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OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

UPDATED REPORT

ON

OUT-OF-COUNTRY VOTING

Approved by the Council for Democratic Elections
at its 88th meeting (Venice, 8 October 2026)

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at its 148th Plenary Session
(Venice, 9-10 October 2026)

On the basis of comments by

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I. Introduction

1. At its 84th meeting of 8 October 2025, the Council for Democratic Elections of the Council of Europe requested the Venice Commission to update its 2011 Report on Out-of-country Voting ("the 2011 Report").[1]

2. Mr Felipe de la Mata Pizaña, Ms Regina Kiener, Mr Saša Zagorc and Mr Dainius Žalimas acted as rapporteurs for this Updated Report.

3. Relevant national legislation on out-of-country voting ("OCV") in Venice Commission's member and observer states has been collected by the Secretariat (CDL-REF(2026)021), and reviewed by the Venice Commission members and observers. On this basis, comparative research has been carried out focusing on member and observer states of the Venice Commission and several Latin American states, in view of the considerable attention OCV receives in Latin America.[2]

4. This Updated Report was prepared in reliance on the English translation of the relevant national legislation. The translation may not accurately reflect the original versions on all points.

5. This Updated Report was drafted on the basis of comments by the rapporteurs, the results of the comparative research, as well as the results of an exchange of views on the progress in the preparation of the Updated Report which was held at the 87th meeting of the Council for Democratic Elections (Venice, 11 June 2026). The Updated Report was approved by the Council on Democratic Elections at its 88th meeting (Venice, 8 October 2026) and was adopted by the Venice Commission at its 148th Plenary Session (Venice, 09-10 October 2026).

II. Background

6. The 2011 Report, which was based on a survey of 57 member states of the Venice Commission, underlined that, while "the denial of the right to vote to citizens living abroad or the placing of limits on that right constitute[d] a restriction of the principle of universal suffrage, the Commission [did] not consider at [that time] that the principles of the European electoral heritage require[d] the introduction of such a right".[3] However, the 2011 Report concluded that states, in view of citizens' European mobility, and in accordance with the particular situation of certain states, "should adopt a positive approach to the right to vote of citizens living abroad".[4]

7. Since 2011, the landscape surrounding the right to vote of citizens residing abroad, as well as its exercise from abroad, has considerably changed. In today's more globalised world, citizens find it easier to relocate and settle abroad. Thanks to technological developments, they are now in a much better position to maintain cultural and political ties with their country of origin, including participating in democratic processes such as voting.

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[1] Venice Commission, CDL-AD(2011)022, *Report on out-of-country voting* ("2011 Report").
[2] The Updated Report benefited in this regard from additional research on certain Latin American states (Argentina, *Bolivia*, Brazil, Chile, Costa Rica, *Colombia*, *Cuba*, *Dominican Republic*, *Ecuador*, *El Salvador*, *Guatemala*, *Honduras*, Mexico, *Nicaragua*, *Panama*, *Paraguay*, Peru, *Suriname*, Uruguay, *Venezuela* - in particular for those states - in *italics* - that are neither member nor observer states of the Commission), which was conducted by Mr Felipe de la Mata Pizaña, substitute member of the Venice Commission in respect of Mexico and Justice at the Electoral Tribunal of the Federal Judiciary of Mexico.
[3] 2011 Report, § 98.
[4] 2011 Report, § 99.

8. However, the right to vote of citizens residing abroad as well as the modalities for exercising that right, remain a delicate question, with divisive implications. Especially in countries with a large diaspora, decisions on whether citizens residing abroad should be allowed to vote, whether they could do so from abroad and pursuant to which legal and administrative arrangements can have a significant impact on the electoral process and the election results.

9. Specific challenges for Electoral Management Bodies ("EMBs") and other electoral stakeholders, that might constitute an obstacle to the full implementation of voting from abroad, have also considerably evolved. The challenges that persist are preparing specific electoral registers, putting in place measures to avoid fraud, impersonation and double-voting, ensuring the reliability of remote voting methods such as postal and electronic voting, dispatching ballots and voting materials worldwide, training polling station staff abroad and ensuring swift and impartial electoral dispute resolution. The relationship between the State conducting elections abroad and the State in which voting is to take place can also be a challenge, in particular when voting takes place at embassies or consulates, as diplomatic tensions and security concerns may affect the feasibility of OCV.

10. While technology has created new possibilities for engaging citizens residing abroad, it has also introduced new vulnerabilities and challenges that undermine the fairness and credibility of elections. Rapid advancements in technology have in fact fundamentally altered the context in which elections take place. Increased reliance on digital communication creates opportunities for electoral campaigns to be influenced or disrupted from afar. Foreign interference in democratic processes, whether through illicit financing, vote buying, covert or opaque support for political actors, or by use of digital technologies, is a serious and increasing threat to democracy, which may threaten voters' free formation and expression of political will.[5] Moreover, oversight of the compliance with the regulations on political party and election campaign financing in respect of citizens residing abroad or campaigns in host countries targeting the diaspora can be extremely challenging, with the institutions being charged with monitoring election campaign financing and the financing of political parties having limited access to financial information on non-resident voters and limited monitoring capacities.[6]

11. Additionally, the increase in national and global crises, such as pandemics, natural disasters, terrorist attacks, armed conflicts and hybrid threats, can seriously disrupt electoral processes[7] and bring new challenges to OCV, endangering both the practical organisation of elections and risking having severe impacts on fundamental rights and freedoms essential to democratic participation.[8]

III. Scope of the Updated Report

12. For the purposes of this report, "out of country voting (OCV)" is used as an umbrella term covering the legal and administrative arrangements allowing eligible voters residing, permanently or temporarily, outside the national territory to exercise their right to vote in elections of their country of citizenship from their place of residence abroad. It is designed to facilitate the exercise by citizens residing abroad of their right to vote and to allow them to participate fully in the electoral process.

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[5] Venice Commission, CDL-AD(2026)007, *Republic of Moldova – Opinion on Law no. 100/2025 containing a set of legislative amendments aiming to combat electoral corruption*, § 35. *See* also PACE Resolution 2593 (2025) and Recommendation 2292 (2025) on "Foreign interference: a threat to democratic security in Europe", 8 April 2025, and Congress of Local and Regional Authorities, CG(2025)48-10, Foreign interference in electoral processes at local and regional levels, 26 March 2025, § 123.
[6] IFES, Securing the Vote beyond Borders, 2026, pp. 44-46.
[7] PACE, Resolution 2636 (2026), Elections in times of crisis, § 2.
[8] PACE, Recommendation 2301 (2026), Elections in times of crisis, § 2.

13. Citizens abroad on election day may be roughly divided into three categories: those residing permanently abroad; those residing temporarily abroad; and those who are just travelling abroad on election day. The Commission notes that there is no common definition of the concept "residence" or "domicile".[9] Moreover, there exist citizens who reside *de facto* abroad and are still registered as residents in their country of citizenship (see paragraph 29 below). Against this background, this Updated Report generally employs the expression "citizens residing abroad" to refer to citizens who live, either permanently or temporarily, outside their country of citizenship, excluding those who are just travelling abroad on election day.[10]

14. While the rules on nationality (including provisions regarding acquisition, transmission and loss of nationality) affect the size and composition of citizen population abroad, and therefore the impact of OCV, they will not be addressed in the Updated Report.

15. The initial study focused on the question of the right to vote of citizens residing abroad and its exercise from abroad and did not explicitly deal with the matter of eligibility to stand for election. The Updated Report will follow the same approach. However, it is worth recalling that the European Court of Human Rights ("the Court" or "the ECtHR") has been more cautious in its assessment of restrictions under the "passive" aspect of Article 3 of Protocol No. 1, namely the right to stand as a candidate for election, than when it has examined restrictions on the right to vote. In principle, states enjoy a wider margin of appreciation when it comes to restriction of the "passive" aspect of the right to free elections.[11]

16. The Updated Report focuses on findings arising from the comparative research carried out by the Venice Commission. In this regard, the Venice Commission emphasises that: (i) while every effort has been made to ensure accuracy of the comparative material, the Venice Commission cannot guarantee the completeness of the information presented; (ii) examples singled out in the Updated Report are not meant to be exhaustive and are presented for comparative purposes only and do not amount to an endorsement of the compatibility of any specific national arrangement with European or international standards. Lastly, the Venice Commission reiterates that evidence from different legal systems cannot be definitively compared in isolation from the entire legal framework and without taking the specific broader social, political and historical background into account.

IV. European and international standards

A. International standards

17. The right to participate in public affairs and to vote is enshrined in Article 21 of the Universal Declaration of Human Rights (UDHR)[12] and Article 25 of the International Covenant on Civil and Political Rights (ICCPR).[13]

18. The UN Human Rights Committee (HRC), in its General Comment No. 25 (1996) does not directly address the issue of the right to vote of "citizens living abroad" nor the issue of its exercise from abroad, but clarifies that certain restrictions on voting rights, such as age, citizenship, or residence requirements, may be permissible; they must be objective and

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[9] Venice Commission, CDL-AD(2015)040, *Summary Report on voters residing* de facto *abroad*, § 1.
[10] Other expressions such as "citizens living abroad", "citizens abroad", and "non-residents" (in the country of citizenship) are used in particular where they reflect the terminology of a source cited.
[11] ECtHR, *Etxeberria Barrena Arza Nafarroako Autodeterminazio Bilgunea and Aiarako and others v. Spain*, nos. 35579/03, 35613/03, 35626/03 and 35634/03, 30 June 2009, § 50 and *Melnychenko v. Ukraine*, no. 17707/02, 19 October 2004, § 57.
[12] Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 (1948), art. 21.
[13] International Covenant on Civil and Political Rights, adopted 16 December 1966, entered into force 23 March 1976, 999 UNTS 171.

reasonable, and may not be discriminatory.[14] In a case concerning voting from abroad, the HRC has however found that "*[a]s far as the domestic law grants a right to vote to its citizens living abroad, the State party is obliged to guarantee that right in accordance with Article 25*".[15]

19. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is the only international instrument recognising the right to vote for citizens residing abroad (for a specific category of individuals). [16] At its Article 41, states:

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

This Convention has been ratified by four Council of Europe Member states (Albania, Azerbaijan, Bosnia and Herzegovina and Türkiye) and by eight other non-CoE Venice Commission member and observer states (Algeria, Argentina, Chile, Kyrgyzstan, Mexico, Morocco, Peru, Uruguay) and counts globally a total of 60 states parties. Therefore, it appears that this Convention may not reflect customary international law.

B. European standards

1. The case-law of the European Court of Human Rights

20. Article 3 of Protocol No. 1 to the European Convention on Human Rights ("ECHR") states that "(t)he High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature". Such right is not absolute, and states retain a wide margin of appreciation in regulating electoral participation. There is room for "implied limitations", and the Contracting States must be given a wide margin of appreciation in this sphere, meaning that they can justify a restriction by reference to any aim which is compatible with the principle of the rule of law and with the general objectives of the Convention.[17] For a measure to be deemed compatible with Article 3 of Protocol No. 1, the ECtHR must be satisfied that the conditions to which the right to vote is made subject do not curtail the right to such an extent as to impair its very essence and deprive it of its effectiveness; that they are imposed in pursuit of a legitimate aim; and that the means employed are not disproportionate. In addition, the Court underlines that numerous ways of organising and running electoral systems exist; accordingly, the proportionality assessment needs to be carried out also in the light of the socio-political realities of the country concerned, meaning that unacceptable features in one system may be justified in another.[18] Lastly, the Court found that the scope of Article 3 of Protocol is limited to the "the choice of the legislature" and does not cover, at least in principle, and subject to specific exceptions, presidential and local elections and referenda.[19]

a. The right to vote of citizens residing abroad

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[14] Human Rights Committee, *General Comment No. 25*, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (12 July 1996), para. 4, 11.
[15] Human Rights Committee, *Dorin Şeremet et al. v. Republic of Moldova*, 21 October 2021, § 6.4.
[16] https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers.
[17] ECtHR, among many others, *Ždanoka v. Latvia*, no. 58278/00, 16 March 2006, § 103.
[18] ECtHR, *Shindler v. the United Kingdom*, no. 19840/09, 7 May 2013, § 102.
[19] Concerning referenda see ECtHR, *Cumhuriyet Halk Partisi v. Turkey* (dec.), no. 48818/17, §§ 33-34 and 37-38, 21 November 2017; concerning presidential elections see ECtHR, *Anchugov and Gladkov v. Russia*, nos. 11157/04 and 15162/05, 4 July 2013, §§ 55-56; concerning local elections see *Xuereb v. Malta* (dec.), no. 52492/99, 15 June 2000 (municipal elections) and *Malarde v. France* (dec.), no. 46813/99, 5 September 2000 (regional elections).

21. The Court clarified that residence-based restrictions to the right to vote can be justified for a number of reasons:

- first, the presumption that "non-resident citizens" (in their country of citizenship) are less directly or less continuously concerned by their country's day-to-day problems and have less knowledge thereof;
- second, the fact that it will be more difficult for candidates standing for election to parliament to present election issues to "citizens living abroad", who will also have less influence on the selection of candidates or on the drafting of their electoral programmes;
- third, the close connection between the right to vote in parliamentary elections and being directly affected by the acts of the political bodies thus elected; and
- fourth, the legitimate concern that the legislature may have to limit the influence of "citizens living abroad" in elections concerning issues which, while admittedly fundamental, primarily affect those living in the country.[20]

At the same time, the Court clarified that it is indeed possible that an applicant may not have severed ties with his country of origin and that some of the factors indicated above are inapplicable to their case. However, it noted that the law cannot take account of every individual case but must lay down a general rule.[21]

22. In the case of *Shindler v. the United Kingdom*, the Court found that the fact that UK "non-residents" could vote in national elections only for the first fifteen years following their emigration and that their right was, in any event, restored if and when they returned to live in their country of origin, did not amount to a disproportionate interference with their right to vote and did not therefore constitute a violation of Article 3 of Protocol No. 1.[22] The Court also reiterated that the ease with which an applicant can acquire the citizenship of his/her State of residence, and thus exercise his/her right to vote in that country, may be relevant to the proportionality of a residence requirement in his State of origin.[23] While underlining that there was "a growing awareness at the European level of the problems posed by migration in terms of political participation in the countries of origin and residence", none of the material examined formed a basis for concluding that, as the law currently stood, States were under an obligation to grant "non-residents" unrestricted access to the franchise.[24] While the Court recognised a clear trend, in the law and practice of the member States, to allow "non-residents" to vote, this was not sufficient to establish the existence of any common approach or consensus in favour of unrestricted voting rights for "non-residents". The Court thus concluded that, although the matter might need to be kept under review, the margin of appreciation enjoyed by States in this area remained a wide one.[25]

b. The right to vote from abroad

23. In the case of *Sitaropoulos and Giakoumopoulos v. Greece*, the Court specifically tackled the conditions governing the right to vote of "citizens living abroad" when it dealt with the case of Greek citizens who could not vote from abroad despite the existence of a specific constitutional provision which delegated to ordinary legislation the regulations of the conditions for expatriate voters to exercise voting rights. The Grand Chamber departed from the findings of the Chamber and concluded that the very essence of the applicants' voting rights guaranteed by Article 3 of Protocol No. 1 had not been impaired, *inter alia* because it was not convinced that traveling back to Greece would have imposed a disproportionate burden on

[20] ECtHR, *Hilbe v. Liechtenstein* (dec.), no. 31981/96, 7 September 1999.
[21] *Ibid.*
[22] ECtHR, *Shindler v. the United Kingdom*, cited above, §§ 107-118.
[23] ECtHR, *Shindler v. the United Kingdom*, cited above, § 106.
[24] *Ibid.*, § 114.
[25] *Ibid.*, § 115.

the applicants. While recalling that the right to vote, the "active" element of the rights under Article 3 of Protocol No. 1, is not a privilege and that the presumption in a democratic State must be in favour of inclusion,[26] the Court also reiterated that Article 3 of Protocol 1 does not impose an obligation to guarantee a mechanism for "citizens living abroad" to vote abroad.[27] In doing so, it also relied on extensive comparative material.[28]

24. In the case of *Riza and Others v. Bulgaria* the Court held that, where the national law does provide for a system that ensures the exercise of the right to vote by non-resident citizens from abroad, specific obligations might arise (in the case at stake the obligation to hold fresh election where necessary),[29] to ensure that the right to vote is not rendered meaningless.

