THE CHALLENGES AND DILEMMAS EMBEDDED IN THE EXPATRIATE VOTE: THE CASE STUDY OF ITALIANS OVERSEAS

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ABSTRACT

The Italian expatriate vote provides an excellent test case for studying one country's implementation of full voting rights and parliamentary representation to expatriates residing abroad. This paper seeks to highlight the challenges and dilemmas embedded in the Italian expatriate vote, which regards the overseas electorate relationships with homeland politics. Over the last few years, the Italian expatriate vote has been facing procedural, normative, and political issues. What may have been initially seen as a democratic right may well be cast aside in the near future.

INTRODUCTION

The 2006 Italian parliamentary elections marked the first ever election of diaspora members of parliament in Italy. Eighteen overseas-based parliamentarians (twelve in the Chamber of Deputies and six in the Senate) represented Italian nationals abroad from the offshore electorate, which comprises four vast voting districts outside of Italy's borders: (i) Europe, including the Russian Federation and Turkey, (ii) South America, (iii) North and Central America, and (iv) Africa-Asia-Oceania-Antarctica. Due to new legislation introduced between 2000 and 2003, the Italian elections held on 9-10 April 2006 allowed 2.7 million of Italian nationals overseas to cast their ballots by correspondence (or absentee ballot). The participation and impact of the expatriate vote was noteworthy. Firstly, the turnout of 38.9% of eligible overseas voters was seen by many quarters as unprecedented, given the very low turnouts by overseas voters before 2003. Secondly, the electoral weight of the expatriate vote helped provide the slender majority in the Senate for the successful centre-left coalition of Romano Prodi, which won four of the available six overseas seats. In the end, this gave the Prodi led coalition a total of 158 over 156 seats over centre-right Silvio Berlusconi's coalition. The significant participation of Italians overseas at the 2006 polls and the first ever elections of overseas based representatives in the national parliament was an historic feat for the Italian expatriate lobby. Former Italian President Carlo Azeglio Ciampi saw in the election of MPs from overseas, 'a desire by the expatriate community to contribute to the democratic life of Italy' and 'a historic turn for the country' (Cottone 2006).

Election results notwithstanding, the implementation of the new legislation (absentee ballots and overseas parliamentarians) presented procedural and political challenges. Since the 2003 referendums – the first time ever that eligible overseas voters cast their ballots by mail – issues have emerged such as the difficulty of drafting a single electoral roll of eligible voters out of the two existing lists of Italians resident abroad, which are maintained by the two different ministerial departments. Moreover, the allegations of electoral fraud and manipulation, especially in occasion of the 2006 elections, or even disappearance of ballot papers in some electoral colleges, and the several irregularities exposed by Claudio Fancelli, chairman of the Central Office for the Offshore Electorate, in the counting operations and assignation of preferences in Castelnuovo di Porto, where the overseas ballot papers were eventually collected and counted (Tarli Barbieri 2007, pp. 151-57). It has been speculated that normative challenges and political concerns, which all became evident during the 2006 (and to a
lesser degree 2008) elections, may bring about a radical rethink of the new legislation governing the expatriate vote to Italians overseas (Tarl Barbieri 2007, p. 158).

This article analyses the challenges and dilemmas embedded within the Italian expatriate vote. It argues that what may have initially been viewed in terms of a democratic right (to facilitate the largest participation of overseas Italian citizens in the Italian political process as well as to grant them parliamentary representation) may be cast aside in favour of a more balanced relationship between national and diasporic political interests.

SIGNIFICANT CHANGES TO THE ITALIAN EXPATRIATE VOTE

Although never deprived of their voting rights in their native country, overseas Italians, before 2003, could vote in Italy on the condition that they would return to and vote in their electoral college on polling day(s). Such a condition strongly discouraged Italians who emigrated overseas from exercising their voting rights. Yet, their immigrant status did not alienate their right to vote. For the Italian Constitution voting rights and citizenship rights are intrinsically linked, irrespective of the residence status (La Mesa, 1980). So, whether one lives permanently outside of Italy's territory, his or her voting rights as Italian citizen are not restricted, provided of course they would retain their Italian citizenship. De facto the exercise of those voting rights was hampered by the tyranny of distance and travelling costs; the more distance one is from Italy, the less likely he or she would make the trip to Italy in time for voting.

