



European
University
Institute

ROBERT
SCHUMAN
CENTRE FOR
ADVANCED
STUDIES

EUDO CITIZENSHIP OBSERVATORY

ACCESS TO ELECTORAL RIGHTS

GREECE

Dimitris Christopoulos

June 2013



US
University of Sussex



<http://eudo-citizenship.eu>

European University Institute, Florence
Robert Schuman Centre for Advanced Studies
EUDO Citizenship Observatory

Access to Electoral Rights
Greece

Dimitris Christopoulos

June 2013

EUDO Citizenship Observatory
Robert Schuman Centre for Advanced Studies
Access to Electoral Rights Report, RSCAS/EUDO-CIT-ER 2013/16
Badia Fiesolana, San Domenico di Fiesole (FI), Italy

© Dimitris Christopoulos

This text may be downloaded only for personal research purposes.
Additional reproduction for other purposes, whether in hard copies or electronically,
requires the consent of the authors.

Requests should be addressed to eudo-citizenship@eui.eu

The views expressed in this publication cannot in any circumstances be regarded as
the official position of the European Union

Published in Italy
European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)
Italy
www.eui.eu/RSCAS/Publications/
www.eui.eu
cadmus.eui.eu

Research for the EUDO Citizenship Observatory Country Reports has been jointly supported, at various times, by the European Commission grant agreements JLS/2007/IP/CA/009 EUCITAC and HOME/2010/EIFX/CA/1774 ACIT, by the European Parliament and by the British Academy Research Project CITMODES (both projects co-directed by the EUI and the University of Edinburgh). The financial support from these projects is gratefully acknowledged.

For information about the project please visit the project website at <http://eudo-citizenship.eu>

Access to Electoral Rights

Greece

Dimitris Christopoulos

1. Introduction

The Third Hellenic Republic refers to the current Greek state as it has existed since its inauguration in 1974, following the demise of the dictatorial regime in 1967. The beginning of this historical period is marked by the use of the term “Metapolitefsi” (Μεταπολίτευση), virtually translated as “after the change-over of the political regime”. During the unstable democratic periods before the dictatorship, free elections had been more the exception than the norm in the so-called “wan democracy” (Nikolakopoulos 2001). Therefore, ‘Metapolitefsi’ is widely considered in Greece as the sole period of the Greek State under which parliamentary democracy has been consolidated. An eminent Greek constitutionalist recently used the term “belated settlement” to define the period extending from 1974 to 2010 (Alivizatos 2011).

The Referendum of 8 December 1974 gave birth to the current Greek parliamentary Republic constitutionally enshrined as the Form of Government (Art. 1, par. 1). In this regime, particularly under the heavy historical legacy of authoritarianism which lasted throughout most of the twentieth century, electoral rights for all Greek citizens, without discrimination based on political affiliation, have been regarded as *the* sacred principle of the body politic.

During this period, electoral rights for Greek citizens abroad has been an issue which caused heated public debate from 1974 to 1984, and more recently in 2009. Whereas overseas residence does not represent a legal impediment to the exercise of electoral rights, in practice there are obstacles since the Greek state never facilitated such rights from abroad. Electoral rights for EU-citizens in the country has never been a public issue, whereas on the other hand, electoral rights for third country nationals created a heated debate in 2010 when the right to vote and to stand as a candidate in local elections had been awarded for the first time for some foreign residents. These rights have been abolished three years later by a ruling of the Greek State Council, the country’s highest administrative Court. This ruling provoked strong political reactions and social protest in February 2013, not so much for having abolished electoral rights for foreigners than for nullifying major changes resulting from the 2010 nationality Code reform.

