



Voting from Abroad

The International IDEA Handbook



Voting from Abroad

The International IDEA Handbook

Lead Writers

Andrew Ellis
Carlos Navarro
Isabel Morales
Maria Gratschew
Nadja Braun

Contributors

Alan Wall
Arlinda Chantre
Brett Lacy
Catinca Slavu
Dieter Nohlen
Epp Maaten
Florian Grotz
Graham Hassall
Jacobo Hernández Cruz
Jeff Fischer
Jon Fraenkel
Judy Thompson
Kåre Vollan
Leticia Calderón
Linda Edgeworth

Luis Arias Núñez
Manuel Carrillo
Marina Costa Lobo
Nada Hadzimehic
Nuias Silva
Nydia Restrepo de Acosta
Ozias Tungwarara
Pasquale Lupoli
Patrick Molutsi
Phil Green
Reginald Austin
Richard Vengroff
Simon-Pierre Nanitelamio
Stina Larserud

Handbook Series

The International IDEA Handbook Series seeks to present comparative analysis, information and insights on a range of democratic institutions and processes. Handbooks are aimed primarily at policy makers, politicians, civil society actors and practitioners in the field. They are also of interest to academia, the democracy assistance community and other bodies.

Views expressed in this publication do not necessarily represent the view of International IDEA, the Federal Electoral Institute of Mexico, or their respective executive boards, governing bodies, and/or member states. This Handbook is independent of specific national or political interests. It is the result of a collaborative effort by these institutions and the work of prominent experts in the field of elections.

© International Institute for Democracy and Electoral Assistance 2007

© The Federal Electoral Institute of Mexico 2007

Applications for permission to reproduce or translate all or any part of this publication should be made to:

International IDEA
S-103 34 Stockholm
Sweden

Federal Electoral Institute of Mexico
Viaducto Tlalpan No. 100, Arenal Tepepan
14610 Mexico City
Mexico

Cover Illustration: Helena Lunding
Map: Kristina Schollin-Borg
Graphic Design: Trydells Form
Printed by: Trydells tryckeri AB, Sweden

ISBN: 978-91-85391-66-0

Enabling displaced and expatriate people to vote and the role of the international community

Almost 150 years after the US state of Wisconsin passed the first law enabling external or ‘out-of-country’ voting, enfranchising its soldiers fighting in the American Civil War, many democracies offer the option of external voting to their nationals residing abroad. Responding to the consequences of advancing worldwide democratization and massive economic, social and cultural globalization, an increasing number of less developed countries are today also seeking to offer external voting to their citizens, of whom a significant proportion often reside abroad. Furthermore, in post-conflict societies, with large numbers of refugees and displaced persons, external voting operations are being organized on a massive scale to allow for the inclusion of these people in the electoral and political processes at home that are designed to lead to national reconciliation and lasting peace. At the same time, technological progress (including but not limited to e-voting) can sometimes provide increasingly effective and efficient means for elections to be free and fair, even if a large proportion of the voters are outside their country of origin. The International Institute for Democracy and Electoral Assistance (International IDEA) has played an important and timely role in bringing together this practical Handbook on external voting. Various international organizations, including IFES (formerly the International Foundation for Electoral Systems), the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe, the United Nations Electoral Assistance Division (UNEAD), the European Parliament and the International Organization for Migration (IOM), have been at the forefront of including migrant populations in democratic electoral processes in their countries of origin. In the case of the IOM, the mandate to promote humane and orderly migration as a means to benefit both migrants and society has allowed for external voting operations to promote conditions conducive to the return of refugees and other displaced persons, notably in Bosnia and Herzegovina, Kosovo (Serbia and Montenegro), East Timor, Afghanistan and, most recently, Iraq.

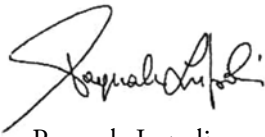
However, external voting operations are complex and pose considerable challenges. In democracies holding regular elections in peacetime, provisions for external voting can be included in the electoral legislation and implemented at each electoral event, using well planned and practical timetables and deadlines. In most transitional situations, however, external voting programmes have to be set up from scratch, with neither staff nor structures in place where they are needed to enable multiple activities to happen in parallel and at great speed. Since all planning steps and operational benchmarks lead up to the ultimate deadline of election day, the deadlines for each step are usually tight and inflexible. Planning for sufficient resources to be mobilized quickly is crucial, while at the same time the political sensitivities of any electoral process—often heightened in

post-conflict situations—have to be balanced. It is therefore justified in such situations to treat external voting operations as emergency operations, and those involved have to be prepared not only for the long working hours but also for having to take ‘short cuts’ with established standard procedures. However, the basic operational and electoral rules and regulations have to be followed so that the short cuts do not endanger the overall security and accountability of the electoral process.

From my personal experience of external voting, working under high stress levels, with hundreds or even thousands of temporary staff, often in remote geographic locations spread around the globe and in different social and cultural environments, is extremely challenging, but can at the same time be very rewarding. A high level of flexibility and creativity is indispensable in order to make external voting operations a success but, as experience has shown, good preparation based on expert knowledge goes a long way in securing the success of any emergency operation.

