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COMMENTS

ON

**SECURITY IN ELECTIONS
WHEN DEALING WITH CITIZENS LIVING DE FACTO ABROAD:
THE EXPERIENCE OF LATIN AMERICA**

by

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1. Introduction

1. Double-voting by citizens living *de facto* abroad, as a practice that jeopardizes the integrity of elections, is strongly correlated to globalization and the contemporary traits of migration. What appears to be a recently discovered unfortunate circumstance in some Eastern European elections (Binder, 2013:1); has actually been happening for long and around the World, although not across international borders (Santolaya, 2013:455).

2. Extending the right to vote, whether overseas or not, implies a series of potential risks that vary from restricting a human right, to potentially destabilizing the electoral system. Voting abroad implies a duality between technical or administrative problems and free elections (Nohlen & Grotz, 2008:76). Latin American international agreements recognize the right to vote as a universal and individual freedom, but it does not go unnoticed that such capability might be subject to a “*number of conditions which should be reasonable and provided by law*” (Garrone, 2013:5).

3. This text reviews 1) a succinct schematization, that portrays the evolutionary characteristics, of those Latin American electoral systems which include provisions to treat the *de facto* living abroad phenomenon; 2) a brief description of distinct Latin American legislations, that include security mechanisms to preserve electoral integrity in the presence of the aforementioned conjunction; and 3) an overview of the impacts of the debate on “residence”, “citizenship” and “nationality” on the possibility of double voting.

4. The specific cases of Argentina, Colombia, El Salvador, Mexico, Nicaragua, Panama, and Dominican Republic, were chosen as reference because they represent different mechanisms designed to deter double voting when *de facto* living abroad. Each electoral system provides an example of the delicate balance, between recognition of the universal individual right to suffrage, and the possibility to subject the right to vote to a number of conditions, which intend to preserve the integrity and transparency of genuinely democratic elections.

5. Colombia and Argentina, for instance, are respectively the first and third countries to have recognized the right to vote from abroad in the Latin American region. The former granted this right to its nationals residing abroad since 1962, while the latter followed in 1993, and enhanced it by allowing foreign citizens who legally reside in its territory, to vote. Argentina, in a remarkable effort to tackle participation barriers, extended the right to vote to younger nationals from the previous age of 18, to 16.

6. Mexico introduced the right to vote from abroad in 2006. The disposition presented no residence requirement, partly because of the on-going debate on migratory status of Mexicans living in the United States, which from a conservative standpoint are 97.5% of the 11 million Mexican citizens living abroad.

7. On the other hand, in spite of having the eldest electoral institutions of the American Continent, Panama, whose Electoral Court was established in 1956, waited until 2009 to open the possibility to vote abroad; while El Salvador and Dominican Republic, joined in 2014 and 2004 respectively. The latter presents a particular example: with 25% of its citizens living abroad (Santolaya, 2013:463), Dominican Republic decided to open three constituencies, which are integrated *ex profeso* each election, to enclose a substantive amount of its electors residing abroad. This is also the case of Colombia, and some Western European countries.

8. Finally, Nicaragua is a demonstration of the high variability of existing difficulties to adopt control mechanisms for voting abroad; while the legal dispositions adopted by the country

recognize the right to vote, they require a series of existing conditions¹, which have not yet been attained in the eyes of Nicaraguan political parties, within foreign states.

2. Evolution of electoral systems

9. Elections are in endangered by the possibility of double voting, regardless of the existence of a legal framework intended to deter such behaviour. Thereby is makes sense to conclude that double voting is correlated to failures in the implementation of rule of law.

2.1 Migratory distinctions between Europe and Latin America

10. Since the 1990s, voting abroad has become popular amongst democracies that intend to be mature. Countries bound to the development of this phenomenon are significantly diverse; they may be immigration countries such as the Unites States, Germany or France; migration ones like Mexico, El Salvador, or Dominican Republic; or those which have changed their migratory flow as Spain or Italy.

2.1.1 Migration flows

11. In 2005 the Global Commission on International Migration identified all European Countries as net immigration countries.

