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ACCESS TO ELECTORAL RIGHTS *ECUADOR*

Gabriel Echeverría

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Ecuador***

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Access to Electoral Rights

Ecuador

Gabriel Echeverría

1. Introduction

The debate over the extension of the electoral rights to non-resident citizens emerged in Ecuador in the 1990s. Although small numbers of emigrants began leaving the country in the 1970s, the first important communities of Ecuadorian expatriates were established in the United States in the 1980s. It was the pioneer efforts of their associations that made Ecuadorian society focus on the reality of emigration.

One of the main demands of these associations was for political recognition and for the possibility of out-of-country voting. The combined effect of the increasing importance of emigrant communities and of the effectiveness of their lobbying pushed the Ecuadorian state to finally recognize electoral rights to non-resident Ecuadorians in the new Constitution of 1998. However, political neglect and administrative inertia did not allow the concrete materialization of such a right until 2006.

The government of President Rafael Correa, elected for the first time in 2006, inaugurated a new era in the relationship between the state and migrants. The dramatic economic and financial crisis that affected the country in the years after the turn of the century provoked a rapid acceleration of emigration flows and led to the expatriation of almost one eighth of the entire population. The demographic and economic importance of emigrants radically changed their public perception and political relevance. Political parties at home could no longer underestimate emigrants' requests and the political weight of their associations. The new Constitution, approved in 2008, further extended non-resident citizen rights, by including passive voting rights and establishing a special representation model in the legislative assembly.

Furthermore, and in connection to the universalistic discourse promoted by the current government led by Rafael Correa, the Constitution of 2008 introduced very generous legislation regarding the franchise of non-citizen residents. With the new charter, both active and passive electoral rights were conceded, for all types and levels of elections, to all foreigners who can document at least five years of legal residence. Interestingly, this development, which provided the country with one of the world's most advanced legislations in the field, was not the result of internal pressure by immigrant communities or by specific political groups. Rather, the recognition of electoral rights to foreigners was intended by the government as the logical counterpart to the request advanced to other states to recognise the same rights to Ecuadorians living abroad.

2. Historical Background

Until the approval of the 1998 Constitution, the distinction between the concepts of ‘national’ and ‘citizen’ had been the fundamental mechanism by which political rights, including electoral rights, had been conceded in Ecuador. While all individuals who were born or naturalised Ecuadorians were considered nationals, a number of additional requirements needed to be met in order to be considered a citizen and therefore to have access to political rights. The nature, scope and extent of these requirements underwent a process of continuous evolution alongside the prolific history of Ecuadorian constitutionalism. Even though this evolution generally determined increasing inclusiveness regarding a number of issues, such as, age, income or religion, improvements were not always straightforward and were often followed by withdrawals.

In the first Republican Constitution, approved in 1830, eight years after independence from Spain, the requirements to access citizenship rights were: to be a male citizen; to be married or to be at least 22 years of age; to have a property of a certain value, to practice a profession or run a business; to be able to read and writ.¹ Compliance with these requirements gave full access to electoral rights and allowed people to vote and to run for public offices.

In the subsequent decades, the conflicts that characterised Ecuadorian politics can be illustrated, in broad terms, as vehement opposition between two main social and political groups. On the one hand, stood the conservative and traditionalist forces, which represented the interests of landowners and wealthy families from the urban areas and had strong ties with the Roman Catholic Church. They were committed to maintaining the economic and social balance inherited from the colonial era. On the other hand, stood the liberal and progressive forces, which represented the new productive and professional classes, who pushed for the modernisation of the country. As regards the expansion of political and franchise rights, conservatives generally opposed any new concession promoted by the liberals.

The radicalism of both of these forces, combined with the institutional weaknesses of the state, led to a permanent state of political instability, social unrest and *frequent coups d'état*. The drafting of every new Constitution was interpreted as a new beginning for the Republic, though those hopes were systematically short-lived.

