Comment

The Right to Vote of Non-Resident Citizens: Not Just How, But Whether

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I. A Contested Vote

In the German parliamentary elections of February 2025, the left-wing party *Bündnis Sahra Wagenknecht* (BSW) failed to reach the 5 % threshold required for representation in the Bundestag by fewer than 10,000 votes (0.019 %). Just a few additional votes would have had a significant impact – not only for the party itself but also for the ruling majority. With the entry of another party into Parliament, the black-red governing coalition would not have secured enough votes to elect the Chancellor, and the inclusion of a third party – most likely the Greens – would have been necessary. In light of the narrow margins, it is not surprising that BSW contested the election results, requesting a recount. Among other claims, the party also alleged that thousands of Germans living abroad could not cast their vote because they did not receive the election documents on time, or at all.[1]

Although the party's complaints appear to have little chance of success,[2] they are yet another example of the controversies that frequently arise in relation to external voting in several countries. For example, in the 2016 Austrian presidential election, the run-off held in May had to be repeated after the Austrian Constitutional Court annulled it because absentee ballots had been incorrectly counted in several districts.[3] The General Council of Spaniards abroad recently reported that some citizens received in February

1 See the account on the party's website: 'Was nach der Bundestagswahl geschah – Die Chronologie unserer Beschwerde', <https://bsw-vg.de>, last access 5 August 2025.

2 Following the decisions of inadmissibility of the Federal Constitutional Tribunal (see decision of the second Senate, 13 March 2025, 2 BvE 6/25, and decisions of the second Senate, 12 May 2025, 2 BvE 6/25 and 2 BvE 9/25) it is now for the parliamentary Committee for the Scrutiny of Elections to decide on the party's request of a nation-wide recount.

3 Verfassungsgerichtshof, judgment of 1 July 2016, W I 6/2016-125.

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2025 the ballots to vote in the European elections of June 2024.[4] In its report on the 2024 United Kingdom (UK) parliamentary general elections, the Electoral Commission acknowledged that 'overseas voters faced significant difficulties when trying to participate in the election', as it did in its reports of 2015, 2017, and 2019.[5] These difficulties, which concern the effectiveness of non-resident citizens' right to vote, are compounded by the risks of fraud inherent in postal voting – the most common method for citizens living abroad – whose secrecy and authenticity cannot be fully guaranteed, not to speak of the lack of regulation of the election campaign abroad.

As elections are frequently decided by just a few votes – consider the recent presidential elections in Poland (50.89 % vs. 49.11 %) – concerns about the effectiveness and fairness of the non-resident vote deserve the utmost attention: every vote counts. Still, legitimate concerns regarding how non-resident citizens exercise their vote should not overshadow a more fundamental issue. Indeed, absentee voting raises not only the procedural question of *how* non-resident citizens vote, but more fundamentally, the normative question of *whether and why* they should vote, which touches upon the core of the democratic principle.

II. A Question of Democracy

The number of electors permanently residing abroad, and their share of the total electorate, varies significantly from country to country. However, in European countries, it is generally considerably high. In the 2023 parliamentary elections in Spain, approximately 2.3 million electors were registered in the *Censo de Españoles Residentes Ausentes* (CERA); this amounted to 6.2 % of the entire electorate, which consisted of roughly 37.5 million voters.[6] In Italy, 50.8 million citizens were entitled to vote in the 2022 elections, 4.7 million of whom were living abroad[7] – more than 9 % of the total electoral body. This number is increasing, both in absolute terms and in proportion to in-country voters: in 2006, when Italians abroad first participated in a national

4 See Consejo General de la Ciudadanía Española en el Exterior, 'Informe del Consejo General de la Ciudadanía Española en el Exterior sobre las dificultades en el ejercicio de voto desde el exterior tras la reforma del a LOREG', <www.inclusion.gob.es>, 6, last access 5 August 2025.

