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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**COMMISSION EUROPEENNE POUR LA DEMOCRATIE PAR LE DROIT**  
**(COMMISSION DE VENISE)**

**OUT OF COUNTRY VOTING / VOTE À L'ÉTRANGER**  
**LEGAL PROVISIONS / DISPOSITIONS JURIDIQUES**

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## 1. ALBANIA / ALBANIE

Aucune disposition trouvée dans la constitution <sup>1</sup> ou dans le code électoral, Loi no. 10 019 datée 29.12.2008<sup>2</sup>.

## 2. ALGERIA / ALGERIE

Citoyens résidents ou temporairement à l'étranger  
Elections parlementaires, présidentielles, municipales et référendums  
Dans les missions diplomatiques ou par procuration. Par procuration uniquement pour les élections municipales

Articles principaux :

L'Ordonnance n° 97-07 du 6 mars 1997 portant loi organique relative au régime électoral. (amendée par la Loi organique n° 07-08 du 28 juillet 2007)<sup>3</sup>

**Article 11.** Nonobstant les dispositions des articles 6 et 10 de la présente loi, les citoyens algériens établis à l'étranger et immatriculés auprès des représentations diplomatiques et consulaires algériennes peuvent demander leur inscription : 1 - sur la liste électorale de l'une des communes suivantes, en ce qui concerne les élections des assemblées populaires communales et des assemblées populaires de wilayas : - commune de naissance de l'intéressé, - commune du dernier domicile de l'intéressé, - commune de naissance d'un des ascendants de l'intéressé. 2 - Sur la liste électorale des représentations diplomatiques et consulaires algériennes se trouvant dans le pays de résidence de l'électeur, en ce qui concerne les élections présidentielles, les consultations référendaires et les élections législatives.

**Article 62.** Peut exercer, à sa demande, sont droit de vote par procuration, l'électeur appartenant à l'une des catégories ci-après : 1 - les malades hospitalisés ou soignés à domicile, 2 - les grands invalides ou infirmes, 3 - les travailleurs exerçant hors la wilaya de leur résidence et/ou en déplacement et ceux retenus sur leur lieu de travail, le jour du scrutin, 4 - les citoyens se trouvant momentanément à l'étranger.

**Article 64.** Pour les élections présidentielles, les consultations référendaires et les élections législatives, les électeurs établis à l'étranger exercent leur droit de vote auprès des représentations diplomatiques et consulaires algériennes dans le pays de leur résidence. Les électeurs mentionnés à l'alinéa ci-dessus peuvent, à leur demande, exercer leur droit de vote par procuration, en cas d'empêchement ne leur permettant pas d'accomplir leur devoir le jour du scrutin, auprès des représentations diplomatiques et consulaires algériennes. Ils peuvent, en outre, exercer leur droit de vote par procuration, pour les élections aux assemblées populaires communales et de wilayas. Les modalités d'application du présent article seront précisées par voie réglementaire.

## 3. ANDORRA / ANDORRE

Aucune dispositions trouvée dans la législation électorale (toutes les infos sont disponibles en catalan sur le site de la commission électorale du gouvernement d'Andorre<sup>4</sup>).

<sup>1</sup> <http://www.ipls.org/services/kusht/cp2.html#p2c2>.

<sup>2</sup> <http://www.cec.org.al/2004/eng/legjislacion/kodizgjedhor/Electoral%20Code.pdf>.

<sup>3</sup> [http://www.joradp.dz/JO8499/1997/012/F\\_Pag.htm](http://www.joradp.dz/JO8499/1997/012/F_Pag.htm);

[http://193.194.78.233/ma\\_fr/stories.php?story=03/05/17/2227724](http://193.194.78.233/ma_fr/stories.php?story=03/05/17/2227724).

<sup>4</sup> <http://www.eleccions.ad/2009/Normativa/Lleis/Llei%209.pdf>.

#### 4. ARMENIA / ARMENIE

The Electoral Code of the Republic of Armenia, adopted on 05.02.1999 by the National Assembly of the RA, had provided for the opportunity of out of country voting. Particularly, Article 51 of the Code ("Organisation of Voting in Diplomatic and Consular Missions) had provided for the procedure of voting. This Article has been revoked by the "Law of the RA on the Amendments to the RA Electoral Code" adopted by the National Assembly on 26.02.2007 and as a consequence of such amendment the opportunity of Armenian citizens to vote out of country was abolished.

##### Main provisions:

Electoral Code of the Republic of Armenia, 17.02.1999 (including amendments up to 18.12.2007)<sup>5</sup>

#### **Article 51. Organization of Voting in Diplomatic and Consular Missions**

Deleted

#### 5. AUSTRIA / AUTRICHE

In Austria the introduction of external voting (in 1990) followed a resolution of the Constitutional Court.

In 2007 the authorities started the election reform facilitating the procedures for voting from abroad. Austrian citizens can now exercise their voting right by casting a postal ballot. Postal voting is equally possible from abroad. Voters are no longer required the confirmation of a witness. They merely have to sign an affidavit on the voting card which states that they cast their vote in person, unobserved, and without having been influenced.

01.01.2007 *Article 26 paragraph 6 of the Federal Constitution („B-VG“)* was amended as follows:

“(...) Voters who are likely to be unable to cast their vote before an electoral authority on election day, e.g. due to absence, health reasons or because of staying abroad, can exercise their voting right by postal voting upon application and by giving a reason. The voter’s identity has to be furnished in a credible way. By signing an affidavit, the voter has to declare that (s)he cast the vote personally and secretly. (...)”<sup>6</sup>

*Federal Law on the Election of the National Council (National Council Election Regulation 1992 – amended up to 2007<sup>7</sup>:*

**§ 24.** (1) Each person entitled to vote is to be entered in the electoral register of the place (municipality, election ward) where they have their main place of residence on the day set as deadline. The place of registration of those who live abroad is to be determined according to the Voters’ Index.

**§ 38.** (1) People who, on the day of election, are likely not to be in the place where they have been entered into the electoral register have the right to be issued with a postal ballot paper.

<sup>5</sup> <http://www.elections.am/images/docs/elcode.pdf>.

<sup>6</sup> <http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Bundesnormen&Dokumentnummer=NOR40087968&ResultFunctionToken=38ea4ee0-0d28-4bf9-8dd1-ee6ddc41a397&Kundmachungsorgan=&Index=&Titel=&Gesetzesnummer=&VonArtikel=&BisArtikel=&VonParagraf=&BisParagraf=&VonAnlage=&BisAnlage=&Typ=&Kundmachungsnummer=&Unterzeichnungsdatum=&FassungVom=19.11.2009&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=Bundes-Verfassungsgesetz+-+B-VG>.

<sup>7</sup> <http://www.bmi.gv.at/bmireader/documents/419.pdf>.

**§ 60.** (1) If they are in a possession of a postal ballot paper, voters who are likely to be abroad on the day of election can exercise their right to vote, taking into consideration the regulations set out in paras 2 to 6, by sending within the relevant time period the postal ballot paper to the provincial elections authorities responsible, whose address is indicated on the postal ballot paper.

(5) The right to vote can not be exercised in a way not permitted by the country of stay.

(6) The postal ballot paper, together with the sealed envelope in it, has to reach the competent provincial elections authorities before 12 o'clock on the eighth day following the day of election. Any ballot envelopes which reach the provincial elections authorities after the given deadline are not to be taken into account when the election results are determined.

## **6. AZERBAIJAN / AZERBAIDJAN**

Any external voting procedures are not available for municipal elections or elections of deputies to the Milli Majlis for the citizens of the Republic of Azerbaijan in a foreign country on Voting Day. Restrictions to vote is also related to citizens of the Republic of Azerbaijan who are in a foreign country where no Azerbaijani Diplomatic Representation or Consulate exist, or where no Precinct Election Commission has been established at the Azerbaijani Diplomatic Representation or Consulate, or who are in airports, planes, trains, railway stations, or on expeditions on voting Day.

In all other cases the diplomatic representations and consulates of the Republic of Azerbaijan facilitate the implementation of the voting rights of citizens of the Republic of Azerbaijan residing outside the Republic of Azerbaijan.

*Relevant extracts:*

*Electoral Code of the Republic of Azerbaijan, 27.05.2003 (amended up to 02.06.2008)*<sup>8</sup>

### **Article 2. Principles of Participation in Elections and Referendum**

**2.3.** The diplomatic representations and consulates of the Republic of Azerbaijan should facilitate the implementation of the rights of citizens of the Republic of Azerbaijan residing outside the Republic of Azerbaijan, which are enshrined in Articles 3 and 56 of the Constitution of the Republic of Azerbaijan, with regard to the holding of elections and referendums.

**29.2.** Voters residing outside the Republic of Azerbaijan shall be included in the voters' lists of election constituencies. Information on the number of voters permanently residing outside the Republic of Azerbaijan, or on long-term missions abroad and registered with the relevant diplomatic representations and consulates of The Republic of Azerbaijan, shall be submitted to the Central Election Commission by a relevant executive power body. Based on this information, the Central Election Commission shall approve a list of the relevant election constituencies for inclusion of the voters residing outside the country on the voter lists during referendums and Presidential elections. The number of voters in election constituencies where the voters residing outside the Republic of Azerbaijan are included on the lists should be less than the of average voter representation norm.

**29.9.** A unified election constituency, formed for Presidential Elections of the Republic of Azerbaijan and for conduct of a referendum, shall cover the whole territory of the Republic of Azerbaijan.

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<sup>8</sup> [http://www.cec.gov.az/en/cec/election\\_code\\_eng.pdf](http://www.cec.gov.az/en/cec/election_code_eng.pdf).

**29.10.** According to Article 46 of this Code, voters included on the Voters List in a constituency shall also be considered as voters included on the Voters List in the unified election constituency.

**35.6.** Election precincts, which are established for the collection and counting of votes of voters outside the country on Voting Day, shall be created by the heads of diplomatic representations or consulates of the Republic of Azerbaijan at least 30 days prior to Voting Day, in the territories where such voters reside, provided the number of voters registered with the consulate is more than 50. Such polling stations may only be created during referendums and Presidential elections.

**46.8.** Voters' Lists for electoral precincts created outside of the Republic of Azerbaijan shall be approved at least 25 days prior to Election Day by the relevant Precinct Election Commission, on the basis of information provided by heads of the diplomatic representations and consular offices of the Republic of Azerbaijan.

**47.4.** The basis for including citizens of the Republic of Azerbaijan residing outside of the Republic of Azerbaijan and those who are on a long-term foreign missions or business trips in the Voters' List, shall be the fact a person is permanently residing outside of the Republic of Azerbaijan, or the fact a voter is on a long-term business trip (as determined by the diplomatic representations or consular offices of the Republic of Azerbaijan).

## **7. BELARUS**

A citizen of Belarus, who resides or is outside may vote in the parliament and presidential elections and referendums prior to their departure abroad or in diplomatic and other representative offices and consular missions of Belarus abroad.

*Relevant provisions:*

*Electoral Code of Belarus, 11.02.2000 (in Rus.)*<sup>9</sup>

### **Article 18. Procedure of Formation of Polling Stations**

... Beyond the Republic of Belarus, polling stations for elections of the President of the Republic of Belarus, deputies of the Chamber of Representatives and the republican referendum for citizens of the Republic of Belarus staying in the territory of foreign states shall be formed by the heads of diplomatic representations (consular institutions) of the Republic of Belarus operating in the territory of the respective foreign states according to the procedure established by the Central Commission. ...

### **Article 19. Lists of Citizens Who Have the Right to Take Part in Elections, Referendum or Voting for the Recall of a Deputy and the Procedure for their Compilation**

... Lists of citizens who have the right to take part in elections of the President of the Republic of Belarus, deputies of the Chamber of Representatives or a republican referendum for polling stations formed beyond the Republic of Belarus shall be compiled on the basis of the data provided by the heads of diplomatic representations (consular institutions) of the Republic of Belarus operating in the territory of the respective foreign states. ...

### **Article 34. Formation of the Commissions on Elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of Local**

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<sup>9</sup> <http://www.pravo.by/webnpa/text.asp?RN=hk0000370>.

## **Councils of Deputies, on the Referendum and the Holding of Voting for Recall of a Deputy**

... Beyond the Republic of Belarus, when elections of the President of the Republic of Belarus or deputies of the Chamber of Representatives or a republican referendum are held, the precinct commissions shall be formed by the heads of diplomatic representations (consular institutions) of the Republic of Belarus operating in the territory of the respective foreign states.

### **Article 53. Advance Voting at Elections or Referendum**

The elector or the participant in the referendum who has no opportunity to be present on the day of elections or referendum at the place of his living shall have the right, not earlier than five days before the elections or the referendum and in conditions excluding control over the expression of his will, fill the ballot paper in the room of the precinct commission and cast it to the sealed separate ballot box for voting of electors and participants in the referendum who will be absent on the day of the holding of elections or referendum at the place of their living. Official confirmation of causes disabling the elector or the participant in the referendum to come to the voting premises on the day of elections or referendum shall not be required.

Advance voting shall be performed from 10 till 14 hours on working days and from 16 till 19 on days-off in the presence of not less than two members of the precinct commission. In receiving a ballot paper the participant in the referendum shall sign in person in the list of citizens who have the right to take part in the elections or the referendum and shall specify the date of advance voting.

Advance voting shall be performed with the observance of the requirements of this Code.

## **8. BELGIUM / BELGIQUE**

Belgians outside the country may vote in legislative and European elections by post, in consulates or embassies (personally or by proxy) or in a polling station in Belgium (personally or by proxy).

*Relevant extracts:*

*Electoral Code of Belgium<sup>10</sup> in French*

TITRE IVbis

Vote des Belges résidant à l'étranger

**Article 180.** Tous les Belges inscrits aux registres de la population tenus dans les postes diplomatiques ou consulaires de carrière belges à l'étranger et qui remplissent les conditions de l'électorat visées à l'article 1, sont soumis à l'obligation de vote.

Les personnes visées au premier alinéa s'inscrivent comme électeur dans la commune belge de leur choix.

Elles exercent leur droit de vote soit en personne ou par procuration dans un bureau de vote sur le territoire du Royaume, soit en personne ou par procuration dans le poste diplomatique ou consulaire de carrière dans lequel elles sont inscrites, soit par correspondance.

...

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<sup>10</sup>[http://www.ibz.rrn.fgov.be/fileadmin/user\\_upload/Elections2009/fr/lois/CODE\\_ELECTORAL\\_1\\_AVRIL\\_2009.pdf](http://www.ibz.rrn.fgov.be/fileadmin/user_upload/Elections2009/fr/lois/CODE_ELECTORAL_1_AVRIL_2009.pdf)  
(version from 01.04.2009)



## 9. BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Citizens of Bosnia and Herzegovina resident abroad or temporarily out of the country may vote by post.

*Relevant extracts:*

*Election Law of Bosnia and Herzegovina, 2001 (amended up to 2006)*<sup>11</sup>

**Article 1.5.** A citizen of Bosnia and Herzegovina who is temporarily residing abroad and has the right to vote, shall have the right to register and to vote in person or by mail, for the municipality where the person had a permanent place of residence prior to his or her departure abroad, provided that he or she is registered as a permanent resident in that municipality at the moment of submitting his or her application for out-of-country vote.

A citizen of Bosnia and Herzegovina who has dual citizenship pursuant to Article 1(7)(d) of the Constitution, shall have the right to (deleted) vote, only if Bosnia and Herzegovina is the country of his or her permanent residence.

**Article 3.2.** The Central Voters Register is unique, permanent and shall be regularly updated. The following citizens of Bosnia and Herzegovina shall be recorded in the Central Voter Register:

c) those who have the right to vote in accordance with this Law, but are temporarily residing abroad; and

**Article 3.9.** A citizen of BiH who has the right to vote shall be recorded in the Central Voters Register for the basic electoral unit where he is registered as a permanent resident in BiH, unless otherwise specified by this Law. A citizen of BiH who has the right to vote under this Law and who is temporarily residing abroad shall be recorded in the Central Voters Register for the basic electoral unit in which he was registered as a permanent resident in BiH before the departure abroad.

**Article 5.21.** A citizen of Bosnia and Herzegovina who has the right to vote and is abroad shall have the right to vote by mail. The Election Commission of Bosnia and Herzegovina shall regulate the manner and procedure of voting by citizens by mail.

## 10. BRAZIL / BRESIL

The supreme electoral management body is the Superior Electoral Court (TSE), which produces Resolutions about the electoral process. The Regional Electoral Court of the Federal District (TRE-DF) has in its organizational structure the Electoral Foreign Registry Office - 1<sup>st</sup> ZE-ZZ.

The Electoral Foreign Registry Office role is to implement the electoral process and deliver judicial services to Brazilians citizens living abroad. In order to do so, it works closely with the Ministry of Foreign Affairs, represented by the Diplomatic Missions or Brazilian Consular Offices established in several countries around the world.

Who votes?

According to the Brazilian Federal Constitution, art. 14 § 1<sup>o</sup>, enrollment and voting are:

1. Mandatory for those over 18 and under 70 years old.
2. Optional for:

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<sup>11</sup> [http://www.izbori.ba/documents/ENG/Law/BH\\_Election\\_Law.pdf](http://www.izbori.ba/documents/ENG/Law/BH_Election_Law.pdf)

- illiterates;
- people over 16 and under 18 years old;
- people over 70 years old.

The native and naturalized Brazilians who are living abroad may vote, if they apply to register or transfer the voter's certificate at the Embassy or Consulate 180 days prior to the Election Day, when the national registry is closed. The application will then be sent to the judge of the Foreign Registry Office at the Federal District. The re-opening of the registration will be allowed again after the elections.

For the ones enlisted abroad, voting is only compulsory in the elections for President and Vice-President.

The Application for Voter Registration - RAE, will be used as data entry and will be processed electronically. The RAE should be filled in by the employee of the Embassy, Consulate or Office linked to a consular jurisdiction where the Brazilian citizen is a resident, for enlistment, transfer, review or second copy of the voter's certificate. Sent by diplomatic mail to the Ministry of Foreign Affairs in Brasilia, to be submitted to the approval of the electoral judge, applications will be entered and processed by the Electoral Foreign Registry Office - 1<sup>st</sup> ZE-ZZ, which in this case will appear in the national registry of voters abroad.

The voter's certificates granted shall be printed in the Electoral Foreign Registry Office - 1<sup>st</sup> ZE-ZZ and sent to the Ministry of Foreign Affairs, which forwards them via diplomatic mail to the representations abroad.

The voter's certificate will be delivered only to the voter himself by the employee of the embassy or consulate, being expressly forbidden the use of a letter of attorney;

In order to organize a polling section abroad it is necessary, in the district under the jurisdiction of the diplomatic mission, to be least 30 subscribers. The maximum number of voters in a polling place is 400, that meaning that, each polling place holds up to 400 voters. When the maximum number of 400 voters in a section is reached, the system automatically opens a new one. It does not prevent any polling with 100, 200 or even 30 voters.

According to Law 4737 of 15/07/1965, Article § 1, V: if the voter is not in order with his/her Electoral duties, he or she may not obtain or renew its passport.

## **11. BULGARIA / BULGARIE**

Citizens of Bulgaria resident abroad or temporarily out of the country may vote on parliamentary and presidential elections at diplomatic missions on the basis of personal statements.

*Relevant extracts:*

*Act on Election of Members of Parliament, 13.04.2001<sup>12</sup>*

### **Article 23**

(1) The Central Election Committee shall:

4. set out the terms and conditions for Bulgarian citizens to vote abroad not later than 50 days prior to the election day;

### **Article 36**

(1) The bodies under Art. 26, para 1 shall issue certificate for voting elsewhere in one single copy to voters who have stated in advance that they will not vote in the district at their permanent address.

(2) Certificates shall be issued not later than 10 days prior to the election day.

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<sup>12</sup><http://venice.coe.int/VOTA/en/view.asp?doc=52&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>

- (3) Persons who have received certificates shall be deleted from the election roll.
- (4) Certificates shall be recorded into a special register.
- (5) Holders of certificates for voting elsewhere shall be entered into an additional election roll signed by the Chairperson and the Secretary of the District Election Committee at the place of their stay on the election day. The certificates for voting elsewhere shall be attached to this roll.
- (6) Holders of certificates for voting elsewhere shall be entitled to vote at the place of their permanent address. The Committee shall enter such voters into the additional roll to which the certificates under para 1 shall be attached.
- (7) Voters whose current and permanent address are located in different communities may request to be entered into the election roll at their current address not later than 14 days prior to the election day.
- (8) The request under para 7 shall be given in writing before the bodies under Art. 26, para 1 at the place of the current address of the person. After the entry, they shall officially advise the bodies under Art. 26, para 1 at the place of the permanent address of the person not later than seven days prior to the election day so that to delete the name from the roll at the permanent address.

#### **Article 37**

- (1) Election rolls for voting abroad shall be drawn up by the heads of diplomatic missions on the basis of personal statements expressing the will to vote not later than the election day.

#### **Article 41**

- (8) Heads of Bulgarian diplomatic missions abroad shall establish election districts provided that at least 20 voters have personally stated their will to vote.

#### **Article 85**

- (3) Voters abroad shall prove their identity with the (overseas) passport.

#### *Presidential elections act (1991), amended up to 1998<sup>13</sup>*

#### **Article 10 (b)**

- (4) Bulgarian citizens with permanent or temporary residence abroad shall be entered in voter registries compiled by the diplomatic and consular missions of the Republic of Bulgaria, after they have stated their desire to take part in the elections by statement in writing containing the following data: full name, place and date of birth, ID number, series and number of passport for travel abroad. The voters may cast their vote after presentation of passport for travel abroad.

#### **Article 10 (d)**

- (1) A voter changing his or her place of residence for more than ten days during the period from making the registry public to election day, may request the municipal administration or mayor office where he or she has been entered into the voter registry to be issued a licence to vote elsewhere. Licences for voting elsewhere shall be signed by the mayor or an official authorized thereby.
- (2) A voter who has received a licence to vote elsewhere shall be deleted from the registry where he or she has been originally entered and shall be entered by the Sectional Elections Commission at the place of the temporary sojourn on election day into a separate list signed by the chairman and the secretary of the Commission. The entry shall be effected on the basis of the licence to vote elsewhere and personal passport for this country, and for army conscripts - of military ID book.
- (3) Licences to vote elsewhere may not be issued on election day.

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<sup>13</sup><http://venice.coe.int/VOTA/en/view.asp?doc=53&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>

(4) Municipal administrations and mayor offices shall keep a special register of the licences issued. Recipients of such licences shall depose an affidavit that they shall vote at only one place.

## 12. CHILE / CHILI

Chilean citizens residing abroad are not able to vote unless they have enrolled themselves in the voter register when they lived in Chile, and they return to the country to exercise their right to vote. The Chilean Constitution states that all Chilean citizens over 18 years have the right to vote, but there is neither a procedure that indicates how those who live outside the country may exercise it nor a residence requirement in Chile in the corresponding law.

This omission should be corrected by a bill under discussion in the Commission of Constitution, Legislation and Justice of the Senate, which intends to introduce, among other things, the automatic enrollment of all adult Chilean citizens, including those who reside outside the country, and to grant them the exercise of voting in the Chilean Consulate personally, where they should previously notify their new residence abroad. The vote would be limited to presidential elections and referendum only, and neither postal nor proxy voting are considered in that bill as appropriate methods of voting because of possible constitutional objections.

*Relevant extracts:*

### Constitution of Chile

**Article 10.** Chileans are:

- 1) Those born in the territory of Chile, with the exception of children of foreigners who are in Chile in the service of their Government, and the children of transient foreigners, all of whom, nevertheless, will be able to choose Chilean nationality;
- 2) The children of a Chilean father or mother, born abroad. Even so, it will require that one of their ancestors in a direct line of the first or second degree had acquired Chilean nationality by virtue of the provisions of number 1, 3, or 4;
- 3) Foreigners who obtained naturalisation papers in accordance with law, and
- 4) Those who obtained the special favor of naturalisation by law

Those who shall have lost Chilean nationality for any of the reasons established in this article, may only be rehabilitated by law.

**Article 11.** Chilean nationality is lost:

- 1) By voluntary renunciation manifested before the competent Chilean authority. This renunciation will only be effective if the person has previously been naturalised in a foreign country;
- 2) By supreme decree, in the case of services rendered during a foreign war to enemies of Chile or of their allies;
- 3) By cancellation of the naturalisation papers, and
- 4) By a law which revokes the naturalisation conferred as a favour.

Those who shall have lost Chilean nationality for any of the reasons established in this article, may only be rehabilitated by law

**Article 12.** The person affected by an act or resolution of an administrative authority which deprives him of his Chilean nationality, or does not recognise it, will be able to resort, himself or by anyone acting in his name, within the period of thirty days, to the Supreme Court, which will have cognisance of it as a jury and in full court. Filing of the appeal will suspend the effects of the act or resolution appealed from.

**Article 13.** Citizens are Chileans who have reached the age of eighteen years and have not been sentenced to a deprivation of liberty.

The status of citizen confers the rights of suffrage, to seek office by popular election, and others which the Constitution or law may confer.

With respect to Chileans to whom numbers 2 and 4 of article 10 refer, the exercise of the rights which citizenship confers upon them will be subject to their having resided in Chile for more than one year.

**Article 14.** Foreigners resident in Chile for more than five years and who meet the requirements indicated in the first paragraph of article 13, will be able to exercise the right of suffrage in those cases and forms which the law determines.

Those naturalised in conformity with n.3 of article 10, will have eligibility for public offices by popular elections only after five years of being in possession of their naturalisation papers.

**Article 15.** In popular voting, the vote shall be in person, egalitarian, and secret. It will also be obligatory for citizens.

Popular voting will only be called for the elections and plebiscites expressly provided for in this Constitution.

**Article 16.** The right of suffrage is suspended:

- 1) By prohibition in case of insanity;
- 2) Because a person is accused of an offense which merits deprivation of liberty or for an offense that the law defines as terrorist conduct, and
- 3) For having been sanctioned by the Constitutional Tribunal in conformity with paragraph seven of number 15 of article 19 of this Constitution. Those who for this reason find themselves deprived of the exercise of the right of suffrage will retrieve it after the expiration of five years from the declaration of the Tribunal. This suspension will produce no other legal effect other than that provided in the seventh paragraph of number 15 of article 19

**Article 17.** The status of a citizen is lost:

- 1) On loss of Chilean nationality;
- 2) On sentence to deprivation of liberty, and
- 3) On a sentence for offences which the law defines as terrorist conduct and those relating to traffic in narcotic drugs and which will have also merited deprivation of liberty.

Those who will have lost citizenship for the reason indicated in number 2, will recover it in conformity with law, once their criminal liability has been extinguished. Those who will have lost it for the reasons provided in number 3 will be able to request their rehabilitation by the Senate once the sentence has been completed.

**Article 18.** There will be a public electoral system. An organic constitutional law will determine its organisation and functioning, will regulate the manner in which electoral processes and plebiscites will be conducted, as to all not provided by this Constitution, and, at all times, guarantee full equality between independents and members of political parties, both with regard to the presentation of candidacies and to their participation in the indicated processes. Responsibility for safeguarding public order on the occasion of elections and plebiscites will rest with the Armed Forces and the Police in the manner prescribed by law.

Law No. 18556 on Voter Registration and Election Office

**Article 34** La inscripción electoral será gratuita y deberá realizarse ante la Junta Inscriptora correspondiente al domicilio del ciudadano o del extranjero habilitado para ejercer el derecho a sufragio. Se tendrá como domicilio aquel que declare bajo juramento, ante la Junta Inscriptora, la persona que requiera la inscripción.

**Article 36.-** La inscripción requiere necesariamente la presencia de la persona que la solicita y sólo se perfecciona al estampar ella su firma y su impresión digital en ambos ejemplares del Registro. Si faltare la firma o la impresión digital se entenderá inexistente la inscripción, excepto en los casos previstos en las columnas novena y décima mencionadas en el inciso primero del artículo 27.

