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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

COMPILATION
OF VENICE COMMISSION OPINIONS AND REPORTS
CONCERNING OUT OF COUNTRY VOTING

Endorsed by the Council for Democratic Elections at its 84th meeting (8 October 2025) and by the Venice Commission at its 144th Plenary Session (9-10 October 2025)¹

¹ This document will be updated regularly. This version covers opinions and reports/studies adopted up to and including the Venice Commission's 144th Plenary Session (Venice, 9-10 October 2025).

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I. INTRODUCTION

1. This document is a compilation of extracts taken from opinions and reports/studies adopted by the Venice Commission on issues concerning the right to vote of citizens living abroad (out-of-country voting). It covers topics such as the general principle of out-of-country voting, the categories of citizens abroad who can vote, the types of elections for which external voting is allowed, registration procedures for voters abroad, voting methods (e.g. in diplomatic missions, postal voting), and specific issues arising from large diaspora communities.
2. This compilation is intended to serve as a reference for drafters of electoral legislation, policymakers, researchers, as well as for Venice Commission members called upon to assess legislation dealing with these matters. This version is based on Venice Commission texts up to the 143rd Plenary Session (June 2025) and will be updated regularly with newly adopted opinions. When referring to material from this compilation, please cite the original Venice Commission document rather than the compilation itself.
3. Venice Commission reports and studies included in this compilation set out general standards applicable to all member and observer states of the Venice Commission. The recommendations made in such documents are of broad application, although the specific context of each country must always be taken into account adequately.
4. Each citation in the compilation is accompanied by a reference to its original source (including paragraph or page number in the opinion or report), enabling the reader to locate it in the full text of the document. For brevity, most footnotes and references have been omitted from the quoted extracts, only the essential parts of the relevant paragraphs are reproduced.
5. This compilation is not a static document and will be periodically updated with extracts from recently adopted opinions on electoral legislation. The Venice Commission's Secretariat welcomes suggestions on how to improve this compilation.

II. GENERAL PRINCIPLES

A. State discretion / absence of an international standard

"There is no international standard providing for the right of citizens residing abroad to vote in national elections."

[CDL-AD\(2015\)040](#), Summary report on voters residing de facto abroad, §11.

"No precise international standards exist for implementing such measures, but elections abroad should generally meet the same standards for democratic elections as in-country procedures."

[CDL-AD\(2007\)012](#), Joint Opinion on the draft working text amending the Election Code of 'the former Yugoslav Republic of Macedonia', §5.

"States have a wide margin of appreciation with respect to the establishment of residence criteria. Still, the European Court of Human Rights considered this margin not to be unlimited. If residence requirements are contained in domestic legislation, they have to be applied in a non-arbitrary way, but there is no standard imposing to delete citizens de facto abroad from the in-country voters' lists."

[CDL-AD\(2015\)040](#), Summary report on voters residing de facto abroad, §13.

"While the denial of the right to vote to citizens living abroad or the placing of limits on that right constitutes a restriction of the principle of universal suffrage, the Commission does not consider at this stage that the principles of the European electoral heritage require the introduction of such a right."

[CDL-AD\(2011\)022](#), Report on Out-of-Country Voting, §98.

"Although the introduction of the right to vote for citizens who live abroad is not required by the principles of the European electoral heritage, the European Commission for Democracy

through Law suggests that states, in view of citizens' European mobility, and in accordance with the particular situation of certain states, adopt a positive approach to the right to vote of citizens living abroad, since this right fosters the development of national and European citizenship."

[CDL-AD\(2011\)022](#), Report on Out-of-Country Voting, §99.

B. Secrecy, reliability, and safeguards against multiple voting

"If voters are allowed to vote abroad without pre-registration and, at the same time, are included on in-country voter lists, such an arrangement creates the risk for multiple voting."

[CDL-AD\(2020\)023](#), Report on Electoral Law and Electoral Administration in Europe, §55.

"Fraud and intimidation must not be possible."

[CDL-AD\(2024\)022](#), Republic of Moldova – Opinion on partial implementation of the postal vote, §33 (quoting Code of Good Practice in Electoral Matters).

"The presence of citizens residing abroad on the electoral lists could lead to impersonation on Election Day through the use of the name of a person who is out-of-country. This risk can be minimised by legal and administrative measures encouraging de-registration. However, these measures can have drawbacks (like exclusion from social rights) and will not settle the problem in its entirety. States have therefore found a number of other solutions [...] Possible measures include: requiring voters to register abroad in order to be taken off in-country lists; introducing specific safeguards such as inking; or developing centralised electronic registers to prevent multiple voting."