5 The Electoral Commission, 'Report on the 2024 UK Parliamentary General Election and the May 2024 Elections', 22, last access 5 August 2025.

6 See <https://infoelectoral.interior.gob.es>, last access 5 August 2025.

7 See <https://elezioni.interno.gov.it>, last access 5 August 2025.

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election via postal voting, they numbered 'only' 2.7 million, comprising 5.5 % of the electorate.[8]

Surprisingly, Germany does not maintain a register of citizens living abroad, and the Federal Statistical Office is unable to provide an estimate of the total number of Germans residing overseas.[9] In the 2025 elections, 213,699 non-resident German electors registered to vote – the highest number ever recorded[10] – yet they represent only a small fraction of the estimated 3 million German citizens living abroad.[11] In the United Kingdom, the exact number of potential overseas electors is also unknown, but a government estimate suggests the figure exceeds 3 million,[12] while the total number of eligible voters in the 2024 general elections was approximately 48.2 million.[13]

These numbers make clear that the decision to enfranchise all citizens living abroad – or to impose limits on their right to vote – can significantly shape the composition of the electorate and, consequently, affect the outcome of general elections. Indeed, some countries delayed the enfranchisement of their diaspora for an extended period precisely because of the extremely high number of expatriates, whose inclusion could have profoundly disrupted the domestic political balance. This was the case in Greece: although, since 1975, Article 51, paragraph 4 of the Constitution required the legislature to specify 'the conditions governing the exercise of the right to vote by persons living outside the country', it was not until 2019 that a law granting voting rights to non-resident Greeks was enacted. The fact that the number of potential voters abroad may have exceeded those residing in the country likely explains this delay in implementing the Constitution – as Greek *ad hoc* judge Spyridon Flogaitis suggested in his dissenting opinion in *Sitaropoulos and Others v. Greece*.[14]

In recent decades, Western democracies have shown a clear trend toward enfranchising non-resident citizens – a development acknowledged and en-

8 See <https://elezionistorico.interno.gov.it>, last acces 5 August 2025.

9 See the website of the 'Statistisches Bundesamt', 'Wie viele Deutsche leben im Ausland?', <www.destatis.de>, last access 5 August 2025.

10 Die Bundeswahlleiterin, 'Deutsche im Ausland?', <https://www.bundeswahlleiterin.de>, last access 5 August 2025.

11 See the 2011 estimate of the association 'Deutsche im Ausland', referring to OECD data: 'Daten und Fakten. Zahlen zu deutschen Auswanderern', <https://www.deutsche-im-ausland.org>, last access 5 August 2025.

12 Cabinet Office, 'Elections Bill Impact Assessment', 1 July 2021, 48.

13 Neil Johnston, 'Overseas Voters, Research Briefing', House of Commons Library, 17 January 2025.

14 ECtHR, *Sitaropoulos and Others v. Greece*, judgment of 8 July 2010, dissenting opinion of judge Spyridon Flogaitis; see Michael Ioannidis, 'The ECtHR, National Constitutional Law, and the Limits of Democracy: Sitaropoulos and Others v. Greece', European Public Law 17 (2011), 661-671. The decision has been overturned by the Grand Chamber: ECtHR (Grand Chamber), *Sitaropoulos and Giakoumopoulos v. Greece*, judgment of 15 March 2012.

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couraged by the Venice Commission in its 2011 *Report on out-of-country voting*.[15] The number of States that completely disenfranchise citizens residing abroad has significantly declined, to the point where only a few such examples remain within the European Union.[16] Where legislatures do impose limits on the voting rights of the diaspora, those limits have generally been loosened over time, like in the United Kingdom and Germany.

The 2019 decision of the Canadian Supreme Court in *Frank v. Canada* exemplifies this favourable trend, which involves not only legislatures, but also courts.[17] The Supreme Court struck down provisions of the Canadian Electoral Act that denied the right to vote in federal elections to Canadian citizens who had lived abroad for five years or more. The majority opinion stated emphatically that 'citizenship, not residence, defines our political community and underpins the right to vote', and hailed Canada as 'an international leader' in progressive enfranchisement.