When judging the results of any election, other decisive factors such as the general political climate, the existence of equal opportunities in the run-up to an election, the turnout on election day, and of course the vote-counting itself, cannot be excluded, since all of them directly impact on the actual outcome. However, by providing the means for nationals overseas to participate, the international community undoubtedly contributes to promoting the individual’s right to vote, and enhances democratic participation and peaceful development.

The IOM and others who have implemented external voting operations on a global scale will find their cumulative experiences summarized in this Handbook. I therefore trust that all those who are, or will be, involved in external voting processes will find the insights contained in this Handbook useful.

A handwritten signature in black ink, appearing to read 'Pasquale Lupoli', written in a cursive style.

Pasquale Lupoli

Director, Operations Support Department
of the International Organization for Migration (IOM)

Preface

The ability of people who are outside their home country when an election takes place to exercise their right to vote has long been an issue in electoral design and management. As the number of countries holding democratic elections has increased, however, it has become much more salient. It is not only that many more people are travelling and working around the globe. As elections take place in countries in transition after authoritarian rule, and even more so after violent conflict, the rights of refugees and people living outside a country to participate in building its future are increasingly important. At the same time, questions of principle have emerged: exactly who has the right to be represented, and how?

External voting is not always easy to design and implement. It raises issues of cost and of practical administration alongside the political considerations and considerations of representation. Many approaches have been adopted. Where they have resulted in success, this has often made a contribution to the credibility and the legitimacy of electoral events.

International IDEA and the Federal Electoral Institute of Mexico (Instituto Federal Electoral, IFE) have come together to produce this Handbook, one of the series on electoral design topics which IDEA has pioneered. This partnership combines IDEA's experience in producing global knowledge on electoral matters in a practical form for democracy builders on the ground, and the ground-breaking work of the IFE in the course of the introduction of external voting in Mexican presidential elections. This Handbook maps, explains and compares external voting provisions worldwide. It is a unique comparative product for anyone involved in improving present electoral structures, planning for external voting processes, or participating in debate.

In addition to the authors of this Handbook, we would like to express our thanks to many other people who have helped in the course of its assembly and production, and in particular those listed in the Acknowledgements.



Vidar Helgesen
Secretary-General
International IDEA



Dr Luis Carlos Ugalde
President Councilor
IFE, Mexico

Acknowledgements

Many individuals and organizations have been involved in the production of this Handbook and we owe them several debts of gratitude. The idea of a Handbook on external voting was first raised in 1998, when the project first took shape, under the direction of Professor Reginald Austin, then head of the Rules and Guidelines Division at International IDEA, and Vijay Patidar, then deputy head of the division. Since then many people have been involved in contributing ideas and concrete work. Under the direction of Andrew Ellis, the then head of the IDEA Electoral Processes Team, the Handbook took shape in 2004 and 2005.

This is a joint publication, produced in partnership with the Federal Electoral Institute of Mexico (Instituto Federal Electoral, IFE). Under the systematic direction of Manuel Carillo and the International Department of the IFE, the Handbook further develops an overview of external voting systems and practices studied by Dr Carlos Navarro Fierro of the IFE's International Department. His colleague Isabel Morales has also given invaluable help in the research and data collection. We would also like to extend our grateful thanks to the IFE and colleagues there for their kindness and the well-prepared meetings of the editorial group. The TEPJF kindly provided their expertise for this project, under the generous guidance of Eloy Fuentes, Fernando Ojesto, and Leonel Castillo.

The responsible project managers for the Handbook were Maria Gratschew of International IDEA's Design of Democratic Institutions and Processes Team, and Carlos Navarro. It is our hope that their dedication in bringing this Handbook to fruition has resulted in a user-friendly product that contains both a theoretical discussion and practical advice for those involved in the work and debate on external voting.

The lead writers and editorial group for this Handbook were Isabel Morales, Carlos Navarro Fierro, Nadja Braun, Maria Gratschew and Andrew Ellis.

We are particularly grateful to the Federal Chancellery of Switzerland, Section of Political Rights, headed by Hans-Urs Willi, for their generosity in providing the outstanding expertise of Nadja Braun, on secondment to International IDEA during 2004. Nor can we neglect the early contributions by several individuals when the project was being managed by Programme Officer Bruce Henry at International IDEA. Daniela Capaccio, Marc Douville, Jeff Labovitz, Shawn O'Brien, Renata Tardioli and Amare Tekle were early contributors of ideas, suggestions and work on external voting issues. Data and information were also provided by Peter Erben, Giff Johnson, Kristina Lemon, Gerald Mitchell, Joram Rukambe, Domenico Tuccinardi and Vadim Zhdanovich. We thank Hanna Berheim, Linda Ederberg, Samuel Jones and Johan Lindroth for providing detailed research for the comparative overview, as well as suggestions for other content; and Stina Larsrud for continuing the work temporarily in 2005. We extend our appreciation for her efforts to Atty Kabaitan R. Guinhawa-Valmonte of the Commission on Elections of the Republic of the Philippines; and special thanks go to Erin Thiessen for her most helpful input on turnout among external voters, Brett Lacy

for excellent research assistance, and Thomas Buchsbaum for research on external voting for European Parliament elections.