**Article 42.-** La persona, al momento de solicitar su inscripción, exhibirá la cédula de identidad a que se refiere el artículo 41, luego de lo cual será interrogada verbalmente y bajo juramento, acerca de su domicilio y de si se halla o no inscrita en los Registros Electorales. Si el domicilio correspondiere a la circunscripción de la Junta y la persona declare no estar inscrita o se encontrare en el caso del artículo 54, se procederá a su inscripción, llenándose las columnas de ambos ejemplares del Registro en la forma indicada en el artículo 27.

(...)

**Article 53.-** El Director del Servicio Electoral dispondrá la cancelación de las inscripciones en los siguientes casos:

- a) Por petición de la persona inscrita fundada en haber cambiado de domicilio al territorio jurisdiccional de una Junta Inscriptora distinta de aquélla en que se encontraba inscrita;
- b) Por haberlo solicitado la persona inscrita, en cumplimiento de la obligación que le impone el inciso final del artículo 54; (...)

**Article 54.-** La persona inscrita que hubiere cambiado de domicilio a un lugar correspondiente al territorio jurisdiccional de una Junta distinta de aquélla en que se encontrare inscrita, tendrá derecho a requerir una nueva inscripción electoral, pero estará obligada, al mismo tiempo, a solicitar que se cancele la inscripción vigente. Esta solicitud la hará al Director del Servicio Electoral por intermedio de la Junta Inscriptora a la que haya requerido la nueva inscripción, en los formularios con que, al efecto, dicho funcionario mantendrá provistas a las Juntas.

Igual derecho tendrán las personas domiciliadas en el territorio de una nueva Junta Inscriptora que se haya creado de acuerdo con lo establecido en el artículo 13.

La solicitud se presentará en el momento mismo de requerir la nueva inscripción, y la Junta la remitirá dentro de las cuarenta y ocho horas al Director, con certificación de los datos correspondientes a la nueva inscripción, dejando también constancia del hecho en electa del día.

### 13. CROATIA / CROATIE

Citizens resident abroad or temporarily out of the country may vote on parliamentary and presidential elections personally at diplomatic missions.

*Relevant extracts:*

*Croatia Constitution, Adopted in: Dec 1990 { Last Amendment on: 2 April 2001}*<sup>14</sup>

**Article 45** (2) In elections for the Croatian Parliament and for the President of the Republic, the Republic of Croatia shall ensure suffrage to its citizens who are abroad at the time of the elections, so that they may vote in the countries in which they are or in any other way specified by law.

<sup>14</sup> [http://www.servat.unibe.ch/icl/hr00000\\_.html](http://www.servat.unibe.ch/icl/hr00000_.html)

Act on Election of Representatives to the Croatian Parliament, on 09.04.2003 (last amendments from 09.02.2007)<sup>15</sup>

**Article 6.** The elections are being conducted on polling stations in the territory of the Republic of Croatia and in the diplomatic-consular representative missions of the Republic of Croatia.

**Article 7.** Voters who have residence in the Republic of Croatia shall vote at the polling stations in the territory of the Republic of Croatia, determined according to their place of residence.

Voters who have residence in the Republic of Croatia, but on the election day are serving the armed forces of the Republic of Croatia, voters who are members of the maritime and river Croatian ships crews, but on the election day are outside Croatia's borders, and voters divested of freedom, shall vote at special polling stations, determined in compliance with the provisions of this Act.

Voters who have residence in the Republic of Croatia, but on the election day are outside Croatia's borders, shall vote in the diplomatic-consular representative mission of the Republic of Croatia for representatives of the constituency according to its place of residence in the Republic of Croatia.

**Article 8.** Voters who do not have residence in the Republic of Croatia shall have the right to be represented in the Parliament and shall elect representatives according to the provisions of this Act.

#### 14. CYPRUS / CHYPRE

No relevant provision was found in Constitution of Cyprus<sup>16</sup>.

#### 15. CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Czech citizens living abroad may vote in the Chamber of Deputies election only at voting stations at Czech missions and offices abroad.

*Relevant extracts:*

Act of Law "On Elections to the Parliament of the Czech Republic", no. 247/1995 Coll. of September 27th, 1995, with amendments up to 2006<sup>17</sup>

**Article 1 (5)** The elections to the Chamber of Deputies of the Parliament of the Czech Republic abroad shall be held in the course of 2 days,

a) on a Thursday and on a Friday, with the voting starting at 2 p.m. and ending at 9 p.m. of local time, in any place (Article 3, Section 2) where the time lag in comparison with the territory of the Czech Republic exceeds 4 hours,

b) on a Friday, with the voting starting at 12 noon and ending at 10 p.m. local time, and on a Saturday, with the voting starting at 8 a.m. and ending at 12 noon local time, in any place (Article 3, Section 2) where the time lag in comparison with the territory of the Czech Republic totals 2 hours at the most, c) on a Friday, with the voting starting at 2 p.m. and ending at 10 p.m. local time, and on a Saturday, with the voting starting at 8 a.m. and ending at 2 p.m. local time, in any other place (Article 3, Section 2).

<sup>15</sup> <http://www.sabor.hr/Default.aspx?art=16928>

<sup>16</sup> <http://venice.coe.int/VOTA/en/view.asp?doc=138&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20%20>

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<sup>17</sup> <http://www.psp.cz/cgi-bin/eng/docs/laws/1995/247.html>

**Article 6 5)** The embassies shall establish special lists for all voters

a) having their permanent address outside the territory of the Czech Republic; any such voter must apply for registration in a special list in writing, providing the originals or legalised copies of documents establishing his/her identity, citizenship of the Czech Republic and permanent address within the territory of competence of the embassy in whose special list he/she is to be registered; each application must be forwarded or delivered to the relevant embassy no later than 40 days before the date of the elections,

b) using their electoral cards to vote at the embassies.

(6) All special lists defined in Section 5, Subsection a) shall be closed by the embassies 30 days before the date of the elections and forwarded immediately to the Ministry of Foreign Affairs. The Ministry shall inform the embassies of any and all possible duplicities. After all duplicities have been eliminated, but no later than 20 days before the date of the elections the Ministry of Foreign Affairs shall forward the final version of special lists to the Ministry of the Interior. If any voter registered in accordance with his/her application in any special list abroad is also registered in any permanent list, the Ministry of the Interior shall report this fact the local authority in whose permanent list he/she is registered and the voter shall be deleted from such permanent list immediately. Any such voter shall be informed of his/her deletion from the permanent list by the embassy in whose special list he/she is registered acting on information received from the relevant local authority.

(7) Each embassy shall forward an excerpt from its special list featuring all voters entitled to vote in the elections to the Chamber of Deputies in its special election district to a special district election commission

## 16. DENMARK / DANEMARK

Danish citizens over 18 years who are staying abroad may cast their vote in advance with a Danish diplomatic or consular mission or with a vote receiver appointed by the Minister for the Interior and Health.<sup>18</sup>

*Relevant extracts:*

### Folketing (Parliamentary) Election Act

Act No. 271 of May 13th 1987, latest amendments added on November 30th 2009<sup>19</sup>

2. (1) Persons who are employed by the Danish State and ordered to enter service outside the realm, shall be considered to be permanently resident in the realm.

(2) The following persons who have taken up temporary residence in foreign countries shall also be considered to be permanently resident in the realm-

(i) persons being sent out in foreign service as employees of a Danish public agency or any local private undertaking or association;

(ii) persons taking up residence in foreign countries as employees of an international organisation of which Denmark is a member;

(iii) persons being sent out to do service in foreign countries by a Danish relief organisation;

(iv) persons staying abroad for the purpose of education;

(v) persons staying abroad for health reasons;

(vi) persons staying abroad and who, with respect to affiliation with the realm, must be quite co-equal with the persons specified in paragraphs (i) to (v).

(3) Persons taking up residence in foreign countries shall also be considered to be permanently resident in the realm if they intend to return to the realm within two years of their departure.

<sup>18</sup> <http://elections.sm.dk>

<sup>19</sup> [http://www.ft.dk/~media/Pdf\\_materiale/Pdf\\_publicationer/English/valgloven\\_eng\\_web\\_samlet%20pdf.ashx](http://www.ft.dk/~media/Pdf_materiale/Pdf_publicationer/English/valgloven_eng_web_samlet%20pdf.ashx)



(4) Any person co-habiting at the same address with a person comprised by subsections (1), (2) or (3) shall be considered to be permanently resident in the realm if the co-habiting partners concerned-

- (i) have married or entered into a registered partnership with each other, or
- (ii) fulfil the conditions of marrying or entering into a registered partnership with each other and had set up joint residence before departure.

**16.** (1) Voters comprised by section 2 and who in connection with staying abroad are registered in the national civil registration system (CRS) as emigrated, shall be included, upon request, in the electoral register in the municipality where they were most recently listed in the national register. Voters comprised by section 2(1) or section 2(4), cf. subsection (1) who just before being sent out in foreign service were registered in the national register in a municipality in the Faroe Islands or in Greenland, including the national register for areas in Greenland unclassified as municipalities, shall be included, upon request, in the electoral register in the municipality in Denmark where they were most recently listed in the national register. The request must be submitted to the local council on a form which has been approved by the Minister for the Interior and Health.

(2) Voters who have stayed abroad for more than four years can only be included in the electoral register provided the Election Board considers the conditions of section 2 fulfilled in each individual case. If there is any doubt, whatsoever, as to whether a voter is comprised by section 2, the voter can be included in the electoral register provided only that the Election Board considers the conditions of section 2 fulfilled in each individual case.

(3) Decisions regarding the inclusion in electoral registers of voters comprised by section 2(1) or (2), or section 2(4), cf. subsections (1) or (2) are valid for two years from the day of decision. If, prior to the expiry of the term specified in the first sentence, the voter submits a request for renewed inclusion in the electoral register, the term is extended until a decision has been made. A decision regarding the inclusion in the electoral register of a voter comprised by section 2(3) is valid for two years calculated from the day of emigration. A decision regarding the inclusion in the electoral register of a voter comprised by section 2(4), cf. subsection (3) is valid for two years calculated from the day of emigration for the person comprised by section 2(3) to whom the voter is related as specified in section 2(4).

(4) The Minister for the Interior and Health shall lay down detailed rules for inclusion in the electoral register of voters comprised by section 2.

**53.** (1) Any voter who is prevented from attending the polls on election day may vote in advance at any national registration office in Denmark.

**56.** (1) In Denmark advance voting can take place within the last three weeks prior to election day, however, not later than on the last weekday but one preceding election day.

*Advance Voting in the Faroe Islands,  
Greenland and Foreign Countries*

**57.** (1) Voters who are staying in the Faroe Islands or Greenland may vote in advance at the Faroese or Greenland national registration offices or with a vote receiver appointed by the Minister for the Interior and Health.

(2) Voters who are staying abroad may cast their vote in advance with a Danish diplomatic or consular representation or with a vote receiver appointed by the Minister for the Interior and Health.

(3) Advance votes cast more than three months prior to election day shall not be considered.

(4) Once a general election has been called, the Minister for the Interior and Health shall provide that the Danish representations and other vote receivers abroad are notified accordingly.

*Advance Voting On Board Danish Ships in Foreign Trade and Danish Off-shore Installations*

**58.** (1) Danish sailors and passengers on board Danish ships in foreign trade and persons employed at Danish off-shore installations may vote in advance on board the ship or at the off-shore installation. The ship's master or the person appointed by the ship's master, or the chief of the off-shore installation or the person appointed by the chief, shall act as vote receiver.

(2) Advance votes cast more than three months prior to election day shall not be considered, cf. however subsections (3) and (4).

(3) Sailors in Danish ships in foreign trade, and their accompanying spouses may vote in advance on board the ship from the day following a general election, their votes being valid for the next general election.

(4) At Danish off-shore installations in Danish territory advance voting can take place within the last three weeks prior to election day, however, not later than on the last weekday but one prior to election day.

**59.**-(1) Once a general election has been called, the Minister for the Interior and Health shall provide that ship's masters of Danish ships in foreign trade and chiefs at Danish off-shore installations are notified accordingly.

(2) As soon as the ship's master of a Danish ship in foreign trade is informed that a general election has been called, the ship's master shall provide that advance voting on board takes place without delay. Advance voting procedures may, however, be dispensed with, if, even using the fastest way of dispatch, the advance votes cannot be expected to reach their destination before polling starts on election day, or if compelling and urgent business so prevents. Similar rules shall apply to Danish off-shore installations.

#### *Advance Voting Procedure*

**61.** (1) Voters who wish to cast their vote in advance must duly prove their identity to the vote receiver. The advance voting material will hence be issued, cf. section 60.

(2) The voter indicates on the ballot paper the name or letter of a party which has candidates standing in the multimember constituency where the voter is on the electoral register. If the voter wishes to cast his or her vote for a particular candidate standing in the appropriate multimember constituency, the voter shall state the name of the candidate, with the possible addition of the party name or letter.

(3) The voter fills in the ballot paper without being watched by others and puts it into the envelope. The voter then fills in the covering letter and signs it in the presence of the vote receiver, who confirms the casting of the vote.

(4) If the voter is unable to fill in the ballot paper or to fill in and sign the covering letter, the vote receiver(s) shall provide the requisite assistance, cf. however subsection (6). In addition to the vote receiver, or, in case of participation by more than one vote receiver, instead of one of these, the voter can demand assistance in voting by a person of his/her own choice. If such assistance has been rendered, it must appear from the covering letter.

(5) A candidate standing in the multimember constituency may not render assistance in voting as vote receiver.

(6) Assistance in filling in the ballot paper may be rendered only where the voter is able to indicate directly and unambiguously to the person providing the assistance for which party or candidate the voter wants to vote.

(7) The envelope together with the ballot paper and the covering letter shall be placed in the cover, which is sent to the local council of the municipality where the voter is on the electoral register. The cover shall indicate the name, birth date and permanent address of the voter.

**62.** (1) Vote receivers must not during the advance voting procedure advise a voter or suggest to him or her which party or candidate to vote for. They shall not declare to unauthorised persons whether a voter has voted in advance or provide any other information about the voting of a voter.

(2) No unauthorised person shall be allowed to check systematically whether voters cast their vote in advance.

**63.** (1) The Minister for the Interior and Health shall lay down detailed rules governing the organisation and undertaking of advance voting and procedures in connection with votes cast in advance.

**67.** (1) A voter having cast an advance vote which has already been considered cannot cast his or her vote in the polls on election day.

## **17. ESTONIA / ESTONIE**

Voting from abroad in elections to local government councils is only possible using electronic voting.

At the Riigikogu and the European parliament elections as well as at referendums voting in a foreign state for voters permanently residing in the foreign state and voters temporarily staying there shall be organised by representations of Estonia.<sup>20</sup>

External electors, both temporarily and permanently resident abroad, may choose whether to vote at a foreign mission in person, by post or via Internet (it requires an ID card and a card reader. Cf. in detail /internal link to e-voting/).<sup>21</sup>

*Relevant extracts:*

Referendum Act, passed on 13.03.2002 (RT I 2002, 30, 176)<sup>22</sup>

### Voting in Foreign State

#### **§ 42.** Preparation of voting

(1) Voting in a foreign state for voters permanently residing in the foreign state and voters temporarily staying there shall be organised by representations of Estonia.

(2) An honorary consulate, the honorary consul of which is an Estonian citizen, may be designated to

organise voting by an order of the Government of the Republic. In such case, the honorary consulate

shall perform the acts prescribed in this Chapter.

(3) Voting shall be organised by the head of a representation or an official designated by him or her.

In the case prescribed in subsection (2), voting shall be organised by an honorary consul or a person

designated by him or her. The person who organises voting must have the right to vote in accordance

with § 2.

(4) The chief processor of the population register shall organise the forwarding of lists of voters

permanently residing in foreign states to the representations. The following information shall be

entered in the list of voters:

- 1) given name and surname;
- 2) personal identification code;
- 3) residential address, if known.

<sup>20</sup> <http://www.vvk.ee/index.php?id=11175>.

<sup>21</sup> <http://www.vvk.ee/index.php?id=11175>.

<sup>22</sup> [http://www.vvk.ee/public/dok/RHseadus\\_eng.pdf](http://www.vvk.ee/public/dok/RHseadus_eng.pdf).

(5) If the address of a voter permanently residing in a foreign state or a voter temporarily staying there is known, the representation shall send him or her a polling card by post or electronic mail not

later than on the fiftieth day before the day of the referendum.

(6) The following shall be entered on a polling card:

- 1) the given name and surname of the voter;
- 2) the date of birth of the voter;
- 3) the residential address of the voter;
- 4) the address of the representation;
- 5) the procedure for submitting an application to vote by post, for voting by post and for voting at the representation;
- 6) the due date for the receipt by the representation of applications to vote by post;
- 7) the due date for the receipt by the representation of ballot papers sent by post;
- 8) the time of voting at the representation;
- 9) the issue submitted to the referendum or the title of the draft Act submitted to the referendum and a notation concerning publication of the draft Act in the *Riigi Teataja*.

#### § 43. Submission of application to vote

Leht Referendum Act (consolidated text Feb 2004) 16 koguhulgast 28

<http://www.legaltext.ee/text/en/X60026K2.htm> 23.05.2007

(1) If a voter wishes to vote by post, he or she shall send a corresponding application to the Estonian

representation in the country of his or her habitual residence. If there is no Estonian representation in

the country of habitual residence of the voter, he or she shall send the application to the nearest

Estonian representation.

(2) A voter who has been entered in the list of voters permanently residing in a foreign state shall:

- 1) append a copy of the page of his or her identity document containing personal data to the application;
- 2) indicate in the application his or her residential address in the foreign state.

(3) A voter who has not been entered in the list of voters permanently residing in a foreign state shall:

- 1) append a copy of the page of his or her identity and citizenship document containing personal data to the application or submit copies of other documents which certify that he or she has the right to vote in accordance with § 2;

2) indicate his or her residential address in the foreign state;

3) indicate his or her last residence in Estonia (the county, the city district in Tallinn, or the city of

Tartu). If a voter permanently residing in a foreign state has not had a residence in Estonia, he or she

shall indicate in the application the last residence of his or her parents or grandparents in Estonia.

(4) A voter temporarily staying in a foreign state shall indicate his or her residential address in

Estonia in the application in addition to the information prescribed in clauses (2) 1) and 2).

(5) Applications shall reach the representation not later than on the thirtieth day before the day of the

referendum.

**§ 44. Sending of voting documents to voters**

On the thirtieth day before the day of the referendum, a representation shall send the following to voters who sent their applications in due time and who comply with the requirements of this Act:

- 1) a ballot paper;
- 2) two envelopes.

**§ 45. Voting by post**

(1) A voter shall complete a ballot paper pursuant to the requirements of this Act. The voter shall

place the completed ballot paper in one of the envelopes sent by the representation. The voter shall

place the envelope with the ballot paper in the other envelope sent by the representation. The voter

shall write his or her name and personal identification code on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the

outer envelope. Thereafter the voter shall send the ballot paper to the representation.

(2) Ballot papers sent by post shall reach the representation on the day determined by the representation, which shall be determined such that the National Electoral Committee will receive

the ballot papers not later than on the fourth day before the day of the referendum.

Leht Referendum Act (consolidated text Feb 2004) 17 koguhulgast 28

<http://www.legaltext.ee/text/en/X60026K2.htm> 23.05.2007

(3) A representation shall prepare a list of voters who voted by post and shall forward the list to the

National Electoral Committee. The list shall reach the National Electoral Committee not later than

on the fourth day before the day of the referendum.

(4) Upon voting by post, the expenses relating to the acts specified in subsection 43 (1) and subsection (1) of this section shall be borne by the voter.

**§ 46. Electronic voting in foreign states**

(1) A voter who has been entered in the list of voters permanently residing in a foreign state or who

is temporarily staying in a foreign state and who holds a certificate for giving a digital signature may

vote on the webpage of the National Electoral Committee.

(2) Electronic voting shall be held at the time prescribed in subsection 31 (2) and pursuant to the

procedure prescribed in § 37.

**§ 47. Voting at representation**

(1) If a voter does not submit an application to vote by post within the term provided for in subsection 43 (5) or does not send a ballot paper to the representation by the due date provided for in

subsection 45 (2), he or she may vote at the representation at a time determined by the representation.

(2) A representation shall allow voting on at least two days in the period between fifteen days and

ten days before the day of the referendum.

(3) At a representation, a voter shall complete a ballot paper pursuant to the requirements of this Act.

Thereafter the voter shall place the completed ballot paper in an envelope. The voter shall place the envelope with the ballot paper in another envelope. The voter or the person organising the voting shall write the name and personal identification code of the voter on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope.

(4) A person who votes at a representation shall sign the list of voters voting at the representation against the receipt of a ballot paper.

**§ 48. Taking ballot papers into account upon verification of voting results**

(1) As the voting results are being verified, the ballot papers which have been sent to the National Electoral Committee by a representation and which have arrived not later than on the fourth day

before the day of the referendum shall be taken into account.

(2) When the National Electoral Committee has received the envelopes with ballot papers of voters

permanently residing in a foreign state, the Committee shall verify that the voters permanently residing in a foreign state have not voted several times and that the voters permanently residing in a foreign state who voted in Estonia are entered in the list of voters permanently residing in a foreign state.

(3) If a voter permanently residing in a foreign state has voted several times or has not been entered

in the list of voters permanently residing in a foreign state, the National Electoral Committee shall

not take into account any of the ballot papers completed by the voter or any vote cast electronically

by the voter in the verification of the voting results.

(4) The National Electoral Committee shall designate a county electoral committee which shall

Leht Referendum Act (consolidated text Feb 2004) 18 koguhulgast 28

<http://www.legaltext.ee/text/en/X60026K2.htm> 23.05.2007

verify the voting results of voters permanently residing in a foreign state.

(5) The National Electoral Committee shall forward the ballot papers of voters permanently residing

in a foreign state to the electoral committee designated pursuant to subsection (4) not later than on

the second day before the day of the referendum.

(6) Envelopes with the ballot papers of voters permanently residing in a foreign state shall remain in

the county electoral committee and shall be opened on the day of the referendum in order to verify

the voting results.

(7) Not later than on the day before the day of the referendum, the National Electoral Committee

shall forward the envelopes with the ballot papers of voters temporarily staying in a foreign state through the county electoral committee to the division committees where the ballots are to be taken into account when the voting results are being verified pursuant to subsections 41 (4)-(7).

**§ 49.** Voting on board ship flying national flag of Estonia and located in international waters or waters of foreign state

(1) If a ship flying the national flag of the Republic of Estonia has voters on board and is located in

international waters or waters of a foreign state on advance polling days or the day of the referendum, the master of the ship may submit an application to the National Election Committee to

hold voting on board the ship.

(2) The master of a ship shall organise voting on board the ship pursuant to the provisions of this Act

not earlier than on the thirtieth day before the day of the referendum. A voter shall vote on board a

ship pursuant to the provisions of subsections 35 (3) and (4). Upon verification of the voting results,

votes cast on board a ship shall be taken into account pursuant to the provisions of subsections 48 (1)

and (7) and 41 (4)-(7).

Local Government Council Election Act, passed on 27.03. 2002

(RT I 2002, 36, 220)<sup>23</sup>

**§ 50.** Electronic voting

(1) Voters may vote on the website of the National Electoral Committee on the days prescribed in clause 44 (2) 3) of this Act using electronic means. A voter shall vote himself or herself.

(2) A voter shall certify his or her identity by a certificate which enables digital identification entered on his or her identity card.

(3) After identification of the voter, the consolidated list of candidates in the electoral district of the residence of the voter shall be displayed to the voter on the webpage.

(4) The voter shall mark the name of the candidate in the electoral district of his or her residence in favour of whom he or she wishes to vote and confirm submitting the vote by giving a digital signature by the certificate which enables digital signing entered on his or her identity card.

(5) The voter shall receive a message on the website stating that his or her vote has been accepted.

(6) A voter has the right to change the vote cast by electronic means:

1) by voting again using electronic means at the time prescribed in clause 44 (2)3) of this Act;

2) by voting by ballot paper from the sixth day to the fourth day before election day pursuant to the procedure established in §§ 46-49 or 51 of this Act.

(28.06.2005 entered into force 18.09.2005 - RT I 2005, 47, 387)

Riigikogu Election Act, passed on 12.06.2002, (RT I 2002, 57, 355)<sup>24</sup>

VOTING IN FOREIGN STATE

<sup>23</sup> <http://www.vvk.ee/index.php?id=11155>.

<sup>24</sup> [http://www.vvk.ee/public/dok/RKseadus\\_eng\\_2010.pdf](http://www.vvk.ee/public/dok/RKseadus_eng_2010.pdf).

**§ 49. Preparation of voting**

(1) Voting in a foreign state for voters permanently residing in the foreign state and voters temporarily staying there shall be organised by representations of Estonia.

(2) An consular post, the honorary consul of which is an Estonian citizen, may be designated to organise voting by an order of the Government of the Republic. In such case, the consular post shall perform the acts prescribed in this Chapter.

[RT I 2009, 29, 175, entered into force 1. 07. 2009]

(3) Voting shall be organised by the head of a representation or an official designated by him or her. In the case prescribed in subsection (2) of this section, voting shall be organised by an

honorary consul or a person designated by him or her. The person who organises voting must

be a person who has the right to vote pursuant to subsections 4 (1) and (2) of this Act.

(4) The chief processor of the population register shall organise the forwarding of lists of voters permanently residing in foreign states to the representations. The following information

shall be entered in the list of voters:

- 1) given name and surname;
- 2) personal identification code;
- 3) residential address, if known;
- 4) the number of the electoral district of which the consolidated list of candidates is sent to the voter.

(5) If the address of a voter permanently residing in a foreign state or a voter temporarily staying there is known, the representation shall send him or her a polling card by post or electronic mail not later than on the eighty-fifth day before election day.

(6) The following shall be entered on a polling card:

- 1) the given name and surname of the voter;
- 2) the date of birth of the voter;
- 3) the address of the voter;
- 4) the address of the representation;
- 5) the procedure for submitting an application to vote by post, for voting by post and for voting at the representation;
- 6) the due date for the receipt by the representation of applications to vote by post;
- 7) the due date for the receipt by the representation of ballot papers sent by post;
- 8) the time of voting at the representation;
- 9) the time of electronic voting.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

**§ 50. Submission of application to vote**

(1) If a voter wishes to vote by post, he or she shall send a corresponding application to the Estonian representation in the country of his or her habitual residence. If the country of habitual residence of a voter does not have a representation of Estonia, the voter shall send the

application to the nearest representation of Estonia.

(2) A voter who has been entered in the list of voters permanently residing in a foreign state shall:

- 1) append a copy of the page of his or her identity document containing personal data to the application;
- 2) indicate in the application his or her residential address in the foreign state.

(3) A voter who has not been entered in the list of voters permanently residing in a foreign state shall:

- 1) append copies of documents which certify his or her identity and that he or she has the right to vote in accordance with subsections 4(1) and (2) of this Act;
- 2) indicate his or her residential address in the foreign state;



3) indicate his or her last residence in Estonia (the county, the city district in Tallinn, or the city of Tartu). If a voter permanently residing in a foreign state has not had a residence in Estonia, he or she shall indicate the last residence of his or her parents or grandparents in Estonia.

(4) A voter temporarily staying in a foreign state shall indicate his or her residential address in

Estonia in the application in addition to the information prescribed in clauses (2) 1) and 2) of this section.

(5) Applications shall have been received by the representation not later than on the thirtieth day before election day.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 51. Sending of election documents to voter**

(1) At the earliest possible opportunity, a representation shall send the following to voters who sent their applications in due time and who comply with the requirements of this Act:

1) a ballot paper;

2) the consolidated list of candidates in the electoral district pursuant to the information in the list of voters permanently residing in a foreign state or in accordance with clause 50 (3) 3) or subsection 50 (4) of this Act;

3) two envelopes.

