

Reject, Reject, Reject...Passed! Explaining a Latecomer of Emigrant Enfranchisement

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Submitted: 22 June 2023 **Accepted:** 19 September 2023 **Published:** 13 March 2024

Issue: This article is part of the issue “The Political Representation and Participation of Migrants” edited by Sergiu Gherghina (University of Glasgow) and Sorina Soare (University of Florence), fully open access at <https://doi.org/10.17645/pag.i354>

Abstract

Despite the extensive spread of external voting across the world, exceptions remain as some countries have not passed such regulations (e.g., Uruguay) or have passed them but lag implementation (e.g., Nicaragua). Others still took a long time to join the trend, possibly presenting a pushback to the commonly accepted notion of norm diffusion to explain migrant enfranchisement. We examine a latecomer by asking why Chile took so long to enfranchise emigrants. Classified as a liberal democracy with a century of legal history of foreign-resident voting, it repeatedly rejected proposed bills on external voting since 1971. Chile enacted external voting only in 2014, regulated it in 2016, and applied it in 2017. Through legal historical content analysis, we identify which political actors proposed the bills, when, and why each failed. Left and right-leaning actors gave normative, legal, and procedural reasons that resulted in rejection and stagnation at various institutional stages. This latecomer's constitutional tradition, strongly focused on territory and territorial links, potentially sheds light on dozens of other country cases of late adoption of the external franchise.

Keywords

Chile; democratic norms; emigrant enfranchisement; external voting; political regimes

1. Introduction

States across the world have debated external voting, providing reasons for and against granting immigrant and emigrant voting rights (for reviews, see Caramani & Grotz, 2015; Fliess & Østergaard-Nielsen, 2021; Umpierrez de Reguero et al., 2023). Some countries, such as Uruguay (Margheritis, 2022) and Ireland (Reidy, 2021), do not grant voting rights, despite holding democratic ideals and other reasons typical of joining the

global trend. For decades, Chile was similar and then became a latecomer to external voting when it passed legislation in 2014 (law 20,748), regulated it in 2016 (law 20,960), and implemented it in the 2017 presidential election, marking the first time certain Chileans voted from abroad (Finn, 2021). Why the country passed such regulation seems straightforward since it was an established democracy with strong institutions, decades of free and fair elections since the dictatorship, and a relatively open and globalized perspective. On approval, the incumbent government praised this inclusive democratic step. Yet the typical factors of why countries enfranchise emigrants had already been present, at least, since the return to democracy in the early 1990s. While political science and migration studies literature usually explains why enfranchisement occurs, we explain why previous proposals failed.

Why was overseas voting rejected time and again before it passed? Motions from the parliament and presidents initiated similar bills a dozen times from 1971 before approving it in 2014. Chile was a pioneer adopter of immigrant suffrage and still ranks among one of the most inclusive countries worldwide for immigrant voting (Altman et al., 2023; Finn, 2023). We explain why Chile was a latecomer to emigrant suffrage. Reviewing the digital minutes and bills within Chile's Senate and National Congress Library, we identify who proposed each bill, when, and why it failed. Conducting content analysis of legal documents and discussions of each initiative, we analyze each relevant dialog in the Chamber of Deputies, Senate, and by the executive. Rejection revolved around legal, normative, and procedural reasons, as well as stagnation as the bill moved through institutional stages. Examining failure has the potential to nuance factors often used to explain success. Our analysis questions the democratic aspect of the prolific norm and the left-right ideological divide over external voting.

External voting is a worldwide phenomenon, shown in the Extraterritorial Voting Rights and Restrictions Dataset (EVRR; Wellman et al., 2022), visualized in Figure A1 in the Supplementary File. Of 170 surveyed countries, Umpierrez de Reguero (2023) classifies 51 as lacking emigrant enfranchisement and 24 as deviant cases that may have passed such rights but failed to implement them. The result is that at least 75 countries have legally disenfranchised nationals abroad, while other countries have enacted such rights but limit or manipulate them in practice (see, e.g., Gherghina, 2015; Turcu, 2018; Wellman, 2021). While Chile is now part of the enfranchisement trend, it took over 40 years of attempts; its repetitive rejections may be useful for scholars interested in non-adopters and non-implementers. Our findings—of a latecomer's constitutional tradition with a strong focus on territory and territorial links, which created political disagreement along ideological lines—are relevant for comparison to other findings in Latin America and across the globe on why states accept or reject external voting.

