

1. Overview of the proposal

This proposal aims to make the electoral system to the Luxembourg Local Staff Committee fully proportional and transparent, which is not the case today.

Principles that remain the same:

- Nominations can be submitted in the form of lists or individual candidate pairs
- Voters vote for a maximum of 20 individual candidate pairs, chosen freely from among one or multiple lists and/or the individual candidacies; the number 20 corresponds to the number of seats in the Local Staff Committee
- Alphabetical order of candidates on the ballot

New principles:

- The system is fully proportional with respect to lists
- No penalization of small or big lists; no minimum size of a list
- No obscure distinction between “list” and “mixed” ballots – all votes are treated the same way

Technical changes:

- Terminology consistency and linguistic polishing – especially the terms “candidate”, “candidature”, “candidacy”, “nomination” were not used in a consistent way and sometimes denoted different things
- Consistency in referring to relevant legal acts
- Clarification of the replacement procedure in case of resignation
- Clarification of the representativeness clause
- Deadline extensions are more precisely defined, and some of them a bit extended to minimize the chance of repeated elections
- Gender neutrality (chairman -> chair)
- The annexed example of the d’Hondt method is extended to reflect its applicability to all the 20 seats

2. Proposed counting procedure

- 1 ballot = 20 votes (“crosses”).
- Number of votes for each candidate pair = sum of crosses for that candidate pair from all ballots.
- Number of list votes for each list = sum of the crosses for each candidate pair on that list.
- Seats assigned proportionally (d'Hondt) to lists according to the number of list votes.
- Within each list, candidate pairs with the most votes get the seats.
- If the seats assigned to a given list are higher than list candidates, next candidate following d'Hondt method is chosen.

Individual candidatures are treated as lists containing only one candidate pair.

B = total number of ballots cast

C = total number of candidates

L = total number of lists

Contribution of ballot b towards the number of votes for candidate c :

$$\text{contribution}_{b,c} = \begin{cases} 1 & \text{if candidate is selected} \\ 0 & \text{otherwise} \end{cases}$$

V_c = number of votes for candidate c :

$$V_c = \sum_{b=1}^B \text{contribution}_{b,c}$$

V_l = sum of votes for list l :

$$V_l = \sum_{c=1}^C (V_c, \text{if candidate } c \text{ belongs to list } l; \text{ otherwise } 0)$$

Seats assigned to lists proportionally to V_l

4. Proposed changes to the CLP Statutes

The Statutes of the Luxembourg Local Staff Committee, adopted by the General Meeting of Staff on 16 July 2016, are amended as follows:

- 1) The title and introductory paragraphs are replaced by the following:

“STATUTES OF THE LUXEMBOURG LOCAL STAFF COMMITTEE
(Adopted by the General Meeting of Staff on **XX XXXX 2022**)

The general meeting of officials and other servants of the European Commission represented by the Luxembourg Local Staff Committee,

having regard to Annex II to the Staff Regulations of Officials, and in particular Article 1 thereof,

having regard to the Rules laying down the composition and operation of the Staff Committee determined by the Commission on 22 October 1997 (hereinafter the “Commission Decision of 22 October 1997”),

has adopted the following provisions:”

- 2) Article 3 is replaced by the following:

Article 3
(Composition)

In accordance with Article 4 of the Commission Decision of 22 October 1997, the Committee shall comprise 20 members, including, as provided for in the fourth paragraph of Article 1 of Annex II to the Staff Regulations, at least one representative from each of the three function groups provided for in Article 5 of the Staff Regulations (AD, AST **and AST/SC**) and at least one representative of the servants referred to in the first paragraph of Article 7 of the Conditions of Employment of other servants of the Communities, and shall be elected for a period of three years by the entire staff of the Commission in Luxembourg according to the procedure laid down in Articles 5, 6, 7, 8, 9, 10 and 11 below.

The Committee shall elect its chair, one or two vice-chairs and one or two secretaries.”

- 3) Articles 5 to 12 are replaced by the following:

Article 5
(Assessors)

The outgoing Committee shall appoint four assessors to the electoral office to be responsible for organizing the elections; these assessors must not themselves be candidates or members of the outgoing Committee; their appointment must be ratified by the general meeting of staff when it meets to hear the report of the outgoing Committee.

As soon as the proceedings of this general meeting of staff are closed, the electoral office shall adopt the timetable for the election and shall inform the staff of the final date for submitting nominations and the dates on which voting is to begin and end; there must be at least eight calendar days between the date on which the timetable for the elections is distributed and the final date for submitting nominations, and at least five working days between the beginning and the end of voting.