(2) If a voter permanently residing in a foreign state has indicated Tallinn as his or her last residence or the last residence of his or her parents or grandparents but has not specified the

city district, the consolidated list of candidates in electoral district no. 1 shall be sent to the voter.

(3) If a voter permanently residing in a foreign state has indicated Põlva county as his or her last residence or the last residence of his or her parents or grandparents, the consolidated list

of candidates in electoral district no. 11 shall be sent to the voter.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 52. Voting by post**

(1) A voter shall complete a ballot paper pursuant to the provisions of this Act. The voter shall

place the completed ballot paper in one of the envelopes sent by the representation. The voter

shall place this envelope in the other envelope sent by the representation. The voter shall write

his or her name and personal identification code and the number of the electoral district on the

outer envelope. A voter temporarily staying in a foreign state shall also write his or her

residential address in Estonia on the outer envelope. Thereafter the voter shall send the ballot

paper to the representation.

(2) Ballot papers sent by post shall have been received by the representation on the day determined by the representation, which shall be determined such that the National Electoral Committee will receive the ballot papers not later than on the fourth day before election day.

(3) A representation shall prepare a list of voters who voted by post and shall forward the list to the National Electoral Committee such that the National Electoral Committee will receive the list not later than on the fourth day before election day.

(4) Upon voting by post, the expenses relating to the acts specified in subsection 50 (1) of this

Act and subsection (1) of this section shall be borne by the voter.

#### **§ 53. Electronic voting in foreign states**

(1) A voter who has been entered in the list of voters permanently residing in a foreign state or who is temporarily staying in a foreign state may vote on the webpage of the National Electoral Committee.

(2) Electronic voting shall be held at the time prescribed in subsection 38 (2)3) of this Act and

pursuant to the procedure prescribed in § 44 of this Act.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 54. Voting at representation**

(1) If a voter does not submit an application to vote by post within the term provided for in subsection 50 (5) of this Act or does not send a ballot paper to the representation by the due date provided for in subsection 52 (2) of this Act, he or she may vote at the representation at a

time determined by the representation.

(2) A representation shall allow voting at the representation on at least two days in the period between fifteen days and ten days before election day.

(3) At a representation, a voter shall complete a ballot paper pursuant to the provisions of this

Act. Thereafter the voter shall place the completed ballot paper in an envelope. The voter shall place this envelope in another envelope. The voter or the person organising the voting shall write the name and personal identification code and the number of the electoral district of the voter on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope.

(4) A voter voting at a representation shall sign the list of voters voting at the representation against the receipt of a ballot paper.

#### **§ 55. Taking ballot papers into account upon verification of voting results**

(1) The ballot papers received by a representation shall be taken into account in the verification of voting results if they are received by the National Electoral Committee not later than on the fourth day before election day.

(2) When the National Electoral Committee has received the envelopes with ballot papers of voters permanently residing in a foreign state, the Committee shall verify that the voters permanently residing in a foreign state have not voted several times and that the voters permanently residing in a foreign state who voted in Estonia are entered in the list of voters permanently residing in a foreign state.

(3) If a voter permanently residing in a foreign state has voted several times or has not been entered in the list of voters permanently residing in a foreign state, the National Electoral Committee shall not take into account any of the envelopes with ballot papers of the voter. If a voter has voted electronically as well as with a ballot paper, the ballot paper of the voter shall be taken into account. If a voter has voted several times with a ballot paper and electronically, none of the envelopes with ballot papers of the voter as well as the electronically given vote shall be taken into account.

(4) The National Electoral Committee shall designate a county electoral committee for each electoral district which shall verify the voting results of voters permanently residing in a foreign state.

(5) The National Electoral Committee shall forward the ballot papers of voters permanently residing in a foreign state to the electoral committee designated in subsection (4) of this section not later than on the second day before election day.

(6) Envelopes with the ballot papers of voters permanently residing in a foreign state shall remain in the county electoral committee and shall be opened on election day in order to verify the voting results.

(7) Not later than on the day before election day, the National Electoral Committee shall forward the envelopes with the ballot papers of voters temporarily staying in a foreign state to

the corresponding division committees where the ballots are to be taken into account when the voting results are being verified pursuant to the provisions of subsections 48 (4)-(7) of this Act.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

**§ 56.** Voting on board ship flying national flag of Estonia and located in international waters or waters of foreign state

(1) If a ship flying the national flag of the Republic of Estonia which has voters on board is located in international waters or waters of a foreign state on advance polling days or election

day, the master of the ship may submit an application to the National Electoral Committee to hold voting on board the ship.

(2) The master of a ship shall organise voting on board the ship pursuant to the provisions of this Act. A voter shall vote on board a ship pursuant to the provisions of subsections 42 (3) and (4) of this Act. Upon verification of the voting results, votes cast on board a ship shall be taken into account pursuant to the provisions of subsections 55 (1) and (7) and subsections 48

(4)-(7) of this Act.

European Parliament Election Act, passed on 18.12.2002 (RT I 2003, 4, 22)<sup>25</sup>,

Voting in Foreign States

**§ 48.** Preparation of voting

(1) Voting in foreign states by voters permanently residing in a foreign state and voters temporarily staying in a foreign state shall be organised by representations of the Republic of Estonia.

(2) The Government of the Republic may designate an honorary consulate where the honorary consul is an Estonian citizen to conduct voting. In such case, the honorary consulate

shall perform the acts prescribed in this Chapter.

(3) Voting shall be held by the head of a representation or an official designated by him or her. In the case prescribed in subsection (2) of this section, voting shall be held by the honorary consul or a person designated by him or her. The person who holds voting must be entitled to the right to vote pursuant to subsections 4 (1) and (3) of this Act.

(4) The chief processor of the population register shall organise the forwarding of lists of voters permanently residing in a foreign state to representations of Estonia. The following information shall be entered in a list:

- 1) given name and surname;
- 2) personal identification code;
- 3) address details of residence, if known.

(5) If the address of a voter who resides permanently in a foreign state or is staying in a foreign state temporarily is known, the representation shall send the voter card to him or her by post or e-mail not later than eighty-five days before election day.

(6) The following shall be entered in a voter card:

- 1) the given name and surname of the voter;
- 2) the date of birth of the voter;
- 3) the address of the voter;
- 4) the address of the representation;
- 5) the procedure for the submission of an application to vote by post, for voting by post and for voting at a representation;

<sup>25</sup> [http://www.vvk.ee/public/dok/EPestonia\\_eng.pdf](http://www.vvk.ee/public/dok/EPestonia_eng.pdf)

- 6) the due date for the receipt of applications to vote by post at the representation;
- 7) the due date for the receipt of ballot papers sent by post at the representation;
- 8) the time when voting is held at the representation.\_\_\_\_
- 9) the time of electronic voting.

[RT I 2006, 30, 231, entered into force 14.07.2006]

#### **§ 49. Submission of application to vote**

(1) If a voter wishes to vote by post, he or she shall send a corresponding application to the Estonian representation in the country of his or her habitual residence. If Estonia does not

have a representation in the country of habitual residence of a voter, the voter shall send the application to the closest representation of Estonia.

(2) A voter who is entered in the list of voters permanently residing in a foreign state shall:

1) append a copy of the page of an identity document with personal data thereon to the application;

2) indicate his or her residential address in the foreign state in the application.

(3) A voter who is not included in the list of voters permanently residing in a foreign state shall:\_\_\_\_

1) append copies of documents which certify his or her identity and that he or she has the right to vote in accordance with § 4(1) of this Act;

2) indicate his or her residential address in the foreign state;

3) indicate his or her last residence in Estonia (county, city district in Tallinn or the city of Tartu). If a voter permanently residing in a foreign state has not had a residence in Estonia,

he or she shall indicate the last residence of his or her parents or grandparents in Estonia.

(4) A voter temporarily staying in a foreign state shall indicate his or her residential address in Estonia in addition to the information prescribed in clauses (2) 1) and 2) of this section.

(5) Applications must be received by representations not later than on the thirtieth day before election day.

[RT I 2006, 30, 231, entered into force 14.07.2006]

#### **§ 50. Sending of election documents to voter**

A representation of Estonia shall send, at the earliest opportunity, the following to voters who sent in applications in due time and who comply with the requirements of this Act:

1) a ballot paper;

2) the consolidated list of candidates;

3) two envelopes.

#### **§ 51. Voting by post**

(1) A voter shall complete the ballot paper pursuant to the provisions of this Act. The voter shall place the completed ballot paper in one of the envelopes sent by the representation.

The voter shall place the envelope in the other envelope sent by the representation. The voter

shall write his or her name and personal identification code on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope. Thereafter the voter shall send the ballot paper to the representation.

(2) The ballot papers sent by post must be received by a representation not later than by the date determined by the representation so that the National Electoral Committee would receive the ballot papers not later than on the fourth day before election day.

(3) Representations shall prepare lists of voters who voted by post and forward the lists to the National Electoral Committee so that the National Electoral Committee would receive the lists not later than on the fourth day before election day.

(4) Upon voting by post, the costs related to acts specified in subsection 49 (1) of this Act and subsection (1) of this section shall be borne by the voters.

**§ 52. Electronic voting in foreign states**

(1) A voter who has been entered in the list of voters permanently residing in a foreign state or who is temporarily staying in a foreign state may vote on the webpage of the National Electoral Committee.

(2) Votes can be submitted using electronic means at the time prescribed in subsection 37 (2) of this Act and pursuant to the procedure prescribed in § 43 of this Act.

[RT I 2006, 30, 231, entered into force 14.07.2006]

**§ 53. Voting at representations**

(1) If a voter does not submit an application to vote by post within the term prescribed in subsection 49 (5) of this Act, or does not send a ballot paper to a representation of Estonia by

the due date prescribed in subsection 51 (2) of this Act, he or she may vote at the representation at a time determined by the latter.

(2) A representation shall allow voting at the representation on at least two days in the interim between fifteen days and ten days before election day.

(3) A voter shall complete a ballot paper at a representation pursuant to the provisions of this Act. Thereafter the voter shall place the completed ballot paper in an envelope. The voter

shall place the envelope in another envelope. The voter or the person who holds voting shall write the name and personal identification code of the voter on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope.

(4) A voter voting at a representation shall sign the list of voters voting at the representation against the receipt of a ballot paper.

**§ 54. Calculation of ballot papers in verification of voting results**

(1) The ballot papers received by a representation shall be calculated in the verification of voting results if such ballot papers are received by the National Electoral Committee not later than on the fourth day before election day.

(2) Having received the envelopes with the ballot papers of voters permanently residing in a foreign state, the National Electoral Committee shall check whether a voter who permanently resides in a foreign state voted only once and whether a voter who permanently resides in a foreign state is entered in the list of voters permanently residing in a foreign state.

(3) If a voter permanently residing in a foreign state has voted several times or has not been entered in the list of voters permanently residing in a foreign state, the National Electoral Committee shall not take into account any of the envelopes with ballot papers of the voter. If a voter has voted electronically as well as with a ballot paper, the ballot paper of the voter shall be taken into account. If a voter has voted several times with a ballot paper and electronically, none of the envelopes with ballot papers of the voter as well as the electronically given vote shall be taken into account.

(4) The National Electoral Committee shall designate a county electoral committee which shall verify the voting results of voters permanently residing in a foreign state.

(5) The National Electoral Committee shall forward the ballot papers of voters permanently residing in a foreign state to the electoral committee designated in subsection (4)

of this section not later than on the second day before election day.

(6) Envelopes with the ballot papers of voters permanently residing in a foreign state shall remain with the county electoral committee and they shall be opened on election day in order to verify voting results.

(7) Envelopes with the ballot papers of voters temporarily staying in a foreign state shall be forwarded by the National Electoral Committee to the appropriate division committees not later than on the day preceding election day where the ballot papers shall be calculated in the

verification of voting results pursuant to the provisions of subsections 47 (4)-(7) of this Act. [RT I 2006, 30, 231, entered into force 14.07.2006]

**§ 55.** Voting on board ship flying national flag of Republic of Estonia and located in international waters or waters of foreign state

(1) If a ship flying the national flag of the Republic of Estonia which has voters on board is located in international waters or waters of a foreign state on advance poll days or election day, the master of the ship may submit an application to the National Election Committee to hold voting on board the ship.

(2) Voting on board a ship shall be held by the master of the ship pursuant to the provisions of this Act. Voters shall vote on a ship pursuant to the provisions of subsections 38

(3)-(6) and subsection 41 (4) of this Act. Votes cast on board a ship shall be calculated in the verification of voting results pursuant to the provisions of subsections 54 (1) and (7) of this Act.

## 18. FINLAND / FINLANDE

Every person is entitled to vote from abroad in advance at the Finnish diplomatic missions abroad.

*Relevant extracts:*

*Election Act, 1998 amendments up to 218/2004 included*<sup>26</sup>

### **Section 2.** Right to vote

Voting by proxy is not allowed.

### **Section 4.** Election procedure

Elections shall be conducted by organizing *an advance vote* and a *polling day vote*. The municipality is responsible for organizing the advance vote and the polling day vote in Finland, while the Ministry of Foreign Affairs is responsible for organizing the advance vote abroad.

### **Section 9.** Advance polling stations and polling stations on polling day

Advance polling stations are:

2) Finnish embassies and their offices as laid down by a Government Decree.

### **Section 46.** Right to vote in advance

Every enfranchised person is entitled to vote in advance in the general advance voting polling stations in Finland and in the Finnish diplomatic missions abroad.

Enfranchised persons whose ability to move or function is limited to the degree that they are unable to come to the polling or advance polling station without undue hardship, may, pursuant to the provisions in section 55, vote in advance at home in the Finnish municipality which has been registered as their municipality of residence in the voting register.

### **Section 47.** Time period for advance voting

The advance voting shall begin on the 11<sup>th</sup> day prior to the polling day and end outside Finland on the 8<sup>th</sup> day and in Finland on the 5<sup>th</sup> day prior to the polling day. On board a Finnish ship, the

<sup>26</sup><http://venice.coe.int/VOTA/en/view.asp?doc=45&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>

advance voting may, with the exception of the second round in the Presidential election, begin already on the 18<sup>th</sup> day prior to the polling day.

A general advance polling station in Finland is open for advance voting on all days in the time period referred to in subsection 1, unless for special reasons otherwise laid down by a decision of the municipal executive board.

The period of time allowed for advance voting in Finnish diplomatic missions and their offices may, as provided by Government decree, be shorter than what is provided in subsection 1.

**Section 48.** Advance voting times

Advance voting is conducted in the period of time allowed for voting:

2) in a Finnish diplomatic mission on each day specified by the Head of Representation, with the exception of Easter Sunday, Whitsunday, Midsummer Day, Christmas Eve or Christmas Day and Boxing Day;

**Section 58.** Voting in the advance voting

The enfranchised person has in parliamentary elections and municipal elections the right to vote for a candidate from a combined list of candidates of the electoral district or municipality in which the voter is registered as having the right to vote in the election in question, in the European Parliamentary elections to vote for a candidate from the combination of lists of candidates, and in Presidential elections to vote for a candidate from the list of candidates.

**19. FRANCE**

French citizens living abroad are authorized to vote in person, by post or electronically for the elections to the 'Superior Council of the French living abroad' (Conseil supérieur des Français de l'étranger, CSFE). The AFE is a public legislative body, which elects 150 delegates who elect the 12 members of the Upper House of the French Parliament to represent the French citizens living abroad

For presidential elections, voters who are staying abroad may choose whether to vote at a foreign mission in person or by proxy.

*Relevant provisions:*

*Loi n°2003-277 du 28 mars 2003 tendant à autoriser le vote par correspondance électronique des Français établis hors de France pour les élections du Conseil supérieur des Français de l'étranger*<sup>27</sup>

L'article 6 de la loi n° 82-471 du 7 juin 1982 relative au Conseil supérieur des Français de l'étranger est ainsi rédigé :« Article 6. - Les électeurs votent soit dans les bureaux ouverts en application de l'article 5, soit par correspondance sous pli fermé ou, selon des modalités définies par décret, par voie électronique.

*Loi organique n°2005-821 du 20 juillet 2005 modifiant la loi organique n°76-97 du 31 janvier 1976 sur le vote des Français établis hors de France pour l'élection du Président de la République*.<sup>28</sup>

**Article 2.** Les articles 1er à 9 de la même loi sont ainsi rédigés :

« Article 1er. - Tout Français établi hors de France inscrit sur une liste électorale consulaire peut, sur sa demande, exercer son droit de vote à l'étranger pour l'élection du Président de la République conformément aux dispositions de la présente loi organique.

<sup>27</sup> [http://www.assemblee-afe.fr/images/File/pdf/Loi\\_vote%20electronique.pdf](http://www.assemblee-afe.fr/images/File/pdf/Loi_vote%20electronique.pdf).

<sup>28</sup> [http://www.assemblee-afe.fr/images/File/pdf/Loi\\_organique%20modifiant\\_la\\_3\\_janvier\\_1976.pdf](http://www.assemblee-afe.fr/images/File/pdf/Loi_organique%20modifiant_la_3_janvier_1976.pdf).

**2. A l'article 12 :**

- a) Les mots : « au vote dans les centres de vote » sont supprimés ;
- b) Il est ajouté un alinéa ainsi rédigé : « Chaque ambassade pourvue d'une circonscription consulaire et chaque poste consulaire organise les opérations de vote pour l'élection du Président de la République. Toutefois, en cas de nécessité, une ambassade ou un poste consulaire peut, par décret, être chargé d'organiser ces opérations pour le compte de plusieurs circonscriptions consulaires. » ;

**3. L'article 13** est ainsi rédigé : « Article 13. - Les électeurs inscrits sur une liste électorale consulaire peuvent exercer, sur leur demande, leur droit de vote par procuration lorsqu'ils attestent sur l'honneur être dans l'impossibilité de se rendre au bureau de vote le jour du scrutin. « Les dispositions des articles L. 72 à L. 77 du code électoral sont applicables dans les ambassades et les postes consulaires. »

**Article 4.** A la date d'entrée en vigueur de la présente loi organique, sont inscrits de droit sur les listes électorales consulaires :

1. Les électeurs inscrits sur les listes de centre de vote établies en application de la loi organique n° 76-97 du 31 janvier 1976 sur le vote des Français établis hors de France pour l'élection du Président de la République. Ces électeurs sont réputés avoir demandé à participer à l'étranger à l'élection du Président de la République ;
2. Les électeurs inscrits sur les listes établies en application de la loi n° 82-471 du 7 juin 1982 relative à l'Assemblée des Français de l'étranger.

*Décret no 2005-1613 du 22 décembre 2005 portant application de la loi organique no 76-97 du 31 janvier 1976 relative aux listes électorales consulaires et au vote des Français établis hors de France pour l'élection du Président de la République.*<sup>29</sup>

*Vote par procuration hors de France*

**Articles 41, 42, 43, 44, 45, 46.**

**Additional information:** [http://www.diplomatie.gouv.fr/fr/les-francais-etranger\\_1296/vos-droits-demarches\\_1395/elections\\_2490/exercice-du-droit-vote\\_43196.html#sommaire\\_4](http://www.diplomatie.gouv.fr/fr/les-francais-etranger_1296/vos-droits-demarches_1395/elections_2490/exercice-du-droit-vote_43196.html#sommaire_4)

**20. GEORGIA / GEORGIE**

Citizens who permanently or temporarily reside abroad are authorised to vote in person at foreign missions for presidential and parliamentary elections.

*Relevant extracts:*

*The Election Code of Georgia with amendments up to 15.07.2008*<sup>30</sup>

**Article 10. Special List of Voters (14.08.2003)**

1. The special list of voters includes (the data specified in Paragraph 2, Article 9 of this Law are entered into the list):

...Voters being at sea on election day (they are enrolled at the port of registration of the vessel);

The voters being abroad on election day who are on the Georgian consular registry; also the voters, who are not on the consular registry but, not later than the 21<sup>st</sup> day prior to election day, will undergo electoral registration in a Precinct Election Commission formed abroad or in a consular institution. ...

<sup>29</sup> [http://www.assemblee-afe.fr/images/File/pdf/Decret\\_Liste\\_%20elec-c-vf-pr.pdf](http://www.assemblee-afe.fr/images/File/pdf/Decret_Liste_%20elec-c-vf-pr.pdf).

<sup>30</sup> <http://cec.gov.ge/uploads/KETIKETI/CodexinEngNew.doc>.



### **Article 16. Election Precincts**

5. Election precincts on the ships sailing on polling day, as well as in military compounds, are established through the rule determined by this Law, according to ports of registration of relevant vessels and location of stationing of military compounds.

6. Election precincts existing in another state are established by the CEC, based on the data of the Ministry of Foreign Affairs, no later than 30 days prior to election day. These electoral precincts constitute a separate electoral district and their results are summed up by the CEC. (22.11.2007 N 5500)

### **Article 109. Active and Passive Electoral Rights**

1. A Georgian citizen who has reached the age of 21 years by the time of the election day may be elected as a member of a representative body of local self-government -- Sakrebulo. A citizen who has not lived in Georgia over the last two years may not be elected member of Sakrebulo.

2. A citizen of Georgia may not be a member of other representative bodies simultaneously.

3. Voters who permanently or temporarily reside abroad and voters who are on ships at sea on the day when elections are called may not take part in the elections of a representative body of local self-government -- Sakrebulo.

## **21. GERMANY / ALLEMAGNE**

La procédure pour le vote par voie postale est régulée par l'article 36 de la loi électorale fédérale 07.05.1956 (mise à jour le 5 août 2009)<sup>31</sup> et le paragraphe 25 du règlement électorale fédéral du 28.08.1985 (mise à jour 5 août 2009)<sup>32</sup>.

### **Article 16. Registration of Persons Eligible to Vote in the Voters' Register**

(1) Officially, all persons eligible to vote are who are registered with the registration authorities on the thirty-fifth day before the election (qualifying date) must be entered in the voters' register.

1. in respect of a domicile,

2. in respect of a seagoing vessel eligible to fly the German flag (Article 12 (4), no. 1 of the Law) and on which they are employed or hired to serve or undergoing training as a captain or crew member,

3. in respect of a vessel in inland navigation enrolled in a ship's register within the Federal Republic of Germany (Article 12 (4), no. 2 of the Law),

4. in respect of a penal institution or similar establishment (Article 12 (4), no. 3 of the Law).

(2) On application those persons eligible to vote shall be entered in the voters' register

1. pursuant to Article 12 (1) of the Law,

a) (deleted)

b) who, without having a domicile, are otherwise habitually resident in the electoral area,

c) who are in a penal institution or similar establishment and must not to be officially entered in the voters' register under Paragraph 1 (4) above,

2. a) pursuant to Article 12 (2), sentence 1, no. 1 of the Law, and

b) pursuant to Article 12 (2), sentence 1, nos. 2 and 3 of the Law,

who are not to be officially entered in the voters' register under Paragraph 1 (1) above.

(3) If a person eligible to vote who must be entered in the voters' register pursuant to Paragraph 1 above moves his or her domicile and registers with the registration authority of the new place of residence prior to the beginning of the period during which the voters' register is to be on public display (Article 17 (1), sentence 2 of the Law), he or she shall be entered in the voters' register of the commune to which he or she has moved on application only. A person eligible to vote and entered in the voters' register pursuant to Paragraph 1 above who registers under a new address within the same commune shall remain entered in the voters' register of the

<sup>31</sup> <http://www.gesetze-im-internet.de/bundesrecht/bwahlg/gesamt.pdf>.

<sup>32</sup> [http://bundesrecht.juris.de/bundesrecht/bwo\\_1985/gesamt.pdf](http://bundesrecht.juris.de/bundesrecht/bwo_1985/gesamt.pdf).

polling district in which he or she was entered on the qualifying date. Upon registration, the person eligible to vote must be informed of the provisions of sentences 1 and 2 above. If the entry in the register is made on application, the local authority of the commune in which the new place of residence lies shall report this immediately to the local authority of the former place of residence, which shall delete the elector from its voters' register. If, in the case specified in sentence 1 above, the local authority of the former place of residence has or later receives a notice of disqualification from voting, it shall immediately forward this information to the local authority of the new place of residence, which shall delete the person from its voters' register; the person concerned must be informed of such a deletion.

(4) Paragraph 3, sentences 1 and 3 shall apply as appropriate to persons eligible to vote who, on the qualifying date, are not registered in respect of a domicile but register with the registration authorities in respect of a domicile prior to the period in which the voters' register is on public display.

(5) If a person eligible to vote who is entered in the voters' register pursuant to Paragraph 1 above occupies another domicile in a different commune, which becomes his or her main residence, or moves his or her main residence to another commune, Paragraph 3 above shall apply as appropriate if he or she registers with the registration authorities prior to the period in which the voters' register is on public display.

(6) Which domicile of a person eligible to vote is his or her main residence shall be determined by the statutory provisions regarding registration.

(7) Before a person is entered in the voters' register, it must be ascertained that he or she meets the voting requirements laid down in Article 12 of the Law and that he or she is not disqualified from voting pursuant to Article 13 of the Law. If registration in the voters' register is based solely on an application, it must also be ascertained that the application has been submitted in due time and form.

(8) If the local authority of a commune does not accede to an application for registration or deletes a person from the voters' register, it must inform the person concerned immediately. The person concerned may appeal against the decision; he or she must be advised of this option. Article 22 (2), (4) and (5) shall apply as appropriate. The periods stipulated for service of the decision (Article 22 (4), sentence 1) and for a decision on the appeal (Article 22 (5), sentence 4) shall apply only if the objection has been lodged earlier than the twelfth day before the election.

(9) The local authority of the commune must, not later than the qualifying date, advise the management of any penal institution or similar establishment within the commune of the provisions of Paragraph 2 (1), subparagraph (c) above and of the need to inform the persons concerned if the registration laws of the Land do not provide for compulsory registration of the inmates of such establishments.

#### **Article 18. Procedure for Registration in the Voters' Register on Request**

(1) The application for registration in the voters' register must be made in writing to the competent local authority of the commune not later than the twenty-first day before the election. It must contain the surname, forenames, date of birth and exact address of the person eligible to vote. Except in the cases specified in Paragraph 5, collective applications shall be permissible; they must bear the personal handwritten signatures of all the listed persons. A person eligible to vote who is disabled may to this end avail himself or herself of another person's assistance. Article 57 shall apply as appropriate.

(2) (Deleted)

(3) In the cases specified in Article 16 (2), no. 1, persons eligible to vote are to be listed until election day in the voters' register of the commune which is responsible pursuant to Article 17 (2), no. 2 even if they have reregistered with another registration authority in the electoral area after the qualifying date. They must be informed accordingly upon registration.

(4) In the cases specified in Article 16 (2), no. (2), subparagraph (a), persons eligible to vote who are not to be registered in the voters' register of a neighboring commune or who belong to the staff of diplomatic or consular missions of the Federal Republic of Germany must submit their applications through the commune in which the highest authority responsible for the public

employees in question has its seat. That commune must certify that the applicant is eligible to vote pursuant to Article 12 of the Law, is not disqualified from voting pursuant to Article 13 of the Law and is not to be entered by official order in the voters' register pursuant to Article 16 (1), no. 1.

(5) In the cases specified in Article 16 (2), no. 2, subparagraph (b), the person eligible to vote must, when applying for registration in the voters' register as per Annex 2, provide the local authority of the commune certification of his or her enfranchisement by declaring in lieu of an oath that he or she has not applied for registration in the voters' register in any other commune in the electoral area. Requests for application forms and notes for applicants may be submitted to the diplomatic and fulltime consular missions of the Federal Republic of Germany abroad, to the Federal Returning Officer and to the District Returning Officers. If there be doubt about the information provided by the applicant, the local authority must investigate the matter immediately. The Federal Returning Officer must be notified immediately of the registration in the voters' register through the transmission of the duplicate copy of the application as per Annex 2, on which the registration shall be recorded. If the Federal Returning Officer receives notification from more than one local authority of the registration of the same applicant in the voters' register, he or she shall immediately contact any local authority whose notification of registration in the voters' register is received after the first notification to inform it of the registration of the person eligible to vote in the voters' register of the first notifying commune. Any local authority receiving such information from the Federal Returning Officer must delete the person concerned from the voters' register and inform him or her thereof.