2. Definitions, Concepts, and Theory

Granting migrant voting rights requires a country to enshrine rights (i.e., pass a law), regulate them through a legal framework (making it possible to exercise the right), and implement rights (the first time new voters participate); Palop-García and Pedroza's (2019) study outlining these three steps is one of the foundational texts identified in Fliess and Østergaard-Nielsen's (2021) thorough review of emigrant enfranchisement studies. Enfranchisement is the legal process of granting voting rights. It targets a certain group, such as immigrants (also referred to as non-citizens, co-nationals, and denizens) or emigrants. Emigrant voting refers to when nationals who have moved from an origin country and reside abroad can cast ballots from abroad in origin-country elections. This phenomenon is more specific than the practice of external voting

(i.e., overseas or diaspora voting), referring to a larger group of nationals that includes, for example, the emigrants' offspring who may have never lived in their parents' origin country but hold that nationality. This is an important conceptual distinction for two separate groups of voters and these two terms should not be taken as synonyms.

The immigrant and emigrant enfranchisement literature comprises four main strands, categorized by Umpierrez de Reguero et al. (2023). The first is normative, encompassing mostly political theory debates about which migrants should (not) be in the demos (e.g., Bauböck, 2015). The second is legal, analyzing constitutional and electoral laws defining who can register and vote and the procedural steps of how to access suffrage rights (e.g., Pedroza & Palop-García, 2017). The third strand involves the political activities and mobilization around migrant voting, for instance, movements or campaigning led by organizations, political parties, or states (e.g., Kernalegenn & van Haute, 2020). The fourth topic relates to post-enfranchisement, with prolific research on migrant voter turnout and vote choice at the individual or aggregate level. Our analysis lies within the second strand of legislation and processes.

Within the process are the decision-makers' normative views on who should be in the political community based on, e.g., nationality and territorial presence, paralleling the phrase "no taxation without representation." Nationals abroad share commonalities and can return to the origin country, but only some think this entitles them and future generations to vote from abroad (Bauböck, 2005, 2015), paralleling the complementary logic of "no representation without taxation." Others in Ireland (Reidy, 2021) and Romania (Gherghina et al., 2022), for example, view economic contributions as meriting external voting. Hesitation to enfranchise can also come from fear of the unknown, such as "foreign" influence in elections, as Mexico long suspected from their nationals in the US (Smith & Bakker, 2008). Parties and incumbents estimate potential voter support, evident across sub-Saharan African laws on paper and in practice (Wellman, 2021). Votes from nationals abroad could swing elections (Gamlen, 2015) and when diasporas are large, the absence of emigrants' votes can also change domestic results, such as in the Polish elections (Giesing & Schikora, 2023). Legislators also consider the financial costs of enfranchisement and implementation logistics, given that investing in anonymous voting procedures and implementation abroad is expensive (Finn & Besserer Rayas, 2022). Governments tweak procedures and modalities to facilitate voting, such as French e-voting (Dandoy & Kernalegenn, 2021), or to deter registration and voting, such as Romania installing few voting stations with very long waiting lines (Gherghina, 2015; Szulecki et al., 2023) and Venezuela requiring difficult-to-obtain documents (Umpierrez de Reguero et al., 2020).

Building from prior studies, our theoretical framework concentrates on four aspects: state actors, ideology, lack of agreement, and domestic versus international politics. *State actors* support or oppose external voting for many of the abovementioned reasons. Approval works most smoothly with cross-party support, bringing in *ideology*. Specific to Chile, we consider Curtis' (2017, p. 166) argument that after 1991 (and presumably through 2010), the main reason external voting had not passed was rooted in strong right-wing resistance. This scholar outlines three reasons opponents gave in debates: suspicions that Chileans abroad do not pay taxes in Chile, technical difficulties in implementing voting procedures abroad, and external voting could "bias" election results. The bias conveys a fear of massive participation of those who live abroad; given that many are previous exiles from a right-wing dictatorship, the assumption is that they would support the left. As mentioned, all these reasons also occur in other countries, but we suspected that there is more to the story in Chile. Erlingsson and Tuman (2017) stress that the Chilean status-quo law gave an electoral edge to conservatives (so the right

would oppose and the left would support enfranchisement), however, this was proposed in 2014 and approved in 2015, once approval was possible despite rejection from two rightwing parties (RN and UDI; Gamboa & Morales, 2016). These ideological arguments do not explain why right governments also proposed external voting bills at various times.