12. Over the last 50 years, on the other hand, the Latin American region has experienced an opposite migratory effect (Pellegrino, 2000:1). The United Nations Latin American and Caribbean Democratic Centre (CELADE), and the Economic Commission for Latin America and the Caribbean (ECLAC), have observed that in spite of economic acceleration during the latter half of the 20th century, the region's inequitable access to benefits of economic growth have influence migratory outflows. Already during the early 1990's 2.5% of the total population of Latin America were living abroad although within the Americas; this however, accounted for 9.2% of the World's migrating population (Pellegrino, 2000:397).

2.1.2 Migration proportions

13. The yearly reports of the United Nations Department of Economic and Social Affairs, produced in contribution with the Organization for Economic Cooperation and Development, states that in spite of South-South migration being larger than South-North (which is why cross-borders movements within Latin America have been compared to Mexico-Unites States migration), the migrant population from Latin America and the Caribbean is ever increasing in the OECD countries. These reports are also consistent on the observation that migration rates in Europe, of those countries in which the issue of double voting was firstly noted, are increasing in the largest proportion through the Union.

2.1.3 Migration legality

14. The Regulation No. 562/2006 of the European Parliament and of the Council of 15 March 2006, established a Community Code on rules governing the movement of persons across borders (Schengen Borders Code). It allows free transit and border crossing with barely any control at all for European citizens. In junction with European physical geography and transportation networks, this policy enables the possibility of being in two different countries on the same day, which a Colombian citizen living in the United States would not have –without an important transportation cost–, hence influencing the opportunity for double voting. Thereby,

¹ Article 122 of Nicaraguan Electoral Law (Law No. 331, 19 January 2000), states that “equal conditions of purity, equality, transparency, security, control, vigilance and verification” should be met in the foreign territory where elections would take place.

geographical distance in Latin America, together with the flow types present in the region, constitute already by themselves important deterrents against double voting.

2.2 Socio-Political distance between Eastern Europe and Latin America

15. An important difference between Europe and Latin America is the regions' evolution and approach to democracy (OAS, 2013). Security measures that would be unwelcome in Post WWII Western Europe are quite common all over Latin America (no circulation during Election Day, physical punishments for double voting as well as significant administrative sanctions for not voting, very accurate lists of citizen enhanced with biometric data and constantly updated addresses, marking citizens that voted with indelible ink, an obligation to declare one's place of residence to the government periodically).

16. It is probably because of Latin America's more recent democratic evolution that the region is still in need of so strict measures that are not anymore at use in Western Europe and other Global Northern regions.

2.2.1 Flows on Election Day

17. Nothing happens in Latin America if on Election Day, an undetermined amount of citizens would cross the border and vote (unless they would be entitled to vote overseas or if their will be casting a double vote). Regional judiciary or administrative provisions have no constraints whatsoever (aside from those which apply to any other citizen that wants to vote).

18. For the majority of Latin American countries, as will be seen through the text, when the demand is made to be granted the opportunity to vote abroad, the citizen will be noted in registry that disables him from being able to participate locally. This means that even if a person would return to his country of citizenship he would not be able to vote. The former, of course, assuming he would be able or allowed to travel (some countries² close the border on Election Day), Anyway and most migrants reside in the United States too far from everything for a quick displacement, except the northern regions of Mexico.

19. Mexico, in any case, is quite well protected against a result like the one of Bulgaria (OSCE/ODIHR, 2011), where double voting was discovered because the country registered more suffrages than it had citizens within voting age. The Latin American country has a system for which there is no chance to cast more votes than the specific amount which are expected in each polling station; only 750 votes are accepted per ballot box.

2.2.2. Geography matter

20. Physical geography can work in favour, or against the temptation to double voting when *de facto* living abroad. As is the case with Eastern European Countries, some Latin American divisions are no deterrent at all. That may be the reason for which Colombia and Venezuela, whose borderline regions share economic cultural and geographical factors use to close cross-border transit before, during, and after Election Day (almost up to six days in all).

21. The former is an important hindrance to freedom of transit, especially since according to Human Rights Watch (2014), 5 million people crossed this border during 2013. Similar situations occur in Nicaragua, El Salvador, Honduras, Bolivia and Chile. Bolivia's Article 152 of the Electoral Law, *i.e.*: prohibits vehicle circulation –public transportation included– on Election Day.