Full enfranchisement of non-resident citizens is increasingly seen as a hallmark of an advanced democracy – one that fully respects equality among its members, just as previous democratic advances did with respect to the enfranchisement of women or people of colour.[18] Yet the democratic legitimacy of extending voting rights to non-resident citizens is less evident than it may appear. Since self-government by the people is democracy's most fundamental characteristic, it follows that 'a country is ruled democratically only if the people who are ruled are the very people who participate in ruling'.[19] If that is the case, democracy is compromised not only when those who are governed do not participate in governing, but also when those who are not governed do participate. Put simply, extending suffrage to all citizens, including those who have lost – or never had – a 'close connection' with the country, does not enhance the quality of democracy but rather threatens it. It undermines a polity's self-government by allowing a significant number of individuals without a close connection with the country to elect representa-

15 European Commission for Democracy Through Law (Venice Commission), Report on Out-of-Country Voting, Study n. 580/2010, 24 June 2011, paras 92 and 99.

16 See Eva-Maria Poptcheva, 'Disenfranchisement of EU Citizens Resident Abroad: Situation in National and European Elections in EU Member States', European Parliamentary Research Service, June 2015, PE 564.379.

17 Supreme Court of Canada, *Frank v. Canada (Attorney General)*, judgment of 11 January 2019, 2019 SCC 1; the following quotations are taken from paras 35 and 62.

18 See Richard Lappin, 'The Right to Vote for Non-Resident Citizens in Europe', ICLQ 65 (2016), 859-894, arguing that limitations to the right to vote of non-resident citizens 'exclude a group of citizens in a discriminatory manner, similar to how women and minorities were historically disenfranchised' (885).

19 Jeremy Waldron, 'Democracy' in: David Estlund (ed.), *The Oxford Handbook of Political Philosophy* (Oxford University Press 2012), 187-203 (188).

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tives and influence national politics.[20] Accordingly, not all residence-based restrictions on the right to vote constitute infringements of this fundamental right, nor should they necessarily be viewed as violations of democratic principles. On the contrary, some limitations may not only be compatible with democracy, but necessary to preserve it.

That said, identifying a reasonable criterion to distinguish between justified and unjustified restrictions on non-resident citizens' right to vote is a complex task. The guiding principle should be the concept of 'close connection', which the European Court of Human Rights invoked in *Shindler* as the legitimate aim justifying limitations on the right to vote for citizens abroad.[21] This principle assumes that citizenship alone does not always reflect a connection strong enough to warrant inclusion in the political community; something more is required. While citizenship can be a merely formal tie to a country – particularly when individuals are born abroad and inherit citizenship from parents who have never lived there – the notion of 'close connection' refers to a substantial, actual link. Yet defining this concept with precision, and identifying the criteria necessary to prove such a connection, remains extremely difficult. A brief review of the legal frameworks of some European democracies may offer useful insights.

III. Electors Abroad: Equal, Partly Equal, Not Equal

Spain best exemplifies the rejection of any residence-based restriction on the right to vote. Citizenship is not only necessary but also sufficient to enjoy full voting rights in national elections, and no distinction is made between Spaniards residing in Spain and those living abroad. Specific provisions have been adopted to accommodate the practical needs of non-resident citizens, notably allowing for postal voting as well as the option to deliver the ballot directly to the consulate, instead of mailing it.[22] But as far as the right to vote itself is concerned, full equality exists between resident and non-resident

20 A full discussion of the criteria that should guide the inclusion in the polity exceeds the scope of this Comment. For an overview of the criteria considered in political philosophy see Claudio López-Guerra, 'Should Expatriates Vote?', The Journal of Political Philosophy 13 (2005), 216-234. In general, I follow the analysis and proposal of Rainer Bauböck, 'Morphing the Demos Into the Right Shape. Normative Principles for Enfranchising Resident Aliens and Expatriate Citizens', Democratization 22 (2015), 820-839: 'those and only those individuals have a claim to membership whose individual autonomy and wellbeing is linked to the collective self-government and flourishing of a particular polity' (825).