Even though 19 Constitutions have been approved since independence from Spain, only a limited number of these have produced significant changes in the realm of electoral rights. The Constitution of 1861 introduced an important advancement, as it eliminated all income requirements. Eight years later, the Constitution of 1869 introduced the prerequisite to be Roman Catholic, which was eliminated only nine years later.

¹ Constitución del Estado del Ecuador 1830.

While women's suffrage had been tacitly excluded since independence, the Constitution of 1884 explicitly indicated manhood as a citizenship requirement. This formal provision may be understood as a remote echo to the first battles for women's suffrage at an international level, more than to internal pressures in this direction. Besides, the sex requirement only lasted until the next Charter and was eliminated in 1897. However, the exclusion of manhood as a citizenship requirement did not imply the extension of citizenship rights to women: in fact it took another thirty years for them to be recognised as Ecuadorian citizens and to have full access to electoral rights. It was only with the approval of a new Constitution in 1929 that women were finally recognised as active members of Ecuadorian politics. Art. No. 12 clearly stated: 'Every Ecuadorian, male or female, who is at least 21 years of age and is able to read and write is a citizen.'²

In the subsequent decades three other Constitutions were approved, but political rights did not undergo significant changes. The Constitution approved in 1978-1979, after six years of a military regime, was the first one to allow universal suffrage by abolishing the literacy requirement. This Charter was also the last one that explicitly distinguished between the concepts of national and citizen. The former included every person who was born or naturalised Ecuadorian³, the latter only those nationals who were at least eighteen years of age'.⁴ With the approval of the 1998 Constitution, all Ecuadorians, with no exceptions, were considered citizens and, from then on, the only distinction which persisted was that between those citizens who enjoy political rights, and those who do not.

Although universal access to political and electoral rights of citizen residents was accomplished at the end of the 1970s, the debate over the inclusion of other categories, such as, non-resident citizens or resident foreigners, did not emerge until the 1990s. The effective expansion of electoral rights to these groups only materialised in the mid-2000s.

The reason behind this specific timing can be found in the changing migration landscape of the country. While obviously both emigration and immigration had existed before, these two phenomena became numerically socially significant only at the end of the past century. The first important communities of Ecuadorian emigrants established themselves in the United States at the end of the 1980s. It was the pioneer effort of their associations that made the reality of emigration visible to the Ecuadorian society. These associations mainly demanded political recognition. The combined effect of the increasing importance of emigrant communities and of the effectiveness of their lobbying efforts produced two important political advances. In 1994, the Ecuadorian state recognised the possibility for its emigrants to maintain their Ecuadorian nationality when acquiring a second one. Regarding external electoral rights, while proposals had been discussed in the National Congress in the years before, it was the new Constitution, approved in 1998, which recognised the right for non-resident citizens to vote. Art. No. 27 stated: 'Ecuadorians who reside abroad will choose the President and Vice-President of the Republic in their place of registration. The law will regulate the application of this right'.⁵

² Constitución Política de la República del Ecuador 1929, Art. No. 12.

³ Constitución Política de la República del Ecuador 1978-1979, Art. No. 5.

⁴ Constitución Política de la República del Ecuador 1978-1979, Art. No. 12.

⁵ Constitución Política de la República de Ecuador 1998, Art. No. 27.

The Constitutional recognition of electoral rights for non-resident citizens, however, did not mean the effective possibility to exercise this right. Contrary to what these advancements may have suggested, the importance of migrants within the political debate in Ecuador was still marginal, as were their demands on the government's agenda. A number of bureaucratic and factual limitations, especially regarding the organisation of the diplomatic service, required a solution but no political force was particularly committed to finding it. Only four years after the approval of the new Constitution, in 2002, was the law that regulated external electoral procedures approved.⁶ It took another four years before Ecuadorian migrants were finally able to participate in the presidential elections in 2006.

