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ACCESS TO ELECTORAL RIGHTS *URUGUAY*

Ana Margheritis

June 2015



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Access to Electoral Rights

Uruguay

Ana Margheritis

1. Introduction

Uruguay has had a long-standing reputation as one of the most stable and advanced democracies in Latin America. The seeds of democratic rule were sown following independence in the early nineteenth century. The bipartisan nature of the political system largely shaped political struggles as well as the timing and scope of the franchise. Political participation was restricted to elites (and to male members in particular) for more than a century. Major socio-demographic and economic changes at the turn of the twentieth century pushed an expansion of the political system. The role of new groups grew progressively as immigrants and low-class natives became employed and unionised as a result of industrialisation.

The question of political representation was an increasingly relevant issue for the first half of the twentieth century, channelled through discussions led by the two major political parties. The bulk of the institutionalisation of electoral and other rights occurred at that time. Representation of minorities and the participation of diverse groups in the decision making process was a significant concern. Several constitutional reforms addressed representation and participation and other claims as an attempt to improve the institutional design and avoid the risks and disadvantages usually associated with presidential systems. Suffrage had to be encouraged then as most of the population had little information and/or was not regularly involved in civic practices. Thus, compulsory voting was established and enforced via sanctions. Immigrant integration in the country was also a major concern, leading to the establishment of the right to vote for non-citizen residents in the 1930s without requiring the adoption of legal citizenship. Not surprisingly, the debate on the technical aspects of the franchise was led by legal experts and political leaders.

The breakdown of the rule of law in the 1970s and the violation of human rights under the dictatorship of 1973 through 1984 led to serious questioning of the fundamental basis of the system. The return to democracy in 1985 opened new channels for mobilisation and public debate, and moved to the forefront some old and new political issues (in particular, the defence of human rights and how to deal with the legacies of dictatorship). Increasing

pluralism in the political party system led to lively debates too. The 1996 constitutional reform, for instance, introduced significant changes in the electoral system, though not in electoral rights.

Disentangling electoral rights from other dimensions of citizenship is a complex task in the case of Uruguay since the major law on these matters is the National Constitution in which both citizenship and suffrage are addressed in the same section (Section III). Terms like ‘naturals’ and ‘citizens’ are used interchangeably in various articles, though other laws apply the term ‘nationals’ (men and women born in the national territory and their children) when still referring to the constitutional norms (e.g. Law 16021). The same problem arises with the use of ‘citizenship’ and ‘nationality.’ Unless indicated otherwise, this report uses the literal translation of the terms and specifies the source. Thus, according to articles 73, 74, and 75 of the National Constitution, citizens are considered ‘natural citizens’ if they were born in the territory of the country (or are children of citizens born in the territory, regardless of where such children were born) and ‘legal citizens’ if they were born in a foreign country and meet certain criteria for naturalisation, such as good behaviour, property, having formed a family in the country, having an occupation and five years of residency in Uruguay. Citizenship can also be granted to those whose remarkable services to the country are recognised by the National Assembly.

A particular issue is worth noting in the case of Uruguay: a large area of the country is not populated (most of the three million inhabitants reside along the coast and half of them in the capital alone) and emigration has reached dramatic levels in the last few decades but, ironically, norms and practices show a strong symbolic and practical attachment to territoriality. This is translated into citizens’ duties: *avecinar* in the country (to come close, take residence) is a prerequisite for exerting political rights.¹ Moreover, as explained below, physical residency is still one of the main factors in the current debate about extending extra-territorial voting rights to citizens living abroad.

The next section offers a brief historical overview of the establishment and evolution of electoral rights, as well as an explanation of the main features of the electoral system. The following two sections focus on the criteria to be eligible to vote and run as candidate and the procedures to exercise such rights for various categories of citizens: citizens who reside in the country, citizens living abroad, and non-citizen residents. The concluding section summarises the main features of the franchise in Uruguay and elaborates on the points of contention today in the political discussion surrounding this topic. It also suggests some points of comparison with other Latin American countries.

¹ Law 16021 specifies the behaviour taken as unequivocal expression of the intention to take residence: to stay in the country for over a year; to rent, buy or promise to buy property to reside in; to initiate a commercial or industrial activity; to become employed in the public or private sector, or to engage in similar activities that demonstrate the intention to take residence.