25. Lastly, in the case of *Vámos v. Hungary*, the Court held that where the State does permit voting from abroad, even though this is not an obligation under Article 3 of Protocol no. 1, it must do so in a non-discriminatory manner.[30]

2. Other Council of Europe standards

a. The right to vote of citizens residing abroad

26. The Code of Good Practice in Electoral Matters (hereinafter "the Code of Good Practice") provides that if elections are to comply with the common principles of the European electoral heritage, which form the basis of any genuinely democratic society, they must observe five fundamental rules: suffrage must be universal, equal, free, secret and direct.[31] When dealing with the universality of the suffrage, the Code recognises that the right to vote may be subject to a number of conditions, including residence; accordingly, it does not require states to grant the right to vote to citizens residing abroad, but states that the right to vote and to be elected *may* (emphasis added) be accorded to citizens residing abroad.[32]

b. The right to vote from abroad

27. Over time, the Venice Commission has issued a series of opinions that address specific aspects of OCV, either as a central topic or as an incidental matter, in the context of domestic reforms or proposals: the organisation of vote from abroad,[33] the introduction of postal voting for citizens residing abroad,[34] the establishment of polling stations abroad,[35] provisions regarding voting registration for OCV.[36]

28. Among the conditions for implementing the principles of the European electoral heritage, the Code of Good Practice provides that the fundamental elements of electoral law should not be open to amendment less than one year prior to an election.[37] In this regard, the Commission

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[26] ECtHR, *Hirst v. the United Kingdom (no. 2)* [GC], no. 74025/01, 6 October 2005, § 59.
[27] ECtHR, *Sitaropoulos and Giakoumopoulos v. Greece* [GC], no. 42202/07, 15 March 2012, § 71.
[28] *Ibid.*, §§ 72-75.
[29] ECtHR, *Riza and Others v. Bulgaria*, nos. 48555/10 and 48377/10, 13 October 2015, §148.
[30] See ECtHR, *Vámos v. Hungary* (dec.), no. 48145/14 and 8 others, 17 February 2015, § 16; see also *mutatis mutandis* ECtHR, *Bakirdzi and E.C. v. Hungary*, nos 49636/14 and 65678/14, 10 November 2022, § 49.
[31] Venice Commission, CDL-AD(2002)023rev-cor, *Code of Good Practice in Electoral Matters*.
[32] *Ibid.*, at I.1.1.c.
[33] Venice Commission and OSCE/ODIHR, CDL-AD(2007)012, *Joint Opinion on the draft working text amending the Election Code of "the former Yugoslav Republic of Macedonia"*, §§ 12-15.
[34] Venice Commission, CDL-AD(2024)022, *Republic of Moldova – Opinion on the law on the partial implementation of the postal vote*.
[35] CDL-AD(2017)016, cited above and CDL-AD(2007)012, cited above, §§ 9-11.
[36] Venice Commission and OSCE/ODIHR, CDL-AD(2007)030, *Joint Opinion on the Draft Law on Voters Lists of Croatia*.
[37] This principle has been interpreted in the sense that it does not take precedence over the other principles of the Code of Good Practice and should not be invoked to maintain a situation contrary to international electoral standards, to prevent amendments in accordance with these standards based on consensus between government

found that the principle of stability of electoral law applies equally to provisions concerning the right to vote of citizens residing abroad and OCV, insofar as those provisions touch upon fundamental elements of electoral law.[38] Among others, rules that determine the right to vote and stand for elections, the drawing of constituency boundaries, the electoral system and essential elements of the voting process are fundamental rules of electoral law and should in principle not be changed less than one year before an election.[39] The Commission has consistently criticised late amendments to the electoral law, also concerning OCV provisions.[40]

29. In 2015, the Venice Commission adopted the Summary Report on voters residing *de facto* abroad ("the 2015 Summary Report"),[41] in which it dealt with the specific issue of citizens residing *de facto* abroad while still being registered as resident in their country, which had not been dealt with in the 2011 Report. The Commission found that while there is no international standard yet on the right to vote of citizens abroad nor on the definition of residence, consistency and effectiveness of electoral legislation and practice have to be ensured. This implies respect for the "one person – one vote" principle: universal suffrage for all those admitted to vote but also the exclusion of impersonation and multiple voting. The latter aspect appears to be the main concern when talking about voters *de facto* abroad.[42] To tackle such risks, the Commission called for enhanced precautions (such as improving the security of electoral registers and identity controls at the polling station).[43]

30. In Resolution 1459(2005), the Parliamentary Assembly of the Council of Europe found that member states should "take appropriate measures to facilitate the exercise of […] voting rights [of their citizens living abroad] as much as possible", in particular by providing for methods allowing voting from abroad and called on co-operation among member states for this purpose.[44] In its Resolution 1897(2012) it further called on member states to foster citizens' participation in the electoral process, by facilitating voting abroad, including through remote voting methods, subject to transparent criteria and on the condition that the security and secrecy of the vote are guaranteed.[45]

31. On the other hand, the Congress of Local and Regional Authorities has stressed the need of a "genuine link" (permanent residence, central point of life interests etc.) between a voter and the country in which a voter casts the ballot at local level, finding that "grassroots elections should be decided by the voters residing in a community and having the right to participate in the affairs of a local authority"[46] and drawing the attention to the problem of voters on electoral lists who *de facto* live abroad.[47]

V. Comparative overview

32. Since the adoption of the 2011 Report, the comparative material indicates a clear trend towards a broader recognition of OCV: among Venice Commission member and observer

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and opposition and on broad public consultations, or to prevent the implementation of decisions by national constitutional courts or supreme courts with equivalent jurisdiction, international courts or of recommendations by international organisations, see Venice Commission, Revised interpretative declaration on the stability of electoral law, CDL-AD(2024)027, at II.B.1.

[38] CDL-AD(2024)022, cited above, §§ 14-15 and Venice Commission and OSCE/ODIHR, CDL-AD(2017)016, *Bulgaria – Joint Opinion on amendments to the Electoral Code*, § 68.

[39] See also CDL-AD(2024)027, cited above, at II.B.5.

[40] CDL-AD(2024)022, cited above, §§ 16, 20 and 22 concerning late implementation of partial postal voting; see also CDL-AD(2017)016, cited above, §§ 66-70.

[41] CDL-AD(2015)040, cited above.

[42] *Ibid.*, § 35.

[43] *Ibid.*, §§ 37-39.

[44] PACE, Resolution 1459(2005) and Recommendation 1714(2005), *Abolition of restrictions on the right to vote*.

[45] PACE, Resolution 1897 (2012), *Ensuring greater democracy in elections*, § 8.1.12.

[46] Congress of Local and Regional Authorities, REC 525(2025), § 2(b), 26 March 2025.

[47] Congress of Local and Regional Authorities, CG/2015(28)6FINAL, *Electoral lists and voters residing de facto abroad*, 13 March 2015.

states, the possibility for citizens residing abroad to vote from their country of residence has been introduced, in different forms and to different degrees, in a number of countries, including **Albania**, **Andorra**, **Chile**, **Cyprus**, **Greece**, **Morocco**, and **Türkiye**. In several other countries, including **Argentina**, **Czechia**, **Latvia**, **Lithuania**, the **Republic of Moldova**, **Spain**, provisions on OCV have been amended to facilitate its implementation. Only one country, **Georgia**, has since 2011 abolished OCV.[48]

33. Global data shows a similar trend: it has been reported that, as of 2020, 125 states and territories out of 216 allow people residing abroad to participate in legislative elections from their country of residence, and 88 allow participation in presidential elections. As of 2020, 73 per cent of states and territories had adopted some form of OCV, marking a global increase of 16 per cent compared to 2007.[49]

34. Out of the 77 countries covered by this Updated Report (64 Venice Commission member and observer states plus 13 Latin American states), 66 countries provide for the right to vote of citizens abroad from their country of residence and seven do not provide for such right. Four other countries only provide it for very specific and limited categories of persons. In particular, **Cuba**, **Georgia**, **Malta**, **Nicaragua**, **San Marino**, **Suriname** and **Uruguay** do not allow for OCV. **Armenia**,[50] **Ireland**[51] and **Israel**[52] only provide voting from abroad for very specific and limited categories of persons, such as diplomatic personnel, the army, students, or members of certain organisations (and their families). **Liechtenstein** only provides it for those persons who have a place of residence in Liechtenstein one month before the date of the elections or the referendum or for those who are abroad to attend an educational institution or for seasonal work, or who are temporarily accommodated in a foreign sanatorium.[53]

35. Against this background, the following comparative analysis first considers the legal basis of the underlying right to vote of citizens residing abroad and of OCV. It then addresses the scope of the right to vote of citizens residing abroad, namely the rules defining the pool of citizens who retain the right to participate in elections of their country of citizenship. The scope and the implementing rules of OCV are then addressed, including rules on out-of-country voter registration, the elections covered, OCV voting methods, the mechanisms for the allocation of votes cast abroad in parliamentary elections and rules on OCV electoral observation.

A. The legal basis of the right to vote of citizens residing abroad and of OCV

1. Constitutional and legislative

36. In 50 out of 66 states[54] in which citizens residing abroad have the right to vote from their country of residence, the Constitution does not expressly refer to the right to vote of its citizens residing abroad or to the exercise of that right outside the national territory. Regarding the other 16 countries, the situation is as follows.

a. Right to vote of citizens abroad

[48] Article 2 of the Election Code, as amended in November 2025, provides that elections, referenda and plebiscites are processes and votes *held within the borders of Georgia* (emphasis added).
[49] International IDEA, Out-of-country voting - Learning from practice, 2021, p. 15. See also International IDEA, Voting from Abroad Database.
[50] Article 62 of the Electoral Code and *mutatis mutandis* Article 26 of the Law on Referendum.
[51] Article 14 of the 1992 Electoral Act.
[52] Article 116Z of the 1969 Knesset Elections Law.
[53] Article 1 §§ 1-2 of the Law on the exercise of political rights in state affairs.
[54] The research included 77 countries. Armenia, Ireland, Israel, Liechtenstein have not been included in the 66 countries providing for OCV, given the very limited scope of OCV in these countries (see paragraph 34 above).

37. The Constitution of **Iceland**, provides that "permanent domicile in Iceland, on the date of an election, is […] a requirement for voting, unless exceptions from this rule are stipulated in the law on elections to Althingi".[55] In **Hungary**, according to the Constitution, a cardinal law may specify that only persons domiciled in Hungary are eligible to be granted the right to vote, or to exercise that right in its entirety.[56] In **France**,[57] the Constitution provides that "French nationals living abroad shall be represented in the National Assembly and in the Senate".

38. Constitutional recognition of the right to vote of citizens residing abroad exists in **Norway**,[58] **Paraguay**,[59] and **Portugal**,[60] where Constitutions do recognise that citizens residing abroad are or may be voters, subject to the regulation of such participation in the legislation.

39. In **Honduras**,[61] **Italy**, **Peru**,[62] **Spain**,[63] **Switzerland**,[64] and **Türkiye**,[65] Constitutions require the law to adopt measures that enable or facilitate the exercise of the right to vote of citizens abroad.

40. In **Colombia**,[66] **Croatia**,[67] the **Dominican Republic**,[68] **Ecuador**,[69] **Italy**[70] the Constitution further provides for the separate representation in Parliament of citizens residing abroad, by regulating the existence of an out-of-country specific constituency, specifying (except in the

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[55] Article 33 of the Constitution. The Constitution uses the word "*lögheimili*", which Article 2 of the Act on Legal Domicile and Residence (80/2018) defines as: "*the place where an individual has their permanent home.*"
[56] Article 23 § 4 of the Fundamental Law.
[57] Article 24 § 5 of the Constitution.
[58] Article 50 § 2 of the Constitution: "The extent to which Norwegian citizens who on election day are resident outside the realm, but who satisfy the aforementioned conditions are entitled to vote shall be determined by law."
[59] Article 120 of the Constitution: "[…] Paraguayans residing abroad are voters. Citizens are eligible for election, without restrictions other than those established by this Constitution and the law. […]"
[60] Article 121 § 2 of the Constitution, which refers to the election of the President of the Republic, states "The law shall regulate the right to vote of Portuguese citizens who reside abroad, to which end it must pay due regard to the existence of ties that effectively link them to the Portuguese community."
[61] Article 44 of the Constitution: "[...] The State shall establish the necessary mechanisms to enable Hondurans residing abroad to exercise the right to vote."
[62] Article 189 of the Constitution: In multi-member elections, there shall be proportional representation, in accordance with the system established by law. The law contains special provisions to facilitate voting by Peruvians residing abroad."
[63] Article 68 § 5 of the Constitution: "All Spaniards entitled to the full exercise of their political rights shall be electors and may be elected. The law shall recognize, and the State shall facilitate the exercise of the right of vote by Spaniards who are outside Spanish territory."
[64] Article 40 § 2 of the Constitution: "[The Confederation] shall issue regulations concerning the rights and duties of Swiss citizens living abroad, particularly with regard to, among others, the exercise of political rights at the federal level […]."
[65] Article 67 § 2 of the Constitution: "Elections and referenda shall be held under the direction and supervision of the judiciary, in accordance with the principles of free, equal, secret, direct, universal suffrage, and public counting of the votes. However, the law determines applicable measures for Turkish citizens abroad to exercise their right to vote."
[66] Article 176 of the Constitution: There shall be an international constituency through which one representative to the House of Representatives shall be elected. Only votes cast outside the national territory by Colombian citizens residing abroad shall be counted therein.
[67] Article 45 § 2 of the Constitution: In elections for the Croatian Parliament, voters who do not have registered domicile in the Republic of Croatia shall be entitled to elect three representatives in compliance with law.
[68] Article 81 of the Constitution: The Chamber of Deputies shall be composed of (...): 3) Seven deputies elected in representation of Dominican communities abroad. The law shall determine the manner of their election and distribution."
[69] Article 63 of the Constitution: "Ecuadorian citizens abroad have the right to elect the President and Vice President of the Republic, national representatives and representatives of the external constituency; and they may be elected to any office."
[70] Article 48 § 3: "The law lays down the requirements and modalities for citizens residing abroad to exercise their right to vote and guarantees that this right is effective. To this end, an Overseas constituency is established for the election of the Chambers of Parliament, to which seats are allocated in the number set by constitutional provision and according to criteria determined by law." In Article 56 and 57 the Constitution determines the exact number of deputies and senators to be elected in the overseas constituency, in derogation to the calculation methods employed to determine the numbers of deputies and senators to be elected in each electoral district.

case of Ecuador) the number of deputies (and senators, in the case of Italy) this constituency elects.

41. The constitutions of **Malta**[71] and **Montenegro**[72] *de facto* exclude any possibility for the law to recognise the right to vote of their citizens residing abroad insofar as they tie the right to vote to a residence requirement in the country.[73]

b. Right of citizens abroad to vote from abroad

42. When the right to vote of *citizens abroad* is recognised by the Constitution, or is not explicitly ruled out by the Constitution, its exercise may require travelling back to the home country. The Constitution or the legislation may provide for the possibility of voting *from abroad* (OCV), subject to certain conditions.

43. The right to vote *from* abroad as such is explicitly recognised in the Constitution only in a very limited number of countries. In **Chile**[74] and **Morocco**[75] the Constitution explicitly recognise the right of citizens abroad (those who are "outside the country"[76] in the case of Chile and those "residing abroad" in the case of Morocco) to vote from abroad. In addition, in Chile, the Constitution explicitly restricts the scope of the elections in which citizens "outside the country" are entitled to take part. In **Greece**, the Constitution originally delegated to the ordinary legislation the possibility of providing for OCV.[77] Following a 2019 amendment, the Constitution now establishes the fundamental conditions under which legislation may grant voting rights to citizens residing abroad in their place of residence.[78]

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[71] Article 57 of the Constitution of Malta provides that in order to be registered as a voter, a person shall, among other things, be resident in Malta and has during the eighteen months immediately preceding his registration been a resident for a continuous period of six months or for periods amounting in the aggregate to six months. However, it is worth noting that Article 20A of the Constitution of Malta provides that "[t]he State shall facilitate the participation of Maltese citizens who live abroad in the political, social, economic and cultural life of Malta.

[72] Article 45 of the Constitution of Montenegro provides that the right to elect and stand for elections shall be granted to every citizen of Montenegro of 18 years of age and above with at least a two-year residence in Montenegro.

[73] In a similar vein, and against the background of the absence of OCV, in July 2026 the **Armenian** Parliament passed a law tightening the requirements for Armenian citizens residing abroad to vote in-country: citizens will now be eligible to vote in country only if they have been physically present in Armenia for at least 366 days during the 730 days preceding the vote. Exceptions are made only for public servants who are abroad on official duty and students enrolled in higher education institutions abroad.

[74] Article 13 of the Constitution provides that "[…] Citizens with the right to vote who are outside the country may vote from abroad in presidential primary elections, presidential elections, and national referenda. A constitutional organic law shall establish the procedure for registering on the electoral roll and shall regulate the manner in which electoral and plebiscite processes are carried out abroad […].

[75] Article 17 of the Constitution: "Moroccans residing abroad enjoy full citizenship rights, including the right to vote and to stand for election. They may run for office in local, regional, and national elections, both on party lists and in individual districts. The law establishes specific eligibility and disqualification criteria. It also sets forth the conditions and procedures for the effective exercise of the right to vote and to stand for election from their countries of residence."

[76] In Chile, Article 10 of Law no. 18.556 refers to the concept of electoral address. Meaning as the address to which the person has an objective connection, whether because they reside there permanently or temporarily, practise their profession or trade there, or are studying there.

[77] Article 51 § 4 of the Constitution: "Parliamentary elections shall be held simultaneously throughout the country. Matters pertaining to the exercise of the right to vote by persons living outside the Country may be specified by statute, adopted by a majority of two thirds of the total number of Members of Parliament. Concerning such persons, the principle of simultaneously holding elections does not impede the exercise of their right to vote by postal vote or by other appropriate means, provided that the counting of votes and the announcement of the results is carried out when this is also carried out across the Country."

[78] Article 54 § 4 of the Constitution: "By virtue of the statute of Article 51 § 4, conditions may be set for the exercise of the right to vote in their place of residence by voters living outside the country, such as a genuine connection with the country, physical presence in a polling station, time-period of absence from the country or presence in the country for a specified time period in the past. The statute of the previous section may stipulate that certain places on the Ballot for Deputies of the State Constituency of each party provided for in paragraph 3 of the present article shall compulsorily be reserved for expatriate Greeks. Statute may provide that the vote of persons voting in polling stations outside the country is not counted towards a particular constituency but at the national level only. In

44. In **Croatia**,[79] the Constitution explicitly recognise OCV for those "who do not have registered domicile" in Croatia, and sets out the specific voting method (vote in person at diplomatic premises).

45. In **Austria**,[80] the Constitution provides for postal vote for those "prevented from casting their vote before the electoral authority on election day", including persons *de facto* abroad.

2. Significant judicial decisions on the right to vote of citizens residing abroad and on its exercise

46. The right to vote of citizens residing abroad and the enactment of or amendments to legislation on OCV have been in a number of cases shaped or prompted by decisions by constitutional and supreme courts and electoral judiciary (notably in Latin America), which have therefore been decisive in either expanding or facilitating the right to vote of citizens residing abroad (and its exercise). On the contrary, in countries where OCV is not provided for, judicial decisions have sometimes confirmed the applicable legal framework.

a. Relevant decisions on the scope of the enfranchisement of voters abroad

47. In **Canada** and **Germany**, decisions by constitutional and supreme courts led to reforms amending the scope of the restrictions on enfranchisement of voters abroad: in **Canada**, a 2019 judgment of the Supreme Court[81] declared unconstitutional the provisions of the Canada Elections Act that restricted the right to vote of Canadian citizens residing abroad insofar as they disenfranchised those citizens after they had been resident outside of Canada for five consecutive years. The Canada Elections Act was amended by the Canadian Parliament after the Supreme Court of Canada's decision. The Act now permits non-resident Canadian citizens (who were previously resident in Canada) to vote in federal elections from abroad, irrespective of how long they have lived abroad. In **Germany** a 2012 judgment of the Constitutional Court[82] found that the then-existing rule granting voting rights to any citizen abroad who had resided in Germany for at least 3 months was in violation of the Constitution for two (opposite) reasons: it was considered to be excessively inclusive as it did not link the residence requirements to an age where the person could actually experience German political and social conditions. At the same time, the German Constitutional Court found the legislation to be excessively restrictive insofar as it excluded German citizens who, despite not fulfilling the 3-month residence requirements, had strong ongoing ties with the country and adequate knowledge of the political conditions. Following the judgment, in 2013 Parliament amended the Federal Electoral Act, addressing the remarks made by the Constitutional Court (see paragraph 56 below).