21 ECtHR, *Shindler v. the United Kingdom*, judgment of 7 May 2013, para. 107.

22 For a recent account see Rosario García Mahamut, 'La reforma del voto CERA (2022). Análisis y balance a la luz de las elecciones autonómicas de 28 de mayo y a Cortes Generales de 23 de julio de 2023', Teoría y Realidad Constitucional 52 (2023), 173-208.

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electors: the latter are assigned to a domestic constituency (in principle, the one of last residence), and their votes are counted alongside those of the residents in that constituency. Article 4 of Organic Law No. 40/2006 of 14 December 2006 best expresses this principle of full equality: 'Spaniards residing abroad have the right to be electors and to be elected, in each and every election, under the same conditions as citizens residing in the Spanish State, in the terms provided in the implementing norms.'

Accordingly, the Spanish system acknowledges no distinction between resident and non-resident citizens, nor among non-resident citizens themselves (e. g., between long- and short-term expatriates). As a result of this full-equality approach, Spanish electors abroad make up a significant portion of the electorate: more than 6 %, as previously noted. In some territories with a long tradition of emigration, however, the percentages are much higher. In the Galician province of Ourense, nearly one third of the constituency's electors reside abroad.[23]

A recent and detailed research on who the Spaniards abroad are and how they obtained their citizenship raises serious doubts about the reasonableness of such expansive enfranchisement.[24] It has been observed, for instance, that roughly two-thirds of Spaniards abroad were not born in Spain and are likely to be second- or third-generation expatriates – many of whom have possibly never lived in Spain and hold a second citizenship in addition to the Spanish one. In brief, since no requirements exist to ensure that citizens abroad maintain a substantial connection with the country, Spain's inclusive approach amounts to a questionable case of overinclusion. This overinclusive model has been strongly criticised by some Spanish constitutional law scholars, who have argued in favour of introducing certain restrictions on the right to vote for Spaniards abroad.[25]

By contrast, the United Kingdom has traditionally relied on past residence in the country as a criterion for determining the eligibility of overseas citizens.[26] Overcoming the initial disenfranchisement of expatriates, the *Rep-*

23 The data are available on the website of the *Instituto Nacional de Estadística*, <www.ine.es>, last access 5 August 2025.

24 Javier Sierra-Rodríguez, 'Tipología de los electores españoles en el exterior' in: Ricardo Luis Chueca Rodríguez and Luis Gálvez Muñoz (eds), *El voto de los españoles en el exterior* (Centro de Estudios Políticos y Constitucionales 2022), 131-176.

25 See Miguel Ángel Presno Linera, 'El voto de los extranjeros en España y el voto de los españoles residentes en el extranjero. A propósito del Informe del Consejo de Estado sobre las propuestas de modificación del régimen electoral general', Rev. Esp. Der. Const. 87 (2009), 183-214 (210), and Benito Aláez Corral, 'El nexo entre nacionalidad, ciudadanía y sufragio' in: Ricardo Luis Chueca Rodríguez and Luis Gálvez Muñoz (eds), *El voto de los españoles en el exterior* (Centro de Estudios Políticos y Constitucionales 2022), 21-50 (39).