At the core of these ideological debates is a *lack of agreement*. Considering a longer period within and between countries, support and opposition exist from both left and right. Examining political party contestation of external voting in 13 countries, Østergaard-Nielsen et al. (2019) find that (besides radical right parties) the more to the right a party is, the higher the tendency to support external voting rights. Escobar (2015) reports that across Latin America, right-leaning governments initially granted migrant voting rights up until the 1990s, whereafter it was the left who granted them. Rather than a clean right-left split consistent over time, it is a lack of agreement that blocks approval of external voting, as scholars have identified also for Portugal (Lisi et al., 2015) and Uruguay (Margheritis, 2022).

Internal debate leads to the highlight of the third piece of the theoretical framework: When deciding whether to legalize overseas voting, there are trade-offs between *domestic and international politics*. Studying suffrage laws must be contextualized not only regarding political regime and transition period but also alongside the development of citizenship and nationality laws since, together, these laws legally define who has a political voice in which elections (Bauböck, 2005; Earnest, 2008). Perceiving links to the territory—rather than to national ideals or identity, for instance—has a long history in Chilean constitutions, specifically in their citizenship laws since 1822 (Courtis, 2017). Prioritizing territorial connection seems to intuitively explain the within-case variation of Chile as a pioneer versus latecomer to migrant enfranchisement since they politically incorporated (non-naturalized) immigrants about 90 years before enfranchising certain emigrants (Finn, 2023).

International politics and perceptions also affect enfranchisement, captured in the norm-internationalization and global norm hypotheses, in which liberal norms and standards of accepting external voting diffuse across countries, especially to neighbors (see Jaulin, 2016; Lafleur, 2015; Rhodes & Harutyunyan, 2010; Turcu & Urbatsch, 2015). Most South American countries grant external voting rights, including Chile's border countries: Argentina has allowed it since 1991 (Law 24007), Bolivia since 2010 (through Art. 45 of the Electoral Regime Law), and Peru in the Constitution of 1979 (Chapter VII, with mandatory voting for all nationals, including those abroad). Analyzing 24 Latin American and Caribbean countries, Erlingsson and Tuman (2017) find policy diffusion and political globalization were not significant variables for explaining external voting rights; rather, remittances and left-leaning governments were significant—which, again, conflicts in cases with right government proposals. To answer why states enfranchise citizens abroad, Lafleur (2011) finds a variety of factors in Belgium, Italy, and Mexico but emphasizes the evolution of domestic politics. Similarly, we suspected that domestic politics had overshadowed international politics—meaning Lafleur's (2011) finding may serve to explain not only why states accept but also why they reject external voting.

Finally, democratic principles are at play in domestic and international politics. The level of democracy matters since diffusion is based on the idea of accepting global liberal standards to accept external voting. Yet while withholding migrant suffrage rights is not undemocratic, granting them is more democratic (Pedroza, 2015). Indeed, the “democratic” part of the norm is unclear since some countries with high levels

of democracy do not allow nationals to vote from abroad (e.g., Ireland and Uruguay; Margheritis, 2022; Reidy, 2021; Stuhldreher, 2012), while other countries enact and apply external voting while classified as non-democracies (e.g., South Africa, before 1994; Wellman, 2015, 2021). We questioned the role of democracy and international perceptions in a country experiencing great domestic shifts, such as Chile, since the proposed bills came prior to a dictatorship, during re-democratization, and liberal democracy. A window-of-opportunity sub-hypothesis posits that regime transitions offer a prime chance to grant external voting rights (Rhodes & Harutyunyan, 2010). Chile does not fit into this trend or else would have passed the proposed bills in the 1990s. Chile continued to reject bills after neighboring countries had enacted external voting and as the global trend was spreading, hence, our research question emerged.

3. Data and Method of Analysis

For enfranchisement, the typical outcome of interest is the enactment or application of voting rights (i.e., the presence of the phenomenon). Instead, our case selection allows us to examine cases of rejection (i.e., the absence of the phenomenon; see Goertz, 2017) since the reasons put forth in the literature seem to have low explanatory power for this second scenario of lacking the external franchise. We examine a single country that encompasses typical reasons from the literature that had puzzlingly existed throughout, thus failing to explain any difference of rejection versus adoption of emigrant voting rights.

Our data collection started with a key document from 2015 outlining the country's legal chronology of external voting, published by a designated section in Chile's Ministry of Foreign Affairs, the Division for the Community of Chileans Abroad. We then searched for each bill listed in the chronology, finding these data as digitized legal texts publicly available online from Chile's Senate and National Congress Library. These include reports, or bulletins (*boletines*), that outline each bill's content and transcribed minutes from discussions as it passed through the Senate and Chamber of Deputies, including from their corresponding Constitution Commissions and executive branch. On Congress-approved laws, corresponding online reports called *History of the Law* contain detailed transcriptions of all related documents and discussions of the legislative process; these typically number approximately 200 pages. There is less information on the Congress platforms for bills that did not complete legislative processing, as only reports and documents are available as the bill is dispatched, rejected, or archived at specific stages. A limitation of these digital data sources is that two bills were archived (in 1994 and 2018), preventing us from determining their failure.