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deviation from paragraph 2 of the present article, the statute of paragraph 1 of the present article may set up one or more constituencies of expatriate Greeks."

[79] Article 45 § 3 of the Constitution: "In elections for the Croatian Parliament, the President of the Republic of Croatia and the European Parliament and in decision-making procedures by national referendum, suffrage shall be exercised in direct elections by secret ballot, wherein voters who do not have registered domicile in the Republic of Croatia shall vote at polling stations in the premises of diplomatic-consular offices of the Republic of Croatia in the foreign countries in which they reside." The concept of registered domicile is that of *prebivalište*, which, according to the Law on Residence means "*the place and address in the Republic of Croatia at which a person has permanently settled for the purpose of exercising their rights and obligations connected to life interests, such as family, professional, economic, social, cultural and other interests*."

[80] Article 26 § 6 of the Federal Constitutional Law: Persons eligible to vote who are likely to be prevented from casting their vote before the electoral authority on election day, for example due to absence from their place of residence, for health reasons or because they are abroad, may exercise their right to vote by postal ballot upon application, stating the reason. The identity of the applicant must be verified. The eligible voter must declare by signing a sworn statement that the vote was cast personally and secretly.

[81] Frank v. Canada (Attorney General), 2019 SCC 1 (CanLII), [2019] 1 SCR 3.

[82] BVerfG Decision of 04.07.2012 - 2 BvC 1/11; 2 BvC 2/11.

48. In **Japan** the Supreme Court was decisive in enfranchising citizens residing abroad. In 2005, it in fact ruled that excluding overseas citizens from voting (entirely before 1998 and then partially under a 1998 amendment limiting them to proportional representation) violated their constitutional right to vote and lacked compelling justification.[83] The Court recognised overseas voters' right to participate also in the elections of representatives and councillors in individual districts and awarded limited damages, underscoring that any restriction on voting must meet a high bar. The ruling spurred a 2006 bill to remove the remaining limits on overseas participation in district elections.

b. Decisions concerning the exercise of the right to vote from abroad

49. Decisions of constitutional and supreme courts triggered the recognition of OCV in **Albania**, **Austria**, **El Salvador** and **Japan**: In 2022, the Constitutional Court of **Albania** found that, while the Electoral Code had created (via a 2020 amendment), a legal expectation for Albanian citizens residing abroad to vote in their country of residence, the ambiguity of the said norms (in particular the deadline to approve rules for registering voters from abroad, the designation of the competent body for issuing by-laws and the principles on the basis of which by-laws should be issued for this matter), not only had violated the principle of legal certainty, but had also created a legal vacuum. Accordingly, the Court found a violation of the constitutional right of citizens residing abroad to vote in the parliamentary elections and imposed an obligation on Parliament to fill this legal vacuum within one year.[84] The judgment paved the way for a 2024 reform which allowed for the first time OCV in the country. In **Austria**, voting from abroad was originally constrained by the constitutional principle of "personal" voting under Article 26(1) B-VG, which the Constitutional Court interpreted as requiring physical attendance at a polling station.[85] A 1989 ruling of the Constitutional Court found that a (main) residence in Austria was not a precondition for the right to vote in national parliamentary elections, thus granting the right to vote to Austrian citizens residing abroad.[86] The electoral law was amended to permit voting abroad by ballot, though the process remained cumbersome and saw limited use. A constitutional amendment in 2007 introduced postal voting through Article 26(6) B-VG, explicitly entitling voters who are absent from their place of residence, residing abroad, or unable to attend in person for health reasons to cast their vote by mail. In **El Salvador**, a 2016 judgment of the Constitutional Chamber,[87] declared unconstitutional the legislature's omission in failing to establish the right to vote from abroad. Following this judgment, the Special Law for the Exercise of Suffrage Abroad was enacted.

50. In Latin America, electoral judiciary has often intervened to strengthen the effectiveness of OCV: In **Brazil**, the Superior Electoral Tribunal (TSE), reaffirmed the State's obligation to provide the means necessary for the exercise of voting rights abroad;[88] it further determined that failure to vote abroad does not give rise to fines or sanctions such as those applicable within the national territory, thereby consolidating the legal nature of the right as an optional one.[89] In **Mexico**, the voting rights of Mexicans residing abroad have been the subject of expansive interpretations by the Electoral Tribunal of the Federal Judiciary (TEPJF), which have strengthened their exercise and effectiveness. Thus, for example, extraterritorial voting

[83] Takase et al. v. Japan, Supreme Court G.B., Case No. (gyo-tsu) 82 and 83 of 2001, (gyo-hi) 72 and 77 of 2001, 59 (7) MINSHU 2087 (see unofficial summary in English on the Supreme Court's website). Cf. also Matsui, Shigenori, The voting rights of Japanese citizens living abroad, International Journal of Constitutional Law, Volume 5, Issue 2, April 2007, pp. 332–342.
[84] See Decision 38/2022 of the Constitutional Court, reference models and legal impact – Development of legal warranties on the right to vote for immigrants, Institute for Political Studies, 2023.
[85] VfSlg 10412/1985.
[86] VfSlg 12023/1989.
[87] Inconstitucionalidad 156-2012, 23 December 2016.
[88] Consultation No. 10.154/2004.
[89] Resolution TSE No. 23.702/2022.

was reinforced in its in-person modality at consular offices.[90] Lastly, in **Paraguay**, in the absence of statutory regulation, the Superior Tribunal of Electoral Justice (TSJE), ordered that the "automatic registration" established by Law No. 4559/11 ("Establishing Automatic Registration in the Permanent Civic Registry") be made effective for Paraguayans residing abroad.[91]

c. Decisions denying a right to vote from abroad

51. In **Armenia**, in 2007 the Constitutional Court, when examining a challenge to National Assembly election results based, *inter alia*, on the failure to establish polling stations abroad and to ensure conditions for the voting rights of Armenian citizens residing abroad, held that the Central Electoral Commission had acted in accordance with the procedure prescribed by law and that the decision whether to provide for the organisation of voting outside the country lied with the national legislature.[92] In **Uruguay**, in 2020 (following a 2009 referendum which rejected a constitutional reform that sought to authorise postal voting) the Supreme Court of Justice declared unconstitutional a law[93] that had interpreted the Constitution to allow non-resident citizens to vote and establishing a commission to make the necessary arrangements for them to vote from abroad.[94]

B. Rules on enfranchisement of citizens residing abroad

52. Before examining the arrangements allowing citizens residing abroad to exercise their right to vote from abroad, this section examines the rules determining which, among these citizens, retain the right to participate in elections of their country of citizenship.

1. General enfranchisement of citizens residing abroad

53. In a significant number of countries, the right to vote is recognised to all citizens residing abroad, without additional specific requirements. This is the case of, among others, **Albania**, **Algeria**, **Andorra**, **Azerbaijan**, **Belgium**, **Brazil**, **Bulgaria**, **Chile**, **Croatia**, **Czechia**, **Italy**, **France**, **Japan**, **Kosovo**, **Lithuania**, **Mexico**, **Monaco**, **Morocco**, the **Netherlands**, the **Republic of Moldova**, **Peru**, **Poland**, **Portugal**, **Romania**, **Slovakia**, **Spain, Switzerland, Tunisia, Türkiye, Ukraine**. In some of these countries, voting is compulsory and such obligation also applies to citizens residing abroad: this is the case in **Belgium**,[95] **Chile** and **Peru.**[96] Conversely, in **Argentina**,[97] **Brazil**, **Costa Rica**, **Greece**,[98] **Guatemala**, **Luxembourg**,[99] and **Panama**, other countries in which voting within the country is compulsory, the law explicitly provides for the vote of citizens abroad to be optional).

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[90] SUP-JDC-1080/2021. Although the right to be elected falls outside the scope of this Preliminary Updated Report, it is worth noting that passive suffrage as a political right of migrants has likewise received judicial protection in cases such as SUP-REC-88/2021 (concerning the Legislative Assembly of Mexico City); SUP-RAP-21/2021, which required political parties to include migrant candidacies in their proportional representation lists for the Federal Congress; and SUP-JDC-338/2023, in which, through the application of the principle of progressivity, the Tribunal prevented the rollback of affirmative measures benefiting the political representation of the Mexican community residing abroad, particularly in the Senate and the Chamber of Deputies.
[91] Resolution TSJE No. 33/2011 and subsequent decisions (such as Resolution No. 301/2021).
[92] See Decision DCC-703/2007 of 10 June 2007.
[93] Law No. 19654 – Approving interpretative provisions for Articles 77 and 81 of the Constitution of the Republic concerning the rights and obligations inherent in citizenship.
[94] Judgment no. 57/2020, 3 April 2020.
[95] Article 180 § 1 of the Electoral Code.
[96] Article 21 of the Organic Law no. 26859 on Elections. However, pursuant to Article 4 of Law No. 28859, Peruvians abroad shall not be fined for failing to vote (this supersedes Article 240 of the Organic Law no. 26859 on Elections).
[97] Article 3 § 2 of Law No. 24.007 and its amendments on the Creation of the Registry of Electors Resident Abroad.
[98] Article 117(2) of Presidential Decree 26/2012.
[99] Article 89 § 3(1) of the Electoral Law.

2. Additional requirements for the enfranchisement of citizens residing abroad

54. Other countries, by contrast, make enfranchisement of citizens residing abroad conditional on one or more additional requirements. These may concern the voter's previous residence in the home country, the length of time since departure from the home country, the existence of continuing links with it or the nature and duration of the voter's stay abroad.

a. Previous residence in the home country or existence of specific links

55. The most common restrictions to voter enfranchisement concern the voter's previous residence in the home country. In **Canada**,[100] **Norway**,[101] and **Sweden**,[102] the law provides that voters abroad must have at some point resided in the country to be enfranchised. In **Iceland**, voters must have been domiciled in Iceland at some point in the past and are entitled to vote for 16 years after transferring their domicile.[103] In the **United Kingdom**, to qualify as an overseas elector in a specific constituency, a British citizen must satisfy one of two conditions before making the application: either the "previous residence condition", according to which the voter must have been resident in the United Kingdom sometime in the past; or the "previous registration condition", meaning that the voter must have been entered in a UK electoral register at some point in the past.[104] In the **United States of America**, while there is no federal legislation providing for voting rights for "never-resided citizens", it appears that a consistent number of states currently allow never-resided citizens to vote (at federal or statal level) using their parent's last US address.[105]

56. As an alternative to meeting a residence requirement, **Germany** also provides the possibility of demonstrating the existence of specific links with the country in order to keep the right to vote. In particular, the law provides that citizens residing abroad can as a rule register if they had a residence in Germany for at least three months after reaching the age of 14, provided this residence was not more than 25 years ago. A safeguard clause however also allows voting, on the basis of a case-by-case assessment, for those who have acquired personal and direct familiarity with the political conditions in the Federal Republic of Germany for other reasons and are affected by them.[106]

b. Nature and duration of residence abroad

57. Other countries limit enfranchisement to citizens who are only temporarily outside the country: in **Denmark**, persons taking up residence in foreign countries shall be considered to be permanently resident in the realm, and afforded the right to vote, if they intend to return to the realm within two years of their departure.[107] When a period of more than four years has elapsed, citizens abroad who fall within one of the categories of "deemed residents"[108] can only be included in the electoral register if the Election Board determines, on an individual basis, that they still fulfil the conditions to be considered a resident of the realm. **Serbia** limits voting rights to citizens "temporarily" residing abroad who still have a permanent place of residence in the country.[109]

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[100] Section 222 of the Canada Elections Act.
[101] Section 2-1 of the 2023 Election Act.
[102] Chapter 3, Article 4 of the Constitution.
[103] Article 3 § 3 of the Act no. 112/2021 on Parliamentary Elections to the Althingi.
[104] Section 1A of the Representation of the People Act 1985, as amended by Section 14 of the Elections Act 2022.
[105] Information retrieved here and here.
[106] See Article 12 § 2 of the Federal Electoral Act.
[107] Article 1 § 3 of the Parliamentary Elections Act.
[108] Article 1 § 2 of the Parliamentary Elections Act: those working in foreign service for a Danish agency or company; those working for an international organization; those being abroad for education or health reasons; and those being "quite co-equal" to the categories above in respect of their affiliation with the realm.
[109] Article 6 § 2 of the Law on the Unified Electoral Roll and Article 3 of the Law on the Referendum and the People's initiative.

C. OCV Registration procedures

58. Turning to the specific rules governing the vote from abroad, the comparative analysis has assessed the registration procedures in place to allow citizens residing abroad to vote from abroad.

59. From this point of view, countries can be divided into two main groups:

- Those in which voters residing abroad are included in the electoral roll automatically, on the basis of their registration either in the national population registries or in a consular record abroad (so-called passive registration mechanism); and
- Those in which voters residing abroad must submit a request to be included in the registry for voting from abroad (so-called active registration mechanism).

60. The first group (passive registration mechanism) includes, but it is not limited to: **Azerbaijan**, **Belgium**, **France**, **Estonia**,[110] **Italy**, **Kyrgyzstan**, **Tunisia**, **Türkiye**, **Ukraine**. For example in **Belgium**, also in light of the mandatory character of the vote, all citizens registered in the population registers maintained by Belgian consular offices abroad who meet the eligibility requirements to vote have to vote.[111] In **Italy**, the list of Italian citizens residing abroad for the purpose of drawing up electoral rolls is done by consolidating data from the register of Italians residing abroad and consular records.[112] In **Spain**, registration in the CERA is based on information held in consular registers. Since the 2022 reform, registered electors receive electoral documents automatically, without having to request them for each election. This does not remove the consular registration formalities or the need to keep electoral registration details up to date.[113]

61. In the second group (active registration mechanism), application methods differ and include specific electronic platforms, application by email, paper-based applications, and the possibility to apply in-person at diplomatic missions or government offices. In particular, **Albania**, **Andorra**, **Austria**, **Bosnia and Herzegovina**, **Bulgaria**, **Chile**, **Costa Rica**, **Cyprus**, **Greece**, the **Republic of Korea**, **Kosovo**, **Latvia**, **Lithuania**, **Mexico**, the **Republic of Moldova**, **Romania**, **Slovakia** use, either exclusively or alternatively, specific electronic platforms/online portals.

62. Almost all countries covered by the comparative research require a passport or national ID card to register. In **Monaco**, if a citizen uses a recognised digital identity when applying for proxy voting, he or she is not required to provide any further scanned identification documents.[114] In **Kosovo**[115] and the **Republic of Moldova**,[116] it is noteworthy that, to avoid voter impersonation, applicants shall upload their photo holding their national ID, whereas in

[110] Except for postal voting, for which an application is required, Article 50 of the Riigikogu Election Act.
[111] Article 180 § 1 of the Electoral Code.
[112] Article 5 of Law no. 459/2001. An exception to such passive registration mechanism is in place for voters residing temporarily abroad: Article 4-*bis* of Law no. 459/2001, provides that Italian citizens who, for work, study, or medical reasons, are in a foreign country where they are not registered residents (…) may vote by mail in the Overseas constituency, subject to an option valid for that single election and the option shall be received by the municipality where the voter is registered to vote no later than 32 days before election day.
[113] Articles 31 § 2, 36 and 75 of the Organic Law no. 5/1985 on the General Electoral Regime; see also Instruction 1/2023, of March 30, of the Central Electoral Board, on the voting procedure for voters registered in the Electoral Census of Absent Residents (CERA).
[114] Article 43-bis of the National Elections Law.
[115] Article 3 of CEC Regulation no. 17/2024.
[116] Article 17 § 6(h) of Law No. 109/2024.

Mexico, the voter shall sign the photocopy of the ID that accompanies the application.[117] Countries like **Albania**, **Bosnia and Herzegovina**, and **Romania**, require proof of residence abroad. In **Austria**, if no previous in-country residence exists, applicants must prove the ties to a specific place within the country in order to be added to the relevant register.[118] In **Slovakia**, after submitting an electronic application, a voter must verify their email address within one hour of the request being sent.[119]

63. In **Bulgaria**, even if the Law prescribes that an application to vote abroad shall be filed in advance of election day, any voter, who has not been entered on the list of voters abroad but has the right to vote, shall be added to the roll by the section election commission on election day upon presentation of an identity document and of a declaration completed in a standard form to the effect that he or she satisfies the conditions to vote. A declaration to the effect that he or she has not voted and will not vote elsewhere in the same elections shall be filed at the same time.[120]

64. The frequency of registration varies: **Albania**, **Bosnia and Herzegovina**, **Cyprus**, **Lithuania**,[121] **Mexico** and **North Macedonia** provide for a unique registration for each individual election, whereas in **Austria**,[122] **Denmark**,[123] **Greece**,[124] **Hungary**,[125] **Iceland**,[126] **Sweden**,[127] **United Kingdom**,[128] voters are removed from the registers if they do not periodically re-verify their residence or intent to vote.

