

# CHAPTER 1

CHAPTER 1

# 1. External voting: a comparative overview

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## 1. Introduction

This chapter presents a comparative overview of external voting practices worldwide. It is based on 214 countries and related territories. They include all UN member states as well as territories which, although they have a different juridical status, share a common feature: they elect their own authorities and are not represented in a parliament or legislative body of the state to which they belong. A full list of countries and territories and the external voting provisions in each of them is presented at annex A of this Handbook.

The research shows that 115 states and territories have legal provisions which allow their electors to cast a vote from abroad (as of May 2007). This figure includes five which have legal provisions in place to allow external voting but, for different reasons, it has not yet been implemented.

Annex A and the information provided in this chapter only include reference to countries and territories where external voting provisions exist for national elections or national referendums. Countries and territories where provisions for external voting exist only at local level have not been included.

A small number of countries have had legal provisions on external voting but only applied them exceptionally at one time in their history. There are cases where external voting has been used at one time in the history of a country or territory but where it is no longer continued or provided for in the legal framework. Eritrea and East Timor are examples of such cases. External voting was allowed in the referendums related to their independence, in 1993 and 1999, respectively. Another example of earlier use of external

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\*Brett Lacy assisted with research for this comparative overview and for Annex A.

voting, on a very restrictive basis, is Cambodia, where external voting was allowed for elections to its Constituent Assembly in 1993, but only if voters had first travelled to Cambodia to register. Tokelau also falls into this category: here external voting was only used on a limited basis in its independence referendum in 2006.

This overview attempts to map out the different practices in external voting, and to describe and group some of them. It should be noted that the process of categorizing these builds on 115 cases of external voting and, while it aims to describe all practices, some may seem simplified or may not be represented at any great length. Annex A provides more detailed information country by country.

## 2. The countries which have current provisions for external voting

As table 1.1 shows, external voting provisions are widespread throughout the world. External voting is most common in Europe, but is found in every region of the globe. All regions have in common that a majority of the countries and territories have external voting.

Examination of the types of countries that have external voting also shows that they are very different in the level of socio-economic development: they include both Organisation for Economic Co-operation and Development (OECD) member countries and countries from the less developed regions of the world. While there is no obvious correlation between external voting provisions and socio-economic or political features, these factors remain important in the debates and decision making related to external voting provisions and practices, and are often reflected in the challenges or complexities faced. The countries also differ in the length of time for which their democracies have been established, their roots, and the stability and consolidation of their institutions and democratic practices. They include well-established democracies along with the emerging or restored ones, and even some countries that can only doubtfully be classified as democratic.

**Table 1.1: Countries and territories with current provisions for external voting**

Region	Country
<b>Africa (28)</b>	Algeria, Angola, Benin, Botswana, Cape Verde, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Equatorial Guinea, Gabon, Ghana, Guinea, Guinea-Bissau, Lesotho, Mali, Mauritius, Mozambique, Namibia, Niger, Rwanda, São Tomé and Príncipe, Senegal, South Africa, Sudan, Togo, Tunisia, Zimbabwe
<b>Americas (16)</b>	Argentina, Bolivia, Brazil, Canada, Colombia, Dominican Republic, Ecuador, Falkland Islands, Guyana, Honduras, Mexico, Nicaragua, Panama, Peru, United States, Venezuela
<b>Asia (20)</b>	Afghanistan, Bangladesh, India, Indonesia, Iran, Iraq, Israel, Japan, Kazakhstan, Kyrgyzstan, Laos, Malaysia, Oman, Philippines, Singapore, Syria, Tajikistan, Thailand, Uzbekistan, Yemen

Region	Country
<b>Western, Central and Eastern Europe (41)</b>	Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Gibraltar, Greece, Guernsey, Hungary, Iceland, Ireland, Italy, Jersey, Latvia, Liechtenstein, Lithuania, Luxembourg, Isle of Man, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom
<b>Pacific (10)</b>	Australia, Cook Islands, Fiji, Marshall Islands, Micronesia, Nauru, New Zealand, Palau, Pitcairn Islands, Vanuatu
<b>Total 115</b>	

### ***2.1. Countries where provisions for external voting exist but are still to be implemented***

There are five known cases (see table 1.2) where, despite there being some kind of constitutional or legal provisions making voting from abroad possible, it has not materialized due to the lack of the political, legislative, financial or administrative agreement required for it to be regulated or organized (with the exception of Ghana, where external voting is scheduled to be extended to all voters abroad in the elections of 2008). This provides evidence of the increasing relevance of external voting on the political and electoral agenda in several regions of the world, as well as of the polemics involved in debates on its relevance and feasibility and the varied complexities of decision making.

**Table 1.2: Countries where external voting provisions exist but are still to be implemented**

Country	Situation
<b>Angola</b>	The electoral legislation from 1992 authorizes citizens living abroad to take part in elections to the legislature, and provides for an electoral register to be established in every diplomatic mission where votes will be cast in person. The law also states that the community abroad will be considered as an electoral district, from which three representatives will be elected to the National Assembly. Its application depends on the presence of the required material conditions and a decision of the National Electoral Commission, which has not yet been made.
<b>Bolivia</b>	From 1991 the electoral legislation provides for a regulation (currently article 97) that establishes that Bolivian citizens living abroad who are eligible to vote will be able to vote for the president and vice-president, and specifies that this right will be regulated by a specific law. A law was passed in the lower chamber of the parliament in December 2005. It is now being discussed in the upper chamber of the parliament. No regulation has been enacted yet.
<b>Greece</b>	The constitution provides the possibility of voting from abroad for national elections by post or 'any other appropriate way', but the law required to apply this provision has still not been passed.

Country	Situation
<b>Nicaragua</b>	The electoral law enacted in 2000 provides (as the previous electoral law from 1996 did) for the possibility for citizens who are temporarily out of the country or living abroad to vote in presidential and legislative elections. This possibility is restricted by the facts that (a) 'the same conditions of integrity, equality, transparency, safety, control, oversight and verification as those pertaining within the national territory' must exist (article 122), and (b) the electoral authority should decide six months prior to the beginning of the electoral process if it is possible for these requirements to be met, and act accordingly, after consulting the political parties. There is no evidence that the electoral authority is going to use it for forthcoming elections, nor is there or concrete plan to do so.
<b>Panama</b>	Introduced external voting by law in 2007. It will be implemented at the next upcoming presidential election in 2008.

The case of Ecuador is here as representative as it is paradoxical. In late 2002 the Congress finally approved the legislation for external voting to be applied during the presidential elections of 2006; however, years before, in April 1987, the Congress had resolved to withdraw from the constitution dispositions on this matter that had been approved three months earlier on the grounds that they were unconstitutional. External voting will be implemented in Panama for the first time in 2008 after some recent legislation and debate passed in 2007.

There are other countries, such as Chile, El Salvador and Guatemala in Latin America, where, although no legal provision has been approved, the issue is so relevant that external voting has entered the agenda of political and legislative debate or been advocated as a priority topic on that agenda. In Chile it has been suggested that external voting be applied to presidential elections and referendum instruments. Regional organizations have pointed out the importance of external voting in relation to earlier elections in Guatemala. The lower chamber of the Costa Rican Parliament has received a draft new electoral law which includes provisions for external voting. Parliamentary committees in Panama have discussed draft bills to provide for external voting and potential methods. A decision has been taken by the Congress in 2006 and by the Electoral Tribunal in 2007 to allow external voting, scheduled to be implemented in 2008.