² Bolivia, Colombia, Venezuela, formerly Nicaragua and Panama, amongst others.

3. Security mechanisms *vis-à-vis* the international protection of universal suffrage

22. A duality exists between promoting the right to vote and protecting the integrity of elections. In its simplest interpretation, the right to vote is not linked to democracy as much as it is to collegiality (Nohlen, 2007:162); it is about taking decisions, not necessarily about debating them. Voting is only a democratic process when suffrage is free, equal, secret, and verses on public affairs.

3.1 Regional agreements protecting the universal right to vote

23. The Universal Declaration of Human Rights (1948, art. 21); the American Declaration of the Rights and Duties of Man (1948, art. 20); the Treaty of the Central American Parliament (1987, art. 5); the Framework Treaty on Democratic Security in Central America (1995, art. 1); as the American Democratic Charter (2001, art. 3) claim the right to political participation as an inherent capacity to every human being, based on the possibility to be elected and to vote periodically equally, in secrecy and freedom.

24. In some Latin American countries, voting is not only a right as it is a duty. The National Electoral Commission of Argentina through its case No. 4727-2011, rejected the claim of a citizen requesting to be excused of voting in national elections because, according to the Commission's interpretation, voting is a right and an obligation.

25. An obligation to be fulfilled in collaboration with the state, as is clear from the Supreme Electoral Court's decision to sanction the president of a polling station in Costa Rica, who prevented a citizen from voting under the argument that she was disabled (Ángeles Jiménez vs Ruíz Vega, case num. 0185-P-2004).

26. Other provisions have subscribed to these features the condition of authenticity or veracity of the suffrage. Such is the case of the International Pact on Civil and Political Rights (1966, art. 25) and the American Convention on Human Rights (1969), which states on it Article 23 that "*Every citizen shall enjoy the following rights and opportunities [...] b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and by secret ballot, guaranteeing the free expression of the will of the voters.*"

27. Therefore, the effective construction of democratic systems, which fully recognize human rights, necessarily fostered the allowance of citizens to vote from abroad.

28. This is because, like other rights, effective suffrage cannot exist merely by virtue of the law. As the sentencing that the Inter-American Court of Human Rights held in July 1988, "*the full exercise of human rights is not limited to the existence of a legal system [...] they share the need for government action to ensure their existence, in real life [...]*" (CIDH, 1988:167). The State's obligation to guarantee political rights cannot be accomplished (according to another statement that the same Court held in 2008) without the existence of a "complex institutional, economic and human apparatus that provides the required effectiveness" (CIDH, 2008:159).

29. It is a complex technical challenge. On the one hand, local constitutions and laws must be harmonized with human rights and international commitments, as well as under the people's aspirations. Moreover, successfully implementing effective suffrage is a path of adaptation, whose difficulty varies according to pre-existing conditions and developmental capabilities within the country.

3.2 National provisions that limit the right to vote

30. In the case of Latin America, due to complex social and political conditions, countries have historically faced difficulties in ensuring effective suffrage. Doing so has implied a lengthy pathway of intricate regulations and electoral reforms, but also an extensive experience in establishing logistical and operational controls that seek to protect the integrity and authenticity of the vote.

31. In most Latin American constitutions rather detailed to the electoral system are included. The Mexican, and Panamanian, constitutions, stand out as particularly accurate and comprehensive examples. It is considered that the laws have greater strength and impact if they are embodied in the *Magna Carta*, instead of in lower ranking codes.

32. Additionally, in all observed countries, there are electoral laws complementing and supplementing the Constitutional contents (see Table 1); these, in some cases, coexist with local dispositions.