65. Timelines to apply vary considerably: from the case of **Mexico**, where voters must apply between September 1st and December 15th of the year prior to the election[129] or **Argentina** (150 to 120 days before election day),[130] to **Monaco**, where voters can apply to vote by proxy up to the second Friday before the vote,[131] with the average registration deadline being set at around 40 days before the elections. In **Japan**, voters cannot apply during the period from the date of announcement of the date of an election for members of the House of Representatives or House of Councillors to the date of the election itself.[132]

66. Responsibility for keeping and updating electoral rolls/lists of voters abroad can be entrusted to different actors:

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[117] Article 331 § 3 of the General Law on Electoral Institutions and Procedures.
[118] Article 3 § 2 of the Federal Act on the Keeping of Permanent Records of Persons Entitled to Vote.
[119] Article 59 § 4 of Act no. 180/2014 on the Conditions for Exercising the Right to Vote and on Amendments and Supplements to Certain Acts.
[120] Article 33 § 2 of the Election Code.
[121] Paragraphs 6-7 of the Rules on Voting at Diplomatic Missions and Consular Posts of the Republic of Lithuania.
[122] Article 3 § 3 of the Federal Act on the Keeping of Permanent Records of Persons Entitled to Vote.
[123] Article 1 § 3 of the Parliamentary Elections Act provides that persons taking up residence in foreign countries shall be considered to be permanently resident in the realm if they intend to return to the realm within two years of their departure. When a period of more than four years has elapsed, citizens abroad who fall within one the concept of “deemed residents” as provided in Article 1 § 2 (those working in foreign service for a Danish agency or company; those working for an international organization; those being abroad for education or health reasons; and those being "quite co-equal" to the categories above in respect of their affiliation with the realm) can only be included in the electoral register if the Election Board determines, on an individual basis, that they still fulfil the conditions to be considered a resident of the realm. Such a decision is only valid for two years; to maintain their right to vote, the citizen must submit a request for renewal before that two-year period expires (Article 16).
[124] Article 2 § 3 of Law no. 4648/2019.
[125] Section 97 § 1(b) of Act XXXVI of 2013 on election procedure.
[126] Article 3 of Act no. 112/2021: citizens are entitled to vote in parliamentary and presidential elections and in referenda for 16 years after transferring their domicile from Iceland. After that period, they must apply to be added to the electoral register (each registration shall be valid for four years at a time).
[127] Section 2, Chapter 5 of the Elections Act.
[128] Section 1D, Part 2, of Elections Act 2022: until the third November 1st following the date the entry in the register of voters abroad takes effect.
[129] Article 331 § 5 of the General Law on Electoral Institutions and Procedures.
[130] Articles 11 and 12 of Law No. 24.007.
[131] Article 8 of Sovereign Order No. 927.
[132] Article 30-6 § 3 of Act No. 100 of 1950 Public Offices Election Act.

- Municipalities or local election offices (**Andorra**,[133] **Austria**,[134] **Denmark**,[135] **Germany**,[136] **Japan**,[137] **Luxembourg**,[138] **Switzerland**,[139] and the **United Kingdom**[140]);
- A specific municipality (the Hague in the **Netherlands**[141]);
- Electoral Management Bodies (**Albania**,[142] **Algeria**,[143] **Argentina**,[144] **Bosnia and Herzegovina**,[145] **Canada**,[146] **Chile**,[147] **Costa Rica**,[148] **Kosovo**,[149] **Mexico**,[150] **Moldova**,[151] **Romania**,[152] **Sweden**,[153] **Türkiye**[154]);
- The Ministry of Foreign Affairs and diplomatic missions (**Belgium**,[155] **Bulgaria**,[156] **Czechia**,[157] **France**,[158] **Kyrgyzstan**,[159] **Poland**,[160] **Ukraine**[161]);
- Other Ministries (the Ministry of Local Government and Regional Development in **Norway**[162] and the Ministry of Interior in **Italy**[163] and **Slovakia**[164]);
- Government departments or specific bodies (**Finland**,[165] **Iceland**,[166] **Peru**[167]); and
- A functionally distributed model with multiple actors involved (**Spain**[168]).

67. Electoral lists of voters abroad are often available for public inspection: this is the case in **Albania**, **Algeria**, **Argentina**, **Bosnia and Herzegovina**, **Bulgaria**, **Chile**, **Costa Rica**, **Germany**, **Kazakhstan**, **Kosovo**, **Monaco**, **North Macedonia**, **Spain**, **Switzerland** and

[133] Article 5 § 1 of Law no. 44/2022.
[134] Section 2 § 3 of the Federal Act on the Keeping of Permanent Records.
[135] Sections 15 § 1 and 16 § 1 of the Folketing Elections Act.
[136] Section 17 § 2(5) of the Federal Electoral Regulations.
[137] Article 30-2 § 1 of the Public Offices Election Act.
[138] Article 169 of the Electoral Law.
[139] Article 19 § 1 of the Swiss Abroad Act.
[140] Section 1B § 3 of Chapter 14 of the Elections Act 2022.
[141] Section D 2 of the Electoral Act.
[142] Article 25 § 3 of the Electoral Code (the Central Election Commission).
[143] Articles 10 and Article 53 of Ordinance n° 21-01 (the Independent Authority).
[144] Article 4 of Law no. 24.007 (the National Electoral Chamber).
[145] Article 3.6 § 1 of the Election Law (the Central Election Commission).
[146] Section 222 of the Canada Elections Act (the Chief Electoral Officer).
[147] Article 3 of Law no. 18,556 (the Electoral Service - SERVEL).
[148] Articles 7 and 30(c) of the Regulations for Exercising the Right to Vote Abroad (the Supreme Electoral Tribunal).
[149] Article 8 § 1 of Law no. 08/L-228 (the Central Election Commission).
[150] Articles 333 § 1 and 336 § 1 (the National Electoral Institute - INE).
[151] Article 61 § 6 of the Electoral Code (the Central Election Commission).
[152] Article 49 § 3 of Law no. 208/2015 (the Permanent Electoral Authority).
[153] Section 1 of Chapter 5 of the Elections Act (the central election authority).
[154] Article 35 of the Law on Basic Provisions on Elections and Voter Registers (the Supreme Election Council).
[155] Articles 180 § 1 and 180-*bis* § 5 of the Electoral Code (the Federal Public Service Foreign Affairs; registers are kept in Belgian career consular posts).
[156] Article 31 § 1 of the Election Code (the heads of diplomatic missions and consular representations).
[157] Section 14d(b) of Act No. 247/1995 and Section 31 of Act No. 275/2012 (the representative office within its territorial district).
[158] Article L330-2 of the Electoral Code (relevant consulates).
[159] Article 14 § 6 of Constitutional Law No. 68 (heads of the relevant diplomatic missions and consular offices).
[160] Article 35 § 1 of the Electoral Code (the consul with territorial jurisdiction).
[161] Article 46 § 1 of the Electoral Code (the State Voter Registry authority in the Ministry of Foreign Affairs).
[162] Section 2-3 § 1 of the 2023 Election Act.
[163] Article 5 § 1 of Law no. 459/2001.
[164] Section 11a § 1 of Act no. 180/2014.
[165] Section 18 of the Election Act (the Digital and Population Data Services Agency).
[166] Article 3 of Act No. 112/2021 (Registers Iceland).
[167] Article 228 of Organic Law no. 26859 (the National Registry of Identification and Civil Status – RENIEC).
[168] Articles 29, 30, 36, and 75 of Organic Law no. 5/1985 on the General Electoral Regime: the Electoral Census Office, which forms part of the National Statistics Institute and operates under the direction and supervision of the Central Electoral Board, manages the electoral census through its Provincial Delegations. Consular offices maintain and transmit registration data, channel census complaints and organise or receive votes cast abroad.

Ukraine. In **Lithuania**[169] and **Slovakia**, [170] the law on the contrary clearly states that the list of voters abroad/for postal voting are not public.

68. Several countries have in turn established formal procedures for citizens to contest the accuracy of lists of voters abroad or their application to be registered in such lists. A voter should typically first seek a remedy through the administrative body responsible for keeping the rolls/lists before appealing to a court. This is the case in **Albania**,[171] **Belgium**,[172] **Bulgaria**,[173] **Kosovo**,[174] **Mexico**,[175] and **North Macedonia**.[176] In particular, **Greece**,[177] and **Iceland**[178] have a purely judicial complaint procedure, whereas the **Republic of Korea** a purely administrative one.[179] In **Spain**, claims concerning an omission or inaccurate data must be lodged in person through the relevant consular office and are transmitted to the competent Provincial Delegation of the Electoral Census Office.[180]

D. Elections concerned by out-of-country voting

69. 55 out of 66 countries which provide for OCV,[181] do so for all national parliamentary elections.[182]

[169] Paragraph 19 of the Rules on Voting at Diplomatic Missions and Consular Posts of the Republic of Lithuania.
[170] Section 11a § 8 of Act no. 180/2014.
[171] Article 25 § 7 of the Electoral Code provides that preliminary lists are published 63 days before the election and that voters have 48 hours from publication to request registration or correction. Article 25 § 8 further allows a voter to submit a request to the First Instance Court of General Jurisdiction in Tirana up to 7 days before the election date. The court must decide within 24 hours.
[172] Article 180bis, § 4 of the Electoral Code provides that if a consular post refuses to recognize a citizen as an elector, a written claim can be introduced to the Minister of Foreign Affairs within 30 days (Minister shall decide within 15 days). An appeal against the Minister's decision can be filed to the Court of Appeal in Brussels within 30 days of notification.
[173] Article 33 § 1 of the Election Code stipulates that any person who has not been entered on a roll may dispute the non-entry within 3 days after the publishing of the roll before the Central Election Commission, which shall pronounce within 3 days by a decision appealable before the Supreme Administrative Court.
[174] Article 98 § 2 of Law no. 08/L-228 and Article 7 § 1 of Regulation No. 17/2024 allow a person whose registration is rejected to file an administrative objection with a commission established within the CEC within 24 hours after the registration period ends. The commission reviews it within 24 hours. Article 98 § 3 the Law and Article 7 § 5 of the Regulation state that if the objection is rejected, the voter can appeal to the Electoral Complaints and Appeals Panel within 48 hours, which must decide within 96 hours.
[175] Article 338 § 2 of the General Law on Electoral Institutions and Procedures gives political parties until 28 February of the election year to submit comments on the nominal lists of voters abroad. Article 338 § 4 provides that the final report on list amendments can be challenged before the Electoral Tribunal.
[176] Article 48 §§ 3-6 of the Electoral Code provides that during public inspection, requests for registration or updates are sent to the State Election Commission (SEC), which should decide within 3 days. Decisions of the SEC may be appealed to the Administrative Court within 3 days. The Court shall decide within 3 days from the receipt of the appeal.
[177] Article 2 § 4 of Law no. 4648/2019 allows for an appeal within 10 days of notice of a rejection of an application to vote from abroad before the Three-Member Administrative Court of First Instance. Article 2 § 5 notes that objections submitted up to 22 days before the election are heard the day after submission.
[178] Articles 3 and 4 of Act No. 112/2021 state that any denials of application to vote from abroad from Registers Iceland may be appealed to the Election Appeal Committee.
[179] Article 218-11 § 1 of the Public Official Election Act provides that any voter may raise an objection (verbal/written) to the official in charge within 5 days of the publication of the lists. The official must decide by the following day. Article 218-11 § 2 allows a person dissatisfied with a decision to appeal to the competent election commission by the next day.
[180] Provisions on electoral census of the Organic Law no. 5/1985 on the General Electoral Regime; Resolution of the Electoral Census Office of 27 October 2014; official INE and Ministry of Foreign Affairs guidance.
[181] The research included 77 countries. Armenia, Ireland, Israel, Liechtenstein have not been included in the 66 countries, given the very limited scope of OCV in these countries (see paragraph 34 above).
[182] In federal states, legislative bodies may also exist at sub-national level. For the purposes of this Updated Report, references to parliamentary elections concern elections to the national legislature; OCV for sub-national elections is addressed below under regional/provincial and other sub-national elections.

70. Only in **Azerbaijan**,[183] **Bolivia**, **Brazil**,[184] **Chile**,[185] **Costa Rica**,[186] **Guatemala**, **Honduras**, **Panama**, **Venezuela,** states with a presidential form of government, OCV is not allowed in legislative elections. In **Mexico**[187] and **Paraguay**,[188] voters from abroad cannot vote in legislative elections for the Chamber of Deputies, but only for the Senate.

71. Among the 66 countries who provide for OCV, 42 provide for the direct election of the President (or the Presidency) of the Republic. All of them allow citizens residing abroad to vote in such presidential elections from abroad. This is the case of: **Algeria**, **Argentina**, **Austria**, **Azerbaijan**, **Bolivia**, **Bosnia and Herzegovina**, **Brazil**, **Bulgaria**, **Chile**, **Costa Rica**, **Croatia**, **Cyprus**, **Czechia**, **Dominican Republic**, **Ecuador**, **El Salvador**, **Finland**, **France**, **Guatemala**, **Honduras**, **Iceland**, **Kazakhstan**, **Kyrgyzstan**, the **Republic of Korea**, **Lithuania**, **Mexico**, the **Republic of Moldova**, **North Macedonia**, **Panama**, **Paraguay**, **Peru**, **Poland**, **Portugal**, **Romania**, **Serbia**, **Slovakia**, **Slovenia**, **Tunisia**, **Türkiye**, **Ukraine**, **United States of America**, **Venezuela**.

72. A minority of countries provide for OCV in sub-national/regional/provincial elections (**Algeria**,[189] **Austria**,[190] **Canada**,[191] **Mexico,**[192] **Morocco**,[193] **Norway**,[194] **Spain**,[195] **Sweden**, **Switzerland**[196]) and in local/municipal ones (**Algeria**,[197] **Bosnia and Herzegovina**,[198] **Finland**, **Kosovo**,[199] **Latvia**,[200] **Morocco**,[201] **Norway**[202]). In **Iceland** students (as well as their spouses, cohabitating partners and children living with them) who have transferred their domicile from Iceland to Denmark, Finland, the Faroe Islands, Norway or Sweden do not lose eligibility to vote in the municipality where they were registered upon departure, provided that they submit an application 40 days prior to the election.[203]

73. In respect of national referenda, OCV is provided for in **Algeria**, **Andorra**, **Austria**, **Azerbaijan**, **Bolivia**, **Chile**, **Costa Rica**, **Croatia**, **Denmark**, **Estonia**, **Finland**, **Greece**, **Hungary**, **Iceland**, **Italy**, **Kazakhstan**, the **Republic of Korea**, **Kyrgyzstan**, **Latvia**, **Lithuania**, the **Republic of Moldova**, **Peru**, **Poland**, **Serbia**, **Slovakia**, **Slovenia**, **Spain**, **Switzerland**, **Tunisia**, **Türkiye**, the **United Kingdom**, **Ukraine**. In **Portugal**, citizens residing

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[183] Article 29 § 2 of the Election Code.
[184] Article 225 of the Electoral Code.
[185] Article 13 § 3 of the Constitution.
[186] Article 187 of the Electoral Act.
[187] Article 329 of the General Elections Act.
[188] Article 221 of the Constitution and Article 10 of Law no. 6951/2022.
[189] Article 158 § 3 of Ordinance n° 21-01.
[190] Article 95 of the Federal Constitutional Law states that federal states' constitutions may provide that citizens who had their residence in the province before moving their main residence abroad are also entitled to vote in provincial elections for the duration of their stay abroad, but for a maximum period of ten years.
[191] Provinces manage provincial electoral rules but these rules must conform to the Canadian Charter In 2025, the Superior Court of Quebec declared unconstitutional a rule prohibiting electors who reside more than two years out of the province from voting by correspondence, see *Gélinas-Faucher c Procureur général du Québec*, 2025 QCSC 2846 (CanLII). The Quebec legislature reacted by adopting a 5-year limit, excepting students from such limit, see Act amending the criteria for voting by electors outside Quebec (no, 18/2026), 2 April 2026.
[192] Citizens residing abroad may vote for Governors and the Head of Government of the Federal District, but only if the specific State Constitutions or the Statute of Government of the Federal District provide for it, see Article 329 of the General Elections Act.
[193] Article 17 of the Constitution.
[194] Section 2-2 of the Election Act.
[195] First Additional Provision § 2 of Organic Law no. 5/1985 on the General Electoral Regime.
[196] Each canton regulates out-of-country voting for cantonal elections, pursuant to Article 39 of the Constitution. Currently, half of the cantons allow citizens residing abroad to vote at cantonal level.
[197] Article 158 § 3 of Ordinance n° 21-01.
[198] Article 1.5 § 2 of the Election Law for voters temporarily residing abroad and Article 20.8 § 8 for refugees.
[199] Article 18 of CEC Regulation No. 17/2024.
[200] Article 33^1 of the Law on the Election of Local Government Councils.
[201] Article 17 of the Constitution.
[202] Section 2-2 of the Election Act.
[203] Article 4 of Act No. 112/2021 on Parliamentary Elections to the Althingi.

abroad can only vote from abroad in referenda that address matters that specifically concern them.[204]

74. Concerning the elections to the European Parliament (all European Union member states are also members of the Council of Europe), all EU member states, with the exception of **Ireland**, **Malta** and **Slovakia**,[205] already recognise their citizens' right to vote from abroad in European Parliament elections. **Bulgaria**[206] and **Italy**[207] however, only recognise such right to citizens who reside in another EU Member State. Depending on whether the country concerned provides for a single constituency or regional constituency, voters abroad participate in the vote nationally or in respect of their last place of residence. In any case, it should be noted that EU citizens living in another EU country have the right (under EU law)[208] to vote for the candidates for the European Parliament of their (EU) country of residence, under the same conditions as the nationals of that country.

E. Voting methods

1. Main OCV voting methods

75. The comparative research identifies four main OCV voting methods:

- Voting in person at diplomatic premises or polling stations established for the occasion;
- Postal vote;
- Proxy vote;
- Electronic vote.

