



Voter Protection Laws in National Elections

Armenia • France • Germany • Haiti • Iraq • Israel
Italy • Pakistan • Sweden • United Kingdom

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COMPARATIVE SUMMARY

VOTER PROTECTION LAWS IN NATIONAL ELECTIONS

Executive Summary

This study compares voter protection laws in national elections in ten foreign countries, including in both established and emerging democracies. Specifically, the study examines the requirements for voter eligibility and for voter registration and identification. It provides information on various types of accommodations of special groups of voters who may or may not be able to vote in person at the assigned polling stations. The study addresses absentee voting by electronic means, by correspondence, and by proxy. It further identifies groups of voters that are provided with special accommodations in voting.

I. Introduction

This report surveys voter protection laws in national elections in selected established and emerging democratic countries. Countries surveyed include Armenia, France, Germany, Haiti, Iraq, Israel, Italy, Pakistan, Sweden, and the United Kingdom. Three of these countries, Armenia, France, and Haiti, maintain separate and direct presidential elections, in addition to parliamentary elections; the remaining countries maintain parliamentary elections where the head of the executive is elected by parliament, which itself is generally elected based on proportional representation in the general elections.

The following summary and the attached chart provide a brief description of voter protection laws in the national elections of the countries' surveyed. More detailed information regarding specific laws is provided in the country reports.

II. Voter Eligibility

Most countries surveyed require citizenship, age of maturity (eighteen, or twenty-five for elections to the Italian Senate), legal capacity, and proper registration as preconditions for voting. To be included in the voter register, Armenia requires Armenian residency. Italy requires and maintains separate residential municipality and overseas citizens registers; Israel requires Israeli residence for inclusion in the voter register; and Sweden requires current or past Swedish residence.

Most countries surveyed allow prisoners to vote. As described in the United Kingdom country report, in spite of a ruling by the Grand Chamber of the European Court of Human Rights (ECHR) in 2005 declaring the United Kingdom's prohibition on voting by prisoners

unlawful and in breach of article 3 of Protocol 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the right to free elections), this country, along with Armenia, to date does not permit prisoners to vote.

Other voter exclusions are implemented by both the United Kingdom and Haiti, and include persons convicted of elections offenses. Similarly, Italy does not allow voting for persons subjected to irrevocable criminal verdicts or preventive measures based on moral turpitude.

Members of the British House of Lords and of the Swedish Monarchy do not vote in the national elections.

III. Voter Registration

Voter registration in the countries surveyed is either automatic or requires active filing. In most countries surveyed, voter registers are based on registration with the local government of residence or with tax authorities. Additional registries exist in Armenia, where separate registries by heads of hospitals, military units, and detention centers are authorized.

In Germany, residents are registered automatically according to the registers of residents maintained by municipalities. Non-residents and those without a firm abode may apply for registration. In Sweden, the initial registration is made at birth and subsequent changes are usually made electronically, with bank electronic identification. Voters residing abroad for over ten years must send the Swedish Tax Authority their foreign address to receive their ballots.

Residents on Pakistani electoral rolls include not only those residing in the electoral area, but also those who own or are in possession of a dwelling house or other immovable property in that area.

IV. Identification

Almost all countries surveyed require some form of identification, such as national, parliamentary, or military documents, or a drivers' license or professional membership identification. In France, a hunting license is also accepted for the purpose of voter identification. In Germany, each voter is notified by mail that he is entitled to vote. The election official may ask him to present this notification.

In Sweden, presentation of an identification certificate may not be required upon presentation of a voters' card, if the voter is personally known to the polling official. In the United Kingdom, however, no identification documents are required; voters may provide their name and address information orally for polling station officials to verify.

V. Exceptions

Italy, Sweden, and the United Kingdom extend absentee voting to various categories of citizens. Germany allows both voting by mail and in another polling place within the same voting district for voters who have obtained a voting certificate in advance.

Voting by proxy is allowed by France, Sweden, and the United Kingdom. In France, voting by proxy may be authorized upon a declaration of inability to vote in person due to job or caregiving duties, health, disability, training, vacation, or distance. Sweden authorizes voting by proxy for similar reasons, as well as on the grounds of inability to vote in person because of imprisonment or detention. In the United Kingdom, voting by proxy may be similarly authorized for specific reasons, such as medical, vacation, or work-related causes.

VI. Special Groups

This study identifies special voting accommodations that are offered by the countries surveyed to various groups of voters who are unable to vote in person. Most countries facilitate voting of persons with physical disabilities, patients in hospitals, prisoners, soldiers, and policemen, by either providing for special or alternative polling stations or by allowing voting by mail or by proxy.

Most countries surveyed were found to allow their civil servants stationed overseas to vote. Some countries, like France and Sweden, make special accommodations for their citizens who reside abroad, even if they are not on official duty. Armenian diplomats abroad are allowed to vote by electronic means. In Pakistan, overseas voting is currently not authorized, but it may be granted in the 2013 national elections through a postal ballot.

Additional special voting arrangements are provided by Haiti to pregnant women and nursing mothers, by Israel to women residing in battered women shelters, and by Sweden for students.

Prepared by Ruth Levush
Senior Foreign Law Specialist
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VOTER PROTECTION LAWS IN NATIONAL ELECTIONS

Country	Election System	Voter Eligibility	Voter Registration	Identification	Exceptions	Special Groups
Armenia	President is elected by direct popular vote; National Assembly: one-half of delegates elected from party lists through proportional election system; one-half from individual constituencies by majority of votes.	Armenian citizenship, >18, & registered, unless imprisoned or judicially declared incapacitated.	All Armenian citizens & residents >18 are included in the Voters' Registry; separate registries by heads of hospitals, military units, & detention centers.	Passport; national or military ID.	Absentee/ electronic voting for Armenian diplomats abroad; proxy voting not allowed.	Special voting arrangements for hospitalized voters, diplomats abroad, active duty soldiers, policemen, & detainees. Convicted prisoners do not vote.
France	President & National Assembly elected by direct universal suffrage; Senate by electoral college.	French citizenship, >18, registered, not deprived of rights.	Citizens >18 automatically registered; citizens may register with the local government of their residence or tax designation.	Passport; national, local, parliamentary, or veteran IDs; or driving or hunting license.	Voting by proxy upon declaration of inability to vote in person due to job or caregiving duties, health, disability, training, vacation, or distance.	Special registration & voting arrangements for citizens living abroad & for the disabled. Soldiers, detainees, & prisoners may vote by proxy.
Germany	Federal Diet (representative chamber of the bicameral federal legislature) is elected by direct universal suffrage.	German citizenship; >18; registered; not disenfranchised by criminal conviction, criminal insanity, or appointment of guardian.	Residents are registered automatically according to municipally-kept registers of residents. Nonresidents and those without a firm abode may apply for registration.	Each voter is notified by mail of entitlement to vote. The election official may ask for this notification.	In order to vote by mail or to vote in another polling place within the same voting district, the voter must obtain a voting certificate in advance.	Mobile election offices are constituted and these visit hospitals, care facilities, and prisons.

Country	Election System	Voter Eligibility	Voter Registration	Identification	Exceptions	Special Groups
Haiti	Direct universal suffrage for President & bicameral Parliament (Chamber of Deputies & Senate); Prime Minister appointed by President from majority party & confirmed by Parliament.	Haitian citizenship, >18, registered, national ID, not deprived of political/civil rights or sentenced for offense listed in the Electoral Law.	Citizens >18 have a duty to come in person to the National Identification Office (or one of its centers) to register in the Civil Registry and obtain a national ID.	National ID	The 2008 Electoral Law is silent on absentee, proxy, or provisional voting.	Special arrangements for persons with physical disabilities, pregnant women, nursing mothers, the elderly, and other vulnerable persons.
Iraq	Parliamentary system; PM heads the executive; legislative power is vested in an elected Parliament and an elected Confederate Council.	Iraqi citizenship with full capacity, >18, and registered in one of the Iraqi localities.	Register composed of names in database used to issue the rationing ID cards & other eligible voters registered per request; special procedure for objecting to other voters' registration.	Official ID	No provisions that allow for absentee ballots were located.	Eligible Iraqis who are outside Iraq.
Israel	Parliamentary system; PM is the head of largest party or the party capable of forming a coalition government of parties based on proportional results in general elections.	Israeli citizenship, >18, registered, not deprived of rights.	Citizens and residents >18 at time of elections.	National or parliamentary member ID, passport, or driver's license.	Israel does not recognize absentee, proxy, or provisional voting.	Special polling stations & arrangements for voters who are mobility-challenged, on Israeli vessels, in battered women's shelters, soldiers, policemen, prisoners, detainees, & civil servants overseas.

Country	Election System	Voter Eligibility	Voter Registration	Identification	Exceptions	Special Groups
Italy	Parliamentary republic with bicameral Parliament, elected by universal & direct suffrage; Prime Minister & Council of Ministers appointed by the President who is elected by Parliament.	Italian citizenship, registration, & legal age (for election of members of Chamber of Deputies, >18; for Senate, >25), unless subject to civil incapacity, irrevocable criminal verdict, or preventive measures due to moral turpitude.	Registration is automatic in the voter’s residential municipality; citizens living abroad are registered in a special registry.	National, professional association, or veteran ID.	Absentee vote by correspondence; no proxy or provisional voting.	Special polling stations & arrangements for prisoners; patients in homecare, hospitals, & nursing homes; the handicapped; soldiers; policemen; firemen; & sailors.
Pakistan	Federal bicameral Parliament; National Assembly members elected through direct multiparty elections; Senate members elected based on proportional representation; PM elected by National Assembly; President by Electoral College.	Pakistani citizenship and residence in an electoral area, >18, not declared of unsound mind.	Electoral rolls consider a person as a resident in an electoral area if he/she ordinarily resides in, owns, or is in possession of a dwelling house or other immovable property in that area.	Computerized national ID	Voting abroad for overseas citizens currently not permitted, but may be granted in the 2013 national elections through a postal ballot.	Civil service employees, public officials, & their families can vote through postal ballot if they live outside of their electoral area.
Sweden	Monarchy with multiparty parliamentary system; members elected by proportional representation.	Swedish citizenship, >18, current or past residence in Sweden.	Initial registry of all Swedish citizens at birth with subsequent changes of address; voters living abroad >10 years must	Swedish tax or national ID, including passport or driver license, unless voter is known, in addition to a voter’s card.	Absentee/ postal vote for citizens overseas, at sea, & for residents on request done in local post offices; vote by	Special arrangements for students, military, & government personnel stationed abroad; prisoners;

Country	Election System	Voter Eligibility	Voter Registration	Identification	Exceptions	Special Groups
			send their foreign address to the Swedish Tax Authority.		proxy for voters who are sick, elderly, disabled, rural, prisoners, and detained for safety reasons; no provisional vote.	criminal care patients; & the homeless
United Kingdom	Constitutional monarchy with a bicameral Parliament and House of Commons elected by simple majority; political party winning most seats in general elections forms government.	British subjects (Common-wealth & Rep. of Ireland residing in Britain), registered, >18, British residing overseas for no more than 15 years. Excluded: House of Lords Members, persons of unsound mind, those convicted of elections offenses & prisoners.	Registration in electoral roll is not automatic; voters are required to fill out voting registration forms.	No identifying documents required; voters give their name and address; electoral staff verifies oral information and checks off voters on a list.	Postal vote on demand; voting by proxy only for a specific reason, such as medical, vacation, or work-related absence.	Students may register either at their original home or at their school address; soldiers may register either as ordinary voters or as service voters and vote in person, by proxy, or by post.

Chart prepared by Ruth Levush
 Senior Foreign Law Specialist
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LAW LIBRARY OF CONGRESS**ARMENIA****VOTER PROTECTION LAWS IN NATIONAL ELECTIONS***Executive Summary*

The President and members of the National Assembly are elected in direct, equal, and universal elections. Every Armenian citizen older than eighteen years of age is allowed to vote in national elections. Individuals who lack legal capacity and convicted criminals have no voting rights. Voter registration is conducted automatically based on population registration. If someone intends to vote outside of the regular area of residence where he or she is registered to vote, an absentee ballot may be requested in advance and the person must be included on the voters' list at the place where he/she anticipates voting. In order to receive a ballot on election day, a registered voter must produce one of the accepted government-issued identification documents. Proxy voting is not allowed; however, voters who are physically challenged may request assistance. Special requirements apply to voter registration and election procedures in hospitals, military units, and detention centers. Military personnel voting in their units are allowed to vote for party lists only and may not elect members of the legislature from a constituency. In order to preserve the secrecy of voting, electronic voting may be allowed only as an alternative to paper ballots for voting at Armenian diplomatic posts abroad.