Additional thanks go to Per Ahlström, Magalí Amieva, Ayman Ayoub, Allassoum Bedoum, Francesca Binda, Åsa Björklund, Anthony Bowyer, Theofilus Dowetin, Naomi Effah, the Electoral Office and the Electoral Enrolment Centre of New Zealand, Mileydi Fougstedt, Malin Frick, Lourdes González, Margot Gould, Jeremy Grace, Ossama Kamel, Domingos Magalhaes, Zoe Mills, Stephan de Mul, Rushdi Nackerdien, Simon-Pierre Nanitelamio, Konrad Olszewski, Therese Laanela Pearce, Miguel Pinto, Antonio Spinelli, Martin Tete and Emad Yousef.

Finally, we wish to thank Nadia Handal Zander, Florencia Enghel, Lisa Hagman and Anh Dung Nguyen of the International IDEA Publications Team and José-Luis Escutia of the IFE International Department for their patient work, as well as the editor Eve Johansson for her meticulous attention to detail.

Contents

Foreword	III
Preface	V
Acknowledgements	VI
Acronyms and abbreviations	XIV
Introduction	1
Nadja Braun and Maria Gratschew	
1. Background	1
2. In which types of election does external voting apply?	4
3. Categories of external electors: who is entitled to an external vote?	4
3.1. Restrictions	5
4. Ways of voting from abroad: what are the procedures for casting an external vote?	6
5. Looking ahead.....	7
6. Terminology	8
Chapter 1. External voting: a comparative overview	11
Carlos Navarro, Isabel Morales and Maria Gratschew	
1. Introduction	11
2. The countries which have current provisions for external voting	12
2.1. Countries where provisions for external voting exist but are still to be implemented	13
3. Types of elections to which external voting applies	15
4. Persons eligible to vote from abroad	18
5. Voting procedures in use for external voting	22
6. Political representation for external voters	28
7. External voting and participation.....	30
7.1. A sample of the information available on turnout by external voters	31
7.2. The reasons for lower turnout by external voters	32
7.3. Problems arising from lower turnout by external voters	34
Table 1.1: Countries and territories with current provisions for external voting.....	12
Table 1.2: Countries where provisions for external voting exist but are still to be implemented.....	13
Table 1.3: Types of election for which external voting applies	17
Table 1.4: Countries and territories which restricted entitlement to an external vote according to activity abroad (14)	19
Table 1.5: Some examples of countries and territories which restrict entitlement to an external vote according to length of stay abroad	20
Table 1.6: External voting procedures	23
Table 1.7: Countries with mixed procedures for external voting	26
Table 1.8: Political representation in national legislatures for external voters.....	28
Case study	
Botswana: disappointing results of external voting	36
Patrick Molutsi	

Chapter 2. The history and politics of external voting	41
Andrew Ellis	
1. A survey of the history of external voting	41
2. External voting in democratic transitions	44
3. External voting and electoral system design.....	45
3.1. Personal voting and electoral system design.....	46
3.2. External voting and electoral system design	47
3.3. Proxy voting and electoral system design.....	47
3.4. Timing issues	48
Case studies	
The Cook Islands: seat for overseas voters abolished	50
Graham Hassall	
Indonesia: a long-established system for external voting at diplomatic missions	53
Alan Wall	
Zimbabwe: highly restrictive provisions	56
Ozias Tungwarara	
Mozambique: a system that is too subjective?	59
Simon-Pierre Nanitelamio	
Chapter 3. The legal framework and an overview of electoral legislation	65
Dieter Nohlen and Florian Grotz	
1. External voting: a challenge for democracies in the 21st century?.....	65
2. The concept and provisions of external voting: basic features and institutional choices ..	67
2.1. The concept of external voting.....	67
2.2. Legal sources for external voting	67
2.3. Entitlement to an external vote and requirements for registration	
as an external elector	68
2.4. The procedures for external voting	68
2.5. The assignment of external votes to electoral districts	69
3. Three structural problems of external voting.....	71
3.1. External voting: the problem of representation	71
3.2. External voting: the challenge of electoral organization	73
3.3. External voting and electoral dispute resolution.....	74
3.4. A preliminary summary of the structural problems	74
4. Conclusions	74
Table 3.1: Overview of the arguments for and against the introduction of external voting	75

Case studies	
Colombia: representation of emigrants in the Congress	78
Nydia Restrepo de Acosta	
Portugal: extended voting rights and decreasing participation	83
Marina Costa Lobo	
Chapter 4. Entitlement to vote	89
Phil Green	
1. Introduction	89
2. Types of election.....	90
3. Conditions for entitlement to vote externally	90
3.1. Citizenship	91
3.2. Place of residence.....	93
3.3. Compulsory voting and external voting	96
4. Qualification to stand as a candidate in elections	96
5. Registration of external electors	97
6. Examples of qualifications for external voting	98
7. Conclusions	101
Box 4.1: Examples of qualifications for external voting	99
Case studies	
Senegal: a significant external electorate	104
Richard Vengroff	
The Marshall Islands: a high proportion of external voters	108
Jon Fraenkel	
Chapter 5. The implementation of external voting	113
Judy Thompson	
1. Introduction	113
2. The procedures for external voting.....	114
3. Timelines.....	115
4. Costing and budgeting.....	118
5. Logistics	121
6. The security of election materials.....	122
7. Voter registration.....	123
8. External voting and the secret ballot.....	124
9. Contracting out external voting	126
10. Conclusions.....	126
Table 5.1: Advantages and disadvantages of external voting procedures	115

