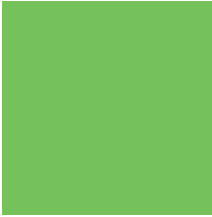
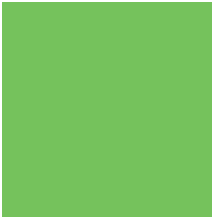




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MIGRATION AND FRANCHISE EXPANSION IN LATIN AMERICA

AUTHORED BY

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Migration and Franchise Expansion in Latin America

Cristina Escobar

1. Introduction

Latin America is an interesting region for evaluating migration and the expansion of the franchise. Most Latin American countries have enfranchised their non-resident citizens and ten have enfranchised their immigrant non-citizen population (see Table 1 below). This expansion of the franchise is not new. On the contrary, it corresponds to a long and diverse history of Latin America as it transformed from a region of immigration at the turn of the 20th century to a region of emigration in the last quarter of the same century, including periods of intra-regional migration (mid-20th century and early 21st century). This expansion of the franchise over a long period has also been accompanied by the countries' struggles to establish more stable democracies. Our interest here is to explore comparatively the general questions of why different countries at different times granted voting rights to their expatriates and to their foreign residents. A more detailed explanation of the variants of this participation (i.e. expatriate participation in presidential versus legislative elections or enfranchisement of resident aliens in municipal, regional or national elections) which are directly related to internal politics, institutional design, etc., or the actual use of these political rights by the newly enfranchised, therefore, falls outside the scope of this report.

Increased international migration in this era of globalization has challenged the traditional limits of the franchise by extending it beyond the territory of the state, in the case of the non-resident citizens, and beyond the status of citizenship, in the case of the resident aliens (Caramani & Grotz 2015, Arrighi & Bauböck 2016). Parallel discussions have developed in the study of each one of these areas of franchise expansion, considering them either as responses to new international norms or, on the contrary, as the result of states' internal (judicial, political, etc.) processes. This report is a review of the expansion of the franchise in Latin America and an evaluation of the usefulness of these theoretical perspectives in making sense of the regional dynamic and seeking possible connections between the two dimensions of the franchise expansion.

2. The expansion of the non-resident franchise

In order to address comparatively the expansion of the non-resident franchise in Latin America, it is important to first acknowledge the diversity that characterizes the region. Some countries have not adopted any provisions regarding the rights of non-residents to vote in elections (Nicaragua, Cuba, Uruguay), while others (e. g. Colombia 1961) have been pioneers not only in the region but also in the world. There is also significant variation in the extent to which these electoral rights for non-residents have been enacted. The most common and widespread case is expatriates' participation in presidential elections and national referendums. However, there also are examples, though much less common, of non-resident participation in legislative elections either at the national level (Mexico and Paraguay) or in specific overseas districts (Colombia, Ecuador, Dominican Republic and Peru). Finally, there are institutional variations, such as federal systems favoring specific forms of regional non-resident electoral participation (Mexico), which are not an option in other countries (Echeverría 2015, Escobar 2015, López 2016, Merino Acuña 2015, Pedroza 2015).

Scholars have proposed various hypotheses to explain the steep increase in the number of countries (now over one hundred), which have adopted the non-resident franchise since the 1990s, transforming what was an exceptional occurrence into a widely adopted norm. These studies have analyzed whether this increase in non-resident voting rights is the result of the emergence of a 'new international normative standard' of emigrant inclusion, which they have called the 'global-norm hypothesis', or, rather, the result of an extension of democratization in a larger number of countries, called the 'contestation hypothesis' (Lafleur 2015, Rhodes and Harutyunyan 2010). According to the global-norm hypothesis, this outcome could be the result of top-down processes, such as the adherence to international treaties and conventions, the result of peer pressure or neighbourly emulation (Lafleur 2015, Turcu and Urbatsch 2015). The argument according to which the extension of the franchise to non-residents is the result of an extension of democratization has been elaborated by Rhodes and Harutyunyan (2010), who include two possible explanations or sub-hypotheses within this 'contestation hypothesis'. First, borrowing from other scholars' analysis of the establishment of women's suffrage, they propose the 'window of opportunity hypothesis' and argue that regime transitions tend to be inclusive, giving opportunities to sectors that were previously excluded by incorporating their specific demands. Second, the 'democratic-endurance hypothesis', which states that competitive regimes or well-established democracies extend the franchise to emigrants as a gradual process over time (Rhodes and Harutyunyan 2010).

