translate political content and party programs into various languages. By integrating political agendas and policy stances into advanced Large Language Models, like ChatGPT, Bard, and Claude2, the

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process of information retrieval becomes not only more streamlined but also engaging for citizens. Picture this: instead of sifting through dense political documents, citizens can engage in a fluid conversation with a chatbot. This chatbot, equipped with knowledge from various political parties, can provide answers on a wide range of political subjects, presenting perspectives from different parties on a single query. This not only democratizes information access but also makes political education more interactive and enjoyable. Similarly, one could also think of creating a "European-Wahl-o-mat" for EU elections in multiple languages: In Germany the Wahl-o-mat is an online tool used prior to elections to help voters determine which political party aligns most closely with their personal views. Users answer a series of questions on various political topics, and the tool then compares their answers to the positions of different parties, providing a percentage match. It aims to inform and engage voters, making it easier for them to make an informed decision during elections. Having a similar tool in all EU-languages comparing party programs for EU elections could help ensure that Greeks, Portuguese, Dutch, Bulgarians and Finns can all have same access in their native language to the political programs of Europarties and the positions of the transnational MEPs running for office.

2. Harnessing the power of big data

BigData and AI play an increasing role in political election campaigns. AI can analyze vast datasets to segment the electorate based on demographics, past voting behavior, online activity, and other factors.[39] By analyzing patterns in historical election data, AI can forecast election outcomes, voter turnout, and shifts in public opinion. AI can in theory also scan social media platforms, news articles, and online forums to gauge public sentiment on various issues, candidates, or political events.[40] In the context of transnational lists and transnational MEPs running a Europe-wide campaign, BigData and AI could allows campaigns both a) tailor messages to specific groups depending on the Member State but also b) analyze data from different European regions and craft messages that resonate across the continent. For example, if AI identifies that both southern and eastern European countries are concerned about youth unemployment, campaigns can be tailored to address this shared concern. This would undoubtedly enhace the effectiveness of transnational campaigns, their candidates and legitimize the introduction of transnational lists as such even more. Real-time feedback from across the continent could also helping campaigns adjust their strategies accordingly.

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[39] (Quetext, 2023)
[40] (*How Obama's Team Used Big Data to Rally Voters*, 2012)

III.   E-Voting and i-Voting for Inclusivity and Accessibility

As democracies entered the digital age, elections and the way we cast votes also changes. There are two different types of electronic voting technologies: those that use the Internet (I-voting) and those that do not (e-voting).[41] In the case of electronic voting, make their selections with the aid of a computer and mostly its a touch screen which is provided in an election office.

In a pan-European and transnational context, both e- and i-voting can contribute to more inclusivity: One can imagine a Slovak citizen living in Italy during EP-elections. The Slovak electoral code for European Parliament elections does not provide for the possibility of Slovaks living (or for that matter just being on holidays) abroad to cast their vote per post. In fact, for the 2019 elections the Slovak, Czech, Irish and Maltese laws didn't even provide for the possibility to cast one's vote in the respective embassy or consulate. Only if the citizen was physically in Slovakia, Czech Republic, Ireland, or Malta could they partake in EP-elections. Other Member States provide for casting of ones vote in their diplomatic premises but still restrict postal voting. The effects on voters' participation are rather obvious. E- and i-voting could therefore turn out to be a solution. Let's come back to our Slovak citizen in Italy. Imagine him having the right to go to any Italian election office, bringing his European electronic ID-card. Just like any other European Citizen he has two votes: one for a national/regional constituency, one for the transnational / Union-wide constituency. Upon insertion of his European electronic ID-card, the e-voting computer could ask him whether he wants to cast his first (national) vote as a Slovak citizen for Slovak parties in Slovakia (thus counting towards the voters' turnout in Slovakia) or as a Slovak (European) citizen living in Italy who also have the right to vote (and thus counting towards the Italian voter turnout). In a second step he would be asked to cast his or her vote for the transnational list parties. This interface would be the same across the Union for all citizens as they vote for the same European Political parties running with transnational lists and transnational candidates.