2. Historical Background

Uruguay became an independent state in 1828 and soon after adopted its first National Constitution (in 1830). Squeezed in between larger and more powerful nations, the country remained involved in political and military conflicts for decades, while two main political forces took shape: the conservative Whites and the Reds of liberal orientation. These two parties have dominated domestic politics until recently, though initially maintaining the elitist features that characterised politics in most Latin American countries. Servants, women, soldiers, illiterate people, and vagabonds were marginalised from political activities and formally excluded from the suffrage. Electoral fraud was a common practice. Major norms and procedures regarding the scope and practice of the franchise were established only in the early decades of the twentieth century as the country entered a more peaceful and prosperous stage of development and modernisation and democratisation trends swept the Southern Cone. These norms were subject to regulation and further refinement but, overall, the electoral system underwent little change and functioned reasonably well for several decades.

The double simultaneous voting system² was established by Law 3640 of 11 July 1910. This norm was meant to address old claims about representation of minorities and transparency in the conduct of elections. This choice of electoral system gave the Uruguayan case unique characteristics, allowing for the existence of various factions within political parties and, at the same time, facilitating representation for all factions and the maintenance of party unity. Further legislation on how to regulate such competition among *lemas* (parties) was passed in the mid-1920s and 1930s. Other (relatively smaller) political parties emerged then: the Socialist Party in 1910, the Civic Union in 1911, and the Communist Party in 1921. The 1918 Constitution established the *ius sanguinis* principle, as well as the secret and direct vote for presidential elections. Taking note of the significant immigration flows recorded at the turn of the century, the rights of the foreign-born population started to be addressed. The 1934 Constitution granted electoral rights to women (which had been already effective in the *Plesbicio de Cerro Chato*, a local referendum in 1927, and further institutionalised in Law 8927 of 16 December 1932). This version of the constitution also established compulsory voting (Nohlen 1994), which was further regulated in the following decades to enforce its mandatory character and specify strict sanctions to those who do not comply.

In addition, the establishment of voting rights for non-citizen residents at that time stands out in the evolution of the franchise. Article 67 of the 1934 Constitution awarded the right to vote to married men and women of good behaviour who had capital or property or practiced a science, art, or industry and had resided in the country for at least fifteen years, regardless of whether they applied for legal citizenship or not. According to Article 66, the adoption of legal citizenship in Uruguay did not require renouncing the ‘nationality of origin’. These norms were part of a series of measures the Uruguayan state implemented to encourage a strong commitment to set roots in the country among newcomers and immigrant integration more broadly (Sandonato de León 2007). The norm has persisted to this date (as per Article 78 of the 1967 Constitution). Legal experts argue that the norm offers non-citizen residents

² Known in Spanish as *ley de lemas*, the double simultaneous voting system is based on a party-list proportional representation method. Each political party is considered a *lema* and can present several candidates or lists of candidates (called *sublemas*) to the election. The winner is the party receiving the most votes once the votes won by each *sublema* are added. Once these numbers are determined, seats or posts are allocated to each *lema* proportionally.

an incentive to participate in the politics of the receiving state without risking the loss of rights in his/her country of origin (if the home country does not allow dual legal citizenship); in the case of a non-citizen resident who has resided in the country for fifteen years, the norm allows immediate exercise of the right to vote, while adopting legal citizenship will lead to an extra three years of waiting after obtaining it to exercise the right (Korzeniak 369).

The electoral system in Uruguay was initially organised as a double simultaneous voting system (known in Spanish as *ley de lemas*) to encourage competition within and among parties and give them proportional representation in parliament. This system was abolished for presidential elections when constitutional reforms were passed in 1996, establishing the majoritarian principle for the direct election of the president and vice-president. For the national parliament and at the level of departmental jurisdictions,³ elections still follow the old system.