[CDL-AD\(2015\)040](#), Summary report on voters residing de facto abroad, §15.

III. LEGAL BASIS

A. Constitutional vs. legislative anchoring

"Some constitutions provide for the voting right of citizens residing abroad; more commonly, it is regulated by electoral or other laws... The various solutions depend on national traditions and political choices."

[CDL-AD\(2011\)022](#), Report on Out-of-Country Voting, §§21–22.

"While this is an appropriate basis, it may be appropriate to regulate the problems of external voting more precisely by law."

[CDL-AD\(2002\)009](#), Opinion on the Unified Electoral Code of Georgia, p. 4 (Art. 16.6).

"Although the introduction of the right to vote for citizens who live abroad is not required by the principles of the European electoral heritage, the Commission suggests that states...adopt a positive approach to the right to vote of citizens living abroad."

[CDL-AD\(2011\)022](#), Report on Out-of-Country Voting, §99.

B. Stability of electoral law and timing of changes affecting out-of-country voting

"The stability of the electoral law is a prerequisite for implementing the principles underlying Europe's electoral heritage and is vital to the credibility of an electoral process. [...] Amending key provisions for voting abroad only 10 days before the election, with potentially significant implications for voters in Bulgarian communities abroad... may impact public confidence in the electoral process."

[CDL-AD\(2017\)016](#), Bulgaria – Joint Opinion on amendments to the Electoral Code, §§17, 72.

"The hasty adoption of revised legislation between the October 2024 presidential elections and the 2025 parliamentary elections should be avoided."

[CDL-AD\(2024\)022](#), Republic of Moldova – Opinion on the partial implementation of the postal vote, §8 (contextual remarks).

IV. ELECTORAL ENTITLEMENT OF CITIZENS ABROAD

A. Categories of voters abroad (permanent/temporary; elections covered)

“From this wording, it would seem clear that only those citizens who have been staying abroad less than one year or who are registered as temporarily abroad would be eligible to vote abroad... This could be seen as an arbitrary obstacle to enfranchisement... and should be reviewed.”

[CDL-AD\(2007\)012](#), North Macedonia – Joint Opinion, §§12–15 (extract).

“It is not the role of the Venice Commission to recommend whether to grant voting rights to citizens living abroad or not; however, if such rights are granted, they should be granted on an equal basis.”

[CDL-AD\(2011\)022](#), Report on Out-of-Country Voting, §12.

“In some CoE member states, voting by citizens residing outside the country is still either prohibited or restricted to a very limited category of persons... or only to those ‘temporarily’ abroad.”

[CDL-AD\(2020\)023](#), Report on Electoral Law and Electoral Administration in Europe, §53.

“In a few European countries that allow external voting, voting rights are removed from those citizens who live abroad for a long period of time, namely in the UK after more than 15 years and in Germany after more than 25 years (with some exceptions).”

[CDL-AD\(2020\)023](#), Report on Electoral Law and Electoral Administration in Europe, §52.

“In Montenegro, however, the Constitution and the electoral law restrict the right to vote in national elections only to those citizens who have resided in the country for two years prior to elections... The requirement has been criticised by OSCE/ODIHR and the Venice Commission for not being in line with international standards.”

[CDL-AD\(2020\)023](#), Report on Electoral Law and Electoral Administration in Europe, §51.

“States have a wide margin of appreciation with respect to the establishment of residence criteria. Still, the European Court of Human Rights considered this margin not to be unlimited. In Shindler v. United Kingdom, the Court upheld the 15-year residence limit as a proportionate restriction.”

[CDL-AD\(2015\)040](#), Summary report on voters residing de facto abroad, §13 (ref. ECtHR case-law)

B. Registration and voter lists for voters abroad

“The provisions regarding voter registration for out-of-country voting should be reworked [...] One of the main objectives of the Draft Law is to clarify the provisions related to registration for Out-of-Country Voting, and to specify a new procedure for prior registration for out-of-country voting.”

[CDL-AD\(2007\)030](#), Croatia – Joint Opinion on the Draft Law on Voter Lists

“The new system of prior registration for out-of-country voting appears to be quite reasonable... But it remains unclear... whether or to what extent such registration could or would continue in effect beyond a single election.”

[CDL-AD\(2007\)030](#), Joint Opinion on the Draft Law on Voter Lists of the Republic of Croatia, §§43(6), 50,54, 52.

“On the other hand, citizens should be required to register to vote abroad or should be automatically registered. If voters are allowed to vote abroad without pre-registration and, at

the same time, are included on in-country voter lists, such an arrangement creates the risk for multiple voting.”

[CDL-AD\(2020\)023](#), Report on Electoral Law and Electoral Administration in Europe, §55.