The government of the then-elected President Rafael Correa inaugurated a new era in the relationship between the state and migrants. The dramatic economic and financial crisis that affected the country in the years after the turn of the century determined the explosion of the emigration rates, and led to the departure of almost an eighth of the entire population (FLACSO-UNFPA 2006). This dramatic outcome was also the result of a long-term process of social and political conflict characterised by the slow but continuous erosion of the political system, corruption and economic inefficiency (Echeverría 1997, Acosta 2002, Ramírez & Ramírez, 2005). Over the past two decades, the growing demographic and economic weight of emigrants changed their public perception and political relevance. In 2007 remittances sent by Ecuadorians abroad accounted for the 7.4% of the GDP (Herrera 2007, Herrera, Moncayo & Escobar 2012). Those who once had been viewed as turning their backs on their country, were now turned into national heroes for their continuing financial support. The expatriate community was colloquially designated as the fifth region of the country, in addition to the four traditional geographic regions⁷, and its participation in domestic political life was strongly encouraged. The new Constitution, approved in 2008, further extended the expatriates' political rights. Art. No. 63 stated: 'Ecuadorians who live abroad have the right to choose the President and Vice-President of the Republic, their national representatives, and those for the external college; they are also eligible for all offices'.⁸

The new Charter introduced important novelties also regarding the franchise of non-citizen residents. For the first time in Ecuadorian history, resident foreigners had the right to vote. With respect to this, Art. No. 63 pointed out: 'Foreigners residing in Ecuador have the right to vote if they have legally resided at least 5 years in the country'.⁹ Interestingly, this development, which provided the country with some of the world's most advanced legislation in the field, was not the result of internal pressure by immigrant communities or by specific political groups. Rather, the recognition of electoral rights to foreigners was intended by the government as the logical counterpart to the request advanced to other states to recognise the same rights to the Ecuadorians living abroad.

⁶ Ley Orgánica Para el Ejercicio del Derecho de los Ecuatorianos en el Exterior para elegir Presidente y Vicepresidente de la República del Ecuador, 2002.

⁷ The Ecuadorian territory is traditionally divided into four geographic regions: "la Costa" (the western coastal region), "la Sierra" (the central Andean region), "el Oriente" (the eastern Amazon basin) and "la Región Insular" (the Galapagos Islands). The radical naturalistic differences between these regions have determined distinctive historical and cultural differentiation among their inhabitants. For these reasons, while the regions have no political or administrative recognition, their importance in the national imaginary and in the formation of local identities is fundamental.

⁸ Constitución de la República del Ecuador 2008, Art. No. 63.

⁹ Constitución de la República del Ecuador 2008, Art. No. 63

3. Eligibility: Who has electoral rights under national law?

Since the approval of the Constitution in 2008 and the Electoral Law in 2009, three categories of individuals are officially recognised as having electoral rights in Ecuador: Ecuadorian citizen residents, Ecuadorian non-resident citizens, and non-citizen residents in Ecuador.¹⁰ Of these three categories, only citizen residents (the default category) enjoy the full range of active and passive voting rights at all levels of election. Each of the other two categories has their own specific limitations, discussed in greater detail in this section.

3.1. Citizen residents

Ecuadorian citizen residents who are at least sixteen years of age, and are appropriately registered on the electoral register, can vote in all elections, at all levels. The types and levels of elections include: national legislative, national presidential, national referendum, regional legislative, regional presidential, regional referendum, local legislative, local mayoral and local referendum. Moreover, citizen residents, under the terms established by the law, can also: propose legislative projects to all the administration levels, submit petitions for referendums and collectively revoke the mandate to all elective offices.¹¹

The vote is compulsory for citizens who are at least 18 years of age; but optional for citizens between 16 and 18 years of age, members of the National Army and National Police members in active service, disabled citizens and illiterate citizens.¹² As established by Art. No. 64 of the Constitution, and further specified in Art. No. 14 of the Electoral Law, citizens are disenfranchised in cases of: judicial interdiction; imprisonment; or in other cases established by the law.¹³ Accordingly, citizens who fall under one of these cases are not allowed to vote until the expiry of their sentences. The Electoral Law, Art. No. 95, sets the age thresholds for passive voting rights. The required age to run as a candidate for President or Vice-President is 35 years of age; for all the other elective offices, it is sufficient to be at least 18 years of age.¹⁴

Citizens lose candidacy rights in cases of: a prison sentence; or corruption, peculation, or unlawful enrichment sentence.¹⁵ No limitations, either for active or passive election, are established in the case of mentally-disabled citizens.