As to other regions of the world, there is for example a draft reform of the electoral code before the Congress of the Comoros article 4 of which would introduce the possibility of voting in referendums from abroad. Some countries, for example Egypt, consider the introduction of external voting to be a purely administrative measure which will soon be in place. Discussions in Nigeria have also led to an increased interest in external voting.

Several countries that have existing provisions for external voting and in some cases a long history of implementing it are considering extending or improving the external voting process. This can be done by extending the voting rights to additional types

of election or to a larger group of voters or by offering additional voting methods to the existing external voters. One example is that Estonian voters have been able to try and vote through electronic voting (e-voting) from abroad, in addition to personal and postal voting.

Armenia is a recent example of a country deciding to abolish external voting. The new electoral law which came into force in January 2007 in the context of allowing dual citizenship has no provisions for external voting. It was argued that Armenians abroad should not have any major say in deciding on the leadership and fate of Armenia, and that this should be the exclusive right of Armenians living in Armenia. Interestingly, despite the large size of the Armenian diaspora, very few use their external voting rights. Turnout among external voters has been very low and there are no signs that those voters could have had a significant influence over earlier election outcomes.

The following sections of this overview focus on three main issues. These are:

- the types of election to which external voting applies;
- the entitlement to external voting; and
- the voting methods for voting from abroad.

These sections cover only the 115 countries that have current provisions on external voting. The world map accompanying this Handbook shows in detail how the 115 countries and territories are distributed, distinguishing both the type of election and the procedure for voting (see below). The map also shows the five countries where external voting has been used in the past and the five countries where it has been enacted but not yet implemented.

The overview does not discuss the detailed aspects of these themes: they are the subjects of chapters 2–10 of this Handbook.

The chapter concludes with a brief description of eleven countries where the recognition of the political rights of citizens residing abroad has reached the point of seats being reserved in the national legislature or parliament in order to guarantee a quota of political representation.

### **3. Types of election to which external voting applies**

The decision as to the kinds of election for which external voting will apply is important. It relates not only to political and institutional considerations (which institutions and which levels of government should be influenced by the votes of electors abroad?) but also to technical and logistical considerations, mostly linked to the type of system used to elect the legislature or the president and to the procedures that will be used for external voting (see table 1.6).

The overview shows us that external voting can apply to four different types of elections:

- legislative elections;
- presidential elections;
- referendums; and
- sub-national elections.

It can apply to one type of election only or to a mix of several kinds of elections. The first two kinds are related to the election and renewal of organs of national representation such as legislative bodies and the presidency. The third group is referendums. We consider these only at national level, although in some federal states the constituent entities have the right to adopt their own instruments of direct democracy at local level.

The group of sub-national elections includes all elections to legislative or executive bodies at political–administrative levels of government lower than national level; however, this may vary from country to country according to the particular form of state or government. The key criterion is that representatives are chosen by popular vote. This group has only been studied in combination with other types of election for the purposes of this Handbook.

The question of external voting for supranational representative bodies should not be forgotten. However, so far, there is only one instance of external voting for a supranational institution—the elections to the European Parliament.

In some cases citizens of one European Union (EU) or Council of Europe member state who reside temporarily or permanently in another EU or Council of Europe member state are able to vote in the sub-national elections of their country of residence.

The 115 national cases where external voting is established can be grouped according to the different types of election or combinations of elections to which it applies (see table 1.3).

Where external voting is only allowed for one type of election, the most common practice is to allow it for legislative elections, which is the case in 31 countries. Fourteen countries allow external voting for presidential elections only. There are no known cases of external voting being allowed for referendums only.

Some countries which hold both legislative and presidential elections do not allow external voting for both. For example, Afghanistan applied external voting for its presidential elections in 2004, but it was not applied for the legislative elections in 2005. Azerbaijan allows external voting for legislative elections only, even though the president is directly elected.

Table 1.3: Types of election for which external voting applies

Type of election	No. of cases	Countries
<b>Legislative elections only</b>	31	Angola, Australia, Azerbaijan, Bangladesh, Belgium, Botswana, Czech Republic, Fiji, Germany, Gibraltar, Greece, Guernsey, Guinea-Bissau, Guyana, India, Iraq, Japan, Jersey, Laos, Lesotho, Luxembourg, Marshall Islands, Nauru, Netherlands, Oman, Pitcairn Islands, South Africa, Thailand, Turkey, United Kingdom, Zimbabwe
<b>Presidential elections only</b>	14	Afghanistan, Benin, Bolivia, Brazil, Central African Republic, Chad, Côte d'Ivoire, Dominican Republic, Ecuador, Honduras, Mexico, Panama, Tunisia, Venezuela (for presidential recall only)
<b>Legislative elections and presidential elections</b>	20	Argentina, Bulgaria, Cape Verde, Croatia, Djibouti, Equatorial Guinea, Georgia, Ghana, Guinea, Indonesia, Israel, Mozambique, Namibia, Nicaragua, Philippines, Romania, São Tomé and Príncipe, Senegal, Singapore, Syria
<b>Legislative elections, presidential election and referendums</b>	11	Austria, Colombia, Moldova, Peru, Poland, Portugal, Rwanda, Slovenia, Tajikistan, Ukraine, Uzbekistan
<b>Legislative elections, presidential elections, sub-national elections and referendums</b>	6	Algeria, Belarus, Ireland, Russia, Togo, United States
<b>Legislative elections and referendums</b>	7	Canada, Cook Islands, Estonia, Hungary, Italy, Latvia, Sweden
<b>Presidential elections and referendums</b>	7	France, Gabon, Kyrgyzstan, Lithuania, Mali, Niger, Yemen
<b>Other combinations</b>	19	Bosnia and Herzegovina, Denmark, Falkland Islands, Finland, Iceland, Iran, Isle of Man, Kazakhstan, Liechtenstein, Malaysia, Mauritius, Micronesia, New Zealand, Norway, Palau, Spain, Sudan, Switzerland, Vanuatu
<b>Referendums only</b>	0	—
<b>Total</b>	<b>115</b>	

Forty-five of the 115 countries and territories with provisions for external voting apply it to only one type of election, but a number allow it for two or more types of elections. The most common practice is to allow it for two types of election—most frequently presidential elections and legislative elections, which is found in 21 countries. A little over 20 countries and territories use a combination of three types of elections or more. The numbers in table 1.3 do not, however, tell the whole story. To allow external voting for the largest number of types of election might at first glance seem to be the

arrangement that was most inclusive of external electors. However, the real degree of coverage of external voting and its inclusiveness depend in part on the technical and administrative arrangements, which may impose real or effective restrictions. For example, some countries make only one type of voting method available in one or very few countries, which may not necessarily catch a large number of external electors (see also section 4).

From a different perspective, the available information allows us to establish whether the voter has the option to vote for the type of authority that carries out the duties of government, for instance, whether in a presidential system the external elector has the chance to vote for president, while in a parliamentary system the external voter has the chance to vote for members of parliament (MPs).

#### **4. Persons eligible to vote from abroad**

The first key indicator of the degree of coverage or inclusiveness of external voting is related to the requirements—for citizenship, residency, voter registration or other—that must be met before a person can be entitled to an external vote. These requirements may change significantly from one context to another. In many cases they do not merely reproduce the normal requirements for an individual to exercise his or her political rights within the country, but also include some special or additional requirements related to the situation of the potential voter abroad.