“It is perfectly legitimate to require voters living abroad to register to be able to vote, even if registration is automatic for residents.”

[CDL-AD\(2011\)022](#), Report on Out-of-Country Voting, §96.

V. METHODS OF VOTING FROM ABROAD

A. In-person voting at diplomatic/consular premises and additional polling places

“The proposed text suggests that diplomatic staff and diplomatic offices will be used for voting abroad... [T]his could cause difficulty for some voters... Consideration could therefore be given to establishing additional polling stations in locations where a certain qualified number of citizens make a request to set up a polling station.”

[CDL-AD\(2007\)012](#), North Macedonia – Joint Opinion, §§9–11 (extract).

“Decisions on determining locations for polling stations abroad should be based on clear and consistent criteria... taken in broad consultation with relevant stakeholders well in advance of an election.”

[CDL-AD\(2017\)016](#), Bulgaria – Joint Opinion, §71.

“The obligation to vote in an embassy or consulate may in practice severely restrict the right to vote of citizens living abroad. This restriction may be justified on the grounds that the other means of voting (postal vote, proxy voting, e-voting) are not always reliable.”

[CDL-AD\(2011\)022](#), Report on Out-of-Country Voting, §97.

B. Postal voting

“Postal voting should only be permitted where the postal service is safe – in other words, protected from deliberate manipulation – and reliable, in that it operates correctly.”

[CDL-AD\(2004\)012](#), Report on the compatibility of remote voting with the ECHR, §25 (excerpt).

“Postal voting can be an effective way of making voting more accessible... However, it requires effective safeguards against potential fraud... Less oversight is possible and the potential for manipulation... is increased.”

[CDL-AD\(2024\)022](#), Republic of Moldova – Opinion on the partial implementation of the postal vote, §§36–37 (extract).

“For at least the first presidential elections... postal voting will be applied only in six countries... thus for a quite limited number of members of the Moldovan diaspora... The Venice Commission... recommends giving postal voting abroad a perennial character... and applying it to all countries where postal voting is safe and reliable.”

[CDL-AD\(2024\)022](#), Opinion on partial implementation of the postal vote, §§42, 63(B) (extract).

“Remote voting constitutes a common electoral procedure in a great number of Council of Europe member States... Yet... only few countries do not restrict the conditions under which unsupervised remote voting is available... This diversity... demonstrates the impossibility of identifying a single form... as the ‘European rule’.”

[CDL-AD\(2004\)012](#), Report on the compatibility of remote voting with the ECHR, §§51, 65–66 (extract).

C. Other forms of remote voting (overview)

“In a third group of Council of Europe member states, remote voting in a non-supervised environment is possible only under certain conditions. In most of these countries, persons who are voting in another country are allowed this form of remote voting.”

[CDL-AD\(2004\)012](#), Report on the compatibility of remote voting with the ECHR, §31. (Venice Commission)

“In CoE member states which allow some degree of voting by citizens residing permanently or temporarily abroad, the modalities of voting differ: Most common are postal voting and/or voting in person at embassies and consulates. Additionally, or alternatively, proxy voting (e.g. Belgium, France, and the Netherlands) or online voting (e.g. Estonia) is allowed. In any case, safeguards must be implemented to ensure the integrity of the vote, and voting procedures should be available for all eligible voters.”

[CDL-AD\(2020\)023](#), Report on Electoral Law and Electoral Administration in Europe, §221.

“Proxy voting is permissible only if subject to very strict rules, again to avoid fraud; the number of proxies held by any one elector must be limited.”

[CDL-AD\(2004\)012](#), Report on the compatibility of remote voting with the ECHR, §16 (explanatory report excerpt).

VI. ELECTORAL MANAGEMENT

A. Polling station establishment and distribution abroad

“Limited organisational capacities for voting outside the country, combined with excessive administrative requirements for voter registration, may prevent or discourage citizens abroad from casting their vote. In Ukraine, for instance, only around 2% of citizens living abroad participated in the 2019 presidential elections. Some CoE member states still have to develop the organisational capacity needed for general out-of-country voting.”

[CDL-AD\(2020\)023](#), Report on Electoral Law and Electoral Administration in Europe, §54.

“Limiting the total number of out-of-country polling stations located outside of the EU to 35 per non-EU country... appears to be in practice a significant amendment... which may have a discriminatory effect, as citizens should be able to vote under the same conditions of rights and access.”

[CDL-AD\(2017\)016](#), Bulgaria – Joint Opinion, §§66–69 (extract).

