



External Voting: Legal Framework, Operations and the Role for External Assistance

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Overview

❑ Lessons learned from

- OCV Operations in Bosnia and Herzegovina, Kosovo, East Timor, Iraq, and Afghanistan
- Technical assistance missions under Political Rights and Enfranchisement System Strengthening (PRESS) project
- Work on best practices for external and IDP voting

❑ Topics

- General observations on external voting requirements
- Legal framework questions
- Managing security threats
- Steps to get an external voting operation up and running.



Some General Observations

- ❑ External voting operations are not immune from the standards and practices required for genuine elections
- ❑ Unique procedures and administrative capacity
- ❑ Legal framework must be addressed early
- ❑ ...but the framework sometimes developed without the specialized input from the EMB and other technical support providers
- ❑ Involves a larger constellation of actors



Framework Questions

- The decision to conduct an external vote
- Representation issues
- Type/scope of external program





The Decision to Conduct External Voting

- Legal/constitutional basis**
- Diverse paths to external voting**
- Is it a human right?**
- Unique case of refugees and asylum seekers**
 - Equality of representation
 - Link between the displaced and their home communities,
 - Moderating effect on political life in post-conflict societies?
 - Communications networks among displaced communities
 - Contributions to peace-building

- But ... weighed against**
 - Extra-ordinary costs
 - Tight timelines



Role for Technical Assistance

- ❑ **Support transparency in decision-making by...**
- ❑ **Identifying and sharing best practices and standards**
- ❑ **Sharing of experiences amongst EMBs**
- ❑ **Country-specific advice**
- ❑ **Special focus on unique case of refugees: Costs and timelines versus inclusion**





Type of Voting Program

- In person absentee voting**
 - At embassies and consulates
 - At external polling stations
 - Global or in selected countries only

- By-mail voting**





Electoral System Issues

- Impact of external voting in electoral system choice**
- Should external voting be limited to specific institutions?**
 - Arguments for and against
 - Administrative complexity
 - All power is local...
- Delimitation and apportionment**
 - Protect equality of the vote
 - Time consuming and political calculations
 - Census versus results of registration



Election Security

- Refugee and migrant voters in the political calculus**
- Refugee host states may have their own interests in the election outcome**
- Linking humanitarian assistance to where and how refugees vote**
- Data confidentiality**
- Principle of *Non-Refoulement***



Operations

- Profile the external/displaced electorate
- Analyze/Assemble the legal framework
- Public consultations and discussion
- Inventory of obstacles, responses, and timelines
- Perform cost projections
- Identify support organizations
- Establish a consensus

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