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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**COMMENTS**

**ON**

**ELECTORAL LISTS AND VOTERS RESIDING DE FACTO ABROAD**

**by**

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*\*This document has been classified restricted on the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules set up in Resolution CM/Res(2001)6 on access to Council of Europe documents.*

## 1. Introduction

1. The Secretariat Memorandum “Electoral Lists and Voters Residing *De Facto* Abroad” (Study No 748/2013) of 7 November 2013<sup>1</sup> (in the following: Memorandum) addresses the “management of electoral registers with regard to voters living *de facto* abroad from where they may exercise their right to vote in their country of origin and remain registered as residents in their country of origin.”<sup>2</sup> The question was raised following suspicions of fraud: voters residing abroad were sometimes indicated as having voted whereas it was very doubtful that they were in their country of origin on polling day.<sup>3</sup>

2. The Memorandum addresses the problem mainly from the perspective of the concepts of residence and domicile. First, it acknowledges the difficulties of the topic given the varying concepts of residence and domicile in national law.<sup>4</sup> According to the Memorandum, also practical issues such as the (diverging) number of citizens who reside abroad without declaring their departure are of relevance and increase the complexity of the topic. Various factors are identified as (dis)incentives to declare the departure, including the lawful or unlawful nature of the residence abroad or the question whether rather rights (eg social security benefits) or rather duties (taxation, military duties) are attached with the residency in a country.<sup>5</sup> Also interests of local and regional authorities— eg to declare the largest possible number of inhabitants so as to benefit from public funds – are discussed as possible disincentives to remove those who no longer habitually reside on their territory from electoral lists and/or population registers.<sup>6</sup>

3. On this basis and in view of the complexity of the topic, the Memorandum recommends a broad examination of the legal consequences of residence and a comparative study on voting, before deciding to study the management of electoral registers with regard to voters residing *de facto* abroad who remain registered as residents in their country of origin.<sup>7</sup>

4. The Memorandum focuses on the concept of residency and related questions. Varying approaches to residency in domestic legislation are referred to as well as practical issues of failure to declare the departure from abroad. The Memorandum therewith adopts an important perspective on the topic which is however not the only one.

**5. Several factors are of relevance for the phenomenon of electoral lists and voters residing *de facto* abroad.** The following comments will focus on some of those factors, including the system of voter registration and measures to increase the accuracy of the voter register (2.1.); safeguards to prevent electoral fraud (2.2.) including possible trade-offs in the adoption of these measures (2.3.); applicable international standards on electoral lists and voters who reside *de facto* abroad (2.4.); and Out-of-country voting (OCV) (2.5.). In doing so, the comments will draw on two recent studies on the issue: They will refer to “Electoral lists and voters residing *de facto* abroad” of the Congress of Local and Regional Authorities<sup>8</sup> (Congress study) as well as to the document prepared by Ms Alanis Figueroa entitled “Security in elections when dealing with citizens living *de facto* abroad: the experience of Latin America” (Latin

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<sup>1</sup> CoE, Venice Commission, “Electoral Lists and Voters Residing *De Facto* Abroad”, Secretariat Memorandum, Study No 748/2013, 7 November 2013 (CDL-EL(2013)011).

<sup>2</sup> The limitation of the study to the category of voters who may exercise their right to vote in the country of origin from abroad should reduce problems concerning restrictions on the universality of the vote. (See below, Section 2.3.)

<sup>3</sup> See Memorandum (n 1), paras 1 and 2.

<sup>4</sup> *Ibid*, paras 4ff. See also the related reference to the report of the Venice Commission on out-of-country voting (CDL-AD(2011)022 of June 2011): *ibid*, paras 12 and 13.

<sup>5</sup> *Ibid*, paras 7-9, 11.

<sup>6</sup> *Ibid*, para 10.

<sup>7</sup> *Ibid*, para 14.

<sup>8</sup> CoE Congress of Local and Regional Authorities, Electoral lists and voters residing *de facto* abroad, CG/MON(26)13, 28 November 2014.

American Memorandum)<sup>9</sup> and also highlight regional variations (2.6.). Finally, possible next steps will be outlined (3.).