B. Administration, staffing and observers

“According to the draft text, the electoral boards for the voting abroad are composed of Foreign Ministry employees... [C]onsideration might be given to some exchange of staff... [and] to recruit... among citizens... The amendments should clearly authorise both political party representatives and domestic non-partisan observers to be present during the entire process of setting up and conducting voting abroad.”

[CDL-AD\(2007\)012](#), North Macedonia – Joint Opinion, §§14, 18, 21–22 (extract).

C. Allocation of ballots cast abroad; special constituencies

“Alternative methods for distributing votes could also be considered – for example, (a) by creating a virtual district for voters abroad... (b) by assigning votes abroad to a particular in-country district, or (c) distributing them, in some proportion, among the six election districts.”

[CDL-AD\(2007\)012](#), North Macedonia – Joint Opinion, §20.

“The practical accessibility of out-of-country voting facilities has been very different according to the type of voter involved.”

[CDL-AD\(2007\)030](#), Croatia – Joint Opinion on the Draft Law on Voter Lists, §61.

“Austria, Finland, Hungary and Spain are examples of countries where votes of citizens residing abroad are counted in the municipality of origin. In some countries, a central constituency, that of the capital city, receives the votes of persons living out of the country – in Georgia, these votes are counted in the constituency of Tbilisi; in Latvia, they are counted in the constituency of Rīga; in Lithuania it is the constituency of Vilnius; in Moldova the constituency of Chişinău; in Poland the constituency of Warsaw Centre.”

[CDL-AD\(2011\)022](#), Report on Out-of-Country Voting, §§80–82 (extract).

“Croatia has an election constituency for Croats living abroad, Italy has one for Italians living abroad, Portugal has two such constituencies (Europe and outside Europe), ‘the former Yugoslav Republic of Macedonia’ has three.”

[CDL-AD\(2011\)022](#), Report on Out-of-Country Voting, §83.

VII. OTHER REFERENCES TO OUT-OF-COUNTRY VOTING IN VENICE COMMISSION OPINIONS

“[...] it might be desirable to include in [the general provision] a reference to certain major aspects of this problem, such as the matter of citizens who are residing or dwelling abroad at the time of election... [T]he provisions... on the establishment of precincts or election facilities outside the territory of Georgia are not very specific, and appear to leave the matter to the Central Election Commission and the facilities of the Foreign Service. While this is an appropriate basis, it may be appropriate to regulate the problems of external voting more precisely by law.”

[CDL-AD\(2002\)009](#), Opinion on the Unified Electoral Code of Georgia, pp. 2–4 (Arts. 5, 16.6).

“The proposal...to move toward postal voting for citizens abroad is to be welcomed, as the number of Moldovan citizens with a right to vote while living abroad is large by comparative standards, and the arrangements under which they have voted in the past have caused difficulties.”

“The Venice Commission encourages the authorities to treat the initial implementation as a trial, and if successful, to make postal voting abroad a permanent option, ensuring stable and secure provisions for diaspora voters.”

[CDL-AD\(2024\)022](#), §§62, 63(b).

“In previous elections, diaspora participation accounted for up to 14% of the total vote, underlining the importance of facilitating participation of Moldovans abroad.”

[CDL-AD\(2022\)025](#), Joint Opinion on the Electoral Code of the Republic of Moldova, §59.

“This distinction between EU and non-EU states does not seem justified and should be removed.”

“Amending key provisions for voting abroad only 10 days before the election...may impact public confidence in the electoral process.”

[CDL-AD\(2017\)016](#), Joint Opinion on the Amendments to the Electoral Code of Bulgaria §§69, 72.

VIII. REFERENCE DOCUMENTS

[CDL-AD\(2002\)009](#) – Opinion on the Unified Electoral Code of Georgia

[CDL-AD\(2004\)012](#) – Report on the compatibility of remote voting with the ECHR

[CDL-AD\(2007\)012](#) – Joint Opinion on the draft working text amending the Election Code of “the former Yugoslav Republic of Macedonia”

[CDL-AD\(2007\)030](#) – Joint Opinion on the Draft Law on Voter Lists of the Republic of Croatia

[CDL-AD\(2011\)022](#) – Report on Out-of-Country Voting

[CDL-AD\(2015\)040](#) – Summary Report on voters residing de facto abroad

[CDL-AD\(2017\)016](#) – Joint Opinion on the Amendments to the Electoral Code of Bulgaria

[CDL-AD\(2020\)023](#) – Report on Electoral Law and Electoral Administration in Europe

[CDL-AD\(2022\)025](#) – Joint Opinion on the Electoral Code of the Republic of Moldova

[CDL-AD\(2024\)022](#) – Opinion on the partial implementation of the postal vote in the Republic of Moldova