Article 6
(Electors/Candidates)

All officials and all other servants having an indefinite contract or a contract of more than 12 months shall be entitled to vote and shall be eligible for office as long as they have notified their intention to stand and have undertaken to carry out, if elected, the tasks incumbent upon the members of the Committee. In

addition, servants with a contract of less than 12 months shall be entitled to vote if they have been employed for at least six months.

For the electoral campaign all candidates shall have access, under the conditions laid down by the electoral office, to display-boards located in the entrances to buildings.

Article 7 (Nominations)

For the purposes of nominations, a candidate pair shall consist of two persons: the candidate for full membership and the candidate for alternate membership. This combination can be made independently of the function group of those concerned. For the representation of the three function groups and other servants referred to in Article 3 of these Statutes, as well as for the purposes of establishing alphabetical order according to this Article, only the candidate for full membership shall count.

Each nomination shall be submitted in the form of either an individual candidate pair (“individual nomination”) or in the form of a list containing a maximum of 20 candidate pairs (“list nomination”).

No candidate may be nominated more than once. In the event of failure to obey this rule, the electoral office shall disqualify all candidate pairs in which this candidate appears from all nominations.

Each individual nomination must contain the signature of both the candidate for full membership and the candidate for alternate membership.

In the case of list nominations, the signature of the list by one of the candidates appointed for the purpose by that list shall be sufficient. The list must be able to establish, to the satisfaction of the electoral office, and no later than the time for checking the nominations, that all its candidates have accepted nomination. The acknowledgements of receipt of the nominations shall be signed by two members of the electoral office.

The disqualification of a particular candidate pair shall not invalidate the remaining candidate pairs appearing on the same list.

Once accepted by the electoral office, nominations may not be withdrawn.

If, on the closing date for nominations, there are fewer than 20 nominated candidate pairs in total, or the nominations submitted preclude the representation of the three function groups and the other servants referred to in Article 3 of these Statutes, the electoral office shall notify the electors to this effect and grant them an extension of time of one week. During this time, additional nominations may be submitted and additional candidate pairs may be added to previously submitted nominations with less than 20 candidate pairs. After this extension of time elapses, the elections shall proceed, even if the representativeness requirement remains unfulfilled.

The electoral office shall establish by lot list numbers for list nominations. At least three working days before the elections, the electoral office shall publish all list nominations together with their list numbers, as well as all individual nominations.

The individual nominations shall appear on the ballot paper individually in alphabetical order. For the list nominations, the names of the candidates shall appear on the ballot paper by list and in alphabetical order. Each candidate's employment status and function group shall be mentioned on the ballot paper.

Article 8 (Voting procedure)

Composition of the electoral office

The electoral office shall comprise five members: a president and four assessors. The president of the electoral office shall be appointed by the administration. The assessors shall be appointed in accordance with Article 5. Three members, including the president, must be present for the proceedings and decisions of the office to be valid.

Duties and role of the electoral office:

- To ensure that the elections are conducted in accordance with the rules in force;
- to establish the timetable for the elections;
- to decide whether a paper ballot should be organised for exceptional reasons;
- to ensure that the administration sets up a functional electronic mailbox for the elections;
- to ensure that the administration publishes a list of all those entitled to vote;
- to ensure that the administration publishes the current statutes of the local staff committee and any other relevant document in good time;
- to ensure that the administration supplies the appropriate infrastructure for the elections and the electoral campaign;
- to accept and check the nominations using the means provided by the administration;
- to choose by lot the numbers for the electoral lists;
- to inform voters and candidates of the election timetable and voting procedure;
- to test that the electronic voting system works properly and is user-friendly;
- to check before the start of voting that the voting file is empty;
- to supervise and monitor the start and close of the ballot;
- to monitor daily progress with the ballot;
- to secure the final result of the voting after the ballot closes;
- to check that the quorum has been reached;
- to call a second vote with a lower quorum if the two-thirds quorum is not reached on the first ballot;
- to validate the result of the electronic counting;
- to produce a report on the elections;
- to inform the voters of the election result;
- to examine any complaints and decide what action to take: the electoral office's decision on each complaint and the action taken must be recorded in the final report on the elections.

The list representatives

Each list that has presented candidates may appoint a list representative. The list representatives and each individual candidate may have their observations recorded in the report.

Voting procedure

The ballot shall be secret and conducted by electronic voting. The name of each elector shall be identified and checked electronically when the vote is cast and the elector's name shall be recorded in a file of voters having voted; the votes cast shall be recorded in another file. Anonymity shall be guaranteed by ensuring that there is no link between the two files.