The history of the non-resident franchise in Latin America is long, starting in the 1960s and extending into the second decade of the 21st century. As has been found in other regions, the expansion of the franchise in Latin America is related to democratization, as a necessary but not always sufficient condition for emigrant enfranchisement. Other factors have been at play but they have changed over time, demanding a periodization of events for the analysis of the aforementioned hypotheses. Three periods in Latin America's enfranchisement policies can be identified. The first wave, from the 1960s to the end of the 1980s, took place in countries that were then transitioning from military to democratic regimes. It includes Colombia, which ended its short-lived military regime and enacted the non-resident franchise legislation for presidential elections in 1961 and put it into effect in 1962. Brazil enacted the emigrant franchise relatively early (1965), but it was not implemented until after the end of the military regime, when the necessary provisions were

adopted (1989).¹ Peru enacted this right in the Constitutional Assembly of 1979, after the end of the military rule, and it was implemented in 1980 (Durán 2003, Merino Acuña 2015). Similarly, in the transition from military to civilian rule in Honduras, a law extended the suffrage to expatriates (1981); law that was not implemented until 20 years later (Hernández 2003). In all these cases, the extension of the franchise to emigrants pre-dates the large economically oriented emigration from Latin America that started in the 1980s. The purpose of the reform was, at least to some extent, to make political exiles participants in the democratization of their countries.

The *contestation* hypothesis appears to be the best explanation to account for the extension of the non-resident franchise in Latin America during this first period. While the *window of opportunity* sub-hypothesis could also serve as an explanation, there is something different about these cases since the reason behind the emigration of those affected by the new policies of inclusion, i.e. political exiles, is directly related to the lack of democracy. There is a significant element of restitution, even if only symbolic, associated with the opportunity to participate that differentiates these cases from those of the following period, when emigrants, many of whom left for economic reasons, attained the vote. In this second case, emigrants benefited from a window of opportunity and obtained political rights as citizens but their departure was not directly related, as in the first case, to a previous lack of democracy. An additional interpretation to this *restitution* sub-hypothesis is that enfranchising non-residents, particularly exiles, was an international signaling of the governments' commitment to democratization. Signaling of democratic norms has been considered as a diffusion mechanism for emigrants' enfranchisement (Turcu and Urbatsch 2015). In this first period, the extension of the franchise to expatriates was not accompanied by candidacy rights, which only Colombia, among these initial three countries, would enact in subsequent years.

The second period, from the early 1990s to the early 2000s, is also associated with democratization, because the extension of the franchise during this period took place within a broader democratic transformation that included constitutional assemblies (Colombia 1991, Dominican Republic 1994, Ecuador 1998, Venezuela 1999) and constitutional reforms (Bolivia 1991, Argentina 1994, Mexico 1996) which were predated or followed by electoral reforms. During this decade of the 1990s, seven Latin American countries enacted laws or constitutional reforms that extended political rights to their expatriates. Among these countries is Argentina (1991), where the approval of the legal project supporting expatriate enfranchisement, similar to the ones approved in Brazil, Peru and Colombia after the end of military regimes, was delayed for reasons that did not have to do with the project itself (Emmerich 2016). While expatriates were more active in some countries than in others in promoting the inclusion of the non-resident franchise, the democratic opening clearly offered a *window of opportunity* for expansion of the franchise (Lafleur 2015). Interesting in this respect and supporting this *window of opportunity* explanation is the fact that while the rights were formally included in new constitutions and laws (Bolivia 1991, Colombia 1991, Mexico 1996, Dominican Republic 1997, Ecuador 1998, Venezuela 1998), these rights were not regulated and put in practice until much later, when enough support had been built to implement them (Bolivia 2009, Colombia 1997/2001², Dominican Republic 2004, Ecuador 2006, Mexico 2006) (Escobar 2015). The window of opportunity then allowed these rights to be at least nominally enacted, even when the circumstances were not yet ripe.

