

*Igor BOȚAN*

*Corneliu GURIN*

*Elena PROHNIȚCHI*

## **ANALYTIC STUDY**

# **„VOTING FROM ABROAD: INTERNATIONAL PRACTICES AND RECOMMENDATIONS FOR THE REPUBLIC OF MOLDOVA”**



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## Introduction

Intensification of migration processes of the population insistently brings the problem of ensuring the right to vote for the citizens who are out of the country on the agenda of the democratic states. This problem became more imperative for a proper conduct of elections especially in countries with modest financial resources. In order to ensure an adequate participation in the election of the supreme representative institutions of the countries, they have to put considerable effort in order to avoid eventual discontent connected to the accusations of inability to ensure the right to vote for a significant segment of its citizens who are out of the country for long periods of time.

In the Republic of Moldova, the problem of voting of its citizens who are abroad has also represented a concern; however this issue had a generalized approach, without proceeding to the elaboration of some legislative, institutional and complex procedural solutions. Nevertheless, along with a considerable increase in the number of voters who left abroad, the problem of ensuring their rights has returned more and more often on the agenda of the state's authorities, so that the Governmental Program approved in 2009 has included an express provision concerning the need to ensure the right of its citizens to vote abroad by opening additional polling stations and to elaborate mechanisms of voting through electronic means.

In order to ensure the declared electoral rights of the Moldovan citizens who are out of the country, there is a need to have: well elaborated electoral procedures, which should be achievable within deadlines provided by law; sufficient financial resources; and transparency in order to avoid accusations of manipulation.

This Study aims to offer:

- A synthetic exposition of international experience concerning voting from abroad;
- An exposition of basic principles to ensure voting from abroad;
- A concise analysis of the manner in which Moldovan citizens have voted abroad during the five electoral cycles that took place after declaration of the independence of the Republic of Moldova;
- Recommendations for authorities aimed at observing constitutional principles and ensuring the right to vote of Moldovan citizens who are out of the country.

During elaboration of the Study, the authors studied national and international legislation, recommendations of specialized international institutions, studies and researches in electoral field, which were elaborated on national and international levels<sup>1</sup>.

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<sup>1</sup> The following studies and researches have been mainly used: "The electoral knowledge network", [www.aceproject.org](http://www.aceproject.org); „Voting from abroad. The International IDEA Handbook”, [http://www.idea.int/publications/voting\\_from\\_abroad/](http://www.idea.int/publications/voting_from_abroad/); "Electoral context 2009. Study on the electoral framework and context from the Republic of Moldova during parliamentary elections", Publishing House: "Nova Imrim" S.R.L., 2009 (elaborated with the support of the OSCE Mission to Moldova, <http://www.e-democracy.md/files/contextul-electoral-2009.pdf>); "Pre-electoral context. Legislative framework and electoral context from the Republic of Moldova close to 2009 parliamentary elections", Publishing House Bons Offices,

## Section 1. Context of introducing voting from abroad

### *1.1. Historical background*

Even though evolution of approaches related to the introduction of voting abroad is often presented as an extension of the principle of universality of voting outside the borders of the state, in fact, voting abroad is a consequence of political interests of the representatives of certain political parties represented in parliaments. From the historical point of view, the practicing of “voting abroad” began already in the period of Roman Empire, when representatives of the Rome in the colonies were encouraged to participate at the election of Rome’s leadership through a sealed message. In the contemporary period, voting abroad was reintroduced in the USA in the middle of 19th century to offer possibility of vote to soldiers sent to military missions abroad. Later it turned out that legalization of voting abroad was supported by representatives of political parties who were convinced about militaries’ support, and, on the contrary, representatives of adversary parties were opposing the legalization of voting abroad.

The need to ensure the external voting for citizens who are on military missions abroad led to new approaches, such as voting by correspondence, including absentee voting (known also as proxy voting), voting by authorized persons who vote for the absent person. Absentee voting was instituted in New Zealand in 1890 and repeated in 1902 by Australia, which had significant marine contingent abroad. Furthermore, during the First World War, powerful voices were heard in Great Britain pleading in favour of the right to vote of those who were fighting, the fact that subsequently led to institution of the voting by authorized persons. Canada has introduced postal voting for its militaries in 1915, and in 1945 it has introduced voting through authorized persons. This decision has been promoted by the Unionist Government which believed that militaries were supporting them. On its part, France has introduced the external voting and voting by post in 1924, in the new district from the occupied Rhineland, and in the period 1946-1951 it has practiced the vote through authorized persons. Also USA has introduced in 1942 voting by post for its militaries, which has subsequently been extended in 1968 also for other categories of citizens who are out of the country. However, in 1975, under the pressure of organizations representing citizens, some binding decisions have been adopted concerning the registration of citizens with the right to vote who are out of the country, in order to give them the possibility to vote.

Therefore, the rational for introduction of external voting differs from country to country and was based either on reasons related to its historical or political context. In certain countries, external voting was introduced as a sign of gratitude to those who participated in the two world wars. However, in Spain, for instance, external voting was introduced in 1978, having also a symbolic character by including in the democratic Constitution a respective provision as a sign of gratitude for the republican immigrants from the civil war. Argentina has introduced voting from abroad in 1993, in order to mirror the pragmatism of its government and its intention to strengthen relations

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2008 (elaborated with the support of the Eurasia Foundation); Analytical Study „Recommendations of international institutions concerning electoral legislation and procedures in the Republic of Moldova”, ADEPT, 2010 (elaborated with the financial support of the OSCE Mission to Moldova), <http://www.e-democracy.md/files/studiu-legislatia-electoral-a-2010.pdf>.

between the immigrants and their countries of origin. Three years earlier, in 1990, Austria has acted in the same way, by enforcing a decision of the Constitutional Court in this regard. Citizens of Switzerland who were abroad were forced to come back to their country in order to exercise their right to vote. Swiss authorities explained this condition by the fact that the vote of foreigners on the territory of a national state, on the basis of reciprocity, contradicts the principle of sovereignty. Only in 1989, the Swiss Government has changed its point of view and accepted voting abroad.

Political parties are considered as promoters of decisions concerning introduction of voting abroad, because political parties are the ones that often receive first eventual advantages as a result of allowing voting abroad. For instance, in 1980, British conservators, who were in power, reached the conclusion that British citizens, who resided outside the borders of the Great Britain, would massively vote for their party. Subsequently, they were disappointed, as it was established that this was not the case, however they still included the respective issue on the political agenda.

It has also been established that very often the communities of countrymen who are out of the country – migrant workers or members of the Diaspora, who support their relatives residing in the country through remittances, actively express their interest to vote abroad during the national elections from their country of origin. Such communities have self-organized in order to exercise actions of lobbying to obtain the right to vote abroad. Example of Dominican Republic is relevant in this regard.

The risk of falsification of elections abroad is quite high or, at least, it is believed so. And there are grounds for such an attitude. For instance, in 1975 France had to give up voting from abroad by post because of a scandal of fraud. Until 1982, France also allowed voting by mandate; however abuses have been registered in connection with the reciprocal voting through mandates in neighbouring districts. After 1982, restrictions concerning voting by mandate were introduced only for voters from the same district. This example demonstrates that electoral innovations are imminently accompanied by innovations connected with their use for eventual manipulations and abuses that could undermine fairness of the voting.

## ***1.2. Social-political context***

In new democracies, in post-transition periods, Diaspora manifests great interest in influencing evolutions from their countries of origin. This phenomenon is emphasized even more when there is a significant international political support, as well as financial one. However, not in all cases requests of Diaspora are taken into consideration by the national authorities. In situations where there are risks that conflicts might break out because of incertitude provoked by the necessity of extending the right to vote for the citizens who are out of the country, international community should take a mediation role. The most famous examples of such elections, in this sense, are elections from Palestine and from Bosnia and Herzegovina, after the Peace from Dayton from 1995. However, political context is the one that determines the sensitive problems connected with the way of organizing elections for citizens who are out of the country, and especially problems connected to the institutions which are empowered to solve them.

## ***1.3. Voting from abroad and electoral system***

Both political and social reasons, as well as provisions of the legislation on electoral system, which determines the main elements of the representation of the citizens and of the party system, generate sensible issues for the voting abroad. Uninominal electoral system considerably limits the possibility of voting from abroad because of the voter's link to one of the many uninominal districts. Also in case of a mixed system, citizens who are out of the country can vote without impediments only in the national-wide district, and the problem of voting in uninominal districts still remains.

## **Section 2. Current legal framework concerning voting from abroad and the need of amending it**

### ***2.1. Relevant constitutional provisions***

On the level of constitutional provisions, electoral rights are guaranteed in a distinct manner, as well as by their corroboration with a series of correlative norms, which are fully invoked and applicable.

Therefore, Article 38 of the Constitution of the Republic of Moldova (entitled „The Right of Voting and Being Elected”) provides the following:

„(1) The foundation of State power is the will of the people made known through free elections hold at regular intervals and based on universal, equal, direct and free suffrage.

(2) Except for the persons banned from voting by law, all the citizens of the Republic of Moldova having attained the age of 18 on or by the voting day inclusively have the right to vote.

(3) The right of being elected is granted to all citizens of the Republic of Moldova enjoying the right of voting.”.

In the same general context, a number of other constitutional provisions could also be mentioned, with their indirect application to the situation of citizens of Moldova who are out of the country:

a) Governed by the rule of law, the Republic of Moldova is a democratic State in which the dignity of people, their rights and freedoms, the open development of human personality, justice and political pluralism represent supreme values that shall be guaranteed (Article 1. The State of the Republic of Moldova);

b) National sovereignty resides with the people of the Republic of Moldova, who shall exercise it directly and through its representative bodies in the ways provided for in the Constitution (Article 2. Sovereignty and State Power);

c) The Constitution in conjunction with other laws grants the citizens of the Republic of Moldova their rights and freedoms and also lays down their duties upon them (Article 15. Universality);

d) All citizens of the Republic of Moldova are equal before the law and the public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin. (Article 16. Equality of Rights);

e) The citizens of the Republic of Moldova enjoy the protection of their State both at home and abroad (Article 18. State Protection for its Nationals);

f) Every citizen of the Republic of Moldova is guaranteed the right to choose his place of residence anywhere within the national territory, to travel in and out of the country, also to emigrate at will (Article 27. The Right to Free Movement);

g) The citizens of the Republic of Moldova have the right of participating in the administration of public affairs, either directly or through their representatives (Article 39. The Right of Administering);

h) The exercise of certain rights or freedoms may be restricted only under the law and under unanimously recognized norms of the international law and only as required in cases like: the defence of national security, territorial integrity, economical welfare of the country, public order, in order to prevent mass disorders and crimes, protect rights, freedoms and dignity of other persons, preventing disclosure of confidential information or guaranteeing authority and impartiality of justice. The restrictions enforced must be in proportion to the situation that caused it, and may not affect the existence of that right or liberty (Article 54. Restricting the Exercise of Certain Rights or Freedoms).

Therefore, we can ascertain the existence of constitutional basis for ensuring the right to vote and the necessity to create conditions for an efficient implementation of these rights, the existence of certain obligations that the state has already assumed and that it has to carry out through the legislation, its institutions and through the collaboration mechanisms on national, extra-territorial and international levels.

## ***2.2. Relevant electoral legislation***

Constitution determines general principles and rights, and their observance and implementation is possible through clear procedural mechanisms and mechanisms of concrete application, which are regulated in the electoral legislation.

Until adoption of the Electoral Code (Law no. 1381-XIII from 21.11.97), organization and conduct of elections in the Republic of Moldova was regulated by special laws, for each type of separate ballot: parliamentary, presidential and local. After adoption of the Constitution of the Republic of Moldova, in the period 1994 – 1997, two such special organic laws were adopted and applied<sup>2</sup>:

**Law no. 308-XIII from 07.12.94 on local elections – for general local elections from 2005.** Similarly as before adoption of the Constitution, this Law also did not provide for the possibility of organizing voting during local elections for the citizens who are out of the country. Generally speaking, voting during local elections for citizens who are out of the country was not foreseen in the Republic of Moldova and is not proposed even today. However discussions on this topic have also been initiated in the perspective of implementation of the Electronic Voter Registry that would ensure qualitative registration, adequate control and would exclude multiple voting – the problem of participation during local elections from the Republic of Moldova of voters who are temporary out of the country could be additionally examined in order to find acceptable solutions.

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<sup>2</sup> Both Laws have been abrogated by the Law on adoption of Election Code.

**Law no. 833-XIII from 16.05.96 on elections for the position of President of the Republic of Moldova.** That document included several general provisions concerning voting of citizens who are out of the country, establishing that:

a) Central Election Commission solves issues concerning the participation of the citizens who are out of the country during elections for the position of the President of the Republic of Moldova;

b) one polling station is established within diplomatic and consular missions of the Republic of Moldova for workers of these representatives and members of their families, as well as for Moldovan citizens who are in these countries, regardless of their number;

c) voter lists of precincts constituted outside the Republic of Moldova shall be compiled on the basis of data collected by heads of diplomatic missions and consular offices who operate on the territory of the respective countries.

**Electoral Code of the Republic of Moldova**, adopted at the end of 1997, took over and developed constitutional principles, specifying already in the Preamble that: „The state guarantees the expression of the citizens’ free will by defending the democratic principles and the norms of electoral laws”. In Article 2 paragraph (3), dedicated to the principles related to the participation at elections, Electoral Code expressly provides that: „Citizens of the Republic of Moldova residing out of the country shall enjoy full voting rights under this Code. Representatives of diplomatic and consular missions are obliged to provide conditions for free enjoyment of voting rights by these citizens.”. Even though Electoral Code includes several regulations concerning voting abroad, it does not determine in details and in a complex manner the applicable procedures, and, similarly to the previous legislation, contains only limited provisions concerning the following:

a) The Central Election Commission: - cooperates with other state bodies in order to ensure voters record including those who are out of the country (Article 22), - resolves issues regarding participation in elections of those citizens who are out of the country at the time of voting (Article 26); - sends to precinct electoral bureaus established outside the Republic of Moldova the ballots with at least three days prior to elections. The number of sent ballots shall be based on the number of voters included in the updated voter lists, with allowed 5 percent reserve (Article 49); - upon the request shall accredit an observer for monitoring the elections in polling stations established outside the Republic of Moldova (Article 63);

b) In parliamentary elections and republican referendums, precincts shall also be established at Moldovan diplomatic and consular missions for workers of these representatives and members of their families, as well as for Moldovan citizens who are in these countries, regardless of their number (Article 29);

b) Voter lists of precincts constituted outside the Republic of Moldova shall be compiled on the basis of data collected by heads of diplomatic missions and consular offices who operate on the territory of the respective countries (Article 39);

c) Voting in polling stations established outside the Republic of Moldova is carried out based on passport for passing the border of the Republic of Moldova and sailor’s card. Citizens residing on the territory of the precinct not included in the voter lists shall be entered on a supplementary voter list (Article 53).