(6) If a person eligible to vote specified in Article 12 (2), sentence 1, no. 2 or 3 of the Law returns to the electoral area and registers there in respect of a domicile after the qualifying date but before the beginning of the period in which the voters' register is on public display, he or she shall only be registered in the voters' register of the new place of residence on application and only if he or she has not submitted an application pursuant to Paragraph 5 above and has affirmed this to the local authority. The person eligible to vote is to be advised thereof at the time of application. The local authority of the commune must inform the Federal Returning Officer immediately whenever such a person eligible to vote is registered in the voters' register. Paragraph 5, sentences 5 and 6 shall apply as appropriate.

*Des informations complémentaires sont disponibles:*

<http://www.konsularinfo.diplo.de/Vertretung/konsularinfo/de/Startseite.html>

## **22. GREECE / GRECE**

Greek citizens resident outside the country are unable to vote unless they return to Greece. The Greek constitution states that for national elections, Greek citizens who are out of the country may vote using postal voting or other "appropriate means". Till now, there has been no specific law on this subject. For European elections Greek citizens resident outside the EC may vote at a consulate in an EC country.

*Relevant extracts:*

*The Constitution of Greece*<sup>33</sup>

### **Article 51**

4. Parliamentary elections shall be held simultaneously throughout the State. Matters pertaining to the exercise of the right to vote by persons living outside the Country may be specified by law, adopted by a majority of two thirds of the total number of Members of Parliament. Concerning such persons, the principle of simultaneously holding elections does not impede the exercise of their right to vote by postal vote or by other appropriate means, provided that the

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<sup>33</sup><http://venice.coe.int/VOTA/en/view.asp?doc=222&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>

counting of votes and the announcement of the results is carried out when this is also carried out across the Country.

### 23. HUNGARY / HONGRIE

Voters who are abroad on election day yet maintain a residence within Hungary are allowed to vote in Hungarian embassies or consulates. Overseas voters may cast their voters in person in foreign representation offices one week before the first round of voting in parliamentary elections and on the actual date of the elections for the second round of voting.

*Relevant extracts:*

*The Constitution of the Republic of Hungary (with the amendments up to 2004)*<sup>34</sup>

#### **Article 70**

(1) All adult Hungarian citizens residing in the territory of the Republic of Hungary have the right to be elected and the right to vote in Parliamentary elections; they have the right, furthermore, to participate in national referenda and popular initiatives.

(2) All adult Hungarian citizens residing in the territory of the Republic of Hungary and all adult citizens of other Member States of the European Union who reside in the territory of the Republic of Hungary shall have the right to be elected in local ballots for the election of representatives and mayors; they shall have the right to vote, provided that they are in the territory of the Republic of Hungary on the day of the election or referendum, and, furthermore, to participate in local referenda and popular initiatives. Only Hungarian citizens may be elected to the post of mayor in any local government and the City of Budapest.

(3) All adult persons holding refugee, immigrant or permanent resident status in the Republic of Hungary shall have the right to vote in local ballots for the election of representatives and mayors, provided that they are in the territory of the Republic of Hungary on the day of the election or referendum, and furthermore to participate in local referenda or popular initiatives.

(4) All adult Hungarian citizens residing in the territory of the Republic of Hungary and all adult citizens of other Member States of the European Union who reside in the territory of the Republic of Hungary shall have the right to be elected and the right to vote in elections for the European Parliament.

(5) The right to vote shall not be granted to persons who are under guardianship or conservatorship, persons who are subject to a final legal judgment forbidding them to participate in public affairs, or persons who are incarcerated on the basis of a final legal judgment or who have been committed to treatment in a mental institution on the basis of a final legal judgment rendered in criminal proceedings. Furthermore, adult citizens of other Member States of the European Union who reside in the territory of the Republic of Hungary shall not have the right to be elected if they have been deprived of such right in their country of citizenship by the laws of that country or by a judicial or other official decision.

(6) All Hungarian citizens have the right to hold public office in accordance with their suitability, education and professional ability.

*Act C of 1997 on Electoral Procedure*<sup>35</sup> (*This Act has been amended in 2005 with regard to the self-governments of national minorities. The basic concept (i.e. out of country voting is possible only in the case of nationwide elections – legislative, EP, national referendum) was not touched, only the scope of relevant provisions were changed.*

**§ 20/A** (1) Inclusion in the register at foreign representations may be requested by voters included in the register of their address personally or through a delegate having an

<sup>34</sup> <http://net.jogtar.hu/jr/gen/getdoc.cgi?docid=94900020.tv&dbnum=62>.

<sup>35</sup> <http://venice.coe.int/VOTA/en/view.asp?doc=312&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>

authorisation enshrined in a private deed with conclusive force from the head of the local election office of their domicile before the 16th day prior to polling day in Hungary. Requests for inclusion in the register at foreign representations may be submitted also by registered mail in such fashion that it shall have been received by the local election office the latest before the 16th day prior to voting in Hungary.

(2) Applications with regard to entering the applicant in the register at foreign representations shall contain the applicant's:

- a) first name and family name,
- b) personal identification number,
- c) place and date of birth,
- d) mother's name,
- e) address in Hungary, and
- f) the description of the foreign representation where the applicant intends to exercise their right to vote, and
- g) the applicant's notify address abroad if they do not request that the decision of the head of the local election office should be sent to their address in Hungary.

(3) Within the time frame defined in paragraph (1), voters entered in the register at foreign representations may modify the data set forth in Section (2) f), or request their deletion from the register at foreign representations and their re-entry in the register of their address.

**§ 20/B** (1) On the strength of the application, the head of the local election office will immediately enter the voter in the register at the foreign representation, simultaneously, delete them from the register of their address. The head of the local election office shall immediately inform the applicant that they have been entered in the register at the foreign representation or that their inclusion in the register at the foreign representation has been rejected.

(2) The application shall be rejected if it does not contain the data pursuant to paragraph Section § 20/A (2).

**§ 20/C** The register at foreign representations shall contain voters' particulars pursuant to Section § 20/A (2) a)-e) and the description of the foreign representation.

**§ 20/D** (1) The head of the local election office shall send the data of the register at foreign representations to the National Election Office before the 8th day prior to polling day in Hungary, and the National Election Office will prepare the register at foreign representations split per foreign representations.

(2) The National Election Office will forward the data of the register at foreign representations to foreign representations in such fashion that only the election office at the foreign representation could have access to its data. The election office at the foreign representation will print and authenticate the register at foreign representations. The register at foreign representations shall not be modified. After closing the register at the foreign representation the National Election Office shall immediately provide the nominating organisations with information, split per foreign representations, on the number of voters included in the register at the foreign representation.

**§ 20/E** (1) Reserves because of having been omitted or deleted from or entered in the register may be lodged during the period the register is displayed publicly.

(2) Anyone who has been entered in the register at foreign representations or whose inclusion in the register at foreign representations has been rejected, may lodge a reserve in three days from receipt of the notice thereon.

(3) Reserves lodged because of omission or deletion from the register or inclusion in the register or reserves lodged because of inclusion in or rejection of the inclusion in the register at the foreign representation shall be lodged with the head of the local election office, and will be decided by him/her the latest on the day following the date the reserve is received.

(4) If the head of the local election office sustains the reserve, he will modify the register or the register at foreign representations.

(5) If the head of the local election office does not sustain the reserve, he will send the reserve to the local court, in Budapest to the Pest Central District Court, the latest on the day following the date it is received. In the judicial proceedings it is not obligatory to provide representation by counsel. The court shall act as a sole judge. The court will decide the reserve in three days from the receipt thereof.

(6) If the court finds the reserve well-founded, it will order the modification of the register or the register at foreign representations, failing which it will dismiss the reserve.

(7) The decision of the head of the local election office and the order of the court shall be communicated to the person concerned and the person who has lodged the reserve; the order of the court shall be communicated also to the head of the local election office.

### **Voting at foreign representations**

**§ 71/A** (1) Voting at foreign representations is possible if the host state does not object to it. Voting shall not take place at foreign representations where no voter is registered.

(2) The duties set forth in Sections § 61-71 as to be carried out by the ballot counting committee will be fulfilled and the disputes arising during voting will be decided by the election office at the foreign representation. Sections § 61 (3) and (4) shall not be applied.

(3) The image of the ballot-paper will be sent by the National Election Office to election offices at the foreign representations, which produce ballot-papers by printing this image. Election offices at foreign representations will print twice as many ballot-papers as many voters are included in the register at foreign representations. Election offices at foreign representations will maintain records of the ballot-papers printed.

(4) Voters entered in the register at foreign representations may vote at the foreign representation, or, if the building of the foreign representation is not suitable for conducting voting, in another room provided by the foreign representation. At the polling station minimum one polling booth shall be set up and one ballot-box shall be erected.

(5) At foreign representations votes may be cast on the polling day in Hungary, between 6 a.m. and 7 p.m. local time. At the foreign representations where the time difference is -1 hour or -2 hours compared to Central European time zone, between 6 a.m. local time and 7 p.m. CET. At foreign representations established on the American continent votes may be cast on the day prior to voting in Hungary, between 6:00 a.m. and 7:00 p.m. local time.

(6) During voting the polling station shall not be closed, and voting shall not be extended, or, except for extraordinary circumstances, discontinued. If on the polling day voting becomes impossible due to an accidental external cause, the persons present shall immediately suspend voting, sequester the ballot-box and the documents, and immediately advise the National Election Committee about the fact of such suspension to ensure the lawful continuation of voting.

**§ 71/B** (1) The election office at the foreign representation shall, on the grounds of a certificate issued by a Hungarian authority suitable for establishing identity, establish the identity of the citizen who intends to vote, and if they are included in the register at the foreign representation. Anyone who cannot prove his or her identity as set forth above, or is not included in the register at the foreign representation shall be rejected.

(2) When handing over the ballot-paper and the envelope to the voter, a member of the election office will fill in a statement on voting, which contains the voter's first name and family name, address, personal identification number. The voter will sign the statement on voting, and a member of the election office will authenticate it.

(3) After having filled it in, the voter will place the ballot-paper into the envelope serving this purpose, and will close the envelope. The voter will hand over the closed envelope and the statement on voting to the member of the election office at the foreign representation, who places them into another (outside) envelope in the presence of the voter, closes it and hands it over to the voter. The voter will sign the outside envelope where it is sealed, and will place it into the ballot-box.

(4) If until an hour before closing voting no voter has voted at the foreign representation, a member of the ballot counting committee may be the first voter.

(5) Voting shall be closed also when all the voters registered at the foreign representation have cast their vote.

#### **Forwarding ballots cast at foreign representations**

**§ 71/C** (1) After closing the voting, the election committee at the foreign representation will place the register, the register of rejected citizens, the minutes made out on extraordinary events, the records made of printed ballot-papers, unused and spoiled ballot papers bundled separately, and the minutes made out on closing the voting in the ballot-box, without opening it, and will seal the ballot-box in such fashion that no ballot-paper can be either placed into or taken out of it.

(2) The closed ballot-box will be immediately transported by the election office at the foreign representation to the National Election Office until 12 p.m. on the 4th day after the polling day in Hungary.

(3) If the ballot-box fails to arrive at the National Election Office the way determined in paragraph (1) in closed condition or within the time frame determined in paragraph (2), the ballots therein shall not be taken into consideration when determining the result, the ballot-box shall be stored without being opened, and both the ballot-box and its contents shall be annihilated after 90 days after the election. Whether the ballot-box is not in closed condition determined in paragraph (1) will be decided by the National Election Committee.

#### **The Election of Members of Parliament**

##### **Registration of suffrage**

**§ 89/B** (1) Inclusion in the register at foreign representations shall be applied for until the 23rd day preceding the first round of the election (the polling day in Hungary).

(2) In the application for inclusion in the register at foreign representations, the voter is obliged to indicate whether he/she requests his/her inclusion in the register at foreign representations for the first, the second round or both rounds of the election.

(3) The application shall be dismissed if it does not contain the data pursuant to paragraph (2).

(4) The register at foreign representations also indicates the constituency and the election round.

(5) The head of the local election office shall send the data of the register at the foreign representation to the National Election Office until the 15th day prior to voting in Hungary.

(6) The National Election Office shall send the data of the register at foreign representations also to the competent parliamentary single mandate constituency election committee.

##### **Voting at foreign representations**

**§ 96/A** (1) In the first round, votes may be cast at foreign representations on the 7th day before the polling day in Hungary, between 6 a.m. and 7 p.m. local time. At the foreign representations where the time difference is -1 hour or -2 hours compared to Central European time zone, between 6 a.m. local time and 7 p.m. CET. At foreign representations established on the American continent votes may be cast on the 8th day prior to voting in Hungary, between 6:00 a.m. and 7:00 p.m. local time.

(2) The election committee at the foreign representation will indicate on the outside envelope the description of the parliamentary single mandate constituency on the ballot paper of which voters cast their ballot.

##### **Forwarding ballots cast at foreign representations**

**§ 96/B** (1) In the event of the first round of parliamentary elections, the ballot box shall arrive at the National Election Office until 12:00 p.m. on the 3rd day before voting in Hungary.

(2) The National Election Committee will open the ballot-boxes that have arrived on time, and the chairperson of the National Election Committee or the person delegated by him/her will hand over the voting documents containing the ballots cast at foreign representations, without opening the outside envelope, to the chairperson of the competent parliamentary single mandate constituency election committee or the person delegated by him/her.

(3) If the description of the parliamentary single mandate constituency is not indicated on the envelope containing the ballots cast at the foreign representation, the National Election Committee will bundle the envelope separately, without opening it, as a document of ballots not cast, and will set forth this fact in special minutes.

(4) In parliamentary elections the duty defined in Section § 73/A shall be fulfilled by the parliamentary single mandate constituency election committee

- a) in the first round of the elections, on polling day in Hungary,
- b) in the second round of the elections, immediately after the voting documents have arrived.

### **The Election of Representatives and Mayors of Local Governments**

**§ 100** The provisions of Chapters I-X, except for the provisions regarding the register at foreign representations and voting at foreign representations, shall be applied with regard to the election of the representatives and mayors of local governments (hereinafter referred to as "the local elections") with the deviations set forth under this Chapter.

To complete this section with relevant legal provisions, further §§ should be added, namely

- § 115/B (concerning the applicable provisions for the elections of the settlement minority government representatives: this § explicitly excludes the out of country voting in these elections),
- § 115/M (concerning the applicable provisions for the elections of election of regional and national minority government representatives: this § implicitly excludes the out of country voting in these elections),
- § 116 (concerning the applicable provisions for national referendum: this § implicitly allows the out of country voting) and
- § 132 (concerning the applicable provisions for local referendum: this § explicitly excludes the out of country voting).

These provisions together determine the scope of elections/referenda where out of country voting can take place.

## **24. ICELAND / ISLANDE**

Voting abroad takes place in advance in the offices of Icelandic embassies and permanent missions to international organisations, consular offices or offices of honorary consulates, as determined in further detail by the Ministry for Foreign Affairs.

*Relevant extracts:*

### *Act Concerning Parliamentary Elections to the Althing No. 24 from 16 May 2000<sup>36</sup>*

**Article 1.** Every Icelandic citizen who has reached the age of 18 and is domiciled in Iceland is eligible to vote in parliamentary elections to the Althing when elections take place.

All Icelandic citizens who have reached the age of 18 and who are domiciled in Iceland are eligible to vote:

- a. for a period of eight years from the time when they moved their domicile from Iceland, counting from 1 December prior to the date of the election;

<sup>36</sup> <http://eng.domsmalaraduneyti.is/laws-and-regulations/nr/6713>.



b. after the date referred to in item (a), provided that they have applied for it according to further rules laid down in Article 2.

**Article 56.** Voters who are not able to attend during a polling session on election day may vote outside of the regular polling session, according to the rules laid down in this Act.

**Article 57.** Pre-election voting shall commence as soon as possible after the election date has been advertised, but not earlier than eight weeks before election day. After that time and until the election date the voter has the right to vote outside of the regular polling session. The vote is considered to have been cast on the day when the covering letter was dated.

**Article 59.** Abroad, the pre-election casting of votes shall take place in the offices of Icelandic embassies or permanent missions to international organisations, in consular offices or in the offices of honorary consulates, as determined in further detail by the Ministry for Foreign Affairs. The Ministry for Foreign Affairs can and may also decide that voting is to take place at other locations abroad.

The election officials managing voting abroad are the heads of embassies and permanent missions, career consuls, other diplomatic agents according to the decision of the relevant head, as well as other embassy staff, the staff of permanent missions, consulate staff according to the decision of the Ministry for Foreign Affairs, honorary consuls according to further decision by the Ministry for Foreign Affairs, as well as special election officials appointed by the Ministry for Foreign Affairs.

The Ministry for Foreign Affairs shall announce where and when polling may take place abroad.

**Article 62.** Elections outside of regular polling sessions are only valid if the prescribed electoral materials are used.

Polling takes place by the voter stamping or writing the letter of the alphabet of the list he or she wishes to vote for on the ballot paper; the voter has the right to indicate a preference regarding the order of the candidates on the list.

**Article 63.** Voters who wish to cast their votes outside of the regular polling session are required to prove their identity to the election official by, for instance, producing an identification document or an ID card, or by satisfying the opinion of the election official in another manner. Election officials shall maintain special registers of those who cast their votes at their stations, cf. paragraph 1 of Article 66.

Following this, the voter will receive electoral materials. The voter shall then, without assistance and without any other person seeing, write his or her vote on the ballot paper in the manner described in paragraph 2 of Article 62 and place the ballot paper in its envelope. The voter then writes an address on the covering letter and signs it in the presence of the election official, who witnesses the casting of the vote.

If the voter informs the election official that he or she is not able to write on the ballot paper in the prescribed manner, or write an address on the covering letter and sign it because of loss of eyesight or because the voter is not able to use his or her hand, the election official shall provide assistance in doing so in private, provided that the official is bound by professional secrecy not to divulge what has transpired between the two. The assistance rendered shall be indicated in the register according to paragraph 1 and in the covering letter specifying the reasons for such assistance. Assistance to write on the ballot paper shall only be rendered if the voter is able to state to the person rendering the assistance unequivocally how the voter wishes to cast his or her vote. It is not permitted to offer assistance to those who are in need of such aid.

Finally the ballot envelope, including the covering letter, must be placed in the postal envelope which must then be carefully closed. The envelope must then be addressed to the chairman of the local council, the district commissioner, or the electoral commission in the

constituency where the voter considers himself or herself to be on the electoral register. The voter's name, ID number, and domicile must also be written on the postal envelope.

*Iceland Elections act 1984 and 1991, consolidated with Local Government Elections Act, No. 5/1998*<sup>37</sup>

## **Absentee voting**

### **Article 43**

A voter may cast his/her vote by absentee voting once there are eight weeks remaining until election day.

In the event that the election day has been decided with shorter notice than eight weeks, a voter shall then have the right to cast his/her vote on the working day following the decision on the election date.

Where elections are unrestricted a voter casting a ballot in absentee voting shall write on the ballot the full names and addresses of the regular councillors and alternates he/she elects. The alternates shall be listed in the order in which the voter wishes them to come in as replacements.

In other respects the Act on Elections to the Alþingi shall apply *mutatis mutandis* to absentee voting.

### **Article 65**

A voter who has cast a vote in absentee voting [...] <sup>1)</sup> may cast a vote at the polls, in which case the vote cast in absentee voting shall be disregarded in the voting

### **Article 68**

[An absentee vote shall not be taken into consideration if: the sender is not on the register of electors, the sender has already voted, the sender has waived his/her right to vote in this polling section, cf. Article 51, the sender is deceased prior to election day, the sending envelope contains anything more than one accompanying letter and one ballot envelope, it is evident that the prescribed election documents provided by the Ministry of Justice have not been used, the rules adopted concerning absentee voting have not been complied with, or the vote has not been cast during the time specified in Article 57 and the fifth paragraph of Article 58 of the Act on Elections to the Alþingi, No. 24/2000.

In the event that more than one absentee vote is received from the same voter which could be taken into consideration only the vote most recently cast shall be taken into consideration.] <sup>1)</sup>

1) Act No. 27/2002, Article 19.

### **Article 80**

Absentee votes cast for a list prior to an amendment to it as provided for in Article 33 shall be deemed to have been cast for the list as amended.

## **25. IRELAND / IRLANDE**

Irish citizen living abroad cannot be entered on the register of electors. They cannot vote in an election or referendum in Ireland. Overseas postal voting only applies to Irish officials serving abroad and their spouses, who may register on the postal voters list.<sup>38</sup>

*Relevant extracts:*

<sup>37</sup> <http://venice.coe.int/VOTA/en/view.asp?doc=324&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20%20>

0.

<sup>38</sup> <http://irishabroad.com/Irish-World/Expats/Moving-to-Ireland/Irishsystem/voting>.



The law lays down the requirements and modalities for citizens residing abroad to exercise their right to vote and guarantees that this right is effective. A constituency of Italians abroad shall be established for elections to the Houses of Parliament; the number of seats of such constituency is set forth in a constitutional provision according to criteria established by law.

Law no. 270 of 21 December 2005 concerning "Amendments to the norms for the election of the Chamber of Deputies and of the Senate of the Republic"<sup>42</sup>

**"Article 1 – 1.** The Chamber of Deputies is elected by universal suffrage, by direct, equal, free and secret ballot assigned to lists of competing candidates.

2. The territory of Italy is divided into electoral districts listed in Table A attached to this consolidated legislation. Except for seats assigned to the Foreign District, seats are distributed on a proportional basis, with the possibility of a majority bonus being granted according to articles 77, 83 and 84; this is carried out at the central national office".

6. Article 18-*bis* of Presidential Decree No. 361 of 1957 is replaced by the following:

"Article 18-*bis*. – 1. The presentation of the lists of candidates to for the proportional assignment of seats has to be signed by at least 1,500 and no more than 2,000 voters entered on the electoral lists for communities in districts with no more than 500,000 inhabitants; by at least 2,500 and no more than 3,000 electors entered on the electoral lists for communities in districts with more than 500,000 and less than 1,000,000 inhabitants; by at least 4,000 and no more than 4,500 electors entered on the electoral lists for communities in districts with more than 1,000,000 inhabitants. In case the Chamber of Deputies is dissolved earlier than a hundred and twenty days before the due date, the number of signatures is reduced by half. The signatures have to be certified by one of the entities described in article 14 of the law of 21 March 1990 No. 53. The candidature has to be approved by a declaration that is signed and certified by a mayor, a notary or by one of the entities described in article 14 of the law of 21 March 1990 No. 53. For Italian citizens resident abroad, certification of signature has to be requested at a diplomatic or consular office.

"Norme per l' esercizio del diritto di voto dei cittadini italiani residenti all' estero " Legge 27 dicembre 2001, n. 459"<sup>43</sup>

**Article 1**

1. I cittadini italiani residenti all'estero, iscritti nelle liste elettorali di cui all'articolo 5, comma 1, votano nella circoscrizione Estero, di cui all'articolo 48 della Costituzione, per l'elezione delle Camere e per i *referendum* previsti dagli articoli 75 e 138 della Costituzione, nei limiti e nelle forme previsti dalla presente legge.

2. Gli elettori di cui al comma 1 votano per corrispondenza.

3. Gli elettori di cui al comma 1 possono esercitare il diritto di voto in Italia, e in tale caso votano nella circoscrizione del territorio nazionale relativa alla sezione elettorale in cui sono iscritti, previa opzione da esercitare per ogni votazione e valida limitatamente ad essa.

...

D.P.R. 2 aprile 2003, No.104 Regolamento di attuazione della legge 27 dicembre 2001, n. 459, recante disciplina per l'esercizio del diritto di voto dei cittadini italiani residenti all'estero"<sup>44</sup>

**28. REPUBLIC OF KOREA / REPUBLIQUE DE COREE**

Those eligible for out of country voting are Korean nationals who reside abroad or temporarily stay abroad.

<sup>42</sup> <http://www.legislationline.org/documents/action/popup/id/5084>.

<sup>43</sup> <http://www.camera.it/parlam/leggi/01459l.htm>.

<sup>44</sup> <http://www.senato.it/istituzione/108452/108466/genpagspalla.htm>.

Korean nationals of 19 years of age or above shall have a voting right for the elections of the President and the members of the National Assembly. To be eligible for out of country voting, however, a Korean national does not have to be a registered resident under the Korean Resident Registration Act. Even if one is not a registered resident in Korea, one may vote abroad if one has already notified domestic domicile chosen by him/her in Korea under the Public Officials Elections Act (POEA), Article 218-4.” Further, even if one has not notified one’s domestic domicile in Korea, one can also vote abroad by applying for out of country voter registration under POEA, Article 218-5.

The only elections in which out of country voting is possible are Presidential Elections and National Assembly Members Elections due to the termination of the term of membership

Currently postal voting is not available and no legislative work is being conducted to allow it. Out-of-country voters should register 150-60 days prior to election day; they should be present and vote at the Korean embassies and consulates abroad.

*Relevant extracts:*

*Public Officials Election Act (revised on Feb. 12, 2009 by Act no. 9466)*

**Article 15 (Voting Franchise)**

(1) A national of 19 years of age or above shall have a voting right for the elections of the President and the members of the National Assembly.

**Article 218 (Set up and Operation of Overseas Election Commission)**

(1) Whenever a presidential election and an election of members of the National Assembly according to the termination of the term of membership are held, the National Election Commission shall establish and operate an overseas election commission for the fair administration of an overseas election in every diplomatic and consular office abroad under Article 2 of the Act on the Establishment of Overseas Diplomatic and Consular Offices of the Republic of Korea (including a branch establishment or a branch office under Article 3 of the same Act; hereinafter referred to as a "diplomatic and consular office" in this Chapter) from 180 days before the election day to 30 days after the election day, provided, that in the events of an election and a re-election due to a vacancy of the President, the National Election Commission shall establish and operate overseas election commissions within ten days from the date when a reason for holding the election has been decided.

**Article 218-4 (Notification by Overseas Absentees)**

(1) Whenever a presidential election and an election of members of the National Assembly due to the termination of the term of membership are held, any voter who intends to vote overseas because he/she falls under any of the following Items, as a person whose resident registration has been made and whose domestic domicile has been notified, shall make a notification of an overseas absentee to the head of the competent Gu/Si/Gun from 150 days to 60 days before the election day (hereafter referred to as the "period for notification by overseas absentees" in this Chapter) in writing. In such cases, any person staying or residing in a foreign country shall notify through embassies or consulates:

1. Any person who leaves Korea before the beginning date of the period for absentee voting and is scheduled to return home after the election day; and
2. Any person who will not return home until the Election Day because he/she stays or resides in a foreign country.

**Article 218-5 (Application for Registration of Overseas Voters)**

(1) Whenever a presidential election and an election of members of proportional representation for the National Assembly due to the termination of the term of membership are held, any voter who intends to vote overseas, as a person whose resident registration has not been made or

whose domestic domicile in Korea has not been notified, shall visit embassies or consulates personally from 150 days to 60 days before the election day (hereafter referred to as the "period for application for registration of overseas voters" in this Chapter) and file an application for registration of an overseas voter with the National Election Commission.

**Article 218-12 (Curtailement of Period in Election for Vacancy or Re-election of President)**

In the events where an election or a re-election due to a vacancy of the President is held, notwithstanding the provisions of Articles 218-4 through 218-11, the period for application for registration of overseas voters and the period for report of overseas absentees, etc. shall comply with the following Items. In such cases, the period for perusal of the overseas voter's list etc. and for raising an objection shall not be set separately:

1. Period for application for registration of overseas voters and period for report of overseas absentees:
2. Period for preparation of the overseas voter's list etc.:  
From 34 days to 30 days before the election day

**Article 218-16 (Voting Methods of Overseas Election)**

(1) With respect to vote in an overseas election, in a presidential election and an election of members for electoral district of the National Assembly, the name or mark of a candidate or the name of a party he/she belongs to shall be written on a ballot paper at an overseas polling place in person, and in an election of members of proportional representation for the National Assembly, the name of a party or its mark shall be written on a ballot paper at an overseas polling place in person.

