

Law on elections to the European Parliament in France (7 July 1977)

Caption: On 7 July 1977, the French National Assembly and Senate pass a law setting out the provisions relating to the election of representatives to the Assembly of the European Communities.

Source: Journal officiel de la République française. Lois et décrets. 08.07.1977, n° 157. Paris: Imprimerie des Journaux Officiels. "Loi n°77-729 du 7 juillet 1977 relative à l'élection des représentants à l'Assemblée des Communautés européennes", p. 3579-3580.

Copyright: (c) Translation CVCE.EU by UNI.LU

All rights of reproduction, of public communication, of adaptation, of distribution or of dissemination via Internet, internal network or any other means are strictly reserved in all countries.

Consult the legal notice and the terms and conditions of use regarding this site.

URL:

http://www.cvce.eu/obj/law_on_elections_to_the_european_parliament_in_france_7_july_1977-en-6387fea3-6085-4338-a06a-f8b2c26cabba.html



Last updated: 05/07/2016

Law No 77-729 of 7 July 1977 on the election of representatives to the Assembly of the European Communities*

The National Assembly and the Senate have adopted,

The President of the Republic is enacting the following law:

CHAPTER I GENERAL PROVISIONS

Article 1. — The procedure for electing French representatives to the Assembly of the European Communities, as laid down in this Law, may be amended only on the basis of a new law.

Article 2. — The election of representatives to the Assembly of the European Communities provided for by the instrument annexed to the decision of the Council of the European Communities dated 20 September 1976 and made applicable on the basis of Law No 77-680 of 30 June 1977 shall be governed by Title I of Volume I of the Electoral Code and by the provisions of the following chapters.

CHAPTER II VOTING METHOD

Article 3. — The election shall be conducted on the basis of proportional representation in accordance with the rule of the best average; electors may not vote on the same ballot paper for candidates from different parties or cast preferential votes.

Seats shall be allotted to candidates in the order on which they are shown on each list.

Lists that have not secured at least 5 % of the votes cast shall not be eligible for the allocation of seats.

Article 4. — The territory of the French Republic shall constitute a single constituency.

CHAPTER III CONDITIONS FOR ELIGIBILITY AND INELIGIBILITY; INCOMPATIBILITIES

Article 5. — Articles L.O. 127 to L.O. 130-1 of the Electoral Code shall be applicable to the election of representatives to the Assembly of the European Communities.

If a representative becomes ineligible during his term of office, that term of office shall end. This shall be formally established by decree.

Article 6. — Articles L.O. 140, L.O. 142 to L.O. 150 and L.O. 152 of the Electoral Code shall be applicable to the election of representatives to the Assembly of the European Communities.

Any representative to whom the incompatibility conditions referred to in the previous paragraph apply at the time he is elected must, within 15 days of his taking up office or, if the election is contested in accordance with the conditions laid down in Article 25 of the decision by the Council of State, resign from the offices incompatible with his mandate or, if he is a public service employee, apply for the special status provided for by his staff regulations.

Any representative who, during his mandate, accepts one of the offices referred to in the first paragraph must resign from office within 15 days.

In either case, any elector may bring proceedings before the Council of State for a declaration of incompatibility. If the Council of State establishes incompatibility, that representative shall be deemed to have resigned.

CHAPTER IV APPLICATIONS TO STAND AS A CANDIDATE

Article 7. — No one may stand as a candidate on more than one list.

Article 8. — An application to stand as a candidate must be made for each list of candidates.

Article 9. — The application to stand as a candidate shall be made by lodging with the Ministry of the Interior a list comprising the same number of candidates as there are seats to be filled.

It shall be made collectively for each list by the candidate at the top of the list or by his appointed representative.

It shall include the signature of each candidate and shall expressly indicate:

1. the title of the list submitted;
2. the last name, first names, date and place of birth, address and occupation of each candidate.

Article 10. — Applications shall be submitted by the third Friday preceding the date of the election, before 6 p.m.

Applicants shall receive a provisional acknowledgment of their application.

Article 11. — An agent for each list must pay to the Deposit and Consignments Office a deposit of FRF 100 000.

The deposit shall be reimbursed to lists which secure at least 5 % of the votes cast.

Deposits not reclaimed within one year of being deposited shall be subject to a statute of limitation and forfeit to the Treasury.

Article 12. — Where an application does not fulfil the conditions laid down in Article 7 *et seq*, the Minister for the Interior shall, within 24 hours, consult the Council of State, which shall take a decision within three days.

If, pursuant to this provision, a list is not complete, it shall be allowed 48 hours for completion.

Article 13. — A final acknowledgment shall be issued within four days of submission of the application, on production of the receipt of payment of the deposit.

Article 14. — Candidates may not withdraw after the list has been submitted.