### ***2.3. Imperative of certain additional regulations concerning voting from abroad***

Earlier, and especially starting with parliamentary elections from 2005, the problem of the vote of Moldovan citizens who are out of the country was tackled on various dimensions: - by the political parties involved in electoral campaign; - by citizens who are out of the country and their organizations; - by national and international observers. In parliamentary elections from 2009, the topic of voting abroad has returned with an increased attention, demonstrations and protest actions were organized, various declarations and appeals of the political forces involved in electoral campaign were broadcasted, and actions of sensitizing public authorities were carried out. It was even announced that the refusal of authorities to open additional polling stations abroad will be contested at the ECHR<sup>3</sup>. The new leadership had to tackle this topic, which constituted a major concern of the opposition parties, and the Government Program for 2009-2013 also included provisions concerning an engagement to ensure the right to vote for citizens of the Republic of Moldova outside embassies and consular offices, by opening additional polling stations, implementation of the distance voting system, as well as electronic voting.

The draft law on amendment and completion of the Electoral Code<sup>4</sup>, elaborated by the parliamentary special commission for improving the legislative electoral framework, approved in the first reading on 7 May 2010 and adopted in the final reading (second reading) on 18 June 2010 proposed a series of new legislative regulations, important from the perspective of voting abroad:

a) introduction of a new Article 29<sup>1</sup>, dedicated integrally to the particularities of establishment and functioning of polling stations and precinct electoral bureaus abroad. According to the respective text, in case of parliamentary elections and republican referendum, one or more polling stations are established within diplomatic and consular missions of the Republic of Moldova for voters who are abroad on the Electoral Day, moreover polling stations can be organised also in other localities, with the consent of the government (authorities) of the respective country. The particularities concerning organisation and functioning of precinct electoral bureaus abroad follow to be regulated by the Central Election Commission, in cooperation with the Ministry of Foreign Affairs and European Integration, and the costs for organization and functioning of these bureaus are covered from the budget allocated for elections/referendum. In the final version of the Law voted by the Parliament, the text concerning external voting requires „prior registration” of the citizens who are abroad, the measure meant to contribute to determination of the number of voters, to the organization of polling stations and ensuring correctitude of elections in the respective localities.

b) initially, the draft Law on amending Electoral Code indicated that the voting in polling stations established abroad may take place two days in a row, however finally, these amendments were not accepted, for the reasons of security, the need to save resources and ensuring equal principles of organization of elections in the country and abroad<sup>5</sup>.

<sup>3</sup> Currently, there is not enough information about developments in these cases.

<sup>4</sup> Draft Law No. 558 as of 02.03.2010, [www.parlament.md](http://www.parlament.md).

<sup>5</sup> It should be noted that international expertise on the respective amendments was favourable, it was recommended that the CEC adopts detailed regulations in order to ensure security and integrity of the voting process abroad (point 29 from the Joint Opinion of the Venice Commission and OSCE/ODIHR, CDL-AD(2010)014).

c) the final and transitory provisions of the draft Law on amendment of the Electoral Code oblige the Government, jointly with the competent public authorities, to cooperate with the international institutions and organisations, political parties, public associations and other interested stakeholders (especially, organizations of the Diaspora), in order to assess the need and the opportunity of opening additional polling stations abroad, to negotiate their opening with the authorities of other states, taking into consideration the criteria of compact domicile of the citizens of the Republic of Moldova, the need to ensure security and fairness of elections, as well as technical and material possibilities of organisation and holding free and fair elections.

The Joint Opinion<sup>6</sup> on the above-mentioned draft Law, signed by the Venice Commission and OSCE/ODIHR, has especially remarked the new regulations concerning establishment and functioning of polling stations abroad and considers that these new regulations would expand the opportunity for those residing abroad to exercise their right to vote and would contribute to ensuring the principle of universality of the right to vote.

Therefore, the legislative basis for organization of additional polling stations abroad has been created, however Moldovan authorities will have to make increased efforts in order not to allow major impediments to occur in implementation of these new provision and in order not to allow accusations of falsification of elections abroad, which are invoked *a priori* by the parliamentary opposition. It is necessary to have maximum diligence in this process already from the first such ballot; Government's actions should be coordinated and synchronized with the ones of the CEC, of the diplomatic missions of the country, of other institutions involved in the process of organization of ballots. The process should be transparent, with involvement of the public and with special public control; increased attention should be given to the implementation in the shortest period of time of the electronic registry of voters, which shall ensure record of voters and exclude as much as possible the possibility of multiple voting. In order to reduce the costs and increase the access, the process of elaboration of regulations and mechanisms regarding voting at distance, by Internet or other informative and modern telecommunication means, shall be continued and its efficiency increased.

### **Section 3. Basic principles of voting from abroad**

External voting became an acute subject of discussions once the migration flux increased. In such circumstances of major importance, the following problem arises: how citizens who are far away from their country of origin could exercise their rights and how authorities can contribute to ensuring certain benefits in this respect? In order to answer these questions, several general principles should be identified, and then the answers will follow. We speak here about the following principles: the universality of the right to vote; limitations of the right to vote; electoral fairness; political participation; consolidation of the legitimacy of democratic system; the problem of temporary framework. Voting from abroad should be understood as a complex set of

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<sup>6</sup> Joint Opinion was adopted by the Council for Democratic Elections within the 33rd Reunion (Venice, 3 June 2010) and by the Venice Commission within the 83rd Plenary Session (Venice, 4 June 2010).

procedures aimed at ensuring the possibility for citizens who are abroad to exercise their electoral rights.

### ***3.1. Universality of vote***

The main international documents concerning electoral rights do not refer explicitly to the voting abroad. However, on the one hand, it is understood that the principles of universal vote can be fully applied only if they refer, inclusively, to the obligation to ensure the exercise of the right to vote also to citizens who are abroad. On the other hand, the voting from abroad cannot be perceived as a direct and explicit consequence of the universal vote which is connected, both from the point of view of the constitutional law, as well as from the point of view of human rights principles, to the place of residence within the country. It should also be taken into consideration that the principle of universal vote is perceived as referring to civil rights that can be ensured by extending the political participation. In this sense, voting from abroad implies participation of those who are not directly affected by the election results. At the same time, voting from abroad implies major complications of technical and administrative nature, which, together with other problems, could affect the principle of free elections and, to a certain extent, expenditures of the public budget and of the taxpayers from the country.

### ***3.2. Limitations of the right to vote***

The right to vote abroad is usually limited to certain types of elections. Limitations depend on who can be registered as voter. The possible options are the following:

- All citizens who are abroad are allowed to vote in national-wide elections;
- Certain legislative limitations could be imposed to citizens registered as voters abroad;
- Citizens who are abroad could be offered the possibility to vote abroad only if their certain minimum number is registered at the diplomatic missions of the respective countries;
- The right to vote abroad requires clear temporary limits which should be clearly established in advance.

### ***3.3. Electoral fairness***

The problem of electoral fairness refers, first of all, to the capacity to ensure transparency of voters' registration, equal conditions of the electoral competition and adequate information of voters, legality of conducting the voting process in conditions of mutual trust of voters and political opponents.

#### ***3.3.1. Transparency***

All procedures connected to the external voting should satisfy the fundamental principles of universal, direct, equal, secret, and freely expressed vote. However an increased attention should be given to the security of voting. For this purpose, it is important to take into consideration the existing infrastructure in the countries where organization of external voting is planned. Decision to organize such elections depends on the practical costs related to the capacity of ensuring application of the above-

mentioned principles. Possibility of major falsifications and challenging elections represents a major defiance.

### *3.3.2. Equal conditions for political competition*

Ensuring certain conditions of equality for electoral contestants is a major constraint in case of organizing elections abroad. In order to ensure that election results are legitimate, conditions of communication with the voters should be equal. Often, in certain countries, where there are voters from other countries, the conditions are very specific; they are influenced by the host countries and by their eventual interests. Electoral bodies of the country which organizes elections, including abroad, can find themselves in difficult situations of not being able to balance conditions of access of all electoral contestants. The possibility of involvement of certain actors who have influence on voters abroad, but who are not controllable by the electoral bodies of the country which is organizing elections, might aggravate the dangers of a unilateral vote which can be influenced.

### *3.3.3. Legality of voting process*

Preventing abuses in the process of voting is not just a formal requirement, but also a practical and extremely important necessity in case of voting abroad. Countries that practice offering the right to vote to citizens who are abroad should be aware that it is extremely difficult to guarantee the security of external voting in the limits of norms applicable on the territory of its own country. Electoral officials abroad do not have at their disposal the necessary instruments to ensure correctitude and security of the voting process equivalent with the ones in their own country.

### *3.4. Political participation*

One of the basic principles of voting from abroad is increase of political participation, in order to justify administrative and financial costs for organization of external voting by an active participation at the voting of citizens with the right to vote who are out of the country. The problem of ensuring access to information, active involvement of mass-media and assuming responsibility by political actors is decisive for the affirmation of this principle.

### *3.5. Consolidation of the legitimacy of democratic system*

When citizens who are abroad invoke the right to vote, ignoring this right by authorities undermines the legitimacy of the final result. At the same time, organization of external voting without ensuring transparency and fairness may result as well in conflicts related to the accusations of promoting the interests of certain electoral contestants, the fact that might undermine the trust in the final results of elections. The consequences can also be very serious.

### *3.6. The problem of temporary framework*

Voting from abroad imposes additional requirements regarding electoral calendar. Problems connected to the organization of external voting are so complex, that efforts

aimed at their resolution require a lot of time and rigorous planning. In this regard, significant extension of external voting should be accompanied by a re-examination of the terms related to electoral operations, in order to give time to the electoral bodies and state institutions involved in ensuring external voting to manage the exercise of their duties without being pressured by the lack of time. Discrepancy between the time zones on earth, that do not allow simultaneous unfolding and finalization of electoral operations in the country and abroad, represents another relevant aspect.

## **Section 4. Methods of voting from abroad: advantages, disadvantages, costs**

### ***4.1. Methods of voting***

Currently, there are four main options for voting abroad:

- vote by mandate;
- personal voting – coming to the polling station situated at the diplomatic mission (embassy, consulate) or another place intended for voting;
- vote by correspondence (by post);
- electronic vote.

The advantage of the vote *by mandate* is the simplicity of the process and no need to involve financial and administrative resources for its exercise. Only one major problem exists – the holder of the mandate votes instead of the other person, which is in contradiction with the principle of equal and direct vote.

The advantage of the vote *in diplomatic missions* consists in the fact that it ensures transparency of electoral process, because it is supervised by the diplomatic personnel. The main problems rest with the fact that voters should usually travel long distances, because the number of diplomatic missions is small and because diplomatic missions have reduced capacities.

It is considered that organizing voting *by post* is easier than opening additional polling stations on the territory of other countries; however transparency of the procedure of voting by post is not as high as in the case of personal voting at the place of exercising the vote. In case of voting by post the problem of family voting becomes acute, and postal services are not similarly quick and safe from country to country. Moreover, voting by post depends on the postal infrastructure of other countries, which is not controllable by authorities that are organizing the ballot itself. Even though voting by post costs less than voting in additional polling stations, there might be a need to use services of a courier, because in case envelopes do not reach the destination, it would not be clear where this fact could be contested. However the use of couriers would make the procedures more expensive. The use of couriers could be necessary for the transportation of all electoral materials from the CEC to the diplomatic missions. As a consequence, diplomatic missions would be responsible for distribution of electoral materials to citizens registered through the postal services of the host countries, and afterwards for receiving completed ballot papers in envelopes and transferring them in due time, by courier, to the CEC for their conservation.

Even though *electronic voting* is the cheapest option, it belongs to a farther future, taking into consideration, among others, the reasons of lack of an adequate infrastructure and lack of security guarantees, etc. Currently, activities are concentrated on the elaboration of the voters' electronic registry, aimed at ensuring unequivocal identification of voters in order to avoid multiple voting.

Each of these methods has its advantages and disadvantages, therefore it is difficult to recommend „the best” solution for implementation of voting abroad. Each country decides the method of external voting applicable depending on political interests, social needs, financial and administrative possibilities and historical traditions. While some of the countries offer only one modality of voting to their citizens, others apply several procedures (see Table 1).

**Table 1. Methods of external voting in the world<sup>7</sup>**

<b>Procedures</b>	<b>Number of countries</b>
Exclusively direct vote	<b>54</b>
Exclusively vote by post	<b>25</b>
Exclusively vote by proxy	<b>4</b>
Direct vote and vote by post	<b>12</b>
Direct vote and vote by proxy	<b>7</b>
Voting by post and by proxy	<b>2</b>
Direct vote, vote by post and by proxy	<b>2</b>
Fax	<b>2</b>
Electronic vote	<b>2</b>
There are legislative provisions, however no concrete procedures	<b>5</b>
<b>Total</b>	<b>115</b>

It is important to mention that regardless of the method, practical implementation of external voting is a much more difficult procedure than organization of the voting in the country, because of a multitude of other activities that follow to be carried out in parallel with organization of elections in the country. At the same time, because of a lesser degree of security, control and transparency in case of external voting, its practical realization will always generate suspicions of possible falsifications. Usually, the greater the degree of consolidation of democratic institutions and practices in a country and trust in internal electoral system, the less sensible is this issue. From this perspective, the success of a good conduct of elections outside the borders of the

<sup>7</sup> Source: IDEA Handbook, „Voting from abroad”, 2007.

country requires, on the one hand, a good planning by electoral authorities, combined with their administrative creativity and flexibility, in the legal limits, and, on the other hand, an internal political consensus on the need to apply external voting.

#### ***4.2. Direct voting at the diplomatic mission***

Direct voting at the diplomatic mission is the most frequent voting procedure applicable for realization of the vote abroad - implemented in 79 countries: and 54 of these countries opt exclusively for this procedure in order to ensure the right to vote to their citizens who are abroad. Preference of the countries to apply this procedure is easily explicable. Direct voting at the diplomatic missions does not differ procedurally from the one exercised within the country. Confidential character of the vote, as well as security and transparency of the voting process, is ensured by maximum within the diplomatic missions, and the process of voting and tabulation of results is transparent and easy to monitor. This fact represents major advantage, especially in case when relations between political actors are marked by lack of trust and by suspicions concerning attempts of the government to falsify elections. Nevertheless, direct voting at the diplomatic missions has certain disadvantages. First of all, diplomatic missions are limited by their geographical lay-out. Traditionally, the network of diplomatic missions of a certain country is limited and does not cover all territories where citizens are residing or working abroad. Often, in case of small countries, diplomatic missions are accredited to several countries at the same time, the fact that makes it very difficult for the voter to travel to the closest embassy or consulate and requires additional financial costs. As a result, voters who are staying far away from the polling station refuse to participate in the ballot. In the context of ample migration movements occurred during the last decade, the number of voters who do not manage to exercise the right to vote is continuously increasing. The decrease in participation at the voting of citizens who are abroad results in decrease of the legitimacy of the elected institutions of the country and increase of the cost of voting.