**Article 218-18 (Preparation and Sending of Ballot Papers)**

(1) Gu/Si/Gun election commissions shall prepare ballots and send the relevant ballots, a guide to an overseas election and envelope for return to overseas voters, etc. enrolled in the overseas voter's list etc. by not later than 25 days before the election day via international express mail which is possible to confirm delivery. In such cases, postage will be borne by the State.

**Article 218-25 (Invalid Vote)**

(1) A vote falling under any of the following Items shall be invalid

5. A vote which has not been cast an overseas polling place (excluding a vote which has been cast at an absentee polling pursuant to Article 218-16 Section 3.

**29. KYRGYZSTAN / KIRGHIZISTAN**

A citizen of Kyrgyzstan, who resides or is outside may vote in the parliament and presidential elections and referendums in diplomatic and in consular organizations of the Kyrgyz Republic.

*Relevant provisions:*

*The Code of the Kyrgyz Republic on Elections in the Kyrgyz Republic, 29.05.1999 (with amendments up to 2007<sup>45</sup>)*

**Article 2.** Principles of Citizens' Participation in Elections

2. Citizens of the Kyrgyz Republic residing or temporarily being outside of its territory shall have voting rights in accordance with the present Code. Diplomatic and consular organizations of the Kyrgyz Republic shall be obliged to render assistance to citizens of the Kyrgyz Republic in the implementation of their voting rights established by the present Code.

**Article 21.** Establishment of Precincts

<sup>45</sup> <http://www.legislationonline.org/documents/action/popup/id/15276>.

5. In elections of the President and deputies of Zhogorku Kenesh, upon the submission of the Ministry of Foreign Affairs of the Kyrgyz Republic, the Central Election Commission shall establish precincts for citizens of the Kyrgyz Republic who are outside of its territory. Precincts shall be established with diplomatic missions and consular organizations of the Kyrgyz Republic, as well as in other places densely populated and visited by citizens of the Kyrgyz Republic. The requirement on the number of voters indicated in paragraph 2 of this Article may be disregarded when establishing precincts outside of the Kyrgyz Republic's territory.

**Article 24. State Registration (Count) of Voters**

3. The fact of citizens' permanent residence on the territory of a foreign country or their long-term assignments abroad shall serve as a basis for registration of voters residing outside the territory of the Kyrgyz Republic. The former shall be established by diplomatic representations and consular organizations of the Kyrgyz Republic.

**30. LATVIA / LETTONIE**

Voters who during election time are staying abroad may vote on Election Day in person at one of the established polling stations in diplomatic and consular missions of the Republic of Latvia or by mail.

*Relevant extracts:*

*The Saeima Election Law, 06.06.1995 (last amendments on 31.05.2007)*<sup>46</sup>

**Article 43**

(1) Upon the proposal of the Ministry of Foreign Affairs, the Central Election Commission shall establish polling stations in diplomatic and consular missions of the Republic of Latvia.

(2) Upon consultation with the Ministry of Foreign Affairs, the Central Election Commission may also establish polling stations in other premises suitable for this purpose.

(3) Voters who during election time are staying abroad may vote on Election Day in person at one of the established polling stations or by mail in accordance with the procedure set by this Law.

(4) The Central Election Commission may establish election commissions and polling stations on ships sailing under the Latvian flag and registered in the Republic of Latvia.

(5) Voting on ships may be conducted provided that compliance with the provisions of this Law can be ensured.

**Article 44**

(1) Voters casting their votes in polling stations that have been established in foreign countries or aboard ships shall receive ballot papers containing the lists of candidates nominated for the Riga constituency, and their votes shall be added to the other votes cast in the Riga constituency.

(2) The voting procedure for polling stations located in foreign countries is specified in Chapter III of this Law (except Article 24).

**Article 45**

(1) A voter wishing to vote by mail shall submit an application to this effect to the relevant diplomatic or consular mission of the Republic of Latvia and shall present his/her Latvian citizen's passport. In the application the voter shall indicate his/her full name, personal identity number and the address to which the election materials shall be sent. The voter may apply for voting by mail five weeks before Election Day but not later than three weeks before Election Day.

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<sup>46</sup> <http://web.cvk.lv/pub/public/28126.html>.

(2) Having received such an application, the officer of the diplomatic or consular mission shall:

1) according to the presented passport, check that the applicant is a citizen of the Republic of Latvia who has reached 18 years of age and that his/her passport does not already bear a mark about participation in the current Saeima elections;

2) enter the name of the voter in a special voting-by-mail register;

3) make a note in the voter's passport about participation in the current Saeima elections.

(3) If the application for voting by mail has been submitted without due consideration of the deadline and the procedure specified in Paragraph 1 of this Article or if the applicant is not entitled to vote or if his/her passport already bears a mark testifying that he/she has already voted in the current Saeima elections, the officer of the diplomatic or consular mission shall decline to deliver election documents and shall justify the refusal.

(4) A voter who has registered for voting by mail may change the address to which the election materials should be sent not later than three weeks before Election Day by submitting an application to the relevant diplomatic or consular mission.

(5) When the polling station commission starts its work, the officer of the diplomatic or consular mission shall transmit voters' registers to the commission.

(6) Not later than 15 days before Election Day, the polling station shall send to the voter, at the address indicated in the voter's application, a set of ballot papers containing all the lists of candidates nominated for the Riga constituency, a ballot envelope bearing the stamp of the given polling station and a registration form containing information about the voting procedure and indicating the number assigned to the voter in the voting-by-mail register.

#### **Article 46**

(1) Having received election materials for voting by mail, the voter shall select the ballot paper containing the list of candidates he/she intends to vote for, shall make the annotations referred to in Article 23 of this Law if so desired, shall insert the ballot paper into the ballot envelope and shall seal it.

(2) The voter shall insert the sealed ballot envelope into a mailing envelope, together with the registration form indicating the full name and personal identity number of the voter, and shall immediately send the mailing envelope to the polling station commission from which he/she received the election materials. The mailing envelope shall indicate the voter's number in the voting-by-mail register and shall bear a notation that it contains a ballot envelope.

#### **Article 47**

(1) The polling station commission shall count votes in accordance with the procedure set by Chapter IV of this Law.

(2) The polling station commission shall open only those mailing envelopes which have been received by the time the counting of votes started at the given polling station. The valid ballot envelopes shall be kept unopened until the opening of the ballot boxes.

(3) When the polling station commission has opened the ballot box and has grouped the valid ballot envelopes, then before opening them, it shall add to them the ballot envelopes received by mail.

#### **Article 48**

(1) If, before vote counting starts, the polling station commission receives a mailed envelope addressed to the given polling station and if the mailed envelope bears a notation that a ballot envelope is enclosed, the commission shall:

1) check if the voter's name has been entered in the voting-by-mail register and if the receipt of the ballot envelope from this voter has not already been recorded in the register;

2) check if the ballot envelope bears the stamp of the given polling station commission;

3) make an entry in the voting-by-mail register.

(2) A ballot envelope shall be regarded as invalid if it:

1) does not bear the stamp of the given polling station commission;



- 2) has been mailed by a voter whose name is not found in the voting-by-mail register;
  - 3) has been mailed by a voter for whom an entry in the voting-by mail register has already been made certifying the receipt of a ballot envelope from this voter.
- (3) The invalid ballot envelopes shall not be opened and shall not be inserted into the ballot box. They shall be numbered, and an entry explaining why they are regarded as invalid shall be made in the minutes. The invalid ballot envelopes, together with applications and mailing envelopes, shall be stored in accordance with the procedure set by the Central Election Commission.

Electoral Register Law, 29.01.2004<sup>47</sup>**Section 12**

(1) The Office shall not later than 75 days before the elections prepare the initial electoral roll for each polling station.

(2) The electoral roll of a polling station shall include all the voters who have declared their place of residence at the addresses belonging to the relevant polling station or whose last registered residential address was at the addresses belonging to the polling station.

(3) Voters who have registered their place of residence in foreign states shall be included in an electoral roll of voters living abroad.

**31. LIECHTENSTEIN**

The voters can cast their vote from abroad by post.

*Relevant extracts:*

Volksrechtgesetz 17.07.1973<sup>48</sup>**Article 1. Grundsatz**

2) Personen, die sich zum Besuch einer Lehranstalt oder zu zeitweiliger Arbeit wie Saisonarbeit im Ausland aufhalten oder vorübergehend in einer ausländischen Heilanstalt untergebracht sind, behalten, wenn sie die übrigen Voraussetzungen erfüllen, ihr Stimmrecht bei.

**Article 85. Briefliche Stimmabgabe**

a) *Stimmabgabe*

1) Der Stimmberechtigte kann seine Stimme von jedem Ort im In und Ausland brieflich abgeben.

**Article 186. Zustellung**

2) Die Gemeinde kann Stimmberechtigten die Stimmkarte und das amtliche Stimmmaterial auch ins Ausland zustellen. Voraussetzung dafür ist ein schriftliches Gesuch an die Gemeinde bis spätestens drei Wochen vor dem Wahl- oder Abstimmungstag.

**32. LITHUANIA / LITUANIE**

Voters of the Republic of Lithuania, who have gone to foreign states are entitled to vote in the Presidential Elections, in the elections to the European Parliament and to participate in the referendum voting in diplomatic missions or consular posts of the Republic of Lithuania or by post, in advance informing the commission of the diplomatic mission or the consular post of the Republic of Lithuania about his/her residence address. The diplomatic mission or consular post of the Republic of Lithuania will send ballot papers to voter by post. Voters who are temporary abroad may vote on election to the Seimas in advance at a polling district.

Voters who are temporary abroad may also vote on election to Municipal Councils in advance at their polling district.

*Relevant extracts:*

Law on Election to Municipal Councils, Law no. I-532 of 7 July 1994 as amended by Law no. X-1045 of 18 January 2007<sup>49</sup>

<sup>47</sup> <http://www.legislationline.org/documents/action/popup/id/3817>.

<sup>48</sup> [http://www.gesetze.li/get\\_pdf.jsp?PDF=1973050.pdf](http://www.gesetze.li/get_pdf.jsp?PDF=1973050.pdf).

<sup>49</sup> <http://www.legislationline.org/documents/action/popup/id/9070>.

Article 65. Voting at Home and Voting in Advance

2. Only those voters may vote in advance, who are unable to arrive to a polling district to vote on polling day. A constituency electoral committee shall organise voters' voting in advance. Voting in advance must be conducted from 12.00 to 8.00 pm on the Wednesday and Thursday preceding a polling day, in the premises prepared beforehand and fitted for voting, which are situated in the building in which a workplace of the municipal mayor (director of the administration) is located. In order to hand out and accept ballot papers and voting envelopes when voting in advance, the chairman of a constituency electoral committee shall appoint not less than 2 members of a constituency electoral committee or district electoral committees who may not be proposed by the same political party. Voting in advance shall be supervised by the chairman of a constituency electoral committee or, upon his instruction, a member of the constituency electoral committee.

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Law on Elections to the Seimas, Law no. I-27219 of 9 July 1992, as last amended by Law No. X-1490 of 15 April 2008<sup>50</sup>

**Article 67. Postal Voting**

1. Postal voting shall be possible for voters who are in institutions of healthcare (with the exception of outpatient healthcare institutions), social care or guardianship because of their health condition or age, or who perform mandatory military service and therefore are unable to come to a polling district to vote, or who perform active military service, civil service or work under the employment contract in international military operations abroad, or who serve arrest or imprisonment sentence. Postal voting shall be possible at post offices set specially for postal voting (hereinafter referred to as "special post offices") during their business hours on a last Wednesday, Thursday or Friday before an election day. Postal voting in military units located abroad shall be conducted in accordance with the procedure laid down by the Central Electoral Commission on the recommendation of the Ministry of National Defence. Expenses related to postal voting shall be covered with the funds of the State Budget.

...

6. Voting in secrecy, the voter shall himself:

- 1) mark the ballot papers;
- 2) put the marked ballot papers into the voucher envelope;
- 3) seal the voucher envelope;
- 4) put the voucher envelope into the outer envelope together with the voter certificate;
- 5) seal the outer envelope.

7. Actions referred to in paragraphs 6 and 8 of this Article shall be carried out by a voter himself. If because of the physical disability a voter is unable to carry out the said actions himself, at his request such actions shall be carried out by a person he chooses. This person must mark the ballot papers in the presence of the voter according to his instructions and preserve the secrecy of voting.

8. The sealed outer envelope (with the voter certificate, voucher envelope and ballot papers in it) the voter shall hand to a postal worker. Upon having received the envelope handed by the voter, the postal worker shall seal it with a special mark in the voter's presence and shall give the voter a receipt confirming the acceptance of this envelope.

9. A postal worker shall be prohibited from carrying out for a voter the actions referred to in paragraphs 6 and 8 of this Article, as well as from accepting from the voter an outer envelope which is not sealed. Voters shall be prohibited from taking out postal ballot papers, voucher envelopes or handing them to other persons.

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<sup>50</sup> <http://www.legislationline.org/documents/action/popup/id/9068>

**Article 67<sup>1</sup>. Voting at Home and early voting**

...

2. Voters who are unable to come to a polling district to vote on an election day may vote early. Early voting shall be organised by a constituency committee. Early voting must take place from noon till 8 pm on the Wednesday and Thursday preceding an election day in the premises which are prepared in advance, suitable for voting and located in the building in which the mayor (director of the administration) of the municipality in the territory of which a polling district is situated. If a constituency comprises the territories of several municipalities, early voting shall be organised in all those municipalities. For issuing and collecting ballot papers and voting envelopes during early voting the chairman of an electoral committee of a constituency shall appoint not less than two members of a constituency committee or polling district committee who may not be proposed by the same political party. The chairman of a constituency committee or by order of the said chairman – a member of the constituency committee shall supervise early voting.

**Article 68. Organisation of Polls in Diplomatic Missions, Consular Posts and on Ships of the Republic of Lithuania**

1. Voting commissions shall be set up in diplomatic missions, consular posts and on ships of the Republic of Lithuania in order to organise voting and count the votes cast.

2. Voting commissions shall consist of chairman and at least two members. They shall be set up in a diplomatic mission or consular post of the Republic of Lithuania by its head from the employees of the diplomatic mission or consular post of the Republic of Lithuania, or from other citizens of the Republic of Lithuania residing in a foreign country. The procedure for giving written pledges by commission members shall be laid down by the Central Electoral Commission.

3. Voting commissions on ships shall be set up by ship captains – citizens of the Republic of Lithuania, taking into account the decision of a meeting of the ship's crew – citizens of the Republic of Lithuania.

4. The procedure for voting, vote counting and submitting of records to the Central Electoral Commission, as well as the procedure for handing certificates of election observers shall be laid down by the Central Electoral Commission.

5. On the recommendation of the Minister of Foreign Affairs, the Central Electoral Commission shall draw up a list of diplomatic missions and consular posts of the Republic of Lithuania in which voting shall be conducted and shall set polling days (no less than 10) for each diplomatic mission or consular post.

6. In diplomatic missions, consular posts of the Republic of Lithuania their heads and on ship their captains – citizens of the Republic of Lithuania shall be responsible for organizing voting, submitting to the Central Electoral Commission the records and other documents defined by it.

7. Voting shall not be organised on the ships on which there are no conditions to organize voting pursuant to the requirements of this Law.

**Article 70. Polls in Diplomatic Missions and Consular Posts of the Republic of Lithuania**

1. Voters who have gone to foreign states shall be entitled to vote in diplomatic missions or consular posts of the Republic of Lithuania during their business hours. Not less than 4 hours must be allotted for voting during a business day of the said establishments. Polls shall close on the election day at the Republic of Lithuania time.

2. Voting commissions set up by the diplomatic missions or consular posts of the Republic of Lithuania shall hand election documents to the voters who have notified the said institutions about their places of residence, or, at their request, deliver the documents by post and accept them.

3. Voters who have come for voting to a diplomatic mission or consular post of the Republic of Lithuania shall be prohibited from taking out the election documents or giving them to another persons

Law On Presidential Elections, Law No. I-28 Vilnius of 22 December 1992 (as amended by Law No. IX-2429, of 2 August 2004)<sup>51</sup>

**Article 23<sup>8</sup>. Registration of Citizens of the Republic of Lithuania, Staying Abroad, in Electoral rolls**

Citizens of the Republic of Lithuania staying in other states shall be entered on the electoral roll of the city of Vilnius.

A diplomatic mission of the Republic of Lithuania shall, at least 15 days before the elections, submit to the Central Electoral Commission the electoral roll compiled in the diplomatic mission, as well as the data concerning checking the accuracy of said roll. This roll may be supplemented with the voters who will be unable to return to Lithuania during the period of voting by post or to be present on the election day, and who shall vote in diplomatic missions.

**Article 54. Voting by Post**

Voting by post shall provide citizens who are not able to arrive at a polling district to vote due to the health or other reasons with a possibility to participate in elections . Voting by post shall be possible at town, region post offices during their business hours beginning with 5 days before the election and ending with 1 day prior to the election, provided the voter is put on the electoral roll of that town, region, and ending 2 days prior to the election, provided the voter is not put on the electoral roll of that town, region. Expenses related to voting by post shall be covered by the State.

The head of the post office shall be responsible for the organisation of voting by post. He shall be responsible for keeping of records, issue and collection of ballot papers and voucher envelopes during voting by post.

The head of the post office, with the consent of the town, region electoral committee, shall, for the issue and collection of ballot papers and voucher envelopes during voting by post, appoint postal workers (officers) who are entrusted with the issue of ballot papers and voucher envelopes. If the town, region electoral committee requests so, the head of the post office must remove a postal worker from the work with election documents. Postal workers who are authorised to issue election papers shall be issued by the town, region electoral committee the certificates of the established form. An electoral committee member, election observer, having produced his certificate to the postal worker, a voter, having produced the voter certificate and the document proving his identity, shall have the right to write his remark in this certificate, and the head of the post office shall immediately notify the town, region electoral committee about this remark. The postal worker who does not have this certificate shall not have the right to issue election papers. Post offices must provide a room (place) where the voter can, without interference and in secrecy, mark the ballot papers and put them into a voucher envelope. The observers who have the certificates allowing to observe election in any polling district may watch voting procedure.

The postal worker shall issue election documents in accordance with the procedure established by the Central Electoral Commission. Together with ballot papers, voters shall be given envelopes for voting by post. An outer envelope for voting by post shall be addressed by the postal worker to the electoral committee of the polling district, which is indicated in the voter certificate of the person.

Voting in secrecy, the voter shall:

- 1) mark the ballot papers;
- 2) put the marked ballot papers into the voucher envelope;
- 3) seal the voucher envelope;
- 4) put the voucher envelope into the outer envelope together with the voter certificate;
- 5) seal the outer envelope.

The outer envelopes, voucher envelopes, and ballot papers shall, at least 2 days prior to the election, be delivered by a postman to the homes of voters who are not able to arrive for voting at a post office or at a polling district on the election day due to health reasons. The concrete

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<sup>51</sup> <http://www.legislationline.org/documents/action/popup/id/4859>.

schedule of arrival of a postman to voters must be approved by the head of the post office (post office branch) not later than by noon, a copy of the schedule shall be announced in a notice-board and the schedule shall start being implemented on the next day following its approval. Together with a postman not less than 2 committee members, as well as observers may arrive at the voter's home. The electoral roll of such voters shall be compiled at least 10 days before the elections by the electoral committees of a polling district in accordance with applications in the form set by the Central Electoral Commission, filled in by citizens requesting to ensure a possibility to vote at home. With consent of the chairman of a constituency electoral committee or a member of a constituency electoral committee authorised by him, polling district electoral committees may supplement the roll provided that they received applications of such voters not later than 3 days prior to elections. Applications of citizens must be also approved by the heads of town, region welfare institutions or town, region health care and medical treatment institutions or by the officers who are authorised by them for that purpose. Applications shall be added to the roll compiled by the district electoral committee of the voters who are not able to arrive for voting at a post office or at a polling district on the election day due to health reasons. Postal workers, members of electoral committees or other individuals may not bring outer envelopes, voucher envelopes and ballot papers to the homes of the voters who are not entered on the roll of the voters who are not able to arrive for voting at a post office or at a polling district on the election day due to health reasons. The following may be entered on the roll of the voters who are not able to arrive for voting at a post office or at a polling district on the election day: I group invalids, persons with a locomotor disability (II groups) and the persons with temporary incapacity for work, if they have submitted applications provided for in this paragraph to ensure a possibility to vote at home. Officers who have provided electoral committees with inaccurate data about voters who are not able to arrive for voting at a post office or at a polling district on the election day, shall be held liable under law.

The sealed outer envelope (with the voter certificate, voucher envelope and ballot papers in it) the voter may:

- 1) hand to a postal worker;
- 2) hand to the postman who has delivered the election documents to him; or
- 3) put into a post-box.
- 4) hand the enclosed in envelopes election ballot, to the captain of a port bound ship and entrust him with the posting of the ballot.

When a voter casts a vote at home, it shall be prohibited to exert any influence on his decision and to hasten him to vote. The voter who has no physical defects preventing him from marking a ballot paper, shall personally put the secretly marked ballot paper into the voucher envelope, seal it, place the sealed voucher envelope into the outer envelope together with the voter certificate and seal it.. On the request of the voter who, due to his physical defects, is not able to do that himself, this shall be performed by the person (except a postman, electoral committee member or observer) chosen by the voter whom he trusts and who must maintain confidentiality of the voting. The voter may deliver the sealed outer envelope to a postman or post it on the same or another day.

#### **Article 54<sup>1</sup>. Voting in Diplomatic Missions**

Voting in diplomatic missions (consular posts) of the Republic of Lithuania may take place during its business hours, but for at least 4 hours a day. If the voter requests so, the diplomatic mission (consular post) may send and accept election documents from him by post. On the recommendation of the Ministry of Foreign Affairs, the Central Electoral Commission shall compile the list of diplomatic missions (consular posts) in which voting shall be conducted and shall establish polling days (no less than 10) for each diplomatic mission (consular post). The head of the diplomatic mission (consular post) shall be responsible for the organisation of voting.

**Article 54<sup>3</sup>. The Procedure for Voting in Diplomatic Missions and on Ships of the Republic of Lithuania**

Electoral committees shall be formed in diplomatic missions (consular posts) and ships of the Republic of Lithuania for organising the voting and calculating the votes cast.

Electoral committees shall be composed of a chairman and at least two members. The head of a diplomatic mission or consular post of the Republic of Lithuania shall form electoral committees from the staff members of the diplomatic mission or consular post or from other citizens of the Republic of Lithuania residing in the foreign state. The procedure for giving written pledges of electoral committee members shall be established by the Central Electoral Commission.

The captain of a ship, taking into consideration the decision of the meeting of the ship's crew - citizens of the Republic of Lithuania, shall form electoral committees on ships .

The procedure for voting, vote calculation, submitting of vote calculation records to the Central Electoral Commission, as well as the procedure for issuing certificates to observers shall be established by the Central Electoral Commission.

*Law on Elections to the European Parliament, Law No. IX-1837 of 20 November 2003<sup>52</sup>*

**Article 65. Voting by Post**

1. Citizens who due to their health condition or other reasons are not able to come to the polling station on the polling day shall be provided with an opportunity to participate in elections by voting by post. Voting by post shall be possible at post offices during their business hours beginning 5 days before the election and ending 1 day prior to the elections, provided the voter is put on the electoral roll of that municipality, and ending 2 days prior to the election, provided the voter is not put on the electoral roll of that municipality. Expenses related to voting by post shall be covered by the Central Electoral Committee from the funds of the State Budget.

...

**Article 66. Voting in Diplomatic Missions**

1. Voting in diplomatic missions (consulates) of the Republic of Lithuania may take place during its business hours, but for at least 4 hours a day. If the voter requests so, the diplomatic mission (consulate) may send and accept election documents from him by post.

2. By the advice the Ministry of Foreign Affairs, the Central Electoral Committee shall compile a list of diplomatic missions (consulates) in which voting shall be conducted and shall establish voting days (no less than 10) for each diplomatic mission (consulate).

3. The head of the diplomatic mission (consulate) shall be responsible for the organisation of voting.

*Law on Referendum, Law no. IX – 929 of June 4, 2002, as amended by Law no. IX – 1349 of February 25, 2003<sup>53</sup>*

**Article 41. Registration of Citizens Who Are Staying Abroad in Voter Lists**

1. Citizens of the Republic of Lithuania who are staying in other states shall be registered in the Vilnius city voter list.

2. A diplomatic mission (consulate) of the Republic of Lithuania shall, at least 15 days before voting in the referendum, submit to the Central Electoral Committee the voter list compiled in the diplomatic mission, (consulate) as well as a report about its updating. Added to this list may be the voters who, during the period of voting by post or on the day of voting in the referendum, are not able to return to Lithuania and are voting in the diplomatic mission (consulate).

<sup>52</sup> <http://www.legislationline.org/documents/action/popup/id/6925>.

<sup>53</sup> <http://www.legislationline.org/documents/action/popup/id/6815>.

#### **Article 42. Registration in Voter Lists of National Defence Servicemen, Voters who are Aboard a Ship and in Places of Confinement**

1. Voters performing active or alternative service shall be registered in the voter lists of the polling district on whose territory they have permanently resided before they were summoned for the active or alternative service.
2. Officers, non-commissioned officers and re-enlistees of the national defence system and the internal affairs service shall be registered in the voter lists of the referendum-polling district on whose territory they permanently reside.
3. The voters who are aboard a ship and who will be unable to return to Lithuania during the period of voting by post or to be present on referendum day, shall be registered in the additional voter list of the polling district in whose voter list the ship's crew is registered.
4. Voters who are in places of confinement shall be registered in the voter list of the polling district in whose territory they have permanently resided prior to being placed in confinement. Upon a written request of a person who is in a place of confinement he shall be registered in the voter list of the polling district in whose territory the place of confinement is situated.

#### **Article 54. Voting by Post**

1. Voters who due to the condition of their health or for other reasons are not able to come to the polling station on the referendum day shall be provided with an opportunity to participate in the referendum by voting by post. Voting by post shall be possible at post offices during their business hours beginning from 11 days before the referendum and ending 1 day prior to this voting, provided the voter is put on the voter lists of the city, region, and if the voter is not put on the voter lists of the city, region in whose post office he is voting, ending 2 days prior to the referendum.

...

#### **Article 55. Voting in Diplomatic Missions (Consulates) of Republic of Lithuania**

1. Voting in diplomatic missions (consulates) of the Republic of Lithuania may take place during its business hours, but for at least 4 hours a day. If the voter requests so, the diplomatic mission (consulate) may send and accept referendum documents from him by post.
2. On the recommendation of the Ministry of Foreign Affairs, the Central Electoral Committee shall compile the list of the Republic of Lithuania diplomatic missions (consulates) in which voting shall be taking place and shall establish voting days (no less than 10) for each Republic of Lithuania diplomatic mission (consulate).
3. The head of the Republic of Lithuania diplomatic mission (consulate) shall be responsible for the organisation of voting.

### **33. LUXEMBOURG**

Voters of the Luxembourg who are abroad are entitled to vote in the legislative elections, elections to the European Parliament and to participate in the referendum voting by post.

*Relevant extracts:*

Loi électorale<sup>54</sup>

**Article 1<sup>er</sup>.** Pour être électeur aux élections législatives il faut:

4° être domicilié dans le Grand-Duché de Luxembourg .

Les Luxembourgeois domiciliés à l'étranger sont également admis aux élections législatives par la voie du vote par correspondance.