¹⁰ Constitución de la República del Ecuador 2008 and Ley Orgánica Electoral, Código de la Democracia (Registro oficial suplemento 578 de 27 de Abril 2009).

¹¹ Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 2, Art No. 195 and Art. No. 199.

¹² Constitución de la República del Ecuador 2008, Art. No. 62 and Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 11.

¹³ Constitución de la República del Ecuador 2008, Art. No. 64. and Art. No. 14.

¹⁴ Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 95.

¹⁵ Constitución de la República del Ecuador 2008, Art. No. 113 and Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 96.

3.2. Non-resident citizens

Although electoral rights were accorded to non-resident citizens already in 1998, the effective regulation of this procedure was ratified in 2002. The new Constitution approved in 2008, and the Electoral Law of 2009, established the current legal framework.

Eligibility criteria

As established by Art. No. 63 of the Constitution and Art. No. 13 of the Electoral Law: ‘Ecuadorian citizens who reside abroad have the right to vote for: the President and Vice-President of the Republic; the national representatives and the representatives of the circumscriptions abroad’. Out-of-country voting is not possible for local elections. Non-resident citizens, therefore, can participate to national legislative, national presidential, and national referendum elections.¹⁶ Moreover, non-resident citizens, under the terms established by the law, can propose legislative projects, submit petitions for referendums and revoke the mandate to all elective offices.¹⁷

The same Articles also regulate passive voting rights for non-resident citizens who ‘can run for all the public offices when they fulfill the requirements established by the law.’ This general inclusiveness is limited with reference to local elections since, to run as a candidate, it is necessary to fulfill at least one of two requirements: to be born in the concerned jurisdiction or to have lived there for at least two uninterrupted years. No forms of remote participation through postal voting or electronic voting are available. Henceforth, in order to vote, non-resident citizens must return to the electoral district where they are registered and cast a ballot there on Election Day.

Mode of Representation

The Electoral Law, Art. No. 150.3, regulates the mode of representation for non-resident citizens through a special representation model with discrete seats for out-of-country voters. Ecuadorian non-resident citizens elect 6 representatives for the National Assembly (Asamblea Nacional), over a total of 137 seats. Each representative is elected in a specific geographical district with the following distribution: 2 for Europe, Asia and Australia; 2 for the USA and Canada; 2 for Latin America, Africa and the Caribbean.¹⁸

3.3. Non-citizen residents

Non-citizen residents obtained electoral rights in Ecuador with the approval of the new Constitution in 2008. The extension of political-participation rights to this category was not the result of pressures by internal immigrant communities, or by specific political groups. Indeed, the foreign population residing in Ecuador is very small. In 2010, it counted 181.848 individuals, who represented 1.81% of the total population (Herrera, Moncayo & Escobar 2012).

¹⁶ Constitución de la República del Ecuador 2008, Art. No. 63 and Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 13.

¹⁷ Constitución de la República del Ecuador 2008, Art. No. 102 and Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 2, Art No. 195 and Art. No. 199.

¹⁸ Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 150.3.

This advancement, then, can be understood as part of a universalistic discourse promoted by the government of President Correa. The concession of electoral rights to foreigners in Ecuador was understood as the logical counterpart to the request advanced to other states to recognise the same rights to Ecuadorians living abroad.

