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**DECIDING WHO HAS THE RIGHT TO VOTE:  
A COMPARATIVE ANALYSIS OF ELECTION LAWS**

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## ABSTRACT

The paper analyzes seven potential restrictions to the right to vote in 63 democracies. Only two of these restrictions have given rise to a near consensus. An overwhelming majority of democracies have decided that the minimum voting age should be 18 and that the right to vote of mentally deficient people should be restricted. There is little consensus about whether the right to vote should be restricted to citizens, about whether there should be country or electoral district residence requirements, about which electors residing abroad (if any) should retain their right to vote and about which prison inmates (if any) should have the right to vote. The paper also examines two factors that affect right to vote laws: British colonialism and level of political rights. The pattern found with respect to electoral systems, whereby former British colonies emulate their former ruler, is less systematic in the case of right to vote legislation. Finally, "strong" democracies are somewhat more inclusive than "weak" ones when deciding who has the right to vote.

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## **DECIDING WHO HAS THE RIGHT TO VOTE: A COMPARATIVE ANALYSIS OF ELECTION LAWS**

Universal suffrage is usually considered to be one of the most basic criteria for an election to be deemed democratic. According to Dahl (1989, 233), one of the seven conditions for the existence of a polyarchy is that "practically all adults have the right to vote". Similarly, the very first criterion listed by Butler, Penniman and Ranney (1981, 3) is precisely universal suffrage. Yet, as Katz (1997, 216) reminds us, "no country allows all adults to vote... Although the basic trend over the last 200 years has been to remove one barrier after another, many restrictions remain".

Throughout the 19<sup>th</sup> and early 20<sup>th</sup> centuries, the franchise was a lively issue. Whether women and less affluent citizens should be enfranchised was a hotly debated topic. In contrast, contemporary disqualifications affect numerically smaller groups like prison inmates, non-citizens or mentally deficient persons. There is little ground for believing that their inclusion could substantially affect the electoral outcome. Still the issue of who should and should not have the right to vote is deeply perplexing.

Katz (1997, 216) identifies three major types of restrictions on the right to vote: "those based on community membership and having a personal stake in the election, those based on competence, and those based on autonomy". The distinction between competence and autonomy is fuzzy, as Katz (1997, 232) himself acknowledges.<sup>1</sup> But the distinction between restrictions based on community and those based on competence does make sense.

The first heading raises the question of whether only those who have formal citizenship should have the right to vote and whether one should have resided and should still be residing in the political community in order to be qualified to vote. In the same vein, we would locate an issue not discussed by Katz, whether prison inmates should have the right to vote, which raises the question of whether "imprisonment could still be looked on as the temporary exclusion of the individual from the community" (Report of the Royal Commission on the Electoral System 1986, 236).

The second set of restrictions has to do with competence. Two sets of issues are involved here. First, at what age are people mature enough to be able to vote in a reasonable manner? Second, should people with mental disabilities have the right to vote, and/or should that right depend on the severity of the disability?

This paper examines how democratic countries have dealt with these issues. We analyze election laws with respect to the right to vote in 63 democracies around the world.<sup>2</sup> We look at the following types of restrictions: those related to **voting age** and to **mental disabilities**, those associated with **citizenship**, **residence** and **criminality**. We distinguish three issues with respect to residence (whether the law specifies a minimum period of time the person must have been residing in the electoral district and/or in the country, and whether citizens residing abroad have the right to vote). This gives us a total of seven indicators for assessing the relative breadth of restrictions to the right to vote in existing democracies.

The paper provides an overview of laws in place and of the debate about who should and who should not have the right to vote. We examine the general pattern of election laws. We describe how frequent or infrequent, and how severe or lenient the various restrictions are. We establish in the process whether there tends to be a consensus among democratic countries about the kinds of restrictions that are legitimate. We also identify those countries that have come up

with particularly innovative kinds of legislation. For each dimension, we indicate whether countries that are more (or less) restrictive tend to share common characteristics. We pay particular attention to two factors: British colonialism and political rights ratings. Previous research has shown that former British colonies have been prone to adopt the electoral system (single-member plurality) of the mother country (Blais and Massicotte 1997) and it remains to be seen whether the same colonial heritage can be found with respect to the franchise. We also wish to establish whether restrictions to the right to vote tend to be smaller among those democracies where political rights in general are usually perceived to be better protected.<sup>3</sup>

The main sources of data are the constitutions and the election laws of the 63 countries listed in the Appendix. We have also mailed a questionnaire to the agency in charge of the conduct of elections in each of these countries and we have used responses provided to the questionnaire.<sup>4</sup> We have finally consulted a number of other sources listed in the Appendix. Table 1 presents summary information on restrictions to the right to vote in these 63 democracies.

