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

**COMMENTS**

**ON**

**ELECTORAL LISTS AND VOTERS RESIDING DE FACTO ABROAD**

**by**

**Ms Maria del Carmen ALANIS FIGUEROA**  
**(Substitute Member, Mexico)**

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*\*This document has been classified restricted on the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules set up in Resolution CM/Res(2001)6 on access to Council of Europe documents.*

1. The memorandum accurately describes the discussion that we had at the Council for Democratic Elections on the fact that people living de facto abroad are sometimes registered as having voted at their country of origin. A debate took place on the issue that these suffrages could be fraudulent, considering the low probability that people living de facto abroad travel on election day to the polling station.

2. Therefore, the memorandum justifies the need to produce a report on that issue, considering some of the problems associated to its theoretical approach: differences between concepts of residence and domicile; no obligation to declare when a citizen is changing their place of residence, etc. It highlights the need to encourage people to declare moving to another country, in order to ensure that electoral authorities will be given the opportunity to detect if their vote was submitted in a fraudulent way.

3. Two comments on the memorandum:

- Latin America avoids the possibility of fraudulent votes, by measures taken at the polling station level. Voters list containing the picture of the citizens; polling stations where the blueprint of the voter is required – among other regulations – provide good examples of cases in which it would be very difficult to vote instead of someone else (living de facto abroad or not).

Furthermore, some countries provide for permanent visits to the population, to ensure that people included in voters lists are really living in the homes where they are registered. This gives a measure of the accuracy of the voters list.

- In the countries that give their citizens the right to vote from abroad, there is a link between how this right is regulated and the possibility of double voting (from abroad and in the country). Measures should be taken to exclude voters abroad from domestic voters lists.