I. Introduction

Members of the National Assembly (legislature) and the President of the Republic are elected in national elections in Armenia. The President is elected by direct popular vote. Half of all National Assembly delegates are elected from party lists through the proportional election system and the other half from individual constituencies by majority vote. The Constitution of Armenia states that elections are to be conducted by universal, equal, and direct suffrage. The secrecy of ballots is required.¹ The same rules are reiterated by the Electoral Code of the Republic of Armenia. The Code emphasizes that “voters can participate in elections regardless of their ethnicity, race, gender, language, religion, political and other views, social origin, and income status,”² and also states that preservation of voting secrecy is both the right and obligation of a voter.³ The Code was adopted in May 2011. It is the major legal act that defines

¹ Constitution of Armenia art. 4, available on the website of the Armenian National Assembly at www.parliament.am/parliament.php?id=constitution&lang=eng (unofficial translation; last visited Dec. 8, 2011).

² Electoral Code of the Republic of Armenia (national law) art. 3.3, available on the website of the Armenian National Assembly at <http://www.parliament.am/legislation.php?sel=show&ID=4216&lang=rus> (in Russian; last visited Dec. 8, 2011).

³ *Id.* art. 5.

voting procedures and implementation of voters' rights in Armenia. The Code introduces the responsibility of public officials for securing voting rights of Armenian citizens.⁴

II. Voter Eligibility and Registration

Article 30 of the Armenian Constitution states that “[e]ighteen-year-old citizens of the Republic of Armenia have the right to take part in the elections.” Noncitizens are allowed to vote in municipal elections if they are residing in Armenia.

In order to be eligible to vote during the elections, each voter must be included in the Voters' Registry. The national Registry is published no later than forty-one days preceding an election. The Registry reflects the registry of population and is based on information provided by provinces and municipalities. All Armenian citizens older than eighteen years of age who are registered as residents in Armenia are automatically included in the Voters' Registry. Separate registries are established and maintained by the heads of military units, correctional institutions, and places of detention. The electronic version of the Registry is published on the website of the Central Election Commission of Armenia.

Voters' lists are generated in each locality at the time of an election. The voters' list includes the following information: the voter's number, name, date of birth, and address. Information about the identification document provided by the voter and his/her signature are added to the list when an individual appears at the polling station on election day.⁵ For each election, a voter can be included on the voters' list only once at the place of his/her permanent residency.⁶ All lists are subject to review by voters, who may request corrections to the list that are then made by an official of the local election commission. Disputes must be resolved by local courts within three days.

Individuals recognized by courts as lacking legal capacity, as well as those citizens who have been sentenced to prison or are serving a sentence, are not entitled to vote or to be elected.⁷ This provision was criticized by the Venice Commission because it “omits to specify the cases in which a convicted prisoner's right to vote is withdrawn.”⁸

III. Identification Requirements for Voting

Each voter participates in elections in person and must register on the voters' list at his/her polling station by producing an identification document and signing the voters' list to

⁴ *Id.* art. 1.

⁵ *Id.* art. 9.

⁶ *Id.* art. 7.

⁷ *Id.* art. 2.3.

⁸ The European Commission for Democracy Through Law (Venice Commission), Joint Final Opinion on the Electoral Code of Armenia (Opinion No. 611/2011), ¶ 11, available at <http://www.osce.org/odihr/elections/84269>.

confirm receipt of a ballot. Any one of the following is recognized as an identification document for purposes of voting:

- A passport of an Armenian citizen without biometric information
- A valid ID card issued by an authorized government body as a substitute for a passport
- A military ID card for active military servicemen if they are registering on the voters' list established by the head of a military unit
- A military ID card with a copy of temporary release papers if a serviceman is voting at the place of his permanent residency⁹

IV. Exceptions

Absentee voting is allowed on election day if a voter cannot be present at the polling station where he is registered to vote. A person who will not be present at his/her place of permanent residency on election day must submit a request to the registration authority no later than seven days before the election and inform the authorities of the place where he/she expects to be in order to be included on the voters' list for that area. The same rule applies to Armenian citizens who do not reside in Armenia but will be in Armenia for an election. An exemption from this rule is allowed for those who change their place of residency and move to the place where they are not registered as voters because of a recent marriage, military redeployment, retirement from military service, purchase of real estate in the locality, or release from a correctional institution where the individual served his/her criminal punishment.¹⁰

Proxy voting is not allowed; however, a voter who has problems signing on the voters' list may request the assistance of another person, but not a member of the election commission.¹¹

Electronic voting is allowed for Armenian diplomats abroad if there is no possibility for them to exercise their voting rights by way of a regular paper ballot.¹²

V. Voting Arrangements for Special Groups

A. Disabled or Hospitalized Voters

Armenian law does not provide for implementation of the voting rights of the disabled. There are no accessibility requirements, and the law does not specify how blind people may exercise their voting rights.

⁹ Electoral Code art. 64(3).

¹⁰ *Id.* art. 8.

¹¹ *Id.* arts. 64, 65.

¹² *Id.* art. 60.

The Election Code allows the use of a mobile ballot box in hospitals to let hospital patients vote if they cannot visit their regular polling station. A hospital's chief administrator must prepare a list of individuals who may request a mobile ballot box for voting in a hospital and submit it to the local election commission. The Electoral Code discusses the necessity of preserving the confidentiality of voting using the mobile ballot box and allows observers and mass media correspondents to be present.¹³ However, there is no legal provision that would obligate a local election commission to assign more than one election worker appointed by different nominating persons or institutions to monitor voting through the mobile ballot box in order to reduce the opportunities for fraudulent voting.¹⁴

Article 65.4 of the Electoral Code allows a voter who is unable to complete the ballot to be assisted by another person, who cannot be a proxy voter. The person assisting is limited to providing assistance only to one voter who needs assistance. Such assistants must be registered on the voters' list together with the voter, and a note about the assistance provided must be made on the voters' list.

B. Military Personnel

Active duty military personnel and their family members may vote on the territory of the military unit they are assigned to serve. Contract military officers vote at the place of their regular registration if they did not change the place of their permanent residency. In a military unit, the voters' list must be prepared and certified by the unit's head. Servicemen voting at a polling station located within the military unit in which they are serving are allowed to vote in the proportional part of the elections, only voting for a party list and not for individual candidates representing the constituency. Military personnel are not allowed to bring their service weapons to the voting place.¹⁵

C. Policemen

Policemen who are assigned to serve at polling stations on election day are not allowed to vote at their place of service. Lists of such police officers must be submitted to the Central Election Commission in advance, and their names must be removed from the voters' lists at the polling stations where they are registered to vote under regular circumstances.¹⁶

D. Prisoners and Detainees

In Armenia, all convicted prisoners are excluded from voting. The Venice Commission has stated that, according to the European Court of Human Rights, "the deprivation of the right to vote of all convicted prisoners is contrary to article 3 of the First Additional Protocol to the European Convention on Human Rights."¹⁷ Special time periods for voting and procedures of

¹³ *Id.* art. 54.

¹⁴ Venice Commission, *supra* note 8, ¶ 63.

¹⁵ Electoral Code arts. 7, 52.

¹⁶ *Id.* art. 8.

¹⁷ Venice Commission, *supra* note 8, ¶ 34.

voting through a mobile ballot box have been developed for those who are placed in preliminary detention centers while under investigation and for arrestees awaiting court trials. The heads of local police departments are in charge of organizing elections in such places.¹⁸

E. Armenian Diplomats Abroad

Electronic voting through the Internet is allowed for Armenian diplomats serving abroad and for the members of their families residing abroad as an alternative to voting by paper ballot if there is no possibility of organizing regular elections in their particular embassy or consular office. Each case of electronic voting must be certified by the Central Election Commission. The Law obligates the Central Election Commission to evaluate the “adequacy” of electronic voting.¹⁹

Prepared by Peter Roudik
Director of Legal Research
December 2011

¹⁸ Electoral Code art. 61.

¹⁹ *Id.* art. 60.

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FRANCE

VOTER PROTECTION LAWS IN NATIONAL ELECTIONS

Executive Summary

To be eligible to vote a person must be a French national, eighteen years of age or older, and registered to vote. French electoral law authorizes several categories of individuals to vote by way of proxy. French nationals residing abroad have three options allowing them to vote in all national elections without having to return to France. Special voting arrangements are provided for disabled persons.

I. Introduction

France is a democratic republic that combines features of presidential and parliamentary regimes. The present regime is the Fifth Republic, based on the Constitution drafted under the leadership of General Charles de Gaulle, and ratified by popular referendum on September 28, 1958.¹ It has since been amended on numerous occasions. The Fifth Republic has a dual executive. The President of the Republic is Head of State, and the Prime Minister, appointed for an indefinite term by the President is head of the government. The French legislature consists of two chambers: the National Assembly and the Senate.²

The President of the Republic and the members (*députés*) of the National Assembly are elected through direct universal suffrage, while members of the Senate are elected by an electoral college.³

The President is elected for a five-year renewable term.⁴ An absolute majority of the votes cast is required for election on the first ballot. If no candidate receives a majority in the first ballot, a second round of balloting is held two weeks later. Only the top two first-round candidates who choose to remain in the running are eligible for the second round of balloting.⁵ France's most recent presidential election took place in April and May of 2007.

¹ LA CONSTITUTION DE LA RÉPUBLIQUE FRANÇAISE [1958 CONST.], available at <http://www.legifrance.gouv.fr> (click "La Constitution").

² *Id.* arts. 5, 8.

³ *Id.* arts. 6, 24.

⁴ *Id.* art. 6.

⁵ *Id.* art. 7.

The National Assembly has 577 *députés* each elected for a five-year term. Candidates winning 50% or more of the vote in their constituencies are elected on the first ballot. If no candidate receives a majority, candidates winning less than 12.5% are eliminated and the other candidates go on to a second round of voting.⁶ The last National Assembly election took place on June 10 and 17, 2007.

II. Voter Eligibility and Registration

To vote in national elections, a person must be a French citizen, at least eighteen year old, who has not been deprived of his/her political and civic rights.⁷ In addition, one must be registered. Registration is not compulsory but lack of registration precludes voting.⁸ Citizens who reach age eighteen are automatically registered.⁹ Citizens may register either in the *commune* (the smallest unit of local government) where they reside or in the *commune* where they have been on the taxpayers' roll for local taxes for at least five years.¹⁰ Citizens living abroad may register either in the *commune* where they were born, the *commune* where they have a secondary residence, the *commune* of their last residence in France, or the *commune* where one of their ascendants was born, is registered, or was registered.¹¹

III. Identification Requirements for Voting

The Electoral Code states that “one must prove his/her identity in conformity with established rules and practices.”¹² A list of all the authorized identification documents was prepared and published by the Ministry of Interior in 2007.¹³ These documents include a national identity card, passport, parliamentary identity card issued by the President of the National Assembly or Senate that includes a photograph, veteran card with a photograph, military identity card, driver's license, hunting license with a photograph, and any identity card issued to local elected officials.¹⁴

⁶ CODE ELECTORAL arts. L.123 *et seq.* (Daloz 2011).

⁷ *Id.* art. L.2.

⁸ *Id.* art. L.8.

⁹ *Id.* art. L.11.1.

¹⁰ *Id.* art. L.11.

¹¹ *Id.* art. L.12.

¹² *Id.* art. L.62.

¹³ Arrêté du 19 décembre 2007 pris en application des articles R. 5 et R. 60 du code électoral [Regulation of December 19, 2007, implementing articles R. 5 and R. 60 of the Electoral Code], *available at* LEGIFRANCE <http://legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000017734314&fastPos=1&fastReqId=273204966&categorieLien=cid&oldAction=rechTexte>.

