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Supporting democracy worldwide

Out-of-country voting:
Comparative Practices and Considerations

Parliamentary Dialogue
Challenges and Needs for Holding Out-of-Country Voting for Ukraine's Post-War Elections
European Parliament
Brussels, 30 – 31 May 2023

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Large Scale Refugee Voting & Ukraine

Bosnia Herzegovina (1996):
- **1.0 million** refugees; 630,000 registered for OCV
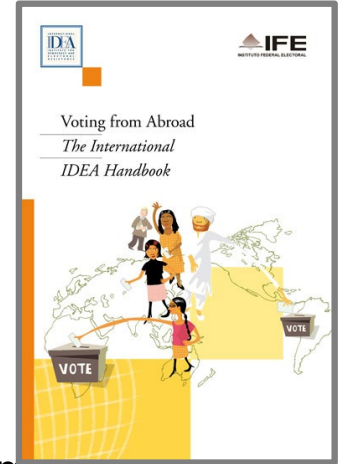
Afghanistan (2004)
- **2.5 million** displaced in Iran/Pakistan; 820,000 voted out of country

Iraq (2005):
- **2.0 million** diaspora, 1.2 million eligible voters; 280,000 registered for OCV (limited to 14 countries)

Ukraine (2023)
- **5.1 million** refugees registered for temporary protection in Europe (+2.9 million in Russia)

International Standards for Out of Country Voting: encouraged, but no obligation

ICCPR: Article 25:

only "**unreasonable restrictions**" prohibited.
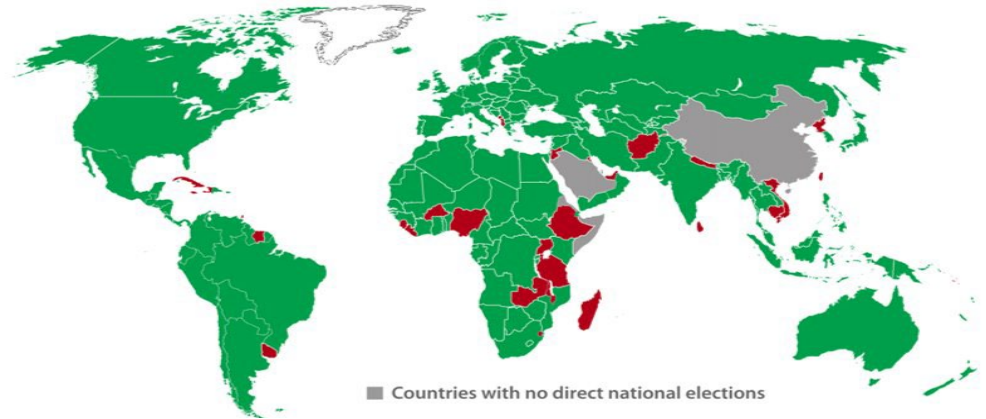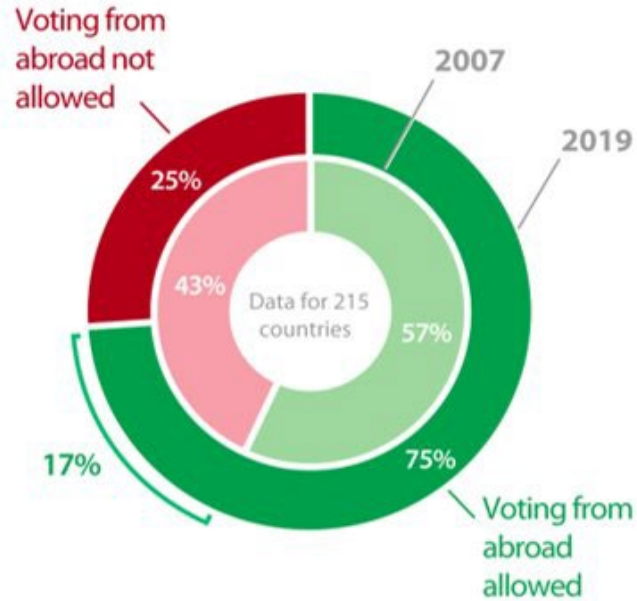
CoE/VC Code of Good Practice:

In Universal suffrage:

"the right to vote […] **may be accorded** to citizens residing abroad"

ICRMW Article 41

"Migrant workers […] shall have the right […] to vote […] in accordance with legislation. […] States shall, **as appropriate** […] facilitate the exercise of these rights."

The trend towards OCV globally

Voting from abroad not allowed

2007
2019

25%
43%
Data for 215 countries
57%
75%

17%

Voting from abroad allowed

■ Countries with no direct national elections

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Refugee Voting

OSCE Istanbul Document 1999

UN Security Council Resolutions

OSCE Istanbul (1999) 26. We are committed to […] facilitate the right of refugees to participate in elections held in their countries of origin. We pledge to ensure fair competition among candidates as well as parties, including through their access to the media and respect for the right of assembly.