26 Johnston (n. 13).

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resentation of the People Act 1985 extended the franchise to overseas citizens who remained on the electoral register for five years following emigration. This five-year limit was extended to 20 years by the *Representation of the People Act 1989* and then reduced to 15 years by the *Political Parties, Elections and Referendums Act 2000*. The rationale behind these provisions was to distinguish between short- and long-term expatriates – enfranchising the former and excluding the latter. A more radical reform was introduced by the *Elections Act 2022*, first applied in the 2024 general elections. Under the current rules, overseas British citizens are eligible to vote if they satisfy either the previous registration condition (i. e., having been listed in an electoral register at some point in the past) or the previous residence condition (i. e., having lived in the UK without having been registered). In practice, whereas previously only short-term expatriates were enfranchised, now all expatriates are eligible to vote, while only British citizens born abroad who have never lived in the UK remain excluded from suffrage.

Since the cut-off period has changed over time – set at 5, then 20, and then 15 years – and other durations have also been debated, one might agree with the statement made by the Home Office Minister during the debate on the *Representation of the People Act 1989*: 'I am perfectly willing to concede that, in a sense, we are plucking figures out of the air, and it is difficult to say that there is a distinction of principle between 20 and 25 years.'[27] Despite these uncertainties, however, the requirement of past residence within a specified time frame does reflect a clear rationale. It is reasonable to assume that the longer an individual is absent from the country, the weaker their connection to it becomes – such that, after a certain period, participation in general elections is no longer justified.

While the UK model avoids the risk of overinclusion, it fails to adequately protect the right to vote in a particular situation: that of a British citizen who has never lived in the UK and, for whatever reason, lacks a second citizenship. This individual is unable to vote either in their country of citizenship (where they have never resided) or in their country of residence (of which they are not a citizen). This produces a form of 'political statelessness' or 'civil death' that runs counter to the essential content of the fundamental right to vote.

Germany also relies on prior residence, although its legal framework is more complex than the British one.[28] Following a controversial decision by

27 Former Home Office Minister Douglas Hogg, quoted in Johnston (n. 13), 16.

28 For an updated and detailed account of the evolution of the right to vote of non-resident citizens in Germany (and a critique thereof) see Friedemann Larsen, *Die Bindung der Wahlberechtigung an den Wohnsitz im Inland. Eine verfassungsrechtliche und verfassungsgeschichtliche Kritik* (Duncker & Humblot 2021).

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the German Federal Constitutional Court,[29] the current Federal Election Law allows Germans living abroad to vote if they have lived – after their fourteenth birthday – for at least three consecutive months in the territory of the Federal Republic of Germany in the last 25 years. Interestingly, alongside this general rule, the law provides for an exception: a German citizen who does not meet this requirement may still vote if they can demonstrate that they have 'for other reasons, acquired personal and direct familiarity with the political conditions in the Federal Republic of Germany and are affected by them'.[30] In what stands as a comparative outlier, German legislation thus combines a clear-cut rule with the possibility of a case-by-case assessment of each non-resident voter's situation. This exception, introduced to comply with the 2012 judgment of the *Bundesverfassungsgericht*, is unlikely to fill the gaps left by the general rule and may create more issues than it resolves. It is unclear how local authorities could assess an applicant's familiarity with German political conditions without being arbitrary or discriminatory.[31] While a bright-line rule may not fully capture the diversity of the diaspora, it is still preferable to a discretionary administrative decision on who is allowed to vote and who is not.

Following the constitutional reforms of 2000 and 2001, Italy adopted a distinctive system.[32] Unlike the other countries discussed above – where non-resident citizens vote alongside resident citizens in domestic constituencies – Italian citizens abroad vote in a separate extraterritorial constituency, the 'Foreign Constituency'. Italians abroad are thus separated from other voters and elect their own representatives. A minority of countries have adopted this type of separate constituency;[33] however, since Italy's imple-