76. Exclusive voting in person at diplomatic premises or polling stations established for the occasion is carried out in **Azerbaijan**,[209] **Brazil**,[210] **Bulgaria**,[211] **Chile**,[212] **Costa Rica**,[213] **Croatia**,[214] **Cyprus**,[215] **Denmark**,[216] **Iceland**,[217] **Kazakhstan**,[218] **Republic of Korea**,[219]

[204] Article 37: 2 of Law no. 15-A/98 of 3 April 1998.
[205] **Czechia** introduced such right in 2024.
[206] Article 350 § 1 of the Election Code.
[207] Article 3 § 1 of Law Decree no. 408/1994.
[208] Article 20 § 2(b) of the Treaty on the Functioning of the European Union (TFEU).
[209] Article 35 of the Election Code: provided there are at least 50 voters registered with the relevant consulate.
[210] Articles 225 and 226 of the Electoral Code: provided that there are at least 30 voters in the district under the jurisdiction of the diplomatic mission.
[211] Article 14 of the Election Code, as amended in 2026, differentiates between EU and non-EU countries: whereas in EU countries outside a diplomatic or consular mission, polling stations shall be established where there are at least 40 voters who have submitted an application, in non-EU countries there can be a maximum of 20 polling stations outside the diplomatic and consular missions.
[212] Article 205 of Law no. 18,700 - Constitutional Organic Law on Popular Votes and Counting of Votes.
[213] Article 189 of the Electoral Act.
[214] Article 45 § 3 of the Constitution.
[215] Based on Article 27 of the Election of Members of the House of Representatives Law of 1979 (72/1979), at least 30 voters from each electoral district must express, through the prescribed declaration, their interest in voting in a particular city abroad in order for an overseas polling station to be established there. For an electoral contest in which the entire territory of the Republic constitutes a single electoral district, the threshold is 50 voters, irrespective of their electoral district.
[216] Article 57 § 2 of the Folketing Elections Act: though the vote is an in-person advance vote with the diplomatic representation sending the ballots to Denmark on behalf of the voter.
[217] Article 70 of the Act No. 112/2021 on Parliamentary Elections to the Althingi: vote takes place in advance.
[218] Article 25 § 1(5) of the Constitutional Act on Elections.
[219] Article 218-17 of the Public Official Election Act: vote takes place in advance (14 days to 9 days before election day).

Kyrgyzstan,[220] **North Macedonia**,[221] **Poland**,[222] **Serbia**,[223] **Tunisia**,[224] **Ukraine**.[225] Among these, **Azerbaijan**, **Brazil** and **Chile** condition the opening of a polling station in a diplomatic/consular premises to a minimum number of voters that either reside within a certain consular district or who file a specific application. In **Bulgaria**, beside a diplomatic or consular mission, polling stations shall be established where there are at least 40 voters who have submitted a specific application.[226]

77. Countries mostly follow two distinct models for counting ballots cast abroad at a diplomatic/consular office or at a polling station established abroad: either on the spot at the foreign location or in the home country, by means of a centralised counting. In **Algeria**,[227] **Argentina**,[228] **Bulgaria**,[229] **Chile**,[230] **Czechia**,[231] **France**,[232] **Latvia**,[233] **Peru**,[234] **Poland**,[235] the **Republic of Moldova**,[236] and **Serbia**[237] counting happens at the polling stations or diplomatic missions after the polls close. Conversely, in **Brazil**,[238] **Estonia**,[239] **Hungary**,[240] **Kosovo**,[241] **Mexico**,[242] the **Republic of Korea**,[243] and **Türkiye**,[244] polling stations/diplomatic premises send ballot boxes/envelopes to the country, where they are counted. In **Belgium**, votes are sent to regional counting offices which are established at specific, designated career diplomatic or consular posts.[245]

78. Exclusive postal vote is used in **Albania**,[246] **Andorra**,[247] **Austria**,[248] **Canada**,[249] **Germany**,[250] **Luxembourg**,[251] **Slovakia**,[252] **United States of America**.[253] In **Italy**, exclusive

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[220] Article 2 § 2 of Constitutional Law no. 68/2011 on Election of President of the Kyrgyz Republic and Deputies of Jogorko Kenesh of the Kyrgyz Republic.
[221] Articles 6 § 2 and 113-a § 2 of the Electoral Code: voting take place one day before election day in North Macedonia.
[222] Article 53a § 2(4) explicitly excludes postal voting in the case of voting abroad.
[223] Article 56 § 2 of the Law on Election of Members of Parliament.
[224] Article 103 of Organic Law no. 2014-16: the votes take place over three days, with the last one being election day in Tunisia.
[225] Article 31 of the Electoral Code of Ukraine.
[226] Article 14 § 2 (1) and § 3 of the Election Code.
[227] Article 274 of Ordinance no. 21-01.
[228] Article 3 of Law no. 24.007.
[229] Article 108 § 1(4) of the Election Code.
[230] Article 216 of Law no. 18,700.
[231] Section 19(3)(c) of Act 88/2024.
[232] Article L330-14 of the Electoral Code.
[233] Article 47 § 1 of the Law on the Election of the Saeima.
[234] Article 231 of Organic Law No. 26859.
[235] Article 14 § 1 of the Electoral Code.
[236] Article 81 § 1 of the Electoral Code.
[237] Article 101 of the Law on Election of Members of Parliament.
[238] Article 229 of the Electoral Code.
[239] Section 55 §§ 1 and 3 of the Riigikogu Election Act.
[240] Section 269 § 3 of Act XXXVI of 2013.
[241] Article 96 § 4 of Law no. 08/L-228.
[242] Article 346 § 3 of the General Law on Electoral Institutions and Procedures.
[243] Articles 218-21 § 2 and Article 218-24 § 1 of the Public Official Election Act.
[244] Article 94/C § 10 of the Law on Basic Provisions on Elections and Voter Registers.
[245] Article 180-*quinquies* §§ 4 to 6 of the Electoral Code.
[246] Article 25/1 of the Electoral Code: ballots to be received by the CEC at the latest at the time set for the closing of voting in the country.
[247] Article 35 of Law 44/2022.
[248] Section 38 of the Federal Act on the Election of the National Council and Section 5a of the Federal Presidential Election Act.
[249] Articles 227 and 228 of the Canada Elections Act: the special ballot can be sent by mail or delivered to a Canadian embassy, High Commission, consular office, or Canadian Forces base.
[250] Article 14 § 3(b) of the Federal Electoral Act.
[251] Article 1 § 1(4) of the Electoral Law of 18 February 2003.
[252] Article 57 § 3 of Act 180/2014 on the Conditions for Exercising the Right to Vote and on Amendments and Supplements to Certain Acts.
[253] Section 102 § 1 of the Uniformed and Overseas Citizens Absentee Voting Act.

postal voting is used for parliamentary elections and referenda,[254] whereas for European Parliament elections, vote is exceptionally carried out in person at diplomatic premises or at other polling stations established for the occasion.[255]

79. **Argentina**,[256] **Bosnia**,[257] **Czechia**,[258] **Finland**,[259] **Greece**,[260] **Kosovo**,[261] **Latvia**,[262] **Lithuania**,[263] **Republic of Moldova**,[264] **Norway**,[265] **Peru**,[266] **Portugal**,[267] **Romania**,[268] **Slovenia**,[269] **Spain**,[270] **Sweden**,[271] provide for a double option (in person and via post).

80. In **Hungary** the law distinguishes between voters abroad with and without a registered residence in Hungary: the first only vote on diplomatic premises,[272] the second via post.[273][274]

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[254] Article 1 § 2 of Law no. 459/2001.
[255] Article 3 § 1 of Law Decree no. 408/1994. Pursuant to Article 4 § 5 of the same Law Decree, each polling station shall be assigned a number of voters not exceeding 5,000 and not less than 200.
[256] Article 5-*bis* of Law 24.007 of 1991 on the Creation of the Registry of Electors Resident Abroad.
[257] Articles 1.5 § 2 (temporary residents abroad) and 20 § 8 (refugees) of the Election Law.
[258] Article 2 of Act 88/2024 on Election Administration (in-person voting, to be held one to three days before election day in Czechia depending on the locality) and Articles 57a-d (postal voting).
[259] Articles 46 and 47 of the Election Act provide that voters can vote in advance at Finnish diplomatic missions abroad between the 11th day before election day until the 8th day before election day; Articles 66a and 66d provide for postal voting no earlier than 38 days before election day in presidential elections and in other elections no earlier than 31 days before election day. Pursuant to Article 66e, the ballot should reach the central election committee no later than 7 p.m. on the second day before election day.
[260] Article 1 §§ 3-4 of Law no. 4648/2019: voting takes place in advance between the 4th and the day before election day in Greece. In March 2026, Parliament approved a law which will allow Greek citizens residing abroad to cast their votes by mail. As the relevant provision has been adopted with a 2/3 majority of the total number of Members of Parliament, postal voting will be implemented as of the next elections.
[261] Article 96 §§ 3.1 and 3.2. However, physical voting at diplomatic missions is not possible for local elections.
[262] Articles 43 and 45 of the Law on the Election of the Saeima: application for postal voting shall be made online 35 days before the election day but not later than eight days before election day. For local elections, only postal voting is admissible, see Article 33^1 of the Law on the Election of Local Government Councils (voter may apply for postal voting 50 days before the election day but not later than 8 days before the election day).
[263] Article 145 of the Electoral Code provides for voting in-person at diplomatic premises. According to the Code, postal vote can be exceptionally organised in the event of a situation in a foreign state which makes it impossible to vote in person, see Article 145 § 6; in practice, data from the 2020 and 2024 presidential and parliamentary elections showed that postal voting is the preferred voting method of Lithuanians residing abroad.
[264] Article 39 of the Electoral Code (in-person voting) as well as Law No. 109/2024: postal voting to be applied for citizens of the Republic of Moldova located in the territory of the United States of America, Canada, the Kingdom of Norway, the Kingdom of Sweden, the Republic of Finland, Iceland, Japan, the Republic of Korea, the Commonwealth of Australia, and New Zealand (Article 35 of the above-mentioned law).
[265] Section 8 of the 2023 Election Act: either in advance (in the period from 1 July up to and including the penultimate Friday before Election Day) at Norwegian Foreign Service missions or by post in sufficient time for the votes to be received by the electoral committee by 5 p.m. the day after Election Day.
[266] Articles 226 and 239 § 2 of Organic Law No. 26859 On Elections.
[267] Article 79-F of the Electoral Law for the Assembly of the Republic.
[268] Article 23 of the Legislative Elections Law and Article 4 of Law no. 288 of November 19, 2015, on voting by correspondence, as well as amending and supplementing Law No. 208/2015. See also Article 1 § 6 of Law No. 370 of September 20, 2004, for the election of the President of Romania.
[269] Article 82 of the Law about the elections to the National Assembly.
[270] Article 75 §§ 1-4 and 7 of Organic Law no. 5/1985 on the General Electoral Regime, see also Royal Decree no. 1621/2007: Spain provides CERA electors with two alternatives: postal voting and personal deposit of the ballot at embassies, consular offices, honorary consulates or other authorised centres from the eighth to the third day before election day. The system uses a two-stage dispatch: census certificates, envelopes and instructions are sent first, followed by the official ballot papers once candidacies are final. Electors may alternatively download the complete set of ballot papers. This is an electronic facilitation of paper voting and should not be classified as electronic voting. The removal of the requirement to request electoral documents in advance (see paragraph 60 above) applies only to CERA electors. Electors residing in Spain who are temporarily abroad (ERTA electors) follow a specific application procedure and vote by post.
[271] Sections 1 and 11 of Chapter 7 and Sections 1-2 of Chapter 10 of Elections Act (2005:837).
[272] Section 269 of Act XXXVI of 2013 on election procedure.
[273] Section 266 of Act XXXVI of 2013 on election procedure.
[274] Recalling that it was not for it to pass judgment on the efficiency of the organisation of a voting system, the ECtHR found that such a difference in voting arrangements for Hungarian citizens with or without a residence in

81. **Belgium**, also in light of the mandatory character of vote for its citizens residing abroad, provides its voters with a vast array of voting choices: postal,[275] in person on diplomatic premises,[276] and by proxy (either in a Belgian municipality[277] or at a consular post[278]). Upon registration, the voter must explicitly indicate which of these methods they intend to use to exercise their right to vote.[279]

82. Exclusive proxy voting exists in **Monaco**[280] and **Morocco**.[281] In **Algeria**,[282] the **Netherlands**,[283] and the **United Kingdom**[284] proxy voting is an option in addition to personal vote on diplomatic premises (Algeria) and postal vote (the Netherlands and the United Kingdom). Some countries, including **Germany**,[285] **Portugal**[286] and **Slovenia**,[287] explicitly prohibit proxy voting as a voting method (regardless of whether the vote is cast in-country or out-of-country). In **Lithuania**, the exclusion of proxy voting is rooted in constitutional principles.[288]

83. No country has reported an exclusive system of electronic voting from abroad.[289] However, the latter is one of the OCV voting methods in **Estonia**, **France**, **Mexico**, **Switzerland**, **Türkiye**. **Estonia** provides for a hybrid system whereby voters can vote in advance online,[290] by post,[291] or physically at a foreign mission.[292] Also **France** allows citizens residing abroad to vote via the internet (for legislative elections and the elections of the representatives of French

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the country could not be regarded as overstepping the State's margin of appreciation in this field, see ECtHR, *Vámos v. Hungary* (dec.), cited above.

[275] Article 180-*septies* of the Electoral Code: the vote should be received by the relevant electoral constituency no later than at the time of the closing of the polling stations in Belgium.

[276] Article 180-*quinquies* of the Electoral Code: the vote takes place on the Wednesday which precedes Election Day in Belgium, from 1 p.m. to 7 p.m.

[277] Article 180-*quater* of the Electoral Code.

[278] Article 180-*sexies* of the Electoral Code.

[279] Article 180-*bis* § 2 of the Electoral Code.

[280] Article 43 of the National Elections Law – voters who reside in the French department of Alpes-Maritimes or in the Italian province of Imperia are excluded from this provision and have to vote in person in Monaco.

[281] Article 71 of the Organic Law no. 27-11 concerning the House of Representatives.

[282] Article 158 §§ 2 and 3 of the Decree n° 21-01 enacting the Organic Law on the Electoral System. Only for the legislative and presidential elections and for referenda. Voting at provincial and municipal elections can only be via proxy.

[283] Section L1 of the Kieswet (proxy voting); voters can also hand delivery their postal ballots at an embassy/consulate, see Section M 7 of the Kieswet.

[284] Section 15 of the Elections Act 2022.

[285] Article 14 § 4 of the Federal Electoral Act.

[286] Article 79 § 2 of Law no. 14/79 and Article 70 § 3 of Decree-Law no. 319-A/76.

[287] Article 9 of the Law about the elections to the National Assembly.

[288] The Constitutional Court has held that the constitutional principle of direct suffrage, which applies equally to elections and referenda, requires that citizens vote without intermediaries. Accordingly, the legislature may not establish a legal framework allowing another person to vote on behalf of a voter, except where the voter is unable to exercise the right personally because of his or her health condition. Constitutional Court of the Republic of Lithuania, Ruling No. KT8-N2/2019 of 15 February 2019.

[289] The only exception is Armenia, which employs exclusive electronic voting for the members of its diplomatic/consular staff and their families: see Article 62 of the Electoral Code and *mutatis mutandis* Article 26 of the Law on Referendum. However, as indicated in paragraph 34 above, the country does not have a generalised out-of-country voting regime.

[290] Article 38 § 2(4) of the Riigikoku Election Act: from the sixth day to the first day before the election day. See *mutatis mutandis* Article 31 § 2(4) of the Referendum Act and Article 37 § 2(4) of the European Parliament Election Act.

[291] Article 52 § 2 of the Riigikoku Election Act: at a day tbd by the foreign mission but so that the State Electoral Office will receive the ballot papers not later than on the fourth day before the election day. See *mutatis mutandis* Article 45 § 2 of the Referendum Act and Article 51 § 2 of the European Parliament Election Act.

[292] Article 54 § 2 of the Riigikoku Election Act: 15 to 10 days before the election day. See *mutatis mutandis* Article 47 § 2 of the Referendum Act and Article 53 § 2 of the European Parliament Election Act.

living abroad only),[293] in addition to in-person,[294] proxy[295] and postal voting.[296] In **Mexico** citizens residing abroad may cast their vote by post, in person at polling stations set up in embassies or consulates, or electronically (online).[297] In **Türkiye**, while the law provides that the Supreme Election Board may implement polling stations, voting at customs checkpoints, or electronic voting methods, it appears, according to the research carried out, that the latter has never actually been implemented.[298] In **Switzerland**, Swiss citizens residing abroad may cast their votes by post or, in agreement with interested cantons and municipalities, electronically.[299]

2. Specific safeguards against fraud and irregularities when employing remote voting methods

84. Remote voting methods such as postal, proxy and electronic voting raise specific concerns regarding the free and secret character of the vote, the prevention of fraud, impersonation and multiple voting, and the reliability and security of the voting process. These concerns stem primarily from the nature of these remote methods, but the context of OCV may nevertheless give rise to additional logistical and administrative challenges, particularly where electoral materials must be transmitted across borders. The comparative research shows that states have adopted various legal and administrative measures to address these concerns, in particular with regard to postal voting.

85. A first group of measures is linked to the very nature of postal voting and seek to ensure that the postal vote has respected the principles of free and secret suffrage. In **Austria**,[300] **Germany**,[301] and the **Netherlands**,[302] voters shall sign a declaration certifying that the vote was cast personally and secretly. In **Finland** and **Sweden** each voter must have two witnesses (aged 18 or older and who cannot be the voter's spouse, child, parent or a candidate) present during the submission of the postal vote; these witnesses shall then sign a declaration in the documentation accompanying the postal vote certifying that the vote was cast in secret.[303] In **Greece**, the law provides that the envelope that contains the ballot may be only collected only by the voter or by a person expressly authorised for this purpose, subject to verification of their identity by the delivery agent;[304] severe sanctions are imposed on the contractor providing postal services for a breach of such provision.[305] In **Andorra**,[306] the **Netherlands**,[307] and **Portugal**,[308] voters are required to include a photocopy of their national identity card inside the return envelope along with their ballots. In **Spain**[309] postal CERA voters must include a signed certificate of registration in the electoral census and a copy of a Spanish identity card

[293] Article L 330-13 of the Electoral Code.
[294] Article L330-11 of the Electoral Code: the first round takes place the week before the date of the first round in France (except in the Americas where it takes place the second Saturday before the date of the first round in France.
[295] Article L 330-13 § 3 of the Electoral Code.
[296] Article L 330-13 of the Electoral Code.
[297] Article 329 § 2 of the General Law on Electoral Institutions and Procedures.
[298] Articles 94/A and C of The Law on Basic Provisions on Elections and Voter Registers: vote is carried out in advance, starting from forty-five days prior to the day of the election, until 17:00 on the third day prior to the election day.
[299] Article 18 §§3-4 of the Federal Act on Swiss Citizens and Institutions Abroad.
[300] Article 26 § 6 of the Federal Constitutional Law.
[301] Article 36 § 2 of the Federal Electoral Act.
[302] Section M7 § 3 of the Electoral Act.
[303] Section 66d § 5 of the Election Act (Finland) and Section 13 of Chapter 7 of the Elections Act (Sweden).
[304] Article 11 § 2 of Law no. 5083/2024.
[305] Article 11 § 3 of Law no. 5083/2024.
[306] Article 35 § 4 of Law no. 44/2022.
[307] Section M7 § 4 of the Electoral Act.
[308] Article 79-G § 6 of Law no. 14/79.
[309] Article 75 § 7 of Organic Law no. 5/1985.

or passport, or alternatively a certificate of nationality or a certificate of registration in the Consular Register.