### 1. *Minimum voting age*

We start with restrictions that are based on competence. The most common of these restrictions is of course the voting age. Excluding non-adults from the franchise is commonly justified on the ground that only mature people can make reasoned choices and that in view of the practical difficulties involved in measuring personal maturity, it is safer to rely on age. Children and adolescents lack knowledge and understanding and may be influenced by their parents. Supporters of a higher voting age believe that maturity increases over time, therefore the older the better. Those who want to lower voting age argue that adolescents are better-informed and more independent-minded than they used to be. They also point out that in other areas of life, teenagers are treated as adults: they may hold a job, they may have to pay taxes and in some instances, they may be prosecuted in a court of law. They should therefore have the same rights as adults.

This debate is all but resolved in reality, since there is a near consensus within the democratic arena regarding the minimum voting age.<sup>5</sup> Fifty-nine countries (94%) set the voting age at 18. Only Brazil has a lower threshold at 16. Two countries, Japan and Taiwan, set the voting age at 20. The highest minimum voting age that we find is 21, in Samoa. In every country, there is a single minimum voting age applied to all electors. This has not always been the case. Before 1995, the constitution of Bolivia made a distinction based on voters' marital status. Married citizens had the privilege of being enfranchised at the age of 18, while 21 was the minimum voting age for all other citizens.<sup>6</sup> Since 1995, the minimum voting age has been lowered to 18 for all citizens, regardless of their marital status.<sup>7</sup>

Two of the three countries where the voting age is higher than 18 are found on the Asian continent. It is interesting to note that the voting age is higher in a few other Asian countries not included in our analysis: South Korea (20), Malaysia (21), Maldives (21), Pakistan (21) and Singapore (21).

There may be two explanations for this state of affairs. First, a cultural explanation. Asians have a different conception of age - as testified by the greater prestige bestowed to the older generation - which leads them to believe that wisdom is achieved later in life and that there should be no hurry in allowing a person the right to vote. Whether in family life or in business, elders are revered and take more responsibility than their younger counterparts (Pye 1985).

There is also a political explanation. It is possibly in Asia that student movements have

been the most radical and militant and it is possible that conservative governments in the region have been particularly reluctant to grant their most vehement critics the right to vote.<sup>8</sup>

## 2. *Mental disabilities*

Depriving mentally deficient people of the right to vote is seemingly a self-obvious solution. How can people be expected to make a reasonable choice when their very personal sanity is in serious doubt? This lack of capacity and the impracticability of allowing patients in mental hospitals to vote are used to justify disfranchisement (Robertson 1994, 289-92). Yet, it can be pointed out that criteria for mental illness have varied across time and space, and that while serious illness may warrant disqualification, lighter and occasional mental problems should not. It is nearly impossible to draw a line that is not arbitrary (Denoncourt 1991, 120-21).

Only four countries, Canada, Ireland, Italy and Sweden, do *not* restrict in any way the right to vote for mentally challenged persons. In Canada, this has been the case following a judicial decision rendered in 1988. Prior to that year, mentally disabled persons were disfranchised. The remaining 56 countries all have some kind of restriction; in most cases, the person has to be adjudged incompetent or of unsound mind by a court of law.<sup>9</sup> In some cases, the simple fact of being a patient in a mental hospital is enough to warrant disfranchisement. We find 12 countries, such as Bulgaria, Chile, Estonia, Guyana, Jamaica and the Netherlands, where disfranchisement for mental reasons is entrenched in the constitution.

Table 2 shows that there is a significant difference between "stronger" and "weaker" democracies on this dimension. It is not that "strong" democracies automatically allow all mentally deficient people to vote. In fact, only a very few countries do so. It would appear, however, that it is only where democracy is strongly established that it becomes possible to envisage the option of not considering even serious mental deficiency as a sufficient cause of disfranchisement.

## 3. *Citizenship requirement*

Requiring citizenship for voting purposes arguably helps to preserve the cohesion and boundaries of the national community. Before being allowed to vote, one should be fully integrated in the society he or she lives in. Recently arrived immigrants may be presumed to be less familiar with the issues and more vulnerable to manipulation. Some find shocking that recent immigrants, in close contests, might prevent the majority of citizens of long standing from getting what they want. Those who favor a relaxation of the citizenship requirement for voting purposes point out that it amounts to political discrimination, since non-citizens are then treated as mere "subjects" of the state (Beaud 1992, 413). Immigrants, who pay taxes and obey the laws, should not be deprived of their right to have a say in what these taxes and laws should be. In John Stuart Mill's words (1972, 279), "it is a personal injustice to withhold from any one, unless for the prevention of greater evils, the ordinary privilege of having his voice reckoned in the disposal of affairs in which he has the same interest as other people".