¹⁴ *Id.*

IV. Exceptions

A. Voting by Proxy

Upon their request, the following categories of voters may vote by way of a *procurator* (a type of proxy):

- Voters who solemnly declare that they cannot be present on election day in the *commune* where they are registered or, if present, cannot go to the voting center due to either professional obligations, a disability, their health, or the fact that they are assisting a sick or disabled person. This category includes, for example, personnel from the armed forces.
- Voters who solemnly declare that they cannot be present in the *commune* where they are registered on election day due to either the fact that they are in training, on vacation, or because they reside in another *commune*.
- Voters who are in preventive detention or prisoners.¹⁵

B. French Citizens Residing Abroad

A French citizen residing abroad has three options allowing him to vote in all the national elections without returning to France, as follows:

- He may register to vote at an embassy or consulate. This option gives him the right to vote at the embassy or consulate only in national elections, including the election of the President of the Republic, referendums, or legislative elections. He cannot vote in local elections.
- He may register in one of the *communes* in France and may then give a proxy to a French citizen who resides in France who is registered to vote in the same *commune*. The proxy is prepared in triplicate at the competent consulate: one copy is for the mayor of the *commune*, one for the proxy holder, and one for the person giving the proxy. The proxy is valid for any type of election, whether national or local. The citizen may still vote in person in France if he wishes to do so.
- He may register at the embassy or consulate and in a *commune* in France. This option combines the advantages of the two first options. In this case, the citizen votes in national elections at the competent embassy or consulate and also gives a proxy to a person who is registered to vote in the same *commune* so that person can vote on his behalf in local elections. The mayor of the *commune* is notified of the registration at the embassy and consulate, and the

¹⁵ CODE ELECTORAL art. L.71 (Daloz 2011).

notice is then transcribed on the registries so that the individual cannot vote twice in national elections.¹⁶

V. Voting Arrangement for Special Groups

The Electoral Code provides that “voting centers and voting techniques must be accessible to disabled individuals whatever the type of handicap, physical, sensorial, mental or psychic.”¹⁷ In addition, any voter whose disability either makes it impossible for him to place his ballot paper inside an envelope or to use the voting machine is authorized to choose another voter to assist him.¹⁸

Prepared by Nicole Atwill
Senior Foreign Law Specialist
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¹⁶ *L'exercice du droit de vote [The Right to Vote]*, MINISTÈRE DES AFFAIRES ÉTRANGÈRES ET EUROPÉENNE, http://www.diplomatie.gouv.fr/fr/les-francais-etranger_1296/vos-droits-demarches_1395/elections_2490/index.html#so_4 (last visited Dec. 2, 2011).

¹⁷ CODE ELECTORAL arts. L.62.2., D.56-1, D.61-1 (Dalloz 2011).

¹⁸ *Id.* art. L.64.

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LAW LIBRARY OF CONGRESS**GERMANY****VOTER PROTECTION LAWS IN NATIONAL ELECTIONS***Executive Summary*

German nationals who are eighteen years of age or older are eligible to vote in federal elections unless they have been disenfranchised by judicial decision, commitment to an asylum for the criminally insane, or appointment of a guardian. The local communities register German residents for each election on the basis of the register of residents that they maintain. Germans who for some reason are not registered in this manner may request registration.

Shortly before each election, the local communities issue registration notifications to voters, and these serve as identification in the polling place. Persons who wish to vote by mail or in another polling place in their voting district may obtain a voter's certificate from the local communities. This document must be submitted when voting by mail or in another polling place.

Arrangements are made to allow the disabled to vote by allowing another person to help them. In addition, mobile polling places are constituted, and these allow the inmates of prisons and patients in hospitals and other care facilities to cast their votes.

I. Introduction

Germany elects the Federal Diet (Deutscher Bundestag), the representative chamber of the bicameral federal legislature, by direct universal suffrage.¹ As a rule, these elections are held every four years,² and they are the only popular federal elections in Germany. The members of the Federal Council, the other chamber of the federal legislature, are appointed by the state governments,³ and the Federal President is elected by the Federal Diet and an equal number of electors from the state parliaments.⁴

¹ GRUNDGESETZ FÜR DIE BUNDESREPUBLIK DEUTSCHLAND [GG] [BASIC LAW], May 23, 1949, BUNDESGESETZBLATT [BGBl.] [official law gazette of the Federal Republic of Germany] 1, art. 38.

² The legislative period is four years, GG art. 39, but it can be shortened if the legislature casts a vote of no-confidence in the Federal Chancellor. GG art. 67.

³ GG art. 51.

⁴ GG art. 54.

The Federal Diet was last elected on September 27, 2009, and the current Federal Diet, (the Seventeenth Federal Diet) has 622 members.⁵ The exact number of members in each Federal Diet varies, depending on the outcome of proportionality computations after each election. According to statutory law, the Federal Diet is meant to have 598 members before the proportionality computations are made.⁶

The election system for the Federal Diet combines elements of a proportional representation system and a winner-take-all-in-single-member-districts system. Each voter casts two ballots. The first ballot selects a candidate from the individual candidates competing in the particular constituency. This contest is won by the candidate with the most votes in the constituency, and about half of the members in the Federal Diet are elected in this manner.⁷ The second ballot is cast for a list of candidates posted by a political party for a particular state, and this ballot leads to the allocation of approximately the other half of the seats in the Federal Diet, according to the principles of proportional representation, by counting together all the votes cast in a state.⁸

II. Voter Eligibility and Registration

As is provided in the Constitution, any person who has attained the age of eighteen is eligible to vote.⁹ Statutory law, however, limits this entitlement by providing that Germans who live abroad must have had a home or other ordinary abode in Germany for at least three months at some time after May 23, 1949, in order to be eligible to vote.¹⁰ In addition, the right to vote does not exist for persons who have been disenfranchised by judicial decision, for whom a permanent curator has been appointed, or who have been placed in an institution for the criminally insane.¹¹

All persons who are eligible to vote are also eligible to be registered as voters. For residents of Germany, the local communities carry out registration routinely. Prior to each election of the Federal Diet, they prepare a register of eligible voters for each voting district.¹² This register is based on the register of residence that is also maintained by the local communities and into which the current residence of anyone staying in Germany is recorded.¹³

⁵ BLICKPUNKT BUNDESTAG SPEZIAL, DIE ABGEORDNETEN DES DEUTSCHEN BUNDESTAGES [THE MEMBERS OF THE GERMAN BUNDESTAG], <https://www.btg-bestellservice.de/pdf/40130500.pdf> (last visited Dec. 8, 2011).

⁶ Bundeswahlgesetz [BWahlG], repromulgated July 23, 1993, BGBl. I at 1288, *as amended*, § 1(1).

⁷ *Id.* §§ 4–7.

⁸ *Id.*

⁹ GG art. 38 (2).

¹⁰ BWahlG § 12.

¹¹ *Id.* § 13.

¹² Bundeswahlordnung [BWahlO], repromulgated Apr. 19, 2002, BGBl. I at 1376, § 14.

¹³ Melderechtsrahmengesetz, repromulgated Apr. 19, 2002, BGBl. I 1342, *as amended*.

In addition, the register of eligible voters records voters who are registered as personnel of ships flying the German flag, as well as voters who are in prison. For voters who do not have a fixed abode, have not been registered, or have recently changed their residence, procedures are in place to register them upon request.¹⁴ Moreover, before each election, the voters may verify their registration and demand corrections.¹⁵

III. Identification Requirements for Voting

Before each election, the local communities notify each voter of his or her registration. This notification is usually carried out by mail and must reach the voter at least twenty-one days before the election. The notification of registration identifies the voter, his or her polling place, and the individual's registration number, and informs the voter that he or she must bring this document together with a passport or personal identification card to the polling place.¹⁶ When the voter comes to the polling place to cast his or her vote, the election official may request that he or she present the registration notification.¹⁷

IV. Exceptions

Voters are permitted to vote by mail or to vote in another polling place in their voting district.¹⁸ Before March 2008, voters had to give an explanation as to why they wanted to vote somewhere other than in their polling place. The law was changed in 2008, eliminating this requirement of an explanation, in order to simplify the administrative practice.¹⁹ Mailed ballots must reach election officials by the time the polls close on election day.²⁰

V. Voting Arrangement for Special Groups

Voters who are illiterate or who suffer from a personal disability that prevents them from marking the ballot, folding the ballot, or placing it in the ballot box may request assistance.²¹ In addition, local communities are encouraged to create special polling places and voting districts for voters who cannot cast their vote in the ordinary polling place.²² This system benefits patients in hospitals and other care facilities, inmates of prisons or therapeutic institutions for

¹⁴ BWahlO §§ 16–18.

¹⁵ BWahlG § 17.

¹⁶ BWahlO § 19.

¹⁷ *Id.* § 56 (1).

¹⁸ BWahlG § 17 (2).

¹⁹ WOLFGANG SCHREIBER, BUNDESWAHLGESETZ 382 (2009).

²⁰ BWahlG § 36.

²¹ *Id.* § 33 (2).

²² BWahlO §§ 8,13.

young offenders, and monks and nuns.²³ Movable units of elections officials are appointed to conduct polling in these institutions.²⁴

Prepared by Edith Palmer, Chief
Foreign, Comparative and
International Law Division II
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²³ *Id.* §§ 61–64.

²⁴ *Id.* § 8.

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LAW LIBRARY OF CONGRESS

HAITI

VOTER PROTECTION LAWS IN NATIONAL ELECTIONS

Executive Summary

To be eligible to vote a person must be a Haitian national, eighteen years of age or older, the holder of a national identity card, and registered to vote. The 2008 Electoral Law is silent as to absentee, proxy, or provisional voting. Special voting arrangements are provided for disabled persons, pregnant women, breast-feeding mothers, elderly persons, or any other person that is considered to be vulnerable.

I. Introduction

The 1987 Constitution, as amended, states that Haiti is an “indivisible, sovereign, independent, cooperatist, free, democratic and social republic.”¹ The Constitution provides for a bicameral Parliament, a President as head of state,² and a Prime Minister, who is head of the government, appointed for an indefinite term by the President, and chosen from among the members of the majority party. The President’s choice must be ratified by Parliament.³

The President of the Republic is elected by direct universal suffrage for a five-year term.⁴ He may serve an additional term only after an interval of five years. He cannot run for a third term.⁵ An absolute majority of the votes cast is required for election on the first ballot. If no candidate receives a majority in the first ballot, a second round of balloting is held between the top two candidates from the first ballot.⁶

The Haitian Parliament is composed of the Chamber of Deputies and the Senate. Members of both chambers are elected by direct universal suffrage. They may be reelected indefinitely. The Senate has thirty seats, and members serve six-year terms; one-third are elected every two years.⁷ The Chamber of Deputy has ninety-nine seats and members serve four-year

¹ 1987 CONSTITUTION art. 1, *available at* the website of the Haitian Embassy in Washington, DC, http://haiti.org/images/stories/pdf/1987_constitution.pdf (last visited Dec. 6, 2011).

² *Id.* art. 133(a).

³ *Id.* arts. 133(b), 137.

⁴ *Id.* art. 134-1.

⁵ *Id.* art. 134-3.

⁶ *Id.* art. 134.

⁷ *Id.* arts. 95, 95-3.

terms.⁸ In elections for both chambers an absolute majority of the votes cast is required for election on the first ballot, as is the case for elections for President of the Republic. If no candidate receives a majority in the first ballot in a particular voting district, a second round of balloting is held between the top two first-round candidates.⁹

II. Voter Eligibility and Registration

To vote in national elections, a person must be a Haitian citizen of at least eighteen years of age who has not been deprived of his/her political and civil rights and has not been sentenced for an offense listed in the 2008 Electoral Law.¹⁰ In addition, one must be registered and hold a national identity card.¹¹ The Electoral Law further provides that any citizen, upon reaching the age of eighteen, has the duty to come in person to the National Identification Office (or one of its centers) to register with the Civil Registry and obtain a national identity card that allows him or her to vote.¹² The vote is secret and personal.¹³

III. Identification Requirements for Voting

The 2008 Electoral Law provides that the national identity card is the “sole and unique document” that allows a voter to exercise his/her right to vote.¹⁴

IV. Exceptions

It does not appear that Haiti recognizes absentee, proxy, or provisional voting. The 2008 Electoral Law is silent on all of these points.

V. Voting Arrangement for Special Groups

Special arrangements are provided for certain groups. An elector who has a physical disability is authorized to be accompanied by a person of his choice to assist him in voting. A memo recording the assistance is drafted.¹⁵ Similar arrangements are also granted to pregnant women, breast-feeding mothers, elderly persons, or any other person that is considered to be vulnerable. In addition, persons necessitating special arrangements may be given priority to vote.¹⁶

⁸ *Id.* art. 52.

⁹ Loi Electorale du 18 Juillet 2008 [Electoral Law of July 18, 2008] arts. 47, 53, LE MONITEUR [Haiti Official Gazette], July 25, 2008, at 1.

¹⁰ *Id.* art. 22.