Art. No. 63 of the Constitution establishes the general rules that apply to all non-citizen residents: ‘Non-citizen residents in Ecuador acquire the right to vote once they have legally resided in the country for at least five years’.¹⁹ Art. No. 11 of the Electoral Law further specifies: ‘Voting rights are granted to non-citizen residents, who are at least sixteen years of age, who have resided in the country for at least five years and who are included in the Electoral Register’.²⁰ Non-citizen residents can, therefore, participate in national legislative, national presidential, national referendum, regional legislative, regional presidential, regional referendum, local legislative, local mayoral and local referendum.²¹ Non-citizen residents, under the terms established by the law, can also propose legislative projects, submit petitions for referendums and revoke the mandate to all elective offices.²²

Neither the Constitution nor the Electoral Law include any exception to the general rule. Under the Ecuadorian law, all non-citizen residents, from any country, are granted the same electoral rights. Passive voting rights granted to foreign residents are limited to local elections. As established by the Constitution, Art. No. 142 and Art. No. 119, and confirmed by the Electoral Law, Art. No. 95, a fundamental requirement in order to run both for president and vice-president, and for a National Assembly seat is to be an Ecuadorian citizen.²³ As indicated by Art. No. 95 of the Electoral Law, this requirement is not necessary for other elections, including: regional governor (*gobernadora o gobernador regional*); regional legislative (*consejera o consejero regional*); local prefect (*prefecta o prefecto provincial*); local councils at the district, municipal or rural parish board levels (*concejales o concejales distritales y municipales, vocales de las juntas parroquiales*); local mayoral (*alcaldesa o alcalde distritales y municipales*). In these cases, resident foreigners who have at least five years of legal residency, and who have lived for at least two uninterrupted years in the jurisdiction where the election is held can run as candidates.²⁴

3.4. Indigenous minorities and/or Afro-descendants

Neither the Ecuadorian Constitution nor the Electoral Law includes any specific provision regarding the political participation of indigenous minorities and Afro-descendants populations. They may vote and stand as candidates under the conditions applying to all resident citizens described above.

¹⁹ Constitución de la República del Ecuador 2008, Art. No. 63.

²⁰ Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 11.

²¹ Constitución de la República del Ecuador 2008, Art. No. 9.

²² Constitución de la República del Ecuador 2008, Art. No. 102 and Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 2, Art No. 195 and Art. No. 199.

²³ Constitución de la República del Ecuador 2008, Art. No. 142 and Art. 199. Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 95.

²⁴ Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 95.

4. Exercising electoral rights

The Electoral Law regulates the rules and procedures to access the ballot for each category of eligible voters. As indicated by Art. No. 18, the National Electoral Council (*Consejo Nacional Electoral*) and the Electoral Dispute Tribunal (*Tribunal Contencioso Electoral*) are the institutions in charge of managing the electoral process, both in the national territory and abroad.²⁵

4.1. Registration Procedures: Becoming a voter

As established by Art. No. 12 of the Electoral Law, a fundamental requirement for individuals in order to be able to exercise the right to vote is to be included on the Electoral Register.²⁶ The Electoral Register, as defined by Art. No. 78, ‘is the list of individuals, who are at least 16 years of age, and are entitled to vote in each election. It is elaborated by the Electoral National Council on the basis of the information sent by the Civil Register (*Registro Civil*) or by the agency in charge of managing the population register. The Register also includes non-citizen residents who are at least 16 years of age and who have voluntarily registered. The Electoral National Council, in coordination with the relevant agencies, will be responsible for organising and producing the Electoral Register of Ecuadorian Citizens Residing Abroad’.²⁷ The procedures for registration are different for the three categories of voters.

Citizen Residents

Art. No. 80 of the Electoral Law regulates the registration procedure of citizen residents. ‘All the individuals who have obtained their national identity document (*cédula de identidad*) or who have been naturalised before the day established by the National Electoral Council for the closing of the Electoral Register will be included on its lists. Those who obtain the national identity document after that day will be included on the Electoral Register elaborated for the next electoral process’. Art. No. 82 stipulates: ‘Individuals who are included on the Electoral Register who change their electoral residence must register their new residence’.²⁸ As a result, Ecuadorian citizen residents are automatically included on the Electoral Register. In order to be able to vote in the jurisdiction where these citizens reside, it is necessary to register any residence changes. This procedure is valid for all elections at all levels.