We find 48 countries (76%) where the right to vote is restricted to citizens. At the other end of the spectrum, four countries do not require citizenship in order to have the right to vote. However, this does not automatically mean enfranchisement for anyone residing in those countries. In Chile, non-citizens must have been residing in the country for at least five years in order to exercise their right to vote. In Malawi, there is a 7-year residence requirement. In Uruguay, this condition is doubled to 15 years, coupled with a "good conduct" requirement. In

New Zealand, those who are not citizens must be permanent residents of the country in order to be allowed to vote.

The third possibility is to grant the right to vote to non-citizens coming from specific countries only. We find eleven countries with such an arrangement. All but one share a common bond: they are former British colonies. The right to vote is given to those, currently residing in the country, who are citizens of a Commonwealth country. "Commonwealth clauses" are found in Australia<sup>10</sup>, Barbados, Belize, Guyana, Jamaica, St. Lucia, St. Vincent & the Grenadines, Trinidad & Tobago and the United Kingdom. In Ireland, the right to vote is extended to British citizens only. The non-former British colony exception is Portugal, where the right to vote is granted to citizens of the European Union ordinarily residing in the country, and to Brazilian nationals who have a special "equal rights" status.<sup>11</sup>

There is a significant difference between former UK colonies and other countries (see Table 2). While nearly all other countries restrict the right to vote to citizens only (92%), slightly more than half of former British colonies do so (52%). However, the "Commonwealth clause" has the consequence of enfranchising a relatively small proportion of the electorate. If we exclude these cases, the difference is no longer significant (there remains only four countries where non-citizens may vote, two of which are former British colonies).

As for the dichotomy between "strong" and "weak" democracies, no statistically significant differences could be found. It thus seems perfectly acceptable to restrict the right to vote to the citizenry.

In every country but two, the citizenship requirement is the same for legislative and presidential elections. Exceptions to this rule are Ireland and Taiwan. In Ireland, British citizens may only vote in legislative elections. For presidential elections, the electorate is composed of Irish citizens only. In Taiwan, electors for the presidential contest need only having resided in the country for four months, whereas only citizens may vote in legislative elections. In both countries, qualifications are less restrictive with respect to the most important national election.

#### 4. *Electoral district residence requirement*

The requirement that electors have been residing in their electoral district for some period of time prior to the election is defended on the ground that one should be integrated in a local community before being allowed to be involved in the determination of its future. Opponents claim that this can result in widespread disfranchisement of people who move frequently, and that elections are national contests, not purely local ones.

Eighteen countries require an electoral district residence period. The duration varies from one month in Australia and New Zealand, to six months in France, Mali, Panama, Papua New Guinea and the Philippines. The median requirement in those countries is three months. In Australia, there are special provisions for "itinerant electors", i.e. those not enrolled in any subdivision (polling district).<sup>12</sup> In Britain, although there is no electoral district requirement, in order to vote in a constituency in Northern Ireland, a person must have been residing in Northern Ireland during the full three months prior to the qualifying date. Vanuatu is a unique case, where there is a three-month residence requirement for electors who wish to vote in an electoral district other than the one in which they were born. In Barbados, a three-month residence in the electoral district is required for Commonwealth citizens only.

Table 2 shows that there is a significant difference between former UK colonies and other countries with regards to electoral district requirement. At first glance, this might seem

surprising, as former colonies do not follow the example of the mother country. However, the higher propensity of former British colonies to require a minimum period of residence in the electoral district may be explained by their electoral system. Indeed, electoral district residence requirements are rarer among countries using a PR system (7%) than in other countries (48%).<sup>13</sup> And previous research has shown that former British colonies tend to adopt a plurality electoral system (Blais and Massicotte 1997). Furthermore, the average residence requirement is shorter (2.7 months) in former British colonies than in other countries (4.9 months).<sup>14</sup>

There is no significant difference between "strong" and "weak" democracies. However, "strong" democracies tend to require shorter periods of residence in the electoral district (2.8 months) than "weak" ones (5.2 months).<sup>15</sup>

### *5. Country residence requirement*

Requiring electors to have been residing in the country for some period of time prior to the election is based on the belief that those who have recently arrived are not informed enough to cast a meaningful vote. Others counter that there is no reason for disfranchising people just because they happen to have been away in the recent past. These people have the same obligations; they should have the same rights.