¹¹ *Id.*

¹² *Id.* art. 27.

¹³ *Id.* art. 21.

¹⁴ *Id.* art. 36.

¹⁵ *Id.* art. 160.

¹⁶ *Id.* arts. 160, 160.2.

Specialized means of communication for the blind or the deaf are provided—in particular, sign language and Braille.¹⁷

Finally, specific measures may be taken to alleviate physical exhaustion due to the great distances some voters must travel to get to a polling station.¹⁸

Prepared by Nicole Atwill
Senior Foreign Law Specialist
December 2011

¹⁷ *Id.* art. 160.1.

¹⁸ *Id.* art. 160.3.

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LAW LIBRARY OF CONGRESS**IRAQ****VOTER PROTECTION LAWS IN NATIONAL ELECTIONS****I. Introduction**

According to article 1, section 1 of the Iraqi Constitution of 2005,¹ Iraq is a federation with a republican parliamentary democratic system, the executive power is vested in the Prime Minister and the Cabinet, the President of the Republic has mostly limited and ceremonial functions (arts. 66–86), and the legislative power is vested in an elected Parliament and an elected Federation Council (arts. 48–65), the latter of which has not yet come into existence.

II. Voter Eligibility and Registration

Pursuant to Law No. 11 of 2007,² Iraq established the Independent High Electoral Commission (the Commission), which has the exclusive authority to regulate, conduct, and supervise matters related to elections and referendums. As stated in article 2 of the Law, the Commission is a nonpartisan governmental body with a juristic personality that operates under the supervision of the Iraqi Parliament. The Commission is required to establish a voters' list, adjudicate electoral complaints, and issue rules and regulations aimed at ensuring a fair electoral process.

For the 2010 election of Parliament the Commission issued Regulation No. 12 addressing voter registration for the election.³ According to section 2 of Regulation No. 12 and article 3 of Election Law No. 16 of 2005,⁴ every Iraqi citizen with full capacity who was born before December 31, 1992, and who is registered in one of the Iraqi governorates in accordance with rules and procedures issued by the Commission is a voter.

According to section 3 of Regulation No. 12, the Commission prepares a preliminary voters' list based on the database used to issue rationing ID cards. Persons eligible to vote whose information does not appear on the list or is incorrect then have the right to request that their information be added or corrected.

¹ An Arabic copy of this Constitution is posted on the Iraqi Parliament website, at http://www.parliament.iq/Iraqi_Council_of_Representatives.php?name=singal9asdasdas9dasda8w9wervw8vw854wvw5w0v98457475v38937456033t64tg34t64gi4dow7wnf4w4y4t386b5w6576i75page&pa=showpage&pid=3.

² Iraqi Official Gazette No. 4037 (2007).

³ An Arabic copy of this Regulation is available on the Commission website, at <http://www.ihec-iq.com/ar/sys.html>.

⁴ An Arabic copy of this law is available at <http://www.iraq-ild.org/LoadLawBook.aspx?SP=REF&SC=290320063457426&Year=2005&PageNum=1>.

Section 4 of the Regulation deals with the registration of displaced voters through a similar process that allows eligible voters to request additions and corrections to the list if necessary.

Section 6 of the Regulation allows eligible voters to object in writing to incorrect information about them contained on the voters' list. Although the text is not clear, it seems that the process in this section applies if the process set forth in section 3 failed. Eligible voters may also object to another voter's name being on the list if the other voter is dead, did not reach the age required for voting, or is not an Iraqi citizen. However, political parties duly recognized by the Commission have the right to object to adverse information contained in the list about the voters.

III. Identification Requirements for Voting

Pursuant to section 3(3) of Regulation No. 18 of 2009,⁵ issued by the Commission, each voter must have an official identification document with his photograph appended to it that proves his identity.

IV. Exceptions

No provisions that allow for absentee ballots were located.

V. Voting Arrangement for Special Groups

Section 7 of Regulation No. 12 issued by the Commission provides that the Commission must establish a voter registration list for those who are outside Iraq and for members of the military. However, only Regulation No. 20 of 2010,⁶ which regulates voting by those eligible Iraqis who are outside Iraq, was located. Pursuant to section 4(2) of that Regulation, registration and voting must take place at the same time.

Prepared by Issam Saliba
Senior Foreign Law Specialist
December 2011

⁵ An Arabic copy of this Regulation is available on the website of the Commission, at <http://www.ihec-iq.com/ar/sys.html>.

⁶ An Arabic copy of this Regulation is available on the Commission website, at <http://www.ihec-iq.com/ar/sys.html>.

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LAW LIBRARY OF CONGRESS**ISRAEL****VOTER PROTECTION LAWS IN NATIONAL ELECTIONS***Executive Summary*

Members of the Knesset (Israel's Parliament) are selected based on candidate lists submitted by their parties in national elections. To be eligible to vote a person must be an Israeli national and a resident eighteen years of age or older. Although Israel does not recognize absentee, proxy, or provisional voting, it provides for special voting arrangements for mobility-challenged voters; women in battered women's shelters; soldiers and policemen; eligible voters on designated Israeli vessels; prisoners and detainees; and civil servants on state missions overseas.

I. Introduction

Israel maintains a parliamentary system of government, with the Prime Minister serving as the executive authority of the state and the head of the government,¹ and the President serving as the Head of State but not the head of the government.² Knesset (Parliament) members are chosen from candidate lists selected by the parties, following their own primaries. The Prime Minister is selected by the President and is usually the head of the largest party, or the party capable of forming a coalition government, as is the case with the current Prime Minister, Mr. Binyamin Netanyahu. Party representation in the Knesset is determined based on proportional results in the general elections subject to a threshold of 2% of the total qualified votes.³

II. Voter Eligibility and Registration

Basic Law: the Knesset provides as follows:

Every Israel national of or over the age of eighteen years shall have the right to vote in elections to the Knesset unless a court has deprived him of that right by virtue of any Law; the Elections Law shall determine the time at which a person shall be considered to be eighteen years of age for the purpose of the exercise of the right to vote in elections to the Knesset.⁴

¹ Basic Law: The Government §§ 1, 3, 22 LAWS OF THE STATE OF ISRAEL (LSI) 257 (5728-1967/68), *as amended*.

² *See* Basic Law: The President of the State, 18 LSI 111 (5724-1963/64).

³ Knesset Elections Law (Consolidated Version) 5729-1969, § 81, 23 LSI 110 (5729-1968/69), *as amended*, current version available at NEVO LEGAL DATABASE, <http://www.nevo.co.il> (by subscription).

⁴ Basic Law: The Knesset § 5, 12 LSI 85, (5718-1957/58).

The Knesset Elections Law (Consolidated Version) 5729-1969,⁵ as amended, further regulates voting eligibility and registration. It provides that “[t]he right to vote in elections to the Knesset vests only in a person who is registered in the Voters’ Register of the register year in which the elections take place.”⁶

The Law provides that a Voters’ Register includes every person who on the day the register is generated was an Israeli national and resident, and whose eighteenth birthday is not later than the upcoming election day.⁷

IV. Identification Requirements for Voting

A voter is required to identify himself to the Polling Committee.⁸ Identification requires the presentation of one of the following:

- An identity certificate issued under the Population Registry Law, 5725-1965⁹
- An Israeli passport issued under the Passports Law, 5712-1952¹⁰
- A valid driver’s license that includes the photograph of the holder and was issued under the Traffic Ordinance (New Version)¹¹
- A certificate of a member of the Knesset (Parliament) issued under the Knesset Members (Immunity, Rights and Duties) Law, 5711-1951¹²

V. Exceptions

Israel does not recognize absentee, proxy, or provisional voting.

VI. Voting Arrangements for Special Groups

A. Mobility-Challenged Voters

Every locality must have at least one polling station that provides access and voting facilities to accommodate persons who are mobility challenged.¹³ The law defines a person as

⁵ Knesset Elections Law (Consolidated Version) 5729-1969, 23 LSI 110 (5729-1968/69), *as amended*.

⁶ *Id.* § 2 (translation by the author, R.L.).

⁷ *Id.* § 26(a).

⁸ *Id.* § 74.

⁹ Population Registry Law, 5725-1965, 19 LSI 288 (5725-1964/65).

¹⁰ Passports Law, 5712-1952, 6 LSI 76 (5712-1951/52).

¹¹ Traffic Ordinance (New Version), 1 LSI (New Version) 222 (1967).

¹² Knesset Members (Immunity, Rights and Duties) Law, 5711-1951, 5 LSI 149 (5711-1950/51).

¹³ Knesset Elections Law (Consolidated Version) 5729-1969, § 68A(a), 23 LSI 110 (5729-1968/69), *as amended*.

“mobility challenged” if he cannot vote in the polling station assigned to a list of voters that includes his name “because of his physical situation.”¹⁴ Information regarding voting and the location of polls for mobility-challenged persons must be published in various media, including online.

The law further permits persons who are mobility challenged and who stay in recognized institutions to vote in polling facilities that are located in those institutions. To be recognized and qualify for polling facilities, institutions must be the regular place of residence to at least fifty persons who are mobility challenged, be supervised by the Ministry of Labor and Welfare, and not be qualified as retirement homes.¹⁵

B. Battered Women

Special arrangements for alternative polling stations are available for women who are staying in a battered women’s shelter. Such a shelter is defined as a place that is supervised by the Ministry of Labor and Welfare where battered women stay out of fear for their or their children’s lives.¹⁶

C. Soldiers and Policemen

For voting purposes, the law includes as “soldiers” those serving their mandatory military service on active or reserve duty or in the career service, including those on Israel Defense Forces (IDF) vessels located outside of Israeli ports on election day, as well those belonging to the Police and Prison Service.¹⁷ The Law permits soldiers to vote in special polling stations, the locations of which are determined by the Chairman of the Central Elections Committee upon a recommendation of the IDF’s Chief of Staff.¹⁸ Soldiers are not required to vote in any particular soldiers’ polling station.¹⁹ They are required, however, to identify themselves by presenting identification of any one of the documents generally required,²⁰ or a soldier, police, or prison identification certificate.²¹

D. Voters on Israeli Vessels

The Central Elections Committee may designate Israeli vessels that were registered under the Shipping (Vessels) Law, 5720-1960²² as polling areas. A designation may be made no later

¹⁴ *Id.* § 68A(h).

¹⁵ *Id.* § 116Q.

¹⁶ *Id.* § 68B.

¹⁷ *Id.* § 89.

¹⁸ *Id.* § 90B(a).

¹⁹ *Id.* § 90B(b).

²⁰ *See* above, Section III.

²¹ Knesset Elections Law (Consolidated Version) 5729-1969, § 91(a), 23 LSI 110 (5729-1968/69), *as amended*.

²² Shipping (Vessels) Law, 5720-1960, 14 LSI 60 (5720-1960).

than forty-two days prior to election day based on a list provided by the Minister of the Interior after consultation with the Minister of Transportation.²³ Vessels that on the day of voting will have fewer than fourteen Israeli citizens eighteen years of age or older, or that on that day were anchored at an Israeli port, will not be designated as polling areas. The law provides that voting on designated vessels will take place on the twelfth day before the elections.²⁴

E. Prisoners and Detainees

Prisoners and persons detained by the police may vote on election day in polling stations in prisons, detention centers, police stations, or locations near their place of incarceration.²⁵ The law imposes special duties on those who are responsible for holding prisoners or detainees to inform and make all necessary arrangements to enable them to get to the prisoners' polling stations to vote.²⁶

F. Civil Servants Overseas

Israeli officials who happen to be abroad on a state mission, as well as their spouses and children less than twenty years of age, are allowed to vote in special polling stations in Israeli diplomatic or consular facilities overseas.²⁷

Prepared by Ruth Levush
Senior Foreign Law Specialist
December 2011

²³ Knesset Elections Law (Consolidated Version) 5729-1969, §§ 96-97, 23 LSI 110 (5729-1968/69), *as amended*.

²⁴ *Id.* § 99.

²⁵ *Id.* § 116B(b).

²⁶ *Id.*

²⁷ *Id.* § 116G.

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LAW LIBRARY OF CONGRESS**ITALY****VOTER PROTECTION LAWS IN NATIONAL ELECTIONS***Executive Summary*

Italy is a parliamentary republic. Legislative power is vested in the bicameral Parliament, elected by universal and direct suffrage, while executive power is attributed to the Prime Minister and the Council of Ministers, both appointed by the President of the Republic, who is the head of state and is elected by the Parliament.