<sup>54</sup><http://venice.coe.int/VOTA/en/view.asp?doc=91&lng=fr&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>



**Article 3.** Pour être électeur aux élections européennes, il faut:

4° pour les Luxembourgeois, être domicilié dans le Grand-Duché; les Luxembourgeois domiciliés à l'étranger sont admis aux élections européennes par la voie du vote par correspondance

**Article 168.** (1) Sont admis au vote par correspondance lors des élections législatives les électeurs âgés de plus de 75 ans.

(2) Peuvent être admis au vote par correspondance lors des élections législatives:

b) les Luxembourgeois et les Luxembourgeoises domiciliés à l'étranger.

*Loi du 4 février 2005 relative au référendum au niveau national*<sup>55</sup>

*Vote par correspondance*

**Article 46.** Sont admis au vote par correspondance lors du référendum les électeurs âgés de plus de 75 ans.

**Article 47.** Peuvent être admis au vote par correspondance lors du référendum:

1) les électeurs qui, pour des raisons professionnelles ou personnelles dûment justifiées, se trouvent dans l'impossibilité de se présenter en personne devant le bureau de vote auquel ils sont affectés;

2) les Luxembourgeois et les Luxembourgeoises domiciliés à l'étranger.

**Article 48.** Sont applicables au vote par correspondance les articles 169 à 174 et 176 à 181 de la loi électorale, sauf adaptation des termes s'il y a lieu, notamment la mention «Elections – Vote par correspondance» étant remplacée par la mention «Référendum – Vote par correspondance».

### **34. MALTA / MALTE**

Registered voter who is entitled to vote at a general election, at an election of Members of the European Parliament or at a Local Council election and who is entitled to receive the voting document and who declares on oath that he will not be in Malta on the day of the election, shall be entitled to cast his vote before polling day.

*Relevant extracts:*

*General Elections Act*

*ACT XXI of 1991 as amended by Acts XXIV of 1995 and XV of 1996; Legal Notice 178 of 1996; Acts VI of 2001, XVI of 2002 and XXI of 2007; Legal Notice 425 of 2007; and Act VII of 2009*<sup>56</sup>

#### **Right to vote at elections**

**16.** (1) Subject to the following provisions of this Act every person registered as a voter in an electoral division shall, while so registered, be entitled to vote at the election of Members of the House for that division.

(2) No person shall vote at the election of Members of the House in any division other than a division in which he is registered as a voter.

...

#### **77. Voting before polling day**

...

(3A) (a) Notwithstanding the other provisions of this Act or of any other law, every registered voter who is entitled to vote at a general election, at an election of Members of the European

<sup>55</sup> [http://www.verfassung-fir-europa.lu/fr/referendum/legislation/loi\\_20050204.pdf](http://www.verfassung-fir-europa.lu/fr/referendum/legislation/loi_20050204.pdf)

<sup>56</sup> [http://docs.justice.gov.mt/lom/legislation/english/leg/vol\\_9/chapt354.pdf](http://docs.justice.gov.mt/lom/legislation/english/leg/vol_9/chapt354.pdf).

Parliament or at a Local Council election and who is entitled to receive the voting document and who declares on oath before the Electoral Commission or such other persons appointed by the Commission to act instead of the Commissioners that he will not be in Malta on the day of the election, shall be entitled to cast his vote at the place indicated in subarticle (3)(a) between 7.00am and 10.00pm seven days before polling day.

### **35. MEXICO / MEXIQUE**

According to articles 35 and 36 of the Constitution, voting is both a right and a duty for Mexican citizens (regardless of where they reside).

The provisions for out of country voting can be found in Part VI (articles 313 to 339) of the Federal Electoral Code.

*Relevant extracts:*

#### **Article 313**

Mexican citizens residing abroad can exercise their right to vote exclusively for the election of the President of Mexico.

#### **Article 314**

In order to exercise the right to vote, citizens residing in a foreign country have to comply with the following dispositions, in addition to the obligations considered in Article 34 of the Constitution and the ones established in paragraph 1 of Article 6 of this Electoral Code:

Send a written and signed request to the Federal Voters Register, in the format approved by the General Council, applying for their inscription in the voter register of citizens residing abroad;

Inform, under their own responsibility and with the commitment to tell the truth, the address from abroad where, eventually, the ballot paper would be sent; and

The other requisites established in Part VI of the Electoral Code (COFIPE)

#### **Article 325**

Once the ballot paper has been received, the citizen should exercise his or her right to vote, in a free, secret and direct manner, marking the box that corresponds with his or her preference, in terms of Article 265 of the Electoral code.

#### **Article 328**

Votes cast from abroad will be considered if they are received by the Federal Electoral Institute up until 24 hours before the beginning of the Election Day.

### **36. MOLDOVA**

In parliamentary and presidential elections and republican referendums citizens of the Republic of Moldova residing outside of the country may vote in diplomatic and consular missions.

*Relevant extracts:*

*Elections Code on the Republic Moldova, 21.11.1997 (with amendments up to 2007)*<sup>57</sup>

#### **Article 2. Principles of Participation in Elections**

(3) Citizens of the Republic of Moldova residing outside of the country shall enjoy full voting rights under this Code. Representatives of diplomatic and consular missions shall be obliged to create conditions for the citizens to exercise freely their electoral rights

<sup>57</sup> <http://www.legislationline.org/documents/action/popup/id/15587>.

### **Article 29. Establishment of Precincts and Precinct Electoral Bureaus**

(5) In parliamentary elections and republican referendums, precincts shall also be formed at Moldovan diplomatic and consular missions for workers of these representatives and members of their families, as well as for Moldovan citizens traveling to these countries, regardless of their number. These precincts shall be considered to belong to the electoral district of Chisinau Municipality.

*Law of the Republic of Moldova "On the Election of the President of the Republic of Moldova" (1996)*<sup>58</sup>

### **Article 13. Establishment of precincts and precinct electoral commissions.**

(5) Precincts will be formed at Moldovan diplomatic and consular missions for the workers of these representatives and the members of their families, as well as for the Moldovan citizens traveling to these countries, regardless of their number. These precincts shall belong to the Chisinau Electoral Constituency.

## **37. MONACO**

*Loi n° 1.321 du 6 novembre 2006 modifiant la loi n° 839 du 23 février 1968 sur les élections nationales et communales*<sup>59</sup>

### **Article 1er**

Il est ajouté après l'article 43 de la loi n° 839 du 23 février 1968 sur les élections nationales et communales un article 43bis ainsi rédigé : "Peuvent exercer, sur leur demande, leur droit de vote par procuration, lorsqu'ils sont admis à voter au sens de l'article précédent, les électeurs qui établissent : 1° soit résider de manière permanente ou à des fins d'études ou de formation à l'étranger, hors le département français limitrophe et la province italienne la plus proche ; 2° soit être empêchés de se rendre au bureau de vote le jour du scrutin en raison d'un handicap, de leur état de santé ou d'obligations professionnelles impératives. La procuration est établie dans les formes et délais fixés par ordonnance souveraine. Sa validité est limitée à un seul scrutin et s'étend, le cas échéant, au second tour. Le mandataire au profit duquel la procuration est dressée doit jouir de ses droits électoraux et être inscrit sur la liste électorale. Aucun mandataire ne peut disposer de plus de deux procurations. Si cette limite n'est pas respectée, les procurations qui ont été reçues les premières sont seules valables ; la ou les autres sont nulles de plein droit. Toute procuration valablement consentie est irrévocable. Toutefois, un électeur ayant donné procuration peut voter personnellement s'il se présente au bureau de vote avant que son mandataire ait exercé ses pouvoirs."

## **38. MONTENEGRO**

Any relevant provision allowed to vote from abroad were NOT found (Law on Proclamation of the Law on Election of the President of Montenegro, 27.12.2007<sup>60</sup>, Law on the Election of Mayors<sup>61</sup>, Law on Referendum, 19.02.2001<sup>62</sup>), but for parliamentary elections the electors who at the time of the election are temporarily resident abroad shall vote at the polling station in the region of their last permanent residence on the territory of the Republic of Montenegro, before leaving the country.

*Relevant extracts:*

<sup>58</sup> <http://www.legislationline.org/documents/action/popup/id/4707>.

<sup>59</sup> [http://www.monegasquesaetranger.org/INFOS%20PRATIQUES/Loi\\_vote\\_procuration.pdf](http://www.monegasquesaetranger.org/INFOS%20PRATIQUES/Loi_vote_procuration.pdf).

<sup>60</sup> <http://www.legislationline.org/documents/action/popup/id/4185>.

<sup>61</sup> <http://www.legislationline.org/documents/action/popup/id/4166>.

<sup>62</sup> <http://www.legislationline.org/documents/action/popup/id/3934>.

Law on the Election of Councillors and Representatives, with amendments up to July 2006<sup>63</sup>

**Article 88.** The electors who at the time of the election are temporarily resident abroad shall vote at the polling station in the region of their last permanent residence on the territory of the Republic of Montenegro, before leaving the country.

**39. MOROCCO / MAROC**Loi n°9-97 du 2 mars 2003, formant code électoral, actuellement en vigueur

Le texte antérieur, relatif au même objet, abrogé depuis, est la loi du 9 mai 1980.

Chapitre premier : Conditions de participation au référendum

**Article 110.** Sont admis à prendre part au référendum

1- .....

2- .....

3- Les Marocains immatriculés dans un poste diplomatique ou consulaire du Royaume du Maroc ou résidant à l'Etranger.

Les personnes visées au 2° et 3° ci-dessus doivent en outre être âgées au moins de 18 années grégoriennes révolues à la date du scrutin et satisfaire aux autres conditions requises pour l'inscription sur les listes électorales.....

Chapitre VI : Vote des citoyens marocains résidant hors du territoire du Royaume.

**Article 135.** Le vote a lieu dans les locaux de l'ambassade ou du consulat où les votants sont immatriculés et dans tous autres lieux désignés à cet effet par le consul.

La carte d'immatriculation consulaire tient lieu de carte de vote.

**Article 136.** Le consul ou un agent délégué par l'ambassadeur de Sa Majesté le Roi ou le consul à cet effet préside le bureau de vote et exerce les attributions dévolues au président de ce bureau par la présente loi.

L'ambassadeur de Sa Majesté le Roi ou le consul peut prolonger, le cas échéant, la durée du vote sans toutefois que cette durée excède trois jours.

**Article 137.** La liste des votants prévue à l'article 120 ci-dessus est dressée à partir de la liste des citoyens marocains immatriculés auprès de l'ambassade ou du consulat et jouissant du droit de vote.

**Article 138.** Les enveloppes prévues par l'article 118 ci-dessus de la présente loi doivent être frappées du timbre de l'ambassade ou du consulat.

**Article 139.** Le procès-verbal des opérations de vote ainsi que les listes d'émargement peuvent être consultés par les votants dans les locaux de l'ambassade ou du consulat pendant quatre jours francs aux fins de réclamations éventuelles.

A l'issue de ce délai le procès-verbal des opérations de vote, complété le cas échéant, par la mention des réclamations et accompagné des enveloppes contenant les bulletins nuls et contestés et les enveloppes non réglementaires, est immédiatement porté à l'ambassade dont relève le consulat.

**40. NETHERLANDS / PAYS-BAS**

<sup>63</sup> <http://www.legislationline.org/documents/action/popup/id/3765>.

Dutch nationals resident abroad are entitled to vote in elections to the House of Representatives and the European Parliament. They have to register with the municipality of The Hague for each individual legislative or European election. In the legislative elections in November 2006, Internet voting was made available as an experiment and an alternative to postal voting for Dutch voters abroad.

*Relevant extracts:*

*Act of 28 September 1989 containing new provisions governing the franchise and elections (Elections Act), Last amended in 2002<sup>64</sup>*

## **CHAPTER D**

Registration of the franchise

### **Section D 3**

1. For every election to the House of Representatives, the municipal executive of The Hague shall register the franchise of persons who, on nomination day, have their actual place of residence outside the Netherlands, if they have submitted a written request to this effect.

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<sup>64</sup> <http://www.legislationline.org/topics/country/12/topic/6>.

## **§ 7 Voting other than by means of ballot papers**

### **Section J 32**

Voting other than by means of ballot papers shall be possible at polling stations designated for the purpose by the Electoral Council or, pursuant to its authorisation, by the municipal executive. The provisions of this Act relating to the use of ballot papers shall then not apply.

### **Section J 33**

1. Voting other than by means of ballot papers shall take place only if a method approved by Our Minister of the Interior and Kingdom Relations in accordance with rules made by order in council is used.

2. A method as referred to above shall be approved only if it fulfils at least the following requirements: (a) the secrecy of the ballot must be guaranteed, even if the voter does not wish to make a choice; (b) the equipment to be used should be soundly made and should be operable by the voter in a simple manner and without the risk of faults or imperfect operation; (c) it must be possible to specify clearly the lists of candidates, the number assigned to each list and the appellation of the political grouping; (d) the voter must be able to vote only once and must have the opportunity to rectify a mistake.

3. Conditions may be attached to approval.

4. Notice of approval shall be given in the Government Gazette.

## **CHAPTER M**

### **Voting by post**

§ 1 General provisions: postal voting in the municipality of The Hague

#### **Section M 1**

In an election to the House of Representatives, a voter who has his actual place of residence outside the Netherlands on nomination day or who will be outside the Netherlands on polling day on account of his profession or work or on account of the profession or work of his spouse, partner or parent, shall, at his request, be allowed to vote by post in accordance with the provisions of this chapter.

## **§2 Postal voting outside the Netherlands**

### **Section M 13**

1. Our Minister of Foreign Affairs may, in consultation with our Minister of the Interior and Kingdom Relations, designate a Dutch diplomatic or consular mission where an electoral committee/polling station shall be established for postal voting. Notification of such designation shall be made in the Government Gazette.

2. An electoral committee/polling station for postal voting may also be established for persons entitled to vote who have their actual place of residence in a country other than the country in which the diplomatic or consular mission of the Netherlands is established.

3. In the Netherlands Antilles and Aruba, Our Minister of the Interior and Kingdom Relations shall establish electoral committees/polling stations for postal voting at the Dutch representation.

4. The members and alternate members of the postal vote electoral committees referred to in subsections 1 and 3 shall be appointed well before each election by Our Minister of Foreign Affairs or Our Minister of the Interior and Kingdom Relations.

### **Section M 14**

The mayor of The Hague or an official designated by him for this purpose shall forward by diplomatic post, as soon as possible, all the requests that have been granted from persons who have their actual place of residence in a country as referred to in section M 13 or who will be residing in such a country on polling day to the head of the Dutch diplomatic or consular mission designated pursuant to section M 13, subsection 1 in the country in question or to the representative of the Netherlands in the Netherlands Antilles or Aruba.

### **Section M 15**

A voter who casts a postal vote at a Dutch diplomatic or consular mission abroad or at the Dutch representation in the Netherlands Antilles or Aruba shall receive from the mayor of The Hague a return envelope addressed to the chairperson of the postal vote electoral committee established there. After having completed the procedures referred to in section M 7, he shall send the return envelope to the said chairperson.

...

### **Section Y**

European Parliament elections

**Section Y 6**, paragraph 1: Dutch citizens who have actual residence in another member state may only be registered in the Netherlands as a voter for the election of the members of the European Parliament, if they have declared not to also participate in the election in the other member state.

**Section Y 31.** The non-citizen who is entitled to vote is a citizen of another member state and has his actual residence in the Netherlands, participates in the election either in the Netherlands or in the member state whose citizenship he owns.

## **41. NORWAY / NORVEGE**

Norwegian citizens resident abroad retain the right to be registered to vote if at any time previously they have been registered at the population registry as resident in Norway. All Norwegian public servants employed as diplomatic or consular staff and their families are entitled to vote even if they have never been registered in the population register. Citizens of Norway live abroad may vote in advance abroad (in person using postal materials).

*Relevant extracts:*

*The Norwegian Constitution, adopted on 17 May 1814*<sup>65</sup>

**Article 50.** Those entitled to vote in elections to the Storting are Norwegian citizens, men and women, who, at the latest in the year when the election is held, have completed their eighteenth year. The extent, however, to which Norwegian citizens who on Election Day are resident outside the Realm but who satisfy the aforementioned conditions are entitled to vote shall be determined by law. Rules may be laid down by law concerning the right to vote of persons otherwise entitled to vote who on Election Day are manifestly suffering from a seriously weakened mental state or a reduced level of consciousness.

*Representation of the People Act (Act No. 57 of 28 June 2002 relating to parliamentary and local government elections), as amended by Act No. 46 of 20 June 2003*<sup>66</sup>

### **§ 2-4. In which municipal authority areas the electors shall be registered**

(3) Those who are entitled to vote and who are resident outside Norway shall be included in the register of electors in the municipal authority area in which they were last registered at the Population Registry as being resident. Persons living abroad who have not been registered at the Population Registry as being resident in Norway at any time in the course of the last 10 years prior to Election Day, must nevertheless apply to the Electoral Committee to be included in the register of electors. Such applications must include an assurance that the person in question is still a Norwegian national.

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<sup>65</sup>[http://www.regjeringen.no/upload/KRD/Kampanjer/valgportal/Regelverk/The\\_Constitution\\_Election\\_provisions.pdf](http://www.regjeringen.no/upload/KRD/Kampanjer/valgportal/Regelverk/The_Constitution_Election_provisions.pdf).

<sup>66</sup><http://www.legislationline.org/documents/action/popup/id/4672>.

(4) Persons living abroad who are members of the diplomatic corps or of the consular service and their households shall be registered as electors in the municipal authority area in which they were last registered as resident. Such registration is not conditional upon the duration of their stay abroad. If they have not at any time been registered at the Population Registry as resident in Norway, they shall be registered as electors in the municipal authority area of Oslo.

Chapter 8. Voting in advance

#### **§ 8-1. The period for voting in advance**

(1) Electors who so wish may vote in advance inland from 10 August in the year of the election and abroad and on Svalbard and Jan Mayen from 1 July in the year of the election.

(2) Advance voting must take place no later than the last Friday before Election Day.

(3) The elector is personally responsible for voting in advance at such time as makes it possible for his or her advance vote to reach the Electoral Committee by 8.00 pm on Election Day.

#### **§ 8-2. Who may receive advance votes**

(1) The following persons may function as returning officers inland

a) returning officers appointed by the Electoral Committee.

b) the Governor of Svalbard. The Governor may appoint other returning officers.

c) on Jan Mayen such person as the Ministry decides.

(2) *The following persons may function as returning officers abroad*

a) a member of the Foreign Service at a paid Norwegian Foreign Service mission. On special authorisation from the Ministry of Foreign Affairs voting may also take place in the presence of a member of the Foreign Service at an unpaid Norwegian Foreign Service mission. The head of mission may when it is deemed to be necessary appoint one or more of the officials at the mission to act as returning officers for advance votes.

b) returning officers appointed by the Ministry if voting is conducted in other places than those mentioned in paragraph (a) above.

(3) If an elector who is outside the realm has no possibility of going to a returning officer, the person in question may cast his or her vote by letter post without the presence of a returning officer at the casting of the vote.

#### **§ 8-3. In which places can advance votes be received**

(1) Voting shall take place in suitable premises.

(2) In the presence of a returning officer appointed by the Electoral Committee voting takes place

a) at health and social welfare institutions, and

b) where the Electoral Committee otherwise determines that advance votes shall be received.

(3) In the presence of the returning officer on Svalbard voting takes place where the Governor decides.

(4) In the presence of a member of the Foreign Service at a Norwegian Foreign Service mission voting takes place at the mission. The head of mission may decide that the receiving of votes may take place outside the area of the mission.

(5) In the presence of any appointed returning officer on Jan Mayen and outside the realm voting takes place where the Ministry decides.

(6) Electors who are in the realm, with the exception of Svalbard and Jan Mayen, and who by reason of infirmity or disability are unable to cast their vote in pursuance of subsection (2) above, may on application to the Electoral Committee cast an advance vote in the place where they are. The Electoral Committee itself lays down the date by which such application must have been received by the municipal authority. The closing date must be set at a time within the period between Tuesday and Friday in the last week before the election. The closing date for applications shall be made public.

#### **§ 8-4. Procedure for voting**

(1) Voting shall take place in a secluded room and be unobserved. The ballot paper shall be placed in a special envelope for ballot papers. Any electors who have such a need may



themselves ask a returning officer to provide assistance in the process of voting. Electors themselves choose a helper among the persons who are present. The returning officer shall draw the helper's attention to the fact that he or she is under a duty of secrecy.

(2) The returning officer shall ensure that it is clear from the process of voting who the elector is, so that it is possible for the Electoral Committee to identify the person in question and cross off the correct name in the register of electors.

(3) The returning officer may demand that the elector provide proof of identity.

(4) In the case of ambulatory voting and voting at an institution there shall be no fewer than two returning officers present.

## 42. PERU / PEROU

Qui ?

Citoyens résidents ou temporairement à l'étranger

Quels scrutins ?

Elections législatives, présidentielles et référendums

Où? Comment?

En personne

*Ley organica de elecciones ((Nº 26859/97) (in Esp.)<sup>67</sup>*

## TÍTULO X

### Del Voto De Los Ciudadanos Residentes En El Extranjero CAPÍTULO 1

#### Generalidades

**Artículo 224o.** Para el caso de Elecciones Generales y consultas populares tienen derecho a votación los ciudadanos peruanos residentes en el extranjero. Están obligados a inscribirse en el Registro Nacional de Identificación y Estado Civil.

**Artículo 225o.** El voto de los ciudadanos peruanos residentes en el extranjero se emite en la misma fecha señalada para las elecciones en el territorio de la República.

**Artículo 226o.** La votación se efectúa en el local de la Oficina Consular del Perú en el correspondiente país o donde señale el funcionario consular en caso de insuficiencia del local.

**Artículo 227o.** En los países donde exista gran número de ciudadanos peruanos, el Ministerio de Relaciones Exteriores realiza gestiones oficiales para obtener la autorización que permita el ejercicio del sufragio en los locales mencionados en el artículo anterior.

## CAPÍTULO 2

### Del Padrón de Electores Residentes en el Extranjero

**Artículo 228o.** El Padrón de electores peruanos residentes en el extranjero es elaborado por el Registro Nacional de Identificación y Estado Civil. Sobre la base del Padrón recibido y aprobado por el Jurado Nacional de Elecciones, la Oficina Nacional de Procesos Electorales procede conforme al artículo 202o de la presente Ley Orgánica de Elecciones y, en coordinación con el Ministerio de Relaciones Exteriores, es responsable de remitir las Listas de Electores a las Oficinas Consulares.

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<sup>67</sup> <http://pdba.georgetown.edu/Electoral/Peru/peruelec.html>.

**Artículo 229o.** Cada lista de electores debe incluir, además de los datos sobre ellos, el nombre del país y la localidad donde residen dichos electores.

**Artículo 230o.** Cada Oficina Consular puede establecer fusiones de mesas en su respectivo local de votación.

### **Omisos al sufragio**

**Artículo 240o.** Los ciudadanos peruanos residentes en el extranjero que no emitan su voto son considerados como omisos al sufragio y deben abonar la multa de Ley.

**Artículo 241o.** Los ciudadanos peruanos residentes en el extranjero que, por razones de salud o causa de fuerza mayor, no pueden justificadamente emitir su voto, deben solicitar al Jurado Nacional de Elecciones, a través de la Oficina Consular, una dispensa de sufragio.

## **43. POLAND / POLOGNE**

In parliamentary and presidential elections citizens of Poland residing outside of the country may vote in consular missions.

*Act on Election of the President of the Republic of Poland<sup>68</sup>, of 27th September, 1990*

### **Article 23**

1. Polling wards shall be established for Polish citizens staying abroad.
2. The wards mentioned in paragraph 1 above, shall be created by the minister competent for foreign affairs, in an order, after consultation with the National Electoral Commission, and shall indicate the seats of ward electoral commissions. The results of the ballot done in those wards shall be transmitted to the appropriate Constituency Electoral Commission of the commune Warszawa Centrum.
3. Polling wards shall be established for voters aboard Polish sea-ships continuing their voyage in the period of time including polling day, if there are at least 15 voters staying aboard, and there is an opportunity to transmit the results of voting immediately after its conclusion, to the appropriate Constituency Electoral Commission of the commune Warszawa Centrum.
4. According to the above Act, the expression: "Polish sea-ship" means the ship being exclusively a property of the Polish shipowner having its seat in Poland, bearing flag of Poland and being under command of a Polish captain. The results of the ballot done in those wards shall be transmitted to the Constituency Electoral Commission appropriate for the location of the shipowner.

### **Article 36**

1. Polish citizens staying abroad shall be entered in the roll of voters created by the territorially appropriate consul of the Republic of Poland.
2. Such inclusion shall be made, upon application by the concerned person either orally, in writing, by phone, by cable or fax. Such an application shall specify the voter's name, forenames, father's name, date of birth and the place of residence. Applications may be made no later than the 3rd day before the polling day.
3. Minister competent for foreign affairs in agreement with the National Electoral Commission shall determine in an order the procedure for creation and updating of the roll of voters referred to in paragraph 1, taking into account the period in between of the day of the first round of voting and the day of the second poll.

### **Article 39a**

The ward electoral commission shall add to the roll of voters on the polling day:

...

<sup>68</sup><http://venice.coe.int/VOTA/en/view.asp?doc=73&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>

3. a citizen of Poland who permanently resides abroad, on producing the valid Polish passport, after recording in the column 'remarks' the No. of the passport and the date of its issue. After recording of a Polish citizen living abroad into the roll, the ward commission shall put in the passport, on the last page that serves to visa annotations, the imprint of its seal and the date of the poll.

*The Act of 12 the April 2001 on Elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland*<sup>69</sup>

#### **Article 26**

1. Polish citizens abroad who possess valid Polish passports shall be entered on the list of voters created by the territorially appropriate consul of the Republic of Poland.

#### **Article 31**

1. Polling wards shall be established for Polish citizens abroad.
2. The wards mentioned in paragraph 1 above shall be created by the Minister responsible for foreign affairs, by order, after consultation with the National Electoral Commission, and shall indicate the seats of the ward electoral commissions.
3. Those wards referred to in paragraph 1 shall constitute a part of the appropriate Constituency Electoral Commission of the commune Warszawa Centrum.
4. Election wards shall be established for voters aboard Polish maritime vessels continuing their voyage for a period of time including polling day if there are at least 15 voters aboard, and if there is the capacity to transmit the results of voting immediately after its conclusion.
5. According to the above Act, the expression: "Polish maritime vessel" means a ship that is exclusively the property of a Polish shipowner, has its seat in Poland, bears the flag of Poland, and is under the command of a Polish captain.
6. The polling wards referred to in paragraph 4 shall be created by directive of the Minister responsible for the marine economy in agreement with the National Electoral Commission, at the request of the shipowner, made no later than 30 days before polling day.
7. The wards referred to in paragraph 4 shall constitute a part of the electoral constituency where the shipowner has its headquarters.

#### **Article 32**

1. Information on the number and boundaries of polling wards, as well as on the location of the ward Electoral Commissions referred to in Article 29, Article 30, paragraphs 1 and 2, and Article 53, paragraph 1, shall be made public, in an announcement by the head of a commune (mayor, president of a town) no later than the 30th day before polling day.
2. The obligation referred to in paragraph 1 in respect of polling wards established abroad, shall lie with consuls. Realisation of this task shall be executed no later than 21<sup>st</sup> day before polling day.

...

#### **44. PORTUGAL**

In legislative elections and in European Parliament elections, the external voting right is exercised by post. However, Organic Law no. 1/2005 changed voting procedures for European Parliament elections: voting is now done in person at the designated polling sites. In presidential elections and referendums, Portuguese residents abroad have to vote in person. In these cases, external voting takes place over a period of three days up to and including election day. Registered electors can go to the voting centre closest to their place of residence to cast their vote, which is then opened and counted.