We complemented these with all legal, institutional, and academic information available in English and Spanish on Chilean external voting, e.g., commissioned reports, think-tank publications, book chapters, and research articles. The theoretical framework and empirical foundation consider the most recent state-of-the-art of 84 journal publications on this topic (Umpierrez de Reguero et al., 2023) and the EVRR dataset, which depicts the trend of external voting in all world regions, which covers almost 200 countries from 1950 to 2020 (Wellman et al., 2022; www.evrdataset.com). From these, we observed that many aspects key to explaining enfranchisement had been present in the selected cases, thus our research question focuses on failure rather than success.

From these sources, we compiled the inductive Table 1 to outline the details of each bill, whether the president or parliament started the initiative, the result, and why it failed. Applying our extensive knowledge of the Chilean political system and political party constellations through the last decades, we focused on

who proposed each bill and how it proceeded through the legislative process. When necessary, we analyzed the debate minutes in the relevant institutional-legal stage, to understand the arguments for and against the bill, considering the political party coalitions, regime changes, democratization, and left–right shifts in power. Through this content analysis, we concluded the reasons for rejection.

Our case selection and method of analysis face at least three limitations. Since our legal analysis stems from digital records of bills and official discussions in various government branches, it fails to capture unofficial debates of internal and informal party politics. The first limitation is that Table 1 perhaps misses key actors in the external enfranchisement process. What role did emigrants and emigrant organizations abroad play? Echeverría (2015) hints at increased claims-making in the 2000s, whereas Umpierrez de Reguero (2022) lists organizations (e.g., Chile Despertó Internacional Network, Chile Decide Extranjero, Chile Somos Todos) active in such claims-making. Were other veto players playing internal party politics behind the scenes to block bill approval? Second, we could not dive into possible explanations for rejection that involved the consequential legacies of the post-dictatorship era that likely incited fear of the unknown, specifically regarding the composition of the diaspora. Who is abroad? Who would they vote for? Third, we noticed that proposed motions aimed to change different laws (e.g., Article 13 or 18, or combining the bill with other suffrage law changes). Did these actors think such an approach would have a better chance of passing? Why? Our data and method restrict us from addressing such questions.

4. Results: Rejected Time and Again in Democracy

Chile enacted external voting in 2014 (law 20,748), which outlined voting from abroad in presidential primaries, presidential elections, and national-level plebiscites (see Table A2 in the Supplementary File). It was regulated in 2016 (law 20,960), requiring Chileans to change their address to abroad and to prove a past residence of at least one year in Chile, presumably any time within the individual's life. The laws outlining the political rights of Chileans abroad do not include candidacy rights, special representation, or suffrage in legislative or municipal elections. Emigrant enfranchisement was first applied in July 2017 for the primaries, followed by the two rounds of the presidential election in November and December of the same year.

Voter registration requires Chileans to report their address abroad to the Chilean government, complete a form, show Chilean identification, and prove prior residence in Chile for at least a year, presumably anytime within one's lifetime (ChileAtiende, 2023). Voter registration is automatic after Chile's Electoral Service has the residence certificate (*el certificado de vecindamiento de extranjería*; law 18,566). Such residence excludes those born abroad who are Chilean through *ius sanguinis* laws, until they live in Chile for a year, return abroad, and then enroll. This limits the voting population abroad not to Chileans at least 18 years old but only to those who have resided in Chile. Nationals living abroad cannot skip the requirement and go to Chile to vote in person, i.e., "travel voting."

Based on its characteristics and the literature, Chile should have approved it much earlier. Why was overseas voting rejected time and again? Official records of external voting show that incumbent governments repeatedly proposed it, dating back to 1971 (see Navarrete Yáñez, 2006; Toro & Walker, 2007). The first proposal happened before Pinochet's regime, which is important because it undermines some contemporary rationalizations based on an ideological divide. Pinochet's 17-year dictatorship forced many Chileans into exile and spurred further voluntary emigration. This led to an ongoing belief that external

voting took so long to pass in Chile due to assuming that those abroad were overwhelmingly of left ideology (since the dictatorship was rightwing, less right supporters would have been exiled). This created a general notion that potential new voters would benefit only left-leaning candidates, thus right-leaning politicians blocked approval. Some emigrant organizations abroad also held this belief (Erlingsson & Tuman, 2017). However, over time many more Chileans presumably from across the ideological spectrum moved abroad, so the actual legal and historical processes paint a more nuanced ideological scene.