Three requirements must be satisfied in order for a person to be eligible to vote: Italian citizenship, legal age, and registration. When voting, each citizen must present a valid form of identification and his or her voter registration card.

Absentee voting is allowed for Italians living abroad, as long as they comply with the ordinary requirements necessary to be eligible to vote (legal age and registration in the Registry of Italian Citizens Residing Abroad). Proxy voting is constitutionally prohibited, and provisional voting is not recognized.

Special provisions are dictated for certain categories of voters (prisoners; people who are hospitalized or affected by serious disability; those who are handicapped, blind, affected with palsy, or have had their hands amputated; soldiers; policemen; firemen; and sailors.)

I. Introduction

Italy is a democratic parliamentary republic.¹ Legislative power is vested in the bicameral Parliament,² which comprises the House of Deputies and the Senate.³ Members of both Houses of Parliament are elected by universal and direct suffrage⁴ for five-year terms.⁵

Executive power is vested in the President of the Council (or Prime Minister) and the Council of Ministers.⁶ The President of the Republic nominates and appoints the President of the

¹ GIUSEPPE L. CERTOMA, THE ITALIAN LEGAL SYSTEM 138 (Butterworths eds., 1985).

² Art. 70 Costituzione [Cost.].

³ CERTOMA, *supra* note 1, at 141; art. 55 Cost.

⁴ Arts. 56, 58 Cost.

⁵ *Id.* art. 60.

⁶ CERTOMA, *supra* note 1, at 148; art. 92 Cost.

Council and, on the recommendations of the latter, the Ministers of State.⁷ The government must enjoy the confidence of each House of Parliament⁸; it may fall through a vote of no confidence in either House.⁹

The President of the Republic serves as the head of state and the representative of national unity.¹⁰ He is an impartial power with basically supervisory functions; in particular, he polices the observance of the Constitution and arbitrates between the political parties.¹¹ The President is elected for a term of seven years¹² by the Parliament sitting in joint session.¹³

II. Voter Eligibility and Registration

In order to be eligible to vote in national elections in Italy, one must be an Italian citizen and have reached the legal age,¹⁴ which in Italy is eighteen years old for the election of the members of the Chamber of Deputies¹⁵ and twenty-five years old for the election of the members of the Senate of the Republic.¹⁶ Additionally, one must be registered.¹⁷ Registration occurs automatically in the *Comune* (the municipality) where the citizen resides.¹⁸ Citizens living abroad are registered in the Registry of Italian Citizens Residing Abroad (*Anagrafe degli Italiani Residente all' Estero*, AIRE,).¹⁹

The vote is personal:²⁰ the voter cannot have a delegate vote on his or her behalf.²¹ The vote is also equal, free, and secret.²²

⁷ *Id.* art. 92 Cost.

⁸ CERTOMA, *supra* note 1, at 141; art. 94 Cost.

⁹ *Id.* art. 94 Cost.

¹⁰ Art. 87 Cost.

¹¹ CERTOMA, *supra* note 1, at 153.

¹² Art. 85 Cost.

¹³ *Id.* art. 83.

¹⁴ *Id.* art. 48.

¹⁵ *Id.* art. 56.

¹⁶ *Id.* art. 58.

¹⁷ Art. 4 D.P.R. 20 marzo 1967, n. 223, G.U. 28 aprile 1967, n. 106.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Art. 48 Cost.

²¹ Art. 55 D.P.R. 30 marzo 1957, n. 361, G.U. 3 giugno 1957, n. 139; LUIGI ARCIDIACONO & ANTONIO CARULLO, DIRITTO COSTITUZIONALE 155 (Cedam eds., 2011).

²² Art. 48 Cost.

The right to vote can be limited exclusively by the law in three cases:²³ civil incapacity, irrevocable criminal decision against the defendant, or “moral indignity.”²⁴

III. Identification Requirements for Voting

Each voter is required to present a valid form of identification and his or her voter registration card at the polling place.²⁵ The identification document may be expired but must have a photograph of the voter on it.²⁶ The authorized documents include national identity cards, identity cards issued by professional associations, and veteran cards.²⁷ Voter registration cards are issued by the *Comune* where the voter resides.²⁸ The card is sent to each voter’s personal address.²⁹ It contains the personal data of the voter (given name, last name, date and place of birth, address) and information relating to the electoral district to which the voter belongs.³⁰

IV. Exceptions

Italian citizens residing abroad and registered in the AIRE can exercise their right to vote from abroad (absentee ballot), as long as they comply with the ordinary requirements necessary to be eligible to vote (legal age and registration).³¹ Absentee voting is valid for the election of members of the Chamber of Deputies and of the Senate of the Republic and for referendums regarding the repeal of laws and approval of constitutional legislation.³² It is not possible to vote from abroad for the election of regional, provincial, or municipal members of government.³³ Italian citizens residing abroad vote by mail, and their votes are counted in the Foreign Jurisdiction.³⁴

Proxy voting is prohibited in Italy, as the right to vote is strictly personal,³⁵ and Italy does not recognize provisional voting.

²³ *Id.*

²⁴ ARCIDIACONO & CARULLO, *supra* note 21, at 156.

²⁵ Art. 1 D.P.R. 8 settembre 2000, n. 299, G.U. 24 ottobre 2000, n. 249.

²⁶ Art. 57 D.P.R. 30 marzo 1957, n. 361, G.U. 3 giugno 1957.

²⁷ *Id.*

²⁸ *Id.* art. 2.

²⁹ *Id.* art. 3.

³⁰ *Id.* art. 2.

³¹ *Absentee Voting*, Ministry of Foreign Affairs, http://www.esteri.it/MAE/EN/Ministero/Servizi/Sportello_Info/DomandeFrequenti/UfficiServiziConsolariEstero/VotoEstero.htm (last visited Dec. 6, 2011).

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ Art. 48 Cost.; art. 55 D.P.R. 30 marzo 1957, n. 361, G.U. 3 giugno 1957, n. 139.

V. Voting Arrangements for Special Groups

Special provisions are dictated for certain categories of voters, as follows:

- Prisoners may vote in special polling stations in their place of incarceration.³⁶
- People in hospitals or nursing homes may vote where they are hospitalized.³⁷
- People affected by serious disabilities who cannot leave their homes are allowed to vote at home.³⁸
- Handicapped people, who are defined as having either a physical, mental, or sensory disability that makes it difficult for them to learn, interact with other people, or work,³⁹ vote in the ordinary polling stations, but municipalities may provide for their transportation to the station.⁴⁰ Moreover, they may be accompanied to the polling booth by someone trustworthy.⁴¹
- Those who are either blind, affected with palsy, or have had their hands amputated may be helped to vote by a family member or someone whom they have voluntarily chosen.⁴²
- Soldiers, policemen and firemen may vote in the municipality where they are stationed.⁴³
- Sailors may also vote in the municipality where they are at the time of the elections.⁴⁴

Prepared by Nicole Atwill
Senior Foreign Law Specialist
with the assistance of Laura Andriulli
Law Library Intern
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³⁶ Art. 9 legge 23 aprile 1976, n. 136, G.U. 24 aprile 1976, n. 108.

³⁷ Art. 51 D.P.R. 30 marzo 1957, n. 361, G.U. 3 giugno 1957, n. 139.

³⁸ Art. 1 legge 7 maggio 2009, n. 46, G.U. 8 maggio 2009, n. 105.

³⁹ Art. 3 legge 5 febbraio 1992, n. 104, G.U. 17 febbraio 1992, n. 39.

⁴⁰ *Id.* art. 29.

⁴¹ *Id.*

⁴² Art. 55 D.P.R. 30 marzo 1957, n. 361, G.U. 3 giugno 1957, n. 139.

⁴³ *Id.* art. 49.

⁴⁴ *Id.* art. 50.

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LAW LIBRARY OF CONGRESS**PAKISTAN****VOTER PROTECTION LAWS IN NATIONAL ELECTIONS***Executive Summary*

The Government of Pakistan is organized as a federal parliamentary system, which consists of the President as the Head of State, a Prime Minister as Head of Government, and a bicameral Parliament, composed of the National Assembly and the Senate.

Members of the National Assembly are directly elected by the populace based on the first-past-the-post system.

Only citizens registered on the Electoral Rolls are eligible to cast their votes in national elections. Moreover, recent legislative changes require that only Computerized National Identity Cards (CNICs) can be used as a valid form of identification for the purpose of casting a vote.

Currently, overseas Pakistani citizens are not permitted to vote in national elections from abroad. However, recent reports suggest that overseas Pakistani citizens are likely to be granted voting rights by 2013.

I. Introduction

The Government of Pakistan is organized as a federal parliamentary system, “with the President as the Head of State and the popularly elected Prime Minister as Head of government.”¹ The federal legislature is a bicameral Parliament, composed of the National Assembly and the Senate.

The National Assembly (NA) is a 342-member legislative body that includes sixty reserved seats for women and ten for non-Muslim minorities. Seats are allocated to each province, each Federally Administered Tribal Area (FATA), and the federal capital “on the basis of population in accordance with the last preceding census officially published.”² Members of the NA are elected directly though “universal adult suffrage”³ and multiparty elections.

¹ *About Pakistan: Government: Parliament*, AMERICAN INSTITUTE OF PAKISTAN STUDIES, <http://www.pakistanstudies-aiops.org/pakistan/government/parliament.html> (last visited Dec. 9, 2011).

² PAKISTAN CONST. art. 51, § 3, cl. a.

³ *Government Structure*, MINISTRY OF INFORMATION & BROADCASTING (2010–2011), http://www.infopak.gov.pk/structure_government.aspx.

Elections are primarily based on the first-past-the-post system.⁴ Elections to seats that are reserved for women and non-Muslims are based on a party list system.⁵

The Senate is composed of 100 members, elected indirectly with twenty-two members from each provincial assembly, four from the General Capital, and eight from the Federally Administered Tribal Areas (FATA).⁶ Seventeen seats each are reserved for women and technocrats, including ulema or Muslim clergy.⁷ According to the Election Commission of Pakistan, elections to the Senate are conducted “on the basis of proportional representation by means of single transferable vote.”⁸

According to Pakistan’s Constitution, the Prime Minister is elected by “the votes of the majority of the total membership of the National Assembly.”⁹ The President is elected through an Electoral College, which comprises members of the Senate, National Assembly, and the provincial assemblies.¹⁰

II. Voter Eligibility and Registration

According to section 6(2) of the Electoral Rolls Act, 1974, a person is eligible to vote in an electoral area if he (a) is a citizen of Pakistan, (b) is no less than eighteen years of age on the first day of January of the year in which the electoral rolls are prepared or revised, (c) is not declared by a competent court to be of unsound mind, and (d) is deemed to be “resident” in an electoral area.¹¹

According to the 1974 Act “a person shall be deemed to be resident in an electoral area if he ordinarily resides, or owns or is in possession of a dwelling house or other immoveable property, in that area.”¹² However, according to the Election Commission of Pakistan (ECP), “a person cannot be enrolled as a voter at more than one place. If he is eligible for enrollment as a voter at more than one place, he will be enrolled only at one place of his choice.”¹³ In addition, “[o]nly citizens registered on the Electoral Rolls are eligible to cast their votes.”¹⁴

⁴ *Electoral Laws & System*, ELECTION COMMISSION OF PAKISTAN [ECP] (2011), <http://www.ecp.gov.pk/ElectionLaws/EloctoralLawAndSystem.aspx>.

⁵ *Id.*

⁶ *House And its Membership*, SENATE OF PAKISTAN, <http://www.senate.gov.pk/> (last visited Dec. 8, 2011).

⁷ *Id.*

⁸ ECP, *supra* note 4.

⁹ PAKISTAN CONST. art. 41, § 3, cl. a.

¹⁰ *Id.* art. 91, § 4, cl. a.

¹¹ The Electoral Rolls Act, No. 21 of 1974, § 6(2), I ECP, ELECTION LAWS 265 *et seq.*, <http://www.ecp.gov.pk/ElectionLaws/Volume-I.pdf>.

¹² *Id.* § 7.

¹³ *Frequently Asked Questions*, ECP (2011), <http://www.ecp.gov.pk/Faqs.aspx>.

¹⁴ *Eligibility to Be a Voter*, ECP (2011), <http://www.ecp.gov.pk/ElectionLaws/EligibilityofVoter.aspx>.