## 2. Comments

### 2.1 System of voter registration and measures to increase the accuracy of the voter register

6. A first factor of relevance for the issue of “electoral lists and voters residing *de facto* abroad” is the **system of voter registration**. In fact, the problem of voters on electoral lists who *de facto* reside abroad seems particularly recurrent in electoral systems with passive voter registration: since voters do not have to take any specific action to be included in the electoral lists and are registered automatically, also the names of voters who reside *de facto* abroad may be incorporated in the electoral lists accordingly.<sup>10</sup>

7. Since in systems of passive voter registration the voter register is directly drawn from the underlying register (usually the civil register), inaccuracies in the latter have direct consequences for the electoral list. This is exemplified in the Congress study which gives several reasons for inaccuracies in the electoral lists.

8. In fact, the problem of voters on electoral lists although they *de facto* reside abroad is frequently caused by inaccurate/incomplete or outdated data in the underlying database. For instance, in Bulgaria, it was observed that many voters remained registered at their permanent address although they had been residing abroad for many years already. Also in Albania, inaccuracies in the voter registers were largely due to deficient information provided by the General Directorate of Civil Status. Likewise in Georgia, the information provided to the Central Election Commission on Georgian voters residing *de facto* abroad had been collected systematically only since 2008. A lack of centralized processes (e.g. United Kingdom, Moldova) or technological capacities (“the former Yugoslav Republic of Macedonia”) have also been identified as a cause for weakness as regards the accuracy of electoral lists. Voters on electoral lists although they *de facto* reside abroad are thus frequently a problem of implementation rather than of deficient or missing legal provisions.<sup>11</sup>

9. A comprehensive approach to “electoral lists and voters residing *de facto* abroad” should pay attention to the system of voter registration, the (in)accuracy of electoral lists and their relation to possible (in)accuracies in the underlying database.

10. Measures to **increase the accuracy of the voter register** may thus be a first means to address the problem of voters on electoral lists although they *de facto* reside abroad. The Latin American Memorandum mentions centralised lists of voters under continuous updating and revision; the elimination from the list of voters of citizens who do not vote during an election; partnerships with civil registry authorities to ensure the integrity of the electoral list; and the obligation to periodically declare one’s place of residence to the government.<sup>12</sup> These and other measures should entail the elimination of voters from electoral lists who *de facto* reside abroad.

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<sup>9</sup> CDL-EL(2015)002.

<sup>10</sup> In systems with active voter registration, conversely, voters must take action to register with the relevant authority their intention to participate in elections. (See OSCE/ODIHR, Handbook for the Observation of Voter Registration, 2012, p 19). In view of this, voters who *de facto* reside abroad generally do not figure on electoral lists.

<sup>11</sup> Congress study (n 8), p 18f. Footnotes omitted.

<sup>12</sup> See Latin American Memorandum (n 9) para 15.

## 2.2 Safeguards to prevent electoral fraud

11. Related are safeguards to prevent electoral fraud. In fact, one of the main concerns in relation to voters on electoral lists who *de facto* reside abroad is the possibility of electoral fraud.<sup>13</sup> **Safeguards to prevent electoral fraud**, such as the incorporation of biometric data on electoral lists or the use of undeletable ink, are thus useful means to tackle the “symptom”, ie fraudulent voting practices which are made possible by voters on electoral lists who *de facto* reside abroad. Efficient safeguards against electoral fraud would thus diminish the need to remove voters’ names from electoral lists who *de facto* reside abroad.

12. Respectively, the **Latin American experience** is telling. According to the Latin American Memorandum, there does not seem to be a problem with voters on electoral lists who *de facto* reside abroad in Latin America.<sup>14</sup> This is mainly explained by the important safeguards against fraudulent voting practices (and efforts to prevent double entries of voters’ names who *de facto* reside abroad).<sup>15</sup> Among the safeguards against fraudulent voting practices mentioned in the Latin American Memorandum are the prohibition of circulation during election-day; physical punishments for double voting; very accurate lists of citizens enhanced with biometric data and constantly updated addresses; marking citizens that voted with indelible ink; as well as marks on identification documents.<sup>16</sup>

13. Accordingly, additional attention could be paid – as further action/next steps – to possible safeguards to prevent fraudulent voting practices in relation to voters on electoral lists who *de facto* reside abroad.

## 2.3 Trade-offs

14. Measures to increase the accuracy of the voter register and to combat electoral fraud have certain trade-offs. Possible disadvantages include, first, the expensiveness of the respective measures. Safeguards to combat electoral fraud are **resource intensive** and require an increase in **staff and funding**.<sup>17</sup>

15. Also, the removal of voters from electoral lists because they *de facto* reside abroad has **possible negative impacts on the universality of the vote** as it may entail the disenfranchisement of this category of voters.<sup>18</sup> There is a certain tension between the principle of universal suffrage and measures of effective electoral management aiming at the elimination of electoral fraud.