During the military dictatorship—and unlike contemporary regimes aiming for control and power over the diaspora and seeking international cooperation (see Tsourapas, 2021)—Pinochet kept a tight security-focused regime, largely under a state of emergency (Huneeus, 2000), without needing external voter support. Under this context, external voting was unsurprisingly not proposed. However, given the importance of territorial belonging and perhaps planning to gain a future potential or symbolic voter constituency, immigrant voting rights in national-level elections were debated, passed, and enshrined in the 1980 Constitution, a product of Pinochet’s appointed constitutional review commission (Finn, 2020, 2023). After a return to democracy, external voting slowly reappeared but other priorities in the (re)democratization period overshadowed it, which gained momentum in only 2005 onwards.

Whereas Table A1 in the Supplementary File details our analysis, Table 1 summarizes our findings on each proposal in Chile. The first column lists each failed bill, with the first in 1971. The second presents who proposed it—in Chile, the president of the republic or a group of parliamentarians (senators or deputies) can present bills. To become law, both the Chamber of Deputies and the Senate must approve it, during which a specific commission reviews it (in our case studies, Constitution Commissions), and it must be approved by the plenary session of the respective chamber. Once both approve it, the president promulgates the law, and it is published—unless the president exercises veto power and requests Congress to re-discuss certain parts. The third column explains what occurred along the legislative path: (a) withdrawal by the executive may correspond to the desire to present a new project on the topic, with significant modifications, or uninterest in the project continuing to be analyzed in Congress; (b) rejection shows the lack of support from parliamentarians, even despite legislative priority to analyze and vote on it; (c) archived bills often respond to long stagnation, possibly because of a lack of legislative priority in general or for another bill; and (d) abandoned bills similarly lack movement or advancement over an extended period.

These first three factual columns comprise our first contribution since none of this information on overseas voting in Chile has been presented comprehensively or cohesively by the government, lawyers, or scholars. The second contribution lies in the last column, which holds the results of our analysis. We categorize that failure comes in two forms: stagnation and rejection. Based on relevant literature, we condensed the reasons for failure into four overarching labels: normative, legal, procedural, and lack of agreement. This fourth and final column summarizes our interpretation of what happened, in response to our research question on the reasons for legislative failure. Table 1 offers an opportunity to look beyond political regime and ideology to instead compare these categories with at least 75 other countries worldwide currently with disenfranchised nationals abroad.

As outlined in the last column in Table 1, the bills failed largely because of normative, legal, and procedural reasons, as well as stagnation. A lack of agreement seemed to stall or stop the discussion, resulting in the bill being withdrawn, the debate fizzling out (i.e., rejected or stopped), or being archived. The outcomes seem to

be regardless of who proposed the bill, which ideology the current administration held, and if the executive or parliament started the initiative. Furthermore, rejection or acceptance do not reflect the country's quality of democracy or changes in nationality or citizenship laws. Chile had a relatively strong party system, institutions, free and fair elections, and a globalized perspective, which counters intuition and many of the reasons found in the literature that would have predicted earlier adoption.

Table 1. Summary of Chile's legislative process of failed emigrant enfranchisement bills (1971–2013).

Date of proposed bill	Via message or motion by	Legal outcome	Reasons for rejection
1971	President	No support in the Chamber of Deputies	Stagnation and procedural: <ul style="list-style-type: none"> • Presented as a secondary aspect of a project • Lacked political support
January 1991	Parliament	Stopped in the Senate	Normative, legal, and procedural: <ul style="list-style-type: none"> • Unconstitutional (compulsory for resident nationals) • Unjust, unequal treatment • Implementation difficulties
June 1993	Parliament	Archived in 1994	Legal and procedural: <ul style="list-style-type: none"> • Archived after the previous 1991 report was approved (albeit then stopped)
July 2005	Parliament	Rejected in the Chamber of Deputies	Normative and procedural: <ul style="list-style-type: none"> • All-subjected principle • Ties to Chile • Registration difficulties
October 2006	Parliament	Stopped in the Chamber of Deputies	Stagnation and lack of agreement
March 2009	President	Stopped in the Senate	Stagnation and procedural: <ul style="list-style-type: none"> • Presented alongside two other proposals on automatic registration and voluntary voting
May 2010	President	Stopped in the Chamber of Deputies	Stagnation and lack of agreement
December 2010	President	Stopped in the Chamber of Deputies	Normative: <ul style="list-style-type: none"> • Ties to Chile
December 2010	President	Withdrawn by the government	Legal: <ul style="list-style-type: none"> • Unconstitutional
June 2013	Parliament	Archived in 2018	Stagnation and strategic: <ul style="list-style-type: none"> • Lacked political support • Was strategic to open possible political consensus

Notes: For details on the legislative process of failed bills see Table A1 in the Supplementary File; for the approval process 2013–2016 see Table A2 in the Supplementary File; certain Chileans abroad voted for the first time in the presidential election 2017.