UNSC Res. 1536 (2004), p. 4: [The Security Council] encourages Afghan authorities to enable an electoral process that provides for voter participation that is representative of the national demographics including women and refugees and calls upon all eligible Afghans to fully participate in the registration and electoral processes.

UNSC Res. 1100 (1997), p. 8: [The Security Council] also stresses the importance of assisting with the prompt repatriation of refugees who are willing to return to Liberia in time to participate in the registration and voting process.

Beyond legal franchise: Procedures

How voters abroad gain access to the electoral procedures may be problematic. Limit participation and turnout.

States may effectively deny access to the vote for voters abroad by failing to make appropriate voting arrangements available to them. For example:

- through complicated voter registration procedures,
- by demanding documentation that citizens abroad do not have available,
- timelines that are difficult to meet by voters, especially in far away countries
- limiting vote to in person at a diplomatic representation which may be in practice not reachable by many voters.

OCV in Europe: Method
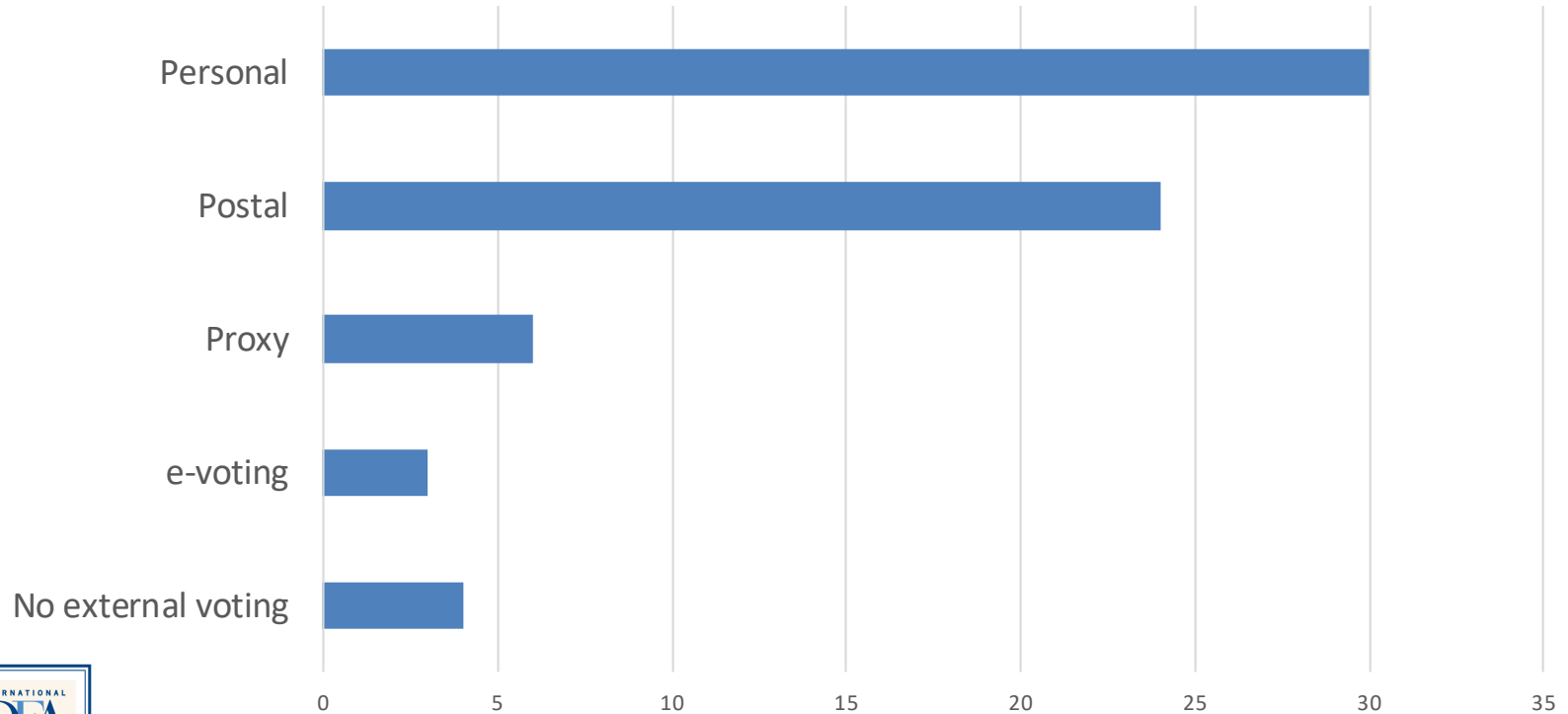
Voting methods for serving large refugee populations

Afghanistan	Personal
Iraq	Personal
Bosnia-Herzegovina	Postal voting + Personal
Kosovo	Postal voting

Additionally: voting options for returnees

Personal voting for returnees

Voting facilities for temporary or permanent returnees

Likely difficult to predict who will (still) be abroad on election day.