16. A disenfranchisement of voters must be excluded as far as possible accordingly. The Memorandum pays attention to the issue when restricting its scope to those voters who may effectively exercise their right to vote in their country of origin from abroad.<sup>19</sup> Still, to reduce possible risks and errors, **procedural safeguards** should be applied when auditing the electoral register and removing the names of voters who may exercise their right to vote from

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<sup>13</sup> See Memorandum (n 1) para 2: One of the reasons for the Memorandum were suspicions of fraud, with voters residing abroad who were indicated as having voted whereas it was doubtful that they were in their country of origin on polling day.

<sup>14</sup> See Latin American memorandum (n 9).

<sup>15</sup> See Latin American Memorandum (n 9), paras 15ff. The safeguards are also explained by Latin America’s recent democratic evolution.

<sup>16</sup> Latin American Memorandum (n 9), paras 15ff and 33ff.

<sup>17</sup> See Latin American Memorandum (n 9) p 10).

<sup>18</sup> See Congress study (n 8), pp. 9ff.

<sup>19</sup> See the Memorandum as regards its scope: “...management of electoral registers with regard to voters living *de facto* abroad, from where they may exercise their right to vote in their country of origin...” (Memorandum (n 1) para 1).

abroad. These include the notification of the respective voter of the removal as well as the possibility to complain about the measure, with a possible final appeal to courts.<sup>20</sup>

17. Accordingly, any measures which are adopted in relation to voters on electoral lists who *de facto* reside abroad have to pay attention to possible trade-offs and introduce accordingly (procedural and other) safeguards.

## 2.4 International standards on electoral lists and voters who *de facto* reside abroad

18. To adequately deal with the problem of voters on electoral lists although they *de facto* reside abroad is complicated by the **only broad parameters** which may be derived from **international standards and best practices**.

### a. Residence requirements

19. First, international standards and best practices provide only broad criteria **for residence requirements**. The Memorandum, when dealing with the question of residence and the different/diverging domestic approaches thereto, refers to one of the key cases on the issue. More particularly, it deals with the ECtHR's approach to residence requirements in *Melnychenko v. Ukraine*.<sup>21</sup> In *Melnychenko*, the ECtHR determined that states generally had a wide margin of appreciation with respect to the establishment of residence criteria. Still, this margin was not unlimited and an arbitrary application of domestic laws was considered in contravention of the European Convention on Human Rights (ECHR). The Congress study details the case as follows:

20. In *Melnychenko*, the applicant had alleged that the refusal to register him as candidate for the election on the basis of lack of residence was a violation of Article 3 Protocol 1. The ECtHR thus considered the condition of residence in relation to the right to stand for elections. More particularly, the Court held that notwithstanding the fact that the applicant's "habitual residence" had been for some time outside Ukraine, he remained officially registered in Ukraine. The European Court held that neither relevant legislation nor practice contained a direct eligibility requirement of habitual or continuous residence in the territory of Ukraine. Also, there was no distinction between "official" and "habitual" residence in the Ukrainian law.<sup>22</sup> The only proof of official registration of residence at the material time was in the ordinary citizen's internal passport, which did not always correspond to the person's habitual place of residence.<sup>23</sup> *Inter alia* on this basis, the Court held that the decision of the Central Election Commission to refuse the applicant's candidacy as untruthful although he still had a valid registered place of official residence in Ukraine was in breach of Article 3 Protocol 1.<sup>24</sup> Accordingly, in particular the arbitrary application of Ukraine's domestic law was considered problematic.<sup>25</sup>

21. Put differently, if residence requirements are contained in domestic legislation, they have to be applied/implemented in a non-arbitrary way.

22. Certain insights for the concept of residence and the required link between a country and a person may also be derived from the *Nottebohm* case, adjudicated by the International Court of Justice (ICJ).<sup>26</sup> While the primary issue of the case related to the field of diplomatic protection

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<sup>20</sup> These procedural safeguards are required by relevant international standards and best practices: see eg Venice Commission, Code of Good Practice in Electoral Matters – Guidelines and Explanatory Report, Opinion No. 190/2002 (CDL-AD(2002)023rev), II.3.3. See also below, Section 2.4.

<sup>21</sup> ECtHR, *Melnychenko v. Ukraine*, 19 October 2004, para 56.

<sup>22</sup> *Ibid.*, para 61.

<sup>23</sup> *Ibid.*, para 62.