However, according to a 2011 International Crisis Group (ICG) report, “bogus voting” was a major problem during the polling process in previous national elections.¹⁵

III. Identification Requirements for Voting

Recent amendments to electoral laws under the Election Laws (Amendment) Act 2011 require voters to possess a Computerized National Identity Card (CNIC) “issued by the National Database and Registration Authority.”¹⁶ According to PILDAT (the Pakistan Institute of Legislative Development and Transparency), old identity cards will no longer be considered valid proof of identity for the purpose of casting a vote.¹⁷

IV. Exceptions

According to the ECP, “[o]verseas Pakistanis who are present in Pakistan at the time of election can cast their vote at the polling station concerned if they are registered as voters.”¹⁸ Overseas citizens are not permitted to vote abroad under the current law. According to recent news reports, however, overseas Pakistani citizens are likely to be granted voting rights in advance of the upcoming national elections in 2013.¹⁹ The ECP has suggested that such voting would be arranged through a postal ballot system.²⁰

V. Voting Arrangements for Special Groups

According to the Election Commission of Pakistan, “a person in the service of Pakistan or holding a public office can vote through postal ballot paper if he wishes to cast his vote at the constituency of his home town.”²¹ Family members of government employees can also vote through the post as long as they are registered voters.

Prepared by Tariq Ahmad
Foreign Law Consultant
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¹⁵ INTERNATIONAL CRISIS GROUP, REFORMING PAKISTAN’S ELECTORAL SYSTEM 19 (Asia Report No. 30, Mar. 30, 2011), [http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/203%20Reforming%20Pakistans%20Electoral%20System.ashx](http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/203%20Reforming%20Pakistans%20Electoral%20System.ashx).

¹⁶ The Election Laws (Amendment) Act, No. 11 of 2011, THE GAZETTE OF PAKISTAN EXTRAORDINARY, May 5, 2011, http://www.na.gov.pk/uploads/documents/1307697164_631.pdf.

¹⁷ PILDAT Legislative Brief No. 12 at 1 (Feb. 2011), <http://www.pildat.org/Publications/publication/LB/LegislativeBrief12-ElectionLawsAmendmentBill2011.pdf>.

¹⁸ ECP, *supra* note 13.

¹⁹ *Overseas Pakistanis to Get Right of Vote in Landmark Decision*, THE NEWS INTERNATIONAL (Oct. 14, 2011), <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=9534&Cat=13>.

²⁰ *Election 2013: Overseas Pakistanis May be Given Voting Rights*, THE EXPRESS TRIBUNE (Oct. 17, 2011), <http://tribune.com.pk/story/275192/overseas-pakistanis-may-have-a-right-to-vote-in-elections-ecp/>.

²¹ ECP, *supra* note 13.

2012-006966

LAW LIBRARY OF CONGRESS**SWEDEN****VOTER PROTECTION LAWS IN NATIONAL ELECTIONS***Executive Summary*

Swedish citizens who are at least eighteen years old have the right to vote in national elections. In Sweden, the right to vote is realized through the voter's official place of residence as it appears in the official registry (folkbokföring). No special registration process is needed to become a registered voter; registration in the official registry is sufficient. Voters can vote either on the day of the election or during a designated period prior to the day of the election. Certain groups, such as sailors and voters abroad, may vote through alternative means not available to the ordinary Swedish citizen. Voting through the use of a proxy is available to persons who may find it difficult to attend a polling facility. These groups include the sick and elderly, disabled, prisoners, and persons receiving criminal care.

I. Introduction**A. National and Regional Elections**

Sweden is formally a Kingdom although the role of the Monarch is primarily symbolic.¹ On the national level Sweden has a Parliament (*Riksdag*) and a Government (*Regering*).² The Swedish Constitution provides that “all public power should be derived from the people.”³ Sweden is also divided into *Kommuner*⁴ (Municipalities), which hold local elections on the same day as the national elections, and *Landsting*⁵ (County Councils), also known as “secondary municipalities.” The *Landsting* is responsible for the health care of its citizens and the *Landsting* election is held on the same day as the national election.⁶ The date of the national election is the second Sunday of September in every fourth year.⁷ The next election will be held on September

¹ For information regarding the official duties of the royal family, see SWEDISH ROYAL COURT, <http://www.kungahuset.se/royalcourt.4.367010ad11497db6cba800054503.html> (last visited Dec. 8, 2011).

² REGERINGSFORMEN [RF] CONSTITUTION 1:4, 6.

³ REGERINGSFORMEN [RF] CONSTITUTION 1:1.

⁴ REGERINGSFORMEN [RF] CONSTITUTION 1:7.

⁵ KOMMUNALLAG (Svensk Författningssamling [SFS]1991:900) 1ch. 1 §.

⁶ For more information on the Swedish government and the power allocation between the national government and *kommuner* and *landsting*, see *Municipalities, Country Councils and Regions*, SWEDISH ASSOCIATION OF LOCAL AUTHORITIES AND REGIONS, http://english.skl.se/municipalities_county_councils_and_regions (last visited Dec. 1, 2011).

⁷ VALLAG (Svensk Författningssamling [SFS] 2005:837) 1ch. 3 §.

14, 2014.⁸ In general, Sweden has a high percentage of voter participation. Over the past thirty years between 78 and 93% of the Swedish population has voted in the national elections.⁹

Swedish elections are organized by *Valmyndigheten* (the Election Authority), which sends out the ballots, creates the voting list, etc.¹⁰

Sweden is a multiparty parliamentary system that nationally affords representation to any party that has received 4% of the national vote. There are currently eight parties in the Swedish *Riksdag*.¹¹ Four of these parties jointly formed an alliance (*Alliansen*) ahead of the 2006 elections and have governed jointly since then after winning a cumulative majority of the seats in the *Riksdag*.¹² In addition to voting for a party, voters may also cast a blank vote to indicate their willingness to vote but their failure to find an appropriate party for whom to cast their ballot.¹³

Historically, Sweden did not have “personal elections,” i.e., voters were unable to choose a candidate from among those individuals listed on a party’s ballot. The priority of the candidates was instead decided by party elections. Recently, however, “personal elections” have been introduced, which gives the voter a right to indicate a preference from the individuals listed on the party’s ballot. The number of individual votes for one candidate will then determine the relative priority over other members within the same party and district.

II. Voter Eligibility and Registration

A. General

The right to vote is automatic and requires no special registration, as it is tied to the voter’s legal residence. All Swedish and foreign citizens who permanently reside in Sweden must submit their current address to the Swedish Tax Authority to be registered in the official National Registry.¹⁴ The initial registry is made at birth; subsequent changes are usually done electronically with a bank ID (a special electronic identity obtained through a Swedish bank account).¹⁵ The registered address is used to contact the citizen, to calculate the applicable tax

⁸ Valmyndigheten, *Kommande val* [Coming Elections], http://www.val.se/kommande_val/ (last visited Nov. 28, 2011).

⁹ PER HEDBERG, VALDELTAGANDE I SVERIGE [ELECTION ATTENDANCE IN SWEDEN] (Göteborgs Universitet, Statsvetenskapliga Institutionen, Jan. 2009), http://www.valforskning.pol.gu.se/digitalAssets/1242/1242930_Hedberg_Valdeltagande_vid_svenska_riksdagsvalen_1976-2006.pdf.

¹⁰ See VALMYNDIGHETEN [ELECTION AUTHORITY], <http://www.val.se>. For a more detailed overview of the Swedish election system, see VALMYNDIGHETEN, VAL I SVERIGE [ELECTIONS IN SWEDEN], http://www.val.se/pdf/Val%20i%20Sverige_reviderad%202011.pdf (last visited Dec. 8, 2011).

¹¹ *Ledamöter & parties* [Representatives & Parties], RIKSDAGEN (Oct. 3, 2011), http://www.riksdagen.se/templates/R_SubStartPage_272.aspx.

¹² See ALLIANSEN, <http://www.alliansen.se/> (last visited Nov. 28, 2011).

¹³ See VALMYNDIGHETEN, *supra* note 10.

¹⁴ 25 § FOLKBOKFÖRINGSLAG (SFS 1991:481).

¹⁵ 24 § FOLKBOKFÖRINGSLAG (SFS 1991:481).

rate, and to determine where she or he may vote. The Swedish Election Authority then sends the voting ballot to the voter, who either brings it to the voting place or to the foreign consulate or a Swedish post office prior to the election. The voter need not make any effort on her own to register unless she has been living outside of Sweden for ten years or more, in which case she must send the foreign address to the Swedish Tax Authority. The Swedish Tax Authority will then send the voter's ballot to the foreign address.¹⁶ Tax authority records are accurate within thirty days;¹⁷ any change after that time must be reported separately to the Election Authority at least twelve days prior to the election or the voter must cast his or her vote from the previous location.

B. National Elections

All Swedish citizens who are eighteen years old on the date of the election may vote, provided they are living in Sweden or have lived there in the past. Every Swedish citizen, regardless of whether she lives inside or outside of Sweden, has an automatic right to vote. The right to vote is determined by and protected by law.¹⁸ As mentioned above, a Voter's Card is issued based on the legal residence of the voter.

III. Identification Requirements for Voting

A. National Election

The voter must present a valid form of identification unless the voter is known to the person receiving the vote.¹⁹ Valid forms of identification include a Swedish ID card (issued by the Tax Authority), Swedish Driver's License, National Identification Card, or Swedish passport.²⁰ The voter must also present his or her Voter's Card. The Voter's Card is a document especially distributed for each election and sent to the address found in the official National Registry.

To receive an ID card from the Tax Authority the individual must present either another form of official identification or a person who guarantees in writing that the applicant is who he says he is, have a personal identification number, and be registered in the official registry.²¹ A

¹⁶ See VALMYNDIGHETEN,, *supra* note 10.

¹⁷ 5 ch. 1§ 2 VALLAG (SFS 2005:837).

¹⁸ VALLAGEN (SFS 2005:837), available at <http://www.riksdagen.se/webbnav/index.aspx?nid=3911&bet=2005:837>.

¹⁹ *Id.* 8 ch. 6 §.

²⁰ The National Identification (ID) Card is a new form of identification that will be available starting January 2012, which can be used within the Schengen Area. National ID Cards and passports are issued by the Swedish Police. For further information, see *Pass och nationellt id-kort [Passports and National ID Cards]*, POLISEN (June 29, 2011), <http://www.polisen.se/sv/Service/Pass-och-id-kort/>. Note that Swedish ID cards and driver's licenses will still be valid for voting purposes for ballots cast within Sweden.

²¹ *Villkor för att få ansöka om idkort [Requirements for Application for ID Card]*, SKATTEVERKET.SE, <http://www.skatteverket.se/privat/idkort/villkorforattfaansokaomidkort.4.76a43be412206334b89800021575.html> (last visited Dec. 1, 2011).

person vouching for the identity of the applicant must present government-issued proof of his or her identity.²² Prior to applying for an ID card the applicant must show proof of payment of a SEK 400 (approx. US\$60) fee.²³

IV. Exceptions

A. Absentee Voting

All Swedish citizens who are eligible to vote (*i.e.*, who have legal capacity, are at least eighteen years of age, and are or have been registered as residing in Sweden) may vote in national elections from abroad.

Swedish law also allows for voting prior to the election at certain locations.²⁴ Generally, these locations are called “postal votes” because voting has historically been done by submitting a ballot at the local post office.

Voters located abroad or on a ship may vote by mail (“mail voting”).²⁵ Mail voting is similar to proxy voting (see below) and may be conducted as early as forty-five days prior to the election.²⁶ For mail voting to be valid, two witnesses must be present when the voter places a prepared ballot envelope in an outer envelope and each of the three (the voter and the two witnesses) must sign the outer envelope with his or her name, identification number, address, and phone number.²⁷ In addition, a statement must be provided indicating that the vote was cast during the timeframe allowed and in the manner prescribed.²⁸

B. Voting by Proxy

The opportunity to vote by proxy is afforded to a number of selected voter groups.²⁹ Persons with the right to vote by proxy include the sick, elderly, and disabled who cannot access the voting station.³⁰ In addition, “voters who are served by a rural mailman” as well as prisoners and “persons undergoing criminal care and who for safety reasons cannot be brought to a voting station” may vote by proxy.³¹

²² *Id.*

²³ *Id.*

²⁴ 7 ch. 1 § VALLAG (SFS 2005:837).

²⁵ *Id.* 7 ch. 11 §.

²⁶ *Id.* 7 ch. 12 §.

²⁷ *Id.* 7 ch. 13 §.

²⁸ *Id.*

²⁹ *Id.* 7 ch. 4 §.