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

2.1. Citizen residents

The Greek electorate is composed of those Greek citizens endowed with the right to vote. General preconditions for the right to vote are a) Greek citizenship b) being at least eighteen years of age c) having legal capacity and d) having no criminal conviction for certain felonies. Article 51 of the Constitution reads as follows:

1. The number of the Members of Parliament shall be specified by statute; it cannot, however, be below two hundred or over three hundred.
2. The Members of Parliament represent the Nation.
3. The Members of Parliament shall be elected through direct, universal and secret ballot by the citizens who have the right to vote, as specified by law. The law cannot abridge the right to vote except in cases where a minimum age has not been attained or in cases of legal incapacity or as a result of irrevocable criminal conviction for certain felonies.
4. Parliamentary elections shall be held simultaneously throughout the State. Matters pertaining to the exercise of the right to vote by persons living outside the Country may be specified by law.
5. The exercise of the right to vote shall be compulsory. Exceptions and criminal sanctions shall be specified each time by law.

To exercise their voting rights citizens must be registered on the electoral lists. All citizens of voting age have been automatically registered on the electoral lists since 1997.

2.1.1. Age thresholds

Since 1981 every citizen who has completed his/her eighteenth year has been entitled to vote (Art. 1, L. 1224/1981) and every voter who has completed his/her twenty-fifth year is eligible to run as a candidate (Art. 55 I). These age thresholds apply to both national and EP elections. The age threshold for running in municipal and regional elections is 21 years old. Civil servants (but not university professors), soldiers, mayors, and chairmen of public corporations must resign before submitting their candidacy (art. 56, I, II).

2.1.2. Mental disabilities

Mentally disabled persons can be disenfranchised on Art. 128 of the Civil Code. The current electoral law (Art. 5, Presidential Decree 96/2007) foresees the deprivation of voting rights for every citizen who finds him- or herself 'according to the provisions of the Civil Code in full judicial guardianship'. In practice, this entails a Court decision certifying legal incapacity of the individual in case of serious mental disabilities. Such decision is automatically transmitted to the municipal authorities. In virtue of it, the municipality writes off the person in question from the electoral lists. The individual might regain his or her voting rights in virtue of a new judicial decision transmitted, *ipso jure*, to the municipal authorities.

To our knowledge, in judicial practice mentally disabled people are seldom disenfranchised. According to the relevant FRA report (FRA, 2010: 15), Greece ranks among the EU countries where mentally disabled persons are excluded from their electoral rights along with most countries

of Central Europe and the Baltic States. In light of the recent ECHR decision in *Kiss vs Hungary*¹ where the Court argued that the imposition of an automatic blanket restriction on the franchise of those under partial guardianship is impermissible and a disproportionate means of voting rights restriction, it seems that Greek legislation is likely to be in violation of Article 3 of the ECHR. Nevertheless, in Greece the ‘traditional’ societal attitude towards people with mental disability does not include massive over-institutionalisation as is the case in most countries of Central Europe and many of Greece’s neighbours.

2.1.3. Persons convicted of criminal offences

According to Art. 4 of the Greek Penitentiary Code, ‘during incarceration no other individual right of the person in custody is limited apart from the right to personal freedom’. As a general norm, therefore, prisoners are not disenfranchised. The exceptions are those convicted of certain felonies which are specified by certain provisions of the Penal Code (Art. 59-66) as demonstrating severe ‘moral incapacity’. *Ipsa jure* deprivation of voting rights occurs – obviously - in death penalty cases (which could not be imposed during peacetime), a life sentence (Art. 59), or enclosure in a psychiatric hospital (Art. 61). In case of incarceration for a shorter period, citizens could be disenfranchised for a period of two to ten years (Art. 60) if the Court so decides. According to Art. 66 of the Penal Code, whoever has been disenfranchised can regain his/her right to vote in virtue of a court appeal after between three and five years have elapsed, according to the nature of the felony committed. As a rule, deprivation of voting rights is an additional penalty which might be permanent or temporary depending on the nature of the felony. According to the Presidential Decree 55/1999, deletion from the electoral lists is compulsory and automatic for those who have been deprived of their voting rights. Article 63 of the Penal Code numbers the consequences of deprivation of voting rights: loss of all elected offices, loss of rank in the army, loss of the attribute of lawyer, and finally, loss of the attribute of a jury member.