Table 1. Electoral Institutions in 2014

Electoral Law (Without Constitutional Provisions)	National Electoral Authorities
Argentina	
<ol style="list-style-type: none"> 1. National Electoral Code 2. Organic Law of the Political Parties (Law 23.298) 3. Law 6.571 Open, compulsory and simultaneous primary elections 4. Law 26.215 Political Parties Financing 5. Law 19.108 National Electoral Justice Organisation 6. Law 15.262 Simultaneity of national elections, provincial and municipal 7. Law 24.007 Registry of voter residing abroad 8. Law 346 Nationality and Citizenship 9. Law 24.747 Popular Law Initiative 	<ul style="list-style-type: none"> • National Electoral Chamber
Colombia	
<ol style="list-style-type: none"> 1. Electoral Code 2. Law 1475 of 2011 rules for the organization and functioning of the political parties and movements, as well as electoral proceedings 3. Law 996 of 2005 rules the presidential election 4. Law 649 of 2001 proceedings that come from article 176 of the constitution 5. Law 130 of 1994 basic rules of parties political movements, norms on their financing and on electoral campaigns 6. Law 134 of 1994 norms about citizen participation the mechanism 	<ul style="list-style-type: none"> National Electoral Council • National Civil Register
El Salvador	
<ol style="list-style-type: none"> 1. Electoral Code 2. Law of the Political Parties 3. Law for voting abroad 	<ul style="list-style-type: none"> • Supreme Electoral Court
Mexico	
<ol style="list-style-type: none"> 1. General Law of institutions and electoral proceedings 2. General Law for political parties 3. General Law for challenges and electoral felonies 4. General Law for the system to contest Electoral Matters 	<ul style="list-style-type: none"> • National Electoral Institute. • Electoral Court of the Federal Judiciary
Nicaragua	
<ol style="list-style-type: none"> 1. Nicaraguan Electoral Law 	<ul style="list-style-type: none"> • Supreme Electoral Council
Panama	
<ol style="list-style-type: none"> 1. Electoral Law 	<ul style="list-style-type: none"> • Electoral Court

Dominican Republic	
1. Law Electoral 275	<ul style="list-style-type: none"> • Superior Electoral Tribunal • Central Electoral Board

33. Authoritative and repressive experiences characterized Latin America during the decades of 1960 to 1980, bequeathed an ingrained distrust in the Latin American electorate. This, in turn, affected the wave of democratization that swept the continent in the late 20th century, and fostered the design of complex electoral systems of checks and balances.

34. Electoral institutions in Latin America have quite a deal of experience successfully implementing the judicial dispositions to fight fraudulent electoral practices. Still a few decades ago, it was relatively easy to vote multiple times by attending different polling stations, supplanting other voters or assuming false identities previously incorporated into the list of electors (in collusion with corrupt election officials). This practice, which in Mexico was known by the name of “marry-go-round”³, was performed systematically by massively transporting supporters from one to other polling station on Election Day.

35. Mechanisms of enhanced security in Latin America tend to hamper the universality of suffrage, but they provide a higher degree of certainty against electoral fraud. The following is an enumeration of the diverse security mechanisms present in the region: 1) centralized list of voters, under continuous updating and revision; 2) exclusion from the list of voters, of those citizens residing abroad; 3) elimination from the list of voters, of citizens who do not vote during an election; 4) partnerships with civil registry authorities to ensure the integrity of the electoral list; 5) usage of biometric measures to identify duplicate records; 6) adoption of anti-counterfeiting measures for identity documents; 7) limitation on the number of votes that can be cast in a poll box, according to population density of the immediate surrounding area; 8) establishment of a specific box for a certain group of citizens to exercise suffrage; 9) physical verification of declared address a citizen declares; 10) rigid and publicized deadlines to make changes to the electoral register and obtain identity documents; 11) controlled destruction of identification documents which remain unclaimed by citizens; 12) thorough chain of custody and supervision of election materials from production to final disposal; 13) numbered ballots printed on security paper; 14) parallel and complementary methods for counting; 15) physical identification methods for voters, as the usage of indelible ink and marks on their identification documents; 16) professionalized electoral bureaucracy which does not depend of any government structure; 18) creation of a non-partisan and non-bureaucratic electoral supervisory structure; and 19) establishment of special prosecutors and criminal penalties for electoral offenses.