<sup>24</sup> *Ibid.*, para 66.

<sup>25</sup> See Congress study (n 8), p. 12.

<sup>26</sup> *Nottebohm Case* (Liechtenstein v. Guatemala), 1955 ICJ 4 (Judgment, 6 April).

and the criteria for acquisition of citizenship, useful factors/criteria for the definition of the required link/relationship between a country and a person can be identified. The ICJ ruled that while the determination of the criteria for becoming a citizen falls within the competence of states, the corresponding procedure was subject to control by the Court. In particular, a genuine connection between the applicant and the relevant state had to be proven. When defining the “genuine link”, the ICJ referred to the centre of Nottebohm’s interests and of his business/economic activities. Likewise, the factors of settled abode or prolonged residence were taken as relevant criteria; not, however the promise to pay taxes levied at the time of naturalisation. In the absence of such “genuine” link, a person may not be considered to have a true relation with a state. *Nottebohm* thus offers useful criteria to determine the existence of a link between a country and voters residing *de facto* abroad.

23. The Explanatory report to the VC Code of Good Practice specifies the residence requirements of the VC Code of Good Practice insofar, as it indicates that residence in this case means “habitual” residence.<sup>27</sup>

24. In sum, only broad criteria for the concept of residence may be derived from international standards. Still, one may take then into account *a contrario* to define when a non-resident voter has lost the relation to his/her country. If a “genuine link” is lacking, this may be an indication for a needed/possible adjustment of voter lists.

#### **b. Tension between universal suffrage and effective electoral management**

25. International standards also give certain indications to circumscribe the tension between universal suffrage and effective electoral management. They therewith delimit possible measures for the possible removal of voters who reside *de facto* abroad from electoral lists.

26. In fact, any measures in relation to voters on electoral lists who *de facto* reside abroad (ie removal) must be considered from the perspective of the principle of **universality of the vote**. A de-registration of voters who *de facto* reside abroad has to ensure that they are not disenfranchised in violation of international standards.<sup>28</sup>

27. International standards require **procedural safeguards** in case of de-registration; eg procedural safeguards, such as the written notification of the concerned voter about the removal as well as the possible appeal against the decision, in final instance to courts.<sup>29</sup>

28. Also, a possible disproportionate impact on vulnerable groups such as minorities of de-registration for residence abroad has to be taken in consideration. The principle of **non-discrimination** therewith further delimits possible measures in relation to voters on voter lists who *de facto* reside abroad.<sup>30</sup>

#### **c. Further action**

29. Possible next steps could aim at further **elaborating and detailing the international standards and best practices** applicable to voters on electoral lists who *de facto* reside abroad. Relevant criteria for removal and respective safeguards could be identified and

<sup>27</sup> Venice Commission, Code of Good Practice in Electoral Matters – Guidelines and Explanatory Report, (CDL-AD(2002)023rev), I.1.1.c.

<sup>28</sup> As stated, this seems to be taken into account by the Memorandum insofar, as paragraph 1 specifies that the report relates to the “management of electoral registers with regard to voters living *de facto* abroad, *from where they may exercise their right to vote in their country of origin* and remain registered as residents in their country of origin.” Memorandum, (n 1) para 1. Emphasis added.

<sup>29</sup> See Congress study (n 8), p 13.

<sup>30</sup> See Art 25 ICCPR, Art 14 ECHR, Art 7 CEDAW, Art 29 CRPD.

concretised. Also, it seems promising to examine more in detail relevant best practices as regards the removal of voters who are on electoral lists although they *de facto* reside abroad.

## 2.5 Out-of-Country Voting (OCV)<sup>31</sup>

30. Out of country voting (OCV) is not a precondition for the consideration of voters on electoral lists who *de facto* reside abroad. However, OCV may be considered as the “flip side” of voters on voter lists although they *de facto* reside abroad: restrictions on the latter (voters’ removal from electoral lists) will not impact on the universality of the vote if OCV is possible. The trend towards a gradual expansion of voting rights by OCV is therefore of relevance. As observed in the Congress study:

31. In fact, there is a general trend towards an increased expansion of OCV especially in parliamentary/national elections. First, relevant CoE documents, notably resolutions of the Parliamentary Assembly, point toward a general expansion of OCV. For example, in Recommendation 1714 (2005) on abolition of restrictions on the right to vote, the Parliamentary Assembly called upon the Committee of Ministers to appeal to member and observer states to, *inter alia*, review existing instruments with a view to assessing the possible need for a CoE convention to improve international co-operation with a view to facilitating the exercise of electoral rights by expatriates. In Resolution 1591 (2007) on distance voting (*i.e.* the exercise of the right to vote when absent from the country) the Parliamentary Assembly reiterated that the right to vote was an essential freedom in every democratic system and invited member states to introduce distance voting. In Resolution 1696 (2009) on engaging European diasporas, the Assembly encouraged member states, as countries of origin, to adopt policy initiatives, including civil and political incentives to “9.1.2. ease the acquisition or maintenance of voting rights by offering out-of-country voting at national elections”.