In practice, this scheme translates into various stages to elect incumbents today: mandatory party primaries; presidential and legislative elections; a run-off or *ballotage* in cases when no candidate obtains more than half of the votes, and municipal (departmental) elections for mayors and local councillors. Primaries occur at the same time for all parties and the entire process is overseen by the main national authority in these matters: the Electoral Court. Citizens can vote in the primaries of only one party, provided they are registered in the National Civic Registry. Voting is not compulsory in these primaries. For presidential and legislative elections, voting is mandatory and citizens can choose only one ticket (that is, candidates from the same party). Lists of candidates are closed: the incorporation of other candidates or change in the order of names by voters is not permitted. Seats are distributed among parties in both chambers proportionally assuming one single (national) district (Altman 2010).

Local pundits have argued that the design of the electoral system largely accounts for the moderation the Uruguayan presidential system exhibited as those rules would guarantee representation to minorities and shared authority, avoiding the winner-takes-all outcome, and encouraging consociational schemes based on compromise and negotiation between branches of the government as well as between the party/coalition in government and opposition forces (Lanzaro 1998). Other studies tend to emphasise the unique character of the Uruguayan system and assess its advantages and disadvantages not only in terms of the overall policymaking and political dynamic but also in reference to whether factionalism might lead to governability problems and limit voters' range of choices and capacity to make a difference (Nohlen 1995).

In sum, electoral rules contributed to a pluralist dynamic that revolved around compromise and power-sharing arrangements, thus building relatively strong and stable democratic institutions for several decades. In contrast with other Latin American countries, these conditions allowed for the incorporation of new sectors into the political system (for instance, through universal male suffrage and legalisation of unions in the early twentieth century) without dramatic disruptions. However, as in neighbouring countries, authoritarianism also emerged in Uruguayan politics and represented a serious setback in the evolution of enfranchisement and democratic practices. Political rights were suspended

³ For administrative purposes, the territory of Uruguay is currently divided into 19 departments (similar to counties in the UK system), each of them subdivided in several municipalities.

during a decade-long dictatorship (1973-1984). Over that period, constitutional rights and freedom were curtailed and serious human right violations occurred.

Some of the positive features of the political system described above prior to the dictatorship were revived with the return to democracy in 1985. In addition, over the last few decades of the twentieth century, a left-wing political force gained strength and consolidated as a political alternative (the *Frente Amplio*, Broad Front). This has probably been the most dramatic change observed in the contemporary period given that it ended the historical bipartisan structure and enhanced pluralism in the political party system. Democratisation also encouraged a revision of some principles and norms, including the reform of the electoral system. The constitutional reform of 1996 has been characterised as a ‘typically electoral’ reform in its nature. It attempted to reinforce the role of the executive power, giving the president additional power to veto and/or accelerate the legislative process. As mentioned above, this reform eliminated for this level of elections the double simultaneous vote, established a single ticket for each party, and introduced the option of a second round in case no candidate wins more than half of the votes (a procedure also known as *ballotage*). These are significant changes inasmuch as they aim at encouraging coalition-building and reduction of political options at all stages of the electoral process. In other words, the new design encourages the formation of majorities and, therefore, the reduction of the diversification and pluralism that traditionally characterised the Uruguayan electoral system. Other important changes include the possibility that the president removes and appoints officials in major public companies (subject to the approval of the Senate) – again, leaving the participation of officials from opposition parties subject to coalition negotiations – and disentangles the schedule of national and departmental elections. The double simultaneous vote is maintained for the latter but the reform opens the possibility of establishing later a single candidate ticket rule. According to Lanzaro, these reforms have transformed the electoral design into a ‘hybrid’ system with dual principles: majoritarian for presidential elections and proportional for legislative ones (1998: 215).

With reference to concrete aspects of the franchise, the main recent development refers to allowing citizens residing abroad to vote in their place of residency by postal, electronic, or other means. For the past ten years, the Frente Amplio governments encouraged the granting of absentee voting rights to citizens residing in other countries. The issue has been framed as part of the country’s strong democratic tradition that pursued (and, to some extent, consolidated) an inclusive political model in the first half of the twentieth century. The initiative resonated with reparation arguments aiming at re-integrating the nation after the disruption of this tradition by the military dictatorship, which triggered massive emigration and suspended political participation (Moreira and Pellegrino 2001). Since specific diaspora engagement policies were launched and intensified in the past decade (see details in Margheritis 2014), absentee voting rights have acquired more visibility. These rights have been a central claim raised by migrant associations and members of the Consultation Councils⁴ who have framed it in terms of inclusion/exclusion to the nation. However, advocates have not managed to raise enough political support yet to make such change effective.