Implications for in-country voting:
- voter registration
- polling stations and logistics
- provisional ballots

Personal voting abroad

Usually at diplomatic missions

"Voting in controlled environment" - often first choice in fragile contexts

May entail minimum number of registrants, not be accessible for many voters

Embassies/consulates often not sufficient for large electorate abroad

Voting beyond diplomatic missions entails complexities:
- Some host countries only allow external OCV in embassies or consulates
- Voting (or voter registration) outside consulates or embassies requiring host countries agreements

Host country agreements

- Facilitating in person registration and voting outside diplomatic missions
- Provision of demographic information about diaspora community (& data protection) ;
- Provision of adequate security
- Dissemination of election related information
- Access, including for observers
- Any logistical assistance by host country

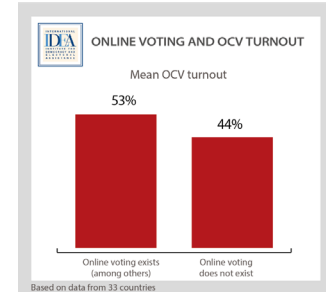**Can be time consuming to negotiate, critical for election deadlines**

Postal voting

- Host country agreements less important
- Reaching more voters than in-person
- "Voting in uncontrolled environments" & related integrity concerns
- Complex logistics for registering, ballot transport
- Large scale counting: central or decentralized, abroad or incountry?
- Mail delivery critical for timelines and deadlines

Online voting?

Voting in "uncontrolled environment" – similar to postal

- often seen as attractive option, especially for OCV
- scaling well to large number of voters (including costs)
- voter convenience,
- fast, no delay in mail
- fossibly increasing turnout

ONLINE VOTING AND OCV TURNOUT

Mean OCV turnout

53%   44%

Online voting exists (among others)   Online voting does not exist

Based on data from 33 countries

But: ongoing debate and concerns about maturity

- many issues to be addressed – technically, socially and legally
- actual and perceived security
- Online voting from abroad in Europe only in Estonia, France, Armenia.
- requires infrastructure, time (see Lithuania/Covid)
- **Above all: requires trust, trust building.**

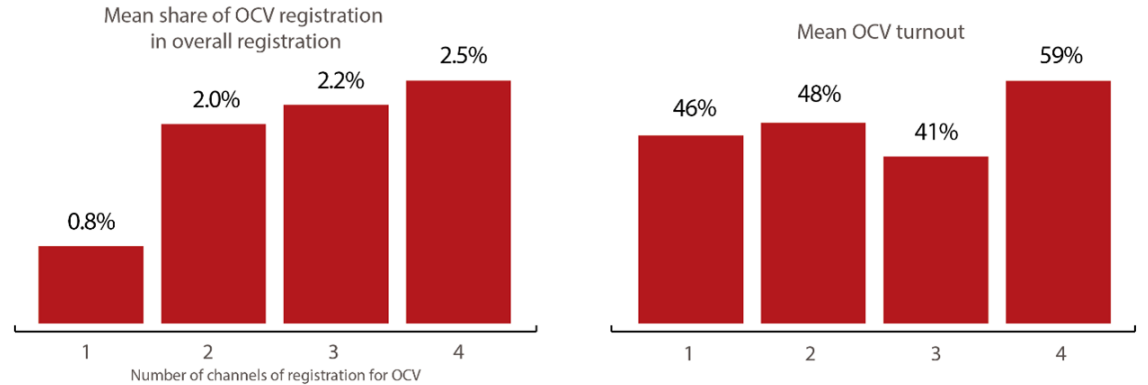# OCV Registration Methods

WHAT IS THE OCV REGISTRATION MECHANISM?