¹ The initial law was drafted under a democratic government but was enacted in 1965 by the military regime that followed. See Calderón Chelius 2003.

² In Colombia the democratization opportunity was used to expand the rights to vote in legislative elections, which was not regulated until 1997, for the Lower House and 2001 for the Senate.

The *window of opportunity* is not, however, the only explanation. Mechanisms of diffusion seem to have been present, as well. Turcu and Urbatsch (2015: 414) have proposed that geographical proximity is an important factor increasing the chances of countries enfranchising their non-resident nationals. According to these scholars, the enfranchisement of the diaspora can allow competing countries to signal to potential partners or investors that they are as committed to democratic norms as their neighbours. This hypothesis does resonate within Latin America in the processes just described because elites, in a successive wave within the region, provided formal support for the non-resident franchise – signaling to the world (and/or to their own diaspora) their commitment to democracy – while delaying implementation. In addition to this mechanism of diffusion, which needs to be explored in more detail in Latin America, scholars have also underscored the role of migrants themselves as agents of democratic diffusion (Pérez-Armendáriz 2010). There is evidence that emigrants themselves became the agents of diffusion of non-resident electoral enfranchisement in Latin America. In the 1980s and 1990s, the concentration of Latin American migrants in New York, for example, gave Colombians, Ecuadorians and Dominicans opportunities to share experiences regarding their fight for dual citizenship and for the external franchise (Jones-Correa 1998, Escobar 2007). It might even be possible to hypothesize that the resemblance in the mode of expatriate representation established in these three countries – which, aside from Peru are the only ones to include specific overseas electoral districts in the lower house – is due to these diffusion mechanisms. Hence, by the end of the 1990s, when ten countries had extended the franchise to their diaspora, ‘contestation’ was not the only factor accounting for this extension. Diffusion, carried out not only by elites but also by migrants themselves, became an increasingly important mechanism for the extension of electoral rights to non-resident citizens in the region. In recent years, as interregional migration has increased in Latin America, cities such as Buenos Aires and São Paulo have also become centres where migrants from various South American countries converge, and where some of them (i.e. Chileans and Bolivians in Buenos Aires) have carried on struggles for enfranchisement in their countries of origin. Studying these Latin American migrant communities and their exchanges could enlighten our understanding of the role migrants play in the diffusion of these electoral rights.

The third period in the extension of the franchise to non-resident citizens in Latin America extends from the mid-2000s onwards when six more countries enfranchised their diaspora (Panama 2006, Costa Rica 2009, Paraguay 2011, El Salvador 2013, Chile 2014 and Guatemala 2016). In this period, democratization continues to be a crucial factor explaining the expansion of the franchise, as in the previous one, and therefore the *contestation hypothesis* is still a valid explanation. Countries where parties in power, such as El Salvador, or conservative parties fearful of the opposition of expatriates from abroad (Paraguay and Chile) had limited their enfranchisement, were able to finally give emigrants the vote as changes in power took place (Escobar 2007). But democratization was important also because, as Lafleur (2015) has pointed out and as was explained above, there were legislative, administrative, and logistical obstacles to its implementation besides the formal enactment of the non-resident franchise. While some administrative and logistical aspects of this implementation might have been independent of the willingness of the parties involved in allowing non-residents’ political participation, in other countries, further democratization or change in power was necessary to remove those obstacles. Mexico’s constitutional change passed in 1996, but it was not until 2006, after a change in the political party in power, that Mexicans living outside the country were able to participate in elections for the first time. The Bolivian external vote has been included since 1991 in the constitution but was not implemented either until 2009, under pressure from the government of Evo Morales, who even resorted to a hunger strike (Lafleur 2013).