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<sup>69</sup><http://venice.coe.int/VOTA/en/view.asp?doc=221&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>

*Relevant extracts:*

*Organização do processo eleitoral no estrangeiro, Decreto-Lei 95-C/76, 30 Janeiro*<sup>70</sup>

**Artigo 5º Exercício do direito de voto. Requisitos**

- 1 . O eleitor residente no estrangeiro exerce o direito de sufrágio pela via postal e junto das assembleias de recolha e contagem de votos dos residentes no estrangeiro.
2. Apenas será admitido a votar o eleitor inscrito no caderno eleitoral existente no consulado de carreira ou secção consular a que pertence a localidade onde reside.

.....

**Additional information:**

[http://www.idea.int/publications/voting\\_from\\_abroad/upload/chap3-port.pdf](http://www.idea.int/publications/voting_from_abroad/upload/chap3-port.pdf)

**45. ROMANIA / ROUMANIE**

Citizens who permanently or temporarily reside abroad are authorized to vote in person at foreign missions for parliamentary elections.

*Relevant extracts:*

*Law on the Elections for the Chamber of Deputies and the Senate, Law no. 373/2004 as amended by Government Emergency Ordinance no. 80/2004*<sup>71</sup>

**Article 17**

(1) The exercise of one's right to vote shall be based on the voter's card, issued under the terms of the present law. Romanian citizens abroad may also vote without a voter's card, based on their diplomatic, business, ordinary, or consular passports, on which the president of the polling station election bureau shall affix the stamp with the mention "Voted", stating the full date of the ballot.

**Article 23**

(1) A polling station shall be organised next to each diplomatic mission and consular office of Romania for voters who are members of the diplomatic representation office and their families, as well as for the Romanian citizens living in Romania or abroad who are in those countries on election day. The polling stations stipulated by the present paragraph shall belong to Bucharest municipality constituency.

(2) On ships under a Romanian flag which are navigating on election day, as well as on offshore platforms, polling stations shall be organised which belong to the constituency of the location of ship registration, or the constituency where the offshore platform is registered, respectively.

**Article 77**

(1) Voters may vote at the polling station in the district of which their residence is located and where they are registered in the copy of the permanent electoral list, or at the polling stations organised under articles 22 and 23, respectively. Voters who vote at the polling stations organised under articles 22 and 23 shall be included on special electoral lists, through the offices of the president of that polling station election bureau.

(2) Voters who, on election day, find themselves in another locality than the one where they appear in the permanent electoral lists, may exercise their right to vote at any polling station, after having been included in the special electoral list, through the offices of the president of that polling station election bureau.

<sup>70</sup> [http://www.cne.pt/dl/processo\\_estrangeiro2002.pdf](http://www.cne.pt/dl/processo_estrangeiro2002.pdf).

<sup>71</sup> <http://www.legislationline.org/download/action/download/id/948/file/d600561164bf69b7f0b9693ec092.pdf>.

(3) The special lists shall also include the voters who come to vote and prove, by means of their ID paper, that they reside in the district of that polling station but they have been omitted from the permanent electoral list or from the copy existing with the polling station.

(4) The provisions of paragraph (2) shall also apply to Romanian citizens residing abroad who, on election day, find themselves in Romania and who vote based on their passport.

#### **Article 117**

(1) For the purpose of the present law, by *ID paper* one shall understand the ID card, temporary ID card, or diplomatic, business, consular, or ordinary passport, and, in the case of conscripts and military school students, their military service card.

“(2) An ordinary passport may be used for exercising the right to vote only by the Romanian citizens who are abroad or the Romanian citizens residing abroad. The Romanian citizens residing in Romania who vote abroad, as well as those residing abroad who vote in Romania, on the basis of the ordinary passport, shall fill in a written statement on their own account that they have not or shall not exercise their voting right the same day on the basis of another ID paper, as this one is defined in paragraph (1), or on the basis of the voter’s card.

#### **46. RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Citizens who permanently or temporarily reside abroad are authorized to vote in person at foreign missions for parliamentary elections, presidential elections

*Relevant extracts:*

*Federal Law of 12 June 2002 No. 67-FZ "On Basic Guarantees of Electoral Rights and the Rights of Citizens of the Russian Federation to Participate in a Referendum"*

#### **Article 3. Principles of Conduct of Elections and Referendum in the Russian Federation**

4. A citizen of the Russian Federation residing abroad shall have all electoral rights in the course of elections of federal bodies of state power and have the full right to participate in a referendum. Diplomatic representations, consular offices of the Russian Federation shall render assistance to citizens of the Russian Federation in the implementation of electoral rights in the course of elections of federal bodies of state power and of the right to participate in a referendum of the Russian Federation, which are prescribed by this Federal Law or other federal laws.

#### **Article 4. Universal Suffrage and Right to Participate in a Referendum**

4. A citizen residing within the boundaries of the electoral district shall have the active electoral right. The appearance of a citizen of the Russian Federation out of his place of residence in the period of conducting of elections in the electoral district, in which (that place of residence is located, shall not constitute grounds for depriving him/her (the citizen) of the right to participate in the elections of bodies of state power of the relevant subject of the Russian Federation, as well as bodies of local self-government. The active electoral right can be granted by law to citizens, the place of residence of whom is located outside the relevant electoral district.

*Federal Law of 18 May 2005 No. 151-FZ "On the election of deputies of the State Duma of the Federal Assembly of the Russian Federation"*

#### **Article 15. Compiling of Voters Lists**

7. The voters list for an electoral precinct formed outside the territory of the Russian Federation shall be prepared by a relevant precinct election commission under applications of citizens of the Russian Federation, who permanently reside outside the territory of the Russian Federation or are abroad on long business trips, in accordance with Clause 4, Article 16 of this Federal Law.

**Article 16. Procedure for Inclusion in, and Removal from, the Voters List of Citizens of the Russian Federation**

4. The ground for inclusion of a citizen of the Russian Federation, who resides outside the territory of the Russian Federation or is on long foreign business trip, consists in his written application, lodged with a relevant precinct election commission not later than the day, preceding the voting day, or in an oral application made on voting day.

Federal Law of 10 January 2003 No. 19-FZ "On the Election of the President of the Russian Federation"

**Article 3. Electoral Rights of Citizens of the Russian Federation in the Election of the President of the Russian Federation**

3. A citizen of the Russian Federation who resides or is outside the territory of the Russian Federation during the preparation and conduct of the election of the President of the Russian Federation shall have equal rights in the election of the President of the Russian Federation as other citizens of the Russian Federation.

**Additional information (in Rus.):**

[http://www.cikrf.ru/elect\\_duma/foreign\\_info/normact.jsp](http://www.cikrf.ru/elect_duma/foreign_info/normact.jsp)

**47. SAN MARINO / SAINT MARIN**

Any relevant provision allowed to vote from abroad were not found (all election acts are available in Italian on the website of the Election Commission San Marino)<sup>72</sup>, but there is provision which lets people residing abroad to vote within the territory of San Marino.

*Relevant extracts:*

Qualified Law no. 1 of 11 May 2007<sup>73</sup>

Legge qualificata 11 Maggio 2007 N. 1 disposizioni per la valorizzazione della volontà dei cittadini e per la parità in materia di elezioni e campagne elettorali

**Article 2 (Sezioni elettorali)**

L'articolo 4 della Legge 31 gennaio 1996 n. 6 è così modificato:

"1. Le sezioni elettorali sono istituite nel territorio dei Castelli di Città, Borgo Maggiore, Acquaviva, Chiesanuova, Domagnano, Faetano, Fiorentino, Montegiardino, Serravalle e a Dogana; con decreto delegato, su proposta della Commissione Elettorale, verrà stabilito il numero delle sezioni elettorali per ogni sede nonché l'istituzione di un seggio speciale riservato ai malati intrasportabili presenti in territorio. L'elettore esercita il diritto di voto nella sezione elettorale cui è assegnato il territorio nel quale ha la residenza. Se trasferisce la residenza in altra sezione esercita il diritto di voto in tale sezione. Se ha la residenza fuori dal territorio della Repubblica esercita il diritto di voto in una delle sezioni riservate agli elettori residenti all'estero, istituite nei Castelli di Città, Borgo Maggiore e Serravalle. La Commissione Elettorale detta i criteri di assegnazione degli elettori residenti all'estero alle sezioni riservate.

2. Ad ogni sezione elettorale non possono essere assegnati più di 700 elettori, né meno di 150. Ad ogni sezione riservata agli elettori residenti all'estero non possono essere assegnati più di 1400 elettori, né meno di 300. Il numero di elettori assegnato ad ogni sezione elettorale potrà essere variato con decreto delegato su proposta della Commissione Elettorale."

<sup>72</sup> <http://www.elezioni.sm/index.php?id=298>.

<sup>73</sup> <http://www.elezioni.sm/index.php?id=439>.

#### **48. SERBIA / SERBIE**

Voters temporarily residing abroad may vote at diplomatic missions and consular posts of the State Union of Serbia and Montenegro and at special polling stations established by the Republic Electoral Commission for legislative elections

*Relevant extracts:*

*Law on the elections of representatives (2000, with amendments up to 2004)*<sup>74</sup>

##### **Article 13**

A voter can be enlisted into only one electoral roll.

Persons which are to get the legal age in the course of period of electoral rolls validity shall be enlisted into electoral rolls, according to their place of domicile, with a note concerning the date of getting the legal age, e. i. the right to vote.

Persons temporarily moved out of place of their domicile (internally displaced persons), shall be enlisted into electoral rolls in the place where they are registered in that status.

"Voters temporarily residing abroad shall be entered in the electoral roll according to their last place of residence before leaving the country, or the last place of residence of one of their parents."

Citizens currently serving the national service, or those which are on temporary military duty, shall be enlisted into electoral rolls according to their last place of domicile.

Persons who have been deprived of their business capacity by a finally-binding court sentence shall not be enlisted into electoral rolls. If such persons were previously enlisted into the electoral rolls, they shall be removed from them, and when their business capacity is reinstated by a finally-binding court decision, they shall be enlisted into the electoral rolls again.

##### **"Article 13a**

The ministry charged with administrative affairs shall keep and update, separately by country name, a record of voters entered in the electoral roll whose temporary place of residence is abroad (hereinafter: Special Record of Voters Residing Abroad).

The Special Record of Voters Residing Abroad shall contain: ordinal number, name and surname, personal identity number, year of birth, voter's last place of residence before leaving the country or last place of residence of one of their parents, data on voter's place of temporary residence abroad, as well as space for remarks and notes.

The body charged with keeping the electoral roll shall be obliged to promptly notify the ministry charged with administrative affairs of any alterations to the electoral roll relating to voters temporarily residing abroad, in order for the alterations to be entered in the Special Record of Voters Residing Abroad."

##### **Article 56**

Polling places shall be opened at 7 a.m. and closed at 8 p. m. During this interval polling places must be open without interruption.

Voters who are present at the polling place at the moment of its closing shall be given the opportunity to vote.

"Voting abroad shall last for two days and shall end on the day and hour, local time, corresponding to the end of voting in the Republic of Serbia."

##### **Article 72c**

The ministry charged with internal affairs shall be obliged to forward to the ministry charged with administrative affairs the list of voters temporarily residing abroad within 30 days from the day of the coming into force of the present Act.

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<sup>74</sup><http://www.legislationline.org/documents/action/popup/id/3871> .

The ministry charged with administrative affairs shall be obliged to establish the Special Record of Voters Residing Abroad within 30 days from the receipt of the list of voters temporarily residing abroad.

#### **Article 72d**

If elections for the National Assembly should be held before the establishment of the Special Record of Voters Residing Abroad, the ministry charged with foreign affairs shall, as soon as the elections are called, inform voters temporarily residing abroad by public announcement of the calling of the elections and call on them to forward data necessary to update the electoral roll to diplomatic missions or consular posts of the State Union of Serbia and Montenegro.

The data received shall be forwarded by the ministry charged with foreign affairs to the Republic Electoral Commission no later than 15 days before the day of the holding of the elections. The Republic Electoral Commission shall, on the basis of the data forwarded to it, compile and officially stamp special extracts from the electoral roll for every polling station abroad and shall forward said extracts to the ministry charged with foreign affairs, which shall then forward them, along with other electoral materials, to all polling stations abroad where voting is to be held.

#### **"Article 73a**

Voters temporarily residing abroad shall vote at diplomatic missions and consular posts of the State Union of Serbia and Montenegro and at special polling stations established by the Republic Electoral Commission, the Commission having consulted beforehand with the ministry charged with foreign affairs.

Permanent members of polling boards abroad shall be nominated by the Republic Electoral Commission, at the proposal of the ministry charged with foreign affairs.

Expanded polling boards abroad shall be made up of one representative of each submitter of a proclaimed electoral list. Members of expanded polling boards shall be nominated by the Republic Electoral Commission at the proposal of submitters of proclaimed electoral lists.

The chairman of the polling board shall be, as a rule, a graduate jurist from the ranks of the employees of the diplomatic mission or consular post.

#### **Article 73b**

On the basis of the Special Record of Voters Residing Abroad, the ministry charged with administrative affairs shall, immediately upon the calling of elections, prepare a special record for each foreign country, and shall forward it to the ministry charged with foreign affairs, which shall, through the diplomatic missions and consular posts of the State Union of Serbia and Montenegro, inform voters of the calling of the elections, the date of the elections and the means of exercising their suffrage.

Voter records shall be displayed at the diplomatic missions and consular posts of the State Union of Serbia and Montenegro, while copies thereof shall be displayed at the ministry charged with administrative affairs. With regard to the rights of citizens and submitters of electoral lists relating to the inspection of voter records and their copies, as well as the right to demand modifications to the Special Record of Voters Residing Abroad, provisions of this Act, relating to the rights of citizens and submitters of electoral lists to inspect electoral rolls and to demand modifications to electoral rolls shall apply.

The ministry charged with administrative affairs shall pass decisions on requests for inscription into, deletion from, modifications and corrections to, and additions to data in the Special Record of Voters Residing Abroad, even if those requests should be submitted to diplomatic missions or consular posts of the State Union of Serbia and Montenegro, or to the body charged with keeping the electoral roll.

#### **Article 73c**

Voters entered in the Special Record of Voters Residing Abroad may, no later than 20 days before the day of the holding of the elections, inform the diplomatic mission or consular post of the State Union of Serbia and Montenegro or the ministry charged with administrative affairs of



their intention to vote at a polling station in the Republic of Serbia, which shall be entered in the Special Record of Voters Residing Abroad.

Voters not entered in the Special Record of Voters Residing Abroad and entered in the electoral roll may, no later than 20 days before the day of the holding of the elections, inform the diplomatic mission or consular post of the State Union of Serbia and Montenegro or the ministry charged with administrative affairs of their intention to vote abroad. Having submitted all necessary documents, the voter shall be entered in the Special Record of Voters Residing Abroad and deleted from it after the elections have been held.

#### **Article 73d**

The ministry charged with administrative affairs shall, no later than 15 days before the day of the holding of the elections, conclude the Special Record of Voters Residing Abroad, create and officially stamp special extracts from the electoral roll for every polling station abroad, create lists of voters entered in the Special Record of Voters Residing Abroad for every municipality, and shall forward the officially stamped special extracts from the electoral roll and all lists of voters entered in the Special Record of Voters Residing Abroad immediately to the Republic Electoral Commission.

The Republic Electoral Commission shall forward the officially stamped extracts from the electoral roll to the ministry charged with foreign affairs, which shall then forward said extracts, along with other electoral materials, to all polling stations abroad where voting is to be organised.

The list of voters entered in the Special Register of Voters Residing Abroad shall be sorted according to polling stations in the Republic of Serbia by the Republic Electoral Commission, and shall forward said lists to polling boards along with other electoral materials."

#### **49. SLOVAKIA / SLOVAQUIE**

*Act No. 333 on Elections to the National Council of the Slovak Republic, 13.05.2004*

#### **Section 10**

##### **Special electoral register**

(1) A special register of electors who do not have permanent residence in the Slovak Republic shall be maintained by the city borough of Bratislava-Petržalka.

(2) For each elector registered in the special electoral register, there shall be stated his or her:

a) first name and surname;

b) identity number, or if one has not been assigned, date of birth; and

c) address of permanent residence abroad.

(3) An elector shall be registered in the special electoral register at his or her own request, which must be made not later than fifty days before polling day. The elector shall submit with the request:

a) an attestation in the state language that he or she does not have permanent residence in the Slovak Republic, and

b) a photocopy of that part of a valid travel document of the Slovak Republic which states personal information about him or her, or a photocopy of a certificate of his or her citizenship of the Slovak Republic.

## **Section 27**

### **Method of voting**

(1) An elector may vote in the territory of the Slovak Republic:

a) in the polling district in whose electoral register he or she is registered, or

b) in another polling district on the basis of a voting certificate, except for a polling district established pursuant to section 12(5).

(2) An elector may vote outside the territory of the Slovak Republic by post.

(3) A postal vote may be cast by:

a) an elector who does not have permanent residence in the Slovak Republic and who at his or her own request has been registered in the special electoral register pursuant to section 10, or

b) an elector with permanent residence in the Slovak Republic who is outside its territory at the time of the elections and who makes a request to vote by post to the municipality in which he or she has permanent residence.

## **Section 35**

### **Postal voting by electors who have permanent residence in the Slovak Republic and who are outside its territory at the time of the elections**

(1) An elector with permanent residence in the Slovak Republic who will be outside its territory at the time of the elections may make a request in writing to vote by post to the municipality in which he or she has permanent residence. The request must be delivered not later than fifty days before polling day.

(2) The municipality shall send the elector not later than thirty-five days before polling day to his or her designated address of permanent residence abroad:

a) an envelope pursuant to section 28,

b) ballot papers,

c) a return envelope, and

d) instructions on how to vote.

(3) The return envelope must be marked with the words "POSTAL VOTE". There must be written on it the address of the municipal authority as the addressee and the address of the elector abroad as the sender.

(4) For voting, section 30(5) shall where necessary.

(5) After placing the ballot paper into the envelope, the elector shall place the sealed envelope into the return envelope and send it by post. The postal charge shall be paid by the elector.

(6) Only votes on those ballot papers delivered not later than the last working day before polling day shall be counted towards the election result.

(7) Return envelopes delivered in a period pursuant to subsection (6) shall be submitted by the municipality to the respective polling district commission before the end of polling.

(8) In the presence of a representative of the municipality, the polling district commission shall circle in the electoral register the numbers of those electors who sent return envelopes and shall mark them as postal votes. It shall then open the return envelopes and take out the envelopes with ballot papers; the representative of the municipality shall then place these envelopes into the ballot box.

## 50. SLOVENIA / SLOVENIE

Voters, who are abroad on Election Day because they have temporary or permanent residence there, may vote by post or through a diplomatic consular representative body of the Republic of Slovenia.

*Relevant extracts:*

*National Assembly Elections Act; 1992 (amended up to 2000)*<sup>75</sup>

### **Article 82**

Voters, who are abroad on Election Day because they have temporary or permanent residence there, may vote by post or through a diplomatic consular representative body of the Republic of Slovenia, provided that they have notified the republic electoral commission not later than thirty days prior to Election Day, and that the country in which they are residing approves of such voting or that it is authorized by an international agreement.

The ballot paper shall only be accepted if a voter casting his vote by post also encloses a voting card in the envelope verified by a diplomatic consular representative body of the Republic of Slovenia or a body of the state in which he is temporarily or permanently residing.

The provisions valid for elections in Slovenia shall be applied accordingly for voting by post from abroad or through diplomatic consular representative bodies of the Republic of Slovenia.

## 51. SPAIN / ESPAGNE

Voters, temporary or permanent residing abroad, may vote by post.<sup>76,77,78</sup>

*Relevant provisions:*

*Ley Organica 5/1985, De 19 De Junio, Del Regimen Electoral General*<sup>79</sup>

### **Artículo Treinta y uno**

2. El Censo Electoral está compuesto por el censo de los electores residentes en España y por el censo de los electores residentes-ausentes que viven en el extranjero.

<sup>75</sup> <http://www.legislationline.org/documents/action/popup/id/3825>.

<sup>76</sup> [http://www.ine.es/en/oficina\\_censo/rd\\_1621\\_2007\\_en.pdf](http://www.ine.es/en/oficina_censo/rd_1621_2007_en.pdf).

<sup>77</sup> [http://www.ine.es/en/oficina\\_censo/loreg\\_voto\\_no\\_municipal\\_en.pdf](http://www.ine.es/en/oficina_censo/loreg_voto_no_municipal_en.pdf).

<sup>78</sup> [http://www.ine.es/en/oficina\\_censo/loreg\\_voto\\_municipal\\_en.pdf](http://www.ine.es/en/oficina_censo/loreg_voto_municipal_en.pdf).

<sup>79</sup> <http://www.fnmc.es/UserFiles/File/Ley%20General%20Electoral.pdf>.

**Artículo Treinta y seis**

Para la actualización del censo de los electores residentes ausentes que viven en el extranjero, los Consulados tramitarán conforme al mismo procedimiento que los Ayuntamientos las altas y bajas de los españoles que vivan en su demarcación, así como sus cambios de domicilio.

**Artículo Setenta y uno**

3. Las primeras papeletas confeccionadas se entregan inmediatamente a los Delegados Provinciales de la Oficina del Censo Electoral para su envío a los residentes ausentes que viven en el extranjero.

**Artículo Setenta y cinco**

1. Las Delegaciones Provinciales de la Oficina del Censo Electoral envían de oficio a los inscritos en el censo de residentes ausentes que vivan en el extranjero un certificado idéntico al previsto en el artículo 72 y las papeletas y sobres de votación, así como un sobre en el que debe figurar la dirección de la Junta Electoral Provincial. Con estos documentos adjuntan una nota explicativa.

**Artículo Setenta y cinco**

6. El Gobierno, previo informe de la Junta Electoral Central, puede regular los criterios y limitar los supuestos de aplicación de este artículo, así como establecer otros procedimientos para el voto de los residentes ausentes que vivan en estados extranjeros donde no sea practicable lo dispuesto en este artículo.

7. Las disposiciones de este artículo no son aplicables al voto en las elecciones municipales de los residentes ausentes que viven en el extranjero, que se rige por las disposiciones especiales de esta Ley.

**SECCIÓN 5ª. VOTO POR CORRESPONDENCIA DE LOS RESIDENTES AUSENTES QUE VIVAN EN EL EXTRANJERO****Artículo Ciento noventa**

1. Los españoles residentes ausentes que vivan en el extranjero y deseen ejercer su derecho de voto en las elecciones del municipio en el que estén inscritos, según el Censo Electoral, deben comunicarlo a la correspondiente Delegación Provincial de la Oficina del Censo Electoral, no más tarde del vigésimo quinto día posterior a la convocatoria. Dicha comunicación debe realizarse mediante escrito al que se adjuntará fotocopia del Documento Nacional de Identidad o pasaporte.

2. Recibida dicha comunicación, la Delegación Provincial envía al interesado un certificado idéntico al previsto en el artículo 72, una papeleta de votación en blanco, cuyo formato se determinará reglamentariamente, copia de la página o páginas del *Boletín Oficial* de la provincia en el que figuren las candidaturas proclamadas en el municipio, el sobre de votación, así como un sobre en el que debe figurar la dirección de la Mesa electoral que le corresponda. Con estos documentos se adjunta una hoja explicativa.

3. Dicho envío debe realizarse por correo certificado y no más tarde del trigésimo segundo día posterior a la convocatoria.

4. El elector escribirá en la papeleta el nombre del partido, federación, coalición o agrupación a cuya candidatura desea votar y remitirá su voto conforme a lo dispuesto en el artículo 73, párrafo 3. El servicio de correos actuará en este supuesto conforme a lo previsto en el párrafo cuarto de dicho artículo.

It is updated monthly with the information sent from other administrations: councils personal data and residence's address in Spain, consulates the same for the Spaniards living abroad, Civil Register information about deaths, acquisitions and lost of nationality and changes on names, surnames and sex, Interior Ministry for ID cards for Spaniards and foreigners and Justice's Tribunals for sentences of disability to vote.

### **Spanish electoral voting system**

In addition to elaborating the Electoral Census, the OCE is responsible of making the voters' lists for the councils. Consulates and polling stations, resolving registration claims, expediting of registration certificates, attending to mailing vote and elaborating copies of electoral census for the candidatures, autonomous communities and electoral boards.

The vote is optional.

The Spanish electoral legislation admits only postal voting as alternative to personal voting in the polling station that corresponds to the voter in the election's day. This is an option for voters residents at Spain sending an appliance to the OCE through the Spanish postal offices. Otherwise, the Spanish residents abroad only can vote by mail, in general without asking for it.

## **52. SWEDEN / SUEDE**

Voters, temporary or permanent residing abroad, may vote personally in foreign missions or by mail for general elections to the Riksdag and to municipal and county council assemblies and elections to the European Parliament and referendums.

*Relevant extracts:*

*Elections Act, 2005*<sup>80</sup>

### **The different ways of voting**

**Section 1** Voting takes place at vote reception points. Voters shall vote in the first instance at their polling stations on the election day. They can also prior or during the election day vote at voting places set up by the municipalities or foreign missions. Voters may also in certain cases vote by messenger or letter. The Central Election Authority shall determine, following consultation with the Government Offices (Ministry for Foreign Affairs), the Swedish foreign missions at which there shall be voting places.

### **Voting by messenger**

**Section 4** Voters who owing to illness, disability or old age cannot personally make their way to a vote reception point may deliver their ballot papers there by messenger.

Furthermore, the following voters may vote by messenger:

1. voters who are served by Posten AB's rural postmen, to the extent provided by Chapter 3, Section 6,
2. voters who are inmates of a remand centre,
3. voters who are inmates of a penal institution and for security reasons cannot vote at the same voting place as the other inmates of the institution.

Votes by messenger shall be delivered in outer envelopes for votes by messenger.

...

### **Postal voting**

#### **Who may vote by post**

**Section 11** Voters who are staying abroad or onboard a vessel in foreign traffic may vote by letter.

#### **When may postal votes be arranged?**

**Section 12** Postal votes may be arranged no earlier than 45 days prior to the election day. However, in the case of elections other than a general election to the Riksdag and to municipal and county council assemblies and also an election to the European Parliament postal votes may be arranged only after the date on which the election will be held has been decided.

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<sup>80</sup> [http://www.val.se/pdf/2005\\_elections\\_act.pdf](http://www.val.se/pdf/2005_elections_act.pdf).

**How postal votes are being arranged****Section 13** Voters who wish to vote by post shall

1. in the presence of two witnesses insert the vote envelopes that have been arranged in an outer envelope for postal votes,
2. stick the outer envelope down,
3. on the envelope
  - a) certify that they have arranged vote envelopes and the outer envelope in this way and that vote envelopes have not been arranged earlier than allowed and that it took place abroad or onboard a ship in foreign traffic respectively,
  - b) state their name and their personal identity number.

On the outer envelope the witnesses shall state their

1. names,
2. personal identity numbers or the corresponding identification details,
3. addresses, and certify that the voter has personally done that prescribed by the first paragraph and that they are not aware of anything whereby the information that the voter has provided is not correct. A witness shall have attained the age of 18.

**How postal votes are sent****Section 14** When the outer envelope has been arranged the voters shall

1. insert the envelope into a cover envelope for postal votes,
2. insert either a voting card or pre-printed address card or if the voter does not have access to either, an address card on which the voter has personally written her or his personal identity number and name,
3. stick this envelope down,
4. from abroad or a vessel in foreign traffic, send the envelope to the Central Election Authority.

**Further processing of postal votes****Section 15.** When the Central Election Authority has received cover envelopes for postal votes, these shall be delivered to the election committee in the municipalities where the voters are included in the electoral roll.

If a voter neither is nor should be included in the electoral roll or if it is not possible to investigate in which electoral roll a voter is included as the personal identity number is missing or is incomplete, the Central Election Authority shall retain the cover envelope. The envelopes that are retained by the authority shall be stored in a secure way until the election has entered into final force. The envelopes including their content shall thereafter be destroyed without voting secrecy being jeopardised.