Another disadvantage of external voting is the high level of financial, human and organizational costs required to ensure a correct, transparent and secure voting process. According to IDEA, one of the main causes of the refusal of certain countries to conduct external voting consists of high costs associated with this process.

#### ***4.3. Additional polling stations***

In order to facilitate the exercise of the vote by the citizens abroad, some of the countries have opted for opening polling stations outside the diplomatic missions in the localities densely populated by the citizens of the respective country. Usually, this practice is used first of all by the countries that generate considerable fluxes of migrants. International practice shows that additional polling stations are opened during elections for the most important political institution in the country and, respectively, the one that needs a higher legitimacy from the population. Most frequently, additional polling stations for exercising the right to vote are opened during parliamentary elections, even though there are countries (usually with the semi-presidential or presidential political regime) where additional polling stations are opened also during presidential elections.

Additional polling stations are opened on the basis of collaboration agreements signed with the host countries, where they are offering permission to the foreign applicant countries to conduct electoral activities on their territory. The host country reserves the right to allow or refuse organization of elections of a foreign country on its territory. Certain countries (for example Austria, Bosnia and Herzegovina) prohibit by law the conduct of foreign electoral processes on its territory; others might allow it depending on the external situation and national interests at that moment. In order to optimize the costs, the extra-territorial polling stations are opened only upon the request of the citizens and after consultations with the Ministry of Foreign Affairs, responsible for negotiation of the agreement regarding the external voting with the host country. Also from financial reasons, several countries have also imposed some limits on the number of voters that need to request opening of additional polling stations. For example, during parliamentary elections from Bulgaria (2009), additional polling stations were opened only in case if at least 100 citizens requested the exercise of the right to vote in the localities situated abroad. During presidential and parliamentary elections in Philippines (2010), additional polling stations were opened only if the number of voters registered at the diplomatic mission exceeded 4000 persons<sup>8</sup>. In case of Ukraine, according to the legislation from 2005, polling stations situated outside diplomatic missions were opened only in large cities of the foreign countries, where at least 1000 Ukrainian citizens resided<sup>9</sup>. Polling stations outside diplomatic missions are usually opened either in the cultural centres or commercial representations of the country requesting external voting on the territory of the host country, city halls, schools, or near the churches, if the necessary conditions exist for the conduct of the voting process. It should be mentioned that opening of polling stations outside the diplomatic missions does not always result in an increase of the participation in the voting of the citizens who are abroad, so that the considerable financial resources allocated for this purpose do not achieve its purpose. This happens for the following reasons:

- inadequate choice of locality for opening additional polling stations. In this regard, the example of Ukraine is quite eloquent. For parliamentary elections from 2004 in Ukraine, 10 additional polling stations were opened abroad – 7 in the Transnistrian region, 2 in Australia and 1 in Vietnam, in the situation when large communities of Ukrainians are living in Russia, Italy, Spain, etc. Lack of clear and transparent procedures for organization of voting process in these polling stations, has generated numerous accusations addressed to the authorities regarding falsification and/or influencing the process of voting. As a result, in 2007, following certain amendments to the Law on election of people's deputies from Ukraine, the provision concerning opening of polling stations outside diplomatic missions was abrogated;
- insufficient information of voters about the electoral process. Communication between authorities of the countries of origin and communities abroad represents one of the traditional problems faced by the countries that generate migrants. Reduced involvement of the country of origin is most frequently the reason for this handicap (as a result of limited financial resources, of political interests at

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<sup>8</sup> General Instructions (GI) for 2010 OAV Voting and Counting, issued by Commission on Elections, February 1, 2010.

<sup>9</sup> Ukrainian Law concerning amendments to the Law of Ukraine on election of people's deputies from Ukraine, dated from 7 July 2005.



that moment, lack of vision, lack of understanding about the importance of the dialogue, etc.), even though in certain cases the deficient communication is also determined by the lack of communities of organized migrants. However, good information during electoral process cannot be achieved without developing by the country of origin of a strategy of consolidation of relations with the migrant communities. An eloquent example, when the quality of the dialogue between diplomatic missions and communities of migrants abroad has influenced the rate of participation, is the one of presidential and parliamentary elections from 2004 and 2010 from Philippines. During the elections from 2004, when external voting was introduced for the first time, authorities have unfolded an intensive information campaign among migrants, involving also organizations of migrants abroad in the process of mobilization of voters. As a consequence, the participation rate of voters abroad constituted 65% from those registered. During elections from 2010 (third application of voting abroad) the voter turnout was only 24%. According to a report of the Centre for Migrant Advocacy from Philippines, one of the reasons of this decrease is the lack of information campaign and electoral education among migrants<sup>10</sup>.

- difficult registration procedure of voters abroad. The more demanding as time and effort the procedure of registration of voters at the polling station abroad, the less tented he/she is to participate at the voting. As the example of Ukraine shows, the voter turnout of approximately 10% at the polling stations abroad is determined inclusively by the complicated procedure of registration of voters, according to which citizens should personally come to the diplomatic mission<sup>11</sup>. Simplification of the procedure of registration represents an essential condition for motivating citizens to exercise their right to vote. Countries that practice opening of polling stations outside diplomatic missions apply different procedures of registration (Table 2).

**Table 2. Procedures of registration of voters abroad in the countries that open polling stations outside diplomatic missions<sup>12</sup>**

	Date of elections	No. of polling stations abroad	Procedure of registration and voting
Latvia*	Parliamentary elections from 2006	52 polling stations abroad 33 polling stations in consular offices, 19 polling stations in cultural centres from Latvia	Parliamentary elections are organized without timely preparation of voter lists. Voters submit their passports to the electoral authorities, which are the only admissible identification documents. Data on the voter are introduced in the voter list, and the stamp that confirms the exercise of voting is applied in the passport.
Ukraine	Presidential elections	113 polling stations abroad, among them: 10 polling	Voter lists are prepared by diplomatic missions abroad, based on the

<sup>10</sup> Centre for Migrant Advocacy, „Post 2010 OAV reflections”, 14 May 2010, [www.pinoy-abroad.net](http://www.pinoy-abroad.net).

<sup>11</sup> Opinion expressed by the Ukrainian Minister of Foreign Affairs from 2007, Arseniy Yatsenyuk, <http://forua.wordpress.com/2007/09/24/>.

<sup>12</sup> Source: Reports of the OSCE/ODIHR Observation Missions and electoral legislation of the above-mentioned countries.

	from 2004	stations outside diplomatic missions	information they hold. Voter has the right to verify the lists before elections and submit, latest 7 days before the Electoral Day, the request to be added in the voters' list. Voting is allowed based on the main lists, with presentation of diplomatic passport, foreign passport, service passport, marine card. In case the person is not included in the voter lists on the day of elections, he/she may be included in the list upon (written) request after presentation of the certificate for the right to vote and passport (according to the Law on elections of the President of Ukraine in the version from 2004).
Bulgaria	Parliamentary elections from 2009	274 polling stations abroad, among them 123 in Turkey	According to the legislation, the preliminary registration of the voters is not mandatory. Formally, voter lists are not prepared for voters abroad, however preliminary registration of voters is encouraged. Registered voters and voters who voted without preliminary registration are radiated from the voter lists of the country.
Poland	Presidential elections from 2010	253 polling stations abroad  Among them: 141 polling stations in diplomatic missions 6 polling stations in military basis 96 polling stations outside diplomatic missions	Voters are obliged, 10 days prior to Electoral Day, to register at the consulate from the country where they live. Registration may be carried out orally, in written form, by telephone, fax, e-mail or by a specialized web page. Voters who submit Polish passport or identity card together with the certificate for the right to vote (for citizens who are residing in Poland, but travel abroad) or personal notification concerning data and place of elections (for citizens with temporary residence abroad) are admitted for voting.
Russia	Presidential elections from 2008	364 polling stations, including polling stations opened outside diplomatic missions: in the Transnistrian region (23), Israel, Egypt, Denmark, etc.	Voter lists are prepared by the precinct electoral bureau abroad, based on the information submitted by the diplomatic missions. The voter might register in the voter list on the basis of the passport and certificate for the right to vote (if he/she has residence in Russia) or of the document which confirms the temporary residence on the territory of the foreign country. Voter who does not hold certificate for the right to vote may be included in the voter list on the day of elections on the basis of an oral request. Voting is carried out on the basis of passport.
Philippines*	Presidential and parliamentary elections		Voters abroad are obliged to register either at the diplomatic mission, or at an office from the country created for this purpose 8 months prior to the Electoral

	from 2010		Day. The registration period lasts 7 months. Voter lists are accompanied by the pictures of voters. Voter may vote based on the following conditions: 1) at the presentation of an identity card /passport, which shall include voter's picture; 2) if voter does not have any document, he/she can vote based on an oath confirming identification of the voter, made by a member of the commission. Voter who is not included in the voter lists cannot vote. Voting from abroad lasts for a month.
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\* Philippines and Latvia also practice postal voting

#### *4.3.1. Advantages and disadvantages of direct voting at additional polling stations*

**Advantages** of the direct voting outside diplomatic missions consist of greater possibilities for voters who are abroad to exercise their right to vote.

**Disadvantages** of the direct voting outside diplomatic missions consist of high financial and administrative costs, more reduced transparency of the voting process comparing to the voting organized within the premises of diplomatic missions. In case a decision is taken to introduce such voting procedure, it is necessary to rigorously plan the time, human and financial resources and actions to be taken for the organization and conducting a fair and transparent process.

#### *4.3.2. Costs for opening a polling station outside diplomatic mission*

Voting abroad might considerably increase the costs of elections and, for this reason, rigorous calculations need to be made before adopting decisions concerning extending the voting abroad to polling stations from other localities than the ones opened in the diplomatic missions. In any case, voting abroad implies additional costs related to the following:

- Security of persons, locations and electoral materials;
- Recruiting electoral officials, their training and payment of their salaries;
- Renting premises for setting up polling stations;
- Providing telecommunication means to the polling stations;
- Transportation of electoral officials and materials for voting;
- Costs for transportation of observers.

Therefore, the issue related to costs for organization of elections outside the country is a crucial matter for the administration of electoral process. Because of the multitude of aspects related to the organization of external voting, it is very difficult to calculate the general costs implied. Costs might vary from country to country depending on the number of variables: the method of external voting, physical distance between the community of migrants and the country of origin, the degree of dispersal of the migrant communities, the level of assistance that the host-country might provide (for example in the direct external voting). According to certain estimations:

**Table 3. Costs for organization of external voting in Russia and Romania<sup>13</sup>**

	Modality of voting	The costs for organization of elections abroad	Voters from abroad who participated at the voting	Cost of one external vote, in Euro
Russia, presidential elections from 2008	Direct vote, 363 polling stations (majority in the premises of diplomatic missions)	30 million Roubles (~784 thousands Euro)	~73 000	10.7
Romania, Russia, presidential elections from 2009	Direct vote, 294 polling stations, both in the premises of diplomatic missions, as well as outside	3,89 million RON (~927 thousands Euro)	~243 000 (both ballots)	3.8

For example, in case of opening an additional polling station outside the country, the amount of associated costs will depend a lot on the place where the polling station is opened and the distance from the polling station to the closest diplomatic mission. Therefore, for Moldova the costs of opening an additional polling station in Canada will be higher comparing to opening the same polling station in Italy or Russia.

According to an estimated calculation made by the authors, an amount of at least 25 thousands Euros / per polling station will be necessary for opening of 1 additional polling station, without costs related to renting and guarding the premises of the polling station (see *Table 8* from Annexes). The following expenses were taking into consideration for the calculation of costs:

- Renting space for precinct electoral bureau and polling station;
- Communication services (internet, telephone, fax) for communication with the superior electoral authority;
- Ensuring polling stations with the means of telecommunication;
- Security of persons, locations and electoral materials;
- Recruiting electoral officials, their training and payment of their salaries;
- Accommodation and per diem for electoral officials;
- Transportation of electoral officials and materials for voting;
- Costs for transportation of national observers/representatives of the CEC;
- Carrying out an information campaign and electoral education

According to the calculations, the highest costs relate to: renting of space for precinct electoral bureaus and polling stations, in case there are no diplomatic missions on the territory of the country where the polling stations are opened (for example Canada, Spain, Ireland); transportation and accommodation of electoral officials for the period of conducting electoral process; carrying out information campaign and electoral

<sup>13</sup> Source: calculations of authors based on the information provided by the Ministry of Foreign Affairs of Romania, [www.mae.ro](http://www.mae.ro) and CEC of the Russian Federation, [www.cikrf.ru](http://www.cikrf.ru).

education among Moldovan communities abroad. In case the host-country expresses its agreement and willingness, the diplomatic mission might request the local authorities to offer premises for the deployment of the polling station and ensure security of the polling station during the whole voting process.

In order to reduce the costs, the following proposals could also be taken into consideration:

- Opening of polling stations in the premises of Moldovan honorary consulates and cultural institutions abroad;
- Supplementing diplomatic missions with additional personnel from the registry of electoral officials, for the whole period of conducting electoral process;
- Partial recruitment of the members of precinct electoral bureaus from among the persons representing Moldovan communities in the host-country (in case there is an established, relatively organized community with a certain level of social cohesion and economical prosperity) and their distance training;
- Involvement of organizations / associations of Moldovans in informing Moldovan migrants about the voting process and their mobilization for registration and participation at the voting.

In order to ensure that opening of polling stations is cost-effective, it is necessary to establish a minimum number of registered voters for opening of a polling station (for example 2000 voters) and to simplify the procedure of prior registration of migrant voters in the voter lists.

#### ***4.4. Voting by proxy***

The method of voting by proxy was initially introduced in the Great Britain, Canada and France in order to ensure the right to vote to the militaries involved in military actions (the First and the Second World War), mariners and military prisoners. Subsequently, this practice has been taken over by Belgium and Denmark; and the right to vote by proxy has been extended to other categories of persons – state officials and business persons who are abroad<sup>14</sup>. The provisions concerning proxy voting were taken over from British and French legislation by their former colonies and are applied by them until present (Algeria, Togo, Mauritius etc.).

Voting by proxy or the delegated voting represents the procedure of voting, when the voter cannot personally come to the polling station for one of the reasons established by law (invalidity, working schedule or education, absence from the country on the Electoral Day, detention etc.) and delegates the exercise of vote to another person he/she trusts (proxy). Delegation of the vote is possible only in case the voter is included in the voter list of the district where he/she resides and presents solid reasons (for example, in Algeria, the following are considered solid reasons – military service or staying abroad, immobility because of a disease) for delegation of his/her vote, by presenting the documents which certify these reasons. Currently, this method is applied in 16 out of 115 countries that allow voting abroad.