Recent changes to voting procedures affecting Italian citizens overseas have however transformed the very nature of the Italian expatriate vote. The law no 459 which was passed on 27 December 2001 by a bipartisan majority under the Berlusconi government provided Italian citizens overseas with the option of a postal vote (absentee ballot) and with their own parliamentary representation. The law (459) radically reformed the exercise of voting for overseas Italian citizens in two ways, as previously mentioned. Firstly, it granted overseas Italian citizens the option to vote by postal ballot, hence allowing larger numbers of voters to participate in parliamentary elections and referendums. Secondly, it gave them some measure of political representation; namely twelve members in the Chamber of Deputies, and six in the Senate.

Yet, challenges and dilemmas embedded in the rules governing the voting of Italian voters overseas which were emphasised in the outcome of the 2006 election, as explained in later sections of this paper, led Tarli Barbieri to suggest that the overseas voting system had not been thought through in a detailed manner (2007, pp. 157-58), even though before and after the legislation was amended, the electoral rules for the offshore constituency were a source of intense debate, both within and outside of Italian politics (Sartori 1999; Fusaro 2002; Vigevani 2002; Grosso 2002; Romano 2006; Troncino 2007). Yet, the long-standing debate surrounding the question of the expatriate vote had centred on voting procedures and hardly ever on voting rights (La Mesa 1980, p. 69; Grosso 2001, pp. 130, 150). For decades, lawmakers and politicians have speculated on which legislative measures and best voting system could guarantee Italian citizens abroad the vote regardless of their residence status and regardless whether they would ever return to Italy. There is no such thing as 'two types of Italian citizenship' (Lanchester 1988, p. 37) but only a universal reading of the notion of citizenship as inclusive of loose ties to the motherland, or even non-existent ties (as in the case of Italians naturalised by means of ancestry citizenship).

THE OVERSEAS FACTOR: ITALIAN REFERENDUMS AND ELECTIONS SINCE 2003

New voting procedures were first put to the test for the 15 June 2003 Italian referendums. Just over one fifth (21.8%) of the total eligible Italian voters overseas (2.3 million) participated in the vote. The referendums' turnout and results overseas were not surprising; the overseas voter turnout was close to the number of voters in Italy (25.6%), while the results differed noticeably—69.2% and 86.2% of the votes cast respectively overseas and in Italy were in favour ('yes' votes) of the proposed amendments on matters pertaining to unfair dismissal and environmental laws. What the consultation highlighted was the difficulty in implementing the postal vote

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and the alleged inaccuracy of the overseas electoral roll. Allegedly, more than 800,000 eligible voters were denied the option to vote in the referendums because the overseas electoral roll had failed to register the enrolments of thousands of overseas citizens. The number of overseas Italians, according to the MAE and AIRE databases, as of March 2002, was respectively: 3,990,000 and 2,891,416 (Tirabassi 2003). The issue originates from the methodology used in the creation of the list of residents permanently abroad (residing abroad for a period of twelve months or more), which would by default be enrolled in the overseas electoral roll. Data was taken from two separate databases: the Ministry of Foreign Affairs (MAE) database, managed by the Italian consular network overseas, and the Ministry of the Interior (AIRE, Registry of Italian Citizens Resident Abroad) database, which in turn refers to the AIRE databases of each comune ('municipality') in Italy.