86. Another recurring measure states employ aims at ensuring voter identification while also protecting the secrecy of the ballot. Most countries use a two-envelope system whereby the ballot is placed in a secret/inner envelope, which is then placed in a mailing/outer envelope along with an electoral certificate and/or an identification document: these include **Andorra**,[310] **Austria**,[311] **Belgium**,[312] **Canada**,[313] **Estonia**,[314] **Finland**,[315] **Germany**,[316] **Italy**,[317] **Lithuania**,[318] **Luxembourg**,[319] the **Netherlands**,[320] the **Republic of Moldova**,[321] **Portugal**,[322] **Slovakia**.[323] **Spain** and **Sweden** have a three-envelope system: **in Spain** the ballot envelope and the documents required for voter identification are placed in an envelope addressed to the competent electoral board, which is in turn enclosed, together with the second census certificate, in the envelope sent to the relevant consular office.[324] In **Sweden** the "vote envelopes" are placed into an "outer envelope for postal votes", on which the voter and the witnesses shall state their names and personal ID numbers; and then insert such outer envelope into a final "cover envelope" for postal votes together with a voting card.[325]

87. The OCV context gives rise to additional logistical challenges, in particular concerning the reliability of postal services in the host country. In this regard: **Czechia** conditions the use of postal voting on the reliability of the local postal infrastructure in the host country. [326] In the **Republic of Moldova**, the law requires an evaluation of the "safety and reliability of postal or courier services" before implementing postal voting in a specific country.[327] A further OCV-specific issue concerns the transfrontier transport and handling of ballots: in several countries it is provided that diplomatic and consular offices are in charge of returning the ballots to the home country via diplomatic bag (including **Brazil**,[328] **Chile**,[329] **Italy**,[330] the **Republic of Korea**,[331] **Spain**[332]) and that once in-country, ballots are escorted to the offices that are charged with the counting (**Italy**[333] or **Kosovo**[334]).

88. To prevent double voting, in **Slovakia** the Ministry of Interior immediately notifies domestic municipalities of every voter whose return envelope was received from abroad, so they can be removed from the domestic voter list with a note that they have already voted by post.[335]

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[310] Article 35 § 4 of Law no. 44/2022.
[311] Section 60 § 2) of the Federal Act on the Election of the National Council and Section 5a § 7 of the Federal Presidential Election Act.
[312] Article 180septies, § 2 of the Electoral Code.
[313] Section 227 § 2(b) and (d) of the Canada Elections Act.
[314] Section 52 § 1 of the Riigikogu Election Act; Section 45 of the Referendum Act; and Section 51 of the European Parliament Election Act).
[315] Section 66e of the Election Act.
[316] Section 36 § 1 of the Federal Electoral Act and Section 66 § 1 of the Federal Electoral Regulations.
[317] Article 12 § 6 of Law no. 459/2001.
[318] Paragraph 49 of the Rules on Voting at Diplomatic Missions and Consular Posts of the Republic of Lithuania.
[319] Article 176 of the Electoral Law.
[320] Section M 7 §§ 2 and 5 of the Electoral Act.
[321] Article 4 § 2 of Law No. 109/2024.
[322] Article 79-G §§ 4 and 6 of Law no. 14/79.
[323] Section 60a § 3 of Act no. 180/2014.
[324] Article 75 § 7 of the Organic Law no. 5/1985 on the General Electoral Regime.
[325] Sections 13 and 14 of Chapter 7 of the Elections Act.
[326] Article 58 § 3 of Act 88/2024 on Election Administration.
[327] Article 8(d) of Law No. 109/2024.
[328] Article 229 of the Electoral Code.
[329] Article 218 of Law no. 18,700.
[330] Article 12 § 7 of Law no. 459/2001.
[331] Article 218-21 of the Public Official Election Act.
[332] Article 75 § 8 of Organic Law no. 5/1985 on the General Electoral Regime.
[333] Article 12 § 7-bis of Law no. 459/2001.
[334] Article 11 § 2 of CEC Regulation No. 17/2024.
[335] Article 60a of Act 180/2014.

89. Insofar as proxy voting is concerned, in the countries observed proxies are limited to one per each proxy holder (**Algeria**,[336] **Belgium**,[337] **Morocco**[338]), two (**Monaco**[339] and the **Netherlands**[340]), three (**France**),[341] or four (the **United Kingdom**)[342].

90. Electronic (internet) OCV is allowed in **France** provided that technologies ensure the secret and free character of the vote,[343] whereas in **Mexico** the Law explicitly provides that electronic voting may only be carried out in accordance with guidelines which must ensure complete certainty and proven security for citizens residing abroad.[344]

3. Arrangements for exceptional circumstances

91. Lastly, some national legislations specifically restrict or exclude OCV where the political or security situation in the relevant state where the voting should take place (outside the state's territory) does not permit the free, equal and secret exercise of the vote. **Italy** prohibits postal voting in states where the political or social situation does not guarantee equality, freedom and secrecy, or where participation could prejudice voters' employment or individual rights.[345] The **Republic of Moldova** similarly prohibits postal voting in countries affected by military conflicts or in countries that do not comply with international standards for free and fair elections.[346] **Spain** authorises the Government, exceptionally, to adjust the criteria and adapt the circumstances of the application of the article regulating voting rights for persons residing abroad where the ordinary provisions of the article are not practicable upon receiving a favourable report from the Central Electoral Board.[347] The **Republic of Korea** permits the National Election Commission to decide not to establish an out-of-country election commission or decide to suspend the out-of-country election affairs that it is unable to conduct OCV due to natural disaster, war, uprising, or other exceptional circumstance.[348]

92. Some systems regulate alternative arrangements for counting, transmission or production of electoral materials in exceptional circumstances: **Azerbaijan** allows precinct election commissions, in exceptional cases, to produce election documents, including ballot papers, *inter alia* in precincts established outside the country.[349] The **Republic of Korea** allows overseas votes to be retained and counted by the relevant overseas election commission where natural disaster, war, uprising or other exceptional circumstances prevent their arrival at the competent domestic election commissions.[350] **Serbia** permits election material to be moved to another location for counting if results cannot be established at the polling station without endangering the safety or health of board members or the security of election material.[351]

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[336] Article 160 of Decree n° 21-01 enacting the Organic Law on the Electoral System.
[337] Article 180sexies, § 2 of the Electoral Code.
[338] Article 72 of Organic Law no. 27-11.
[339] Article 43 bis of the National Elections Law.
[340] Section L4 of the Electoral Act.
[341] Article L330-13 of the Electoral Code.
[342] Elections Act 2022, Schedule 4, which amends Section 61(3B) of the RPA 1983 as follows: it is an offence to vote as proxy for more than two domestic electors, or to vote as proxy for more than four electors in total.
[343] Article L330-13 § 2 of the Electoral Code.
[344] Article 329 § 3 of the General Law on Electoral Institutions and Procedures.
[345] Article 20 § 1-bis of Law no. 459/2001.
[346] Article 8 § 2 of Law No. 109/2024.
[347] Article 75 § 13 of the Organic Law No. 5/1985 on the General Electoral Regime.
[348] Article 218 § 29(1) of the Public Official Election Act.
[349] Art. 99 § 8 of the Election Code.
[350] Article 218 § 24(3) of the Public Official Election Act.
[351] Article 101 of the Law on the Election of Members of Parliament.

4. Voting in the home country

93. Finally, OCV is normally an alternative to the possibility of travelling back to the home country to vote and vote in person in the electoral district of their registration (including **Belgium**, **Bosnia and Herzegovina**, **Estonia**, **France**,[352] **Germany**,[353] **Italy**,[354] the **Republic of Korea**, the **Republic of Moldova**,[355] **Switzerland**[356]). Such an option acquires particular significance in countries which, in parliamentary elections, provide for separate representation for their citizens residing abroad: In **Italy**, if a citizen residing abroad decides to travel back to Italy to vote, written notice shall be given to the diplomatic or consular representation of their consular district by December 31 of the year preceding the year scheduled for the natural expiration of the legislative term, or within ten days of the call for elections in case of early dissolution of Parliament or in case of referendum. In parliamentary elections, these citizens will not vote for the Overseas constituency candidates but will instead participate as ordinary in-country voters, contributing to the election of the parliamentarians in the constituencies where they are registered. A similar system exists in **France**, where voters residing abroad can opt to be registered in a municipality in France (among others municipality of birth or last residence) up until 6 weeks before the elections and will vote for the constituency to which such municipality belongs rather than for the dedicated out-of-country constituency.

94. In the **Republic of Moldova**, even if voters have registered for or voted by post abroad, upon presenting themselves at a polling station in-country, they shall receive from the electoral bureau a ballot paper. In such case, the ballot paper dispatched by post shall be annulled. A Spanish elector registered in the Census of Absent Residents (CERA) who is temporarily present in **Spain** during the electoral process may apply for a domestic postal ballot without being removed from the CERA, but may not vote personally at a polling station.[357] In **Switzerland**, notification shall be sent in writing or made in person six weeks prior to election day. **Lithuania** limits OCV enfranchisement to situations where in-country voting is not possible: voters may be entered on the electoral list of a diplomatic mission or consular post only if they are unable to return to Lithuania during the period of early voting or on election day.[358]

F. Allocation of votes cast abroad to constituencies

95. The question of the allocation of the votes cast abroad does not arise in referenda or presidential elections, or in countries which employ a single nationwide constituency in parliamentary elections (**Kosovo**, the **Netherlands**,[359] the **Republic of Moldova**, **Serbia**).[360]

96. For parliamentary elections instead, two main models exist:

- the aggregation of votes cast abroad into domestic constituencies based on the voters' (or their ancestors) last place of residence or where they have other type of ties; or
- the existence of a dedicated overseas constituency.

[352] Articles L.12 and L.17 of the Electoral Code.
[353] Article 14 § 3 (a) of the Federal Electoral Act.
[354] Articles 1 § 3 and 4 § 1-2 of Law no. 459/2001.
[355] Article 25 § 4 of Law No. 109/2024.
[356] Article 13 of the Ordinance of 7 October 2015 on Swiss Nationals and Institutions Abroad.
[357] Official INE and Ministry of Foreign Affairs guidance.
[358] Article 58 § 3 of the Electoral Code.
[359] Though the votes of citizens residing abroad are counted as if they were casted in The Hague, cfr. Sections D2, D3 and M3 of the Electoral Act. It is also worth noting a constituency for overseas voters was created in 2023 for the indirect election of the Senate, cfr. Article 55 § 2 of the Dutch Constitution.
[360] See also 2011 Report, § 77.

97. The first model is employed in **Albania**,[361] **Andorra**,[362] **Argentina**,[363] **Austria**,[364] **Belgium**,[365] **Bosnia and Herzegovina**,[366] **Canada**,[367] **Cyprus**,[368] **Denmark**,[369] **Estonia**,[370] **Finland**,[371] **Germany**,[372] **Iceland**,[373] **Japan**,[374] **Luxembourg**,[375] **Mexico**,[376] **Morocco**,[377] **Norway**,[378] **Slovenia**,[379] **Spain**,[380] **Sweden**,[381] **Switzerland**,[382] the **United Kingdom**,[383] the **United States of America**.[384]

[361] Article 25/1 § 4 of the Electoral Code: last place of residence.
[362] Article 6 of Law no. 44/2022: voters remain registered in their Andorran parish, and, if not yet registered, can request registration in their parish of origin.
[363] Article 6 of Law No. 24.007: last registered address in the Argentine Republic. In the alternative, the address of the place of birth in the country or the last registered address of the parents.
[364] Section 3 § 1 and 2 of the Federal Act on the Keeping of Permanent Records of Persons Entitled to Vote: upon application in: the electoral register of the municipality in which they are registered in the European electoral register or, in the alternative, in the electoral register of the municipality in which they last had their main residence in Austria; in the alternative, in the electoral register of the municipality in which at least one parent has or last had their main residence in Austria. If such an assignment cannot be made, the place of registration in the electoral register shall be determined by the following domestic ties, in the following order: 1. Place of birth; 2. Main place of residence of spouse; 3. Main place of residence of closest relative; 4. Place of business of employer; 5. Ownership or tenancy rights to land or dwellings; 6. Assets; 7. Other ties to the country.
[365] Article 180 of the Belgian Electoral Code: (1) The Belgian municipality where the person was once registered in the population registers; (2) If none, the Belgian municipality of their place of birth; (3) If none, the Belgian municipality where their father or mother is or was last registered; (4) If none, the Belgian municipality where a spouse or registered partner (current or previous) is or was last registered; (5) If none, the Belgian municipality where a relative up to the third degree is or was last registered, or where an ancestor was born or registered; (6) if none of the above applies, the municipality of Brussels.
[366] Article 3.9 §§ 2 and 3 of the Election Law: last permanent residence.
[367] Section 222 of the Canada Elections Act, read in conjunction with Section 8(2.1): the last place of ordinary residence in Canada.
[368] Article 7 read in conjunction with Article 27 of the Law on the Election of Members of the House of Representatives Laws.
[369] Section 16 of the Folketing Elections Act: the most recent registered residence.
[370] Article 50 of the Riigikoku Election Act; Article 43 of the Referendum Act and Article 49 of the European Parliament Election Act: last residence; if none, last residence of parents or grandparents.
[371] Article 18 of the Elections Act: municipality of residence or population registration municipality.
[372] Section 17 § 2(5) of the Federal Electoral Regulations: the municipality in the Federal Republic of Germany in which the eligible voter, according to his or her statement, was last registered before leaving the electoral area, or, if he or she has never been registered in the electoral area, with the municipality he or she declares to have the closest connection with.
[373] Article 28 §§ 1(b) and 2 of Act no. 112/2021 on Parliamentary Elections to the Althingi: if the voter's last residence was in Reykjavík, his/her attribution to the North or South constituency of the city will be decided by his/her date of birth.
[374] Articles 30-4, 30-5 and 492 of the Public Offices Election Act.
[375] Article 169 of the Electoral Law of 18 February 2003: municipality of residence, failing that, the municipality of last residence, failing that, the municipality of birth, failing that, the City of Luxembourg.
[376] Article 336 § 2 of the General Law on Electoral Institutions and Procedures.
[377] Article 71 of the Organic Law no. 27-11 concerning the House of Representatives: the municipality in which they are registered.
[378] Section 2-6 §§ 3-5 of the Elections Act 2023: the municipality where they were most recently registered; diplomatic staff not previously registered in a municipality is registered in Oslo.
[379] Article 15 § 2 of the Voting Rights Register Act: last residence; if none, mother's or father's last residence; otherwise, the voter chooses.
[380] Article 4 of Order EHA/642/2011: the municipality of their last residence or, for those who have not resided in Spain, the municipality with the strongest ties, either their own or that of one of their ancestors. On 16 July 2026, the Spanish Central Electoral Board stressed that the determination of the municipality of electoral registration is essential because it determines the constituency to which a CERA elector is attached. It required the applicable criteria, particularly the assessment of the strongest personal or ancestral ties where the elector has never resided in Spain, to be objective, homogeneous, sufficiently evidenced and properly reasoned, and requested the Electoral Census Office to prepare a specific instruction for consular offices, see Central Electoral Board Resolution no. 204/2026 of 16 July 2026.
[381] Section 4 of Chapter 5 of the Elections Act (2005:837): last residence.
[382] Article 18 of the Federal Act on Swiss Persons and Institutions Abroad (Swiss Abroad Act) and Article 8 of Ordinance on Swiss Nationals and Institutions Abroad (Ordinance on Swiss Nationals): last residence or, if they have never resided in Switzerland, their "home municipality" (place of origin).

98. The second model is employed in **Algeria**,[385] **Colombia**,[386] **Croatia**,[387] **Dominican Republic**, **Ecuador**,[388] **France**,[389] **Italy**,[390] **Peru**,[391] **Portugal**,[392] **Romania**,[393] **Tunisia**.[394] In

[383] Section 14 of the Elections Act 2022, which amends Sections 1 and 2 of the Representation of the People Act 1985 provides that electors shall make a declaration to be registered in reliance on the previous registration condition (meaning that the person has at some time in the past been entered in an electoral register in respect of an address at a place that is situated within the constituency) or the previous residence condition (meaning that the person has at some time in the past been resident in the United Kingdom and on the last of such residence was either resident at an address at a place that is situated within the constituency or could have made a "declaration of local connection" in respect of such an address.

[384] Section 107 § 5 (b) of H.R.4393 - Uniformed and Overseas Citizens Absentee Voting Act: in the last place in which the voter domiciled. See paragraph 55 above concerning "never-resided" citizens.

[385] Article 4 of Ordinance No. 21-02 determining the electoral constituencies and the number of seats to be filled for the parliamentary elections fixes the number of deputies in the overseas constituency at 8 (out of 407 deputies).

[386] Article 176 of the Constitution: one representative (out of 183). See also Law 1475 of 2011 and Law 649 of 2001.

[387] Article 45 § 2 of the Constitution and Article 8 Law on the Elections of Representatives to the Croatian State Parliament provides that voters who do not have registered domicile in the Republic of Croatia shall be entitled to elect three representatives (out of 151).

[388] Article 150 § 3 of the Organic Electoral Law: three specific overseas constituencies (Europe, Oceania and Asia; Canada and the USA; Latin America, the Caribbean and Africa) which elect two deputies each (total of 6 out of 151).

[389] See Article L125 as well as Annex 1-*ter* to the Electoral Code, which details the territory pertaining to the different constituencies established for the election of the National Assembly. 11 deputies (out of 577) are elected in this constituencies with the first-past-the-post system. It is worth noting that French citizens residing abroad also indirectly participate in the election of the Senate, by electing the Assembly of French Citizens Abroad, see Law no. 2013-659 of 22 July 2013 concerning the representation of French citizens abroad.