The normative reasons, and to some extent the legal reasons, included critically decisive discussions on having and proving a “tie” or “link” with the country. Requiring a link was interpreted as restrictive, creating controversy around the 2005 proposal and then again in 2010, resulting in the rejection (Ministerio de Relaciones Exteriores, 2015; Vargas Cárdenas, 2016). Again, the idea of territorial links has a long history in Chilean constitutions. Rejection because of the link was quite legally irrelevant, since, when Congress finally approved suffrage, the resulting 2015 law mandates a one-year residence in Chile as a prerequisite to enrolling as a voter abroad. The residence of one year exceeds that which was proposed in 2010 under President Piñera, which was a residence of five months within the last eight years (also see Courtis, 2016).

Legal reasons in 1996 and 2011 considered external voting as “unconstitutional.” A major concern was that voting was still mandatory for resident nationals (i.e., Chileans living in Chile). State actors considered it contrary to the Constitution to establish different voting conditions for nationals abroad and resident nationals. They considered it unconstitutional to limit voting abroad to presidential primaries, presidential elections, and national plebiscites and to establish voluntary voting abroad, while for those residing in Chile, it was still mandatory. This proposal was the second of four bills initiated during Piñera’s two administrations (two in 2010 and two in 2013), signaling that it was somewhat of a priority and perhaps, indirectly, signaling recognition of the global trend of external voting and their delayed stance of enacting it.

Procedural reasons related not to enacting migrant enfranchisement but to regulating and implementing migrant voting. We label these as institutional reasons. Actors referred to seemingly overwhelming difficulties that Chile would have to overcome to implement voting from abroad. While financial investment would be an evident barrier, it went largely unmentioned. Instead, the debate focused on perceived logistics, such as implementation difficulties in 1991. Just after returning to democracy, after the 1989 plebiscite ending Pinochet’s dictatorship, constitutional reform would have been needed to establish an electoral system abroad. There was a lack of priority and political will to create this in the early 1990s, thus it acted as a major reason for the bill’s failure.

This means Chile passed by the “window-of-opportunity” during the transition and did not follow neighboring Argentina’s 1991 approval of external voting. This was despite actors in the debate being aware of global diffusion, which was mentioned by the center-left actors who drafted the 1991 bill, and then repeated in a Chamber of Deputies report in 1992. A 1996 report by the Senate also states that the trend was mentioned by the director of the Electoral Service and by the Ministry of Foreign Affairs during the prior parliamentary debate. Despite recognizing diffusion, after Chile’s failed 1993 proposal, external voting was notably not proposed again for 10 years, perhaps prioritizing other issues during re-democratization.

Procedural reasons appeared again around the 2005 proposal, that focused on registration difficulties. Concerns remained that Chile’s Electoral Service would face the enormous task of opening electoral registers in consulates abroad since the law only outlined how registration occurs within the territory, which served as a main reason for rejection. This continued in 2009, as the proposal was presented alongside a project of automatic registration of voters and voluntary voting (to replace optional enrollment and mandatory voting used at the time). Despite approval of the overall project by the Constitution Commission and the Chamber of the Senate, it was not discussed again, resulting in stagnation. The last trend in Table 1 shows that four consecutive bills over 2009–2010 came from the president rather than parliament: the first from Bachelet, then three from Piñera, some with high priority for discussion, but each equally failed.

5. Discussion

Considering all of Chile's proposed bills of external voting shows no straightforward democratic or ideological reasoning to have been rejected or accepted. First, on approval, the left-wing administration was quick to praise external voting as an inclusive democratic step: Bachelet commented that "with this law, we are honoring democracy, by allowing each of our compatriots to effectively have the possibility of marking his or her preference in our national elections" (Ministerio de Relaciones Exteriores, 2016; translation by the authors). While this is true, and of course the speech's target audience is society at large, democracy and democratic voices had little to do with the process of rejection and approval. Democracy had long reigned in Chile and similar bills failed time and again before approval, including under Bachelet's first administration.