²⁵ Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 118.

²⁶ Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 12.

²⁷ Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 78.

²⁸ Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 80 and No. 82.

Non-citizen residents

Art. No. 78 of the Electoral Law regulates the registration procedure of non-citizen residents. While for citizen residents it is the National Electoral Council that automatically registers eligible voters, non-citizen residents need to voluntarily register on the Electoral Register.²⁹ The Code for the Register of Non-Citizen Residents (*Instructivo para la inscripción de extranjeros*), approved by the National Electoral Council in 2013, stipulates: ‘In order to be included on the Electoral Register, eligible non-citizen residents must register at one of the Provincial Delegations of the National Electoral Council [...]; the required documentation comprises: the identity document and passport (the original and a photocopy) and the visa that proves the legal residence in Ecuador’.³⁰

Non-resident citizens

Regarding the registering of eligible citizens on the Electoral Register, the Electoral Law does not distinguish between citizen residents and non-resident citizens.³¹ This means that non-resident citizens are also automatically registered on the Electoral Register. As is required for all residence changes, non-resident citizens need to register their new residence in the Ecuadorian Consulate of their host country. Once registered in the Consulate, they are automatically included on the Electoral Register of the corresponding external jurisdiction.

4.2. Registration Procedure: Becoming a candidate

The Registration procedure to become a candidate for any elective office is regulated by two articles of the Electoral Law. Neither of these differentiates between citizen residents, non-citizen residents or non-resident citizens, though they do distinguish different types of elections.

Art. No. 98 states: ‘Once a political organisation has decided its candidates, at least 91 days before the closure of the electoral campaign, it will present their registration to the National Electoral Council, which will proceed to the evaluation’.³² This disposition implies that no individual can directly advance his or her own candidacy and register for elections. It is always a recognised political party or political organisation that initiates the registration procedure on their behalf.

²⁹ Ley Orgánica Electoral, Código de la Democracia 2009, Art. No. 78.

³⁰ CNE 2013, Instructivo para la Inscripción de Extranjeros.

³¹ Ley Orgánica Electoral, Código de la Democracia 2009.

³² Ley Orgánica Electoral, Código de la Democracia, Art. No. 98.

Art. No. 100 differentiates among three groups of candidates.³³ The first group includes candidates who run for: President and Vice-President of the Republic; National Assembly Seats; and Ecuadorian Representatives in the Andean and Latin-American Parliaments. For this group, the national administrator or legal representative of the political party or organisation that supports the candidates must submit their application to the National Electoral Council. The second group includes candidates for the external circumscriptions (2 for Europe, Asia and Australia; 2 for the USA and Canada; 2 for Latin-America, the Caribbean and Africa) running for National Assembly Seats. For this group, the national administrator or legal representative of the political party or organisation that sponsors the candidacy can submit candidatures either to the National Electoral Council or to any of the Ecuadorian Consulates. The third group includes candidates running for all local elective offices. For this group, the provincial administrator or legal representative of the political party or organization that sponsors the candidacy must submit candidatures to the corresponding Provincial Electoral Council.

4.3. Casting the vote

As established by the Electoral Law, Art. No. 115, the only available voting method for both residents and non-residents is by personally voting at the polling station in the district where the voter is registered. ‘The elector will present his/her national identification document or passport to the polling station secretary. Once the correct identification details on the Electoral Register have been verified, the elector will receive the ballot paper and will be able to vote’.³⁴ As regards polling stations in the external circumscriptions, as further specified by Art. No. 51, these will be temporary and they will operate in the hours established by the National Electoral Council and for the same number of hours as the stations in the national territory.³⁵

³³ Ley Orgánica Electoral, Código de la Democracia, Art. No. 100.

³⁴ Ley Orgánica Electoral, Código de la Democracia, Art. No. 115.