During this period, emulation continued to be facilitated by immigrant organisations, which had, by then, also consolidated in Europe (Cebolla-Boado and López Sala 2015). But the new element characterizing this period is an infrastructural within the state, manifested by the emergence of specialized state offices serving the non-resident population, which also became a platform for policy diffusion among technocratic elites as the officials of these new administrations got involved in frequent formal and informal exchanges (seminars, workshops, etc.). A pioneer among these specialized state offices in Latin America was the *Programa para las Comunidades en el Exterior* (Program for Communities Abroad), created in Mexico in 1990 as part of a new neoliberal approach towards its emigrants. This program, linked to the Ministry of Foreign Affairs, was transformed into the *Instituto de los Mexicanos en el Exterior* (Institute of Mexicans Abroad) in 2003 and accompanied by the creation of an emigrant federal consulting board (*Consejo Consultivo*) (Guarnizo 1998, Escobar 2006). These efforts were followed by similar ones in other Latin American countries, either as a result of a state initiative or as a response to non-residents' demands, during the following years, facilitating the technocratic exchanges.³

The attention now paid by states to their non-resident population, who are becoming not only numerically significant but also an important source of foreign exchange through their remittances, spurring the creation of these special offices, indicates the presence of new factors affecting the expansion of electoral rights. In addition to democratization and emulation, which continued to play a role, particularly in Costa Rica and Panama, there are also other factors that one can say fall within the *global-norm hypothesis*. Among these factors is the ratification by twelve Latin American countries of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and the entry into force of this Convention in 2003. Article 41 of this Convention states the political rights of migrants in their country of origin, including the right to vote.⁴ Ten of the twelve countries that have ratified this convention have also extended the franchise to non-resident citizens; among these countries are three of the five that enfranchised these citizens during the third period identified here.

Beyond the existence of the formal international norm, for the diaspora, the right to vote from abroad also became a normal expectation. The partisans of the non-resident franchise in the public media portrayed it already as an inalienable right that states must provide to their citizens. According to the Panamanian co-president of the International Committee for the Vote Abroad (*Comité Internacional por el Voto en el Exterior*), residing in Chicago and fighting at the time for the legislation in Panama (2006): "Suffrage is a right, not a privilege. Our country has to relinquish the darkness of the past and join the progressive nations that support and respect this principle...for more than 35 years Panamanians abroad had been denied this fundamental right to suffrage in spite of their continuous efforts to remove this barrier".⁵ Similarly, the legislator who proposed the bill that finally allowed

³ Among these are the Colombian *Colombia nos Une* (Colombia Unites Us) program, 2003; the Vice-ministry of Salvadorians Abroad, 2004; the Ecuadorian National Migrant Secretary SENAMI, 2007; the Argentinian program *Provincia 25* (Province 25) from the Ministry of Interior, 2007; and the Dominican National Council for Communities Abroad CONDEX, 2008.

⁴ Article 41 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families says: 1) Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected in elections of that State, in accordance with its legislation; 2) The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

⁵ "El sufragio es un derecho y no un privilegio. Nuestro país de origen tiene que despojar las tinieblas del pasado y unirse a las naciones progresistas que apoyan y respetan este principio" [my translation] (Panamá América (2006).

Costa Rica's emigrants to cast a vote from abroad, Jose Manuel Echandi, explained to the media how the absence of this legislation was the cause of what he described as Costa Rica's 'forced abstentionism', which he contrasted with the 'voluntary' one of those who do not make use of their voting rights (La Gente 2009). By 2014, when Chile finally approved the non-resident franchise, not only were internal political barriers ultimately removed after a long and difficult process of democratic opening, but the global organisation of emigrants and their social media campaign counted on two other factors working in their favor. First, all South American countries, except for Guyana, Suriname and Uruguay (in Central America the exceptions were Belize, Guatemala and Nicaragua), had already extended the franchise to non-residents. Second, Chile ratified the ICRMW in 2005. In their documents and press conferences, the leaders of the Chilean emigrant organisation made constant reference to the fact that other nations and the neighboring countries had already extended the franchise to non-residents (Comité Internacional Chile Somos Todos 2012a). They also mentioned Chile's violation of the ICRMW and the soft pressure exercised by the UN to convince Chile to comply (Comité Internacional Chile Somos Todos 2012b).

With respect to the approval of the emigrant vote in Latin America, the *contestation hypothesis*, along with the *restitution* and the *window of opportunity* sub-hypotheses, explain the initial phases of its enactment in various countries. By the second (1990s) and third periods (2000s onwards), while 'contestation' continues to be essential, diffusion mechanisms, through expatriates' and/or elites' technocratic and neighborly emulation, became increasingly significant factors. Finally, by the third period, the *global norm hypothesis* becomes relevant, as a regional norm (the ICRMW) as well.