How many democracies require a period of residence in the country? Eighteen countries do so (29%).<sup>16</sup> The minimum duration of the residence requirement varies from three months in Germany, to seven years in Malawi and St. Lucia. The median requirement is 12 months.<sup>17</sup>

In 12 countries, the requirement is not the same for all electors. For instance in St. Vincent & the Grenadines, Trinidad & Tobago, Belize and St. Lucia, the requirement applies only to Commonwealth citizens. In Costa Rica, there is a residence requirement of one year for naturalized citizens; citizens by birth are exempted from this requirement. In Chile, a five-year residence condition is imposed on non-citizens only. In Samoa, there is a 12-month residence requirement only for those who are not citizens by birth or whose parents are not citizens. Perhaps the most intricate case is Uruguay, where non-citizens must have resided in the country for at least 15 years, naturalized citizens must have resided for at least three years, while no residence requirement is imposed on citizens by birth.<sup>18</sup>

Table 2 shows that former British colonies (55%) are more likely than other countries (15%) to require a minimum period of residence in the country. However, we must note that in most instances, the minimum period of residence applies solely to Commonwealth citizens. Only 14% require a minimum period of residence for all citizens, the same proportion as in other countries.

### *6. Citizens residing abroad*

Demanding actual residence in the country for voting purposes was for long a standard and firm requirement of election laws. This rule was relaxed for soldiers, who had to fight wars abroad. It was felt unfair that the peculiar circumstances of their service should deprive them of a voice in the running of the country. This rationale led to the extension of the same privilege to diplomats and other civil servants abroad. Many feel that preserving the right to vote of civil and military servants abroad while disfranchising other citizens who happen to be abroad for study, travel, international assistance and so on, amounts to discrimination, especially in a context where people are more likely to spend long periods of time outside the country. In countries with high rates of emigration, maintaining the right to vote of expatriates may be seen as a message that



they are still part of the national community, and will be welcome if they come back. Others insist that expatriates have a lesser interest in the running of their country of origin, especially if they do not pay taxes in that country, or point out the costs necessitated by their inclusion in the electorate as well as the danger of fraud. Many feel that granting the right to vote to expatriates who are simultaneously entitled to vote in their country of residence amounts to unacceptable privilege.

Do citizens residing abroad retain their right to vote in democratic countries? They do in a majority (40) of countries. In 27 of these countries, the right to vote is retained indefinitely. This is the case in France, Mali, the Philippines and Venezuela. In the 13 remaining countries, the right to vote is retained for a period ranging from three to twenty years.<sup>19</sup> In New Zealand, citizens lose their right to vote three years after leaving the country, and permanent residents after only one year abroad. In Germany, citizens who live in a member state of the Council of Europe retain their right to vote indefinitely, while Germans living in any other country keep it for 10 years. In three countries, Australia, Canada and the Philippines, those residing abroad must, upon application for registration, state their intention of returning to the country in order not to be disfranchised. The latter condition was also in force in the United Kingdom from 1985 to 1989.

We find three countries that establish different rules for different types of elections. In Bolivia and Brazil, citizens residing abroad keep their right to vote in presidential elections only. In Portugal, they retain the right to vote for legislative elections only. The law is less restrictive with respect to the most important national election.

The Netherlands are an interesting case. Dutch citizens residing abroad have the right to vote except for those residing in the Dutch Antilles or in Aruba and who have not been resident in the Netherlands for at least 10 years.

In many cases, however, the right to vote is more symbolic than real. We find ten countries where citizens residing abroad must return to the country in order to cast their vote on election day. This arrangement is found notably in Barbados, the Czech Republic, Italy, Malta, St. Lucia and Slovakia. In Italy, the state facilitates voting by citizens residing outside the country. State employees working abroad are given up to three days to vote and all their travel costs are reimbursed by the state, while for ordinary citizens residing abroad due to their work, only train fares are reimbursed.

More than half of former UK colonies disfranchise citizens residing abroad; in other countries, the proportion is 21% (table 2). As with residence requirements, former British colonies are not in sync with the United Kingdom. It must be pointed out, however, that it is only since 1985 that British citizens residing abroad have been allowed to vote. And many former UK colonies are not known for massive emigration. In 10% of former British colonies, citizens keep their right to vote indefinitely, while the proportion in other countries is 74%. It thus seems that in this particular instance, former British colonies, following their mother country, tend not to allow citizens residing abroad to keep their right to vote indefinitely.

It is also interesting to observe that "stronger" democracies are less inclined to disfranchise citizens residing abroad. The pattern is the same as with respect to mentally deficient persons. It must be kept in mind, however, that while there seems to be a clear norm among "strong" democracies that citizens residing abroad should be allowed to keep the right to vote, only a few exceptional countries have granted the same right to mentally deficient persons.

## *7. Prison inmates*

The disqualification of prison inmates stems from a belief that civil society is based on a solemn contract which obliges everyone to comply with the law. Those who break the law violate their pledge and are deemed unworthy of participating in the democratic process: "only citizens have the right to vote, and it would not be reasonable to consider criminals as citizens" (Planinc 1987, 154). The possibility - however remote - that in a tight race the vote of persons incarcerated could tip the balance is abhorrent to some. Allowing prison inmates to vote also poses practical problems, such as how and where to make them vote. The enfranchisement of inmates is argued on various grounds. It is argued that the contemporary penal regime is ultimately aimed at rehabilitation rather than punishment, and that preserving the voting rights of inmates facilitates their social reintegration. Some believe that a distinction should be made between those who serve light sentences and those who are incarcerated for serious crimes, and that only the latter should be deprived of their voting rights.