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<sup>14</sup> “The history and politics of Diaspora voting in home country elections”, by Andy Sundberg, <https://www.overseasvotefoundation.org/>.

### **Voting by proxy is carried out in several steps:**

- a) Filling in a form requesting the possibility to exercise the right to vote by mandate, which shall include the reasons for delegating the vote (sometimes it is requested to present the proof from doctor or employer) and identification data of the person who is delegated to vote. The form signed by the voter and the proxy shall be personally submitted to the precinct polling station before the Electoral Day, so that the polling station of the proxy is informed in due time about the fact that he/she will vote twice. After submitting the form, the precinct electoral bureau follows to decide if reasons for delegating the vote are sufficient and relevant and if the delegated person is entitled to act as proxy (there are restrictions of the number of voters which the proxy can represent);
- b) Sending the request to the precinct electoral bureau, where the proxy is included in the voter list;
- c) Verification of the proxy's identity by the electoral official before allowing the proxy to vote instead of the voter. In case the identity is confirmed, the name of the proxy is included in a special list of proxies after they have voted;
- d) Counting results and verification of data from the list of proxies with the list of persons who requested voting by proxy.

In the process of application of this voting method, some countries have introduced certain procedural amendments. For instance, in Sweden, in order to reduce the risk of multiple voting, voters are exercising their vote personally at the place of their permanent residence, and afterwards they introduce the ballot paper in the first non-transparent envelope. Subsequently, the envelope, together with the request for representation, is introduced in a transparent envelope in the presence of a proxy, who shall bring the envelope to the polling station. Thus, the role of the proxy is reduced to the role of a courier who transmits the vote<sup>15</sup>.

#### *4.4.1. Advantages and disadvantages of the proxy voting*

##### **Advantages** of the proxy voting:

- it is simple from technical point of view;
- it does not require high financial and administrative costs.

##### **Disadvantages** of the proxy voting:

- reduces the integrity of voting and affects the principle of secrecy of vote;
- creates possibilities for infringement of the principle of equality of rights, especially in paternalist families, where heads of families can force the other members of the family to delegate their vote to him, and this is the case in Islam families from Albania and Macedonia;
- opens possibilities of frauds, especially possibilities of multiple voting. In 2000, numerous cases of electoral frauds based on proxy voting and postal voting were registered in Great Britain<sup>16</sup>. As a result, more and more research organizations

<sup>15</sup> Swedish electoral authority, [www.val.se](http://www.val.se).

<sup>16</sup> Introduction by the Great Britain of a more permissive legislation concerning the exercise of the vote by mandate led in 2004 to a scandal related to the falsification of local elections from Birmingham, which resulted in conviction of two local councillors.

have requested abolishing proxy voting and a stricter monitoring of the postal voting<sup>17</sup>;

- is not accessible for migrant voters who are staying abroad illegally, who cannot travel to the place of residence in their country of origin in order to submit the request of representation.

Because of several legal problems raised by the proxy voting, and as a result of an increase in the number of cases of electoral falsifications occurred as result of application of this voting method, gradually countries started to abolish this method of ensuring the voting abroad. Moreover, proxy voting does not respond any longer to the current needs of the countries which implement the voting from abroad. The justification for introducing the method of voting by proxy was to assist persons who because of certain circumstances could not travel to the polling stations. In the situation when there are other methods of assisting the persons from the country and from abroad to participate in the voting (mobile ballot box, early voting, issuing certificate for the right to vote, postal voting), application of proxy voting loses its rationale, and countries that used to apply it continue to do so because of the tradition or financial reasons.

#### **4.5. Postal voting**

Postal voting allows voter to fill in the voting application at the place where he/she is at that moment and to send it by usual post to the electoral authority from the country of origin.

Postal voting started to be used already in the 19<sup>th</sup> century in the United States of America, in order to facilitate the voting of land owners. Subsequently, during the civil war and the two world wars, postal voting was extended also to militaries on the front. Presently, postal voting is applied in parallel with other methods of external voting in all American states and in other 41 countries of the world. Among them, 25 countries use exclusively voting by post, and the state Oregon from the USA has opted for this voting procedure both for the internal, as well as for external voting. Each country establishes by legislation the category of persons who can exercise the right to vote by correspondence. While some countries limit postal voting only to persons who are sent for public service or missions abroad (for example Japan), other countries allow voting abroad to all persons who on the Electoral Day will not be in the country (for example Philippines, Australia, Great Britain, Germany).

#### **Postal voting presumes implementation of the following steps<sup>18</sup>:**

- a) *Registration of voters.* At this stage, all voters who request the possibility to exercise their right by correspondence are registered. The modality of registration differs from country to country, however usually citizens represent the active agent in this process. They fill in a form in order to be entered in the voter lists (offered by the diplomatic mission, special bureau from the country or

<sup>17</sup> „Purity of Elections in the UK: Causes for Concern” by Stuart Wilks-Heeg, Joseph Rowntree Reform Trust, 2008, accessible at the link <http://www.jrrt.org.uk/uploads/Purity%20of%20Elections%20in%20the%20UK>.

<sup>18</sup> Description of steps is made following analysis of the existing procedure in the Great Britain, Philippines, and Mexico.



accessible on-line) and submit it either to the diplomatic mission of the country of origin from the host-country, or to the polling station from the country, where they have residence, or at the special bureau from the country (in case they do not have residence). Usually, the form includes personal and identification data of the applicant (from the passport), address of his/her domicile and residence. Some countries also request presentation of the legalized copy of the passport in order to attest holding citizenship of the respective state. Duration of the registration period also varies. Depending on the state, it can start from 2 to 8 months before the Electoral Day and finalize starting from a week to a month before the Electoral Day. When information is received, electoral officials verify if the submitted information is correct on the basis of registries on evidence of the population from the country, compile final lists of voters who will vote by correspondence and delete them from the voter lists of the country.

- b) *Sending the ballot paper.* At this stage, the following set of documents is sent to the voter at least two weeks before the Electoral Day: ballot paper, instructions on the procedure of exercising the vote, voter certificate or a standardized form to attest the identity of the voter, an internal envelope made from the non-transparent paper and an external envelope, where the address of the closest diplomatic mission is indicated. In some countries, the package also includes short information about electoral offers of the electoral contestants (for example Mexico). The package is sent either to the voter (by usual post, with confirmation of receiving) at the address indicated by him/her in the registration form, or to the diplomatic mission (by diplomatic post), from where the package is picked up by the voter after having being contacted by the mission. Postal costs are covered by the diplomatic mission.
- c) *Voting and sending the vote.* According to voting instructions, the voter expresses his/her option in the ballot paper, puts the ballot in the internal envelope. This envelope is sealed and is introduced together with the copy of the identity card or a standardized form to attest the identity of the voter in the external envelope, which is also sealed. Voter signs the second envelope and sends it by post to the address indicated on the external envelope. The experience of the countries that use voting by post shows that postal costs for returning the vote can be paid either by the voter, or by the diplomatic mission. Ballot paper should reach the diplomatic mission until the date when elections are conducted. Ballot papers received later are invalid.
- d) *Verification and calculation of votes.* When receiving the package with the vote of the voter, diplomatic missions first of all verify the authenticity of the external envelope and presence of the voter's signature; and afterwards they open the external package. In the second stage, they verify the existence of voter certificate (the form) and the data indicated in the certificate (the form) are confronted with information included in the voter lists. If no differences were found, electoral official makes a note in the voter lists about the exercise of the vote by voter and puts the internal envelope in a special ballot box. On the Electoral Day, all envelopes are unsealed, ballot papers are counted, and the results of the counting are introduced in the protocols of election results and tabulation. All documents are sent to the central electoral authority from the country.



#### 4.5.1. *Advantages and disadvantages of the postal voting*

##### **Advantages** of the postal voting:

- There are less financial and administrative costs than in other alternatives, as a result of a reduced number of personnel involved in the process, and the exact calculation of ballot papers that need to be printed. However, this advantage is a relative one; the costs are much higher in case when authorities assume all the postal costs (of sending and returning the ballot papers) and the rate of the return of ballot papers is small. For example, in Canada, where the postal voting is predominant and the state supports all postal costs, the cost of organization of elections from 2004 externally constituted 274 000 Canadian dollars (211.000 American dollars). Only 8 127 voters from among 13 830 registered voters have returned the ballot papers, the cost of one vote constituting thus 26 USD<sup>19</sup>. In case of Mexico, the costs of the postal voting proved to be even higher. Using the amount of 19 million USD for the organization of elections abroad in 2006, only 40876 Mexicans have been registered abroad during the elections. Ballot papers have been returned by 32632 voters, the cost of one vote therefore amounting to 582 USD<sup>20</sup>. It should be remarked that a large amount of 19 million USD were allocated for conducting an information campaign on electoral education of Mexicans abroad;
- Facilitation of participation during elections of all migrant citizens, including those who are staying illegally abroad, since the voter does not have to travel to the polling station in order to exercise the right to vote;
- Increase of the rate of participation at the vote. According to several analyses conducted on voting by correspondence, usually examining the case of USA, increase of the rate of participation at the vote represents a positive effect of this method<sup>21</sup>. The example of Mexico, however, proves that this effect is an ambiguous one.

##### **Disadvantages** of the postal voting:

- A high risk of falsification of election results. The security level and transparency of the postal voting is more reduced than of the direct vote, and this fact opens many possibilities of falsification, such as: selling the ballot paper or its filling in the presence of the buyer; filling in the ballot paper by a third person (in case when several ballot papers are sent to the same address, there are frequent cases when several emigrated persons rent the same apartment, house etc.); sending the request for receiving the ballot paper on behalf of false persons or persons in detention, in specialized medical institutions etc.; stealing the ballot paper before it is sent to the voter; interception or modification or destroying the signed ballot paper etc. Frequent cases of falsification of the postal voting were registered in Great Britain. The last case dates from 2009, when six conservatory

<sup>19</sup> Data provided by IDEA, „Voting from abroad”, [www.idea.int](http://www.idea.int).

<sup>20</sup> Data provided by Electoral Federal Institute of Mexico, [http://www.ife.org.mx/documentos/proceso\\_2005-2006/cuadernos/pdf/C4\\_vmre.pdf](http://www.ife.org.mx/documentos/proceso_2005-2006/cuadernos/pdf/C4_vmre.pdf).

<sup>21</sup> “Voting-By-Mail: A Look at Modernizing the Electoral System”, by Rachel Harris, CRB Note, Vol. 6. no. 3, July, 1999.

candidates were accused of the attempt to falsify elections as a result of attempts to register fictive persons in the voter lists<sup>22</sup>;

- Unequal exposure to information of voters who vote first and last in the period of time offered for the exercise of postal voting<sup>23</sup>;
- The voting cost for the voter, in case when he/she has to pay postal costs for returning the ballot paper (for example, state Oregon from the USA).

#### **4.6. Electronic voting**

Technological development from the last decade has opened the possibility of exercising the vote through on-line technologies (e-mail, internet, SMS etc.), the method which is also called electronic voting. There are at least two possibilities where electronic vote can be used in the voting from abroad. The first one represents exercise of the right to vote through an electronic vote mechanism, installed in the headquarters of the diplomatic mission (used in Australia, Belgium, Philippines, Portugal and Ireland etc.). The second method represents distance voting by means of informational technologies (internet, SMS, telephone, interactive television) from any place where these services are accessible. As the first option offers fewer advantages to the migrant citizens who are abroad, requiring their travelling to the polling station situated in the diplomatic mission, we shall further examine only the method of electronic distance vote.

Even though until present there were several pilot projects to test and/or implement the electronic distance voting at a more reduced scale (Canada, Catalonia region, Switzerland, Netherlands, Great Britain, etc.), currently Estonia is the only country which, starting with local elections from 2005, has applied electronic distance voting on the national level.

#### **Electronic voting includes the following stages<sup>24</sup>:**

- a) Registration of voters who request on-line voting. The procedure of registration does not essentially differ from other methods of direct voting or voting by correspondence;
- b) Sending the necessary materials for the exercise of the on-line voting. The following information is sent to the voter: information about the web page where the voting will take place, instructions for the exercise of voting, the identity card and/or the access codes (pin codes) on the web page;
- c) Login and voting. Voter enters the web page, where he/she logs in either by introducing the access codes, or by using the identity card (the case of Estonia). In order to use this method, the voter must have (or buy) a card reader (device capable of reading identity cards) to connect to computer and to download the soft to allow reading credit cards. While soft is free of charge, the card reader might cost between 7 and 13 euro<sup>25</sup>. After the voter logs in, the menu on the

<sup>22</sup> See <http://www.telegraph.co.uk/news/newstopics/politics/conservative/4240870/Tory-candidate-conspired-to-rig-General-Election-result-through-postal-vote-fraud.html>.

<sup>23</sup> This point of view is expressed in the Study „Implementation of alternative voting methods in Romania between necessity, utility and feasibility”, published by Soros Foundation Romania, 2009.

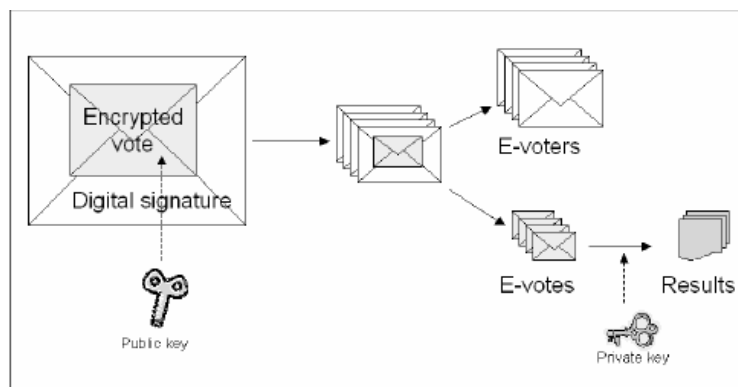
<sup>24</sup> According to the information placed on the voting web site from Estonia, [www.valmised.ee](http://www.valmised.ee).

<sup>25</sup> <http://www.edri.org/edriagram/number5.4/estonia-evoting>.

computer's screen shows the ballot paper similar to the one printed on paper. After the voting, the voter should confirm the vote by introducing digital signature and send it. In elections from 2007 and 2009 from Estonia, the voting period lasted three days;

- d) Sending and „reading” votes. The vote together with the identity data of the voter are sent to the server in an encrypted form, the server authenticates the digital signature and sends a confirmation message to the voter. Subsequently, the vote without personal data of the voter is sent to another server, from where all votes are de-encrypted, printed, counted and tabulated together with the ordinary ballot papers. The process of sending data is conducted on the basis of the „envelope” method, the same as in the case of postal voting.