3. Expansion of non-citizen franchise

Latin America has a long history of non-citizen enfranchisement, starting with the city of Buenos Aires in 1917 and Chile, which allowed foreign residents to vote in all municipal elections in 1925. After these early cases, eight more countries have extended the suffrage to non-citizens, including Argentina, which extended the non-citizen suffrage to regional elections in some provinces in the 2000s and to all municipalities throughout the country in 2011 (Emmerich 2014, 2016, Escobar 2015).

In a theoretical discussion that parallels the one on the non-resident franchise, scholars have also examined whether the expansion of non-citizen enfranchisement has responded to *global/transnational/international* factors or to national/domestic ones. The *national/domestic hypothesis* explains the enfranchisement of non-citizen residents as the result of state-level factors (citizenship regimes, judicial systems, political party competition, welfare regimes, federal versus unitary systems, etc.) that affect in general the political incorporation and the extension of rights to new groups within a country.⁶ The *global/transnational/international hypothesis* emphasizes the influence of global norms or international treaties, such as reciprocity between countries and their ex-colonies, that are invoked in support of non-citizen residents and their rights within the states. It also includes international non-governmental organisations (INGOs),

⁶ See discussion of these theories in Earnest (2008, 48-50).

international organisations and markets, and neighbour countries as agents of norm diffusion (Bauböck 2005, Earnest 2008 and 2015, Pedroza 2013).

In Latin America, three modalities in the extension of the franchise to non-citizen residents can be identified, which broadly correspond to three periods. The first one includes Chile, where foreign residents were enfranchised at the municipal level in 1925. Even though the scope was different, this modality included also the city of Buenos Aires, 1917, at the time hosting 49% of the foreign population of Argentina, where non-naturalised immigrants could vote (Argentina excluded foreigners – as well as women – from the “universal” suffrage laws of 1912). These two early cases included in the first modality need to be placed within the context of the large European migration to Latin America at the turn of the 20th century and the efforts to integrate those immigrants. This first modality of the expansion of the franchise can be better explained by the *national/domestic hypothesis*, as Chile and the city of Buenos Aires sought mechanisms of political incorporation of immigrants while more general discussions about universal suffrage were taking place in each country. In Argentina, enfranchising non-naturalised immigrants was a strategy for channeling and controlling the labour struggles in which immigrants were very involved. In Chile, with much smaller numbers of immigrants and less militancy, enfranchisement was a way to recognize immigrants’ significant contributions to the country as merchants, investors and entrepreneurs (Echeverría 2015, Emmerich 2014, Escobar 2015). Despite these differences, there are two commonalities: first, there is a link between residency and taxation and the right of political participation they confer. Second, the scope was limited to the municipality because the nationality of origin that European immigrants wanted to preserve was not seen as compatible with enfranchisement at the national level. In these early cases, the leverage Europeans had had as preferred immigrants over others in Latin American state immigration policies was critical in facilitating their enfranchisement. While national factors best explain the influence of the political incorporation of these European immigrants at the time, one could hypothesize that diffusion also played a role in non-citizen enfranchisement among these neighbouring immigrant-receiving countries of Argentina and Chile, which were followed few years later by their other neighbour, Uruguay.

A second and more common modality in the expansion of the non-citizen resident franchise in Latin America was present over a long stretch of time, from the 1930s to the 1990s and includes the cases of Uruguay 1934, Venezuela 1957 (one-time-plebiscite), Paraguay 1967, Chile 1980 (expansion to national elections), and Peru 1997. This second modality is characterized by the presence of strong authoritarian rulers who resorted to the expansion of national constituencies by including immigrants, and in various cases women as well, in order to legitimize their regimes (Escobar 2015). In this modality, the expansion of the franchise is thus related to the leader’s plebiscitarian interest: In three of the five cases (Uruguay 1934, Venezuela 1957 and Chile 1980) non-citizen residents were allowed to participate in national elections and not just in municipal ones. This participation in national elections is considered an anomaly given that states commonly expand political rights to non-citizen residents at the municipal level, where their participation and membership does not conflict with the role of citizenship in determining membership in the international system of states (Arrighi & Bauböck 2016). As with the first modality, the *national/domestic hypothesis* helps explain this second path towards a non-citizen franchise. It is, however, important, once again, to consider that the experience of other countries in the region also provided the leaders with examples to emulate.