According to many observers, the first ‘real’ test of the new voting procedures was expected for the scheduled 2006 parliamentary elections, where higher political interests were at stake. The most innovative element of the new legislation – the first ever election of diaspora parliamentarians – was due to be implemented. In the tightest vote in the history of post-war Italy, the expatriate vote was to be determined for the election results. Excluding the Region of Valle d’Aosta and the offshore electorate constituencies, the centre-left coalition, L’Unione, and the centre-right coalition, La Casa delle Libertà, received respectively 49.8% and 49.7% of the votes for the Chamber of Deputies. Thanks to the majority prize introduced in 2005 by amendments to the national electoral law, the thin margin which separated the two coalitions proved to be enough for the centre-left L’Unione, which was awarded 55.1% or 340 seats of the available 630 seats. L’Unione obtained eight further seats: one assigned to the Italian Region of Valle d’Aosta and seven from the offshore constituency (out of twelve). In the Chamber of Deputies, the centre-left coalition secured a comfortable majority of 348, which left to the opposition parties the remaining 282 seats of the centre-right coalition. In the Senate, L’Unione and La Casa delle Libertà received respectively 49.1% and 49.9% of the votes. Due to the different electoral rules that apply to the Senate and thanks to the majority of overseas seats won by the centre-left coalition (four out of six), L’Unione secured the majority of seats in the upper house. Prodi’s coalition could count on a total of 158 over 156 seats to Berlusconi’s coalition.

In the lead up to the 2006 elections, there was widespread conviction that the overseas vote was going to be in favour of the Italian centre-right, which was flagged up as the long-standing campaigner of legislative change in the policy area of the expatriate vote. A few years prior, soon after winning the elections in 2001, Berlusconi had even added the portfolio of the Ministry for Italian Citizens Abroad to his cabinet. Following the belief that the Italian citizens overseas would provide electoral favour to his government, the champion of the reformed vote to overseas Italians par excellence, Mirko Tremaglia had been was put in charge of the newly created Ministry. Five years later, the centre-right coalition led by Berlusconi thought it could politically capitalize on Italy’s expatriate community when he went to the polls in April 2006 (Pasquino 2006, p. 150). The overseas seats are assigned according to a proportional system which uses the natural number quotient and highest remainders method (Tarlì Barbieri 2007, p. 143). Voters can cast one or two preference votes only, depending on the number of seats available in that electoral division, respectively for one or two seats. Due to the limited number of seats allocated in each of the four electoral divisions that comprise the offshore constituency (at least one deputy and one senator are elected in each division, while the remaining seats are distributed among the sectors in proportion to the number of residents), the effect of such a system is more reminiscent of ‘first-past-the-post’ than the proportional representation system (Tarantino 2007, p. 9). Consequently, it disadvantages coalition parties that run independently. This was precisely what happened to the centre-right coalition parties at the 2006 election. In each of the four electoral divisions overseas, the coalition parties of the outgoing Berlusconi government failed to gather under one banner, and thus failed to take full advantage of the electoral system; this in turn marred their chances of winning (Di Virgilio 2007, pp. 235-36). The centre-right votes fragmented in no less than six (Chamber of Deputies) and five (Senate) parties. L’Unione received the majority of the votes in all the electoral divisions and in both chambers, with the exception of South America, where an independent list elected one MP and one senator. Had the centre-right run under one banner, the election results in the offshore constituency (particularly in the Senate) could have differed significantly, as highlighted in the simulation results elaborated by Di Virgilio (2007, p. 237).

**CHALLENGES AND DILEMMAS IN THE ITALIAN EXPATRIATE VOTE**

©Copyright 2008 by the Global Business and Technology Association
Alastair Davidson saw an important political innovation in the Italian-made model of electoral participation and representation by overseas voters: 'Italy [...] has reacted to the novelty of a globalised world, where unprecedented mass migration has led to significant proportions of many national populations living far from the countries where they were born' (2006). 'The notion of a homesick diaspora' – continued Davidson – 'is being replaced by dreams of a world citizenship' (2006). Italian Senator Nino Randazzo, elected from the Africa-Asia-Oceania-Antarctica electoral division, also sought to explain the novelty of the vote to Italian citizens overseas as the creation of some form of 'global citizenship' (ABC 2006). There is a growing number of democratic countries which have relaxed or abandoned restrictions to citizenship and voting rights for citizens who live permanently abroad, with some countries such as France, Portugal, and Columbia also reserving parliamentary seats (Baubick 2005, p. 683). Such a trend 'is symptomatic for a broader transformation of the territorial and membership boundaries that circumscribe democratic citizenship' (ibid.). In Italy, a bipartisan majority endorsed the important changes to the legislation, which paved the way for the extraordinary model of overseas voters' political participation and representation—a model of diasporic political engagement with homeland politics that is both unique and unprecedented in Italian history. The bipartisan approval of the law no. 459 of 2001, which was only opposed by the Northern League and the Communist Refoundation Party, epitomises the general consensus that was needed across the Italian political spectrum for the new legislation to come about and the will to politically engage with Italians overseas in an innovative way.