When there is no special or additional requirement linked to the circumstances or personal situation of the potential voter abroad, a guarantee of universal access can be assumed in the sense that external voting is accessible to all citizens whether, for example permanently or temporarily abroad. The most common and widespread requirement, although not the only one, is that of citizenship, although there are exceptions. New Zealand, for example, recognizes citizens of other countries as external electors if they are permanently resident in New Zealand: they do not need to be New Zealand citizens in order to qualify as external electors. From this perspective New Zealand would be considered the most inclusive case. Chapter 4 considers questions of citizenship and entitlement in more detail.

In a majority of the 115 countries and territories the legislation on external voting does not include any special or restrictive requirement for individuals to be eligible for an external vote. In others, there are formal limitations on eligibility for an external vote, mostly relating either to the circumstances of the stay abroad (activity-related restrictions) or to the length of time for which the citizen has been out of the country (length of stay abroad restriction).

The first type of requirement is found in 14 countries (see table 1.4). South Africa belongs to this group but has very particular features: it introduced external voting for its diaspora overseas for its historic elections of 1994 in very comprehensive terms, but since then has been restricting external voting in a systematic way. For the general

elections of April 2004 it restricted external voting to members of the diplomatic corps and voters who were already registered in the country and would be abroad only temporarily. Interestingly, the law does not specify what temporary absence from South Africa involves, but it does give the parameters of when and how to register and apply for an external vote. Restricting external voting to diplomatic staff or to those employed by the government is a fairly common type of activity-related restriction: it is found, for example, in Bangladesh, Ireland, Israel, Laos and Zimbabwe. It is also common to allow those who are in the armed forces, students or citizens involved in other official or international work to vote from abroad. External voting will most likely be extended in Ghana in the next upcoming elections in 2008 to include all voters residing abroad.

**Table 1.4: Countries and territories which restricted entitlement to an external vote according to activity abroad (14)**

Country/territory	Voters
<b>Bangladesh</b>	Only government officers on official duty
<b>Fiji</b>	Only citizens abroad who are carrying out an official or military function, working for an international organization to which the country belongs, studying, or working for a company that it is registered in Fiji
<b>Ghana</b>	Only diplomats, employees of the United Nations and other international organizations, police and military personnel on peacekeeping missions, and students on government scholarships
<b>Guyana</b>	Only employees of the government or any public corporation on duty abroad and students engaged in full-time courses in any foreign educational institution
<b>India</b>	Only members of the armed forces and government servants deployed abroad
<b>Ireland</b>	Only citizens carrying out official missions abroad of a diplomatic or military nature
<b>Israel</b>	Only citizens carrying out official missions abroad of a diplomatic or military nature
<b>Laos</b>	Only for those employed by the state
<b>Lesotho</b>	Only citizens carrying out official missions abroad of a diplomatic or military nature
<b>Malaysia</b>	Only diplomatic officers and students abroad
<b>Mauritius</b>	Only diplomatic staff
<b>Singapore</b>	Only for those employed by the government on fixed contracts
<b>South Africa</b>	Only diplomatic staff and registered voters who are temporarily abroad
<b>Zimbabwe</b>	Only citizens carrying out official missions abroad of a diplomatic or military nature

Table 1.5 lists some examples of the second type of restriction, concerning the length of stay abroad. This restriction can also take different forms. In most of these countries there is an upper limit to the time the voter can stay abroad before they lose their voting rights. The maximum time abroad in Guinea, for example, is 19 years, while Australia's limit is six years, although an extension can be requested in this case. The Falkland

Islands allows voters abroad to vote only if they are abroad temporarily, and only if they are residing in the United Kingdom (UK) and nowhere else. The governor of the Falkland Islands has to make a series of administrative arrangements for conducting the ballot abroad. The maximum length of stay abroad for Germans is 25 years, for the UK 15 years, for Canada five years and for Turkey six months.

The length of stay abroad restriction can also work the opposite way, meaning that a voter needs to be away from his or her country for a certain period of time in order to be able to vote from abroad. This is the case for voters from Chad, for example, who need to register in a consular registry at least six months before the election. External electors from Mozambique need to have been resident abroad for at least one year before the electoral registration process begins in there. Unless the voter has been abroad for at least six months and registered at a diplomatic mission, he or she can only vote if appointing a proxy. Gibraltar, Guernsey, the Isle of Man and Jersey allow external voting only for a provisional stay abroad, and registration for elections can only take place within the territory. Senegalese voters need to reside abroad for at least six months to have external voting rights, and external voting and registration can only take place in countries where Senegal has a diplomatic mission.

**Table 1.5: Some examples of countries and territories which restrict entitlement to an external vote according to length of stay abroad**

<b>Country</b>	<b>Requirements for length of stay abroad</b>
<b>Australia</b>	A maximum of six years resident abroad (an extension can be requested)
<b>Canada</b>	A maximum of five years resident abroad
<b>Chad</b>	The elector must be enrolled in the consular registry six months before the beginning of the electoral process
<b>Cook Islands</b>	A maximum of four years resident abroad, with the exception of periods abroad for medical reasons or studies
<b>Falkland Islands</b>	Only a temporary stay in the United Kingdom is allowed for external electors
<b>Gibraltar</b>	Only a provisional stay abroad
<b>Guernsey</b>	Only a provisional stay abroad
<b>Guinea</b>	A maximum of 19 years resident abroad
<b>Isle of Man</b>	Only a provisional stay abroad
<b>Jersey</b>	Only a provisional stay abroad
<b>Mozambique</b>	At least one year abroad before beginning registration as a voter abroad
<b>New Zealand</b>	A maximum of three years resident abroad
<b>Senegal</b>	At least six months of residence in the jurisdiction of a diplomatic representation abroad
<b>United Kingdom</b>	A maximum of 15 years resident abroad

Cases where external voting is legally or practically restricted to voters who are only temporarily out of the national territory are in the minority. More often because of technical or administrative limitations than for strictly legal reasons, it is most common for external voting not to be provided for people who are only out of their country on a temporary basis, whether for work, for business, for study, or for medical or recreational reasons. Australia, Canada, Denmark, New Zealand and Norway are among the few countries that offer facilities to voters who are in transit travelling or provisionally abroad. Either their electors are not required to register specifically as voters abroad, or they can ask to register as such up to a few days before the period stipulated for voting.

However, there are also some other forms of restriction on external voting. Even for the approximately 80 countries and territories that do not specifically restrict the entitlement to an external vote, there is no guarantee that all eligible voters will be entitled to vote. Their exercise of this right can be hindered or limited by other kinds of legal requirement, such as those necessary before a person can register as a voter, or by technical, administrative or operational provisions related to electoral registration or voting itself. Administrative obstacles may, for example, involve difficulties in accessing or posting ballot papers. Some other restrictions are discussed below.

The Philippines case deserves particular attention because it is the only country where there are special requirements for the eligibility and entitlement to vote of certain categories of citizens abroad, although these requirements do not apply for ordinary citizens abroad. There are special requirements for natural-born Filipinos who became naturalized citizens of another country but wish to re-acquire their Philippine citizenship according to the 2003 Act on Citizenship Retention and Re-acquisition, including a one-year residency in the country. In addition, there are special requirements for Filipinos abroad who are recognized as immigrants or permanent residents by another country. Such individuals are required to sign an affidavit of intention to return and resume actual residence in the Philippines no later than three years from approval of their application for registration as 'overseas' voters.