Table 5.2: Examples of election timelines for external and in-country voting	116
Table 5.3: Examples of the cost of external voting programmes	119
Figure 5.1: Envelopes used for external voting	125
Case studies	
Brazil: compulsory voting and renewed interest among external voters	128
Leticia Calderón-Chelius	
Honduras: a decision based on political calculations	132
Jacobo Hernández Cruz	
Chapter 6. Host country issues	137
Brett Lacy	
1. Negotiating with host countries	138
2. The roles and responsibilities of host countries	139
3. Host country agreements	144
3.1. The role of third parties	145
3.2. General guidelines for host country agreements	145
3.3. External voting in consulates, in embassies or by post	146
4. Costs	146
5. Conclusions	148
Chapter 7. The political rights of refugees and displaced persons: enfranchisement and participation	151
Jeff Fischer	
1. Introduction	151
1.1. Who is a 'refugee'?	151
2. Obstacles to refugee enfranchisement	153
3. The regulatory framework	154
3.1. Entitlement	154
3.2. The election cycle	155
3.3. Systems of representation	155
3.4. Security	155
4. Special political and logistical requirements	156
4.1. Country and organizational constellations	156
4.2. Information	157
4.3. The politics of displacement	157
5. Conclusions	157
Table 7.1: Refugee populations and electoral events	153

Case studies

Afghanistan's 2004 presidential election: external voting for a large displaced population 158
Catinca Slavu

Bosnia and Herzegovina: post-war trends in external voting 163
Linda Edgeworth and Nada Hadzimehic

Iraq: a large diaspora and security concerns 168
Judy Thompson

Chapter 8. The political rights of migrant workers and external voting 173

Carlos Navarro Fierro

1. Introduction 173

2. Awareness of migrant workers' political rights 174

3. The challenges of designing an external voting mechanism that
includes migrant workers 175

4. Alternatives for design and implementation 179

5. Concluding comments 181

Case studies

The Dominican Republic: political agreement in response to demands for
the right to vote from abroad 184
Luis Arias Núñez

Mexico: safeguarding the integrity of the electoral process 189
Carlos Navarro Fierro and Manuel Carillo

The Philippines: the first experience of external voting 193
Philippines Committee on Overseas Absentee Voting

Cape Verde: a large diaspora and low turnout by external voters 200
Nuias Silva and Arlinda Chantre

Chapter 9. Observation of external voting 205

Kåre Vollan

1. Observing elections: general background 205

2. Types of observation and their purpose 206

3. The assessment prior to observation 207

4. When should external voting be observed? 207

5. External voting: controlled and uncontrolled environments 208

6. Data collection 209

7. The observation process: possibilities and limitations 210

7.1. The political environment 211

7.2. Personal voting in a controlled environment 211

7.3. Postal voting	212
7.4. Electronic voting	212
8. Conclusions	213
Chapter 10. E-voting and external voting	217
Nadja Braun	
1. Introduction.....	217
2. Remote e-voting and external voting.....	218
3. Arguments in favour of and against remote e-voting for external voters	221
3.1. In favour.....	221
3.2. Against.....	221
4. Some security challenges for remote e-voting and possible solutions.....	222
5. Other support through new information and communication technologies.....	224
6. Conclusion.....	225
Table 10.1: Security challenges for remote voting and possible solutions.....	223
Case studies	
Estonia: more options for external voting	226
Epp Maaten	
Switzerland: external voting in a federal state with direct democracy	230
Nadja Braun	
Annex A. External voting: a world survey of 214 countries and territories	234
Annex B. Glossary of terms	246
Annex C. References and further reading	252
Annex D. The cost of external voting: some examples	262
Annex E. About the contributors	267
About International IDEA	276
About the Federal Electoral Institute of Mexico	278
Map of the 214 countries and territories	