Despite the fact that imprisonment has never been considered a reason for disenfranchisement, it was only in 1996 (Art. 3, par. 9, L. 2409/1996) that Greek law provided for special polling stations within penitentiary institutions for national and regional elections. Before then, the practice had been that regardless of the penalty, all prisoners were de facto deprived of their voting rights given the absence of polling stations in penitentiary institutions. This situation has been heavily criticized for violating the Greek Constitution (Mavrias, 2004: 379-380) which prohibits any further limitation to voting rights apart from those deriving from legal incapacity and irrevocable penal sentence (Art. 51, par. 3).

Special polling stations within prisons were finally created for the first time in 1996, for national and regional elections. Two years later, in 1998, voting rights for prisoners were also extended to the EP elections and referenda (Art. 5, par. 46, L. 2623/98).² According to the most recent Greek Penitentiary Code (L. 2776/1999), in every penitentiary establishment there should be a polling station and detainees or prisoners must vote according to special electoral lists.

Deprivation of voting right also mean being deprived of the right to run as a candidate for political office. According to art. 63 of the Penal Code ‘deprivation of political rights has as a consequence that the person who has been convicted cannot vote or to be voted in national, municipal or regional elections.’ As a result, in theory nothing prevents any detainee who has not been deprived of his/her electoral rights to run as a candidate. However, such a situation has not yet occurred given the obvious practical difficulties.

¹ Judgement of 20 May 2010, n. 38832/06.

² Prisoners and detainees voted for the first time in the national elections of 22 September 1996.

2.2. Citizens abroad

Unlike the case of persons convicted of criminal offences, voting rights for citizens abroad has been a highly topical issue in the Greek political agenda ever since the foundation of the modern Greek State.³ It is fascinating therefore, that despite its historical place in public debate, Greek citizens abroad do not possess any means by which to exercise their voting rights other than by returning to the country to cast their vote on Election Day. Throughout the twentieth century, the promotion of a diasporic ultra-territorial perception of the Greek nation has been historically founded on a crucial shift from the traditional, irredentist speech of the national centre into a new version of a de-territorialised nation. In the context of this nation, the “expatriates” are asked to serve their homeland even though they may be integrated within their countries of residence. This is the paradigm of the relationship between the Greek State and its Diaspora. (Venturas, 2009: 126). In light of this, Article 108 of the Constitution reads:

The State takes care of the Greek Diaspora and of the preservation of its bonds with the motherland. It also takes care of the education and social and professional evolution of Greeks working outside its territory. The law dictates anything relevant to the organisation and the powers of the World Council of Hellenes Abroad, whose mission is to constitute the expression of the Hellenism abroad.

The issue of voting rights of the Diaspora has been regularly debated in Greek political life particularly since the demise of the dictatorship. It concerns the so-called ‘emigrant vote’ which, in Greek political terminology, does not refer *per se* to the expatriate’s right to vote. Indeed, this right is regarded as *ipso jure* incontestable since residence abroad does not have any implication for voting rights in Greece. The discussion on the electoral rights of expatriates is over the legal and administrative procedures the state shall implement in order to facilitate the Greek Diaspora’s political participation from abroad. This question has preoccupied the Greek political scene merely as a matter of constitutional mechanics: in what way could the constitutional provision of Article 51, par. 4 (“*Matters pertaining to the exercise of the right to vote by persons living outside the Country may be specified by law*”) be implemented.⁴ Article 51, par. 1, as amended in 2001, provides that:

³ A tract issued for the Greeks by the temporary government of the young Kingdom of Greece, two weeks after the overthrow of Greece’s first king from the Hapsburg dynasty, Othon, on the 23rd October 1862, reads as follows: “assignees invited to the Assembly are not only the Greeks living in Greece but also those who live far away and strive for the grandiosity of its name and fend for the well-being of the motherland”. In the Resolution concerning the Election of Delegates of the Nation that follows, we witness for the first and last time in Greek political history an explicit allusion to the participation of Greeks living abroad to the forthcoming elections. Article 4 of the Resolution states that “*Greek citizens, regardless of their residence, can elect one representative/delegate if they sum up from a hundred to a thousand people, two representatives/delegates if they constitute a population from one thousand to ten thousand people and three representatives/delegates if they exceed a population of ten thousand people. (...) The election of representatives of Greeks beyond the borders should be performed in the respective consulate according to the relevant decree.*” (Christopoulos 2013: 448).