There are other administrative and technical requirements or conditions which, even though they do not formally restrict entitlement to an external vote, can have a considerable and even decisive influence on the ability or opportunity to exercise the right to vote from abroad. The requirements and conditions for proof of identity to register as an external elector are particularly important in this context (see also chapter 4). The more rigorous the requirements for verifying identity and registering as a voter abroad, and the more difficult this is to do or the shorter the time period allowed for doing so, the more restricted the coverage of the potential external electorate will be. For example, when the United Nations Transitional Authority in Cambodia (UNTAC) allowed external voting for the elections to the Constituent Assembly in Cambodia in 1993 it made it conditional on a voter having registered previously within the country, and finally set up polling centres only in Paris, New York and Sydney, which drastically reduced its inclusiveness.

The documents needed to prove that a person satisfies the eligibility requirements, and therefore can register as an external elector, can be especially important for those potential voters who because of their migratory status or the length of their stay in the host country might not have them or might face difficulties in obtaining them (see in particular chapters 7 and 8). For its first application of voting from abroad in 2006, Mexico allowed only those citizens who were provided with a voting card issued (free) by the electoral authority, but only within the country, to vote externally. Some countries require external electors to show a valid visa before they are allowed to vote.

In similar vein, if the procedure for registering as an external elector has to be carried out at an embassy or consulate, the extent and geographical distribution of the country's network of diplomatic missions overseas and the distance between the diplomatic missions and the regions or zones where the potential electorate resides and/or works could have a negative influence on the coverage of the mechanism for external voting.

By contrast, if the requirements for verifying the voter's eligibility and for registering as an external elector are reasonable for any citizen, and if the citizen has ample material facilities or time in which to register (for example, to request, replace or update the required documents at the home country's diplomatic missions abroad or by post, or possibly by electronic means), this will undoubtedly favour an increase in the participation of external voting in many cases.

Registration for the Afghan presidential election of 2004 provided an interesting case. External voting was conducted only in the two neighbouring countries where most of the Afghan refugees were located—Iran and Pakistan. A large number of Afghan voters residing in Iran were not registered by the representatives of the Afghan electoral authorities, but were eligible to vote by reference to their Iranian refugee registration document (see the case study).

## **5. Voting procedures in use for external voting**

Countries that allow external voting need to ensure that it is conducted in such a way as to meet the requirements of security, transparency and secrecy. It is also desirable that as far as possible all electors have the same opportunity to vote. However, countries and territories also need to make adjustments and innovations to cope with the challenges that are particular to external voting, such as the geographical location of voters, security in transporting ballot papers, the high costs of external voting and other administrative issues mentioned above.. It is therefore interesting—if perhaps not surprising—to see that in general the procedures for voting from abroad are equivalent to those that apply within the national territory. Nor it is surprising that in some cases exceptional procedures are adopted, especially to bring a wide range of facilities within the reach of all external electors in order for them to be able to exercise their right to vote from far-off or inaccessible places. Every voting procedure when applied abroad has implications in terms of the coverage of potential voters and their opportunity to cast a vote. Chapter 5

discusses these aspects and the different procedures such as postal, personal and proxy voting, and their advantages and disadvantages, in greater depth.

There are five different voting methods in use for external voting throughout the world. These are:

- personal voting at diplomatic missions or other designated places;
- postal voting;
- voting by proxy;
- e-voting; and
- voting by fax.

Table 1.6 shows the procedures for external voting grouped into four broad categories: personal voting, postal voting, voting by proxy and mixed methods. Table 1.7 then gives a further breakdown of the countries that have mixed voting procedures.

In 83 cases, only one voting method is available to the external voter. Of these, 54 countries opt to use conventional personal voting at a polling station that is specially set up, for example, at a diplomatic mission or other designated place. This is by far the most common procedure for external voting. Twenty-five countries use postal voting only. Voting by proxy is the sole voting method in four countries. In the remaining 27 cases, a mix of two or more voting methods are in place, including the exceptional use of voting by fax and e-voting.

**Table 1.6: External voting procedures**

Procedures	No. of cases	Countries
<b>Personal voting only</b>	54	Afghanistan, Angola, Argentina, Azerbaijan, Belarus, Botswana, Brazil, Bulgaria, Cape Verde, Central African Republic, Colombia, Côte d'Ivoire, Croatia, Czech Republic, Djibouti, Dominican Republic, Ecuador, Equatorial Guinea, Finland, Georgia, Ghana, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Iran, Iraq, Israel, Kazakhstan, Kyrgyzstan, Laos, Moldova, Mozambique, Namibia, Niger, Peru, Pitcairn Islands, Poland, Romania, Russia, Rwanda, São Tomé and Príncipe, Senegal, Singapore, South Africa, Sudan, Syria, Tunisia, Turkey, Ukraine, Uzbekistan, Venezuela, Yemen
<b>Postal voting only</b>	25	Austria, Bangladesh, Bosnia and Herzegovina, Canada, Denmark, Falkland Islands, Fiji, Germany, Gibraltar, Guernsey, Ireland, Italy, Jersey, Lesotho, Liechtenstein, Luxembourg, Malaysia, Isle of Man, Marshall Islands, Mexico, Norway, Panama, Switzerland, Tajikistan, Zimbabwe
<b>Proxy voting only</b>	4	Mauritius, Nauru, Togo, Vanuatu

Procedures	No. of cases	Countries
<b>Mixed procedures</b>	27	Algeria, Australia, Belgium, Benin, Chad, Cook Islands, Estonia, France, Gabon, Guinea, India, Indonesia, Japan, Latvia, Lithuania, Mali, Micronesia, Netherlands, New Zealand, Palau, Philippines, Portugal, Slovenia, Spain, Sweden, Thailand, United Kingdom
<b>Not yet implemented or not available</b>	4	Bolivia, Greece, Nicaragua, Oman
<b>Total</b>	<b>114</b>	

Note: The United States is not included in this table since the procedures for external voting vary by state.

When personal voting is used, it would be easy to imagine that the participation of external voters depends on the extent or range of the home country's diplomatic or consular networks around the world. The differences between countries in this respect are considerable. For example, Russia has diplomatic or consular missions in more than 140 countries or territories, whereas Peru only has effective diplomatic representations (that is, not considering honorary consulates) in about 55 countries, Gabon in a little over 30 countries, Azerbaijan in about 20 countries and the Central African Republic in some 10 countries. However, the correlation between the number of official representations overseas and the coverage of potential external voters is not a linear one, since the geographical distribution of potential voters abroad is also important. Specific legal provisions are sometimes made to install polling stations abroad on the basis of technical or logistical considerations, such as the estimated number and concentration of potential external voters, or the number actually registered in a certain jurisdiction.

For financial or logistical reasons, it is not unusual for countries that have external voting to limit the arrangements for registering and voting to a particular group of jurisdictions overseas where it is believed that higher numbers of potential voters reside. The Dominican Republic chose a group of cities located in five countries (Canada, Spain, Puerto Rico, the United States and Venezuela) to conduct external voting for the presidential elections of 2004 (its first experience of external voting). Mozambique restricted its first external voting operation, during the presidential and legislative elections of 2004, to nine countries, of which seven were in Africa and two in Europe (Germany and Portugal). The coverage of Senegal's external voting operation for its elections in 2000 was a little wider since it was applied in 15 countries, including from outside the region four European countries, Canada and the United States.

The independence referendum held by Tokelau in 2006 might be the most extreme case of this practice, and was controversial for this reason. Initial proposals limited external voting to Tokelauans in Samoa. However, objections raised by the larger number of Tokelauans in Australia and New Zealand led to the vote, initially scheduled for late 2005, being postponed. The restrictions in the cases of Afghanistan and Honduras have been also very considerable. For its pioneering external voting operation in its 2002

presidential elections, Honduras decided to restrict the registration of external electors and external voting to a small group of six cities in the United States where it has consular representation, and it maintained the same coverage for the presidential elections held in 2006. As is mentioned above, Afghanistan only conducted external voting for its 2004 presidential elections in the two neighbouring countries where most of its displaced people were located—Iran and Pakistan.