Acronyms and abbreviations

AU	African Union
BiH	Bosnia and Herzegovina
BPRAS	Bundesgesetz über die politischen Rechte der Auslandschweizer (Switzerland)
CEB	Central Electoral Board (Dominican Republic)
CIP	Cook Islands Party
COAV	Committee on Overseas Absentee Voting (Philippines)
COMELEC	Commission on Elections (Philippines)
CSFE	Conseil supérieur des Français de l'étranger (Council of French Citizens Abroad)
DFA	Department of Foreign Affairs (Philippines)
DFA-OAVS	Overseas Absentee Voting Secretariat, Department of Foreign Affairs (Philippines)
DP	Democratic Party (Cook Islands)
DPD	Regional Representatives Council (Indonesia)
DPR	People's Representative Council (Indonesia)
DFA	Department of Foreign Affairs (Philippines)
DPR	People's Representative Council (Indonesia)
DPRD	Regional Representative Council (Indonesia)
EMB	electoral management body
ERAO	Electoral Registry Abroad Office (Dominican Republic)
ERB	Election Registration Board (Philippines)
EU	European Union
Frelimo	Frente de Libertação de Moçambique (Mozambican Liberation Front)
FPTP	First Past The Post (electoral system)
FRY	Federal Republic of Yugoslavia
ID	identification document
IDEA	International Institute for Democracy and Electoral Assistance
IDP	internally displaced person
IEC	Independent Electoral Commission (Botswana)
IECI	Independent Electoral Commission of Iraq
IFE	Instituto Federal Electoral (Federal Electoral Institute) (Mexico)
IFES	International Foundation for Election Systems
IOM	International Organization for Migration
JEMB	Joint Electoral Management Body (Afghanistan)
JRT	Joint Registration Taskforce (Kosovo)
KPU	National Election Commission (Indonesia)
LCO	Logistic Coordination Office (Dominican Republic)
MECO	Manila Economic and Cultural Office (Philippines)
MMP	Mixed Member Proportional (electoral system)
MOU	memorandum of understanding
MP	member of parliament
NEC	National Electoral Commission (Mozambique)

NEC	National Electoral Council (Colombia)
NGO	non-governmental organization
NRCS	National Registry of the Civil State (Registraduria Nacional del Estado Civil) (Colombia)
NZD	New Zealand dollar
OAV	overseas absentee voter (Philippines)
OCV	out-of-country voting (Iraq)
ODIHR	Office for Democratic Institutions and Human Rights
ONEL	Observatoire National des Elections (Senegal)
OSCE	Organization for Security and Co-operation in Europe
PC	personal computer
PDA	personal digital assistant
PHP	Philippines peso
PPLN	overseas voting committee (Indonesia)
PR	proportional representation
Renamo	Resistência Nacional Moçambicana (Mozambican National Resistance)
RESG	Refugee Elections Steering Group (for the 1996 elections in Bosnia and Herzegovina)
RS	Republika Srpska (Serb Republic) (Bosnia and Herzegovina)
SADC	Southern African Development Community
SBEI	Special Board of Election Inspectors (Philippines)
SNTV	Single Non-Transferable Vote (electoral system)
TAL	Law of Administration for the State of Iraq for the Transitional Period
TRS	Two-Round System (electoral system)
TSE	Tribunal Electoral Superior (Superior Electoral Tribunal) (Brazil)
UK	United Kingdom
UN	United Nations
UNAMA	UN Assistance Mission in Afghanistan
UNDP	United Nations Development Programme
UNEAD	United Nations Electoral Assistance Division
UNHCR	United Nations High Commissioner for Refugees
USD	US dollar

Introduction

Introduction

Introduction

Nadja Braun and Maria Gratschew

1. Background

The globalization of political, personal and professional life, the spread of democracy throughout the world and an increase in migration for many different reasons have all contributed to an increasing interest in voting rights for refugees, diplomats, members of the armed forces serving overseas and other people who are temporarily or permanently absent from their own country. While the constitutions of many countries guarantee the right to vote for all citizens, in reality voters who are outside their home country when elections take place are often disenfranchised because of a lack of procedures enabling them to exercise that right. The following chapters examine the theoretical and practical issues surrounding external voting, map existing provisions worldwide, and contain examples of how external voting is implemented in different countries.

International IDEA is well suited to take on the task of producing this Handbook. Being the source for global and comparative electoral and institutional knowledge, tools and materials, IDEA has in this long-awaited Handbook sought to bring together existing knowledge and experience of external voting and to make them available to stakeholders of the electoral process who could benefit from knowing more about whether and how their decisions will affect and have implications for external and internal voters. Theoretical and practical approaches meet in this Handbook. Stakeholders such as legislators, election administrators, politicians, government officials, academics, the media, election observers and others appointed to evaluate or design external voting processes have access to very few or only inadequate resources to guide them in their work. As there is currently no likelihood of general, global common electoral standards or guidelines being developed, the gathering of existing knowledge and the sharing of resources and experience between electoral management bodies (EMBs) becomes key to the enhancement of future external voting activities.

The aim is that this Handbook will engage stakeholders in debate and further discussion on the topic in order to improve present structures, future readiness and practice in

external voting. On both theoretical and practical levels it aims to contribute to the discussion of the basic principle of representation and how to operationalize and balance criteria such as inclusiveness and effectiveness. IDEA hopes that it will also create greater general understanding of electoral and institutional design issues on the part of legislators, EMBs, political parties and other participants debating change. Providing good external voting practices is a future challenge to democracy and to the perception of democracy—among migrant voters in particular.

In 2000 there were 175 million international migrants in the world, that is, one out of every 35 persons in the world was an international migrant. This total represented a more than twofold increase from 76 million in 1960. By comparison, the world population only doubled from 3 billion in 1960 to 6 billion in 2000. Interestingly, statistics show an increased concentration of migrants in the developed world and in a small number of countries. Trends also show that there has been a shift of labour migration to East and South-East Asia, and migration has also been responsible for the increase in population growth in receiving countries where fertility levels have been low.