36. As expected, the implementation of these and other security measures requires a major government effort. As more locks are set, the greater the number of staff and budget must be allocated to making them work effectively. Mexico’s budget intended to organizing federal, i.e., passed from 6,440 million Mexican Pesos in 1996, to 8,600 million in 2010 (constant 2010 prices) (Mena, 2010:8) this figure missing sum the costs associated with the administration of justice and local electoral votes.

37. Notwithstanding, the most difficult expenses to assume are the factual costs limiting the exercise of political rights of citizens to implement control mechanisms on voting. For instance, establishing a specific box for voting forced voters to stay close to their place of residence on Election Day because they cannot vote in a separate box to which you are assigned. This prevents the practice of double voting, but large countries and/or poorly communicated territories,

³ “Carrusel”, in Spanish.

have a significant number of citizens who for various reasons are far from their precinct on Election Day

38. Mexico normally assigns a specific polling station to each citizen, but it also installs some 1000 "special polling stations". It is a system to allow the interior population (if in transit on Election Day) to vote outside of their place of residence. During the 2012 legislatures and presidential elections, 676.500 votes were cast through this system; that is 1.3% of the total votes⁴. It is a relevant example due to its conceptual closeness with respect to voting from abroad. In both cases the goal is to provide citizens "in transit" with the possibility to vote and, at the same time, to dissuade him of casting more than one vote.

39. In this regard it is to be said that different systems and international treaties, including the American Convention on Human Rights, deem "reasonable" some restrictions to the universality of voting; they are: "age, nationality, residence, language, education, civil or mental capacity, and condemnation or judgment in criminal proceedings.

⁴ *Own elaboration with information from:* <http://pac.ife.org.mx/2012/> [Accessed 20.11.14].

Table 2. Characteristics of Electoral Law 2014

	Argentina	Colombia	Mexico	Nicaragua*	Panama	EI Salvador
Type of Registry	Registry of nationals living abroad	Colombian Census for those living abroad	List of voters living abroad	Electoral List	Registry of Electors Living Abroad	Electoral List of Voters Living Abroad
Suscription	Active, in person, Consulates	Active, in person, Consulates	Active, in person, Consulates	Not yet defined	Active through the internet or in person	Active, in person, Consulates
Age for citizenship	16 years (optional) 18 years (cumpolsory)	18 years	18 years	16 years	18 years	18 years
Authority	National Electoral Chamber	National Civil Registry	National Electoral Institute	Supreme Electoral Council	Electoral Tribunal	Supreme Electoral Tribunal
ID	National Identity Document	Citizenship Charter	Voting Credential with Picture	Identity Charter	Identity Charter	Unique Identity Document

Own elaboration with information from legal provisions valid in the aforementioned countries

40. Nations must carefully weigh the advantages and disadvantages of establishing restrictions and locks the electoral process. In the case of Latin America in general the universality of exercising political rights is accepted, but differs in its practical application criteria that each State may impose according to its internal consideration of "common good" (Ortiz, 2007: 332).

41. Enlarging and augmenting the complexity of an electoral system is not only costly but also can have opposite effects to those desired. Implement very sophisticated control measures can lead to widespread lack of understanding of the system's operation and consequently to a lack of confidence in them.

42. The rampant regulatory race in which some Latin American nations have engaged, demonstrates the falseness of the underlying assumption that it is possible to build democracy only by using legal restrictions and operational controls.

43. While both positive and negative incentives that can be implemented in the electoral system yield good results in terms of ensuring the integrity of the vote, its usefulness is easily undermined if they are not accompanied by serious political efforts (to ensure transparency processes, to tackle corruption, to professionalize bodies and electoral bureaucracies, to ensure widespread and effective citizen participation, etc.).

4. Residence, Citizenship, Nationality

44. There exists no uniformity in the types of mechanisms used to accomplish the goals of the abroad voting procedures. There is indeed no *best practice* as such.

45. If residence, and not nationality, is to prevail as entitlement to vote, as is the case of some European electoral dispositions, or Argentina in Latin America, it makes no sense to foster voting from abroad. The citizens who are physically alienated from the implications of public policy will not receive any direct benefits and the electoral authorities endure a large risk of losing legitimacy if something goes wrong.