Are prison inmates disfranchised upon any prison sentence in democratic countries? They are in 23 countries, such as Brazil, India, Portugal, the United Kingdom and Venezuela. On the other hand in 17 countries, such as Canada<sup>20</sup>, Germany, Namibia and Sweden, all prisoners keep their voting rights. In other countries, the right to vote is removed for persons imprisoned for a minimum period of time, ranging from one month in Mali to five years in Australia. In France, Japan, Sao Tome and Spain, only some prison inmates lose their right to vote, depending on the nature of the crime they were condemned for.

In two countries, Belgium and the Philippines, the period of disfranchisement of prison inmates lasts longer than the actual duration of the prison sentence. In Belgium, those imprisoned for five years or more are disfranchised for life. Those imprisoned between three and five years are disfranchised for 12 years, while those imprisoned between four months and three years see their voting rights suspended for a period of 6 years. In the Philippines, disfranchisement of those imprisoned for a year or more expires five years after the completion of the sentence.<sup>21</sup>

"Stronger" democracies are slightly less likely to disfranchise prison inmates. The difference is not statistically significant however. There does seem to be a pattern whereby "stronger" democracies tend to be more inclusive. The pattern is relatively weak however. Even among "strong" democracies, about one-third disfranchise all prison inmates, one-third disfranchise some, while another third grant all of them the right to vote.

## **Conclusion**

Of the seven potential restrictions to the right to vote, only two have given rise to a near consensus. An overwhelming majority of democracies have decided that the voting age should be 18 and that people with severe mental deficiency should not be allowed to vote. There is also a dominant norm outside former British colonies that non-citizens should not have the right to vote, and in PR countries that there should be no required minimum period of residence in the electoral district. There is wide disagreement about which prison inmates (if any) should be disfranchised, about whether there should be a country residence requirement, and about which citizens residing abroad (if any) should be disfranchised.

This review of election laws suggests that the most important issue concerning the right to vote in a democracy pertains to the residence requirement. The issue, especially, of whether citizens who reside abroad should be allowed to vote, under what conditions and for how long, is a perplexing one which raises deep questions about the meaning of democracy in a world environment in which people are becoming increasingly mobile.

One of our objectives was to establish whether former British colonies have emulated the right to vote laws of the mother country, as they have done with respect to electoral systems. There is a clear colonial heritage in that about half of former British colonies have granted citizens of Commonwealth countries the right to vote. There is an indirect one flowing from the fact that most of these colonies have single-member districts: they are more likely to have electoral district requirements. But perhaps the most intriguing one is that most former British colonies do not allow citizens residing abroad to vote. In doing so, they follow what was British practice until 1985. It will be interesting to see how long they will wait before emulating the recent British law.

We have also investigated whether countries where political rights are perceived to be better protected have fewer restrictions to the right to vote. The short answer is yes: they tend to be somewhat more inclusive, though the difference is relatively small.

**Table 1. Restrictions to the Right to Vote**

Country	Voting age	Disfranchisement of mentally deficient persons	Citizenship requirement	Minimum period of residence in the electoral district required	Minimum period of residence in the country required	Disfranchisement of citizens residing abroad	Disfranchisement of prison inmates
Argentina	18	Yes	Yes	NA	No	No (length NA)	Yes (sentence NA)
Australia	18	Yes	Yes or citizenship of another Commonwealth country before 1984	1 month	No	No, 6 years (with the intention of returning to the country)	Yes, sentence of 5 years or more
Bahamas	18	Yes	Yes	3 months	No	Yes	Yes, any sentence
Bangladesh	18	Yes	Yes	No	No	Yes	No
Barbados	18	Yes	Yes or citizenship of another Commonwealth country	3 months (Commonwealth citizens only)	3 years (Commonwealth citizens only)	No, 5 years	Yes, any sentence
Belgium	18	Yes	Yes	No	No	No, indefinitely	Yes, sentence exceeding 4 months
Belize	18	Yes	Yes or citizenship of another Commonwealth country	2 months	12 months (Commonwealth citizens only)	Yes	Yes, sentence exceeding 1 year
Benin	18	Yes	Yes	No	No	No, indefinitely	Yes, sentence of 3 months or more
Bolivia	18	Yes	Yes	No	No	Yes (No, indefinitely for presidential elections)	No

Table 1. (continued)