**Figure 1. „Envelope” method in case of electronic voting<sup>26</sup>**



According to an analysis of the voting by Internet in Estonia, four premises should exist for the successful conducting of electronic voting: 1) access of the population to internet; 2) existence of a legal framework to regulate activities related to the use of internet; 3) existence of political culture favourable to the use of internet for political activities; 4) existence of identity cards with a higher security level, necessary for the digital identification of the voter<sup>27</sup>.

#### 4.6.1. Advantages and disadvantages of electronic voting

##### **Advantages** of electronic voting:

- Reducing, in time, the costs allocated for the organization and conducting of elections. Even though the launch of an electronic voting system implies some high costs (in Estonia the cost of the soft amounted to 250000 Euro), there is an opinion that initial costs will be bought back after the repeat use of the system. However, it is important to mention that the rate of buying back the costs will also essentially depend on the number of voters who will opt for the electronic voting;
- Facilitation of participation in elections of citizens who are abroad;
- A faster counting and announcement of election results;
- Increase of the quality of voting by reducing the number of invalid ballot papers and a faster counting of votes;

<sup>26</sup> Source: Study „Towards remote e-voting: Estonian case”, by Epp Maaten.

<sup>27</sup> Trechsel, Alexander H., R. Michael Alvarez, and Thad E. Hall, „Internet Voting in Estonia”, Caltech/MIT Voting Technology Project Working Paper # 60, <[http://vv.files/wworking\\_paper/vtp\\_wp60.ppdf](http://vv.files/wworking_paper/vtp_wp60.ppdf)>, 2008.

- A higher participation rate at the voting. This advantage is an ambiguous one and largely depends on the accessibility of internet services for the population and the number of population that holds the necessary abilities to use this system. In Estonia, for example, in 2005, the number of voters by Internet has constituted 1.85% from the total number of eligible voters, in the situation when 59.2% of inhabitants aged 16-74 had access to internet<sup>28</sup>. The rate of participation in elections of voters by Internet constituted 0.9% from the total number of voters. In spite of this statistical data, the electronic voting in Estonia was considered a success. At the next elections, the participation rate has registered an increase – 3.4% in 2007 and 9.5% at the local elections in 2009<sup>29</sup>.

**Disadvantages** of electronic voting:

- The secrecy and security of voting cannot be totally guaranteed;
- There is a possibility that unauthorized persons might enter the system (servers and networks of data transmission) to manipulate the voting results;
- The vulnerability of the system towards various informatics threats;
- It is less accessible for elderly persons who do not have abilities to work on computer, and for socially vulnerable categories of the population who do not have access to computer;
- Offers possibilities of selling/buying the votes, of intimidation/coercion of voters, of voting instead of voters.

## **Section 5. International experience on voting from abroad**

### ***5.1. Political-legislative aspects of voting from abroad***

International Convention on the Protection of the Rights of All Migrant Workers from 1990 explicitly states that “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.” However the right to vote abroad as part of the universal ballot is neither evident nor lacking problems. The Concept of voting from abroad directly contradicts the classical requirements – voting is conducted at the place of one’s residence, on the territory of the country whose citizens hold the right to vote. Moreover, external voting is often regarded as being contrary to the principle of free elections, which requires exercise of vote free of any pressure. Usually, political elites are rarely familiar with arguments pro- and contra- of external voting. They are also not ready to cautiously examine which problems might emerge in the process of extending the right to vote for citizens who are abroad. For this reason, there is a need to elaborate certain generally acceptable principles and criteria in order to be used by authorities of different countries. Unfortunately, such collaborations, which would result in elaboration of certain recommendations, do not exist; countries are solving such problems from their own perspectives.

<sup>28</sup> „Internet Voting in Estonia. A comparative analysis of four elections since 2005”, elaborated by the European University Institute and European Union University Laboratory for the Council of Europe, January 2010.

<sup>29</sup> National Election Commission of Estonia, <http://www.vvk.ee/index.php?id=11178>.

There are three major sources for regulating voting from abroad – Constitution, electoral legislation and acts adopted by the competent institutions of the countries. In certain countries, such as Spain and Portugal, provisions concerning external voting are explicitly regulated by constitutions (Article 68/5 and, respectively, Article 72). In other countries, constitutional provisions are more diffuse and are further developed in the electoral legislation. As mentioned above, from the legislative point of view, implementation of external voting is easier for the countries which practice mixed and proportional electoral systems, especially for those that practice fully proportional systems: a country – one single constituency, Republic of Moldova is one of them. Countries that apply uninominal electoral systems have to create extra-territorial electoral districts, where Diaspora and citizens who are temporary staying abroad could exercise their right to vote.

From the legislative point of view, voting from abroad creates three structural problems:

- Political representation of citizens who are abroad;
- Organization of external voting by assuming certain significant financial and administrative costs, as well as ensuring transparency of the voting process, of the secrecy of voters' option and security of electoral materials;
- Resolution of electoral disputes on the territory of other countries, where national judicial bodies are missing.

One of the fundamental requirements of external voting is a prior registration of voters. It is evident that registration of voters abroad involves organizational difficulties, as well as difficulties of other nature. Usually, filling in a standardized form is required for the registration of voters in the voter list outside the country.

## ***5.2. Practical aspects of voting from abroad***

Voting from abroad is already largely applied in a number of countries with different degrees of democratization. More than one hundred countries have introduced legal provisions concerning voting from abroad. Recently, about 50 countries have adopted legislative acts concerning the methods of voting from abroad. Usually, voting from abroad refers to voting by post or voting of the citizens with the right to vote at the diplomatic missions. Voting by internet becomes a subject of frequent discussions, especially after Estonia has managed to prove that such voting may be successfully used after reaching a high degree of informational development in the society. Recently, voting from abroad also extended to the citizens from Diaspora by setting up extra-territorial electoral districts for this purpose. However, not all examples of extending the external voting are encouraging. For example, Armenia has decided to give up external voting, even though the legislation of the country allows holding double citizenship. After a multilateral approach to this issue a decision was adopted not to include provisions concerning voting from abroad in the new Electoral Code of Armenia. It was considered that even though ethnic Armenians constitute a very large and influential Diaspora abroad, they should not have a decisive influence on setting up the leading bodies of the country and on their destiny, which should be decided by those who are living day to day in Armenia. In fact, the respective decision was taken after it was established that representatives of Diaspora were not so eager to vote when they had the possibility to do so.

Voting from abroad is usually applied for parliamentary elections (legislative), presidential elections and referendums<sup>30</sup>:

- 31 – only in case of legislative elections;
- 14 – only in case of presidential elections;
- 20 – in case of legislative and presidential elections;
- 11 – in case of legislative, presidential elections and referendums;
- 6 – in case of legislative, presidential and sub-national elections and referendums;
- 7 – in case of legislative elections and referendums;
- 7 – in case of presidential elections and referendums;
- 19 – allow different combinations for voting from abroad;
- 0 – only referendums.

The problems arise concerning the right to vote of the citizens abroad. Different states impose certain criteria for the right to vote abroad. The common requirements refer to the need to have certain inclusive approaches – citizenship, residence, registration as voter. However, realization of these requirements differs from country to country, and usually additional requirements are imposed concerning the status of the person abroad. When voting of the citizens who are abroad does not depend on the electoral district, then, usually, voting is allowed for all citizens. Most of those 100 countries who allow voting from abroad do not impose additional conditions for the right to vote of their citizens. However, 14 countries introduce additional limitations, especially referring to the period of their stay abroad and their status. For example, in spite of the fact that earlier South-African Republic did not impose additional conditions for Diaspora's external voting, in 2004 it has limited the right to vote abroad, allowing the vote only to the members of the diplomatic corps and citizens who are registered as voters and are temporary staying abroad. Other countries that impose restrictions also specify that external voting is allowed for: public officials who are on missions abroad, employees of international companies, students who are abroad for studies and militaries legally dislocated on the territories of other countries. For example, Iceland allows participation of its citizens in the external voting only if they are temporary staying abroad and only in the Great Britain, not in other parts of the world. In order to vote abroad, German citizens should not be abroad longer than 25 years, British citizens – 15 years, Canadian citizens – 5 years, Turkish citizens – 6 months. In some countries, the situation is exactly the opposite – their citizens should be abroad a certain minimum period of time in order to be able to participate in the external voting.

Cases when external voting is restrictive and applicable only to citizens, who are temporary abroad, represent a minority. Most often this fact is explained by technical and administrative limitations and not the legislative ones. Most often, special facilities for external voting are not created for those who are temporary abroad for the reasons of work or education, development of business or holiday or medical recuperation. Only Austria, Canada, Denmark, New Zealand and Norway are among few countries which provide additional facilities for external voting to its citizens who are temporary situated abroad, or are in transit.

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<sup>30</sup> The countries of the European Union also face the problem of voting in the European Parliament

Experience of Mexico is quite interesting, according to its legislation, its citizens can vote abroad only if they have a special voting card issued on the territory of the country. However, it should be mentioned that sounding scandals existed concerning falsification of the special voting cards. Certain countries allow external voting only to the citizens who have valid residence permit in the respective country.

Countries that offer possibility of external voting to its citizens should constantly ensure the security and transparency of the process and secrecy of voters' options. It is clear that these requirements involve additional legislative, financial and administrative efforts. These efforts depend on the method of external voting: personally at the diplomatic mission or other places designated for this; voting by post; voting by proxy; electronic voting:

- 83 countries practice only one procedure for external voting from the existing four;
- 54 countries allow personal voting at their diplomatic missions or in specially equipped places. This method is usually considered the most acceptable. Comparison between the countries that practice this kind of external voting should take into consideration the fact that Russia, for instance, has diplomatic missions in more than 140 countries, and Republic of Moldova only in approximately 20 countries;
- 25 countries practice voting by post;
- 27 countries practice different combinations of external voting. Six countries – Austria, Belgium, Estonia, Netherlands, New Zealand and Sweden, offer three alternative possibilities for exercising external voting.

Twelve countries offer not only the possibility of external voting, but also a certain number of places (from 1% to 4%) in the legislative forums for the candidates voted especially by those who are abroad. In some way, this procedure also solves the problem connected to the electoral districts.

Voting from abroad is meant to contribute to the increase of the level of political participation of the citizens. However, a clear delimitation should be made between voting from abroad of citizens who are temporary and massively displaced as a result of certain conflicts, and voting from abroad in situations when the country of origin is in normal conditions. In the first case, the external voting also has the purpose of contributing to the normalization of the social-political situation. These differences are important in order to estimate proportion between effort/price – impact. Therefore, in case of voting from abroad of citizens who are refugees, their voter turnout is significant for the registered voters, reaching sometimes proportions of 70-80%. In case of voting from abroad of the citizens from the countries which do not have refugees, voter turnout is quite low. Even in case of countries with mandatory voting, the voter turnout abroad is quite low. The most important factors that explain a low voter turnout abroad are of geographical and temporary nature. In this sense, taking into consideration a high cost of external voting, it is considered useful to offer more time for the exercise of external voting (for example, in the Republic of Moldova it is proposed to conduct external voting for two days), however discussions on this topic face the argument of lack of mutual trust between political forces and the necessity to ensure the security of vote. Generally speaking, the problem of low voter turnout abroad is especially acute in

the countries which reserve a certain number of places in the legislative body for the citizens from Diaspora.

### ***5.3. Implementation of voting from abroad***

Implementation of voting from abroad is complicated because of a number of factors, such as: number of voters who are abroad, dispersed geography of their location, complexity of issues related to the exercise of external voting. Each of the voting procedures abroad should be credible and in accordance with the norms used at the voting on the territory of the country. This means that procedures should be as uniform as possible in all respects and aspects. Administrative creativity and procedural flexibility are very necessary, however all procedures should be in strict conformity with the provisions of the legislation. From these perspectives, procedures concerning the registration of voters and the voting itself are very important. In any case, security and secrecy of the vote remain extremely sensitive issues, both in case of presence of the voter at the place of exercising the vote, as well as in case of vote by mandate or by post. Apart this, it should also be considered that many voters could be vulnerable because of their illegal presence on the territories of countries where the voting is conducted. Eventual administrative problems or violations of certain deadlines could be certainly qualified as deliberate acts, aimed at falsification of elections. An extremely important matter refers to the quick and honest resolution of electoral disputes, which is, usually, problematic in case of external voting. At the beginning of application of external voting on a large scale, political opposition parties will be reticent towards this measure, using it as pretext for challenging elections on the national level. For this reason, external voting needs careful and complex approach, in order to ensure a transparent and correct process.

### ***5.4. Deadlines for planning the voting***

Planning the voting from abroad encounters a number of difficulties, because of its particularities (see Annex, *Table 7*). For this reason, short electoral campaigns can completely disqualify voting from abroad. It is also very important to know when the competent body will call the date of elections. This is important because more time might be necessary for negotiating and signing certain memorandums on accepting the conduct of elections on the territory of other countries. Memorandums are necessary in order to allow the instituted electoral bodies which function abroad to carry out their activities without impediments. In the situation when negotiations are held with several countries, it might happen that delays in relation with one of them might prejudice the whole process of external voting. In such cases, it would be difficult to accept organization of voting in certain countries, and except the voting in other countries for certain reasons, because authorities could be accused of bad faith, considering that preferences of residents from different countries might be very different. Capacity of electoral contestants to communicate with citizens who are abroad should also be taken into consideration. Even though information of citizens about electoral contestants involved in elections is the task of electoral bodies, the need of direct communication of electoral contestants with citizens should not be ignored.



### ***5.5. Registration of voters***

In order to avoid a number of problems related to the external voting, it is necessary to start registration of voters who are abroad latest at the same time when the day of elections is called. Registration should be done at the diplomatic missions on the territory where voters are located. Voter lists should be accessible for verification. Voter lists should include data, which is not protected as personal data. The prior registration is necessary in order to ensure diplomatic missions with sufficient amount of electoral materials, plus a certain surplus, and also to cancel the voters registered for the vote abroad from the basic voter lists. In order to simplify voting procedure, more countries also accept registration of voters by telephone, fax, and email or by on-line application (for example, Poland).

### ***5.6. Negotiations with authorities from the host-countries***

Voting from abroad has two major purposes: ensuring exercise of political rights by citizens who are abroad; increasing the degree of political participation and consolidation of trust in honest and democratic electoral process. However, as it was mentioned above, external voting bears a number of difficulties, which requires using it with maximum caution.

Negotiations with authorities of the host-countries represent a considerable problem in the large spread of voting abroad. Voting abroad requires, to a certain extent, engagement of host-countries. International experience is extremely poor concerning the responsible state institutions and modalities of solving problems connected to external voting. In fact, there are no consistent standardized policies and practices that could be recommended to the host-countries to be used for the organization of voting of the citizens of other countries on their territories, therefore, no recommendations can exist concerning their responsibilities. Negotiations are usually based on the amalgam of factors, such as reciprocity, existing precedents, quality of bilateral relations and ad-hoc opportunities. For this reason, when selecting countries where the voting takes place outside the diplomatic missions, more factors should be taken into consideration – history of bilateral relations, infrastructure, eventual costs, etc. However, the most important factor is connected to the expectations concerning eventual number of voters. A number of European countries constantly refused to admit voting of citizens of other countries outside diplomatic missions. In these countries external voting is possible only on the basis of voting by post. The reasons behind are based on considerations of sovereignty and security for the countries in question.