The terms of the debate illustrate existing discrepancies. The official political discourse has emphasised notions of national identity and unity, collective commitment to

⁴ These are associations of migrants with elected representatives who maintain a close link with consular authorities in their place of residency. The government has encouraged their formation since 2005.

nation-building, citizens' interest in contributing to a shared future, and sense of responsibility towards the country's fate. But, in fact, Uruguayan political parties have held radically different views on the issue: the Colorado party argued against emigrant voting rights on the basis that physical presence in the territory at the moment of suffrage ultimately contributes to the national bond, while the Frente Amplio considered extra-territorial voting as one of the principal manifestations of democracy's strength and attempted to expand civil and social rights to all citizens, regardless of their place of residency. Similar distinctions have been made by other political forces, including those within the governing coalition. Other arguments were also voiced and political calculations played a role. Traditional political parties opposed the project assuming that the emigrant community is mainly formed by political exiles who would eventually vote for left-wing candidates. The number of potential absentee votes – approximately 250,000 people - has also been a source of worry. Although these may not be accurate projections, the crucial role played by citizens abroad in the 2004 election results (i.e. securing the victory for the Frente) intensified the concerns about the political costs of implementing such a change. Legal, moral, and logistical objections were also expressed in parliamentary commissions; questions revolved around how to legally implement secret absentee ballots while preserving transparency and efficiency and how to justify that those who are physically absent may decide on the lives of those who will actually endure the consequences of decisions (Moraes Mena 2009: 117-118). The debate has continued and even intensified recently due to increasing social activism.

3. Eligibility

The main norm that establishes rights to vote in Uruguay is the National Constitution, particularly in its Section III, which is focused on citizenship and suffrage. Based on that primary source, as well as other related legislation, this section explains such norms for three categories of voters: citizens who reside in the country, citizens residing abroad, and foreign-born residents.

3.1. Citizen residents

Citizens, defined in article 77 of the Constitution as members of the nation, are enfranchised to vote and to run for office. Suffrage is secret and compulsory. The age threshold for voting is eighteen years. The age threshold for running as a candidate varies according to the post: 25 years for Deputies; 30 years for Senators; 35 years for President; eighteen years for members of a Departmental *Junta* (the legislative body of each department), and 30 for Mayor.

Restrictions apply to some citizens. For instance, being physically or mentally inept to act in a free and reflective manner is a cause of suspension of political rights. In addition, being subject to a legal process that might translate into criminal conviction is one of the causes of suspension of political rights. In particular, legal sentence leading to exile, prison, or prohibition to exert political rights implies a suspension of such rights during the time of the sentence. Additional restrictions are also listed in article 80 of the Constitution, such as a) carrying out morally reprehensible activities; b) being a member of social or political

associations that use violent means to undermine the fundamental basis of nationality,⁵ and c) exhibiting bad behaviour (i.e. having a record of criminal activities – although the suspension only applies while the person is serving a penal sentence).

3.2. Citizens abroad

Extra-territorial voting is still under discussion in Uruguay (see previous section). At present, physical presence in the country on election day is a necessary condition to the franchise in Uruguay. In other words, citizens residing abroad on a permanent basis can only cast their vote if they are willing and able to travel to the country on election day. In which case, their registration in the National Civic Registry has to be effective.

In case of citizens who are registered but not present in the country on the day of election, they must visit a consular office within 20 days before or after the election. This office issues a document certifying the temporary absence, which is then sent to the Electoral Court in Uruguay, providing the individual with a certified copy. The voting mechanism for citizens who are temporarily absent is established in Law 13882, together with the penalties for those who do not submit proof of the cause for not fulfilling the duty. Monetary penalties vary as they are established by the Electoral Court before each election. Failure to exhibit the certification of those circumstances in the identity card would prevent its holder to sell real estate property, write a will, receive a salary, pension or a debt from the state, hold a public office position, enrol in the university or other educational institutions or buy a ticket to travel abroad from any transportation company. Monetary fines would double if the individual is a professor with a degree from the national public university or a public official. There are no provisions for the right to stand as candidate for citizens permanently residing abroad.