[390] Article 48 of the Constitution, which establishes the "constituency for Italians abroad"; Article 56 of the Constitution, which fixes at 8 (out of 400) the number of deputies elected in the Overseas constituency and Article 57 of the Constitution, which fixes at 4 (out of 200) the number of senators elected in the Overseas constituency. Under the legal framework in force at the time this report was adopted, Article 6 of Law no. 459/2001 identified 4 different divisions within the Overseas constituency (Europe; South America; North and Central America; Africa, Asia, Oceania and Antarctica). According to paragraph 2 of the same article, 1 deputy and 1 senator shall be elected in each of the divisions, while the other seats shall be distributed among the same constituencies in proportion to the number of Italian citizens residing there (as a result Europe elected 3 deputies and 1 senator; South America 2 deputies and 1 senator; North and Central America 2 deputies and 1 senator; Africa, Asia, Oceania and Antarctica 1 deputy and 1 senator). While Article 11 provides that seats are allocated among the competing lists on a *proportional* basis (emphasis added), this was only the case in 3 divisions for the elections of the Chamber of Deputies, transforming the other 5 divisions (1 for the Chamber and all 4 for the Senate) in *de facto* single-member constituencies. For a critical assessment of the Italian system, see D. Paris, *The Right to Vote of Non-Resident Citizens: Not Just How, But Whether*, Heidelberg Journal of International Law - ZaoeRV, 2025 and *Il diritto di voto preso sul serio – La partecipazione dei cittadini residenti all'estero alle elezioni politiche* (in Italian only), Bocconi University Press, 2025. Article 6 of Law no. 180/2026 of 9 October 2026, which will enter into force on 24 October 2026, amends Article 6 of Law no. 459/2001. It reduces the existing 4 divisions for the elections of 8 deputies to 2 ("Europe" and "Americas, Africa, Asia, Oceania and Antarctica") in respect of elections for the Chamber of Deputies. The 2 divisions shall elect 1 deputy each, while the other seats shall be distributed among the same constituencies in proportion to the number of Italian citizens residing there. As for the election of the 4 members of the Senate, the 4 divisions are suppressed, and all 4 senators are elected in a single Overseas constituency through a proportional system.

[391] Article 21 of the Organic Law no. 26859 on Elections: for the Chamber of Deputies (130 members) one of the 27 multi-member constituencies is for Peruvians residing abroad. Only two seats are allocated to it. For the Senate (60 members), which will be elected for the first time in 2026 following the 2024 reform, two different methods are applied: voters abroad concur to vote for the 30 senators elected in a single nationwide constituency and elect one Senator in the constituency for Peruvians residing abroad.

[392] According to Article 12 § 4 of the Electoral Law for the Assembly of the Republic, two specific constituencies exist: one which cover the whole of the territory of the European countries, and the other the remaining countries and the territory of Macao. Both have their seat in Lisbon. Each constituency elects 2 deputies (out of 230 deputies), pursuant to Article 13 § 3 of the same law.

[393] Law no. 208/2015 provides that the constituency for Romanian citizens domiciled or residing abroad elects 2 senators (out of 136) and 4 deputies (out of 330).

[394] Article 106-*ter* of Law no. 2014-16, as amended by Decree Law no. 2022-55: 10 seats (out of a total of 161 seats) are assigned to 10 electoral constituencies abroad. Annex B to the mentioned Decree Law details that such deputies are elected as follows: 3 in France, 1 in Italy, 1 in Germany, 1 in other European countries where there are Tunisian diplomatic missions, 1 in Arab countries where there are Tunisian diplomatic missions, 1 in all countries of the Asian and Australian continents (other than the Arab countries) where there are Tunisian diplomatic

Lithuania, a special constituency for citizens residing abroad (electing one or more members among the 71 single-member constituencies) is only set up if a certain turnout is reached abroad.[395] Should such threshold not be met, diaspora votes only count for the nationwide proportional allocation of seats (70 members). Similarly, in **North Macedonia**, up to 3 extra seats (in addition to the 120 seats of Parliament) are provided to represent citizens residing abroad, but these are only "activated" upon meeting specific voter turnout thresholds based on the results of the previous domestic parliamentary elections.[396]

99. In **Bulgaria**, pending the establishment, as of 1 January 2028,[397] of a specific multi-member constituency for citizens residing abroad,[398] the votes of the citizens residing abroad are aggregated at the national party level and only concur to the allocation of the total number of seats for each party and coalition.[399] Likewise, in **Greece** a specific multi-member constituency for citizens residing abroad will be established as of the 2031 elections.[400]

100. In **Hungary**, the law differentiates between those citizens abroad without a registered residence in Hungary, who are only eligible to vote in the national list contest (and not in the single-member constituency contests)[401] and those voters with a registered residence in the country who can vote both for the national list contest and the single-member constituency contest[402] (see also paragraph 80 above on the different voting methods).

101. Votes cast abroad are counted as if they were cast in the capital district in **Kazakhstan**,[403] **Latvia**,[404] the **Netherlands**[405] and **Poland**.[406]

102. Other models for the allocation of votes cast abroad to constituencies also exist: in **Czechia**, the State Election Commission determines by lot to which electoral region special electoral districts abroad are subordinate.[407] In **Türkiye**, votes cast abroad are added to the national total to determine the total number of votes at the national level and the number of valid votes each party received nationwide. The votes are then proportionally distributed to

missions, 1 in African countries (other than the Arab countries) where there are Tunisian diplomatic missions, 1 in all the (North, Central and South) American countries where there are Tunisian diplomatic missions.

[395] Article 17 of the Electoral Code, which provides that a constituency is set up when the electoral turnout of voters staying abroad in the previous election to the Parliament, determined one year before the election to the Seimas, exceeds the 1.1 average of voters in all single-member constituencies in the country. If such turnout exceeded the average number of voters in two single-member constituencies in the country, 2 single-member constituencies abroad shall be set up; 3 constituencies shall be established if the turnout exceeded the average number of voters in three single-member constituencies in the country.

[396] Article 4 §§ 2-6 of the Electoral Code: for a single representative to be elected from the overseas electoral district, a list of candidates must obtain at least as many votes as the representative who was elected with the highest number of votes in a domestic electoral district during the last parliamentary elections; a second seat will only be activated if a list obtains twice the number of votes required for that same domestic delegate; a third seat is activated if a list obtains three times the number of votes obtained by the representative who was elected with the lowest number of votes domestically in the last parliamentary elections.

[397] Originally 1 January 2025, then postponed to 2028 ahead of the 2026 parliamentary elections.

[398] See Article 249 of the Election Code of Bulgaria, which provides for the establishment of a constituency abroad, read in conjunction with Final Provision § 56, as amended by Article 4 of Law SG No. 23 of 27 February 2026.

[399] See Article 261 § 3 of the Election Code which provides that the ballot paper for voters residing abroad does not contain preferences for a specific candidate; Article 301 § 3 which provides that votes from abroad shall be added to the votes received for the respective list within Bulgaria; and Article 297 §§ 1 and 2 on the allocation of seats at national level.

[400] Articles 3 and 4 of Law no. 5285/2026: 3 members of Parliament (out of 300) will be elected in the electoral constituency of the Greek Diaspora.

[401] Section 12 § 3 of the Act CCIII of 2011 on the election of the Members of the National Assembly.

[402] Section 12 § 1 of the Act CCIII of 2011 on the election of the Members of the National Assembly.

[403] Article 23 § 3 of the Constitutional Act on Elections in the Republic of Kazakhstan: the votes casted in polling stations abroad relate to the constituency in which the Ministry of Foreign Affairs is located (i.e. Astana).

[404] Article 44 § 2 of the Law on Election of the Saeima: Riga constituency.

[405] See paragraph 95 and footnote 359 above.

[406] Article 14 § 3 of the Electoral Code: the Śródmieście district of the capital city of Warsaw.

[407] Article 8 § 2(i) of the Act on Elections to the Parliament.

every domestic electoral district.[408] However, voters residing abroad only cast ballots for political party lists under the proportional representation system; they do not vote for single-mandate (constituency) candidates.[409][410]

G. OCV observation

103. The comparative research has yielded limited results on this matter, reflecting that observation rules for OCV vary widely across Venice Commission's member and observer states. **Costa Rica**,[411] **Hungary**,[412] the **Republic of Moldova**,[413] are among the countries that have specific provisions for international OCV observation, whereas several other countries have rules on citizen and (mainly) partisan OCV observation. In **Bulgaria**, for example, the Election Code allows non-governmental organisations to register a specific number of observers abroad, provided the total does not exceed the number of polling stations abroad.[414] In **Lithuania**, political organisations, independent candidates and registered non-governmental organisations active in the fields of elections or human rights may appoint observers to polling commissions at diplomatic missions and consular posts.[415] In the **Republic of Korea**, if candidates and political parties do not appoint persons as observers, it is the overseas commission that must select two to ensure oversight.[416] **Mexico**[417] and **Spain**[418] also provide for partisan observation of OCV. In **Kosovo**, the packaging and sealing of election materials at diplomatic missions must be carried out in the presence of observers[419] and the Central Election Commission is required to notify interested observer organisations to monitor the collection of ballot packages from postal boxes abroad.[420]

VI. Analysis

A. The legal basis of the right to vote of citizens residing abroad and of OCV

104. When the Constitution proclaims or does not rule out the right to vote of citizens abroad, it protects that right from being disproportionately restricted by ordinary legislation. However, such recognition does not necessarily determine whether or how those citizens may exercise their right to vote from abroad.

105. Explicit constitutionalisation of OCV remains very exceptional, and the predominant approach is to regulate the exercise of the right to vote from abroad through electoral legislation. In the few cases where specific OCV elements are entrenched in the constitution

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[408] Article 94/B of the Law on Basic Provisions on Elections and Voter Registers.
[409] Article 94/A § 4 of the Law on Basic Provisions on Elections and Voter Registers.
[410] This system was assessed by the ECtHR in the case of *Oran v. Turkey*, in which the applicant, an independent candidate, complained *inter alia* that voters residing abroad voting at polling stations established at border posts could not vote for him. The Court did not find the interference with the applicant's right to stand for elections to be disproportionate, also in light of the following legitimate aims: a) the legitimate concern the legislature might have to limit the influence of citizens resident abroad in elections on issues which primarily affect persons living in the country; b) the enhancement of democratic pluralism while preventing the excessive and dysfunctional fragmentation of candidatures; and c) the legitimate concern to ensure the political stability of the country and of the government which would be responsible for leading it after the elections, see ECtHR, *Oran v. Turkey*, nos. 28881/07 and 37920/07, 15 April 2014.
[411] Article 22 of the Regulations for exercising the right to vote abroad.
[412] Section 269 § 5 of Act XXXVI of 2013.
[413] Article 88 § 8 of the Electoral Code.
[414] Article 111 § 4 of the Election Code.
[415] Paragraphs 59-61 of the Rules on Voting at Diplomatic Missions and Consular Posts of the Republic of Lithuania.
[416] Article 218-20 of the Public Official Election Act.
[417] Article 346 § 4 of the General Law on Electoral Institutions and Procedures.
[418] Article 75 § 6 of Organic Law no. 5/1985.
[419] Article 15 § 6 of CEC Regulation No. 17/2024.
[420] Articles 10 § 11 and 11 § 2 of CEC Regulation No. 17/2024.

this may reflect the political significance attached to OCV or the intention of the State to guarantee and give particular stability to the arrangements governing the voting from abroad.

106. Regardless of the legislative technique employed, as already indicated in paragraph 28 above, the principle of stability of electoral law applies equally in the context of OCV,[421] meaning that either provisions touching upon fundamental elements of the electoral law should not be open to amendment less than one year before an election, or they should be written in the constitution or at a level higher than ordinary law.[422]

B. Enfranchisement of citizens residing abroad

107. Universal suffrage means in principle that all human beings have the right to vote and to stand for election. This right may, however, and indeed should, be subject to certain conditions, including age, nationality, residence.[423]

108. When states decide to facilitate the right to vote of their citizens residing abroad by allowing them to vote from abroad, they enjoy a wide margin of appreciation in determining the categories of citizens who may vote. As the comparative research has shown, enfranchisement requirements may relate to previous residence in the home country, length of time since departure from the home country, existence of specific links with the home country, nature or duration of stay abroad. Such criteria, even strict ones, may pursue legitimate aims, including ensuring a sufficient connection between citizens residing abroad and the political community and preserving the link between the right to vote and the persons primarily affected by the decisions of the elected bodies. However, any restriction to such right should not curtail the right to such an extent as to impair its very essence and deprive it of its effectiveness; it should be imposed in pursuit of a legitimate aim; and the means employed should not be disproportionate to the aim pursued.

109. With regard to the criteria of enfranchisement, this means in the Commission's view that the requirements relating *i.a.* to previous residence in the home country, existence of specific links with the home country, and nature or duration of stay abroad should be clearly set out in the legislation and allow for general application. In those countries where nevertheless the process involves case-by-case decisions about the individual enfranchisement of the voters, these decisions should be based on clear, verifiable and objective criteria, to avoid any arbitrariness in the definition of who is enfranchised and who is not. Lastly, any distinctions between different categories of citizens residing abroad should have an objective and reasonable justification.[424]

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[421] The following are considered fundamental rules: (a) rules that determine the right to vote and stand for election, including voter and candidate registration; the drawing of constituency boundaries and rules relating to the distribution of seats between the constituencies; the electoral system proper, i.e. rules relating to the transformation of votes into seats; essential elements of the voting process; rules relating to the membership, independence and impartiality of electoral commissions or another body which organises the ballot or can decide on electoral rights; rules guaranteeing the effectiveness of election dispute resolution; electoral contestants' access to public media, see CDL-AD(2024)027, cited above, at II.B.5.

[422] CDL-AD(2002)023rev2-cor, cited above, at II.2, see also CDL-AD(2024)027, cited above, in which the principle of stability has been interpreted in the sense that it does not take precedence over the other principles of the Code of Good Practice and should not be invoked to maintain a situation contrary to international electoral standards, to prevent amendments in accordance with these standards based on consensus between government and opposition and on broad public consultations, or to prevent the implementation of decisions by national constitutional courts or supreme courts with equivalent jurisdiction, international courts or of recommendations by international organisations.

[423] CDL-AD(2002)023rev2-cor, cited above, at I.1.1.

[424] See *mutatis mutandis* ECtHR, *Bakirdzi and E.C. v. Hungary*, cited above, § 49.

C. OCV registration

110. In its 2011 Report, the Venice Commission found that requiring voters abroad to register in order to vote is perfectly legitimate, even if registration is automatic for in-country residents.[425] Indeed the Venice Commission finds that devising an active registration procedure for voters abroad (in particular for countries which employ for OCV an exclusive system of postal voting), provided that this does not pose an excessive administrative burden on the voter, is a measure states could employ to reduce the administrative challenges on EMBs and the other actors involved in the electoral process. Such a procedure can also be seen as evidence that a voter is willing to maintain a link with the country of his/her citizenship. At the same time, such an active registration procedure can help reducing the risk of vote buying and/or impersonation. This is particularly relevant when the legal framework allows citizens residing abroad to travel back to their country of citizenship: if voters can vote abroad without pre-registration and, at the same time, are included on in-country voter lists, such an arrangement creates the risk of multiple voting.[426]

111. While in-person registration can be quite challenging in the context of OCV, the comparative research has shown that several states have put in place specific electronic platforms/online portals to facilitate registration and verification of the voter eligibility. When such choice is made, states should ensure that the collection, storing and processing of data by the state as well as by private actors complies with the principles of lawfulness, fairness, transparency, purpose limitation, data minimization, accuracy, storage limitation, integrity and confidentiality.[427]

112. At any rate, any significant difference between OCV registration arrangements and comparable in-country procedures should be clearly foreseen by the law and objectively justified to avoid perceptions of unequal treatment among both voters abroad and in-country voters.

113. Beyond the design of registration procedures, the proper maintenance of electoral registers of all voters, both in-country and abroad, is vital in implementing and guaranteeing universal suffrage.[428] This is particularly true in the context of OCV, where establishing and maintaining accurate voter registers can be particularly challenging. Issues such as voters who remain on in-country electoral lists although they *de facto* reside abroad[429] or (post-)conflict situations with a large number of internally displaced persons and citizens who have emigrated abroad[430] pose challenges to effective electoral management, the integrity of the electoral process and the prevention of fraud. In the former case, there is a risk of impersonation on election day, whereby a person could be voting in the name of a voter who is actually out of the country. This issue was addressed by the Venice Commission in the 2015 Summary Report, which complemented the 2011 Report and recommended enhancing the security of both electoral registers and identity controls at in-country polling stations.[431] Electoral registers should be published or otherwise made available for effective verification, and it should be possible to file complaints regarding their accuracy.[432] It is furthermore desirable that such review be judicial in its last instance.[433]

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[425] 2011 Report, § 96.
[426] Venice Commission, CDL-AD(2020)023, *Report on Electoral Law and Electoral Administration in Europe*, § 55.
[427] CDL-AD(2025)002, cited above, § 42.
[428] CDL-AD(2020)023, cited above, §§ 68 et ff.
[429] 2015 Summary Report.
[430] CDL-AD(2020)023, cited above, § 71.
[431] 2015 Summary Report, §§ 37-39.
[432] CDL-AD(2002)023rev2-cor, cited above, at I.1.2.
[433] CDL-AD(2002)023rev2-cor, cited above, at II.3.3.

D. Elections concerned by out-of-country voting

114. Comparative research has shown that, where states provide for OCV, they do so for all national elections, namely legislative elections, and, where applicable, for referenda and presidential elections. In some countries with a presidential form of government, comparative research has shown that OCV is not provided for legislative elections or is only available for elections to the upper chamber, where such bicameralism exists. This appears to be a constitutional/legislative choice which is more common in Latin American countries, where presidentialism is widespread. Several considerations could inform this choice, notably the fact that national, single-constituency elections might be easier to open up to the vote from abroad,[434] as the State is not confronted with the choice of how to allocate and what weight to attach to the votes of citizens residing abroad. OCV in regional and local elections remains, on the contrary, the exception, since restrictions may be justified by the fact that these elections are inherently marked by a bond between voters and the specific territory they reside in (see paragraph 31 above).