Withdrawals of complete lists before the expiry of the periods stipulated for the submission of applications shall be recorded; they shall be signed by a majority of the candidates on the list.

No provision shall be made for the replacement of a candidate who dies after the list of candidates has been submitted.

CHAPTER V ELECTIONEERING

Article 15. — The election campaign shall be open from the 15th day preceding the date of the election.

Article 16. — Electioneering shall be restricted to French political parties and to the lists of candidates.

Article 17. — Fifteen days before the election date, a committee shall be set up in each French *département* and territory to be responsible for the dispatch and distribution of all electioneering documents.

Each list of candidates shall appoint an agent to assist the committee in an advisory capacity.

Article 18. — The State shall defray the expenditure incurred in the activities of the committees set up under the previous article and in their operation.

Lists of candidates which secure at least 5 % of the votes cast shall also be reimbursed for the costs of paper, printing ballot papers, posters and circulars and billposting.

For the implementation of the previous paragraph, a Council of State Decree shall determine, in the light of the number of voters registered, the nature and number of ballot papers, posters and circulars the cost of which is to be refunded. It shall also decide a flat-rate amount for billposting costs. Any forms of billposting and distribution of electioneering documents other than those specified in this Law and the subsequent Decree shall be prohibited.

Article 19. — Lists of candidates may use the facilities of the national radio and television companies during the election campaign.

Lists submitted by the parties and groups represented by parliamentary groups in the National Assembly or the Senate shall be allocated 2 hours' broadcasting, divided equally between the lists.

Other lists shall be allocated 30 minutes' broadcasting, divided equally between them, with no list being allocated more than 5 minutes.

In conditions of fairness and efficiency to be laid down by decree, the text of the broadcasts is to be the same on both national television and French radio.

The broadcasting time specified above shall be divided into 2 hours and 30 minutes on television and the same period on French radio.

The costs of such broadcasts shall be borne by the State.

The times of broadcasts and the production arrangements thereof shall be determined by the committee provided for in Article 22, after consultation with the Chairmen of the national radio and television companies.

CHAPTER VI CONDUCT OF ELECTIONS

Article 20. — Electors shall be convened by a public decree published at least four weeks before the election date set by joint agreement between the Member States of the Community.

Article 21. — The votes for each *département* or territory shall be counted by a local committee of tellers on the Monday after the ballot, in the presence of the agents for the lists.

Article 22. — The overall counting of the votes shall be carried out by a national committee, which shall announce the results and the elected candidates by the Thursday following the day of the election.

The committee shall be composed of:

a member of the Council of State as Chairman, a judge at the Court of Cassation and a senior member of the Auditor-General's Department, appointed by the general assembly of the Council of State, the general

assembly of the Court of Cassation and the chambers of the Auditor-General's Department respectively;
two administrative court judges or members of the judiciary selected by the above three members.

Article 23. — French nationals established outside France and listed on electoral registers for the election of the President of the Republic shall exercise their right to vote in accordance with the conditions laid down in Institutional Act No 76–97 of 31 January 1976.

CHAPTER VII REPLACEMENT OF REPRESENTATIVES

Article 24. — The candidate immediately after the last elected candidate on a list shall be called upon to replace the elected representative on that list if his seat should for any reason become vacant.

The term of office of the person replacing the representative whose seat had become vacant shall end on the date on which the original holder would himself have been subject to re-election.

In the event of the death or resignation of a representative on the same list who has replaced him, any representative who has accepted the mandate or the extension of duties specified in Articles L.O. 176 and L.O. 319 of the Electoral Code may resume office when those functions or duties have come to an end. He shall be allowed one month in which to avail himself of that option.

CHAPTER VIII DISPUTES

Article 25. — The election of representatives to the Assembly of the European Communities may, within ten days of announcement of the results of the ballot and for all matters relating to the implementation of this law, be contested by any elector before the Council of State acting as an arbitrator. The decision shall be given in plenary assembly.

The application shall not have suspensory effect.

CHAPTER IX IMPLEMENTING CONDITIONS

Article 26. — The specific legislative provisions laid down for the election of Members of Parliament in the Overseas Territories that derogate from Title I of Volume I of the Electoral Code shall apply to elections to the Assembly of the European Communities.

The provisions of this law shall apply to the *département* of Saint-Pierre-et-Miquelon and the territorial authority of Mayotte.

Article 27. — The implementing provisions for this law shall be laid down by decrees in the Council of State.

This law shall be enforced as a State law.

Done at Paris, 7 July 1977.

VALÉRY GISCARD D'ESTAING.

By the President of the Republic:

The Prime Minister,

RAYMOND BARRE.

The Minister for the Interior,
CHRISTIAN BONNET.

* This is not an official translation and does not have the force of law.