Second, our compilation and analysis of Table 1 challenges Curtis' (2017, p. 166) reasoning for external voting rejection: "The main obstacle for implementing voting from abroad has been the resistance from strong right-wing Chilean politics" (translation by the authors). The reasons Curtis identifies overlap with our classifications of normative and procedural reasons, which were given by both left and right-leaning actors under both left and right governments. Most evidently, of the 12 bills—including the two that passed (9069-07/2013 and 10344-06/2015), see Table A2 in the Supplementary File—five were debated under the right-wing coalitions of Piñera's administrations, whereas six were under left-leaning executives (Allende, Aylwin twice, and Bachelet thrice; see Table A1 in the Supplementary File). We thus consider such reasons against the bills not as ideological reasons, belonging to one side or the other, but that the ideological divide manifested as differing perspectives on who has links to Chile as a territory. And that was the principal factor of "proving" who should be able to vote. The 2005 rejection by the right actors was because they wanted to ensure some links to the country. Contrarily, the 2010 rejection came from left actors because they disagreed with requiring such a link.

The divide therefore originated not in ideology but in the perspectives on territory and residence. The country's legal history emphasizes both of these concepts, reflecting actors' normative beliefs of who should (not) belong to the demos. This scenario of normative leanings focused on territorial ties, backed with long-standing legal precedence, also intuitively explains why Chile implemented immigrant voting very early (1925-1934; see Finn, 2023) while also blocking emigrant voting from 1971-2014. As Fliess and Østergaard-Nielsen (2021) point out, the notion of extending voting rights to people outside the territory—even though they hold nationality—challenges the traditional link between citizenship and territoriality. This can slow down the process of adopting new legislation. Whereas Pallister (2020) found that resource constraints and crowded electoral reform agendas slowed the external voting processes in El Salvador and Guatemala, here in Chile it seems that breaking long-standing traditional views of territory and residence resulted in rejection time and again. Despite the presence of liberal norms and democracy, this underlying status quo means that state actors and societies have long accepted this as the norm, and breaking it is difficult, both in normative views and in legislation.

What most explains the rejection is domestic politics and a lack of agreement, overpowering other significant factors found in the literature involving high levels of democracy, global norms, and ideology—all present during the rejection and acceptance of proposed bills in Chile. A lack of agreement is the main explanatory reason for the absence of external enfranchisement in other countries, such as Portugal (Lisi et al., 2015) and Uruguay (Margheritis, 2022). In Chile, it manifested for decades as a disagreement in proving territorial ties.

We interpret state actors' concerns over the logistical and institutional aspects of legalizing and implementing external voting (i.e., reasons vocalized in the debates) as secondary to their primary concerns of ensuring their normative stances over defining and "proving" national belongingness. Domestic politics—primarily external voting as a non-priority in the re-democratization period and right-left fluctuations in administrations—and a strong domestic territorial focus trumped concerns or debate about the international realm, specifically about how most other countries had adopted external voting.

Disagreement was finally overcome through cross-party efforts. While our main objective has been answering why bills failed, secondarily we also briefly address why it passed in 2014 (for details on the legislative steps, see Table A2 in the Supplementary File). The incumbent, President Bachelet, prioritized the discussion by putting *la suma urgencia*, the legal term for high urgency, on two different proposals. In 2014, she also added the right to vote in presidential primary elections and a one-off registration process (instead of requiring voters to register before every election), which Congress approved, then it moved through the Chamber of Deputies, successfully ending in 2016 (as law 20,960). Putting urgency on it does not explain approval since it had been unsuccessfully used on the bills from 2007 (Bulletin No. 3396-06/2005), 2008 (Bulletin No. 268-07/1991), 2009 (Bulletin No. 6418-07/2009), 2010 (Bulletin No. 6950-07/2010), and 2011 (Bulletin No. 7335-07/2010).

Through a brief analysis of the approval, the legal process of the 11th proposal was not inherently unique but two factors stand out: First, in June 2013, a motion strategically opened the road for possible political agreement, which seemed to work given the 2014 approval. This reflects Lafleur's (2011) finding on the Italian inter-partisan agreement of the constituency abroad as a crucial factor in approving external voting legislation. Second, the administration held a majority in parliament, resulting in the approval of various large reforms in 2015 targeting the tax, education, and electoral systems. Gamboa and Morales (2016) report that Chile's electoral reform, which changed its binomial system to a more proportional one, had previously not been a priority and the proposed reform had failed 26 times, always facing political disagreement, a primary reason we have also found for external voting failure. Bachelet (2013, p. 155) promised to "increase the permanent link" of Chileans abroad with Chile, which we interpret as a deliberate use of the specific term "link," given its prevalence in previous debates. However, Bachelet did not prioritize external voting, dedicating just one sentence to it in her 198-page presidential plan. It passed in 2014 seemingly because of having enough political agreement and a majority in parliament.