In-person	Online	Postal	By email	Election day registration	Fax	Proxy
70%	56%	52%	31%	9%	7%	2%
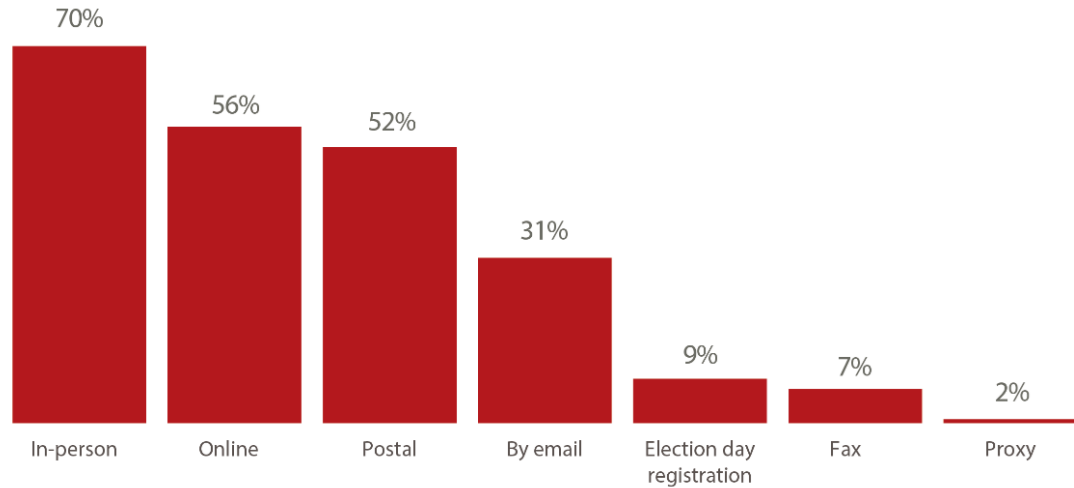
Data for 54 countries which have active registration

More registration channels, higher turnout

OCV Eligibility: Type of Election

Global
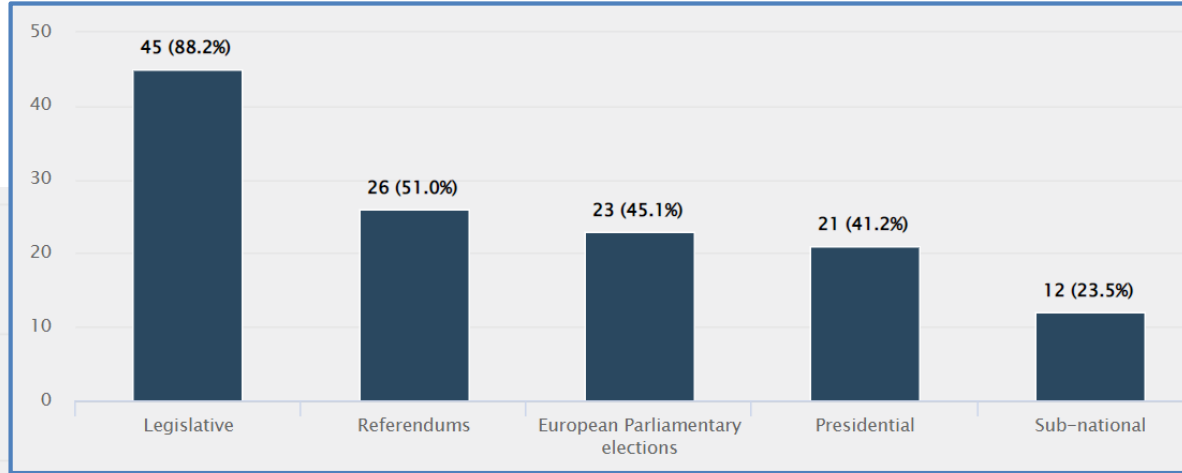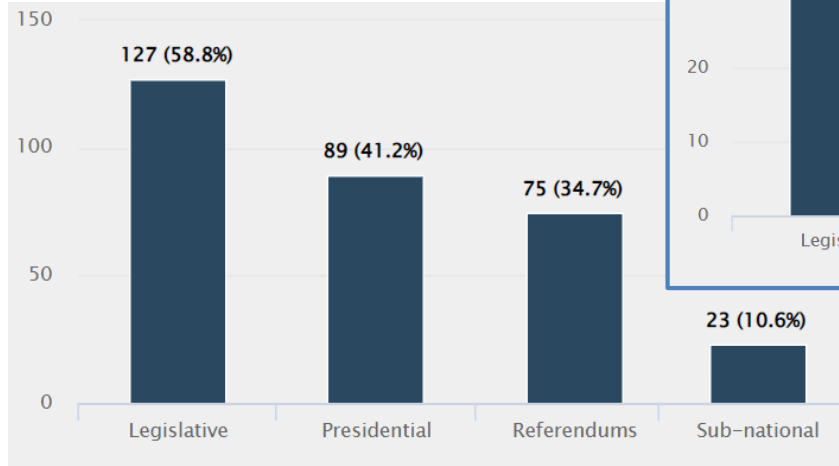
Europe

Different eligibility rules may apply for different types of elections, especially sub-national

And many other considerations …

- Eligibility requirements: duration of stay status
- Required documentation for registration and voting
- Diaspora concerns about participating (e.g. undocumented status, loss of status)
- Access to voter information, campaign materials
- Any campaign restrictions in diaspora
- Electoral system: diaspora constituencies
- Electoral observation: Voting, counting, announcement of results can be opaque.

Preparing for post conflict elections

- Large scale
- Difficult logistics
- Short timelines, 6 – 9 months
- High costs, possibly demanding trade-offs
- Need for support and cooperation

Thank You!

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