Although exact statistics on migration are difficult to collect, estimates show that the total number of migrants in the world may have reached 190 million in early 2005. The number has more than doubled since the 1970s. The collapse of the Soviet Union produced a high proportion of these migrants during the late 1980s and early 1990s. The number of migrants living in developed countries is higher than the number living in developing countries, and has increased since the 1970s. It has increased mainly in North America and in the territory of the former Soviet Union, while it has decreased particularly in Asia, Latin America and the Caribbean. In 2000 the number of countries where migrants accounted for 10 per cent of the population was 70. There are six countries or areas in the world where migrants constitute more than 60 per cent of the population.

Professional groups, students, tourists and other potential external voters have also increased in numbers since World War II. Not only have the numbers of potential external voters increased over the world; they are also more mobile and move or travel faster, which increases the demand for external voting practices to function in different circumstances.

Furthermore, the past decade has seen a number of instances of the international community assisting in the organization of elections as an important element of agreements designed to end major intra-state conflicts. In each of these elections, including those in Cambodia, Bosnia and Herzegovina (see the case study), Croatia, Mozambique (see the case study), Angola and Haiti, the participation of refugees and/or other citizens residing outside the country at the time of the election has been a major issue of concern to the parties. In some cases, the large populations displaced by the conflict have been able to vote; in others their participation has not been ensured. While each case raises its own special issues, there are common circumstances which need to be analysed for the lessons they can provide for the resolution of future similar conflicts.

It is also the case that international migrants are a potentially important political force whose votes can in many cases significantly affect election results. Political parties, sitting governments and oppositions are therefore likely to have different views on participation in the elections. If large groups of citizens have left the country for political reasons, it can be assumed that the ruling party will not favour extending voting rights to these groups.

Less controversial are the special provisions enacted by a number of countries to enable voting by diplomats and members of the armed forces outside the country. Even less controversial are provisions that allow all a country's citizens living abroad to vote from abroad. Voting rights for such people must also be considered in conjunction with mechanisms to facilitate voting by those who are normally resident in the country but are temporarily absent, such as tourists, students or those travelling on business.

External voting is now on the political agenda in many countries. Historically, it is quite a recent phenomenon. There are exceptions, as a small number of countries have practised this for many years—for example, Iceland allowed sailors and fishermen an external vote as early as the beginning of the 20th century—but even in some long-established democracies citizens who were resident in other countries were not granted the right to vote until the 1980s or the 1990s. External voting was recently introduced in Mexico (see case study), where it was extended to all voters abroad for the first time in the July 2006 presidential election, and in Ghana, where it will be applied for the first time in the 2008 national elections, as well as in Panama. *Andrew Ellis* outlines the history of other early introductions of external voting in chapter 2, and *Dieter Noblen and Florian Grotz* point out in chapter 3 that its sudden relevance in different regions of the world clearly derives from the worldwide political changes of the 1990s.

External voting is currently allowed by 115 countries and territories in the world. Of those countries, some two-thirds allow all their citizens a vote from abroad, and one-third partially restrict the right to an external vote. One hundred and fifteen countries, or more than 50 per cent of the world's democracies, if for this purpose we take the criterion for being a democracy to be the 'lowest common denominator' of the holding of multiparty elections and the guarantee of universal suffrage, allow external voting. Twenty-eight African countries and 16 countries in the Americas have external voting. A fairly high number of European countries (41) allow it, as well as ten in Oceania and 20 in Asia (see table 1.1 for a complete overview).

The simple presence or absence of external voting provisions is, however, far too simplistic a measure. It is more constructive to analyse the external voting provisions in detail, since there is a variety of systems in use. There is great variation when it comes to which groups of people are allowed to vote from abroad, and under what circumstances, what is required from them, how and where votes can be cast and how they are counted. Some countries, for example, allow external voting only for certain groups abroad or if a certain minimum number of voters register in one country; others allow external voting only for certain elections or only in very few countries abroad.

Five countries have provisions for allowing external voting but have not yet implemented them, for different reasons. These are Angola, Bolivia, Greece, Nicaragua and Panama. One example until recently was Mozambique, where provisions to allow external voting were introduced in the early 1990s but not implemented at an election until December 2004. The reasons for having provisions for external voting in place but not implementing it in practice differ and may be political, financial, administrative or logistical. In the case of Mozambique (see the case study), for each individual election, external voting cannot be held until the country's EMB deems that certain necessary conditions, material and organizational, are satisfied. External voting was first implemented in Mozambique in 2004 some ten years after the law on external voting was written.

Table 1.1 and annex A list 115 countries that have provisions for external voting and the 100 countries and territories that do not allow it. Table 1.2 lists countries that have external voting arrangements in place but have not so far applied them because their implementation mechanisms are pending for different reasons.

The practical implementation of external voting is complicated by factors such as the number of voters, their locations, the distances involved, the cost of external voting and the complexity of the voting system. As *Judy Thompson* writes in chapter 5, external voting makes election planning more complex. Planning for external voting processes also needs to take into account issues of preventing double voting, such as voters casting a vote both from their home country and from abroad.