6. Conclusion

The boundary of the demos continues to be in flux in many countries, reflecting norms and divisions between who should be included and excluded. As of 2022, there are more than 130 countries that offer at least some voting rights to selected groups of nationals abroad (Wellman et al., 2022). Viewing voting as a practice of citizenship, voice has moved beyond territory and membership (Bauböck, 2005) and even beyond nationality (Pedroza, 2019). Laws and implementation set the political opportunity structures individuals face; both the final legislation on paper and the reasons and context under which it was crafted are vital for unpacking who can electorally participate and who has access to choosing a state's future leaders. Given its importance, the process of granting and withholding voting rights to growing numbers of transnational individuals continues to be a dynamic research topic at the intersections of political science and law, while its effects resonate throughout sociology, migration studies, and electoral studies.

While existing literature has explained why and where migrant enfranchisement occurs, our analysis tackled why proposals fail. We conducted a content analysis of the historical legal processes of a latecomer—Chile. Using classifications from Umpierrez de Reguero’s (2023) overview of 170 countries, Chile was among 51 countries that lacked emigrant enfranchisement, compared to 24 deviant cases that have such rights on paper but not in practice, and 95 typical cases showing the global trend of external voting. Chile joined this trend and became what Umpierrez de Reguero (2023) would classify as a typical case with fast-track implementation, given its enfranchisement process started with enactment in 2014 and ended in implementation in 2017. Yet while approval was fast-tracked, the legal historical process behind it dragged on for decades. Our analysis of the long road to enfranchisement unpacks why the latecomer had rejected 10 similar proposals over 40 years before passing the 11th proposed bill.

Failure stemmed from either stagnation or rejection. Over the period of analysis, we identify no clear-cut veto players but find that opponents to external voting provided reasons based typically on normative, legal, and procedural arguments. The primary normative concerns in Chile reflect the literature from sociology and political theory on belonging and the all-subjected principle. The normative arguments stemmed from discussing what is (un)just or (un)fair for resident nationals compared to nationals abroad.

Our findings nuance arguments that portray a simple left–right ideological divide on the topic of external voting, by pinpointing a prominent factor in our within-country case studies: state actors’ normative stances of who belongs to the demos, which here reflected views on whether proving territorial ties should be required to vote from abroad. The left–right ideological divide in Chile did not clearly separate the supporters from opponents of the external franchise but reflected disagreement on voters’ connection to the country. About half of the bills in Chile were proposed under right-wing coalitions and half under left-wing coalitions; the normative, legal, and procedural reasons during debates were given by both left and right-leaning actors under both left and right-leaning governments. As such, in this analysis, ideology per se is not a significant influence over the rejection or approval of external voting. However, ideology determined who supported (right) and who opposed (left) a critical factor of debate—requiring a territorial “link”—which indeed created stagnation and rejection.

This latecomer demonstrates a country’s case of constitutional tradition with a strong focus on territory and territorial links. Differing perspectives on who had, and could prove, such a link were ideologically split, resulting in different normative notions of who should be in the demos and decades of political disagreement. As Szulecki et al. (2023) conclude, while, in theory, having a stake in a country’s future seems sensible to be included in the demos, it is extremely difficult to accomplish in practice. Presence in the territory, as a requirement for electoral participation, was a long-standing internalized norm that had been crystallized in law. It required repeated attempts to change such an ingrained normative and legal boundary of the demos. While emigrant enfranchisement legislation was passed in a democracy, it was not because of democracy or democratization. A similar research design and methodological approach can be applied to the debates and failures in dozens of other countries that do not offer external franchises. As such, the broader processes and findings presented here form a relevant point of comparison for external enfranchisement in Latin America and across the globe.

Acknowledgments

Many thanks to Maarten Vink for inviting us to present a draft of this work at the GLOBALCIT Annual Conference 2022 and Rainer Bauböck for comments. We also appreciate the helpful comments from the reviewers and the academic editors of this thematic issue, Sorina Soare and Sergiu Gherghina.

Conflict of Interests

The authors declare no conflict of interests.

Supplementary Material

Supplementary material for this article is available online in the format provided by the authors (unedited).

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