E. Voting methods

115. The comparative research has shown that there is no common standard concerning OCV voting methods. In the 2011 Report, the Venice Commission found that the obligation to vote exclusively in an embassy or consulate may in practice severely restrict the right to vote of citizens living abroad, though this restriction could be justified on the grounds that remote voting methods are not always reliable[435] The Commission further found that limiting the number of polling stations or restricting voting to embassies or consulates may be necessary due to the extra cost and resources required for organising elections abroad. However, to avoid any discriminatory effect, decisions on determining locations for polling stations abroad should be based on clear and consistent criteria taken in broad consultation with relevant stakeholders well in advance of an election.[436]

116. Similarly, conditioning the opening of polling stations on diplomatic/consular premises to a certain population requirement or to an expression of interest by a minimum number of voters may be legitimate for logistical reasons. However, in the absence of an alternative OCV method, this risks disenfranchising in a discriminatory way smaller or more geographically dispersed groups of voters. Providing for the possibility of requesting additional polling stations in locations other than the diplomatic/consular premises[437] or setting up a remote voting method can mitigate the risk of disenfranchisement.

117. As highlighted in paragraph 9 above, the state of bilateral relations between the state organising the conduct of the elections and the host state can also make in-person voting challenging; in these cases, too, the availability of a remote voting method can mitigate the risk of disenfranchisement.

118. Turning to remote voting methods, the Commission previously found that postal voting enhances electoral participation and certainly makes voting more accessible, especially in countries with a large diaspora. It does not go against European and International standards, and it is an option which is employed by a number of states. At the same time, given that less oversight is possible and that the potential for manipulation (such as family voting) is increased, specific safeguards against potential fraud, which minimise the potential of interference with the free and secret character of the suffrage, shall be provided.[438] Moreover, the context of OCV may give rise to additional logistical and administrative challenges, calling

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[434] 2011 Report, §§ 77 and 94.
[435] 2011 Report, § 97.
[436] CDL-AD(2017)016, cited above, §§ 66-71.
[437] Venice Commission and OSCE/ODIHR, CDL-AD(2007)012, cited above, § 9.
[438] CDL-AD(2024)022, cited above, § 36; see also CDL-AD(2002)023rev-cor, cited above, at I.3.2.iii.

for safeguards related to the reliability of the postal service in the host country and the transfrontier transport and handling of ballots.

119. The Code of Good Practice establishes that proxy voting is permissible only if subject to very strict rules in order to prevent fraud and interference with the free suffrage; the number of proxies held by any one elector must be limited.[439]

120. Electronic voting can be used to: "facilitat[e] the participation in elections and referendums of citizens entitled to vote and residing or staying abroad".[440] The Commission has previously noted that the introduction of digital voting technologies is possible, provided that these are secure and reliable. They are secure if the system can withstand deliberate attack; they are reliable if they can function on their own, irrespective of any shortcomings in the hardware or software.[441] Moreover, the Venice Commission found that the use of such technologies should comply with respect for human rights, democracy, and the rule of law.[442] Use of digital technologies, as well as AI, should be made in full respect of the principles of individual autonomy, privacy, equality, and non-discrimination.[443] The adoption of any technology should be done transparently, by broad consensus after extensive public consultations with all relevant stakeholders, and with the political commitment to fully implement it in good faith, with adequate procedural and judicial safeguards and means by which to evaluate in a timely manner any alleged failure to do so.[444] The adequacy of electronic voting in situations where confidence in the impartiality of the election administration is limited should be carefully evaluated. Accordingly, should there be a decision to implement electronic voting, its legal basis should be drafted in an equally detailed and accountable manner as for traditional paper-based voting.[445]

121. Providing for more than one OCV voting method can enhance effective participation and universal suffrage, and the experience of systems combining several channels suggests that breadth of access and orderly administration can, at least in principle, be compatible. Remote voting methods can therefore be welcomed insofar as they open access as widely as possible and remove practical barriers to participation, provided that the fundamental principles of the European electoral heritage are upheld and that they do not to impose an excessive burden on the electoral administration.

F. Allocation of votes cast abroad to constituencies

122. With specific regard to parliamentary elections, the allocation of votes cast abroad is a sensitive question when framing OCV legislation, especially in countries with a large diaspora. It is an issue which has implications for the representation of citizens residing abroad, the weight of their vote and, in turn, the principle of equal suffrage. As the comparative overview has shown, two main models exist: votes are either allocated to domestic constituencies based on the voters' last place of residence or where they have other type of ties, or there is a dedicated overseas constituency.

123. The allocation of votes cast abroad to in-country municipalities/constituencies does not affect the weight of such votes compared to those cast in-country but raises the issue of how

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[439] CDL-AD(2002)023rev2-cor, cited above, at I.3.2.v.
[440] CM/Rec(2017)5, Recommendation of the Committee of Ministers to member states on standards for e-voting (adopted by the Committee of Ministers on 14 June 2017 at the 1289th meeting of the Ministers' Deputies), 14 June 2017, Preamble.
[441] CDL-AD(2002)023rev2-cor, cited above, at I.3.2.iv.
[442] Venice Commission, CDL-AD(2024)044, *Interpretative Declaration of the Code of Good Practice in Electoral Matters as concerns digital technologies and artificial intelligence*, § 23.
[443] CDL-AD(2024)044, cited above, §§ 24 and 66.
[444] CDL-AD(2024)044, cited above, §§ 23 and 65.
[445] Venice Commission and OSCE/ODIHR, CDL-AD(2011)021, *Joint interim Opinion on the new draft electoral code of Armenia,* § 60.

to establish the link between a voter and such domestic constituency. In the Commission's view, the legislation should clearly set out the allocation criteria, to allow for general application. In those countries where nonetheless the assignment is based on a case-by-case individual assessment, the decision should be based on clear, verifiable and objective criteria, in order to rule out any administrative discretion and risk of arbitrariness.

124. The establishment of dedicated overseas constituencies is an increasingly adopted solution in comparative law,[446] especially among countries with a large diaspora. As the comparative research has shown, some states have decided to entrench them at a constitutional level, a choice that reflects the willingness to enshrine at the highest level of the normative hierarchy, and therefore give particular significance and stability to, the separate parliamentary representation of citizens residing abroad.

125. Dedicated out-of-country representation gives practical content to the idea that the specific concerns of citizens residing abroad should find a voice in Parliament. However, the establishment of such constituencies can also result in a considerable difference in voting weight between voters abroad and in-country, which might lead to unequal representation. Systems that combine the existence of a dedicated overseas constituency with the option for citizens residing abroad to vote in-country as domestic electors reveal that the design of the allocation method is not purely technical: by giving greater representative value to the vote of citizens who return to vote in-country, states recognise that physical presence in the national territory is an expression of a stronger link between these citizens and the State.

126. While under the principle of equal suffrage differences in the weight allocated to each voter can be tolerated,[447] especially having regard to the specific situation of voters abroad and to the legitimate aims identified by the ECtHR, any considerable deviation should have an objective and reasonable justification, meaning that it should pursue a legitimate aim and employ reasonable means to the aim pursued. States should periodically review the size of these dedicated constituencies,[448] having regard to elements such as the size of the registered overseas electorate and turnout patterns. However, conditioning the “activation” of a dedicated overseas constituency on a specific turnout might disproportionately interfere with the right to vote of citizens residing abroad, as it risks making the effectiveness of their vote depend not only on their own voting behaviour, but also on the level of participation of other voters abroad.[449]

G. OCV electoral observation

127. The Code of Good Practice identifies election observation as a condition for implementing the principles of the European electoral heritage.[450] It deters fraud and fosters transparency and civic engagement. Establishing an election process that is open to citizen and international observation is essential in a democracy, serving the interest of the voters and all other election stakeholders, including democratic governments. The Committee of Ministers of the Council of Europe has recently stressed the importance of impartial election observation as a cornerstone in safeguarding electoral integrity and reinforcing public trust in democratic institutions.[451]

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[446] Since 2010 similar constituencies have been established in France, Lithuania, North Macedonia, and Tunisia, with Bulgaria and Greece set to introduce them in the near future, see Section V.F above.
[447] CDL-AD(2002)023rev2-cor, cited above, at I.2.2.iv.
[448] CDL-AD(2002)023rev2-cor, cited above, at I.2.2.v.
[449] Venice Commission and OSCE/ODIHR, CDL-AD(2016)032, *The Former Yugoslav Republic of Macedonia – Joint Opinion on the Electoral Code as amended on 9 November 2015*, § 20.
[450] CDL-AD(2002)023rev2-cor, cited above, at II.3.2.
[451] The Committee of Ministers, at its 135th Session (Chişinău, 15 May 2026) see CM/PV(2026)135-add, referred to the Paris Call to Action issued following the Joint Debate “Towards Trusted and Inclusive Electoral Processes: The Role of Observers”, held in Paris on 28–29 April 2026 within the framework of the New Democratic Pact for

128. In turn, election observers have been recognised as playing a crucial role as human rights defenders by ensuring the respect for essential rights and freedoms.[452] The Commission found that they protect both core political rights, such as the right to vote and to stand for election, and other essential rights and indirectly support broader rights as a secondary effect of their work.[453]

129. In the context of OCV, election observation presents inherent additional legal and operational challenges: gaps in legal frameworks, difficulties in observing remote voting methods, the geographical scope of OCV, the fact that many procedures might be carried out in-country (for example voter registration and/or counting of votes), or loopholes in campaigning rules. The Parliamentary Assembly of the Council of Europe is currently working on a methodology for observing OCV, which is expected to be tested in the near future.

130. For meaningful OCV observation, states should establish an explicit legal basis for observer access to all stages of the OCV process, including, but not limited to, operations carried out at polling stations abroad on election day, in-country stages such as the dispatch, receipt and counting of ballots cast abroad as well as complaints and appeals procedures. Tailored methodologies that acknowledge and address the challenges outlined above should be developed in order for OCV observation to be meaningful. Extending election observation to OCV can help uphold election integrity and strengthen public confidence in the democratic process. The Venice Commission notes with interest the ongoing work of the Parliamentary Assembly of the Council of Europe in this regard.

VII. Conclusions

131. Out-of-country voting, intended as the legal and administrative arrangements allowing eligible voters residing outside the national territory to participate in elections of their country of citizenship from abroad, is a mechanism which facilitates, where it exists, the exercise of the right to vote of citizens residing abroad, by enabling such citizens to exercise their electoral rights without returning to their country of citizenship.

132. Since 2011, when the Venice Commission adopted its Report on out-of-country voting, several member and observer states of the Venice Commission have either introduced or amended the rules on OCV with only one documented case of OCV abolition. Out of the 77 countries covered by this Updated Report (64 Venice Commission member and observer states plus 13 Latin American states), only 7 do not allow OCV, while 4 others only provide OCV for very specific and limited categories of persons.

133. At the same time, the question of granting the right to vote to citizens residing abroad as well as the modalities of its execution remain complex, with divisive implications. Especially in countries with a large diaspora, decisions on whether citizens residing abroad should be allowed to vote, whether they could do so from abroad and pursuant to which legal and administrative arrangements can have a significant impact on the electoral process and the election results.

134. Moreover, the implementation of OCV presents persistent operational challenges for EMBs and other electoral actors, including the prevention of fraud and double voting, the reliability of remote voting methods, the logistics of dispatching and receiving electoral materials worldwide as well as the nature of the relations between the State conducting

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Europe. The Call underlines the role of domestic and international observers in enhancing electoral integrity and public trust and encourages member states to facilitate their work and ensure appropriate follow-up to their findings.

[452] Venice Commission, CDL-AD(2024)039, *Report on Election Observers as Human Rights Defenders*, § 109.

[453] *Ibid.*, § 110.

elections abroad and the State in which voting is to take place. In addition, while technology has created new opportunities for engaging citizens residing abroad, it has also introduced new vulnerabilities, such as foreign interference and the manipulation of electoral campaigns. National and global crises can seriously disrupt the organisation of OCV and endanger the fundamental rights essential to democratic participation.

135. Except for the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, there are no binding European or international standards regarding the right to vote of citizens residing abroad. The UN Human Rights Committee has however found that when domestic law does grant such a right, states should fully guarantee it in line with Article 25 of the ICCPR. The ECtHR in turn has consistently found that residence-based restrictions on voting rights, as well as other restrictions to the right to vote of citizens residing abroad, can be justified for a number of reasons, including, but not limited to the presumption that non-resident citizens are less directly or less continuously concerned by their country's day-to-day problems or the fact that may be less directly affected by the acts of the elected bodies. With specific regard to the right to vote from abroad, the Court clarified that Article 3 of Protocol No. 1 does not impose an obligation to guarantee a mechanism for citizens living abroad to vote from abroad. However, where a State has established a system enabling citizens to vote from abroad, it must regulate it respecting international standards, notably the principles of equality and non-discrimination. Specific obligations might arise to ensure that the right to vote is not rendered meaningless.

136. The Venice Commission carried out comparative research which tackled as a preliminary question the legal basis of the right to vote of citizens residing abroad and of OCV as well as the scope of the underlying right to vote of citizens residing abroad, namely the rules defining the pool of citizens who retain the right to participate in elections of their country of citizenship. It further addressed the scope and implementing rules of OCV, including rules on out-of-country voter registration, the elections covered, OCV voting methods, the mechanisms for the allocation of votes cast abroad in parliamentary elections and rules on OCV electoral observation.

137. The comparative overview has shown considerable diversity across legal systems. The Updated Report does not purport to assess each national OCV framework individually, nor to determine the compatibility of specific arrangements with European or international standards. In particular, the Venice Commission recalls that evidence from different legal systems cannot be definitively compared in isolation from the entire legal framework and without taking the specific broader social, political and historical background into account. The examples presented in the Updated Report are therefore intended for comparative purposes only and do not constitute an endorsement of any particular national arrangement.

138. Having examined the applicable international and European standards concerning the right to vote of citizens residing abroad and having conducted a comparative analysis of the legal frameworks and practices of States providing for OCV, the Venice Commission observes that neither international law nor European electoral standards impose an explicit obligation on States to establish OCV as a means of guaranteeing the right to vote.

139. When the Constitution proclaims or does not rule out the right to vote of citizens abroad, it protects that right from being disproportionately restricted by ordinary legislation. Even when such right is expressly entrenched in the Constitution, it does not necessarily determine whether or how citizens residing abroad may exercise their right to vote from abroad. The explicit constitutionalisation of OCV is even less common, with the recognition and regulation of OCV mostly being addressed through electoral legislation. Regardless of the legislative technique employed, the principle of stability of electoral law applies equally in the context of OCV.

140. Any enfranchisement requirements linked *i.a.* to previous residence in the home country, the length of time since departure from the home country, the demonstration of specific ties with the home country, or the nature or duration of the stay abroad, should be clearly set out in the legislation, in pursuit of a legitimate aim, and not be disproportionate to the aim pursued and should allow for general application. In those countries where nevertheless the process involves case-by-case decisions about the individual enfranchisement of the voters, these decisions should be based on clear, verifiable and objective criteria, to avoid any arbitrariness in the definition of who is enfranchised and who is not; lastly, any distinctions between different categories of citizens residing abroad should have an objective and reasonable justification.

141. As regards the specific modalities and conditions governing the exercise of the right to vote of citizens residing abroad from abroad, the Venice Commission has reached the following conclusions:

- Devising an active registration procedure for voters abroad is legitimate, provided that it does not pose an excessive administrative burden on the voters. Any significant differences between OCV registration arrangements and comparable in-country procedures should be clearly foreseen by the law and objectively justified to avoid perceptions of unequal treatment among both voters abroad and in-country voters. Above all, the proper maintenance of electoral registers for all voters, both in the country and abroad, is vital for implementing and guaranteeing universal suffrage. These registers should in principle be published or otherwise made available for effective verification, and it should be possible to file complaints regarding their accuracy, with judicial review in the last instance;

- National elections, in particular single-constituency ones, may be more easily opened up to the vote from abroad. Restrictions on OCV in regional and local elections may be justified by the fact that these elections are inherently characterised by a bond between voters and the territory they reside in;

- States enjoy a margin of appreciation in choosing OCV voting methods, provided that the right to universal suffrage is not disproportionately restricted and the free and secret character of suffrage are upheld. Where voting is limited to embassies, consulates or other polling stations abroad, their location and establishment should be based on clear, consistent and non-discriminatory criteria, adopted sufficiently in advance of the elections and after consultation with the relevant stakeholders;

- Voting methods may include, besides in-person voting in embassies, consulates or other polling stations abroad, postal voting, proxy voting, and electronic voting. Such remote methods can facilitate the participation of citizens residing abroad, but they require specific safeguards, both because of the very nature of these methods and in the specific context of OCV, to ensure that the fundamental principles of the European electoral heritage are upheld. While the availability of different voting methods is to be welcomed, it should not compromise these principles or impose an excessive burden on the electoral administration body;

- In parliamentary elections, the allocation of votes to constituencies has implications for the representation of citizens residing abroad and the weight of their vote as well as for the principle of equal suffrage. In case of allocation to in-country municipalities/constituencies, the legislation should clearly set out the allocation criteria, to allow for general application. Where nonetheless the assignment is based on a case-by-case individual assessment, the decision should be based on clear, verifiable and objective criteria, in order to rule out any administrative discretion and risk of arbitrariness. Dedicated overseas constituencies are a legitimate and

increasingly adopted solution but their design should be periodically reviewed and should not lead to disproportionate interference with the equality of the vote;

- Election observation is essential for upholding the principles of the European electoral heritage. Provided that adequate legal frameworks and tailored observation methodologies are in place, extending election observation to OCV can help to uphold electoral integrity and strengthen public confidence in the democratic process. The Venice Commission notes with interest the ongoing work of the Parliamentary Assembly of the Council of Europe in this regard.

142. In view of the above, the Venice Commission recognises that the developments observed since 2011 reinforce the relevance of OCV. In that sense, the Venice Commission recalls the approach expressed in its 2011 Report, according to which, while the principles of the European electoral heritage do not require States to provide for the right of citizens residing abroad to vote from their country of residence, States may nevertheless be encouraged to adopt a positive approach to it, having regard to citizens' increasing mobility and the particular circumstances of each State. Whenever a State provides for OCV, it should do so in a manner that guarantees, where applicable, the "free expression of the opinion of the people" within the meaning of Article 3 of Protocol No. 1, and upholds the principles of the European electoral heritage.

143. The Venice Commission remains at the disposal of the Council for Democratic Elections for further assistance in this matter.