Country	Voting age	Disfranchisement of mentally deficient persons	Citizenship requirement	Minimum period of residence in the electoral district required	Minimum period of residence in the country required	Disfranchisement of citizens residing abroad	Disfranchisement of prison inmates
Brazil	16	Yes	Yes	No	No	Yes (No, indefinitely for presidential elections)	Yes, any sentence
Bulgaria	18	Yes	Yes	No	No	No, indefinitely	Yes, any sentence
Canada	18	No	Yes	No	No	No, 5 years (with the intention of returning to the country)	No
Cape Verde	18	Yes	Yes	No	No	No, indefinitely	Yes, any sentence
Chile	18	Yes	Yes or residence for 5 years	No	5 years (non-citizens only)	Yes	Yes, any sentence
Costa Rica	18	Yes	Yes	No	1 year (naturalized citizens only)	No, indefinitely	NA
Cyprus	18	Yes	Yes	4 months	6 months	Yes	Yes, any sentence
Czech Republic	18	Yes	Yes	No	No	No, indefinitely	No
Denmark	18	Yes	Yes	No	No	No, 12 years	No
Ecuador	18	Yes	Yes	No	No	Yes	Yes (sentence NA)

Table 1. (continued)

Country	Voting age	Disfranchisement of mentally deficient persons	Citizenship requirement	Minimum period of residence in the electoral district required	Minimum period of residence in the country required	Disfranchisement of citizens residing abroad	Disfranchisement of prison inmates
Estonia	18	Yes	Yes	No	No	No, indefinitely	Yes, any sentence
France	18	Yes	Yes	6 months	No	No, indefinitely	Yes (certain offenses only)
Germany	18	Yes	Yes	No	3 months	No, 10 years or indefinitely	No
Guyana	18	Yes	Yes or citizenship of another Commonwealth country	No	1 year (Commonwealth citizens only)	Yes	No
Hungary	18	Yes	Yes	No	No	Yes	Yes, any sentence
India	18	Yes	Yes	No	No	Yes	Yes, any sentence
Ireland	18	No	Yes or British citizenship	NA	NA	NA	No
Israel	18	NA	Yes	No	No	Yes	NA
Italy	18	No	Yes	No	No	No, indefinitely	NA
Jamaica	18	Yes	Yes or citizenship of another Commonwealth country	No	1 year (Commonwealth citizens only)	Yes	Yes, sentence exceeding 6 months
Japan	20	Yes	Yes	3 months	No	NA	Yes (certain offenses only)

Table 1. (continued)

Country	Voting age	Disfranchisement of mentally deficient persons	Citizenship requirement	Minimum period of residence in the electoral district required	Minimum period of residence in the country required	Disfranchisement of citizens residing abroad	Disfranchisement of prison inmates
Latvia	18	Yes	Yes	No	No	No, indefinitely	Yes, any sentence
Lithuania	18	Yes	Yes	No	No	No, indefinitely	No
Luxembourg	18	Yes	Yes	No	No	No, indefinitely	Yes, any sentence
Madagascar	18	Yes	Yes	No	No	Yes	Yes, any sentence
Malawi	18	Yes	Yes or residence for 7 years	No	7 years (non-citizens only)	Yes	No
Mali	18	Yes	Yes	6 months	No	No, indefinitely	Yes, sentence of exceeding 1 month
Malta	18	Yes	Yes	No	6 months (in the preceding 18 months)	No, (as long as not more than 12 months outside the country in the preceding 18 months)	Yes, sentence exceeding 1 year
Micronesia	18	Yes	Yes	3 months	9 months	No, indefinitely	Yes, any sentence
Mongolia	18	Yes	Yes	No	No	Yes	Yes, any sentence
Namibia	18	Yes	Yes	No	No	NA	No

Table 1. (continued)

Country	Voting age	Disfranchisement of mentally deficient persons	Citizenship requirement	Minimum period of residence in the electoral district required	Minimum period of residence in the country required	Disfranchisement of citizens residing abroad	Disfranchisement of prison inmates
Netherlands	18	Yes	Yes	No	No	No, indefinitely	Yes, sentence of 1 year or more (certain offenses only)
New Zealand	18	Yes	Yes or permanent residence	1 month	1 year	No, 1 year or 3 years	Yes, sentence of 3 years or more
Panama	18	Yes	Yes	6 months	No	No, indefinitely	Yes, any sentence
Papua New Guinea	18	Yes	Yes	6 months	No	Yes	Yes, sentence exceeding 9 months
Philippines	18	Yes	Yes	6 months	1 year	No, indefinitely (with the intention of returning to the country)	Yes, sentence of 1 year or more
Poland	18	Yes	Yes	No	No	No, indefinitely	No
Portugal	18	Yes	Yes or citizenship of a EU member state or Brazilian citizenship with "equal rights" status	No	No	No, indefinitely (legislative elections only)	Yes, any sentence
Romania	18	Yes	Yes	No	No	No, indefinitely	No