As for i-voting on one's personal computer or any other computer connected to the internet, the logistical convenience is obvious too. It is to be highlighted that i-voting is not only about being able to cast ones vote from one's couch at home. Just picture a Greek sailor, currently in international waters during the election time, using an i-voting platform to cast his vote for European Parliament elections.

Indeed, both e- and i-voting have the potential to increase voters' participation, inclusivity and representation by providing solutions to logistical challenges. This inclusivity strengthens the representation of all European citizens in decision-making and fosters the European institutions legitimacy. Finally, just as for common

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[41] (*Electronic voting | Benefits, Challenges & Security | Britannica*, 2023)

European Party logos on paper ballots, a standardized e-/i-voting interface across the Union ensure consistency in the voting experience. A common experience also fosters the feeling of belonging together and enhances the integrative effect of EP-elections.

IV.   Challenges and Risks that Social media, AI and e/i-voting bring

It comes to no surprise that the use of these new technologies also poses significant challenges and risks for the democratic process. The main concerns oscillate around privacy concerns, user consent, profiling, disinformation (especially in times of super realistic deepfakes), micro-targeting, emotional manipulation, and accountability issues.[42] The European legislator must ensure that these issues are properly addressed to prevent a second Cambridge Analytica. The GDPR, Digital Services Act (DSA) and the Artificial Intelligence Act (AIA) provide a robust structure already. Latter specifically qualifies the use of AI in elections as "high risk" and imposes a significant number of compliance requirements. Yet, it would be advisable to maintain updated laws and policies to keep pace with advances in social media development, data analytics and AI that could undermine fair and democratic elections if left unchecked and especially Educate the public on how their data is being collected and used for microtargeted political messaging, so they can make informed choices. As for e and i-voting those concerns are mostly of cryptographic nature. Especially with regards to i-voting, denial-of service attacks on the Internet and penetration of malware into personal computers are a potential hazard. Not to mention the possibility of voter coercion or selling which in principle can more easily occur when voting does not take place in a controlled environment.

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[42] (Bartlett, Smith and Acton, 2018; Kertysova, 2018; *The Economist*, no date)

D. Evaluating the latest European Electoral Act Proposal (2022)

As briefly mentioned in the introduction, the EP has adopted a historic *Report on the reform on the European electoral act (EEA)* in early 2022. Three salient features emerge from the draft, which nevertheless could benefit in details from some improvement: 1. the introduction of transnational lists, 2. An effort towards greater standardization, and 3. a renewed emphasis on symbolism for European elections.

I.   Intoducing of a Union-wide constituency

The proposal introduces a "Union wide constituency" in other words the possibly for European political groups to submit transnational lists running against each other, marking a significant step in European electoral reforms. The report gives way to 28 seats for transnational lists. Yet, the allocation of only 28 seats for transnational candidates raises questions. Initially the 73 Brexit-vacated seats were being put forward. After some redistribution this number decreased to 46 during negotiations. Now Parliament agreed to 28. As pointed out in the past,[43] this does not appear to be grounded in a discernible rationale. It does not equate to the sum of the 27 member states and an additional seat for the Spitzenkandidat, nor does it correspond to 5% of the total 751 seats in the Parliament, which would amount to 38 seats. Indeed, such a relatively low number for transnational MEPs could feel like a disappointment especially considering the major benefits transnational lists could bring (see supra). It would have been preferable to enshrine in the text a percentage – even if low like 5 % - as this would enable a gradual increase to 10-15-20 % over time. Furthermore, as for the allocation system, the D'Hondt method is widely used. Yet, as *Andrew Duff* again points out[44], a new method called the "Cambridge Compromise" seems more suitable for the allocation of EP seats, especially if transnational lists were to be introduced.

In any case, even though this seemingly arbitrary seat allocation and an unperfect distribution calculation might not fully capitalize on their transformative potential of transnational lists for EU democracy and integration, the introduction of such would undeniably be a pivotal step for EU democracy and EP-elections.

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[43] (Hoffmeister, 2022)
[44] (Duff, 2022, p. 45)

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II.   Harmonisation of electoral standards: postal, e- and i-voting, voting age, threshold

The draft ambitiously pushes for harmonized electoral standards. By 2024, the aim is for all Member States to adopt postal voting, addressing its current absence in 13 of the 27 member states. The proposal also anticipates the adoption of other voting methods, such as advance in-person voting, proxy voting, and e-voting and i-voting, drawing from successful practices across the Union (Art. 8 EEA-proposal). This is to be applauded.