To take a related example, there are countries which initially considered allowing external voting in all countries where they had official representations, but made the actual installation of polling stations conditional on the existence of a minimum number of registered voters. The required threshold differs substantially: while Bulgaria demands a minimum of 20 registered voters, and Brazil a minimum of 30, Senegal's threshold is very high, at a minimum of 500 registered voters. In certain cases, such provisions may also govern the establishment of polling stations on ships at sea.

Votes can also be cast abroad in polling stations installed in the head offices or premises of international or regional organizations, or in places specially set up or hired in the host country, such as sports facilities or schools. During post-conflict transitions where the international community plays a key role, such as those of Afghanistan and Iraq in 2004, or, as in Cambodia, Eritrea, East Timor or Bosnia and Herzegovina in the 1990s, external voting operations may be assisted or even conducted by international organizations, as the case studies in this Handbook illustrate.

The other main procedure for external voting that can be used in an exclusive way is postal voting. Twenty-five countries use only this method of external voting. It is most commonly found in Western Europe. Postal voting can be an efficient and low-cost method if the postal services operate well, efficiently and safely. However, postal services which do not live up to these standards can do damage to the electoral process for external voters.

As is mentioned above, 27 countries have a mixed system using two or more different voting procedures for external voting. This does not necessarily imply that the voter has the option of choosing freely the procedure he or she finds most comfortable or suitable; different methods may be available to external voters depending on where in the world they reside and what the reliable voting channels are from that location. The 27 countries can be grouped according to five combinations of voting methods (see table 1.7). The mix of personal and postal voting is the predominant one, being used by 12 of the 27 countries. A combination of procedures may be chosen to encourage electoral participation or to compensate for limitations or inadequacies that may arise from the use of only one system, in terms of coverage, certainty or reliability. For example, personal voting better fulfils the principles and imperatives of security, confidentiality and reliability in the casting and transmission of the vote, but its coverage of the potential electorate can be far more limited than that of postal voting. There is no doubt that, at least in a strictly geographical sense, the availability of a wider range of alternatives implies better potential coverage of voters abroad. Nevertheless, take-up will still depend

to a great extent on the nature and features of the options available, such as the precise geographical location of the voter.

In some cases the elector will be able to freely select the method that best suits him or her; in others, the elector's geographical location may effectively restrict access to one procedure only.

**Table 1.7: Countries with mixed procedures for external voting**

<b>Mixed voting procedures</b>	<b>No. of cases</b>	<b>Countries</b>
<b>Personal voting and postal voting</b>	12	Cook Islands, Indonesia, Japan, Latvia, Lithuania, Micronesia, Palau, Philippines, Portugal, Slovenia, Spain, Thailand
<b>Personal voting and voting by proxy</b>	7	Algeria, Benin, Chad, France, Gabon, Guinea, Mali
<b>Postal voting and voting by proxy</b>	2	India, United Kingdom
<b>Personal voting, postal voting and voting by proxy</b>	2	Belgium, Sweden
<b>Other methods in addition to any of the above</b>	4	Australia (personal, postal, fax), Estonia (personal, postal, e-voting), Netherlands (postal, proxy, e-voting), New Zealand (personal, postal, fax)

Six countries—Australia, Belgium, Estonia, the Netherlands, New Zealand and Sweden—stand apart from the rest since they offer the voter abroad three or more alternative ways of casting a vote. This—in combination with the fact that these countries impose no additional requirements, such as a voter having to spend a set period of time abroad or a set number of voters having to be abroad at the same time—clearly shows their intention of achieving the greatest possible coverage. However, their arrangements are very different.

Until recently, Belgium, with the reforms introduced in 2001—which expanded significantly the number of available options—and Sweden, with reforms introduced in 2002 which made postal voting, already available to some voters, accessible to all, were the only two countries to offer their voters abroad the possibility of choosing ‘freely’ between three procedures for external voting, although there are differences between them. Estonia and the Netherlands have since joined this group as well. In Belgium the following options are available: (a) personal voting at the diplomatic missions where the external elector has been registered, (b) voting through a representative or proxy at the same mission or in a national municipality (but only if the representative is resident within the area covered by the diplomatic mission or in the Belgian municipality, respectively), and (c) postal voting. In Sweden it is possible to vote by post from abroad or in person at diplomatic missions. (Postal voting was previously only available for Swedish voters

residing in Germany and Switzerland: these countries did not allow external voting to take place at embassies on their territory. See the case study Switzerland for more information.) Sweden also has a unique procedure, called voting by messenger: the elector needs a special outer envelope which he/she can either obtain from the election administration or collect at any available voting place. Apart from the elector, a witness and a messenger are required to be present at the preparation of the vote. The elector prepares the vote in person, and the witness has to certify with his/her signature and personal identification number that the voting procedure was properly carried out. The messenger also has to sign the outer envelope, and transport and deliver the envelope with the documents and the vote to a diplomatic mission abroad or polling station within the country. The witness and the messenger cannot be the same person. This procedure is qualitatively different from that of the proxy vote, since the voter marks the ballot paper himself or herself.

Estonia and the Netherlands both offer postal voting, and in addition Estonia offers personal voting and the Netherlands voting by proxy. But what these two countries have in common as a third method is e-voting, which has only been implemented recently.

Australia and New Zealand make the personal vote and the postal vote generally available to overseas voters. In addition, voting by fax is possible for restricted groups of electors who otherwise could easily be deprived of the opportunity to cast their vote—those living in inhospitable areas or areas that are very difficult to reach, such as the polar zones. This facility gives priority to the principle of coverage and inclusion of voters over considerations of secrecy in the sending out and return of the ballot papers. Access by fax requires special application and is used only when absolutely necessary.

The United States, which is a federal and highly decentralized country where the different states have a great degree of autonomy in adopting and developing their own electoral laws and procedures, also offers up to three methods of casting an external vote. In addition to postal voting, which is allowed by all states, a few states open up the possibility of voting by fax or e-voting albeit in a very restrictive way since only a small number of electors abroad have access to these procedures. For its presidential elections of 2000, the United States was the first country to test, in a highly selective and very controlled way, a mechanism for external voting using e-voting, a method that is not only electronic but also genuinely remote or distant. Although there is no doubt that the implications of the use of new technologies for the transmission of votes will be very promising in the near future and several countries are already designing or testing pilot programmes for their use, their application to external voting is still essentially undergoing a test phase (see chapter 10).

For the group of 21 countries which allow two procedures for external voting, it is worth stressing that the potential coverage is related to the characteristics and conditions that regulate the application of each one of them and the precise ways in which they are combined. In Indonesia and Japan the external voter can choose between personal voting at diplomatic missions and the postal vote. In France and a number of countries in Francophone Africa, personal voting exists for those registered at embassies and consulates,

often restricted to presidential elections and perhaps referendums, while proxy voting is used by those on temporary government or military service in professional missions abroad. The Philippines decided for its first implementation of external voting in 2004 that greater coverage of voters would be achieved by personal voting at diplomatic missions and other official premises, and this method was applied in 80 countries, while postal voting was only available for external electors located in three countries (Canada, Japan and the UK) because they had efficient and reliable postal services. The case of Portugal is also special, since external electors can only vote by post in parliamentary elections and have to vote in person in presidential elections.