³⁵ Ley Orgánica Electoral, Código de la Democracia, Art. 51.

5. Conclusion

The Constitution of 1978-1979 gave Ecuadorian citizens universal suffrage for the first time. This Charter, approved after a six-year military regime, eliminated the last discriminatory barrier, that is to say the literacy requirement. This achievement is the outcome a long history of successive amendments that progressively eroded participation barriers, granting electoral rights to more and more sectors of the national population: since the approval of the first Constitution in 1830, the most important modifications that affected the right to vote were: the elimination of income requirement in 1861; the extension of electoral rights to women in 1929; and the elimination of the literacy requirement in 1978-1979.

The first migrant associations at the beginning of the 1990s stimulated the debate over the possibility of extending electoral rights to non-resident citizens. Before then, the expatriate community of Ecuadorians was very limited and no demands in this direction had been raised. The efforts of these groups were recognised in 1998 when a new Constitution was approved and non-resident citizens were given the right to vote for the President and the Vice-president of the Republic. While the Fundamental Law had finally recognized the right of Ecuadorians living abroad to political participation, political neglect and administrative inertia did not allow the concrete enactment of such a right until 2006.

The government of the then-elected President Rafael Correa inaugurated an era of expansion concerning electoral rights. The new Constitution, approved in 2008, further extended citizen rights, since it reduced the minimum age requirement from 18 to 16 years of age. Non-resident citizen rights were also increased. On the one hand, Ecuadorians abroad were now entitled not only to vote for the President and Vice-President, but also to choose their own representatives in the National Assembly. In this respect, a special representation model with discrete seats for out-of-country voters was built. A total of six representatives, two for each geographic macro-region were established. It was sufficient for expatriates to register at the corresponding Consulate and then they were automatically included on the Electoral Register. On the other hand, non-resident citizens obtained passive voting rights that allowed them to run for any public office.

Another crucial advancement that resulted from the 2008 Constitution was the concession of both active and passive voting rights to non-citizen residents. Regarding the former aspect, all foreign non-citizen residents who have at least five years of legal residence and fulfill the other requirements, are allowed to participate in all types and levels of elections. As for the latter aspect, non-citizen residents who meet the same requirements for active participation can run as candidates for local elections. This extension was not the result of internal pressure by immigrant communities or by specific political groups. Indeed, this advancement can be understood as part of a universalistic discourse advanced by the government, which at the same time as it conceded electoral rights for foreigners in Ecuador, demanded the recognition of the same rights for its citizens abroad.

The extension of electoral rights in Ecuador and, in particular, the concession of external electoral rights to non-resident citizens, can be understood as part of the expansionary wave that has involved more than fifty countries worldwide since the 1990s. As regards Latin America, besides the pioneer cases of Brazil and Argentina, which made effective external electoral rights for their citizens in 1988 and 1993 respectively, Ecuador was part of a second wave of concessions which also included Venezuela and Peru in 1998, Colombia in 2001, Honduras in 2001, the Dominican Republic in 2004, Mexico in 2006, Bolivia, Costa Rica and Panama in 2009, Costa Rica in 2009, Paraguay in 2011 and El Salvador in 2014. The only countries that are still waiting for the approval of electoral rights for their expatriates are: Nicaragua, Guatemala, Uruguay and Cuba. Ecuador, together with Colombia, is the only country that has adopted a special representation model with discrete seats for out-of-country voters in the legislative assembly. As regards the right to vote for non-citizen residents, Ecuador is one of eight Latin-American countries that recognise this right. The others are Argentina, Brazil, Colombia, Chile, Paraguay, Uruguay and Venezuela (Emmerich & Peraza Torres 2011).

In conclusion, the important modifications introduced by the Constitution approved in 2008 and by the Electoral Law approved one year later have provided Ecuador with a very inclusive set of electoral rights. As regards both non-resident citizens and non-citizen residents, the country has one of the most advanced legislations in the Latin America.

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