⁴ In 1984, a distinguished Greek politician, Mr K. Stefanopoulos, who then became President of the Republic gave the following speech in the Parliament: “How will they vote in the United States? We have 2.5 million Greeks. Most of them can claim their rights to Greek citizenship. (...) How many millions will be registered? And in which electoral district will these millions be registered? (...) A person who belongs to the second generation would be registered and would vote in the x district just because his father was born in that ? (...) We face a similar problem in Australia as well. (...). Take for example an emigrant in the United States: If he supports Reagan, he will potentially vote for Nea Dimokratia [the right wing party]. If he is an adherent of the Democrats, he might consider voting for PASOK [the socialist party]. In other words, he will bring along the political views of his country, without there being an analogy to the political situation in Greece, because he doesn’t keep track and is not aware of the political situation in Greece. In this way, the Greek people’s will may be adulterated with a significant amount of votes of millions of people that don’t have the capacity to appreciate the criteria that are truly important for the Greek people. Which party would accept the

Parliamentary elections shall be held simultaneously throughout the Country. Matters pertaining to the exercise of the right to vote by persons living outside the Country may be specified by statute, adopted by a majority of two thirds of the total number of Members of Parliament. Concerning such persons, the principle of simultaneously holding elections does not impede the exercise of their right to vote by postal vote or by other appropriate means, provided that the counting of votes and the announcement of the results is carried out when this is also carried out across the Country.

Despite this provision, no statute defining such electoral rights has yet passed. On the other hand, residence in the country is not a condition for casting a vote or running as a candidate. The so-called ‘permanent residents overseas’ can equally vote and run as candidates without any legal obstacle apart from the fact that they have to travel back to Greece in order to exercise their rights. The same goes for Greek citizens who accidentally happen to be abroad on election day, or even for diplomats. The constitutionally recognised possibility of enacting legislation has not yet been implemented despite the fact that the Greek government submitted draft legislation on voting rights concerning Greek citizens abroad in 2009. The draft law on ‘Exercise of Electoral Rights at the General Parliamentary Elections by Greek Voters Residing Abroad’, introduced by the conservative government on 9 February 2009, was the first ever trying to implement Article 51, par. 4 of the Greek Constitution. It ultimately failed, however, to obtain the two-thirds majority required by the Constitution. The Socialists (then in opposition), fearing an influx of emigrants that may have lost a vital bond with the country and who might skew the forthcoming electoral results, withdrew their support to the bill.

Yet, this is merely the latest episode in a debate which goes far back in time. In 1980, a Greek scholar assessed that ‘although more than four years have passed since the Constitution [of 1975] came into force, the necessary mechanisms regulating the franchise of an important part of the electoral body – citizens who are abroad on election or referendum day– have not yet been created.’ (Papadimitriou 1980: 34). In 1990, another eminent Greek constitutionalist observed: ‘What is important is not to show and scathe this “vivid idleness” but to try to understand it. This idleness seems to have been imposed by all parties’ concerns regarding the unknown and volatile content of the emigrant’s electoral behaviour; which was facilitated by the fact that no government faced a true political cost by not introducing a relevant law (...) All in all, what should be underlined after thirteen years of discussions is the melancholy that provokes the image of a Parliament all wings of which denounce one another for seeking to get the vote of millions of Greeks who live away from the homeland, just because it is the easy way.’ (Drosos 1990: 79-80)

On 10 July 2010, the First Chamber of the European Court of Human Rights examined the appeal of three Greek citizens, employees of the Council of Europe⁵. The complainants stated that, although they were registered in the electoral lists of the Greek Permanent Delegation in Strasbourg, in order to vote for the European Parliament elections they were not given the same chance to exercise their political rights in the 2007 national elections. They appealed to the Court for a violation of Article 3 of the First Protocol of the European Convention on Human Rights, which consolidates the right of participation in free elections, in addition to the Greek Constitution which explicitly provides for this right after the reform of 2001 for Greeks abroad (Article 108 and Article 51 § 4). The judgment of the European Court for Human Rights, issued in March 2012, unanimously found that there had been no violation of Art. 3 of the first Protocol to the Convention. The Court’s chamber, however, who referred the case to the Plenary held a different view on the

inclusion to the existing electoral body of six million people of yet another 1.5-2 million voters who do not have, I repeat, the chance to estimate political issues in the way Greeks estimate them?” (Cited in Christopoulos, 2013: 489-490)

⁵ Case of Sitaropoulos and Giakoumopoulos v. Greece (Application no. 42202/07).

matter. Regardless of the Court's judgment, the issue of voting rights of Greek citizens abroad remains a highly topical one which will eventually return on the Greek political agenda.