The third and most recent modality of franchise expansion became more common

after 1990 (Colombia 1991, Bolivia 1991, Argentina 1997, and Ecuador 2008) when emigration of Latin Americans, mostly to Europe and North America, increased (last decades of the 20th century) and when interregional migration directed to countries such as Argentina and Chile accelerated (first decades 21st century). Various factors associated with the *national/domestic hypothesis* are still useful to explain immigrant enfranchisement within this third modality. First among these is democratization, which created an opportunity for the expansion of immigrants' voting rights, as was also the case for the enfranchisement of expatriates discussed in the previous section. Colombia and Bolivia are examples of these democratic openings. Second, the accession of representatives of the left to power in Argentina and Ecuador, where proposals to expand the franchise to immigrants faced initial resistance during the first years after democratization, were also crucial (Escobar 2015).

Even though democratization and the presence of the left were necessary for the enfranchisement of immigrants, they are not sufficient to explain its development in this third group of cases. Instead, factors associated with the *global/transnational/international hypothesis* are key. Among these factors are, first, emigration from Latin America and governments' concern for the well-being of their expatriates overseas. In Bolivia, the law specifically grants suffrage rights at the municipal level only to immigrants who come from states that reciprocate by granting Bolivians residing there the same political rights (Zegada and Lafleur 2015). In Colombia, an important argument offered in Congress to support the expansion of the franchise to non-citizen residents at the municipal level was the principle of reciprocity (Escobar 2015). In Ecuador, where the leftist government expanded the voting rights of non-citizen residents to all elections, not only municipal ones, under the notion of universal citizenship, there were also expectations of reciprocity by governments hosting Ecuadorians overseas (Echeverría 2015). Given the low number of immigrants in these three countries, reciprocity becomes a necessary factor in explaining their interest in expanding the non-citizen franchise. These franchise reforms coincide with the signing of reciprocity agreements by Latin American states with their former colonial powers Spain and Brazil.⁷ While in some countries (Uruguay and Venezuela), these reciprocity agreements supported rights which had already been granted to all immigrants and therefore covered those from Spain, in other countries the agreements were critical for the enactment of these rights (Colombia and Brazil). Brazil, in fact, restricts participation of non-citizen residents to those holding Portuguese nationality (Escobar 2015, Limongi 2016).

If the significance of emigration and the expectation of reciprocity was an important factor for immigrant enfranchisement in countries with low numbers of immigrants, in those with a larger influx of immigrants, additional factors were at play. The second important factor that supports the *global/transnational hypothesis* in this third modality that started in the 1990s, is the influence of international agreements and regional markets (the Andean Community and MERCOSUR).

In Argentina, which has a large immigrant population and had at the time an immigration policy inherited from the authoritarian regime (1976-1983), the signing of human rights agreements (the ICRMW)⁸ and migrant rights' programs within the regional

⁷ Spain signed agreements with Argentina in 1988, Venezuela in 1990, Uruguay in 1992 and Colombia in 1992. Portugal signed an agreement with Brazil in 2000.

⁸ Article 42 of the ICRMW states "2. States of employment shall facilitate, in accordance with their national legislation, the consultation or participation of migrant workers and members of their families in decisions concerning the life and administration of local communities. 3. Migrant workers may enjoy political rights in the State of employment if that State, in the exercise of its sovereignty, grants them such rights."

markets, provided the left with important leverage to finally achieve an immigration policy reform that gave legal support to the enfranchisement of immigrant residents at the municipal and provincial levels. Even though electoral domestic political interests of the party in power also influenced the development of these policies, the leverage provided by the external global and regional norms was essential for the enactment of these policies. Finally, immigrant organisations in countries such as Argentina and Brazil (migrants in Latin America now come predominantly from Latin America itself) with links to Latin American migrants in Europe, where they have organised in their demands for political participation as ‘extra-communitarian immigrants’, have also become a channel of diffusion through their struggles for political rights (Escobar 2015).