However, in the 2006 and 2008 elections, the overseas electoral machine was, once again, put to the test. It had to face several challenges and solve a number of issues, such as the currency and accuracy of the overseas electoral roll, the delivery of postal ballot papers by means of different postal services around the world, the allegations of electoral irregularities, and the wrongdoings denounced by Fancelli in the final counting of votes in 2006 in the Castelnuovo di Porto electoral facilities.

The challenge to the authorities to keep the overseas electoral roll accurate and up-to-date had a big impact on overseas voters, due to exclusion factors that prevented thousands of potential overseas Italians from voting. This issue had remained long unresolved. As previously mentioned, two databases helped to formulate the voters' lists in each electoral division overseas: the MAE (managed by the Ministry of Foreign Affairs) and AIRE (managed by the Ministry of the Interior). The former was arguably more accurate than the latter as the average overseas resident might be more involved in dealings with consular officials than with officials of his or her former municipality in Italy (Tarantino 2007, p. 11). The accuracy of the roll was compromised by discrepancies found in cross-matching the MAE and AIRE databases. In Argentina, for instance, the MAE database recorded 640,418 overseas Italian citizens resident in the country, whereas the AIRE database recorded 454,039 (-186,379), as of July 2005 (ibid., pp. 11, 13). According to the 2003 Presidential decree (D.P.R. no. 104 of 2 April 2003), eligible voters are those whose details can be found in both the MAE and AIRE databases. The so-called posizioni non allineate (literally 'non-aligned positions') – potential eligible voters who were present in either the MAE or AIRE databases but not in both – translated into the exclusion from the overseas electoral roll. The study carried out by Tarantino focused on the difficulties in implementing the vote to Italians overseas in Argentina from 2003 onwards, revealing the effect of this problem in a particularly large Italian community overseas; Argentina has the biggest Italian consular network in the world (Buenos Aires has 345,483 citizens enrolled) (ibid., p. 12). For the 2003 referendums, 301,944 and a staggering 2.8 million voters were in a posizioni non allineate in Argentina and worldwide respectively (ibid., p. 20). The failed accuracy of the overseas electoral roll and the ongoing effort to keep it up-to-date in turn affected the number of eligible voters. In Argentina, for example, where the posting of the ballot papers was contracted to private couriers, 19.4% of the overall ballot papers posted were returned back to the local Italian Consular offices for various reasons (Tarli Barbieri 2007, p. 152). In Argentina, for example, where the posting of the ballot papers was contracted to private couriers, 19.4% of the overall ballot papers posted were returned back to the local Italian authorities; mainly because of 'errors and imprecise data on the electors' (68.9%) and 'causes pertaining to failure or refusal.
to counter-sign for the collection of ballot delivery’ (30.5%) (Tarantino 2007, p. 41). The actual turnout of overseas voters should thus be calculated according to the number of ballot papers effectively delivered to the address indicated by the voters+. In this case, Argentina's turnout would be 70.7% instead of 56.1% (ibid., p. 37).

The way in which the counting of overseas votes, which took place in Castelnuovo di Porto, was conducted attracted criticism (Tarli Barbieri 2007, p. 153). The vote counting procedures were complicated by side operations conducted by vote-counters, including opening the envelopes which contained the voter's coupon of identification and also the inside envelope containing the ballot papers. Telling is one deposition made to the Election Committee of the Senate in November 2006: 'Amid voted ballots, informal ballots, annulled ballots, and pre-annulled ballots those poor [vote counting] officers lost it and in the end their final counting was approximate' (ibid., p. 154). In the end, nine electoral booths were excluded from the final results as a consequence of unresolved inconsistencies in vote counting procedures.