## 6. Political representation for external voters

Eleven countries—four in Europe (Croatia, France, Italy and Portugal), four in Africa (Algeria, Angola, Cape Verde and Mozambique) and three in the Americas (Colombia, Ecuador and Panama)—not only allow their citizens abroad to participate actively in some electoral processes, but also enable them to elect their own representatives to the national legislature (see table 1.8). This was also formerly the case in the Cook Islands, but the ‘external seat’ there was abolished in 2003. This practice is clearly aimed at reinforcing external voters link with the national political community, enabling promotion of their own legislative agenda and direct intervention from an overseas viewpoint in the debates and processes of political decision making on topics of national interest. Each case has its own particular features.

**Table 1.8: Political representation in national legislatures for external voters**

Country	Number of seats (percentage of total no. of seats in parliament, total no. of seats)
<b>Algeria</b>	8 (2.0%, 389)
<b>Angola</b>	3 (1.4%, 220). External voting has not yet been implemented.
<b>Cape Verde</b>	6 (8.3%, 72). Two each from the Americas, Africa, and Europe and the rest of the world
<b>Colombia</b>	1 (0.6%, 166)
<b>Croatia</b>	6 (3.9%, 152). A maximum of 6 seats (see below)
<b>Ecuador</b>	6 (4.6%, 130).
<b>France</b>	12 (3.6%, 331). Senate only (elected through the Conseil Supérieur des Français de l’Etranger)
<b>Italy</b>	12 (1.9%, 630). One constituency for Italians abroad representing four geographical groups; (a) Europe, including Russia and Turkey; (b) South America; (c) North and Central America; (d) Africa, Asia, Oceania and Antarctica
<b>Mozambique</b>	2 (0.8%, 250). Two single-member constituencies, for Africa and the rest of the world
<b>Panama</b>	6 (4.6%, 130). External voting has not yet been implemented.
<b>Portugal</b>	4 (1.7%, 230)

The constitution adopted by Cape Verde in 1992 provided for the creation of three districts abroad, with two representatives elected to the National Assembly in each of them—one district for voters residing in Africa, another for those residing in the Americas, and another for those living in Europe and the rest of the world. This rule was applied for the first time during the legislative elections of December 1995, and again in the elections of 2001 and in 2006. In Colombia, the constitution approved in 1991 provided for the creation of a special electoral district that would ensure the representation of political minorities, ethnic groups and citizens residing abroad. A decade later, the Congress approved a law for the creation of this special district, made up of five seats in the House of Representatives. It was decided that one of those seats would correspond to Colombians residing abroad, and this seat was occupied for the first time after the legislative elections of 2002 (see the respective case studies).

The law on parliamentary elections in Croatia adopted in 1995 created a special electoral district in the single-chamber parliament to represent the enormous Croatian diaspora (of whom it was estimated at the time that more than 400,000 persons were old enough to vote). Twelve seats were assigned to the district—the same number as to each of the ten multi-member districts into which the country is divided. As a result of criticism of the excessive number of seats assigned to Croatians abroad, the law was reformed. It now provides for a maximum of six seats, but states that the exact number will be determined after every election using a formula that takes into account the number of votes cast abroad and the average number of votes needed to obtain a seat in-country. For the elections of 2003, Croatians abroad were given only four seats.

In France, since 1948 citizens abroad have been provided with representation in the Senate, and since 1983 this has amounted to 12 seats. However, it is important to emphasize that these 12 senators are not chosen in any direct way by the French abroad; instead they are selected by a college made up of 150 elected members out of the 183 who make up the High Council of French Citizens Abroad (Conseil Supérieur des Français de l'Étranger, CSFE, also created in 1948), which represents before the French government some 2 million French citizens resident abroad. The 150 members of that council are directly elected by voters abroad.

Algeria has eight reserved seats in the parliament for voters abroad. This makes up 2 per cent of all MPs.

In addition to providing for the external vote for elections to the legislature and referendums, the constitutional reforms approved in Italy in 2000 stated that citizens abroad are provided with representation in both chambers of the parliament—12 seats in the House of Representatives and six in the Senate. These constitutional arrangements were regulated by a specific law enacted in early 2002, a few months after the May 2001 elections, and Italians abroad would gain political representation only after the subsequent legislative elections. For that purpose, the law foresaw the creation of four electoral districts abroad: one for Europe, another one for South America, the third for North America and Central America and the last to cover Africa, Asia, Oceania and

Antarctica, for both chambers. For every district a minimum of one deputy seat and one senator seat will be assigned, and the remaining ones will be distributed in accordance with the number of external voters. External voting took place for the first time in a referendum held in May 2003.

The constitution adopted by Mozambique in 1990 establishes, in addition to external voting for legislative elections, that two of the 250 seats that make up the Assembly of the Republic will correspond to the electoral districts constituted abroad—one for Africa and one for the rest of the world. Although consecutive electoral laws that have been approved since then have included some measures in this direction, it was only with the law and arrangements adopted by the electoral authority to regulate the general elections of December 2004 that these constitutional provisions finally materialized. The Mozambicans living in seven countries of the continent made up the electoral district for Africa, while those living in two European countries (Germany and Portugal) made up another district for which a representative was also elected (see the case study).

The Portuguese abroad have been represented in the House of Representatives since 1976. For this purpose, voters abroad also make up two electoral districts, one for Europe and the other for the rest of the world. Two deputies are elected in each of these districts, but only if a minimum of 55,000 electors cast a vote within the district. If fewer voters cast a vote, only one seat is assigned to the corresponding district. In the parliamentary elections of February 2005, both districts obtained their two seats.

Finally, Angola and Panama have not yet implemented external voting. Once and if this happens, three seats in parliament will be elected directly by, and represent, Angolans abroad according to the legislation on external voting.

## **7. External voting and participation\***

Essentially, external voting is geared towards increasing political participation and thereby contributing to the legitimacy and accountability of democratic governments. As the chapters in this Handbook show, problematic as it can be from both the practical and the theoretical points of view, the right to an external vote can also be an essential part of the citizen's political rights; but the question of external voting does raise its own series of issues surrounding participation that need to be addressed.

To date, there has been far less focus on the levels of participation among external voters than on levels of voter participation in-country.

In most cases where external voting is permitted, external voters account for only a relatively small proportion of overall turnout. Nonetheless, an external voting population may have a considerable impact on election results. Examples include Italy's

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\*Erin Thiessen developed the writing of this section with the authors.

2006 legislative elections—the first held in which external voting was permitted. The election outcome was unknown until all the external votes were counted, giving this relatively small group considerable political impact due to the fact that the electoral system allows a bonus for the party or coalition with the highest number of votes. In some cases external votes have tipped the scales in an election; and they are often counted last. This effect may or may not be more pronounced in countries that have experienced massive population movements linked to conflict or the migration of labour. The 2004 elections in Afghanistan saw 10 per cent of the total electorate made up of external electors in Pakistan and Iran, due in part to extensive voter education campaigns and great interest in the country's first-ever democratic elections (see the case study). Another recent example of a country with a large population of eligible voters residing outside the national borders that could have potential impact on the outcome of elections is that of Iraq. Both Afghanistan and Iraq conducted large-scale external voting processes and voter education campaigns in their recent elections. One can only guess what the reactions would have been among the many external residents if external voting had not been organized for these groups. Turnout in the Iraqi January 2005 election was high (265,000 registered voters, although higher registration rates had been anticipated). Large numbers of Iraqis abroad are illegal refugees, and the risk of repatriation or expulsion to a war zone kept registration numbers low in some countries. Other reasons for low participation rates included security concerns, voter disinterest, difficult access to registration and voting facilities, and documentation issues. In the December election, when external voting was organised mainly by the IECEI, 320,000 voters registered.