### ***5.7. Responsibilities of host-countries***

Responsibilities of host-countries on which territory external voting is carried out depend on the circumstances and the general context, including the existing interest towards the elections and available resources. In most cases, the role of the host-countries where elections abroad are conducted is more often reduced to the manifestation of good will, than to offering an administrative or implementation assistance. It is very important that the structures of the host-country do not undermine the secrecy of voting, neutrality and transparency of the electoral process, and, especially, it is important to avoid exercise of political pressures and interferences.

There are several fields where host-countries can offer a real support for the external voting:

- Offering adequate spaces for voting. Authorities of the host-countries can contribute to the identification of adequate spaces for the set up of polling stations outside diplomatic missions. Their location, and the costs of access, might have a decisive role on the participation at the voting;
- Ensuring free circulation of the electoral officials, voters, observers, representatives of electoral contestants;
- Facilitating customs procedures at the transportation of electoral materials;
- Facilitating the process of receiving travel documents, including visas;
- Exemption from any taxes and additional payments;
- Support in recruiting the staff;
- Ensuring a minimum necessary security. Protection of data is one of the crucial problems for the external voting. Authorities of the host-countries may hold data on the compact residence on their territory of foreign citizens with the right to vote and places where polling stations could be eventually opened for ensuring participation of a larger number of citizens. At the same time, it is very important to ensure that data about foreign citizens is protected and could be adequately used, only for the electoral purposes, otherwise the risk of low participation at the voting increases;
- Facilitating accommodation for the electoral staff, observers, representatives of political parties and mass-media, etc.

Legality of the presence of the citizens' with the right to vote of certain countries on the territories of host-countries represents a major problem. The fact that certain citizens are illegally staying on the territories of other countries or do not hold the necessary documents with them does not affect their electoral rights guaranteed by the countries of origin. For this reason, countries that intend to ensure voting from abroad should consider negotiating certain agreements with the host-countries, which would ensure that in the process of offering assistance for conducting the voting on their territories, authorities of the host-countries would not carry out activities of identifying citizens who are staying illegally on their territories, in order to subsequently deport them. In case such agreements are not reached, the risk of having low presence of the citizens at the ballots will substantially increase.

Recruiting electoral officials might be less costing if it is done from among the citizens of the host-country or from among the citizens of the country of origin who have permanent residence in the host-country. After an intensive but short term training, the officials recruited from among the above-mentioned categories of citizens can carry out logistical activities in the places designated for voting and conduct registration of voters etc. The advantage of such recruitment is that for a certain payment, these short term employees might perform the same duties performed by the officials from the countries of origin, without requiring transportation, visa and accommodation etc. In some countries, such as Turkey and Germany, such employees must fully obey labour legislation.

Ensuring physical security of the participants in the external voting, as well as security of the electoral materials, is of crucial importance, because eventual incidents, even

insignificant ones at the first sight, might serve as pretexts for challenging election results. For this reason, eventual agreements with the authorities of the countries on which territories the external voting is conducted, should have as one of its objective - ensuring an atmosphere that would exclude eventual intimidations and violence. Even though there are no elaborated standards for such agreements, usually, they refer to the obligation of the municipal police to ensure security of places where voting is carried out, security of electoral materials and security of participants at the electoral process.

Prevention of frauds represents one of the key problems of the external voting. For the countries where government and opposition are in antagonist relations, it is extremely difficult to ensure an appreciable degree of trust in the process of external voting as a free and a correct one, because suspicions exist that the external voting opens additional possibilities for committing deliberate frauds. In this context, it is crucial to introduce modalities of preventing frauds, first of all by ensuring transparency of the voting process.

Besides agreements with the host-countries, agreements with structures of international specialized institutions, such as UN, Council of Europe, OSCE, and with specialized organizations of the civil society from the host-countries, can be extremely useful. International experience shows that such agreements could increase a lot the trust in the voting process abroad, ensure transparency of the process and contribute to the resolution of certain problems of logistical nature.

## **Section 6. Voting of Moldovan citizens abroad versus recent experience of certain countries**

### ***6.1. Voting of Moldovan citizens abroad***

During previous parliamentary elections, claims of certain electoral contestants concerning the need to ensure the right to vote of Moldovan citizens who are working abroad were absolutely legitimate. In fact, this right is guaranteed to Moldovan citizens by the Constitution, Electoral Code and is not necessarily connected to the number of Moldovan *gastarbeiters*, which is impressive. It is considered that about one million of Moldovan citizens are abroad, out of ~2,6 million citizens with the right to vote (without citizens from the Transnistrian region). Data coming from different sources, correlated between them, allows estimating the number of Moldovan citizens who are abroad as varying between 400-600 thousands. Such estimations, made public by the Chişinău offices of the World Bank (WB) and International Monetary Fund (IMF), are very well correlated with data of the Ministry of Informational Technology and Communications (MITC) and with the data from opinion polls:

- According to the data of the MITC, in 2009, around ~200-300 thousands Moldovan citizens were outside the country. This number is credible, because the official registration of the Moldovan citizens who leave the Republic of Moldova is carried out only at the check points where Moldovan authorities carry out passport control. Many *gastarbeiters* who are working in the CIS space (their number is estimated at ~200-300 thousands) leave Moldova

through the check points from the Transnistrian region and, most probably, they do not reach the database of the MITC. They are the ones doubling the number of Moldovan citizens abroad;

- Opinion polls reveal that ~45-50% of families from the Republic of Moldova receive remittances from their relatives who are working abroad, therefore if we take as basis for estimations the number of families from the Republic of Moldova, we reach the conclusion that estimations of the WB and IMF are pertinent;
- Taking into consideration that the total number of voters is ~2,6 millions, and around ~1,6 millions are participating in elections, the number of those who are abroad cannot exceed the difference between these two numbers, meaning 800 thousands. At the same time, one should also leave a credible margin for manifestation of the phenomenon of absenteeism. If we estimate the absenteeism from the Republic of Moldova at the lowest European level ~10-15% from the total number of voters, then we can estimate the number of those who are working abroad as being of approximately half a million, which is ~1/5 from the total number of voters, more than 1/4 from the number of those able to work, and less than 1/2 from those employed in the labour market on the territory of the Republic of Moldova. These numbers are quite pertinent and should motivate Moldovan authorities to take the necessary measures in order to ensure realization of the right to vote for the citizens who are abroad.

The Table 4 indicated below reveals the number of Moldovans, who have participated in the external voting during previous electoral years. Therefore, from approximately half million of citizens who are abroad only approximately 2% voted during the last parliamentary elections. The vote was probably expressed mainly by students, tourists and those who are staying legally on the territories of the respective countries.

**Table 4. The number of Moldovan citizens who voted abroad<sup>31</sup>**

<b>Place / year</b>	<b>1994</b>	<b>1998</b>	<b>2001</b>	<b>2005</b>	<b>2009<sup>32</sup></b>	<b>2009<sup>33</sup></b>
Austria	-	39	28	82	115	133
Azerbaijan	-	-	-	-	31	26
Belarus	20	35	51	77	35	72
Belgium	17	26	57	113	405	424
Bulgaria	-	59	86	134	124	74
Czech Republic	-	-	-	-	250	288
China	-	11	10	20	24	20
Estonia	-	-	-	-	24	20
France	-	62	107	422	1219	1487
Greece	-	-	-	1005	1080	1207
Germany	-	23	47	148	161	142
Israel	-	77	43	118	119	237
Italy	-	-	237	850	1554	1796
Latvia	-	-	-	-	39	35
Lithuania	-	-	-	-	15	21
Poland	-	18	28	127	109	81
Portugal	-	-	-	-	1191	767
Great Britain	-	-	-	108	289	402
Romania	1709	2079	1934	3264	2768	2187
Russian Federation	160	607	852	2760	1148	1422
USA	32	28	60	101	214	308
Sweden	-	-	-	-	46	39
Turkey	-	29	48	90	70	37
Ukraine	10	36	65	127	98	117
Hungary	-	-	46	85	71	68
Uzbekistan	-	-	13	26	-	-
New-York (UN)	-	18	-	96	197	317
Geneva (UN)	-	12	17	79	158	158
Strasbourg (CoE)	-	5	26	94	119	107
Bucharest (consulate)					1449	1472
Bologna (consulate)					3375	3652
Frankfurt (consulate)	-	29	51	112	128	176
Istanbul (consulate)					133	101
Odessa (consulate)					47	151
<b>Total</b>	<b>1948</b>	<b>3193</b>	<b>3806</b>	<b>10038</b>	<b>16805</b>	<b>17544</b>

## 6.2. International experience concerning vote of the citizens abroad

There exists a vast international experience concerning voting from abroad, even though no synthesis was made at the level of generally acceptable rules in order to be recommended for the specialized international institutions. It has already been mentioned that according to the general rule, voting from abroad is conducted on the territories of respective host-countries and in their “extensions” abroad – embassies and

<sup>31</sup> Source: Central Election Commission, [www.cec.md](http://www.cec.md).

<sup>32</sup> Data refer to the parliamentary elections from 5 April 2009.

<sup>33</sup> Data refer to the parliamentary elections from 29 July 2009

consulates. In the last years, OSCE has organized a number of conferences in order to discuss minimum mandatory standards for voting by internet and measures for increasing its security. Suspicions connected to ensuring security of electronic voting makes governments of many developed countries reticent towards this system of voting. A number of recent examples concerning evolutions in the sphere of ensuring voting of citizens abroad follow below:

- During parliamentary elections from December 2007, as well as presidential elections from March 2008, Russian Federation has opened 23 polling stations in Transnistrian region, without asking the agreement of the Moldovan Government. This issue has generated protests of the Ministry of Foreign Affairs, which, however, have been ignored by Russia. In contrast with the way Russia acted, Ukraine has abstained from opening polling stations in Transnistrian region during parliamentary elections from 2006 and 2007, even though about 65 thousands of Ukrainian citizens are living in this region. This happened because authorities from Chişinău did not give their agreement on this issue;
- Examples of presidential elections from Mexico and Bulgaria, from 2006, reveal that governments of these countries have undertaken extra-measures for ensuring the vote of their citizens who are abroad. The government of Bulgaria has adopted decision to open polling stations everywhere where at least 100 citizens of this country request exercise of the right to vote in the localities situated outside the country. For this purpose, Bulgarian citizens had to submit requests in order to be excluded from the voter lists from their country of origin, and to be introduced in the special lists for voting from abroad. This was necessary in order to avoid eventual accusations of manipulation and in order to know exactly how many ballot papers should be sent to the places where citizens are residing etc.;
- During parliamentary elections from 2007, the Government of Poland has opened 205 polling stations for approximately 175 thousands citizens registered abroad. Polling stations were opened in embassies and consulates, and also in the centres of Polish ethnic communities. Therefore, all issues had to be coordinated in time in order to allow exercise of the rights of citizens in different districts;
- Parliamentary elections from Israel (10 February 2009) are extremely relevant for the Republic of Moldova in what concerns external voting. From those approximately 5 million voters, almost 650 thousands are abroad. In spite of this fact, the government of Israel has opposed the opening of polling stations outside the embassies and consulates (approximately 100 in the whole world), where a proper level of security is ensured. Representatives of the party “Likud” believe that this is explained, in fact, by reticence of the political left-wing forces to adopt a draft law, elaborated long time ago, which would allow opening of polling stations also outside diplomatic missions. According to the political analysts and observers, the cause of the reticence could be the fact that the left-wing forces were aware of the fact that citizens of Israel who were abroad would vote preponderantly right-wing parties and therefore have intentionally raised the barriers for the exercise of the right to vote abroad. Even though it is not true that the barriers were intentionally raised, it should be mentioned that the discussions generated by the external voting are somehow instigating the discontent. Therefore, even in an established democracy, as

Israel, it is presumed that political factor is the one that impedes plenary realization of the right to vote.

### **6.3. Recent experience of Romania**

For presidential elections from 22 November (1<sup>st</sup> round) and 6 December (2<sup>nd</sup> round) 2009, Romania opened 294 polling stations abroad: 55 polling stations in Italy; 38 in Spain; 28 in USA; 13 in the Republic of Moldova; 9 in France; 5 in Germany; 4 in Canada; 3 in Russia; 3 in Hungary; etc. Therefore, during the presidential elections from 2009, 73 more polling stations were opened abroad comparing to the parliamentary elections from 30 November 2008, when 221 polling stations were opened, and 152 more polling stations were opened comparing to elections from December 2004, when 142 polling stations were opened. Therefore, once Romania joined the European Union, the number of polling stations opened abroad has increased more than twice, mainly in Italy and Spain. During presidential elections from 2009, the total budget allocated for the organization of external voting has constituted ~\$1million.

Transmission of electoral materials to the diplomatic missions of Romania abroad began two weeks before the Electoral Day. On the basis of estimations made by the diplomatic missions and prior experience concerning presence at the vote, electoral materials and approximately 620 thousands ballot papers have been transmitted to the diplomatic missions and distributed among the polling stations abroad. In order to ensure a higher level of transparency, the Ministry of Foreign Affairs (MFA) of Romania has posted templates of electoral materials and ballot papers on a special web page. Romanian citizens with expired identity documents could come to the headquarters of diplomatic representations prior to the Electoral Day, in order to obtain valid identity documents and be able to exercise the vote.

During presidential elections from 2009 and referendum, also tourists were able to vote. The voting took place on the basis of the following identity documents valid on the day of elections:

- identity card,
- temporary identity card,
- identity bulletin or diplomatic passport,
- electronic diplomatic passport,
- service passport,
- electronic service passport,
- simple passport,
- electronic simple passport,
- temporary simple passport,
- travel document.

Extension of the right to vote abroad during presidential elections from 2009 is substantial comparing to parliamentary elections from 2008. Therefore, during parliamentary elections from 2008, Romanian citizens could vote only if they had domicile or residence abroad. Residence had to be proved with the relevant probation documents, issued by the authorities from the country where they lived. Romanian diplomatic authorities had the task of identifying the necessary documents for voting in

each country and to make the respective information public as soon as possible. The main (valid) documents for voting at the parliamentary elections from 2008 were:

- simple valid passport, with the note concerning establishment of domicile abroad;
- in case of state members of the EU, the valid identity card, accompanied by any other document issued by foreign authorities that proved residence abroad.

According to the Law no 35/2008, voting on the basis of temporary identity documents or on the basis of travel documents was not possible. Romanian citizens who, on the Electoral Day, were outside the country, for touristic or business purposes, could not vote. During parliamentary elections from November 2008 for the Parliament of Romania, polling stations on the territory of the Republic of Moldova were opened only inside the Romanian Embassy and Consulate, even though it was well known that approximately 100 thousands persons hold Romanian citizenship, and at least half of them are permanently residing on the territory of the Republic of Moldova.