Other challenges seem even harder to overcome. Performing constituency service for the offshore-elected MPs and senators is, for example, an extraordinary challenge; no extra resources have been allocated for this cohort of representatives by the Italian parliament. The idea of representation and the relationship between elected and electors is also put to the test, as the offshore electoral colleges (i.e. Africa-Asia-Oceania-Antarctica) cover numerous countries, vast distances, several continents and different realities in which Italian voters and communities live. Unlike the Italy-based representatives, offshore-elected MPs and senators may find themselves confronting work and family commitments, which imply long periods spent in Rome and swift visits to their constituencies and home, thus adding pressure to their duties as public figures and private citizens. For the abovementioned reasons, for instance, Morocco in 1993, suppressed its quota of five MPs which had been reserved for overseas Moroccans (Pastore 2004, p. 36).

Have Italian citizens abroad the right to claim full political rights in their former country of residence? Since Italians overseas have been granted full voting rights, the issue of whether they are really part of the Italian polity is becoming a source of debate. The 2.7 million eligible Italian voters who reside overseas are just a fraction of a bigger Italian overseas ‘community’, which unfolded over a century of emigration from the homeland. In the one hundred years of Italian emigration, conventionally set in the period 1876-1976, some 27 million Italians emigrated overseas (Favero and Tassello 1978, p. 64). An estimate of how many Italians make up the Italian expatriate community in the world today is not known and seems difficult to calculate. It is argued that millions worldwide may lay claim to be the descendents of Italian immigrants, especially in the American continent. In 1994, Italy’s Ministry of Foreign Affairs argued that as many as 60 million worldwide could claim some Italian heritage one way or another (Gallo and Tintori, 2006, p. 132). According to Gallo and Tintori, some 30 million are believed to be potential ‘Italians’ overseas, should they resume their rights to Italian citizenship via ancestry (2006, p. 131). The uncertainty surrounding the exact number of Italian nationals and Italian-background people live overseas does not undermine the fact that a sizeable Italian expatriate community is present outside of Italy’s borders. Most importantly, it does not undermine the fact that close to three million of overseas Italian citizens are enrolled in the electoral roll and are eligible to vote by post in Italy’s general elections and referendums since 2003.

Furthermore, a traditional notion of citizenship ‘refers to the rights and responsibilities that become attached to people by virtue of their having been born as, or having become, recognised or certified members of a state community’ (Renshon 2005, p. 7). Voting also ‘reflects and gives voice to an individual’s stake in the community, while at the same time symbolizing his or her membership in it’ (ibid., p. 9). The participation and representation of expatriate communities in the homeland country undoubtedly raises questions concerning citizenship rights and responsibilities. Dual votes do not necessarily translate into dual responsibilities. Renshon reminds us that it is the homeland community – not the foreign voters – which ultimately bears (and must live with) the consequences of the foreign votes (ibid., p. 14).

Access to and the transmission of Italian citizenship did anything but encourage the concession of full voting rights to Italian emigrants and their descendents overseas. Law no. 91 of 1992, which amended the previous citizenship law, also reinforced the key concept of transmission of citizenship by recognizable blood ties (jus sanguinis) among generations of Italians, irrespective of whether such ties grow and replicate outside Italy’s borders. The law also recognised dual or multi citizenship. Since the 1990s, there have been a growing
citizenship laws have assisted many current and former Italian nationals, along with their descendents, to retain or certificates the country. It goes without saying that they engage in Italian politics and society in a to obtain Italian citizenship for reasons which seem more related to their condition of socio-economic hardship and a desire to seek better opportunities elsewhere than anything else. In addition, more than 160,000 former Italian citizens reclaimed their citizenship between 1992 and 1997.

Many overseas Italian dual citizenship holders who acquired their Italian citizenship via ancestry or marriage had hardly ever engaged with contemporary Italian politics and society, nor had they ever set foot in the country. It goes without saying that they engage in Italian politics and society in a fashion hardly comparable to those residing in Italy, even though cheap air fares along with improved and modern communication mediums grant overseas Italians a better level of contact and greater access to information with their country of origin than decades ago.