### **7.1. A sample of the information available on turnout by external voters**

Where external voting is permitted, rates of registration and turnout among external voters are almost always lower than they are in-country. In several countries that have existing and well-functioning external voting practices, turnout has been low compared to turnout in-country. These include, for example, Brazil, Honduras, Italy, the Philippines, Senegal, Spain, Sweden and Venezuela. The turnout of Spanish external voters was below 30 per cent at the legislative election of 2004, compared to about 75 per cent among in-country voters. Even in Brazil, where voting is compulsory for citizens who are temporarily or permanently abroad, only about 50 per cent of eligible external electors participate. Mexico's newly launched external voting programme for its July 2006 elections saw an unexpectedly low registration rate considering the large number of Mexicans living in the United States. For the Afghan presidential elections in 2004, 80 per cent of the registered electorate in Pakistan participated in the polls, and approximately one-half of those in Iran.

Conversely, some countries have found that, despite the progressive decline in the numbers of people voting from abroad, the percentage of registered external electors who actually vote remains very high. In Bosnia and Herzegovina, for example, although the absolute number of external electors is dropping as more citizens return home, the turnout of registered external voters has remained at approximately 80 per cent since the early 2000s (see the case study).

In the elections to the European Parliament in 2004 only 8.9 per cent of the Finnish external electors residing abroad exercised their right to vote at the elections to the European Parliament. Women and men participated to almost the same extent in these elections as external voters. Low turnout among Finnish external voters has led to discussion about introducing postal voting from abroad so that external voters would not have to travel to a diplomatic mission in order to vote, and to the suggestion that reserved seats for external voters could be introduced to make external voting more meaningful.

Most countries that practise compulsory voting do not impose it on their external electors. Belgium, on the other hand, does impose this rule on external electors, but it is in effect an almost entirely theoretical rule as it is almost impossible to impose a sanction on a non-voter residing abroad. Turnout among Belgian external voters is lower than it is among Belgians residing in Belgium.

Namibia, which has personal voting only for external voters, organizes voting at 24 different polling places abroad and the roughly 1,900 voters who participated in the 2004 parliamentary and presidential elections averaged about 80 per polling station. Given the amount of preparation for and work involved during and after voting, much effort is put in for very few voters. Turnout among Namibian external voters is very low and represents only 0.09 per cent of the total turnout.

### **7.2. The reasons for lower turnout by external voters**

The factors that influence lower turnout for external voters are political, administrative, institutional and financial. The reasons for low turnout vary among external voters just as they do among in-country voters, but some factors may be particular to external voting, such as the geographical location of polling stations, access to information, and the logistical arrangements for voter registration.

Locating polling stations only where embassies or consulates are available presents obstacles to voting for some external electors. For example, if polling stations are few in number or are difficult to access, this may contribute to low levels of participation. Conversely, Sweden set up fewer polling stations abroad in the 2006 parliamentary elections, but more votes were cast than when more polling stations had been available abroad. The opening hours of diplomatic missions may also affect the number of voters taking this opportunity.

The requirements for registering as a voter are also key to participation as this is in most cases the first step towards participation. One example of unfortunate arrangements is that of Mexico's attempt at external voting in 2006 which required would-be voters to obtain a photographic voting card which was available only by going in person to Mexico. While it is estimated that 4.2 million of the 11 million Mexicans abroad had a valid photographic voting card, only 40,665 of these ended up registering to vote. Similarly, in Cambodia's 1993 elections to the Constituent Assembly, external voting

was possible at only very few locations in the United States and only if voters first travelled to Cambodia to register.

Requirements stating a minimum or maximum number of eligible voters may also work as a disincentive to participation or an obstacle to those who register as external electors but will not be included unless the numbers add up. Senegal, for instance, only organizes external voting if the total number of registered voters in one country is 500 or more. Other restrictions or preconditions, such as documentation requirements in the host country (Mexico) or stating an intention to return (the Philippines), can also make participation less attractive than it otherwise would be.

Depending on how, when and where the election campaign is organized, voters may feel more or less inclined to participate. In addition, only some candidates or parties may be represented in the campaign abroad, mainly for political or financial reasons. Some states (e.g. Mexico) have decided to provide a more level playing field between the participating political parties by simply not allowing any sort of campaign activity abroad, which has meant that the information made available to voters is not so dependent on the wherewithal of the parties to conduct international campaigns alongside their national campaigns. Furthermore, election and campaign information is not always readily available, thus putting the onus on the voter to inform himself or herself which may be more or less difficult depending on the circumstances. Even where large-scale media and advertisement campaigns are run—as was done within the USA, targeting the Mexican population, for the 2006 Mexican presidential elections—registration and turnout may still suffer.

The lack of sufficient cooperation by other states can make external voting difficult or even impossible due to legal and diplomatic issues. Liberia allowed external voting beginning in 1986, but abolished it in 2004 due to the inability of the electoral management body (EMB) to cope with refugees in the neighbouring countries, particularly as some of the neighbouring states objected to electioneering taking place within their territory. Another example of a country that used to restrict the options for voting methods for foreign voters is Switzerland, which until 1989 did not allow any voting in foreign elections to take place on its territory for sovereignty reasons.

Other reasons for low voter turnout can be attributed more directly to the voters themselves. Illegal migrants or those opposed to the regime in the home country may not be prepared to register to vote out of fear of reprisals. The Iraq elections showed that the sensitivity surrounding the registration and handling of personal information can dampen would-be electors' enthusiasm to register and vote if the political situation is precarious. External electors, particularly if they are permanent residents abroad and/or hold multiple citizenships, may feel detached or apathetic regarding political events in their home state. This may be exacerbated if the decisions made by that state have little or no impact on the everyday life of the voter or the voter's family.

On the other hand, several European countries have improved access to participation by external voters in elections to the European Parliament by allowing permanent residents with a foreign citizenship to vote in sub-national elections or elections to the European Parliament in their country of residence.

### **7.3. Problems arising from lower turnout by external voters**

As is mentioned above, external voters may sometimes have a disproportionate influence on an electoral process. For example, nine countries have reserved seats in the legislature for external electoral districts (see section 6 above). Where this is the case, if external voter turnout is low, fewer votes will influence the outcome of the election for a parliamentary seat compared to internal constituencies, thus giving external votes disproportionate weight. Some countries weigh the number of external voters against the number of internal voters in order to decide how many seats can represent be allocated to represent external voters (e.g. Croatia).

Lower turnout by external voters also has to be seen in the light of the associated costs. External voting is often more expensive than organizing in-country voting (see annex D for some examples). Some may argue that participation is a right regardless of cost in monetary or political terms, while others may contend that the degree of political effort and financial cost must be justified by appropriate levels of participation by voters abroad. Botswana, for example, is considering abolishing its external voting provisions as a result of the low turnout rates among external electors and high costs associated with the arrangements. External voting for legislative elections was introduced in 1997 and was employed in the 1999 and 2004 elections but turnout has not been impressive, despite increasing the number of countries in which external voting is available as well as the number of polling stations. This has opened an ongoing debate about whether external voting should be abolished given the high cost per voter, particularly when compared to in-country elections (see the case study). In France, external voting is seen as very costly in terms of cost per voter.

Given examples such as these, a practical question must be asked whether the low turnout justifies the abolition of external voting or not introducing it in the first place, regardless of the more theoretical and normative counter-arguments surrounding citizenship. Levels of participation may influence decision-making processes regarding the introduction or abolition of external voting.