³⁰ *Id.* 7 ch. 4 § para. 1.

³¹ *Id.* 7 ch. 4 § para. 2 nos. 1–3.

Proxy voting may be carried out through the voter's "spouse [which includes husbands/wives as well as registered or unregistered domestic partners], children, spouse's children, grandchildren, parents and siblings."³² Also, persons who normally care for the voter, locally appointed proxies, and "rural mailmen" may serve as proxies.³³ The person must be eighteen years old, however.³⁴

How a proxy vote is cast is regulated in the voting legislation.³⁵ The voter may herself place the ballot in a "voter's envelope" but the voter's envelope must be put in an outer envelope and sealed in the presence of the proxy. In addition, the voter must state on the outside of the voter's envelope that voting was conducted in the above-described manner and that it was not prepared earlier than allowed (twenty-four days prior to the election).³⁶ The right to vote by proxy must also be explained. Once this is done it is signed with the name and personal identification number (similar to the US Social Security Number) of the voter. The witness and proxy must state their names and personal identification numbers as well. The proxy and witness sign their names and list their personal identification numbers and addresses on the outer envelope.³⁷ If the proxy is employed at a prison or criminal health facility then his or her employee number must be listed instead. Both the witness and the proxy must state that the procedure was as described by the voter. The proxy must also identify the relationship with the voter that supports his or her claim of eligibility to act as a proxy.

Special rules apply when the proxy is a rural mailman. If the proxy is a rural mailman he or she may receive the outer envelope without being present when it is prepared. Thus, no witness is needed. In addition, the rural mailman does not state his personal identification number but instead lists his employee number on the envelope and indicates that he has received the envelope directly from the voter.³⁸

Presentation of official identification by the voter to the proxy is only needed if the proxy does not know the voter.³⁹ The voter must also give his or her Voter's Card to the proxy together with the outer envelope.⁴⁰

C. Provisional Voting

Swedish law does not provide for provisional voting. Voter's Cards are sent out prior to the elections to all voters that are eligible to vote on the date of the election. If a Voter's Card is

³² *Id.* 7 ch. 5 § para. 1 no. 1.

³³ *Id.* 7 ch. 5 § para. 1 nos. 2–4.

³⁴ *Id.* 7 ch. 5 § para. 2.

³⁵ *Id.* 7 ch. 7 §.

³⁶ *Id.* 7 ch. 6 §.

³⁷ *Id.* 7 ch. 7 §.

³⁸ *Id.* 7 ch. 8 §.

³⁹ *Id.* 7 ch. 9 §.

⁴⁰ *Id.* 7 ch. 10 §.

lost, a new one can be requested from the Election Authority or the local government. An official identification card is usually required when casting a ballot.⁴¹

D. Changing a Vote Already Cast

Voters who have voted prior to the actual day of the election—for example, at an embassy abroad, through the mail, or at a postal office—may change their mind by voting at the district where they are assigned to vote on the day of the election. The ballot cast in such a case is binding and negates any previous vote.⁴²

V. Special Arrangements for Certain Groups

A. Students

Like all other Swedish citizens, Swedish students must be registered at the address where they live in Sweden and will thus be afforded a right to vote where they live. However, students have the right to remain officially registered at their parents' address or with a spouse, etc., if their relocation for studies is temporary. Therefore, the address on file with the Tax Authority may be either a previous address or the address of the university. Regardless, the Voter's Card will be sent to the address on file with the Tax Authority.

The requirement to register the current residence address does not apply to students temporarily studying abroad because they must instead maintain a permanent address in Sweden. Students studying in a foreign country may therefore visit the consulate at the location where they are studying, vote by mail, or return to Sweden and vote in the precinct in which they are registered.

B. Military

Sweden has a relatively small military force stationed abroad. For military personnel in Sweden the same provisions apply as for all Swedes: they must have a registered address and the ballot will be sent to that address.⁴³ Military or other government personnel stationed abroad may use a provisional Swedish address in the public registry.⁴⁴

C. Prisoners

Swedish prisoners and criminal care patients retain the right to vote and the actual casting of a vote is done through the use of a proxy.⁴⁵ In addition to the accepted proxies mentioned

⁴¹ *Id.* 8 ch. 6 §.

⁴² *Id.* 9 ch. 14 §.

⁴³ *Cf.* section V.A, "Students," *supra*.

⁴⁴ 14 § FOLKBOKFÖRINGSLAG (SFS 1991:481).

⁴⁵ 7 ch. 4 § 2. nos. 2–3 VALLAG (SFS 2005:837). For information on how to vote as a proxy see section IV.B, *supra*.

above (*see* section IV.B), employees of a prison and employees of a criminal care facility may also act as proxies.⁴⁶

D. The Royal Family

The Royal family, because they are Swedish citizens residing in Sweden, are allowed to vote in both the national and local elections. However, members of the Royal family have chosen not to exercise this right.⁴⁷

E. Sailors

Sailors employed on a ship that is out at sea on election day may vote by mail.⁴⁸

F. Individuals Without a Current Home Address

Although technically allowed to vote, people without an official mailing address often lack a real opportunity to vote in Sweden because the Voter's Card required in order to vote is only sent to those citizens with a current address.⁴⁹ Homeless people often do not have an address where they receive mail.⁵⁰ In the most recent election it was estimated that some 10,000 individuals had effectively lost their right to vote because they lacked a permanent mailing address.⁵¹ However, a person desiring to vote can request a Voter's Card by submitting his or her personal identification number to an official at the Election Authority or local agencies (*Länsstyrelsen* or *Kommunen*), and the card will be sent to any address requested.⁵²

Prepared by Edith Palmer, Chief,
Foreign, Comparative, and International
Law Division II
with the assistance of
Elin Hofverberg
Law Library Intern
December 2011

⁴⁶ VALLAGEN (SFS 2005:837), available at <http://www.riksdagen.se/webbnav/index.aspx?nid=3911&bet=2005:837>.

⁴⁷ *See Monarkens uppgifter* [The Monarch's Duties], SVERIGES KUNGAHuset, <http://www.kungahuset.se/monarkin/monarkinisverige/monarkensuppgifter.4.7c4768101a4e888378000291.html> (last visited Nov. 30, 2011).

⁴⁸ 7 ch. 11 § VALLAG (SFS 2005:837).

⁴⁹ *See* section II.A, *supra*.

⁵⁰ *Hemlösa utestängda från valet* [The Homeless are Excluded from the Election], SVERIGESRADIO.SE (May 25, 2010), <http://sverigesradio.se/sida/artikel.aspx?programid=3615&artikel=3722808>.

⁵¹ *Id.*

⁵² Ann-Katrin Åslund, *Låt hemlösa rösta i valbussarna* [Let the Homeless Vote in the Election Buses], FOLKPARTIET (Aug. 30, 2006), <http://www.folkpartiet.se/Folkpartiet-nara-dig/Stockholms-stad/Dina-politiker/ann-katrin-aslund/Ann-Katrin-Aslund/ann-katrin-arkiv/Aktuella-initiativ/Lat-hemlosa-rosta-i-valbussarna>.

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LAW LIBRARY OF CONGRESS**UNITED KINGDOM****VOTER PROTECTION LAWS IN NATIONAL ELECTIONS***Executive Summary*

The United Kingdom has a constitutional monarchy with a bicameral Parliament in which one of the two chambers, the House of Commons, is elected. The UK has a “first-past-the-post” electoral system. Various means are used to ensure that people can easily cast their vote during national elections, including postal voting, voting by proxy, and special registration provisions for students and those in the military.

I. Introduction**A. The Government System**

The United Kingdom of Great Britain and Northern Ireland¹ has a constitutional monarchy. The Crown is the Head of State and has legal powers, although these are now largely ceremonial. The Crown acts upon the advice of her Ministers, who form the executive and are accountable to Parliament for their actions.²

The UK has a bicameral Parliament, consisting of the House of Lords, the Upper House that is composed of peers,³ and the House of Commons, an elected body. The country has recently undergone a period of devolution in which certain powers have been granted to a National Assembly in Wales and Northern Ireland, and to a Parliament in Scotland.

B. The Electoral System

The electoral system used in the UK is that of a simple majority for each constituency, more commonly known as the “first-past-the-post system,” with the candidate that achieves the majority of votes for that constituency being elected to Parliament. The first-past-the-post electoral system has been in place in the United Kingdom for decades, and has been the subject a number of reports from government commissions.⁴

¹ The United Kingdom of Great Britain and Northern Ireland is comprised of the countries of England, Wales, Scotland and Northern Ireland. For the purposes of this report, the main country referred to will be England.

² SIR WILLIAM WADE, ADMINISTRATIVE LAW (8th ed. 2000).

³ See House of Lords Act 1999, c. 34, which provides for the gradual abolishment of hereditary peers.

⁴ See, e.g., THE REPORT OF THE INDEPENDENT COMMISSION ON THE VOTING SYSTEM, 1998, Cm. 4090-I/II, <http://www.archive.official-documents.co.uk/document/cm40/4090/4090.htm>.

National elections are known as general Parliamentary elections.⁵ These elections occur after Parliament has been dissolved, either through royal proclamation⁶ upon the advice of the Prime Minister or because the five-year maximum term of Parliament has expired.⁷ The effect of the proclamation is to vacate all the seats in the House of Commons. A general election is then held and the political party that wins the most seats goes on to form the government. There are no set timetables for when an election should be held, other than that the five year maximum life of a Parliament. As a result, the Prime Minister has a political and tactical advantage in being allowed to decide the date of a general election.

II. Voter Eligibility and Registration

Provision for the registration of voters in the UK is made through regulations under the Representation of the People Act 1983.⁸ Eligibility to vote in general elections is subject to a number of criteria. Primarily, the individual wishing to vote must be registered in the register of parliamentary electors in his or her relevant constituency.⁹ To be able to register, the individual must be 18 years or older, and either a British subject, which includes Commonwealth citizens,¹⁰ or a citizen of the Republic of Ireland resident in Britain.¹¹ British citizens resident overseas can vote for up to 15 years after they leave the country.¹²

Certain classes of individuals are disqualified from voting. These are Members of the House of Lords; aliens, encompassing both legal and illegal immigrants; individuals of unsound mind; individuals guilty of corrupt or illegal practices in elections; and convicted persons who are serving a prison sentence.¹³

In the United Kingdom, local councils maintain voter registration lists (commonly known as the “electoral roll” or “electoral register”). The information held on the electoral roll is used for general parliamentary elections, European Parliament elections, local government elections,

⁵ The Interpretation Act 1978, c. 30, § 5, sch. 1, defines Parliamentary Election as “the election of a Member to serve in Parliament for a constituency.”

⁶ Representation of the People Act 1983, c. 2, sch. 1.

⁷ Septennial Act 1715, 1 Geo. 1 St. 2, c. 38, *as amended by* Parliament Act 1911, c. 13, § 3. The average length of Parliament since 1945 has been three years and seven months. ROBERT ROGERS & RHODRI WALTERS, *HOW PARLIAMENT WORKS* 22 (5th ed. 2004).

⁸ Representation of the People Act 1983, c. 2.

⁹ ERSKINE MAY’S TREATISE ON THE LAW, PRIVILEGES, PROCEEDINGS AND USAGE OF PARLIAMENT 5 (Sir William McKay et al. eds., 23rd ed. 2004).

¹⁰ Representation of the People Act 1983 c. 2, § 4(6). Commonwealth citizens are individuals that do not require leave to enter or remain in the United Kingdom. *See also* British Nationality Act 1981, c. 61, §§ 37, 51(2).

¹¹ Ireland Act 1949, 12, 13 & 14 Geo. 6, c. 41.

¹² Representation of the People Act 1983 c. 2, § 4(1).