The early cases of non-citizen resident enfranchisement in Latin America in the first two decades of the 20th century responded to the interests in political inclusion of European immigrants who refused to give up their nationality of origin. During the following decades (1930s to 1990s), authoritarian rulers enfranchised non-citizen residents, in some cases even at the national level, with the intention of enlarging their constituency in elections and plebiscites that would legitimize their grip on power. From the 1990s on, a new era of expansion of voting rights to immigrants resulted not only from democratization and, in some instances, the triumph of the left but also from: a) Latin America’s own out-migration and reciprocity sought by governments concerned about the rights of their citizens abroad; b) international agreements signed by the states while trying to protect their citizens abroad; c) migration policy coordinated within the regional common markets; d) regional migrants’ own contacts with migrants in other regions of the world. How much the early cases have served as examples to emulate is a question for further research.

4. Conclusions

The examination of the expansion of the franchise in Latin America exposes some regional characteristics that define a specific regional path. One characteristic is the historically subordinated position these countries have had within the international order, first as colonies, then as ex-colonies interested in populating their new countries with the “civilizing” Europeans, and later as sources of emigration to the more stable and affluent North (North America and Europe). As Stephen Castles has underscored, the meaning of citizenship has shifted “from universalism and equality” to denote “a specific position within an unequal and hierarchical order of nation-states” (2005, 689). Hence, the subordinated position of Latin American countries in the international order has influenced the enactment of migrants’ rights, including the franchise, in these countries.

Governments of two main immigration countries in the early 20th century bent their own rules and created mechanisms to politically integrate those European immigrants who refused to give up their original nationality. Governments of the many emigration countries in the late 20th century not only gave their expatriates the vote, but kept them in mind when they enfranchised their foreign residents, expecting reciprocity from host states of their diasporas, and when they signed international agreements protecting migrant rights.

A second characteristic that helps explain the specificity of the Latin American path is the struggles of countries in the region with democracy. Ironically, the extension of the suffrage to non-naturalised foreigners took place in various cases during authoritarian regimes, as dictators searched for legitimation of their regimes in elections and plebiscites. However, the return to democracy was also critical for the extension of the franchise to non-resident citizens as the new regimes sought the political participation of exiles as a fundamental step in the democratic return or at least as an important symbol of it. The transition from authoritarian to democratic regimes and the opening of restricted democracies later provided ‘the window opportunity’ for the enactment of migrants’ rights, including the vote for expatriates and immigrant residents.

A third characteristic, derived from the previous ones but increasingly important, is the availability of models to emulate in the Latin American ‘neighbourhood’ – since the early 20th century with regard to non-citizen residents and since the 1960s also with regard to non-resident citizens. The channels of diffusion have included not only political elites and technocrats but migrants themselves who, by the 21st century, counted on technology and social media to organise and learn from the experiences of other migrants.

The historical analysis of the expansion of the franchise in Latin America reveals the predominance of national domestic factors for a good part of the 20th century. Global norms, international agreements and regional market policies became significant starting in the 1990s. A defining reason for this change is the large emigration from Latin Americans to other world regions and the increasing relevance of emigrants for the economic and political stability of their countries of origin. In some countries, however, such as Argentina, which have lately itself become an important migrant destination (it receives now immigrants mostly from their neighbouring countries), the influence of these global/international normative factors was undeniable, although it has never meant the absence of national factors such as internal politics and democratization, which continue to be critical for the expansion of the franchise. Our overall conclusion is therefore that domestic and international explanations for the expansion of the franchise to non-citizens and non-residents should be considered as complementary rather than rival hypotheses.