Moreover, in the last decade, Uruguayans abroad were invited to participate in migration policy debates through the formation of the so-called Consultation Councils. The Ministry of Foreign Affairs sponsored several meetings to discuss collaborations. However, this group of citizens do not enjoy institutionalised representation in the form of reserved parliamentary seats.

3.3. Foreign residents

All foreign residents who meet certain residence criteria and other conditions enjoy electoral rights in Uruguay's national elections. According to article 78 of the National Constitution, foreign men and women have the right to vote, even if they have not obtained legal citizenship, provided that they exhibit good behaviour, have some property or capital in the country, have an occupation or profession, have formed a family in Uruguay, and have been residents at least for the last fifteen years. These conditions must be met cumulatively.

⁵ Article 80 does not provide details of the specific meaning of nationality. As the practice requires proof of adhesion to democratic ideas, it is plausible to assume that the bases of nationality are the general principles stated in the Constitution: the nation (on which sovereignty resides) is the free and independent political association of all individuals within the territory and has adopted a republican democratic form of government (Chapter I and Section IV, Article 82).

The Electoral Court is the public office in charge of requiring proof and verifying if these criteria are met at the moment of issuing residency certificates and/or registering voters. The applicant is expected to submit proof of date of entry to the country (as certified by the National Directorate of Migration), nationality (i.e. birth certificate or other identification document), age (as in the birth certificate, passport or other certified document), identity (via documentation and two witnesses), residency in the country for the last fifteen years, constituted family (including birth and marriage certificates, passports, and witnesses), *arraigo* (having deep roots as evidenced in the possession of capital or other assets, an industry or an occupation, art or profession), and good behaviour (i.e. certificate of lack of criminal records plus witnesses). In addition, under oath the applicant and witnesses certify that s/he adheres to democratic ideas and does not belong to any social or political organisation seeking to undermine the fundamental basis of nationality by violent means.⁶

Notwithstanding the scope of this norm, the exercise of the right to vote for this category of residents has not had a significant impact on electoral processes and domestic politics more broadly. Presumably, the incorporation of the foreign born population contributed to the increase in the number of registered voters and in turnout in the first half of the twentieth century (right after the most significant immigration waves) and, particularly, between 1940 and 1960, but figures are not disaggregated by category of voters (Rama 1969). Since then, the net migration rate has been consistently negative. Stuhldreher (2012: 23) notes that at the time of the 2009 elections there were around 700 foreign residents registered to vote, which represented only 0.027% of all voters in that election (2,563,397 persons). She argues that the Ministry of Interior does not provide comprehensive information on how many foreign residents apply for legal citizenship, let alone an explanation of their motivation to engage (or not) politically. Based on the scarce sources of information and some interviews, she also argues that these residents (and the population in general) are poorly informed of their right to vote and have little interest in electoral politics.

The National Constitution does not specify any norms regarding other types and levels of elections. National elections usually include all jurisdictions and voters are all registered in the National Registry. Therefore, it is plausible to assume that this category of voters exercise their right to vote at all levels of elections.

There are no specific other states whose citizens enjoy electoral rights in the country. Foreign residents from member states of MERCOSUR⁷ enjoy some social and cultural rights, but regional norms are silent about political rights.⁸ Foreign residents who have applied and obtained legal citizenship are eligible for public office three years after becoming citizens.

⁶ See http://www.mrree.gub.uy/frontend/page?1_inicio_ampliacion-tramites,O.es,0,PAG;CONC;121;5;D;gestion-de-residencia-o-ciudadania-uruguay;1;PAG; accessed 21 April 2015.

⁷ Spanish acronym for Common Market of the Southern Cone, a regional integration scheme of which Uruguay is a founding member.

⁸ For further details, see the Agreement of Residency for Nationals of MERCOSUR Member States, Bolivia, and Chile, MERCOSUR/RMI/CT/ACTA N° 04/02.