The Central Election Authority shall keep notes of anything that is implemented pursuant to this section.

**Swedish Code of Statutes "Mail Voting in Certain Cases Act" 2003:84<sup>81</sup>**

**Section 1.** Voters who are abroad or on board vessels plying international routes may in accordance with this Act submit mail votes in general elections or re-elections to the Riksdag, general elections to County Council and Municipal Assemblies and in extra elections to the Riksdag, elections to the European Parliament and referendums.

The provisions of the Elections Act (1997:157) shall apply to mail votes unless otherwise follows from this Act.

...

**53. SWITZERLAND / SUISSE**

<sup>81</sup><http://venice.coe.int/VOTA/en/view.asp?doc=90&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>

Swiss citizens resident or staying abroad who are eligible to vote are able to take part at the national level in referendums and elections. 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. Eligible Swiss resident or staying abroad can submit their vote either personally at the voting commune in Switzerland or by post. 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.

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.

Some other relevant information and legal provisions: <http://aceproject.org/ace-en/topics/va/country-case-studies/switzerland-external-voting-in-a-federal-state>.

*Loi fédérale sur les droits politiques des Suisses de l'étranger du 19 décembre 1975*<sup>82</sup>

**Article 1. Principe**

<sup>1</sup> Les Suisses de l'étranger exercent leurs droits politiques, soit en personne dans leur commune de vote, soit par correspondance. Le Conseil fédéral peut, en accord avec les cantons et les communes intéressés, autoriser l'expérimentation du vote électronique en la limitant à une partie du territoire, à certaines dates et à certains objets, conformément à l'art. 8a de la loi fédérale du 17 décembre 1976 sur les droits politiques

<sup>2</sup> Le vote par procuration est admis, pour autant que le canton dans lequel se trouve la commune de vote prévoit cette possibilité.

**Article 2. Définition**

Sont réputés Suisses de l'étranger au sens de la présente loi tous les Suisses et toutes les Suissesses qui n'ont pas de domicile en Suisse et sont immatriculés auprès d'une représentation suisse à l'étranger.

**Article 3. Etendue**

<sup>1</sup> Tout Suisse de l'étranger qui a 18 ans révolus peut prendre part aux votations et élections fédérales ainsi que signer des initiatives populaires et des demandes de référendum.<sup>1</sup>

<sup>2</sup> L'éligibilité est déterminée selon l'art. 143 de la Constitution.<sup>2</sup>

...

**Article 5<sup>1</sup>. Commune de vote**

<sup>1</sup> Les Suisses de l'étranger choisissent une de leurs communes d'origine ou de domicile antérieur comme commune de vote.

<sup>3</sup> Tant qu'ils sont immatriculés auprès de la même représentation, les Suisses de l'étranger ne peuvent pas changer de commune de vote.

**Article 5a<sup>1</sup>. Inscription**

<sup>1</sup> Les Suisses de l'étranger qui entendent exercer leurs droits politiques en font la demande à leur commune de vote par l'entremise d'une représentation suisse.

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<sup>82</sup> [http://www.admin.ch/ch/f/rs/c161\\_5.html](http://www.admin.ch/ch/f/rs/c161_5.html).

<sup>2</sup> Ils sont biffés du registre des électeurs après quatre ans s'ils ne renouvellent pas leur inscription.

...

### **Article 7. Droit applicable**

<sup>1</sup> Le droit cantonal est réservé en ce qui concerne les droits politiques en matière cantonale et communale, notamment la participation à l'élection du Conseil des Etats.

<sup>2</sup> Sauf dispositions contraires de la présente loi ou de ses prescriptions d'exécution, la législation relative aux droits politiques des Suisses de l'intérieur s'applique aux Suisses de l'étranger.

Loi fédérale sur les droits politiques (Etat le 15 janvier 2009)<sup>83</sup>

### **Article 8. Vote par correspondance**

1. Les cantons instituent une procédure simple pour le vote par correspondance. Ils arrêtent notamment les prescriptions tendant à garantir le contrôle de la qualité d'électeur, à assurer un dépouillement sans lacunes du scrutin, à sauvegarder le secret du vote et à prévenir les abus.

2. Les électeurs peuvent voter par correspondance dès qu'ils ont reçu les documents qui, au regard du droit cantonal, leur permettent d'exprimer valablement leur vote.<sup>11</sup>

### **Article 8 a 12. Vote électronique**

1. Le Conseil fédéral peut, en accord avec les cantons et les communes intéressés, autoriser l'expérimentation du vote électronique en la limitant à une partie du territoire, à certaines dates et à certains objets. 1bis Il peut, à la demande d'un canton qui a expérimenté le vote électronique sur une période prolongée sans avoir connu de panne, l'autoriser à poursuivre ses essais pendant une période dont il fixe la durée. Il peut assortir l'autorisation de conditions et de charges, ou encore la limiter à tout moment, en fonction des circonstances, à une partie du territoire, à certaines dates et à certains objets.<sup>13</sup> 2 Le contrôle de la qualité d'électeur, le secret du vote et le dépouillement de la totalité des suffrages doivent être garantis. Tout risque d'abus doit être écarté. 3 ...<sup>14</sup> 4 Le Conseil fédéral règle les modalités.

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<sup>83</sup> <http://www.admin.ch/ch/f/rs/1/161.1.fr.pdf>.



**54. « THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA » / “L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE”**

Citizens of the Republic of Macedonia with a temporary employment, stay or residence abroad may vote on parliamentary and presidential elections at the diplomatic-consular offices, on the basis of personal statements.

*Electoral Code, Official Gazette of the Republic of Macedonia no. 40 of 31 March 2006<sup>84</sup>, as revised (see Official Gazette 163/08)<sup>85</sup>*

**Article 2. Definition**

(17) “Citizens of the Republic of Macedonia with a temporary employment or stay abroad” according to this law are the citizens of the Republic of Macedonia who have a registered last residence in the Republic of Macedonia, and at the day of election are on a temporary stay abroad in the duration from three months up to one year or have a temporary employment or stay abroad for more than a year according to the records of the competent organ.

**Article 4. Presidential and Parliamentary elections**

(1) Election of the President of the Republic of Macedonia shall be carried out on the territory of the Republic of Macedonia and in the diplomatic – consular offices of the Republic of Macedonia in Europe and Africa, North and South America, and Australia and Asia as one election district according to the majority model.

(2) In the Parliament of the Republic of Macedonia, 123 Members of Parliament, shall be elected, from which 120 according to proportional model, whereas the territory of the Republic of Macedonia shall be divided into six election districts determined in this law and for each election district, 20 MPs shall be elected, 3 MPs shall be elected according to the proportional model of which 1 MP from three electoral districts in Europe and Africa, in Northern and Southern America, and in Australia and Asia respectively, as determined by this Code.

(3) In the electoral district the number of voters may vary maximum from minus 5% to plus 5% in reference to the average number of voters in the electoral district with the exception of the electoral districts in Europe and Africa, North and South America and Australia and Asia.

**Article 6. Right to vote and to stand for election**

(2) The citizens of the Republic of Macedonia who at the day of the elections are on a temporary employment or stay abroad and are registered in the Voters List based on the records of the competent organ and the application for voting, shall vote for the election of the President of the Republic and for the election of MPs in the Assembly in the Republic of Macedonia in the diplomatic consular offices abroad, in accordance with this law,

**Article 41. Maintaining the Voters’ List**

(5) All citizens of the Republic of Macedonia, who are temporarily working or staying abroad, with a residence on the territory of the Republic of Macedonia and with a valid passport, shall also be registered in the Voters’ List. These persons shall be registered according to their last place of residence in the Republic of Macedonia, prior to their departure abroad and in accordance with the application for voting submitted in the Diplomatic or Consular Office (DCO).

**Article 49. Public inspection of the Voters’ List**

(2) The State Election Commission through the Ministry of Foreign Affairs delivers to the DCO the special excerpts from the Voters` List for the people on a temporary employment or stay

<sup>84</sup> <http://www.legislationline.org/documents/action/popup/id/5658>.

<sup>85</sup> [http://www.venice.coe.int/docs/2009/CDL\(2009\)006-e.pdf](http://www.venice.coe.int/docs/2009/CDL(2009)006-e.pdf).

abroad based on the records from the competent organ in order to have them available for public inspection.

**Article 50. Change of data in the Voters' List that has been opened for public inspection**

(4) The Ministry of Foreign Affairs, immediately and at the latest two days upon the announcement of the election date shall deliver a notification to the DCO for the publication of a public call to be published in at least one national newspaper in the said state on half a page informing the citizens of the Republic of Macedonia who are on a temporary employment or stay.

(5) During the public inspection the citizens of the Republic of Macedonia who are on a temporary employment or stay abroad may submit to the DCO a request for enlisting, addendum or erasing of their data from the special excerpts of the Voters' Lists.

(6) From the day of the announcement of the elections until the end of the public inspection citizens of the Republic of Macedonia who are on a temporary employment or stay abroad may submit an application personally signed by them by which they register for voting at the forthcoming election and they submit it to the DCO.

(7) The submissions subject of paragraphs (5) and (6) from this article, the DCO, successively latest in three days following the end of the public inspection, shall deliver them as they come to the Ministry of Foreign Affairs, and the Ministry of Foreign Affairs shall deliver them to the State Election Commission latest two days upon their receipt.

**Article 69. Publishing the lists**

(3) State Elections Commission through the Ministry of Foreign Affairs shall deliver to the DCO unified lists for their publication within deadline of 48 hours.

**Article 91. Submitting the election material**

(2) The State Elections Commission shall submit the election material to the authorised person from the Ministry of Foreign Affairs, at the latest 10 days prior to the election day.

(3) The Ministry of Foreign Affairs shall immediately submit the election materials to the DCO.

**Article 113-a**

(1) The voters who are temporarily working or staying abroad on the day of the elections shall vote in the DCO one day prior to the day of the elections in the Republic of Macedonia.

(2) The State Elections Commission is obliged immediately after receiving the elections material to deliver it to the DCO through the Ministry of Foreign Affairs.

(3) For the voters referred to in the paragraph 1 of this Article, the elections shall be conducted by the electoral boards in the DCO.

(4) Elections boards in the DCO shall prepare minutes for the voting in the DCO.

(5) The ballots are put in separate envelopes on which it shall be indicated the polling station and the electoral district and shall be sealed.

(6) Elections boards through the Ministry of Foreign Affairs shall deliver the minutes, sealed envelopes and other elections material to the State Elections Commission after the ending of the voting.

(7) The State Elections Commission shall sum up and determine the results from the voting abroad.

**Article 164. Criteria for determining the polling stations**

(3) For the voting abroad within the DCO of the Republic of Macedonia, special polling stations shall be determined.

**Article 165**

(2) A polling station may not be established for a settlement that has less than 10 voters and in a DCO where less than 10 voters are registered to vote.

Law on Referendum and Civil Initiative, (Official Gazette of RM no. 24/98)<sup>86</sup>

**Article 40**

The voters who are temporarily working or staying abroad shall vote in the polling stations in the place of their last residence

Law No. 46 on Local Elections (1996)<sup>87</sup>

**Article 50**

Voters who are outside their places of residence on the date of election due to military service or military training exercise, will cast their votes in the military unit. An electoral board is determined for such places, and the representatives are notified beforehand to ensure their presence at the military unit.

Citizens who are temporarily employed or residing abroad shall cast their votes for polling stations of their latest former place of residence on the territory of the Republic of Macedonia prior to their departure abroad or in the diplomatic and consular missions of the Republic of Macedonia abroad

**55. TURKEY / TURQUIE**

Any relevant provisions regulated the procedures of voting from abroad were NOT found in national legislature

*Relevant extracts:*

Constitution of the Republic of Turkey<sup>88</sup>

**II. Right to Vote, to be Elected and to Engage in Political Activity**

**Article 67.** (As amended on October 17, 2001)

Elections and referenda shall be held under the direction and supervision of the judiciary, in accordance with the principles of free, equal, secret, and direct, universal suffrage, and public counting of the votes. However, the conditions under which the Turkish citizens who are abroad shall be able to exercise their right to vote, are regulated by law.

But other relevant provisions, regulated the procedures of voting from abroad were not found neither in the Law on Basic Provisions on Elections and Voter Registers, Law no. 298 of 26 April, 1961, as last amended by law no. 4448 of 26 August 1999<sup>89</sup> nor Parliamentary Elections Law, Law no. 2839, of 10 June 1983, as last amended by laws ns. 4125 and 4138/1995<sup>90</sup>

**56. UKRAINE**

A citizen of Ukraine, who resides or is outside Ukraine prior to or during elections for a legitimate reason, may vote in the parliament and presidential elections and referendums in diplomatic and other representative offices and consular missions of Ukraine abroad.

*Relevant provisions:*

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<sup>86</sup> <http://www.legislationline.org/documents/action/popup/id/5640>.

<sup>87</sup> <http://www.legislationline.org/documents/action/popup/id/5633>.

<sup>88</sup> <http://www.legislationline.org/download/action/download/id/1650/file/d24f120df114ba9003796ee0f617.htm/previous>.

<sup>89</sup> <http://www.legislationline.org/download/action/download/id/1313/file/fc1948ff2445260c54d20269d70c.pdf>.

<sup>90</sup> <http://www.legislationline.org/download/action/download/id/1310/file/bbf6e67f60e5492350474eaa9e9a.pdf>.

*The Law on Elections of People's Deputies of Ukraine, 25.03.2004<sup>91</sup>*

**Article 2. The Suffrage Right of Citizens of Ukraine**

6. A citizen of Ukraine, who resides or is outside Ukraine prior to or during elections for a legitimate reason, shall have the right to vote in the elections.

**Article 17. Formation of Polling Stations**

7. Polling stations at diplomatic and other representative offices and consular missions of Ukraine abroad, military units (formations) stationed outside Ukraine shall be formed, on application of the Ministry of Foreign Affairs of Ukraine, by the Central Election Commission which shall designate the single-mandate constituency to which said polling station is assigned.

**Article 21. The Procedure for Forming a Polling Station Commission**

11. A polling station commission at diplomatic and other representative offices and consular missions of Ukraine abroad, in military units (formations) stationed outside Ukraine shall be formed by the Central Election Commission, on application of the Ministry of Foreign Affairs of Ukraine within terms envisaged under paragraph 1 of this Article.

**Article 30. Procedure of Compilation of the Voters' Lists**

4. At the polling stations formed in the in-patient medical institutions, on board the vessels which on the day of elections are at sea under the State Flag of Ukraine, at the polar stations of Ukraine, at the diplomatic missions and other official representations and consular offices of Ukraine abroad, in military units (formations) stationed beyond the borders of Ukraine, in the penal and correctional institutions and other places of temporary stay of the voters with the limited possibility to move, the lists of voters shall be compiled according to the form specified in Paragraph 2 of this Article by the respective polling station election commissions on the basis of the information submitted by the managers of the above-mentioned institutions, establishments, missions, captains of the vessels and commanders of the military units (formations) not later than 30 days before the date of elections.

5. The lists of voters at the polling stations formed at the diplomatic missions and other official representations and consular offices of Ukraine abroad shall include the personnel of those missions and representative offices and members of their families, as well as other citizens of Ukraine who reside or stay on the territory of the respective foreign country, based on their written application with the indication of the place of their permanent residence or upon presentation of their absentee ballots specified in Paragraph 4 of Article 31 hereof, as well as the presentation of the foreign passport of a citizen of Ukraine, sailor's identification card or a crew member certificate.

**Article 64. The Procedure for Transferring Election Ballots to Election Commissions**

5. To polling station election commissions formed in diplomatic and other Ukrainian official missions and consular institutions abroad and in military units (formations) stationed beyond Ukrainian frontiers, election ballots shall be delivered in accordance with the procedure established by the Central Election Commission.

*Law of Ukraine "On the Elections of the President of Ukraine"<sup>92</sup>*

**Article 2. General Suffrage**

6. A citizen of Ukraine, who, at the time of preparation and conduct of the elections, resides or is staying outside the boundaries of Ukraine, and who on legal grounds crossed the State

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<sup>91</sup><http://venice.coe.int/VOTA/en/view.asp?doc=40&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>

<sup>92</sup><http://venice.coe.int/VOTA/en/view.asp?doc=382&lng=en&fmt=html&typ=0&cod=%20%20%20%20%20%20%20>



*Relevant extracts:*

*European Parliamentary Elections Act 2002, Chapter 24 - continued*<sup>94</sup>

### **8. Persons entitled to vote**

(2) A person is within this subsection if on the day of the poll he would be entitled to vote as an elector at a parliamentary election in a parliamentary constituency wholly or partly comprised in the electoral region, and-

(b) his registration in the relevant register of parliamentary electors results from an overseas elector's declaration which specifies an address within the electoral region.

*Representation of the People Act 2000, Chapter 2 - continued*<sup>95</sup>

## **SCHEDULE 2 REGISTRATION: OVERSEAS ELECTORS**

### **Introductory**

#### **1. The Representation of the People Act 1985 is amended as follows.**

#### **Franchise for parliamentary elections**

##### **2. For section 1 substitute 1**

(1) A person is entitled to vote as an elector at a parliamentary election in any constituency if-

(a) he qualifies as an overseas elector in respect of that constituency on the date on which he makes a declaration under and in accordance with section 2 of this Act ("the relevant date"); (b) on that date and on the date of the poll-

(i) he is not subject to any legal incapacity to vote, and

(ii) he is a British citizen; and (c) on the date of the poll he is registered in a register of parliamentary electors for that constituency.

(2) For the purposes of this Act and the principal Act a person qualifies as an overseas elector in respect of a constituency on the relevant date if-

(a) on that date he is not resident in the United Kingdom, and (b) he satisfies one of the following sets of conditions.

(3) The first set of conditions is that-

(a) he was included in a register of parliamentary electors in respect of an address at a place that is situated within the constituency concerned, (b) that entry in the register was made on the basis that he was resident, or to be treated for the purposes of registration as resident, at that address, (c) that entry in the register was in force at any time falling within the period of 20 years ending immediately before the relevant date, and (d) subsequent to that entry ceasing to have effect no entry was made in any register of parliamentary electors on the basis that he was resident, or to be treated for the purposes of registration as resident, at any other address.

(4) The second set of conditions is that-

(a) he was last resident in the United Kingdom within the period of 20 years ending immediately before the relevant date, (b) he was by reason only of his age incapable of being included in any register of parliamentary electors in force on the last day on which he was resident in the United Kingdom, and (c) the address at which he was resident on that day was at a place that is situated within the constituency concerned and a parent or guardian of his was included, in respect of that address, in a register of parliamentary electors or a register of local government electors in force on that day.

(5) The reference in subsection (1) above to a person being subject to a legal incapacity to vote on the relevant date does not include a reference to his being under the age of 18 on that date; and the reference in subsection (4) above to a register of local government electors includes a reference to a register of electors prepared for the purposes of local elections (within the meaning of the Electoral Law Act (Northern Ireland) 1962)."

<sup>94</sup><http://www.legislationline.org/download/action/download/id/1366/file/da9908b18f0934c61d5391a5ecd1.pdf>.

<sup>95</sup><http://www.legislationline.org/download/action/download/id/1350/file/adf9e6429b83ee8c3edc6024cbb0.pdf>.

## **Registration of overseas electors**

### **3. For section 2 substitute 2**

(1) A person is entitled to be registered in a register of parliamentary electors in pursuance of a declaration made by him under and in accordance with this section (an "overseas elector's declaration") if (a) the register is for the constituency or part of the constituency within which is situated the place in the United Kingdom specified in the declaration in accordance with subsection (4) below as having been the address- (i) in respect of which he was registered, or (ii) at which he was resident, as the case may be, and (b) the registration officer concerned is satisfied that, on the relevant date, he qualifies as an overseas elector in respect of that constituency for which that register is prepared. (2) A person registered in a register of parliamentary electors in pursuance of an overseas elector's declaration is entitled to remain so registered until- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, (b) the declaration is cancelled under subsection (5) below, or (c) any entry made in respect of him in any register of parliamentary electors takes effect otherwise than in pursuance of an overseas elector's declaration, whichever first occurs; and, where the entitlement of such a person to remain so registered terminates by virtue of this subsection, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further overseas elector's declaration. (3) An overseas elector's declaration must state- (a) the date of the declaration, (b) that the declarant is a British citizen, (c) that the declarant is not resident in the United Kingdom on the relevant date, and (d) when he ceased to be so resident or, in the case of a person relying on registration in pursuance of a service declaration, when he ceased to have a service qualification or, if later, ceased to be so resident, and must contain such other information and satisfy such other requirements (which may include requirements for declarations to be attested and for the charging of fees in respect of their attestation) as may be prescribed.

(4) An overseas elector's declaration must- (a) show which set of conditions in section 1 of this Act the declarant claims to satisfy, (b) in the case of the first set of conditions, specify the address in respect of which he was registered, and (c) in the case of the second set of conditions, specify- (i) the date of the declarant's birth, (ii) the address in the United Kingdom at which he was resident, and (iii) the name of the parent or guardian on whose registration in respect of that address he relies, and whether the person named was a parent or guardian, and may not, in the case of either set of conditions, specify more than one such address; and if the declarant makes more than one such declaration bearing the same date and specifying different addresses in the United Kingdom as the address in respect of which he was registered or, as the case may be, at which he was resident the declarations shall be void. (5) An overseas elector's declaration may be cancelled at any time by the declarant. (6) An overseas elector's declaration shall

be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the relevant date. (7) For the purposes of section 1 of this Act, where a person is registered in a register of parliamentary electors for any constituency or part of a constituency in pursuance of an overseas elector's declaration, it shall be conclusively presumed that he was not resident in the United Kingdom on the relevant date. (8) In this section "the relevant date" has the meaning given by section 1(1)(a) of this Act."

## **Franchise for European Parliamentary elections**

### **4. For section 3 substitute 3**

(1) A peer is entitled by virtue of this section to vote as an elector at a European Parliamentary election in any electoral region if-(a) he qualifies under this section in respect of that region on the date on which he makes a declaration under and in accordance with regulations under this section ("the relevant date"), (b) on that date and on the day appointed for the election- (i) he is not subject to any legal incapacity to vote, and (ii) he is a British citizen, and (c) on the day so appointed he is registered in the electoral region in a register under this section. (2) For the purposes of subsection (1) above, a peer qualifies under this section in respect of an electoral region on the relevant date if- (a) on that date he is not resident in the United Kingdom, and (b) he satisfies one of the following sets of conditions.

(3) The first set of conditions is that- (a) he was included in a register of local government electors in respect of an address at a place that is situated within the electoral region concerned, (b) that entry in the register was made on the basis that he was resident, or to be treated for the purposes of registration as resident, at that address, (c) that entry in the register was in force at any time falling within the period of 20 years ending immediately before the relevant date, and (d) subsequent to that entry ceasing to have effect no entry was made in any register of local government electors on the basis that he was resident, or to be treated for the purposes of registration as resident, at any other address. (4) The second set of conditions is that- (a) he was last resident in the United Kingdom within the period of 20 years ending immediately before the relevant date, (b) he was by reason only of his age incapable of being included in any register of local government electors in force on the last day on which he was resident in the United Kingdom, and (c) the address at which he was resident on that day was at a place that is situated within the electoral region concerned and a parent or guardian of his was included, in respect of that address, in a register of parliamentary electors or a register of local government electors in force on that day.

(5) Regulations may- (a) provide for a person seeking registration under this section to make a declaration for the purpose, being a declaration of the prescribed facts and containing the prescribed information; (b) require such declarations to be attested and provide for the charging of fees in respect of their attestation; (c) make provision for and in connection with the cancellation of such declarations. (6) Regulations may also- (a) provide for the registration, subject to prescribed exceptions and on satisfying prescribed conditions, of those peers who (apart from the requirements of registration) may be entitled by virtue of this section to vote as electors at European Parliamentary elections; (b) apply with such modifications or exceptions as may be prescribed any provision in respect of the registration of parliamentary or local government electors made by or under the principal Act or this Act. (7) Regulations under this section shall require each registration officer to prepare and publish, in respect of any year for which any peers are to be registered under this section, a register of the peers so registered; and any such register shall so far as practicable be combined with the registers of parliamentary electors and of local government electors, the names of peers registered under this section being marked to indicate that fact. (8) In this section- (a) "legal incapacity" has the same meaning- (i) in relation to Great Britain as it has in the principal Act for the purposes of local government elections, and (ii) in relation to Northern Ireland as it has in the Electoral Law Act (Northern Ireland) 1962 for the purposes of local elections, but the reference in subsection (1)(b) above to a person being subject to a legal incapacity to vote on the relevant date does not include a reference to his being below the age of 18 on that date, (b) "local election" has the same meaning as in the Electoral Law Act (Northern Ireland) 1962, and (c) references to the register of local government elections include a reference to a register of electors prepared- (i) for the purposes of local elections, or (ii) for the purposes of municipal elections in the City of London (that is, elections to the office of mayor, alderman, common councilman or sheriff and also elections of officers elected by the mayor, aldermen and liverymen in common hall)."

### **Absent vote at elections for definite or indefinite period**

**3.** (1) Where a person applies to the registration officer to vote by post at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if- (a) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and (b) the application meets the prescribed requirements.

(2) Where a person applies to the registration officer to vote by proxy at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if- (a) he is satisfied that the applicant is eligible to vote by proxy at elections to which the application relates,



(b) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and (c) the application meets the prescribed requirements.

(3) For the purposes of this paragraph a person is eligible to vote by proxy at parliamentary or local government elections- (a) if he is or will be registered as a service voter, (b) if he cannot reasonably be expected- (i) to go in person to the polling station allotted or likely to be allotted to him under the appropriate rules, or (ii) to vote unaided there, by reason of blindness or other physical incapacity, (c) if he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of his spouse, or by reason of his attendance on a course provided by an educational institution or that of his spouse, or (d) if he cannot go in person from his qualifying address to that polling station without making a journey by air or sea, and a person is also eligible to vote by proxy at parliamentary elections if he is or will be registered in pursuance of an overseas elector's declaration. (4) The registration officer shall keep a record of those whose applications under this paragraph have been granted showing- (a) whether their applications- (i) were in respect of parliamentary elections, local government elections or both, and (ii) were to vote by post or proxy for an indefinite or a particular period (specifying that period), (b) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and (c) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies. (5) The registration officer shall remove a person from the record- (a) if he applies to the registration officer to be removed, (b) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered in pursuance of- (i) a service declaration, (ii) a declaration of local connection, or (iii) an overseas elector's declaration, (c) in the case of any person shown in the record as voting by proxy, if the registration officer gives notice that he has reason to believe there has been a material change of circumstances, or (d) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.

(6) A person shown in the record as voting by post may subsequently alter his choice by applying to the registration officer to vote by proxy instead (whether for an indefinite period or for a particular period specified in his application); and, if the registration officer would be required to grant that application if it were one made under sub-paragraph (2), the registration officer shall amend the record accordingly.

(7) A person shown in the record as voting by proxy may subsequently alter his choice by applying to the registration officer to vote by post instead (whether for an indefinite period or for a particular period specified in his application); and, if the application meets the prescribed requirements, the registration officer shall amend the record accordingly.

*Political Parties, Elections and Referendums Act 2000, Chapter 41 - continued*<sup>96</sup>

**Overseas electors**

**141.** In each of the following provisions of the Representation of the People Act 1985 (as amended by the Representation of the People Act 2000), namely- (a) section 1(3) and (4) (conditions to be satisfied by British citizen in order to qualify as overseas elector in relation to parliamentary election), and (b) section 3(3) and (4) (conditions to be satisfied by peer in order to qualify as overseas elector in relation to European Parliamentary election), for "20 years" there shall be substituted "15 years".

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<sup>96</sup><http://www.legislationline.org/download/action/download/id/1349/file/0dd1c56adce86c234ebe0cd2eee4.pdf>.