Table 1. (continued)

Country	Voting age	Disfranchisement of mentally deficient persons	Citizenship requirement	Minimum period of residence in the electoral district required	Minimum period of residence in the country required	Disfranchisement of citizens residing abroad	Disfranchisement of prison inmates
Samoa	21	Yes	Yes	No	1 year (only for those who are not citizens by birth or whose parents are not citizens)	No, indefinitely	Yes, any sentence
Sao Tome	18	Yes	Yes	No	No	No, indefinitely	Yes (certain offenses only)
Slovakia	18	Yes	Yes	No	No	No, indefinitely	Yes (sentence NA)
Slovenia	18	Yes	Yes	No	No	No (length NA)	No
South Africa	18	Yes	Yes	No	No	NA	No
Spain	18	Yes	Yes	No	No	No, indefinitely	Yes (certain offenses only)
St. Lucia	18	Yes	Yes or citizenship of another Commonwealth country	2 months	7 years (Commonwealth citizens only)	No, 3 years	Yes, any sentence
St. Vincent	18	Yes	Yes or citizenship of another Commonwealth country	3 months	1 year (Commonwealth citizens only)	No, 5 years	Yes, any sentence
Sweden	18	No	Yes	No	No	No, indefinitely	No
Taiwan	20	Yes	Yes	4 months	No	No (length NA)	NA

Table 1. (continued)

Country	Voting age	Disfranchisement of mentally deficient persons	Citizenship requirement	Minimum period of residence in the electoral district required	Minimum period of residence in the country required	Disfranchisement of citizens residing abroad	Disfranchisement of prison inmates
Trinidad & Tobago	18	Yes	Yes or citizenship of another Commonwealth country	2 months	1 year (Commonwealth citizens only)	Yes	Yes, sentence exceeding 1 year
United Kingdom	18	Yes	Yes or citizenship of another Commonwealth country	No	No	No, 20 years	Yes, any sentence
Uruguay	18	Yes	Yes or residence for 15 years	No	3 years (naturalized citizens) 15 years (non-citizens)	Yes	Yes, any sentence
Vanuatu	18	Yes	Yes	3 months (only for those voting in an electoral district other than the one in which they were born)	No	No, indefinitely	No
Venezuela	18	Yes	Yes	No	No	No, indefinitely	Yes, any sentence

NA = not available

**Table 2. British Colonialism, Political Rights and Restrictions to the Right to Vote**

	Voting age at 18	Disfranchisement of mentally deficient persons	Right to vote restricted to citizens only	Minimum period of residence in the electoral district required	Minimum period of residence in the country required	Disfranchisement of citizens residing abroad	Disfranchisement of prison inmates
Former UK colonies	96%	91%	52%***	50%***	55%***	55%***	63%
Other countries (excluding UK)	93%	95%	92%	18%	15%	21%	75%
"Strong" democracies	97%	89%*	73%	33%	31%	21%**	68%
"Weak" democracies	89%	100%	81%	24%	27%	48%	76%
TOTAL	94% (63 countries)	94% (62 countries)	76% (63 countries)	30% (61 countries)	29% (62 countries)	32% (59 countries)	71% (59 countries)

\*\*\* Difference significant at the 0.01 level; \*\* Difference significant at the 0.05 level; \* Difference significant at the 0.1 level.

## Appendix

### List of the 63 countries covered

Argentina

Australia

Bahamas

Bangladesh

Barbados

Belgium

Belize

Benin

Bolivia

Brazil

Bulgaria

Canada

Cape Verde

Chile

Costa Rica

Cyprus

Czech Republic

Denmark

Ecuador

Estonia

France

Germany

Guyana

Hungary

India

Ireland

Israel

Italy

Jamaica

Japan

Latvia

Lithuania

Luxembourg

Madagascar

Malawi

Mali

Malta

Micronesia

Mongolia

Namibia

The Netherlands

New Zealand

Panama

Papua New Guinea

The Philippines

Poland

Portugal

Romania

Saint Lucia

Saint Vincent and the Grenadines

Samoa

Sao Tome and Principe

Slovakia

Slovenia

South Africa

Spain

Sweden

Taiwan

Trinidad and Tobago

United Kingdom

Uruguay

Vanuatu

Venezuela

### Sources on election law

Constitutions;  
Electoral laws and regulations;  
Various government documents;  
Responses to our questionnaire;  
Interparliamentary Union's internet website ([www.ipu.org](http://www.ipu.org));

Butler 1996; Choe 1997; LeDuc, Niemi and Norris 1996; Nix 1995; Rohme 1992;

### Description and sources of independent variables

**Former British colonies:** a country is deemed to be a former British colony if was once ruled by Britain.

**Political rights:** A dummy variable that equals 1 for those countries that had a political rights rating of 1 in 1996, i.e. that were considered most democratic. *Freedom in the World, 1996-1997*. New York: Freedom House.