4. Exercising electoral rights

For those individuals who meet the eligibility criteria above, there are a few procedures to follow in order to exercise electoral rights. These are explained in this section for each category of citizens.

4.1. Registration Procedures: Becoming a voter

According to article 76 of Law 7690, citizen residents who are at least eightenn years of age must apply in person for a civic card (identification document). They are then automatically enlisted in the electoral/civic registry. The criteria to assess the condition of residency in the country is established in article 75 of the National Constitution: it involves proof of having capital or other form of property, having formed a family, exercising an occupation, as well as a record of good conduct and physical presence in the country. These criteria are listed as all required, except for property and occupation which are given as either/or requirements. In practice, the Electoral Court requires proof of identification (including age), birth certificate of the applicant (and of his/her parents if born outside of the territory) and proof of residency (Corte Electoral, n.d.).⁹

Registration is done in the closest office to the place of residency. The details are regulated by Law 7690. Registration requires proof of identity, age, citizenship, *vecindad* (residency in that jurisdiction), and residency in the country at least for the three months prior to registration. According to Chapter XVI of the same law, lack of fulfilment of these requirements, together with mental or physical ineptitude, condemnatory legal sentence, and being member of the armed forces may lead to temporary or definite exclusion from the registry. Article 194 establishes that citizens who voluntarily fail to register commit an electoral crime. Such criminal charges may be penalised with prison. The length of the sentences is established in Article 195: three days of prison for omission to register; eight days for non-fulfilment of duties and up to two months plus loss of employment if committed by a public official; three months in case of false or multiple registration, submission of false documents or false testimony, and up to six months plus loss of employment if committed by a public official. Regarding false and multiple registration and/or false documentation, individuals would not be able to exercise civic rights for three years since the date of the sentence.

Similar criteria apply to non-citizen residents: according to article 78 of the National Constitution, they have to exhibit good conduct, have formed a family in the country, have to own capital or other property, a profession or occupation, and fifteen years of physical residence in the country. They also have to register in the National Civic Registry.

As explained in previous sections, citizens abroad are excluded from voting unless they return to the country on election day. However, prior to that, non-resident citizens have to be physically in the country to apply for registration in the electoral register. This includes children born abroad who have to request registration and provide proof of parents' citizenship (as per article 79 of Law 7690).

⁹ See <http://www.corteelectoral.gub.uy/gxpsites/page.aspx?3,28,272,O.S,0>, accessed 21 April 2015.

4.2. Registration procedure: becoming a candidate

For those citizen residents who meet the eligibility criteria described above, the mechanism to becoming a candidate is managed by political parties. As explained in the historical section, each political party forms lists of candidates and submits them to the electoral authorities. The specificities of the design and submission process for such lists are regulated by Law 7812. There are no provisions regulating the right to stand as candidate for citizens living abroad.

As mentioned above, non-citizen residents may become candidates only if they have formally applied and obtained citizenship. If so, they are eligible for official posts after three years of becoming citizens.

For specific posts such as members of the Congress, becoming a candidate is reserved for natural citizens or legal citizens (with at least five years of exercise of such condition in the case of Deputies and at least seven years in the case of Senators – Articles 90 and 98 of the Constitution). Only natural citizens may become candidates to the Presidency and Vice-Presidency (Article 151 of the Constitution).

4.3. Casting the vote

Article 5 of Law 7812 establishes that suffrage has to be exercised in person. Article 77 indicates that the act of voting is performed in the jurisdiction of registration which is done in the closest office to the voter's place of residency. The roster is organised around electoral districts. These are formed according to population density.

The Electoral *Junta* decides where to open polling stations and this is preferably done in public buildings. The formation of commissions to receive votes and the overseeing of voting is done according to the regulations established in Law 7812 (Chapter V). The same norm establishes detailed procedures to guarantee secrecy and transparency in the act of voting and in the counting of results.

According to Law 13882, after elections the Electoral Court must compile information about citizens who did not cast their vote. Citizens have a three-year period of grace to ratify their registration. Afterwards, the Court excludes non-ratified registrations from the National Civic Registry. Those excluded would not be able to vote in future elections unless they update their registration in timely fashion.