# Botswana: disappointing results of external voting

Patrick Molutsi

External voting in Botswana was introduced fairly recently, as part of a package of constitutional and electoral reforms in 1997. The Constitutional Amendment Act of 1997, section 4, subsection (a) reduced the voting age from 21 to 18 years, while the Electoral Act section 5(3) amendment of 1997 permitted citizens resident outside the country to vote externally. Other major reforms made at the same time included the establishment of the Independent Electoral Commission (IEC) and the introduction of a limit to the term of office of the president to two terms of five years each. These substantive electoral reforms were the first of their kind since Botswana attained its independence from the United Kingdom (UK) in 1966. Previously, there had been occasional minor amendments to the electoral law, for instance, relating to the procedure for the counting of ballot papers, the type of ballot paper/discs, or adjustments to the campaign spending limits for candidates and political parties.

The reforms of 1997 took two forms. Because they involved changing some clauses of the constitution, those relating to the voting age and the establishment of the IEC were preceded by a national referendum, while those relating to the amendment of the electoral law were discussed and changed by the parliament without recourse to public consultation. However, all the final decisions were made by the parliament and acceded to by the president, thus becoming law.

These reforms were the result both of a long period of advocacy, mainly by the opposition parties and some sections of the civil society organizations, and of the rapid political changes of a similar nature taking place in Southern Africa during the late 1990s. In particular, changes made in Namibia in 1989, in Zambia in 1991, and in Malawi, Mozambique and South Africa in 1994 all introduced the concept of the independent electoral commission, made 18 years the voting age, introduced a limited term for the presidency, and introduced external voting, all as measures to extend democratic rights to wider sections of the population. As a long-established democracy in the region, Botswana would have appeared backward in the context of these changes taking place around it. However, the government was selective in aligning itself with the electoral reforms taking place in the region at the time. For example, the government and the

ruling party did not agree with two other proposals, on the funding of political parties and change of the First Past The Post (FPTP) electoral system to the list proportional representation (PR) system which the opposition parties were advocating and which was being adopted by Namibia, Mozambique and South Africa at the time.

The external voting provisions permit all Botswanan citizens aged 18 years or above residing abroad to vote every five years. External voters may vote only for members of Parliament, not for local councillors. (Presidential elections are indirect in Botswana: the president is elected by Parliament.) External voting was introduced mainly because of the concerns raised by the opposition parties. It was felt that citizens outside Botswana were being denied their democratic right to vote for their own government. With the voting age being reduced to 18 years as opposed to 21, the external voting-age population was increased, hence a need to involve them in voting.

### **External voting procedure**

External voting procedure follows that which applies to registration and voting at home. Normally there are two main periods of concentrated registration, followed by a continuous registration until about six weeks or so before the election date. External voters register at Botswanan embassies and high commissions abroad and in major cities and centres in countries where there is expected to be an eligible voter population. So far only Australia, South Africa, the UK, the USA and Zimbabwe have had more than one polling station: the additional polling stations have been in cities and in institutions other than the official Botswanan diplomatic missions. External registration is normally administered by Botswanan mission staff under the supervision of the IEC. In the 2004 elections many students studying abroad were employed as registration and polling officers. The register of external voters is kept by the head of the mission, who updates it as people come to register.

Normally, external voting takes place two weeks before the general elections at home. The ballot papers are then brought to the IEC within a period of four days after the voting. Upon arrival they are counted and allocated to constituencies on the basis of the voters' choices in the presence of the candidates and political parties. This means that the results of external voting are known by stakeholders a few days before the main voting takes place, but they are never released before the rest of the results.

There is no postal voting for external voters. Where there are no polling stations, external voters are excluded from the right to vote. The argument is that the numbers involved are too small to justify the cost. However, residents abroad are free to go back to Botswana first to register and later to vote. Many who live in South Africa prefer to use this method.

### **External voter participation**

Botswanan citizens resident outside the country were given the opportunity to exercise their constitutional right to vote for the first time in the 1999 legislative and local elections. The second time they experienced external voting was in 2004. Botswana's experience with external voting is thus limited to the two most recent successive elections. When external voting was introduced in the 1997 reform, significant numbers of citizens

were residing outside the country. Most were working people, migrant workers living in neighbouring South Africa and students studying abroad.

The numbers of eligible voters living abroad have fallen significantly since external voting was introduced. We estimate from the censuses of population that in 2004 a total of 25,450 citizens were living abroad (including those under the age of 18), compared to 38,606 in 1991. Between 1971 and 2004 we estimate that the expatriate population fell by over 20,000. This was a result of the reduced work opportunities in South African mines and other industries beginning from the early 1980s.

Participation in elections by citizens living abroad has not been impressive, as the table shows. In 1999, out of the 1,363 voters registered abroad, only some 23.3 per cent voted, compared to a 77.1 per cent turnout by in-country voters. At the time the IEC had restricted external voting to only six countries where there were sufficiently large concentrations of eligible voters—Namibia, South Africa, Swaziland, the UK, the USA and Zimbabwe—and to a total of 24 polling stations in these countries. In an attempt to increase participation, during the 2004 elections the number of countries covered by external voting was increased to 14. The number of polling stations—which were mainly in Botswanan embassies or high commissions abroad and major cities, and institutions of higher learning in the selected countries—also rose, from 24 in 1999 to 44 in 2004. However, the results of both registration and turnout were still below expectations. Out of 2,436 external voters registered, only 49.5 per cent voted. This was still far below the 76.2 per cent voter turnout recorded for the in-country voting population—although the very strong increase since 1999 is worth highlighting. However, with only 2,436 people registering to vote out of an estimated 25,450 citizens living abroad in 2004, the rate of registration may be an even bigger issue than turnout.

**Table: External voter participation in the 1999 and 2004 Botswana elections**

	<b>1999</b>	<b>2004</b>
Number of external voters registered	1,363	2,436
Numbers who voted	333	1,214
Turnout	23.30%	49.54%

Source: Independent Electoral Commission, *Report on the General Election* (Gaborone: Government Printer, 2004).

It is clear that the IEC has not been impressed by the level of external voter participation when it is set against the cost involved. The official reports on both the 1999 and the 2004 general elections recommended review of the relevant section of the law on external voting. External voting is likely not to last very long in Botswana, especially because its main advocates—the opposition parties—appear to have become lukewarm about its overall impact on the results. The concern expressed in the official report on the 1999 election was that, while provision for external voting was an important attempt to extend the democratic process, its value had proved disappointingly small that it would need careful review. The official report on the 2004 election expressed the same concern. The IEC feels that, given the scale of the logistical preparations involved, either the provision relating to external voting should be reviewed or more funds should be made available.

## The cost of external voting

The IEC does not have a separate budget for external voting. At the time of writing it was still waiting for embassies and high commissions to submit data on the costs of administering the voting in the respective countries. It was therefore not possible to disaggregate the costs of external voting from the total election costs. However, according to the IEC it is clear that its external travel budget and the costs of paying students and others to supervise elections abroad are very high. In the 2004 election the cost of external travel was 647,950 pula (BWP—161,460 US dollars (USD)). This excludes the costs of salaries, administration and supplies. However, the overall cost of the elections had increased only marginally, from 19 million BWP in 1999 to 21 million BWP in 2004.

## Conclusion

The prospects for external voting in Botswana are not bright. The IEC has recommended a review of the law in the past with a view to closing this window. The main concerns seem to be the high cost per voter and the low level of participation. The opposition parties, which were the drivers of the external voting process, also appear much less enthusiastic than before about defending the system.