Additionally, the proposal for a universal voting age of 16 (Art. 4 (1) sentence 1 EEA-proposal). This is great. ...? Yet the lowering of the universal voting age to 16 is without prejudice to existing constitutional orders establishing a minimum voting age of 18 or 17 years of age (Art. 4 (1) sentence 2 EEA-proposal). Once again, an exception which dismantles the principle.

Finally, the EP proposes a minimum threshold of 3.5% for national constituencies with more than 60 seats. For the Union-wide constituency referred to in Art. 15, there shall be no minimum threshold. This is indeed a positive development, as it allows transnational lists to participate without the immediate concern of not meeting a specific vote percentage. Such an approach encourages diverse representation and ensures that emerging pan-European movements have a fair opportunity to voice their perspectives and contribute to the broader European discourse. At least in the first few European elections with transnational lists.

III.   Enhanced Symbolism

Finally, the draft underscores the symbolic significance of European elections. Proposals include a unified campaign launch, increased visibility of European party logos, and standardized ballot designs across member states. The EP-Constitutional affair committees (AFCO) suggestion of designating May 9 (Europe Day) as the primary election day, with an option for member states to recognize it as a public holiday, reflects a commitment to reinforcing the collective identity of European elections.

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CONCLUSION

This paper aimed tried to show two things: despite the encountered criticisms, transnational lists present a historic opportunity for European elections. Yet, to unfold their full potential, European campaigners and candidates are well advised to make use of the transformative power of social media, AI and E-/i-voting in a responsible way. Combining both transnational campaigns and technology will elevate European democracy to the next level and make the EU fit for the coming decades. Concrete policy recommendations can be found below.

POLICY RECOMMENDATIONS

I.   Implementing transnational lists

- All involved stakeholders should lobby national governments and the Council to adopt the proposed amendments to the European Electoral Act 2022 to introduce transnational lists. This is a pivotal step to foster European democracy and should be supported.
- Naturally, amendments to EU Regulation 1141/2014 on European Political Parties are also required to enable pan-European campaigning and level the playing field for Europarties. Changes to Directive 93/109/EC may further facilitate voting rights of EU citizens residing in other Member States. Although not strictly essential, treaty change to enshrine transnational lists in Article 14 TEU could reinforce their status as a core element of EU democracy. However, this would require unanimous ratification (Art. 48 TEU).
- Should political momentum build towards adopting transnational lists, further efforts must be made to increase the number of seats reserved for transnational candidates beyond the current proposal of 28. When allocating these transnational seats, the Cambridge Compromise formula should be used instead of D'Hondt. The Cambridge method allows for more proportional results, preventing over-representation of smaller member states. Lowering the voting age to 16 uniformly across the EU is also advisable. This will enable greater youth participation and engagement with European democracy.

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II.   Harnessing Technology in a responsible way

- The immense potential of powerful tools like social media, AI and e-voting should be harnessed to help transnational campaigns and candidates in bringing European Elections to the next level. This includes in particular live discussion-panels between Spitzenkandidaten and other transnational candidates on Youtube, LinkedIn, Twitter, Instagram live, Twitch, TikTok, Facebook live, Snapchat live etc; using interactive quizzes on Instagram stories, TikTok Videos and the outreach power of twitter-"battles" and pan-European hashtags; using AI-driven tools that help bridge language barriers, chatbots and "EU-Wahl-o-mats" equipped with knowledge from various political party programs as well as using the real-time feedback from across the continent to adjust campaign strategies.
- At the same time, robust data protection, cybersecurity and anti-disinformation measures are paramount. Ongoing legislative acts like the GDPR, DSA and AIA provide a good foundation but must be kept up to date.
- An ad-hoc EP committee on democratic resilience could monitor threats and recommend safeguards tailored to European Parliamentary elections specifically. This committee could collaborate with national electoral bodies.
- Public education campaigns on data privacy and political microtargeting should be launched. This would empower citizens to make informed choices about information sharing. Media literacy initiatives should target youth in particular.

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