2. In which types of election does external voting apply?

External voting can be applied at national or local elections or both. It can also be used for referendums and sub-national elections. It is most common for countries to allow external voting for national elections only, that is, for presidential or legislative elections. Some countries, such as Ireland and Russia, allow external voting for all these types of election, including referendums and sub-national elections. Table 1.3 and annex A give details of the types of election for which external voting applies in the countries which allow external voting.

3. Categories of external elector: who is entitled to an external vote?

There are several categories of external electors in the world and different approaches to categorizing them. Social, political, cultural or ethnic circumstances all lead to migration and also, therefore, produce groups of potential external voters. This Handbook suggests that there are four main groups of people staying or residing abroad who are entitled to vote. These are (a) migrant workers, (b) refugees and, for the purposes of this Handbook, internally displaced persons (IDPs), (c) individuals in certain professional groups, such as military personnel, public officials or diplomatic staff (and their families) and (d) all a country's citizens living or staying abroad, temporarily or permanently (sometimes subject to restrictions: see section 3.1). *Phil Green* discusses these groups and their entitlements in more detail in chapter 4.

- The first group is *migrant workers*. Of the 190 million people mentioned above, at least 50 per cent are migrant workers. A high proportion, or about 30–40 million, of these are illegal workers, without the proper documentation, which both makes it difficult for them to register and vote as external electors and leads to feelings of insecurity as they fear being penalized if they do. *Carlos Navarro* writes about these issues in chapter 8 and highlights the large numbers of Mexican migrant workers in the United States.
- In addition to the international migrant workers, the International organization for Migration (IOM) suggests that approximately 8.5 million people are *refugees* in the world and about 24 million people are *IDPs*. Refugees are those who have migrated to a second country because of political, social or cultural circumstances, and can therefore clearly qualify as external electors. IDPs may be regarded as migrants or refugees within their own country, but they are considered together with refugees in this Handbook because they present similar problems and can constitute a large group whose right to vote is threatened. Organizing external voting for IDPs or refugees may be very complicated, as a great deal of information is needed before such activities can take place. As *Jeff Fischer* indicates in chapter 7, several issues must be taken into account, including the fact that the country holding elections needs to know where its electors are located, the fact that there may be security problems in organizing elections in a certain area or country, and the question whether agreements need to be reached with the host country. In addition, these elections may involve high costs, and careful and timely planning may be crucial to the electoral process. Lessons learned tell us, however, that time is often the one resource which is lacking. The enfranchisement of refugees might have some difficult political implications, but at the same time it can also help to resolve conflicts, since the political motives for displacing people would be reduced if refugee populations produced by ‘rogue’ regimes did not lose their political rights but continued to have a voice and to vote regardless of their temporary dislocation. The organization of external voting for refugees usually involves collaboration with international organizations.
- The members of a *professional group* are those that are resident in a country other than that of their franchise by virtue of their work, usually in some form of state service. Some countries, for example, India, Zimbabwe and several other countries of all regions, allow only certain groups to register and vote from abroad (see chapter 1). *Dieter Nohlen* and *Florian Grotz* discuss in chapter 3 whether voting should be regarded as a fundamental right for all, regardless of their location, or whether it should be restricted and tied to citizenship, or to residency or location.
- The final category is *all a country’s citizens abroad*. Austria, Russia and Sweden, for example, allow external voting by all their electors abroad.

3.1. Restrictions

As chapter 3 by *Dieter Nohlen* and *Florian Grotz* also indicates, there are some restrictions on the entitlement to vote externally that certain countries apply. Restrictions are

normally related to the time spent abroad or the activity carried out abroad. About 30 countries in the world have restrictions in place for external electors.

For practical reasons, a country may limit the availability of external voting to citizens living or staying in certain (in some cases neighbouring) countries. Some countries, such as Senegal (see the case study), make the option of external voting available only when a minimum number of external electors are registered in a host country.

Entitlement to vote from abroad is sometimes restricted to a specific type of election or referendum (see section 2 above).

The entitlement to vote from abroad is sometimes restricted to voters who are assumed to have a connection with their home country. They may have to show an intent to return to their country of origin, as in the case of the Philippines (see the case study).

Sometimes there are additional requirements, for example, that voters must not be abroad for longer than a specified number of years. This is the case, for example, in the United Kingdom (see chapter 1).

4. Ways of voting from abroad: what are the procedures for casting an external vote?

There are several ways in which electors can cast their vote from abroad. Some countries, for example the Cook Islands (see the case study), Indonesia (see the case study), India and Slovenia offer alternative methods for voting from abroad, while other countries limit their options to one, for logistical or financial reasons. Some options are more costly than others, while some offer a more secure or faster voting channel. The four main voting options (also the subject of chapters 1 and 5) are the following.