The elector must cast his or her vote as follows, failing which the vote shall be declared void. The elector may vote for a maximum of 20 candidate pairs, chosen from one or more lists and/or from individual candidate pairs, by placing a cross in the box next to each candidate pair chosen. It is also possible to cast a blank or spoiled ballot.

Article 9 (Quorum)

The election shall be valid only if two-thirds of the electors take part; if this proportion is not attained, voting shall be extended by one week. If the quorum has still not been reached after this time, the election shall be declared void and the electoral office shall call a second vote, in which the quorum shall be a simple majority of the electors.

Article 10
(Counting)

The result of the electronic counting shall be validated by the electoral office.

The electoral office shall verify the quorum and check that the ballot has been conducted correctly.

For the purposes of the counting, each individually-nominated candidate pair shall be regarded as a separate list containing that one candidate pair.

For each valid ballot, each candidate pair selected on that ballot shall receive one vote. The total number of votes for each list shall be the sum of the total number of votes for each candidate pair on that list.

Seats shall be attributed to lists proportionally to the total number of votes for each list using the d'Hondt method. However, a list may not be attributed more seats than there are candidate pairs on that list.

For each list, the attributed seats shall be allocated to the candidate pairs who obtained the largest number of votes. In the case of an equal number of votes the candidates shall be separated by length of service in the Commission in the first instance, then by age, priority being given to the longest serving candidate first, then to the oldest. These candidate pairs are elected, subject to the representativeness clause.

Article 11
(Representativeness clause)

If no representative of one of the function groups or of the other servants referred to in Article 3 of these Statutes appears among the elected candidate pairs, the candidate pair for the function group or for the other servants lacking representation who won the largest number of votes shall replace the elected candidate pair from the same list which obtained the lowest number of votes.

However, if the elected candidate pair to be replaced includes the only representative of a function group or of the other servants, then this candidate pair shall remain elected and the elected candidate pair with the second lowest number of votes from the same list shall be replaced (unless this candidate pair also includes the only representative of a function group or of the other servants, in which case the candidate pair to be replaced shall be the elected candidate pair with the third lowest number of votes from the same list, and so on).

If it is not possible to find an elected candidate pair to be replaced in the same list, then the candidate pair to be replaced shall be the elected candidate pair that obtained the lowest number of votes, irrespective of lists; the previous paragraph shall apply *mutatis mutandis*.

This procedure shall be repeated until all the function groups as well as the other servants are represented.

Article 12
(Resignation)

In the event of the departure of a full member, his or her place as a full member shall be taken by the alternate member.

In the event of the departure of both the full and alternate members, they shall be replaced by an eligible candidate pair according to the provisions of Article 8 of the Commission Decision of 22 October 1997.

To avoid conflicting interpretations, the election procedure provided for in these Statutes shall be considered to fulfil the conditions of the sixth subparagraph of Article 8 of Commission Decision of 22 October 1997, and all candidates shall be considered to have been elected on the strength of preference votes.”

4) Article 16 is amended : “The ~~French~~ **English** version of the present Statutes shall be the authentic version.”

5) The annexed d’Hondt method example is replaced by the following:

“THE D’HONDT METHOD BASED ON THE PRINCIPLE OF HIGHEST QUOTIENTS

This method of calculation of the distribution of seats in accordance with the principle of proportionality was devised by Victor d’Hondt.

The system provides for the successive division of the validly cast votes won by the different lists in order to obtain a number of series of quotients (one series per list).

The seats are attributed on the basis of the descending order of magnitude of the results of each list and their division by consecutive full numbers (1, 2, 3, 4, etc.).

For example: if there were twenty candidates to be elected by the d’Hondt method, and if the election resulted in 4 160 votes being won by list A, 3 380 by list B and 2 460 by list C, the breakdown of seats would be as follows: 8 seats for list A, 7 seats for list B, and 5 seats for list C.

DIVISORS	QUOTIENTS		
	List A	List B	List C
1	4160 (1.)	3380 (2.)	2460 (3.)
2	2080 (4.)	1690 (5.)	1230 (7.)
3	1387 (6.)	1127 (8.)	820 (12.)
4	1040 (9.)	845 (10.)	615 (15.)
5	832 (11.)	676 (14.)	492 (19.)
6	693 (13.)	563 (17.)	410
7	594 (16.)	483 (20.)	351
8	520 (18.)	423	308
9	462	376	273
10	416	338	246

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