



Elections and Migration: States' Considerations on Implementation of the Out-of-Country Voting

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Background on Migration and Elections

- The common definition of 'migration' is the movement of persons away from their place of usual residence, either across an international border or within a state, to a new residence.
- While individual migration has been present for ages, mass migration has emerged in the last few decades as a critical political and policy challenge in matters such as integration, displacement, and elections.
- It is important to distinguish between international and internal migration as well as voluntary and forced migration.

Overview of the Presentation

1

**International Electoral
Standards**

2

**Advantages and
Challenges of Different
Voting Methods**

3

**The Right to Stand in
Elections from Abroad**

4

**States' Considerations on
OCV Implementation**

International Electoral Standards and Enfranchisement of Migrants

- The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR) emphasize the importance of ensuring the right to vote for **all citizens**.
- General Comment No. 25 on Article 25 of the ICCPR acknowledges that some reasonable limitations are permitted.
- Out-of-country voting is not binding.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Article 41

1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.
2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

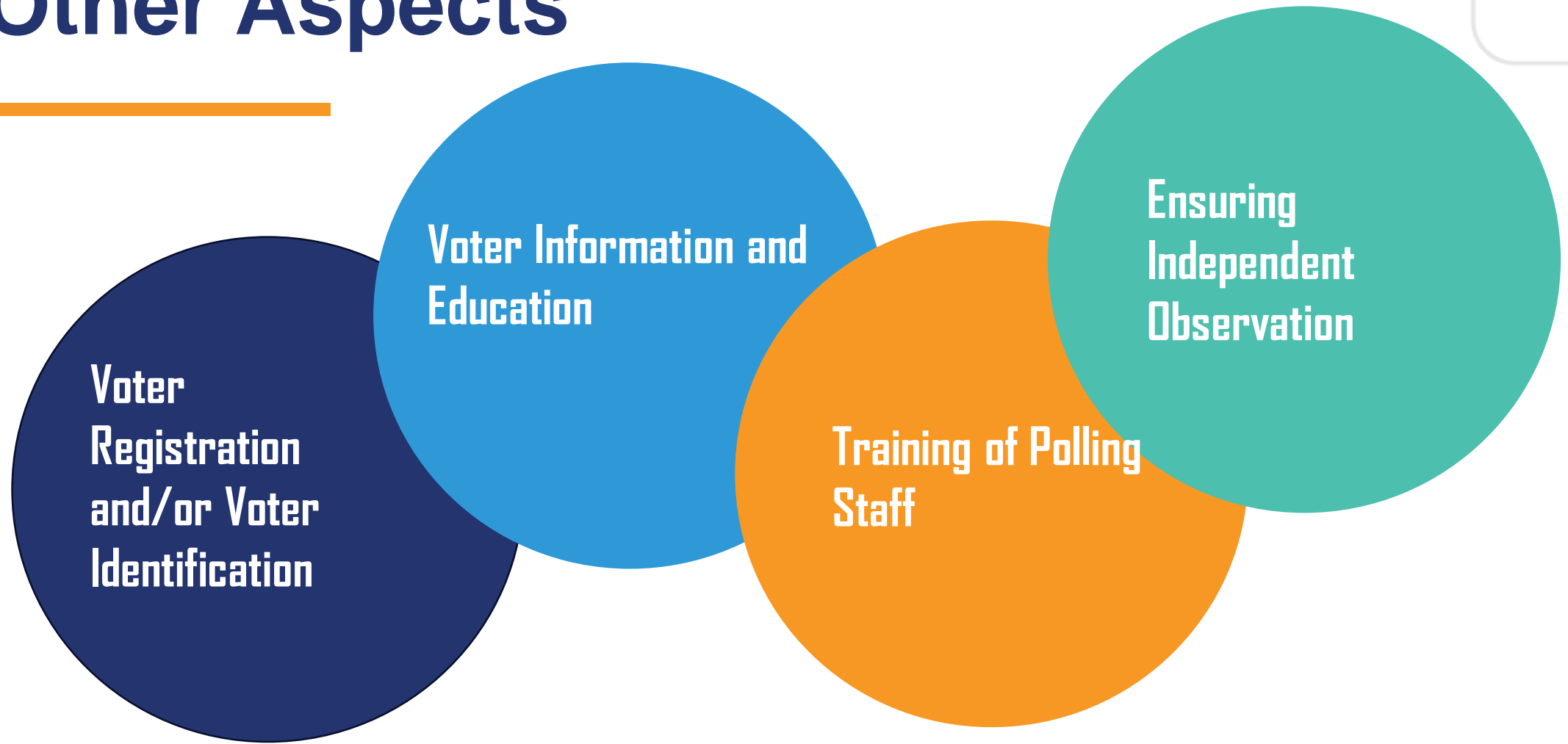
Why to Implement Out-of-Country Voting?