- *Personal voting.* The voter must go to a specific place and cast his or her vote there in person. This can be a diplomatic mission or a polling place specially set up abroad. This is the procedure most widely used for casting an external vote and is found as the single voting method in for example Afghanistan (see the case study), Argentina, Hungary and South Africa.
- *Postal voting.* The voter fills out the ballot paper at a place he or she chooses and the vote is then transmitted by ordinary post to the home country. Sometimes witnesses are required to confirm the identity of the voter and witness that he or she has filled in the ballot paper freely and without interference. Postal voting is the single voting method in for example Canada, Jersey, Norway, Mexico (see the case study) and Switzerland (see the case study).
- *The proxy vote.* A citizen living or staying abroad may be enabled to vote by choosing a proxy who casts the vote for the voter at a polling place in the home country, or abroad. All but four countries that provide this method provide it in combination with personal voting or postal voting.

- *Electronic means.* The voter may use the Internet, personal digital assistants (PDAs), telephones or a mobile phone to cast his or her vote. This type of electronic voting is most often referred to as remote electronic voting, or e-voting and may become more common in future. The case study on Estonia and chapter 10 discuss the piloting of this kind of option.

There are also other methods. Two countries—Australia and New Zealand—allow their external voters to vote by fax, in certain circumstances and if specially required.

Tables 1.6 and 1.7 and annex A list the procedures used in different countries or mixed voting procedures. The most common option, made available by most countries that practise external voting, is personal voting. Voting often takes place in diplomatic missions or other official facilities. This option is used by 55 countries. The main advantages of this option are that it ensures the secrecy of the vote, and that the voter's choice is guaranteed to end up on the ballot paper. The second most common single option is postal voting. The advantages of this option include that it can be practised from most countries in the world, while the disadvantages may include high costs and slow postal services. However, mixed systems, which offer external voters more than one voting option, are not uncommon and are found in 27 countries. Mixed systems can for example offer personal voting and postal voting, or proxy voting and postal voting.

Very few countries have started using electronic voting for their external voters, although several tests are being carried out, and systems are being piloted. Only Estonia, France and the Netherlands have so far offered this option to its external voters. The recent spread of new information and communication technologies, especially the Internet and mobile phones, may provide new voting channels that could facilitate external voting in particular in the near future. As *Nadja Braun* highlights in chapter 10, the security issues involved with electronic voting, and especially with remote e-voting, pose some challenges that should be resolved before this new voting channel can be introduced. Cost is another issue of concern that should be addressed before moving into a wide use of e-voting. While e-voting has only been tested and implemented on a few occasions, more experience is available when it comes to using electronic means for facilitating parts of the external voting process, such as the provision of information on the parties and candidates and voter registration.

5. Looking ahead

In many countries the right of citizens who are resident abroad, or of tourists or travelling businessmen who are temporarily or permanently abroad on election day, to participate in elections is a fairly recent development, and it is not yet universal in any part of the world. Universal—that is, unrestricted and unconditional—external voting is, however, regarded by many as part of the citizen's rights in a world where living or staying abroad forms part of the life of millions of people and where the exercise of rights and the enforcement of laws are becoming more transnational every day. With

respect to political rights and duties, it is also interesting to discuss whether countries should or should not allow non-national residents to vote for institutions in the home country, such as the national legislature, in referendums or for the presidency. If they do not and there is no provision for external voting in the home country, this represents a significant loss of political rights for those who are abroad. Some countries, for example Sweden, allow it at local or regional level. Chapter 3 broaches this issue.

Some countries will review their provisions to allow external voting, and in the process may decide to abolish or continue it. The main reason for abolishing external voting seems to be its high cost, especially the cost per voter, but the principles of the equal right to participate and equal opportunity to participate argues against applying criteria of cost-effectiveness to such a fundamental political right. Discussions about the introduction of external voting are ongoing in several Latin American countries, while the possibility of abolishing it is also being discussed in some other countries.

This Handbook also presents examples of the cost of external voting; rough estimates as well as actual cost (see case studies and Annex D). Most countries with provisions for external voting organise it through their administrative settings, with assistance of mail services, the Ministry for Foreign Affairs etc. However, a smaller number of countries, typically those that have recently come out of a conflict, organise it with the assistance of international organisations, other countries or partners. Assistance of international partners may be necessary in some cases for a variety of reasons, including issues relating to trust, security or organisational settings. However, as suggested by appendix D and certain case studies, working on external voting through international partners can be extremely costly.

Finally, this Handbook brings up examples of disappointing participation rates among external electors, for example, in Botswana and Mexico (see the case studies and chapter 1). There are several reasons for potential external electors not to register or vote. They may relate to a person's fear of being located at a place where he or she is not expected to be, for work or political reasons. Other reasons may include that a person has become distanced from the political issues in their own country, or the sometimes complex or costly logistical efforts that have to be gone through in order first to register and then to vote. The final section of chapter 1 discusses the importance of participation and considers why some countries do not allow external voting, or are planning to abolish it.

6. Terminology

For the purposes of this Handbook, external voting means procedures which enable some or all electors of a country who are temporarily or permanently abroad to exercise their voting rights from outside the national territory. The term used throughout the Handbook is 'external voting'. Expressions such 'absent voting', 'absentee voting' or 'out-of-country voting' which are commonly found mean the same thing. Annex B provides a glossary of other terms used in this Handbook.