32. Also the Venice Commission adopted several documents on OCV and related issues. Most importantly, in June 2011 it adopted a report on Out-Of-Country Voting (Study No. 580/2010, CDL-AD(2002)023rev). The report noted that while national practices regarding the right to vote of citizens living abroad and its exercise were far from uniform in Europe, developments in legislation pointed to a favourable trend in out-of-country voting, in national elections at least, as regards citizens who had maintained ties with their country of origin. The Commission suggested, in view of citizens’ European mobility, that states adopt a positive approach to the right to vote of citizens living abroad, since this right fostered the development of national and European citizenship. Also at the domestic level, most CoE member states allow for OCV of non-residents in national elections in the country of citizenship. Thus, there is a general trend towards OCV in parliamentary/national elections.<sup>32</sup> Second, the diversity of situations where **OCV** is permissible (eg temporary vs permanent residence abroad) illustrates the **difficulty to agree on common standards of residence**.<sup>33</sup> As observed in the Congress study:

33. OCV is a complex phenomenon. It comprises various constellations. As stated in the 2011 VC Report on Out-Of-Country Voting: “In general there are three categories of citizens abroad: firstly, citizens of a State may be abroad on the day of the election for business or personal reasons; secondly, there are citizens, who, for academic or employment purposes, spend a definite and temporary amount of time in another country, where they will reside for a given period; lastly, the third category comprises citizens residing abroad for a much longer period of time, who may sometimes have double nationality and who settle down in the host country in a more permanent manner.

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<sup>31</sup> See respectively also Venice Commission, Report on Out-Of-Country Voting, Study No. 580/2010 (CDL-AD(2011)022), 24 June 2011.

<sup>32</sup> Congress study (n 8), p.15. Footnotes omitted.

<sup>33</sup> See also the reference in the Memorandum (n 1) to OCV, paras 12, 13.

34. The complexity of the phenomenon also reflects in international standards. There are simply no international standards on the (dis)enfranchisement of citizens abroad. The ECtHR established in *Sitaropoulos and Giakoumopoulos v. Greece* (GC, 2012) that a failure by states to provide conditions for citizens to vote in national elections while abroad was not a violation of voting rights. Also in *Shindler v. UK* (2013) the ECtHR held that the disenfranchisement of a British citizen who resided abroad for more than 15 years was not a violation of Article 3 Protocol 1. The VC Code of Good practice does not take a position as regards the voting rights of citizens abroad. It establishes with respect to residence requirements: “v. the right to vote and to be elected *may* be accorded to citizens residing abroad.” There are thus no international standards requiring the enfranchisement of citizens abroad.<sup>34</sup>

35. Accordingly, problems encountered with OCV and related clarifications, eg on the concept of residence, may also be of relevance for the question of voters on electoral lists who *de facto* reside abroad.

## 2.6 Regional differences: (Eastern) Europe vs Latin America

36. Finally, attention should be drawn to apparent **regional variations/divergences**. This is illustrated by the two studies – “Electoral lists and voters residing *de facto* abroad” by the Congress of Local and Regional Authorities (Congress study) and the “Latin America Memorandum on security in elections when dealing with citizens living *de facto* abroad” (Latin American Memorandum) – which focus on (Eastern) Europe and Latin America respectively. There seems to be a marked difference between both regions. Inaccuracies of electoral lists and instances of electoral fraud which related to voters on electoral lists who *de facto* resided abroad were observed in several European countries (mainly Eastern Europe/the Balkans). They do not seem to be of concern in Latin America.<sup>35</sup>

37. These **regional divergences** may be **explained by different factors**. They are due to differences in the system of voter registration: predominantly passive systems of voter registration in Europe<sup>36</sup> versus mainly active systems of voter registration in Latin America. They are also due to enhanced safeguards against electoral fraud in Latin American countries as compared to Europe.<sup>37</sup>

38. It seems promising to further **examine these different regional experiences on a comparative basis**. Additional insights for problems with voters on electoral lists who *de facto* reside abroad may be gained accordingly.