For both natural and legal citizens, voting is compulsory. However, there are some circumstances that may justify not casting the vote, such as medical conditions or other serious circumstances that make it impossible to perform the act, being temporarily out of the country, or having citizenship-related rights suspended as per Article 80 of the National Constitution. Law 13882 specifies the procedures to present proof of such circumstances, as well as the fines and other penalties arising from unjustified omission of voting. The norm does not distinguish various types or levels of election, but Law 16017 establishes that the same rules apply when citizens vote in referendums and plebiscites.

As non-resident citizens are not entitled to vote, there are no provisions for any other voting mechanism (e.g. postal, electronic, etc.) than casting the vote in person.

5. Conclusion

As in other South American countries, Uruguay followed foreign liberal models at the time of establishing its Constitution, designing the main institutions of the state, and organising political participation. The fact that it was a country of immigration in its early stages of development (and this feature accentuated towards the end of the nineteenth century in parallel with the establishment of democratic institutions) shaped the concerns with, and scope, of the franchise. It led, for instance, to the implementation of civic education campaigns, the monitoring and enforcing of compulsory voting, and the early establishment of the right to vote for foreign-born long-term residents even if they had not adopted legal citizenship.

A blend of *ius sanguinis* and *ius solis* principles permeates the evolution of citizens' and foreigners' enfranchisement. A strong emphasis on territoriality and residency criteria differentiates Uruguay from neighbouring countries which hold lower or more flexible requirements, such as Argentina. In addition, a specific demographic profile and dynamic posed some obstacles to legislation update and innovation, setting Uruguay aside from the broader trend towards extending citizenship-related rights to those residing abroad.

Indeed, low population growth, de-population of large areas of its territory, and emigration have been structural problems since the 1950s. However, it was not until the mid-2000s that the magnitude of these problems was acknowledged and population and migration problems entered the governmental agenda and political discourse. Calvo and Mieres (2007: 18) argue that, from the demographic point of view, Uruguay is an atypical case: it did not go through peaks of population growth and an early decline in mortality and birth rates gave it a demographic profile more similar to advanced countries than to its developing neighbours, even if economic under-development persisted. Such demographic evolution contributed to a generalised perception of a lack of population problems and, consequently, to the absence of specific policies. The problem is today compounded by a low fertility rate, concentration of population in a small coastal area, continuous population aging and emigration, and low immigration. Hence, it is not surprising that the extension of voting rights to citizens abroad still is a hotly debated issue.

Therefore, in terms of contentious issues and future developments, extra-territorial voting rights for Uruguayans living abroad stands out today. The possibility of a necessary constitutional amendment has been considered in the last few years. Three bills were discussed in parliamentary commissions. Congress voted against a revised bill in October 2007. The project was subject to a referendum on October 25, 2009 for which the Frente Amplio developed an intense campaign in collaboration with the Consultation Councils and other organizations within and outside the country, again with no success (only 36.93 per cent of voters supported the initiative¹⁰). The government re-launched the project, expecting to make emigrants' absentee voting rights effective by the 2014 presidential elections but failed again.

In early 2014, a special parliamentary commission met to study this issue. The persistence of opposite views among political parties and upcoming elections appeared as the

¹⁰ Cf. <http://elecciones.corteelectoral.gub.uy/20091025/SSPMain.asp> , accessed 02/09/13.

main obstacles to act promptly.¹¹ Also, two social organizations with links to migrant associations and Consultation Councils (the Ronda Cívica por el Voto and the Coordinator of Extra-territorial Vote) submitted a proposal to all political parties to encourage, in the short run, an interpretation of constitutional norms to reaffirm and facilitate voting rights of citizens living abroad and, within five years, the formation of a working group to elaborate a new bill and make changes effective by the following presidential elections in 2019. These groups have also been very active in organising forums and generating open debate in the country and abroad, as well as keeping the issue alive through social media. The Frente Amplio endorses these proposals which are posted in the governments' official website.¹² In sum, whenever it materialises, this promises to be the next big development in terms of the franchise.

¹¹ See http://www.d20.org.uy/IMG/pdf/LA_DIARIA-Carta_al_Presidente--.pdf

¹² See <http://www.d20.org.uy/Proyecto-de-ley-y-Comunicado>

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