

FOREIGN VOTERS

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Definition

The National Immigration Law of Argentina, No. 25871 establishes in articles 20 to 26:

a y b)

Article 20: Foreigners will be allowed to enter and remain in the country in the categories of "permanent residents", "temporary residents" or "temporary resident". Until formalizing the necessary formalities, the enforcement authority may issue a permit of residence "precarious" to be revocable by it, when denaturalize the reasons were considered for the grant. They shall be valid up to one hundred eighty (180) consecutive days and can be renewed until the decision of the requested admission, and will entitle holders to remain, leave and reenter the country, work and study during the period of validity.

Article 22: Considered "permanent resident" any alien who, with the intention of settling permanently in the country, obtained

from the Department of Immigration such admission. Also is considered permanent residents to relatives of Argentine immigrants, natives or by choice, meaning the wife, children and parents.

Principles and Procedure

In relation with this matter article 122 of the National Constitution establishes that provinces "are given their own local institutions and are governed by them. They elect their governors, legislators and other provincial officers, without any intervention by the Federal Government".

Foreign residents cannot vote in national elections (national deputies, senators, president and vice-president). Nevertheless, they may do so in those provinces whose legislation intends to vote for foreigners. It should be noted that some provinces empower these citizens to vote provincial and municipal officials and other municipal offices only, it depends solely on provincial legislation.

In order to vote in these cases, the foreign citizen must have an ID card. According to the National Immigration Law (No. 25.871), only those citizens who have been allowed to enter and remain in the country as "permanent residents", "temporary residents" (Art. 20 to 26) may process the DNI¹ (Article 30).

In such cases, foreigners are not required electors to vote. In case of wanting to, must register in a special authorized for this purpose.

Since foreign voter registration is administered by the Provincial Electoral Court, each province has a particular situation.

¹ Terminology in English: National Identity.

Buenos Aires

In the Province of Buenos Aires, the legislation referred to a vote of non-nationals is governed by the Provincial Election Law No. 11.700 modified by the Law 12.312. It is organized a foreign voter registration, that says Article 2: will be valid for all future electoral events according to this law, foreign citizens who have ID and wish to vote must register voluntarily as follows: filed with the DNI (National Identity) in the Registry Office closest to your home. This agency shall submit the voter information to the Provincial Electoral Board, which shall prepare the electoral roll foreigners. Foreign voters in the province of Buenos Aires can vote provincial and municipal officials.

City of Buenos Aires

In the case of Buenos Aires, the legislation referred to a vote of non-nationals is governed by the National Electoral Code (Art. 25) and Law No. 334 (Art. 10) of the Autonomous City of Buenos Aires.

According to those foreign citizens who have ID and wish to vote must register voluntarily as follows: filed with the DNI (National Identity) before the Tribunal Superior de Justicia de la Ciudad de Buenos Aires.²

Catamarca

In the case of the Province of Catamarca, the legislation referred to a vote of non-nationals is governed by the Provincial Electoral Act No. 4628 (Art. 2).

² www.tsjbaires.gov.ar or www.buenosaires.gov.ar / dgelec

According to those foreign citizens who have ID and can prove at least 4 years of residence in a municipality of the province can register to vote only in municipal elections (Mayor and Aldermen). This should approach the seat of the Municipality and to register overseas elector. These data will be sent to the Electoral Court of the Province, who shall prepare the permanent register of electors in the province.

Neuquén

In the case of the province of Neuquen, the legislation referred to a vote of non-nationals is governed by the Provincial Election Law No. 165 (Art. 150 and up). According to those foreign citizens who have ID and wish to vote must register voluntarily in the Justice Courts, which forwarded the information to the Provincial Electoral Secretariat. The same shall draft a foreign electoral roll and deliver to every citizen registered a credential which must be submitted to vote, in addition to their ID card. Foreign citizens can vote in provincial and municipal elections.

Santa Fe

One step below the Constitution stands in the province of Santa Fe, which recognizes the right to vote and stand for foreigners in municipal elections, as prescribed by law (Articles 29 and 30). However, at the provincial level is just argentines right to vote, under the conditions described in Articles 29 and 30. Only argentines can be deputies (art. 33), senators (art. 37) and governor and lieutenant governor (Article 63).

In the case of municipalities, Municipalities Act is very clear to mark as a eligible voters argentines and foreign voters who meet the requirements set out in Article 81, provided they meet the requirements Articles 24. However, mayors of the municipalities

shall only be argentine voters (art. 30). The Organic Law of the communes is clear, also, as regards the right to vote, so widespread Argentine citizens and foreigners who meet certain requirements (art. 80 et seq.) And also for the right to be eligible - a communal committees, and there is no nationality requirement (Article 20).

Misiones

Misiones Province, as provincial Constitution and Electoral Law, Law No. 4080, require that in municipal election the foreigners meet certain requirements to vote, such as register in the municipal register, have three years of residence, exercise lawful activity, literacy and national language be direct contributor or have an argentine wife or child (art. 164 of the Constitution and Art. 2 of the Provincial Election Law). The provincial election law is limited to develop the conditions for registration of those aliens who will be awarded an electoral card.

Finally, it is necessary to note that, in most cases for an overseas elector can exercise his right is indispensable to have a national identity card and register in a special pre-authorized for this purpose. According to the National Immigration Law No. 25.871, only those citizens who have been allowed to enter and remain in the country as "permanent residents or temporary residents" (art. 20 to 26), may process the document identity (art. 30). This requirement must be taken therefore as a further requirement for the exercise of voting rights in practice.