Arguments by those who were opposed to giving Italian voters abroad the postal vote and/or parliamentary representations such as whether he or she would ever return to or ever set foot in (in the case of migrants' descendents) Italy, or the very legitimacy of an offshore constituency seem never to have been strong enough. The left, which, for years opposed any policy change to the overseas voting system, dropped its scepticism in the course of the 1980s and 1990s. It came to sacrifice principles, such as the confidentiality of the vote for expediency and not wanting to risk alienating a potentially significant electoral force. The left-wing parties' support in amending the overseas voting system in the early 2000s was a key development. But calls to revise the law no. 459 of 2001 and related legislation have increased, especially in light of the alleged electoral deceit which occurred during the 2006 elections—allegations of voting fraud in Argentina and Australia highlighted the fact that the overseas voting rules are potentially far from being immune from electoral manoeuvring (Telesio 2006, O’Grady & Guerrera 2007). The so called ‘bozza Bianco’, a bill proposal for a new set of electoral rules named after the Chair of the Constitutional Affairs Commission, Enzo Bianco, has been discussed in parliament, while a legislative referendum which seeks to abrogate in part the law no. 270 of 2005 may be held in 2009.

Changes to the existing legislation regulating the emigrant vote seem, however, difficult in terms of attracting the same bipartisan majority of the period 2000-2003. The past Prodi centre-left coalition government, which maintained the majority in the Senate until the vote of no confidence of January 2008, faced a catch 22 dilemma. Among others, it was supported by the centre-left senators elected overseas, including the crucial vote of the independent senator Pallaro from Argentina. The centre-right coalition, now in office, seems quite unlikely to revise legislation that is strongly supported by Tremaglia and its party, the National Alliance (AN). Then pressures from local (overseas) and national (Italian) politics concerning the offshore elected may also play a part in a possible revision of the overseas electoral rules, as proved to be the case on the occasion of the so called ‘Pallaro amendment’ in the 2007 budget (€52 million allocated to multi-purpose activities for the Italian communities overseas for the years 2007-2009) and the emphasis placed on the politiche degli italiani nel mondo (‘policies for Italians resident abroad’) which was the first of the twelve point agenda that resolved the government crisis of February 2007 (Tarli Barbieri 2007, pp. 158-59).

On whether emigrants should formally belong to and vote in their country of origin, Bauböck suggests that, as a general rule, extra-territorial voting rights should expire with the first generation, and the transmission of formal membership itself should be stopped in the third generation” (Bauböck 2003, p. 714). In the Italian case, neither rule applies. They have, as Lopez-Guerra points out (2005), “having an interest at stake” but do not have a state of "being subject to" — in short a state of rights and responsibilities. The dilemma is that Italian expatriates and the new, overseas-born generations are no longer part of the living process of the affairs of their home country (or never were) and are not subject to its laws and consequences. Yet they have the vote in which to decide the outcome of the laws and consequences in the homeland. On the other hand these expatriates might argue that their vote is a right earned, a constitutional right, and have contributed economically to their home
country with which they still have tight links. This contrast raises the very core of the two opposing arguments which is embodied in the act of Italian expatriate voting.

CONCLUSION

The amendments made to the electoral rules concerning overseas Italian voters have marked a turning point in Italian politics, and in the process by which Italian overseas voters engage in national and local Italian community politics. Eventually, the 'emigrant vote' validates, with its novelty and impact, a traditional view of political community as one in which legal citizenship - and not physical attachment and engagement with the polity as is the case of non-citizen residents living in Italy - defines the boundaries of what constitutes the Italian community. Diasporic identity processes that stretch across territorial boundaries and transnational political practices (e.g. external voting rights and dual citizenship) among certain immigrant populations pose, as highlighted by Bauböck (2003, pp. 711-18), a set of normative challenges and concerns. In the case of the Italian model of diasporic political participation and parliamentary representation, what may have passed by without fanfare in the past — the creation of an offshore constituency and the bestowing of full voting right to overseas Italians — will not do so in the future.

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