Coming back to the presidential elections from 2009, it is worth mentioning that in the first round, in those 294 polling stations abroad; more than 94 thousands citizens who are abroad have participated at the ballots. In the second round of elections, in those 294 polling stations abroad, ~147 thousands of Romanian citizens have voted, by ~1/3 more than in the first round. Votes from abroad brought electoral victory to the current President Traian Băsescu, ensuring him in fact a final victory. In the first round of elections in total 3,153,640 voters (32.44%) have voted for Traian Băsescu, among whom 52,904 abroad (from the total of 94,383), this means that 1.7% of votes were received from elections abroad. The main contra-candidate – Mircea Geoană received 3,027,838 votes (31.15%) in the first round, among them 11,717 of votes came from abroad, which represents ~0.4%. In the second round of elections the total number of 5,277,068 voters (50.33%) has voted for Traian Băsescu, and for his contra-candidate, Mircea Geoană, the total number of 5,206,747 voters (49.66%) has voted. The difference of votes for the two candidates was of 70,321 (0.67%). In this context, it should be remarked that 115,831 (78.9%) of voters abroad have voted for Traian Băsescu abroad, and 31,045 (21.1%) for Mircea Geoană. Therefore, it was due to the external voting that Traian Băsescu has received a surplus of 2.2% of votes, and his contra-candidate of only 0.6%. In the second round of elections, in those 13 polling stations opened in the Republic of Moldova, Traian Băsescu received ~95% of votes, and Geoană only ~5%. The example of presidential elections from 2009 from Romania proves in an eloquent way how external voting can be determinative for the final result of elections. Moreover, voting in those 13 polling stations on the territory of the Republic of Moldova allows estimation of the influence of administrative and propagandistic factors on the external voting on the territory of certain countries<sup>34</sup>.

Taking into consideration that Moldovan authorities declared themselves ready to take energetic measures to ensure possibilities of voting from abroad, it is important to mention that adequate solutions exist for the problems encountered by voting abroad, however they require introducing very clear and verifiable procedures in order to avoid

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<sup>34</sup> Here we mean involvement of representatives of the Liberal Party (PL), which is part of the governmental coalition from the Republic of Moldova, supporting Traian Băsescu, the candidate for the position of the President of Romania.



further conflicts. This requires cooperation between governments and opposition. Mutual lack of trust and mutual accusations of bad will blocks resolution of the problem. Moreover, postal voting is not practised in the Republic of Moldova also because of lack of mutual trust. From these considerations, when adopting Electoral Code in November 1997, the emphasis was put on ensuring security of the procedures related to printing the ballot papers and their distribution. When adopting Electoral Code, the idea of printing ballot papers much time before the Electoral Day in order to make possible their sending to persons requesting voting by post was given up, as this was considered unacceptable from the security considerations. Moreover, an argument was invoked that voting by post is recommended only to the countries where citizens trust the postal system. Trust in postal system of the Republic of Moldova, where many cases existed of unauthorized opening of the correspondence, is a problem that is also supplemented by the one of trust in the postal systems of other countries. Also during previous electoral campaigns, especially during parliamentary elections from 2005, speculations circulated concerning the fact that authorities of certain countries from the CIS would have interest in influencing the results of elections from the Republic of Moldova.

Finally, the perspectives of voting by internet for the Moldovan citizens abroad are also alienated because of the mutual lack of trust between the government and the opposition. For instance, compiling the electronic registry of voters has provoked objections on behalf of certain influential opposition parties. Trust in *softs* for the electronic voting is extremely low, both the parties in power, as well as those in opposition are constantly invoking the example of municipal elections from 1999, when computers were blocked, as a big electoral fraud. Evidently, we speak here about unfounded exaggerations, because reports from those approximately 300 polling stations from Chişinău were available for everyone's verifications. For this reason, the problem of voting from abroad will be, probably, relevant also for the next parliamentary elections from 2013. It is important to mention this, because all arguments invoked four years ago are reiterated also presently.

## **Section 7. Conclusions and Recommendations**

### **7.1. Conclusions**

As analysis of existing methods of external voting and experience of countries that allow such voting has showed, currently there is no ideal method of voting from abroad, each method offering certain positive effects, however is also accompanied by certain difficulties. The utility of these methods largely depends on the social-economic, institutional and technological conditions of the country which is applying them. In the situation when the authorities of the Republic of Moldova are searching for a method capable of ensuring the right to vote for thousands of Moldovan citizens abroad, both the solution of opening polling stations outside the diplomatic missions, as well as the postal voting could be recommended as solutions. Nevertheless, it should be mentioned that regardless of the method applied, it is necessary to ensure the following conditions for a successful introduction of a new method of external voting:

- Existence of an apolitical, independent, efficient and incorruptible administrative system;
- Clear legal provisions concerning conducting the electoral process;
- Existence of a political and social consensus concerning the need to introduce new methods of external voting, which can be ensured by carrying out large public debates;
- Preliminary testing and evaluation of the introduced method of vote.

### **7.2. Recommendations**

**1.** Choosing the adequate method for realisation of the voting from abroad is a primary task for ensuring the constitutional rights of the citizens of the Republic of Moldova who are abroad in a large number. Taking into consideration that the Republic of Moldova has limited financial resources, the choice follows to be made in favour of future methods of voting from abroad. Moreover, considering that Republic of Moldova goes through a post-conflict phase after the events from April 2009, it is necessary to ensure that the methods of voting from abroad are as transparent and verifiable as possible, in order to avoid generating new political conflicts. Following these considerations and for the immediate perspective, we recommend to the Moldovan authorities to concentrate their efforts on the personal voting abroad, which means taking necessary measures in order to open more polling stations abroad, outside the diplomatic missions but under their auspices, with the agreement of the authorities from the host-country. In a further perspective, after 1-2 electoral cycles, efforts follow to be directed towards gradual assertion of the electronic voting, including by internet. Voting by post, by proxy or other exotic modalities of voting require substantial organizational and financial efforts, without guaranteeing a high degree of transparency and possibility of verification. Voting abroad by post requires a high degree of trust, both in postal service from the country, as well as in postal services of other countries. During the years, serious claims were addressed to the postal service from the Republic of Moldova, and the quality of postal services from different countries where Moldovan

citizens with the right to vote are staying cannot be adequately estimated before deciding whether to trust them.

**2.** In parallel with extending the possibilities of voting from abroad in person, efforts of the Moldovan authorities should also be oriented towards gradual implementation of the provisions from the Concept of State Automatic Information System “Elections”, in accordance with the Law No. 101 from 15.05.2008, which aims at contributing to the diversification of forms and methods of “organization and conducting elections and referendums”. Implementation of the Concept follows to take place under the auspices of the National Strategy on Edification of Informational Society – “Electronic Moldova” and according to the estimations of the competent authorities of the Republic of Moldova. Presently, it is already possible to compile voter lists electronically, on the basis of the State Registry of Population. Electronic record of voters was tested within some pilot projects during new local elections in a number of localities from the Republic of Moldova. The mentioned Law foresees that, in some future perspective, there will be possible to ensure voting of citizens at any polling station, „including at the polling stations of the diplomatic missions and consular offices of the Republic of Moldova abroad or directly by informational portal of the Central Election Commission”. The stages of implementation of the Concept foresee solutions for some administrative and technical problems, the most important ones referring to: identification of citizens within electronic electoral system and implementation of digital signature, etc. In the perspective of the following two electoral cycles, voting with the use of informational portal of the Central Election Commission follows to offer to the citizens the possibility to exercise their right to vote through electronic means from the place where they stay, including abroad.

**3.** Registration of Moldovan citizens who have permanent domicile or residence abroad should take place at one of the closest (most suitable) diplomatic missions of the Republic of Moldova. Registration should be possible both in case of personal presentation, by post and on-line. Registration in the list of voters should take place on the basis of valid documents, issued by the Moldovan authorities, in accordance with the electoral legislation and the CEC, on the basis of which voters may exercise their right to vote, which should include small volume of data necessary for the identification of voters without equivoque.

**4.** Confirmation of the correctitude of data for the registration of voters represents the responsibility of voters. CEC shall elaborate a special form concerning registration of voters who are abroad. After registration, citizens will have to indicate the place of their last domicile or residence on the territory of the Republic of Moldova, as well as numeric personal code – IDNP, which shall be accessible only by the electoral bodies. Responsibility for falsifications follows to be expressly regulated, in order to discourage committing such falsifications. For the citizens registered as voters abroad, the voting is allowed only on the basis of confirmation of data from the identity documents used at the moment of registration. Sanctions will have to be introduced for citizens registered for external voting in the polling stations set up outside the diplomatic missions but who will not come for voting, in case the number of voters who comes to the voting is under the established limit for the opening of the polling station outside the diplomatic mission. These sanctions should aim at preventing useless spending of public money.

**5.** The process of registration of citizens with the right to vote who are abroad should begin latest on the day when conducting of elections/referendums was announced (at least 60 days before the Electoral Day). Information concerning the place of diplomatic missions of the Republic of Moldova, their working hours, contact details and the method of registration should be available at the official web-sites of the CEC, MFAEI and of the diplomatic missions. Data on registration of the citizens for voting from abroad will be updated with a reasonable periodicity and compiled in a unique registry, held by the CEC and accessible to the public for verification. Electoral bodies and bodies of local public administration will delete the names of citizens, registered for voting from abroad and identified without equivoque, from the basic voter lists and from the domicile or residence in the Republic of Moldova.

**6.** In the places of residence of Moldovan citizens abroad, where at least 200 citizens have registered for voting from abroad 15 days prior to the day of elections, polling stations will be opened only if the respective diplomatic missions of the Republic of Moldova will receive the agreement of the authorities of the host-country, which together with the municipal authorities of the host-country will provide later on, but not later than 7 days prior to the day of elections, a safe and protected place for the exercise of the right to vote.

**7.** Usually, polling stations will be opened in bordering localities situated at the perimeter of at least 100 km, if the number of citizens registered in the limits of this perimeter will be of at least 200 persons. By its effort to open additional polling stations abroad, authorities of the Republic of Moldova show their determination to implement the provisions of Article 2 (3) of the Electoral Code, which provides that „Citizens of the Republic of Moldova who have their domicile abroad benefit of fully electoral rights in conditions of the present code. Diplomatic missions and consular offices must create conditions for its citizens to freely exercise their electoral rights”. On the other hand, it is also an obligation of the citizens to take effort in order to implement their constitutional right, by reducing as much as possible the extra-spending of public money.

**8.** Registration of voters abroad will finalize 7 days prior to the day of elections. Citizens who are abroad, but who are not registered, will be able to vote on the basis of additional lists at the polling stations from the diplomatic missions or at the additional polling stations, the stamp voted shall be applied in the identity document. Citizens who were not registered prior to the voting from abroad will be able to do so, on the basis of their identity documents, only after their unequivocal identification. Immediately after elections, but before official announcement of final election results, the identity of citizens who voted on the basis of additional lists abroad will be verified, and authorities will also verify if no abuses were committed due to the fact that their names were not deleted from the basic voter lists from their place of permanent domicile on the territory of the Republic of Moldova.

**9.** Latest 15 days prior to the Electoral Day, CEC, through the Centre of Continuous Electoral Training, will train a necessary number of electoral officials and observers appointed by electoral contestants and civil society for the exercise of their duties in the additional polling stations abroad. These persons will have the official status of electoral officials and observers, and will have to exercise their duties in the polling stations abroad situated outside diplomatic missions. In order to ensure transparency of

the voting process and avoid suspicions, mobile teams composed of electoral officials and observers will be created in accordance with the criteria of balanced representation of the interests of the power and opposition. The mobile teams composed of electoral officials will include at least three persons who will take with them, in order to ensure security and inviolability, electoral materials and documents necessary for ensuring the right to vote of the registered citizens at the polling stations abroad. CEC will elaborate binding instructions concerning the security of electoral materials. The possibility of partial recruitment of persons-representatives of the Moldovan community in the host-country (when a stable and relatively organized community is present, with a certain degree of social cohesion and economical prosperity) as members of precinct electoral bureaus, as well as their distance training, should be taken into consideration.

**10.** The regime of ensuring the mobile teams of electoral officials and observers with visas, if this is the case, will be elaborated by the Ministry of Foreign Affairs and European Integration (MFAEI) and communicated to the CEC, based on the inter-governmental agreements concerning permission and assistance in conducting voting in the additional polling stations situated outside diplomatic missions of the Republic of Moldova.

**11.** Authorities of the Republic of Moldova will negotiate with the international institutions specialized in promoting democratic values (OSCE, CoE) the possibility of accrediting under their auspices of international observers, who will monitor the conduct of voting in the polling stations situated abroad, outside the diplomatic missions.

**12.** The travelling costs for mobile teams of electoral officials will be ensured from the budgetary resources. In order to decrease the budgetary burden, a special account (fund) could be opened for the accumulation of resources from citizens, businesses, international institutions. Electoral contestants should have the possibility to send also on their own expense one representative each to any polling station abroad. Representatives of electoral contestants shall follow a training course conducted by the CEC. The problems related to obtaining visa will be solved in the same way as in the case of electoral officials from the mobile teams. In order to ensure travelling of additional observers from the electoral contestants and civil society, a special account could be opened for attracting some private resources or grants. These resources should be administered by a group of persons empowered in this sense, under auspices of a non-governmental organization, which would contribute to the uniform and exact resolution of all logistical operations on the basis of documents that would confirm and justify the spending of financial resources.

**13.** In order to ensure external voting, an organizational committee shall be set up, which will include representatives of CEC, MAEIE, Ministry of Finance, etc., as well as representatives of electoral contestants and observers from the civil society.

**14.** Electoral system influences in a cardinal way the method of voting from abroad. In case the current fully proportional electoral system is maintained: a country – one single national district, the modality of voting from abroad will remain unchanged, and only additional polling stations situated outside diplomatic missions of the Republic of Moldova will be opened. In case the electoral system will be changed to a limited

proportional one (more electoral districts with more mandates), situation will become more complicated. As a result, in polling stations abroad, ballot papers for each district will be distributed in estimative proportions or one extra-territorial district will be established with 2-3 mandates according to the expectations concerning participation of citizens who are abroad at the voting. In case electoral system will be changed to a mixed one, voters who are abroad should have the possibility to vote both in their national district, and in a uninominal district specially constituted for voters who are abroad. Finally, in case of changing to uninominal electoral system, creation of a special electoral extra-territorial district should be foreseen.

**15.** CEC will elaborate strict instructions for the members of mobile teams composed of electoral officials concerning security of electoral materials and documentation, procedure of voting, of filling in the protocols, reporting preliminary results, distribution of copies of the authorized protocols to those who are entitled to assist at the electoral procedures from the polling stations abroad, etc.