## NOTES

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<sup>1</sup> Autonomy is distinct from competence when it is defined in financial terms. But restrictions on the basis of financial dependence no longer prevail.

<sup>2</sup> The list of countries is provided in the Appendix. The list was constituted in the following way. We first established a list of all countries with a score of 1 or 2 on political rights in 1996 according to Freedom House (1997) and with a population of at least 100,000. This gave us a group of 74 countries. From that group we had to drop two federal countries, Switzerland and the United States, whose election laws for federal elections vary according to the states (cantons), and nine other countries (Austria, Botswana, Finland, Greece, Iceland, Mauritius, Norway, Solomon Islands and South Korea) for which we could not find the appropriate information.

<sup>3</sup> Countries that had, according to Freedom House, a political rights rating of 1 in 1996 are considered "strong" democracies, while those that were rated 2 are labeled "weak" democracies.

<sup>4</sup> In case of a discrepancy between the text of the electoral law and the response to our questionnaire, we have systematically privileged the former. We have also consulted each country's constitution. The right to vote is entrenched in every constitution but three (Bahamas, Barbados and Samoa).

<sup>5</sup> We find no countries where there is a maximum voting age.

<sup>6</sup> Katz (1997, 218-29) enumerates instances where similar distinctions based on marital status were found: Brazil (1824-1889), Chile (1833-1877), Colombia (1821-1843 & 1853-1886), Ecuador (1884-1946), Honduras (1894-1957), Mexico (1932-1969), Peru (1860-1933), Portugal (1826-1878) and Uruguay (1830-1918).

<sup>7</sup> In Britain, under the 1918 legislation, men were enfranchised at the age of 21, while 30 was the age qualification for women. This anomaly was removed in 1928. This double standard was also found in Ireland between 1918 and 1923. In Finland, between 1869 and 1906, farmers were enfranchised at 21, while town residents were enfranchised at 24.

<sup>8</sup> In the same vein, one may note that in Taiwan, students are not allowed to be candidates at legislative elections.

<sup>9</sup> In most cases, the electoral law does not specify the details of disqualification based on mental deficiencies.

<sup>10</sup> In Australia, the franchise is extended to British subjects whose names were included on an electoral roll immediately before January 26, 1984. The "Commonwealth clause" is not extended to more recent newcomers to the country. Formerly, Canada also granted the right to vote to other British subjects. In 1970, this right was narrowed to those who were eligible to vote at the 1968 election, and lapsed in 1975.

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<sup>11</sup> Furthermore, the Maastricht treaty sets rules for elections to the European Parliament and local elections. EU citizens residing in another EU country may vote at local and European elections in their country of residence. We also find countries that allow non-citizens to vote in local and regional elections. In Denmark, citizens of non-EU countries may vote in county and municipal council elections, insofar as they have been residing in Denmark for three years prior to election day. In Ireland, non-EU citizens may vote in local elections only. In the Netherlands, non-Dutch nationals may vote in municipal and provincial elections, provided they satisfy certain requirements. In Sweden, citizens of EU countries, Iceland and Norway are entitled to vote in county council and municipal council elections under the same conditions as Swedish nationals. Citizens of other states may vote in county council and municipal council elections, as long as they have been registered residents of Sweden for three years uninterruptedly on election day. In Venezuela, non-citizens who have been residing for at least 10 years in the country may vote in local elections.

<sup>12</sup> Itinerant electors are may vote in the last subdivision in which they were entitled to be registered.

<sup>13</sup> This difference is significant at the 0.01 level.

<sup>14</sup> This difference is significant at the 0.01 level.

<sup>15</sup> This difference is significant at the 0.01 level.

<sup>16</sup> We consider only those cases where there is an explicit requirement of residence in the country.

<sup>17</sup> In Sweden, there is no minimum period of country residence required. However, one must have resided in the country at some point in time in order to have the right to vote.

<sup>18</sup> Uruguay was not included in the calculation of the median residence requirement, because it distinguishes three categories of electors.

<sup>19</sup> When there were different time limits for different types of electors, we took into account the one that applied to the majority of the electorate.

<sup>20</sup> In Canada, the Electoral law removes the right to vote of prisoners sentenced to imprisonment for two years or more. However, pursuant to a 1996 decision by the Federal Court of Canada, all prison inmates were allowed to vote in the 1997 federal election.

<sup>21</sup> On the issue of lifetime disfranchisement, it is interesting to note that in the United States, 14 states impose permanent disfranchisement on their convicts (*The Economist*, 24 Oct 1998).

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