29 BVerfGE 132, 39 (4 July 2012); strong criticisms in the dissenting opinion of judge Gertrude Lübbe-Wolff.

30 Art. 12 (2) of the *Bundeswahlgesetz*, translation by the author.

31 See the sharp critique by dissenting judge Lübbe-Wolff, who stresses that, according to the Constitutional Tribunal's decision, the local authority should consider how often a non-resident citizen has participated in the meetings of a town's Carnival Club: 'Eine Differenzierung der Wahlrechtsvoraussetzungen nach dem Maße gesellschaftlicher Integration, die dazu führt, dass Wahlbehörden sich mit der Frage befassen müssen, ob Bedeutung und Häufigkeit der Karnevalsvereinssitzungen übers Jahr es erlauben, von einer Teilnahme am gesellschaftlichen Leben der Bundesrepublik Deutschland "in erheblichem Umfang" zu sprechen, und ob der Wählenwollende die Parteiversammlungen, auf die er sich beruft, auch tatsächlich regelmäßig besucht hat, dürfte jedenfalls nicht in Betracht kommen.'

32 For a detailed account and a critical discussion of the Italian system, see Davide Paris, *Il diritto di voto preso sul serio. La partecipazione dei cittadini residenti all'estero alle elezioni politiche* (Egea 2025), 95 ff. This Comment summarises the book's main claim.

33 See Dieter Nohlen and Florian Grotz, 'The Legal Framework and an Overview of Electoral Legislation' in: *Voting from Abroad. The International IDEA Handbook* (International Institute for Democracy and Electoral Assistance / The Federal Electoral Institute of Mexico 2007), 65-88 (70).

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mentation, the model has gained some traction and was notably adopted in France for the election of a number of representatives in the *Assemblée nationale*.[34]

Italian law imposes no requirements – such as the residence-based restrictions found in the UK or Germany – for non-resident citizens to be eligible to vote. As a result, all Italians abroad enjoy the right to vote, whether they left the country a few years ago for work or study, or were born and have always lived abroad. However, since including all Italians abroad in the electorate would have significantly impacted Italian politics, the constitutional reforms of 2000 and 2001 opted to strongly underrepresent them. While Italians abroad today make up approximately 9 % of the total electorate, they are allocated only 2 % of parliamentary seats.

Unlike the UK and Germany, Italy's current constitutional framework does not distinguish among expatriates: all Italians abroad are treated equally. However, unlike Spain, the system does distinguish between resident and non-resident citizens: the vote of the latter carries roughly one-fifth the weight of the former's. In other words, Italians abroad are separate, but not equal.

This decision to grant all Italians abroad a 'reduced' right to vote appears problematic from two angles. On the one hand, the system suffers from the same overinclusion as Spain's, extending voting rights – even if limited – to citizens who have lost or never had a meaningful connection with the country. On the other hand, it unjustly curtails the voting rights of Italians who have been abroad only briefly and intend to return: unlike in Germany or the UK, these individuals experience a kind of *deminutio capitis* as soon as they cross the border. Put simply, the system gives too much to some citizens abroad, and too little to others.

IV. Two Citizenships, One Vote?

In light of the criticisms raised against the systems examined so far, it is worth exploring an alternative criterion for delimiting the voting rights of non-resident citizens – one based not only on residence but also on dual citizenship. More specifically, serious consideration should be given to the option of disenfranchising non-resident citizens who reside in a country of

34 See *Ordonnance* no. 2009-935 of 29 July 2009, implementing the constitutional reform no. 2008-724 of 23 July 2008.

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which they are also citizens.[35] That is, the right to vote in the home country should be suspended if a citizen residing abroad holds citizenship in the country of residence, and for as long as that person remains abroad. Two examples may help to illustrate this proposal and its underlying rationale.

A Spanish student who moves to Germany to pursue a PhD should retain the right to vote in Spanish elections. However, if she later decides – for whatever reason – to remain in Germany and apply for German citizenship, then from the moment she acquires her second citizenship, she should stop voting in Spain and begin voting in Germany. Should she decide at a later stage to return to her country of origin, she would reacquire the right to vote there as soon as she re-establishes residence in Spain. In this way, the home country ensures that its citizens retain the right to vote until (and as long as) they obtain political participation rights in another country. This framework ensures that citizens are never completely disenfranchised, either in their country of origin or in their country of residence; by contrast, as noted above, the sole past-residence criterion allows such disenfranchisement.