46. On the other hand, if nationality is to stand *primo inter alia*, then it makes sense to enhance voting abroad, but not so much to recognize the foreigners' right to vote. Clarity, both on the objective of the system of elections, and the mechanisms employed to reach it are paramount.

47. The table presented in the following pages is a compilation of the mechanisms and characteristics of Latin American electoral systems that engage the problem of double voting. Variability is high enough to prove that the answer to better controls against electoral fraud do not stand solely within the legal dispositions.

Table 3. Characteristics of vote abroad

Country (First vote abroad)	Who can vote abroad? (Resident, Citizen, National)			What can be voted from abroad?	Mode of voting	Mechanisms to avoid double-voting	
	Written in applicable law	Determined by electoral system					
		Type of registry	Type of activity developed by the elector living abroad				Time of residence abroad
Argentina (1993)	Electoral Code Articles 17bis, 25, 26, 27, 29, 86, 90, 139 Law No. 24.007 Articles 9, 29	Active	Has to be legal in the host country	Non relevant	<ul style="list-style-type: none"> • President • Vice-president • Senate • Lower chamber 	• In person	<ul style="list-style-type: none"> • Registry of Electors residing abroad • Requirement of legal residence in foreign country • Citizen must reside legally in foreign country • Must register in Registry of Electors living abroad • May prove citizenship with more than one specific document
Colombia (1962)	Colombian Electoral Code Articles 26, 76, 77, 83, 85, 87, 115, 116, 11	Active	Non relevant	Non relevant	<ul style="list-style-type: none"> • Presidential • Congress • National Consult 	• In person	<ul style="list-style-type: none"> • Must register in Registry of Electors living abroad • May prove citizenship with more than one specific document * Prosecuted <i>ex officio</i> * Created extraterritorial constituencies for citizens living abroad * Indelible ink * Biometrics electronic data base
El Salvador (2014)	Decree No. 413 Articles 5, 7, 9, 14, 18, 24, 25, 196, 197, 248 Decree No. 273 Articles 4, 5, 6, 9, 10, 16	Active	Non relevant	Non relevant	<ul style="list-style-type: none"> • President • Vice-president 	• Postal	<ul style="list-style-type: none"> • Compulsory registration in the list of citizens living abroad • Valid ID that states foreign residence • Register in the list of voters residing abroad • Not having another nationality • Not being impeded to exercise political rights • Prosecuted <i>ex officio</i> • Indelible ink

Mexico (2006)	Mexican Constitution Articles 30, 34, 35 General Law of Institutions and Electoral Proceedings	Positive Registry	Non relevant	As long as ID, only given in, Mexico remains valid	<ul style="list-style-type: none"> • President • Senate • Governor only when local constitution allows 	<ul style="list-style-type: none"> • Postal • Voting through the Internet 	<ul style="list-style-type: none"> • Must register in the list of electors living abroad • Must have a valid elector card (only given in Mexico) • If registered abroad, deregistered in the country • Undelible ink
Nicaragua (not yet)	Law No. 331 Articles 27, 30, 33, 34, 37, 38, 41, 42, 43, 45, 48, 116, 118, 122, 173, 174.5	Passive	¿?	¿?	<ul style="list-style-type: none"> • President • Congress 	<ul style="list-style-type: none"> • Personal 	<ul style="list-style-type: none"> • Possible Since 2000 but it is required that countries in which Nicaraguan citizens reside have the same "conditions of purity, equality, transparency, security, control, vigilance and verification that are demanded within" Nicaragua * When demands id to vote, is subscribed in the list of electors living abroad * Polling stations near the border for citizens living abroad to be able to vote more easily
Panama (2007)	Panamanian Electoral Code Articles 1, 4, 5, 6, 8, 14, 15, 20, 26, 390.2, 292, 295	Passive	Non relevant	Non relevant	<ul style="list-style-type: none"> • President • Vice-president 	<ul style="list-style-type: none"> • Postal • Personal 	<ul style="list-style-type: none"> • "RERE" Registry of electors living abroad • Must register in Registry of Electors living abroad. May register through Internet • Only Citizens Art * Indelible ink
Dominican Republic (2004)	Electoral Law 275-97 Articles 39, 82, 118, 120 Law 136-11 Articles 8, 9, 10, 11, 12	Active	Non relevant	Non relevant	<ul style="list-style-type: none"> • President • Vice-president • Congress • Overseas representatives 	<ul style="list-style-type: none"> • Personal 	<ul style="list-style-type: none"> • If registered abroad, disables to vote in the country • Created extraterritorial constituencies for citizens living abroad • Must prove citizenship with specific ID • Indelible Ink