Table 1. Expansion of Non-resident and Non-citizen Franchise in Latin America

Year	Country	Non-resident franchise	Non-citizen franchise
1917	<i>Buenos Aires (Argentina)</i>		City of Buenos Aires Law 1.240 of 1917
1925	<i>Chile</i>		Municipal elections Constitution of 1925, art.104
1934	<i>Uruguay</i>		All elections and referendums Constitution of 1934, art. 67
1957	<i>Venezuela</i>		(Plebiscite of 1957 only) Electoral Law, December 1957

1961	<i>Colombia</i>	President Law 39 of 1961 (implemented 1962)	
1965	<i>Brazil</i>	President Law 4737 of 1965 (implemented 1989)	
1967	<i>Paraguay</i>		Municipal elections Constitution of 1967
1980	<i>Peru</i>	President and Vice-president Constitution of 1979 (implemented 1980)	
1980	<i>Chile</i>		All elections and referendums Constitution 1980 (implemented constitutional plebiscite 1980)
1981	<i>Honduras</i>	President Political Organizations and Electoral Law of 1981, art. 11; Decree No. 72-2001 (implemented 2001), only in 7 cities in the U.S.	
1983	<i>Venezuela</i>		Municipal elections Constitutional reform 1983, art 111 (implemented 1989)
1988/99	<i>Argentina</i>		20 Provinces
1991	<i>Argentina</i>	President and Vice-president, National Senators and Deputies Law 24.007 of 1991 (implemented 1993)	
1991	<i>Bolivia</i>		Municipal elections Electoral Law 1246 of July 1991 Constitution of 2009 art. 27 (implemented 2013) Only foreigners from countries with reciprocity agreements
1991	<i>Colombia</i>	Senate and House Representatives for special jurisdiction abroad Constitution of 1991 (implemented 1998 Senate, and 2002 House of Representatives)	

1991	<i>Colombia</i>		Municipal and district elections Constitution of 1991 (implemented 2006)
1996	<i>Mexico</i>	President and Senate Constitutional reform of 1996 art.36.III. Federal Code of Institutions and Electoral Procedures Sixth Book, July 2005 (implemented 2006)	
1997	<i>Dominican Republic</i>	President and vice-president Electoral Law 275-97 of December 1997 (implemented 2004)	
1997	<i>Peru</i>		Municipal elections in non-border municipalities Law of Municipal Elections No. 26864 of October 1997, art.7 (implemented 1998)
1998	<i>Venezuela</i>	President and Vice-president Constitutional reform of 1998 (implemented 1998). Only legal residents of the host country	
1998	<i>Ecuador</i>	President and Vice-president Constitution of 1998. National Assembly Members, Abroad Assembly Members (6) National Referendums National Constitution of 2006 (implemented 2006)	
1999	<i>Venezuela</i>		State elections Constitution of 1999, art. 64
2001	<i>Brazil</i>		All elections Treaty Brazil-Portugal 2000, Decree 3.927 of September 2001. Only Portuguese immigrants.
2001	<i>Bolivia</i>	President and Vice-president Constitutional reform of 2001. President, Vice-president and National Referendums, Constitution 2009 art. 27 (implemented 2010)	

2006	<i>Panama</i>	President and Vice-president- Law 60 of December 2006 (implemented 2009)	
2008	<i>Ecuador</i>		All elections and referendums Constitution of 2008, art. 63
2009	<i>Costa Rica</i>	President and Referendums Electoral Code art. 187; Law 8765 of December 2009 (implemented 2014)	
2010	<i>Dominican Republic</i>	Overseas Deputies (7) Constitutional reform of 2010 art. 81(3), Law 136-11 of February 2011 (implemented 2012)	
2011	<i>Argentina</i>		Local communities Law of Migrations No. 25871 Decree 616 of 2010, art. 11
2011	<i>Paraguay</i>	President, Vice-president, Senators and Mercosur Parliament Constitutional referendum of 2011, art. 120 (implemented 2013). Only for Paraguayans residing in Argentina, Spain, Sao Paulo (Brazil) and U.S.	
2013	<i>El Salvador</i>	President and Vice-president Special Law for the exercise of the vote from abroad in presidential elections, Decree 273 of February 2013 (implemented 2014)	
2014	<i>Chile</i>	President, Referendums, Primaries Constitutional Reform of 2014 (implemented 2017)	
2016	<i>Guatemala</i>	President and Vice-president Constitutional Court Rule of 2011 Electoral Code Reform of 2016 (to be implemented in 2019)	

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