

# Switzerland: external voting in a federal state with direct democracy

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Switzerland is well known for its direct democracy and federal structure. All Swiss citizens over the age of 18 except for those who have been incapacitated on grounds of mental illness or mental disability (article 136, §1 of the federal constitution) may take part in elections to the National Council (the main chamber of the federal parliament) both by voting and by standing for election. They may also vote in popular votes (article 136, §2 of the federal constitution). A referendum is compulsory for all amendments to the constitution and for membership of some international organizations (article 140 of the federal constitution). In addition, electors have the right to initiative and referendum, that is, they can request a popular vote by collecting the requisite number of signatures (articles 138, 139 and 141). At present Swiss voters go to the polls on polling weekends. In many places, depending on the local regulations, they can also cast a postal vote, that is, fill out their ballot paper before the polling weekend at any place outside the polling station and send it by ordinary mail. There are no preconditions for postal voting: every voter can choose freely whether to cast a postal vote or to go to the polling station on polling day.

Switzerland is a federal state with 26 cantons and around 3,000 communes. At least four times per year there are popular votes in Switzerland on the national, cantonal and communal level. The four voting weekends and the intense political discussion on the issues that are put to a vote are a particular feature of the Swiss political and electoral tradition.

## **Historical background (national level)**

Swiss electors who are resident or staying abroad have been allowed to exercise their political rights since 1977. At first, they were only allowed to cast their vote on Swiss territory: they had to travel back to Switzerland in order to vote. This provision has to be seen in close relation with the practice of the Federal Council (the government) with regard to the politically relevant behaviour of foreigners inside Switzerland. Foreigners were not allowed to vote in their own national elections or referendums while on Swiss territory because of issues surrounding Swiss sovereignty. In the light of this fact,

Switzerland could not expect any other state to allow Swiss citizens abroad to cast a vote on its territory. In fact, Switzerland would not even have asked for this, because, if it had been granted Switzerland would have had to grant the same rights to foreigners in Switzerland. In 1989, however, the Federal Council changed its practice. Since then, foreigners have been allowed to take part in the elections and referendums of their own state on Swiss territory. At the same time, the postal vote for Swiss voters abroad was introduced.

Postal voting can be done from anywhere in the world. There are no restrictions whatsoever, except for slow postal services in some countries.

### **Voting rights of Swiss citizens resident or staying abroad (national level)**

Swiss citizens resident or staying abroad who are eligible to vote are able to take part at the national level in referendums and elections, as well as giving their signatures to initiatives and referendums (article 3, §1 of the Bundesgesetz über die politischen Rechte der Auslandschweizer (BPRAS), the federal law on the political rights of Swiss citizens resident or staying abroad). They have the right not only to vote in elections for the National Council (the 'active voting' right) but also to stand for election to the National Council, the Federal Council or the Federal Court. However, they may only take part in elections for the Council of States (the upper chamber of the federal parliament) if the law of the canton to which they are attached provides the right to vote for Swiss citizens resident or staying abroad.

In the Swiss federal system, those citizens who are resident or staying abroad do not constitute a distinct voting area or electoral district; instead they choose one commune as their 'voting commune'. This could be the commune in which they were born, or one in which they have been previously resident (article 5, §1 of the BPRAS). Eligible expatriates who wish to exercise their political rights must notify the local electoral office of their chosen voting commune where they intend to vote. The notification must be renewed every four years (article 5a of the BPRAS). Eligible Swiss resident or staying abroad can submit their vote either personally at the voting commune in Switzerland (according to the same rules as Swiss voters resident in Switzerland) or by post (article 1 of the BPRAS).

These are the only two options for Swiss voters abroad. There is no provision for voting in diplomatic representations abroad.

Switzerland is currently considering introducing remote e-voting. If it is introduced for Swiss nationals in Switzerland, then the next step would be to make it available to external electors as well. Currently, there are provisions allowing only for the testing of remote e-voting for Swiss voters abroad (article 1 of the BPRAS; see also chapter 10).

### **Voting rights of Swiss citizens resident or staying abroad (cantonal level)**

Because of the federal structure of Switzerland, voting rights at cantonal level may differ from voting rights at the national level. At the national level, Swiss voters may exercise the same political rights as Swiss voters in Switzerland, but the picture is different at the cantonal level. Only 11 cantons out of 26 (as of 1 October 2004 these were Basel-Land,

Bern, Fribourg, Geneva, Graubünden, Jura, Neuchâtel, Schwyz, Solothurn, Ticino and Zurich) allow electors abroad who are registered in the canton to exercise their political rights at cantonal level. However, the number of cantons that allow external voting is growing slowly but steadily. Usually, the reasons behind the introduction of external voting are of a political nature. If a political party thinks that the voters abroad will support its politics, it is in favour of introducing external voting.

### Some figures

At the end of 2006 there were some 645,010 Swiss citizens resident abroad, of whom about 494,802 were potentially eligible to vote (i.e. they were 18 or over and were not disqualified by reason of mental illness). At the end of December 2006, around 107,600 persons were entered in the electoral register of a Swiss commune and were therefore eligible to vote. These 107,600 electors represented 2.2 per cent of all eligible Swiss electors (4.9 million as of the end of November 2006).

### The costs of external voting

There are no specific data available on the costs of external voting. However, it is possible to make a rough estimate of the additional costs of external voting in comparison to voting in Switzerland. Given that there are some 110,000 external electors, and estimating that about 80 per cent of them live in Europe, the costs can be estimated as follows.

Table 1: The costs of external voting in Switzerland

Element of expenditure	Cost per voter (CHF)	No. of voters	Total (CHF)	Total (EUR)
Postal charges within Europe (priority mail, 101–250 g)	6.50	88,000	572,000	381,300
Postal charge outside Europe (priority mail, 101–250 g)	8.80	22,000	193,600	129,000
Personnel costs (packing and advance sending of material)	2.00		220,000	146,700
<b>Total</b>		<b>110,000</b>	<b>985,600</b>	<b>657,000</b>

CHF = Swiss francs. EUR = euro.

### The voting behaviour of Swiss citizens resident or staying abroad

A survey carried out in 2003 by the Organisation of the Swiss Abroad (ASO) and swissinfo/Swiss Radio International (see GfS Forschungsinstitut June 2003) revealed that Swiss citizens resident or staying abroad have a very distinctive voting profile, formed far less by their political opinions than by such values as modernity of outlook, cosmopolitanism, openness to change, tolerance towards foreigners and belief in the free market.

## **Representation of Swiss abroad in the parliament**

In the National Council elections of 19 October 2003, the Swiss People's Party (Schweizerische Volkspartei, SVP) in the canton of Zurich came up with a list of candidates for Swiss external voters (List 21: SVP-Union of Swiss Abroad). To date, no overseas candidate has ever been elected to the federal parliament. One reason for this may lie in the fact that the electoral potential of the Swiss abroad is diffused. Since they do not form their own constituency, their votes are distributed among the 26 cantons. However, the election in the spring of 2004 of the Swiss military attaché in Stockholm, Beat Eberle, to the parliament of the canton of St Gallen demonstrates that it is possible for Swiss citizens resident abroad to be elected.