2.3. Foreign residents

Electoral rights of foreign residents have not been an issue for Greek politics until 2010. At this date, Law. 3838/2010 marked a great reform of the Greek Nationality Code and extended the right to vote and stand as candidates to foreign residents in local elections. The official title of the law is 'Current Provisions for Greek Nationality and the Political Participation of *Homogeneis* and Legally Residing Migrants and Other Provisions'. Chapter B of the law (Art. 14-21) provides a detailed list of categories of foreign residents who may acquire electoral rights and under which conditions. Two broad categories can be distinguished:

First comes the population of ethnic Greeks of non-Greek nationality, referred to as *homogeneis*, i.e. holders of the so-called Homogenis Identity Card (to which individuals are entitled after having resided in the country for five years). These are Albanian citizens, members of the Greek national minority of Albania, and citizens of successor states of the Soviet Union, mainly Georgia, Russia and Kazakhstan who chose not to acquire Greek citizenship, unlike most of their Soviet compatriots, out of fear that they might eventually lose their previous nationality.

Second comes the group of foreign residents who do not possess the Homogeneis I.D., what Greek legislation qualifies as *allogeneis* (of non-Greek origin). This category encompasses holders of a residence card of indefinite duration, that is, long term residents such as members of EU citizens' families, parents of Greek citizens, political refugees and officially recognised stateless persons residing in the country for at least five years (art. 14). Such persons, who wish to exercise their voting rights at municipal elections, must apply for registration in a special electoral list at their municipality of residence. The October 2010 elections were the first time *allogeneis* persons voted alongside other citizen voters in ordinary polling stations. According to statistics of the the Ministry of the Interior, a total of 12,583 foreign voters exercised their voting rights in October 2010, half of whom were of Albanian nationality (6,444). The total number of foreign voters does not exceed 0.002% of the Greek electorate, which numbers almost 10 million voters, two-thirds of whom voted at the municipal elections.

Art. 17 of L. 3838/2010 provides foreign residents with the right to run as candidates in municipal elections. In addition to the conditions for acquiring voting rights, the right to stand entails an age threshold of twenty one years of age – instead of eighteen for the right to vote – as well as 'sufficient knowledge of the Greek language for the exercise of one's duties.' The law does not foresee any formal procedure for testing the linguistic skills of the candidates. Besides, it is worth noting that foreign residents cannot run for mayoral or chairperson positions of the municipal council but only for municipal or departmental councillor positions.⁶

On 1 February 2011, the Fourth Chamber of the State Council (Symvoulío tis Epikrateias) questioned the constitutionality of Law 3838/2010 concerning third country nationals' right to vote in local elections and the automatic *ex lege* acquisition of Greek citizenship by second generation immigrant populations. According to the Chamber's ruling 'the exercise of the right to vote (...) is restricted exclusively to Greek citizens and cannot be expanded to those who do not have the nationality' since, according to Article 4, paragraph 4 of the Greek Constitution, only Greek citizens are eligible to work as civil servants. However, the same article mentions the possibility of 'exceptions introduced by special laws' and such exceptions are provided in Law 3838/2010 (Christopoulos, 2011).

⁶ The department is a subdivision of the municipality.

In February 2013, the Plenary Session of the Greek Council of State confirmed the earlier ruling by the Council's Fourth Chamber on the constitutionality of Law 3838/2010, which dealt with nationality provisions and the political participation of immigrants, on the same basis as the decision of the Fourth Chamber (460/2013). At the core of the ruling, the Council found that both automatic access to Greek citizenship for children of immigrants and the extension of the right to participate in municipal elections by non-citizens violate the 'constitutionally enshrined principle of sovereignty of the Greek people'. In the long run, it seems that the 2010 municipal elections will be no more than a parenthesis in Greek electoral history.