Own elaboration with information from legal dispositions valid in the aforementioned countries

48. It would be plausible to think, given the specific development of Latin American democracies *vis-à-vis* the democratic trajectory of Europe, that an important deterrent to double voting is the type of sanction and its weight. Table 4, which follows, stands for the opposite argument: both in Latin America and Eastern Europe, countries have adopted pecuniary, as well as physical punishments against double voting, legislation in Georgia and Moldova even states that the culprit will be subject of "corrective labour" and "community service".

Table 4. Sanctions against double voting in Eastern Europe and Latin America 2014

Country	Punishment
Albania	1 to 3 years in prison
Argentina	1 to 3 years in prison
Armenia	1 month to 1 year in prison
Bosnia	3 months to 5 year in prison*
Bulgaria	Probation and a fine of BGN 500 to BGN 2,000 (255 – 1020 EUR)
Colombia	1 to 4 years in prison
El Salvador	1 to 6 years in prison
Georgia	Corrective labour for up to one year, or imprisonment for the term not in excess of two years
Macedonia	Imprisonment of at least three years
Mexico	6 months to 3 years in prison
Moldova	Fine of 200-400 conventional units (11 EUR – 21 EUR) or community service for 100 to 200 hours or imprisonment for up to 2 years
Nicaragua	1 to 12 months in prison
Panama	6 months to 3 years in prison
Dominican Rep.	Fine of \$3,000 to \$15,000 RD (55-277 EUR)

Own elaboration, with data from the countries' legal provisions

49. Double voting is not considered as a punishable crime, but general actions against integrity of elections bear this sanction.

5. Conclusions

50. A bigger electoral bureaucracy, more expensive institutional budgets, and highly intricate sets of legislation, amongst other reasons, allow Latin America to control the issue of double voting.

51. Whether the notion that residence has to prevail over nationality, or the other way around, this will inexorably carry new potential problems, as it certainly brings economic, social, and political benefits to all its citizens. Being aware of one's own location –within the melting pot–, is for instance what taught Colombia and Venezuela to close their borders during Election Week. Whether or not restricting fundamental rights is the best answer to avoid non-democratic behaviours is yet to be seen.

52. Mexico's National Electoral Institute is proud of having live feed of the expenses of political parties, as Colombia's Electoral Authority celebrates the operation of a biometric electronic database. Each step in policy design has to be context specific.

53. Eastern Europe has to find its own way. This certainly does not mean that Bulgaria, Armenia, Bosnia and Herzegovina, Moldova, Albania, Georgia, or Bulgaria are expected to adopt the form of their Western European counterparts, not even that they should implement the highly specialized models present over Latin America. Democracy is quite simply, a way to decide what the majority of us want. And it takes time to socialize the true meaning of regime transition.

54. In Latin America, for instance, since 1999, the Organization of American States has realized more than 100 electoral observation missions. Its recommendations have varied overtime, as nations in the region have improved their control mechanisms for fraud prevention. An overview of the evolutionary characteristics of these recommendations may provide hints of task that stands before younger democracies: granting and the ensuring universality of suffrage (access to polling stations for those with disabilities, ballots in Braille, etc.); perfecting the integrity of the scrutiny; developing a professional electoral bureaucracy; and then avoiding violence and clientelism. For Latin American actors it was a transition that went from trying to unilaterally influence the result, to attempting to influence the citizen's electoral behaviour, without buying his will to participate, but through conviction.

55. In the end, whichever path the region entertains, it is a clear responsibility of older and more perfected democracies to provide technical and academic assistance to nurture the efforts of socializing the relevance of electoral integrity.

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