## 3. Electoral lists and voters residing *de facto* abroad: Possible next steps

39. The above comments illustrate the **complexity of the topic**. The problem of voters on electoral lists who *de facto* reside abroad is a multilayered phenomenon. It involves not only areas directly related to the electoral process, but also other areas of state administration (eg civil register etc). What is more, there are legal as well as practical/implementation aspects at stake. The legal side relates, for instance, to the definition of residence requirements in domestic laws. Practical aspects concern (dis)incentives for citizens who move abroad without declaring their departure.

<sup>34</sup> Congress study (n 8), pp. 14-15. Footnotes omitted.

<sup>35</sup> See the respective findings of the Congress study (n 8) and of the Latin American Memorandum (n 9).

<sup>36</sup> See Congress study (n 8), p. 18.

<sup>37</sup> Latin American Memorandum (n 9), especially pp. 4 and 9.

40. The complexity of the problem must also be taken in consideration by the Venice Commission when considering the **next steps to be taken**. More concretely, in addition to a broad examination of the legal consequences of residence,<sup>38</sup> the following steps could be considered.

41. It seems useful to get a **better understanding** of the **phenomenon** of voters on electoral lists who *de facto* reside abroad. This should be based on a solid empirical basis, *ie concrete data and facts* as well as practical examples on related concerns/electoral fraud. Respectively, one could consider drawing on observations made during election observation and assessment missions<sup>39</sup> and building upon these. For example, voters on electoral lists who *de facto* reside abroad seem rather a problem of deficient implementation (eg due to inaccurate data concerning this category of voters) than one of missing residence requirements in electoral laws.<sup>40</sup> Comprehensive audits of voter registers might be a first means to address it and to improve the accuracy of electoral lists accordingly.

42. A related focus to be taken may be on **safeguards to prevent electoral fraud**.<sup>41</sup> To combat fraudulent voting practices addresses the “symptom”: double entries on electoral lists will be less problematic if double voting/electoral fraud is prevented by according safeguards. Thus, to increase safeguards against double voting seems an important additional means of how to deal with voters on electoral lists who *de facto* reside abroad.

43. Another objective could aim at further **elaborating and detailing international standards and best practices** which are applicable to voters on electoral lists who *de facto* reside abroad.<sup>42</sup> Also, it seems promising to examine more in detail relevant best practices as regards the possible removal of voters who are on electoral lists and *de facto* reside abroad.

44. **Overall**, to deal with voters on electoral lists who *de facto* reside abroad seems particularly important in times of globalisation and increased mobility of individuals. Cross-border migration is a growing phenomenon. Since the latter is likely to increase in the future, the need to address related problems – such as voters on electoral lists who *de facto* reside abroad – likewise becomes more pressing.

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<sup>38</sup> Memorandum (n 1), para 14.

<sup>39</sup> See for example the examples for problems in the Congress study (n 8), pp. 7-9: OSCE/ODIHR Final Report, Presidential and Municipal Elections – “the former Yugoslav Republic of Macedonia”, 22 March and 5 April 2009, p. 9; OSCE/ODIHR Limited Election Observation Mission Final Report, Presidential and Municipal Elections – Republic of Bulgaria, 23 and 30 October 2011, p. 10 and 24; Report on Local Elections in Moldova, CPL(21)4, 18 October 2011, para 11.b; REC 339 (2013), Bosnia and Herzegovina, para 7; REC 344 (2013), Armenia, para. 7; Chamber of Local Authorities, CPL(25)3FINAL, 31 October 2013, Explanatory memorandum, para 15. See also Chamber of Local Authorities, CPL(24)2REV, 20 March 2013, Explanatory memorandum, para 31; OSCE/ODIHR Final Report, Local Elections – Republic of Moldova, 3 and 17 June 2007, p. 9; OSCE/ODIHR Limited Election Observation Mission Final Report, Presidential and Municipal Elections – Republic of Bulgaria, 23 and 30 October 2011, p. 11; OSCE/ODIHR Election Observation Mission Final Report, Local Elections, Republic of Albania, 18 February 2007, p. 6.

<sup>40</sup> Congress study (n 8), p 22. The study found on the basis of an analysis of legislation in 16 CoE member states that most legislations provided for residence requirements for voters to be eligible to vote in local elections.

<sup>41</sup> See respectively also Section 2.2 above.

<sup>42</sup> See respectively also Section 2.4 above.