¹³ *Id.* §§ 3–3A. *See also Factsheet: Who Can Vote?*, ELECTORAL COMMISSION, <http://www.electoralcommission.org.uk/faq/voting-and-registration/who-is-eligible-to-vote-at-a-general-election> (last visited Dec. 6, 2011).

and, depending upon the persons' place of residence, elections to the National Assembly for Wales, or to the Scottish Parliament.¹⁴

Voter registration is not automatic and requires positive action on behalf of the individual wishing to vote. The Electoral Roll is compiled from two main sources:

- An annual canvass conducted by the local council between August and November. Voter registration forms are delivered to homes in the local council's area. Households are required by law to complete and return the form listing all people resident there that are eligible to vote on October 15th of that year.¹⁵ If the information on the form received by the household is accurate, it can be renewed by phone or the Internet.
- Rolling registration by individual voters, who can register at any time by completing a registration form and sending it to the local electoral registration office.¹⁶

The penalty for failing to complete the voter registration form, or for providing false information, is a fine of up to £1,000 (approximately US\$1,500).¹⁷ An unregistered individual is not able to vote in any election. Failure to register also has a negative impact on the ability of the person to obtain credit, as credit reporting agencies use the Electoral Roll to verify the names and addresses of credit applicants.¹⁸

The electoral register is the most complete and comprehensive source of personal data in the UK, containing the names and addresses of over ninety-five per cent of the population.¹⁹ For the 2010 general election over forty six million people were entitled to vote.²⁰

III. Identification Requirements for Voting

There are no requirements to show identification when voting in person at general elections. Individuals who are registered to vote receive a polling card that contains the person's name, address and polling number. There is no requirement to present this card to vote. Registered voters may simply go to their local polling place, which is typically a school or a library, and tell the staff at the polling place their name and address. This information, which is contained on the electoral register, is verified by the electoral staff and checked off. The voter

¹⁴ *Registering to Vote*, DIRECT.GOV.UK, http://www.direct.gov.uk/en/Governmentcitizensandrights/UKgovernment/Politicalpartiesandelections/DG_073239 (last visited June 24, 2009).

¹⁵ Representation of the People Act 1983, c. 2, § 10.

¹⁶ House of Commons Library, Standard Note: *Electoral Register*, 2005, SN/PC/3031, available at <http://www.parliament.uk/commons/lib/research/briefings/snpc-03031.pdf>.

¹⁷ Representation of the People (England and Wales) Regulations, 2001, SI 2001/341, ¶ 23.

¹⁸ Representation of the People (England and Wales) (Amendment) Regulations 2002, SI 2002/1871, ¶ 114.

¹⁹ House of Commons Library, *supra* note 16.

²⁰ *UK Electoral Statistics 2009*, OFFICE FOR NATIONAL STATISTICS, <http://www.ons.gov.uk/ons/rel/pop-estimate/electoral-statistics-for-uk/2009-results/index.html>.

then receives the ballot with instructions on how to vote. He or she then goes into a private polling booth, fills in the form, and puts it in the ballot box.²¹

IV. Exceptions to Voting in Person

Individuals have options available to them other than voting in person. These are voting by proxy and the postal vote.

A. The Postal Vote

Postal voting "on demand" was introduced in 2001.²² Prior to this date, electors that wished to vote by post had to have a reason for doing so, such as illness or disability. These criteria were "not particularly onerous nor were they adhered to with maximum vigour but nevertheless some cause had to be shown why the elector could not attend his local polling station on election day."²³ With the introduction of postal voting on demand, any voter may apply for a postal vote without providing a reason.

The introduction of postal voting on demand was the subject of controversy concerning the lack of safeguards in the procedures used to distribute and collect the votes.²⁴ In one case, an election judge opined that the system was introduced with no additional safeguards put in place.²⁵

In one of the first actions alleging wide-scale postal vote fraud, an election judge noted the difficulties in bringing these actions, stating: "establishing electoral fraud is difficult. It requires long, expensive and careful investigation. ... This kind of enquiry would normally require resources which a police force would only feel it appropriate to deploy in the case of serious financial fraud."²⁶

The judge noted that the difficulties in bringing the actions were a result not only of the complexity of gathering evidence, but also the police's reluctance to take these cases seriously.²⁷

²¹ *Voting in Person*, NOTTINGHAM CITY COUNCIL, <http://www.nottinghamcity.gov.uk/index.aspx?articleid=5070> (last visited Dec. 6, 2011).

²² The introduction was, in part, a result of the work of the Howarth Working Party, which reviewed the 1997 General Elections and made a number of recommendations, some of which were incorporated into the Representation of the People Act 2000, c. 2, § 12, sch. 4. This Act modified the original Representation of the People Act 1983, c. 2 to include the right to postal votes on demand, which was then provided for in the Representation of the People (England and Wales) Regulations 2001, SI 2001/341.

²³ *Akhtar v. Jahan*, [2005] All ER (D) ¶ 23.

²⁴ *Id.* ¶ 49.

²⁵ *Id.* ¶ 170.

²⁶ *Id.* ¶ 158.

²⁷ *Id.* ¶ 49. The judge noted: "The reaction of the police can be best summed up by drawing attention to the code name they gave to the complaints of malpractice—Operation Gripe. This indicates better than anything else their view that the whole business was a complete waste of their time and that Mr. Hemming and the other complainants were a tiresome nuisance."

In the first judgment of its kind addressing fraud through postal voting on demand, this election judge in June 2004 quashed the results of two local council elections held in Birmingham. The judge found there was potential for fourteen types of fraud connected with the postal vote, and that these were utilized in the Birmingham council elections. He found there was systematic large-scale rigging of postal votes to which the police had only marginally responded despite being forewarned about this by some of the candidates.²⁸ Despite overwhelming evidence indicating the ease with which this wide scale postal fraud was achieved, the judge noted that the government had published a statement in which it claimed “the systems already in place to deal with the allegations of electoral fraud are clearly working.”²⁹ The judge noted that he had listened to

evidence of electoral fraud that would disgrace a banana republic ... To assert [what the government has] indicates a state not simply of complacency but of denial. The systems to deal with fraud are not working well. They are not working badly. The fact is that there are no systems to deal realistically with fraud and there never have been. Until there are, fraud will continue unabated.³⁰

A Labour councillor was jailed for three years and seven months in 2005 for postal vote-rigging in Blackburn. He was found guilty of arranging the collection of blank ballot papers from houses by campaigners who told people that they would ‘take care’ of them.³¹

Despite certain amendments to the law in 2006, including establishment of a criminal offense for false registration and requirements that postal vote applicants include personal identifiers such as their signature and date of birth on applications,³² cases of postal vote fraud continued. In 2007, a Conservative councillor was found guilty of using postal votes from “ghost voters” that were fraudulently added to the electoral register to obtain his council seat in Slough. He was found guilty of corrupt practices, removed from his seat and banned from holding political office for five years.³³

B. The Proxy Vote

If individuals are unable to attend their local polling station for certain reasons, they may nominate someone to vote for them by proxy. The proxy takes a special proxy polling card to the polling station after being informed by the person for whose vote the proxy is casting of the candidate or party he or she wishes to vote for. Unlike postal votes, there must be a specific reason why the person needs a proxy vote, for example due to a medical reason, or being outside

²⁸ *Id.* ¶¶ 159–162.

²⁹ *Id.* ¶ 715.

³⁰ *Id.* ¶¶ 715–717.

³¹ *Councillor Jailed for Postal Vote Fraud*, TELEGRAPH (London), Apr. 9, 2005, <http://www.telegraph.co.uk/news/1487384/Councillor-jailed-for-postal-vote-fraud.html>. See also *R v Hussain*, [2005] EWCA Crim 1866, [2006] 1 Cr App Rep (S) 336.

³² Electoral Administration Act 2006, c. 22, §§ 14–15.

³³ *Simmons v Khan*, High Court Election Petition (Slough) M/326/07, available at <http://www.slough.info/law/law41/law41p001.html>.

of the area on the election day due to vacation or work reasons. Individuals that are suddenly medically incapacitated on election day may elect a proxy up until 5:00 p.m. on that day. All other applications for proxy votes must be submitted at least eleven working days prior to the election.³⁴

V. Voting Arrangements for Special Groups

A. Prisoners

For over 140 years, prisoners in the United Kingdom have not had the right to vote in parliamentary elections for the duration of their incarceration. The basis for the prohibition was summarized by Lord Falconer of Thoroton, who stated as follows:

The right to vote in the UK is considered by many to be a privilege as well as an entitlement, and that persons who are convicted of an offence serious enough to warrant a term in prison have cast aside that privilege and entitlement for the duration of their sentence. Successive UK Governments have held to the view that the right to vote forms part of the social contract between individuals and the State, and that loss of the right to vote, reflected in the current law, is a proper and proportionate punishment for breaches of the social contract that resulted in imprisonment.³⁵

In 2005, the Grand Chamber of the European Court of Human Rights (ECHR) ruled that this blanket ban prohibiting prisoners from exercising voting rights is unlawful and in breach of article 3 of Protocol 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the right to free elections).³⁶ In order to comply with the judgment, the government undertook a consultation process to determine a way to find a legislative solution that could garner enough parliamentary support to be enacted.³⁷ A motion was put forth for the enfranchisement of prisoners with sentences of less than four years, but this was met with heavy opposition by a majority of 212, with only 22 Members of Parliament voting in favor.³⁸

³⁴ Representation of the People Act 2000, c. 2, sch. 4. For further information about voting by proxy, see *Voting by Proxy*, ABOUT MY VOTE, http://www.aboutmyvote.co.uk/faq/voting_by_proxy.aspx (last visited Dec. 6, 2011).

³⁵ Department for Constitutional Affairs, *Voting Rights of Convicted Prisoners Detained Within the United Kingdom* 3 (Dec. 14, 2006), CP 29/06, <http://webarchive.nationalarchives.gov.uk/+http://www.dca.gov.uk/consult/voting-rights/cp2906.pdf>.

³⁶ *Hirst v. The United Kingdom (No. 2)* (Application No. 74025/01), <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=800737&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>; European Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, 312 U.N.T.S. 221, http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG_CONV.pdf.

³⁷ Ministry of Justice, *Voting Rights of Convicted Prisoners Detained within the United Kingdom, Second Stage Consultation* (Apr. 8, 2009), CP 6/09, <http://www.justice.gov.uk/docs/prisoner-voting-rights.pdf>.

³⁸ *MP's Reject Prisoner Votes Plan*, BBCNEWS (Feb. 10, 2011), <http://www.bbc.co.uk/news/uk-politics-12409426>.

Nothing further has been done by the UK, in what has been described as a diplomatic standoff,³⁹ despite a ruling by the Grand Chamber that the UK must act to remove the blanket ban within six months of April 11, 2011.⁴⁰ This date was extended for an additional six-month period after the decision of another case (due to be heard in February 2012) involving the same issue before the Court.⁴¹

B. Students

Students are permitted to register both at their original home address, as well as the address where they are a student, so that they may vote regardless of whether they are at home or at school on election day. However, they may only cast one vote during parliamentary elections.⁴²

C. Military

Members of Her Majesty's Armed Forces and their spouses may register either as an ordinary voter or as a service voter, which allows them to vote if they are away from home or posted overseas.⁴³ To register as a service voter, the individual must complete a service declaration. Registering as a service voter allows the voter to maintain the same address for five years for the purpose of voting.⁴⁴ Service voters may choose to vote in person, by proxy or by post.⁴⁵ Service members who believe they will be overseas during an election are encouraged to vote by proxy to ensure that their vote is received.⁴⁶

Prepared by Clare Feikert-Ahalt
Senior Foreign Law Specialist
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³⁹ Owen Bowcott, *Courts Following Strasbourg Rulings Too Strictly, Says Judges*, THE GUARDIAN (London), Nov. 16, 2011, at 7.

⁴⁰ Nigel Morris, *ECHR Sets Deadline on Votes for Prisoners*, THE INDEPENDENT (London), Apr. 13, 2011, <http://www.independent.co.uk/news/uk/crime/echr-sets-deadline-on-votes-for-prisoners-2267008.html>.

⁴¹ *Factsheet – Prisoner's Right to Vote*, EUROPEAN COURT OF HUMAN RIGHTS, (Nov. 2011), http://www.echr.coe.int/NR/ronlyres/D1C71D5D-B63F-47B0-A5A8-6E02940EDAF7/0/FICHES_Droit_de_vote_des_détenus_EN.pdf.

⁴² *Students*, ABOUT MY VOTE, http://www.aboutmyvote.co.uk/register_to_vote/students.aspx (last visited Dec. 6, 2011).

⁴³ *Voting When in the Armed Forces or Living Abroad*, NORTH LINCOLNSHIRE COUNCIL, <http://www.northlincs.gov.uk/NorthLincs/CouncilandDemocracy/elections/VotingWhenInTheArmedForcesOrLivingAbroad.htm> (last visited Dec. 6, 2011).

⁴⁴ *Voting Information for Members of Her Majesty's Armed Forces and Their Families*, ABOUT MY VOTE, http://www.aboutmyvote.co.uk/faq/voting_by_proxy.aspx (last visited Dec. 6, 2011).

⁴⁵ *Id.*

⁴⁶ *Id.*