Consider also a person born in Argentina to an Italian parent. By birth, she holds both Argentinian citizenship *iure soli* and Italian citizenship *iure sanguinis*. As long as she resides in Argentina, it makes little sense to allow her to vote for the Parliament of a country she has never lived in. In reality, she is less an Italian abroad than an Argentinian residing in her own country. Should she later decide to move to Italy, thereby giving substance to what had been so far a merely formal citizenship, she would, under this proposal, immediately acquire the right to vote in Italy.

This proposal rests on the idea that acquiring citizenship by naturalisation – typically possible after a certain period of residence – demonstrates both the individual's desire to become a full member of the host community and the legal order's acknowledgment that the person meets the criteria to belong. Thus, when a citizen is naturalised in the country where she has chosen to

35 This proposal has been put forward, although from a different perspective, by David A. Martin, 'New Rules on Dual Nationality for a Democratizing Globe: Between Rejection and Embrace', Geo. Immigr. L. J., 14 (1999), 1-34 (26), as an 'overarching electoral rule for global application' that could be summarised as follows: 'if you are a dual national, vote only where you are resident' (26). For criticisms see Peter J. Spiro, *At Home in Two Countries. The Past and Future of Dual Citizenship* (New York University Press 2016), 103 ff. In a European perspective see also Rainer Bauböck (ed.), *Debating European Citizenship* (Springer Open 2019), in particular the contributions by David Owen, 'How to Enfranchise Second Country Nationals? Test the Options for Best Fit, Easiest Adoption and Lowest Costs', 33-36; Rainer Bauböck, 'EU Citizens Should Have Voting Rights in National Elections, But in Which Country?', 23-26; Richard Bellamy, 'An Ever Closer Union Among the Peoples of Europe': Union Citizenship, Democracy, Rights and the Enfranchisement of Second Country Nationals', 47-50, and Kees Groenendijk, 'Five Pragmatic Reasons for a Dialogue with and Between Member States on Free Movement and Voting Rights', 51-53.

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live, it may reasonably be assumed that her connection to the country of origin – where she has not resided for many years – is weaker. It follows that suspending her voting rights in the country of origin is reasonable, provided that doing so does not deprive her of political participation altogether, as she now votes in a polity to which she has a closer connection at that time.

The same proposal also reflects a broader shift in the regulation of dual citizenship. Whereas states long opposed dual or multiple nationality, adhering to the notion that a person could belong to only one country, dual citizenship is now widely accepted.[36] An increasing number of states allow their citizens to acquire additional nationalities without forfeiting their original one. This trend should be welcomed, and one may reasonably hope it will endure in the coming decades, despite the global instability and uncertainty of our times. Yet if individuals can hold more than one citizenship, it is to be expected that not all of them reflect a real and current connection to the country in question, as citizenship is ideally meant to do. This proposal therefore allows dual and multiple citizenships to develop further – without leading to a multiplication of voting rights unsupported by a meaningful connection to the relevant country. From the perspective of electoral equality, such multiplication is also problematic.

For elections to be fair, the effectiveness of the right to vote is essential, and the democratic quality of a country is diminished when this is not guaranteed for non-resident citizens – as often happens, as discussed earlier. Still, concerns about the effectiveness of the right to vote must not eclipse the question of its legitimacy – namely, whether all citizens should be entitled to vote regardless of any real connection with the country. Restrictions on rights are, rightly, subject to suspicion. Yet at times, in order to secure a right, certain limitations are not only acceptable, but necessary.

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36 See Peter J. Spiro, 'Multiple Nationality' in: Rüdiger Wolfrum (ed.), MPEPIL (online edn, Oxford University Press 2008), para. 5.

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