- Protecting human rights
- Upholding democratic principles
- Fostering social cohesion
- Supporting post-conflict peacebuilding
- Maintaining ties between migrants and the country of origin
- Reintegration of migrants

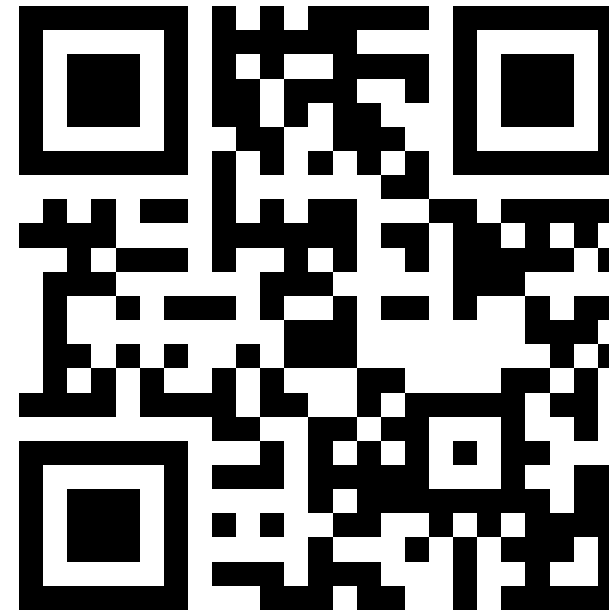
Different Voting Methods

- **In-person voting at embassies:** Secure and easy to administer but may be inaccessible for many.
- **Distributed in-person voting:** Increases accessibility for concentrated diasporas but presents logistical challenges.
- **Return voting:** Offers control but is costly and impractical for voters.
- **Postal voting:** Enhances participation but requires literacy and reliable postal services.
- **Online voting:** Highly accessible but demands robust cybersecurity.

Other Aspects



IFES OCV Technical Assessment



The Right to Stand from Abroad

The right to participate in public affairs imply both the right to vote and the right to stand in elections.

The latter could be difficult for migrants due to several reasons:

1. Residency Requirements
2. Access to Voters
3. Campaign Finance Rules

Considerations Before Implementing OCV



IFES White Paper 'Out-of-Country Voting: A Brief Overview'

IFES white paper 'Out-of-Country Voting: A Brief Overview' by Peter Erben, Ben Goldsmith, and Aysha Shujaat strives to provide a brief overview of the options, risks and opportunities facing a nation considering out-of-country voting.

1

Electoral Legislation Amendments

States should think whether it would be necessary to amend the current electoral system and how. The electoral reform is not a quick process and should be subject to due consultations with the interested stakeholders.

Considerations Before Implementing OCV

2

Influence on Domestic Results

Some nations may establish separate out-of-country constituencies to limit the impact on domestic electoral results.

3

Voters and Candidates Eligibility Criteria

Countries need to decide whether only diplomats and soldiers can vote as in Armenia, whether it will be extended to forced migrants or to all migrants, or will there be any limitations in terms of time of residence abroad as in Australia? The same questions should be answered regarding candidates.

Considerations Before Implementing OCV

4

Election Management Body's Capacity to Organize OCV

Organizing voting from abroad is logistically complex and requires coordination across multiple countries which could affect the quality of the domestic election process.

5

Sufficient Timelines

OCV may require up to 12 months of preparation, particularly for postal voting, and around 6 to 9 months for in-person voting.

Thus, adequate planning should be put in place.

Considerations Before Implementing OCV

6

Providing Equal Access to Voting Services

Clear, objective criteria for providing services in different countries are necessary to avoid accusations of bias and to ensure inclusivity of the electoral processes.

7

Building Trust to OCV

Lack of transparency, independent observation, and supervision can create the perception that voting from abroad is a "black box," undermining the integrity of the overall electoral process.

Key Take-Aways

- Migration, both voluntary and forced, is a significant reality and will have more influence on all processes including elections in the upcoming years.
- Ensuring that citizens living abroad can participate in the elections is vital for maintaining ties and political engagement between migrants and the states of origin.
- If a state chooses to allow out-of-country voting, it must ensure that the process is non-discriminatory and accessible to all eligible citizens abroad.
- The state must also ensure that the voting process is transparent, free from coercion, and maintains the integrity of the electoral process.

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Thank you!