**16.** Special attention should be drawn to the following aspects:

- Opening of polling stations in the premises of honorific consuls and of the Moldovan cultural institutions abroad;
- Supplementing diplomatic missions with personnel from the Registry of electoral officials, for the whole period of conducting electoral process;
- Involvement of Moldovan organizations / associations in informing Moldovan migrants about the voting process and their mobilization for registration and participation at the voting.

## ANNEXES

*Table 5. Countries and types of elections where voting of citizens abroad is allowed*

Type of elections	Number of cases	Countries
Legislative	31	Angola, Australia, Azerbaijan, Bangladesh, Belgium, Botswana, Czech Republic, Fiji, Germany, Gibraltar, Greece, Guernsey, Guinea-Bissau, Guyana, India, Iraq, Japan, Jersey, Laos, Lesotho, Luxembourg, Marshall Islands, Nauru, the Netherlands, Oman, Pitcairn, Island, South Africa, Thailand, Turkey, United Kingdom of Great Britain, Zimbabwe
Presidential	14	Afghanistan, Benin, Bolivia, Brazil, South-African Republic, Chad, Cote d'Ivoire, Dominican Republic, Ecuador, Honduras, Mexico, Panama, Tunisia, Venezuela
Legislative, presidential	20	Argentina, Bulgaria, Cape Verde, Croatia, Djibouti, Equatorial Guinea, Georgia, Ghana, Guinea, Indonesia, Israel, Mozambique, Namibia, Nicaragua, Philippines, Romania, Sao Tome and Principe, Senegal, Singapore, Syria
Legislative, presidential, referendums	11	Austria, Colombia, Moldova, Peru, Poland, Portugal, Rwanda, Slovenia, Tajikistan, Ukraine, Uzbekistan
Legislative, presidential sub-national, referendums	6	Algeria, Belarus, Ireland, Russia, Togo, United States
Legislative, referendums	7	Canada, Cook Islands, Estonia, Hungary, Italy, Latvia, Sweden
Presidential, Referendums	7	France, Gabon, Kyrgyzstan, Lithuania, Mali, Niger, Yemen
Different combinations	19	Bosnia and Herzegovina, Denmark, Falkland Islands, Finland, Island, Iran, Man Islands, Kazakhstan, Liechtenstein, Malaysia, Mauritius, Micronesia, New Zealand, Norway, Palau, Spain, Sudan, Switzerland, Vanuatu
Referendums	-	-

**Table 6. Countries that restrict the right to vote abroad for their own citizens**

<b>Name of countries</b>	<b>Categories of citizens who can vote abroad</b>
Bangladesh	Only governmental officials who are on duty trip
Fiji	Only citizens who are abroad, having official status or those who are abroad on official military missions, those who work for international organizations to which their country is a state party, or those who work for companies registered in Fiji.
Ghana	Only diplomats and employees of the United Nations Organization, of other international organizations, militaries who are abroad for peace-keeping missions, students.
Guyana	Only governmental employees or employees of public corporations who are on duty trip or students
India	Only militaries and public officials who are on duty trip abroad
Ireland	Only citizens with diplomatic missions and militaries who are abroad
Israel	Only citizens with diplomatic missions and militaries who are abroad
Laos	Only citizens who represent the state abroad
Lesotho	Only citizens with diplomatic missions and militaries who are abroad
Malaysia	Only officials with diplomatic status and students who are abroad for studies
Mauritius	Only officials with diplomatic status
Singapore	Only employees contracted by governmental structures
South Africa	Only representatives of diplomatic corps and registered voters, who are temporary abroad
Zimbabwe	Only citizens who are on diplomatic and military missions abroad



**Table 7. Calendar program for implementation of actions foreseen in the Electoral Code with an eventual impact on the voting from abroad**

X – date when Electoral Day was announced by the Parliament

Y – Electoral Day

Z – date of registration of each electoral contestant

⇄ – interval of time between the two dates

No	Deadline for implementation	References	Action	Executor
1	2	3	4	5
1.	X ⇄ >60 ⇄ Y	At least 60 days prior to the day of elections	Calling the date of parliamentary elections (Article 76(2)) Publishing decision of the Parliament (Presidential Decree) in Official Gazette ( <i>Monitorul Oficial</i> ). Beginning of the electoral process. <b><i>Comment: By that moment, inter-governmental agreements concerning the possibility of opening polling stations outside diplomatic missions should exist. From considerations of temporary limitation, registration of voters abroad should start</i></b>	Parliament
2.	X< ⇄ Y	From the beginning of electoral period (or even before it begins) and until the day of elections	Accreditation of observers on behalf of public associations from the Republic of Moldova (Article 63 (4)) and international institutions. <b><i>Comment: From considerations of temporary limitation, selection of persons who will create mobile teams and observers for external voting should start</i></b>	CEC
3.	X ⇄ 2+X	Within 2 days since the beginning of the period of nomination of candidates	Informing the public about the place and time for receiving the necessary documents for registration of candidates (Article 44 (2)). <b><i>Comment: In order to adequately inform voters who are abroad, it is necessary that the CEC website, together with the websites of civil society organizations, starts informing citizens about electoral contestants and procedures</i></b>	CEC
4.	Ibid.	After adoption of the Parliamentary decision concerning calling the	Publication of the list of parties and other socio-political organizations entitled to run in elections, based on the data provided by the Ministry of Justice (Article 26 (d)). <b><i>Comment: It is necessary that the websites of the CEC and Ministry of</i></b>	CEC

		Electoral Day	<b><i>Justice offer a minimum quantum of information concerning their political parties and programs</i></b>	
5.	Ibid.	After adoption of the Parliamentary decision concerning calling the Electoral Day	Printing lists of signatures in support of independent candidates (Article 42). <b><i>Comment: Clear instructions of the CEC should exist concerning the rights of citizens who are abroad and eventual ways of their participation at the collection of signatures in favour of independent candidates, in case they are entitled to submit candidates. The issue at stake is whether citizens who are abroad are offered facilities for realization of only their active electoral rights or those passive as well?</i></b>	CEC
6.	Ibid.	After adopting the decision of the Parliament concerning calling the Electoral Day	Approving the Calendar Programme for realization of actions regulated by the Electoral Code for elections of the Parliament of the Republic of Moldova (Article 26). <b><i>Comment: Voting from abroad will require elaboration of a special calendar of electoral events, associated with the basic electoral calendar</i></b>	CEC
7.	Ibid.	After adopting decision of the Parliament concerning calling the Electoral Day	Approving the estimation of expenses necessary for conducting elections (Article 24, 35 (1)). <b><i>Comment: Estimative calculations of voting from abroad will be necessary for attracting both budgetary resources for ensuring voting procedures, as well as financial resources from private sources for ensuring travelling costs of observers appointed by electoral contestants and by civil society</i></b>	CEC
8.	Ibid.	After adopting decision of the Parliament concerning calling the Electoral Day	Adopting the Concept and Regulation concerning reflection of electoral campaign in mass-media (Article 46 (1), 35 (7)). <b><i>Comment: Prior publication of schedule of electoral programs is necessary, especially in case of TV channels that broadcast on-line</i></b>	CEC
9.	Ibid.	After adopting decision of the Parliament concerning calling the Electoral Day	Adopting decision concerning templates of voter lists for elections in the Parliament of the Republic of Moldova (Article 39). <b><i>Comment: In case of voting from abroad, templates of voter lists shall be elaborated long time in advance, so that citizens registered for voting from abroad could be identified without equivoque,</i></b>	CEC

			<i>and could be deleted from the basic voter lists</i>	
10.	Ibid.	By beginning of registration of the candidates	Establishing the number of authorized representatives of electoral contestants (Article 45 (1)). <b><i>Comment: Authorized representatives of electoral contestants should also be taking into consideration when facilitating their trips abroad (obtaining visas) for communication with the voters</i></b>	CEC
11.	Ibid.	By beginning of registration of the candidates	Establishing the ceiling of funds to be transferred to the electoral accounts of electoral contestants (Article 38 (2)). <b><i>Comment: The problem of financial contribution of Moldovan citizens abroad to the campaigns of the electoral contestants remains unclear. The problem concerning the origin of the money earned abroad and transferred to the Republic of Moldova loses its actuality. In order to avoid eventual abuses connected to the use of financial resources of dubious origin from abroad, a ceiling should be established for personal contributions</i></b>	CEC
12.	Ibid.	Until or immediately after setting up electoral districts	Approving the template of the identification card to be issued to the members of the district electoral councils, representatives of electoral contestants in district electoral councils and precinct electoral bureaus (Article 15, 27). <b><i>Comment: Diplomatic missions of the Republic of Moldova where additional polling stations will be opened, should have an equal status to the district electoral council in order to be able to coordinate the opening and functioning of polling stations</i></b>	CEC
13.	Y-10	Latest 10 days prior to the Electoral Day	Informing the public about the time and place of voting (Article 50). <b><i>Comment: In case of external voting, the public should be informed in advance about the place of voting outside the diplomatic missions, so that they could plan the eventual travelling to the polling station situated outside the diplomatic mission. Mobile teams of electoral officials and observers should also know in advance the place of the polling station</i></b>	Precinct electoral bureaus, CEC

14.	Y-3	Latest 3 days prior to the Electoral Day	Printing ballot papers (Article 49 (2)). <b><i>Comment: In case of a larger voting from abroad, printing of ballot papers should probably take place the latest 7 days prior to the Electoral Day, in order to make sure that mobile teams of electoral officials manage to transport electoral materials</i></b>	CEC
15.	Y-3	Latest 3 days prior to the Electoral Day	Sending ballot papers to the district electoral councils (Article 49). <b><i>Comment: Sending ballot papers to the polling stations abroad should be done by the mobile teams of electoral officials, by ensuring all security measures necessary for their transportation and keeping, or ballot papers should be transmitted to the diplomatic missions accredited abroad and to be taken over from there by the mobile teams of electoral officials</i></b>	CEC
16.	Y	ELECTORAL DAY	Voting is conducted from 7.00 a.m. to 8.00 p.m (Article 50). <b><i>Comments: Considering that the number of electoral officials delegated to the polling stations abroad will be substantially reduced, the list of instructions, their detailed obligations and responsibilities should be distributed in advance</i></b>	
17.	Ibid.	Systematically during the day	Informing the public about the voting. <b><i>Comments: This requirement should be binding also for the polling stations abroad in order to ensure calmness and demonstrate that voting from abroad is conducted according to the relevant provisions</i></b>	CEC
18.	Ibid.	After voting is closed and votes are counted	Handing over the minutes of the electoral bureaus concerning the results of voting to the representatives of electoral contestants and observers from NGOs. <b><i>Comment: Preliminary data concerning the results of voting from the polling stations abroad should be transmitted as soon as possible to the diplomatic missions and the CEC</i></b>	Precinct electoral bureaus
19.	5+Y	Within 5 days after elections	Tabulation of results in the country and preparation of the protocol (Article 60 (1)). <b><i>Comment: By that date information from the polling stations abroad should be tabulated</i></b>	CEC
20.	Not later	After	Submitting the results of the tabulation of	CEC

	than 14+Y	finalization of the counting	votes in the country to the Constitutional Court for confirmation of elections' results and validation of mandates (Article 60 (3)). <b><i>Comment: By that date verification of the lists with the names of voters who have voted abroad should be finalized</i></b>	
21.	14+Y	Within 2 weeks after elections	If elections are declared invalid or null, repeat voting is organized (Article 93 (1)). <b><i>Comment: The greatest risk related to challenging the correctitude of elections may come from the voting from abroad</i></b>	CEC

**Table. 8. Budget estimate for opening a polling station outside the diplomatic mission in Russia, Spain and Canada**

	unit	Spain No. of units	Russia No. of units	Canada No. of units	Price, Moscow, Euro	Price, Madrid, Euro	Price, Toronto, Euro	Total cost, Spain	Total cost, Russia	Total cost, Canada
Category 1: Human Resources										
Representative of the central electoral bureau (average salary+25%)	1 month	7	7	7	211 €	211 €	211 €	1,477 €	1,477 €	1,477 €
Social fund and health insurance paid by the CEC (27% of total salaries)								399 €	399 €	399 €
<b>Subtotal "Human Resources"</b>								1,875 €	1,875 €	1,875 €
Category 2: Transportation and accommodation										
Chisinau-Moscow-Chisinau	Per flight		6		217 €			0 €	1,302 €	0 €
Chisinau-Madrid-Chisinau	Per flight	6				423 €		2,538 €	0 €	0 €
Paris-Madrid-Paris	Per flight	1				50 €		50 €	0 €	0 €
Chisinau-Toronto-Chisinau	Per flight			6			960 €	0 €	0 €	5,760 €
Washington-Toronto-Washington	Per flight			1			430 €	0 €	0 €	430 €
Local transportation	Lump sum	7	7	7	50 €	40 €	113 €	280 €	350 €	791 €
Accommodation of representatives of the central electoral bureau (apartment-hotel)	Per night	30	30	30	100 €	120 €	120 €	3,000 €	3,600 €	3,600 €
Per diem	Per day	210	180	210	25 €	24 €	24 €	5,250 €	4,320 €	5,040 €
Two-way transport of materials rapid mail	Per ballot	1	1	1	630 €	670 €	800 €	630 €	670 €	800 €
Visa	Per visa	6	0	6	0 €	35 €	60 €	210 €	0 €	360 €
<b>Subtotal "Travel"</b>								11,958 €	10,242 €	16,781 €
Category 3: Electoral registration, communication and training expenses										
Training of the electoral staff*					0 €	0 €	0 €			

Public communication for registration of electors	Lump sum	1	1	1	2,000 €	2,000 €	2,000 €	2,000 €	2,000 €	2,000 €
Observation of elections**								0 €	0 €	0 €
External voter registration***								0 €	0 €	0 €
<b>Subtotal "Voter registration, communication and training expenses"</b>								2,000 €	2,000 €	2,000 €
Category 4: Administration of the voting procedure										
Office rent (21 sq.m)	Per day	30	30	30	300 €	160 €	273 €	9,000 €	4,800 €	8,195 €
Consumables	Lump sum	1	1	1	100 €	100 €	100 €	100 €	100 €	100 €
Other services (tel/fax)	Per day	30	30	30	20 €	25 €	30 €	600 €	750 €	900 €
Incidental costs	~1% of total cost							255 €	198 €	299 €
<b>Subtotal Administration</b>								9,955 €	5,848 €	9,494 €
<b>Total expenses</b>								<b>€25,789</b>	<b>€19,965</b>	<b>€30,150</b>
<b>Average cost</b>										<b>€25,301</b>

Notes:

\* financing from the external financial assistance provided to CEC

\*\* election observation costs will be covered by political parties and NGOs concerned

\*\*\* activity covered by the electoral staff's salaries