3. Electoral rights of EU citizens

3.1 Local elections and EP elections for EU citizens residing in the country

The EU Council Directive 94/80/EC on local elections as well as 93/109/EC on EP elections for EU citizens residing in Greece have been integrated into Greek law by virtue of presidential decree 133/97 and L.2196/94 respectively. Along with other foreign citizens, citizens of the EU do not exercise their rights to vote or to run as candidates in Greek regional elections. As a general condition for voting rights in local elections, every EU citizen must register in the special electoral lists. To register on these lists, the voters must submit a request to the municipality of their residence along with their passport. The general procedure is simple, non bureaucratic and, as witnessed by circulars of the Ministry of Interior before the 2006 local elections and 2009 EP elections, the aim is to facilitate voting rights by EU citizens both at EP and municipal elections. As a general rule, the Greek government has shown great concern about the effective transposition of EU directives into the Greek legal order. EU voters vote at the same polling stations as Greek citizens. They have the right to run only for the office of municipal or departmental councillor and not for any other position, such as the mayor or chairperson of the municipal council (Art. 5, par. 3 Directive 94/80 and Art. 3, par.11 of the presidential decree 133/97). For the exercise of their right to run for municipal councillor, EU citizens must submit a solemn statement that they possess their electoral rights in their country of nationality. The voters must have an 'elementary knowledge of the Greek language' whereas the candidates must have 'sufficient' knowledge of it. The certification of this knowledge is entrusted to the supervisory committee at the polling station. Such a practice, at the present time, seems rather obsolete.

3.2. E.P. elections for national citizens abroad

For Greek citizens abroad, voting in the EP elections is the only case where the Greek legislator has organised a mechanism that allows them to exercise their voting rights. This is provided for by L. 1427/1984 'Exercise of electoral rights for EP elections for Greek citizens residing on the territory of other States of the European Economic Community'. According to this legislation, the Greek State undertakes the obligation to establish polling stations in Greek consulates on the territory of Member States of the EU for EP elections. The consular authorities are instructed to notify citizens abroad of the conditions of their electoral rights. In principle, the Greek residents in the EU Member States vote a day before the official election day (i.e. Saturday instead of Sunday) in order to have their ballots cast in time. The only additional condition for them is to submit a declaration to the closest Consular authority or the Embassy which expresses their wish to vote there and confirms their residence. This declaration could be sent by e-mail in due time. The consular authorities are then required to send the declaration to the Ministry of the Interior which creates the special electoral lists of Greek residents residing in other EU countries. The number and the place of the polling stations depend upon information given in the declarations sent to the Greek authorities.

4. Exercising electoral rights

According to Art. 51, par. 5 of the Constitution ‘the exercise of electoral right is compulsory’. Until the Constitutional revision of 2001, the same article read as follows: ‘The exercise of the electoral right is compulsory. Exceptions and penalties are defined by Law.’ The last phrase has subsequently been deleted. According to the dominant view in Greek constitutional theory, the obligation to vote is based on a *lex imperfecta*. Even these days, apart from the Greek Constitution, Greek legislation defines *expressis verbis*, the exercise of electoral rights as a citizens’ duty. According to the latest Presidential Decree of 2012 (26/2012) in preparing the elections of 6 May 2012, all citizens must vote with the exceptions of a) voters over 70 and b) those who reside or happen to be abroad on the election day.

Before 2001, the law explicitly provided that an eligible voter must be a minimum distance of 200 km away from his/her assigned polling station to be lawfully allowed to abstain from participation in the elections. From 1974 until the 2000 elections, most Greek citizens who happened to be far from their polling station on election day, would pay a visit to the closest police station in order to declare in the most solemn way their presence so as to avoid incurring possible problems in response to their abstinence. Even today, more than ten years after the Constitutional amendment, it is not that clear for many voters whether they would face legal consequences deriving from abstention to vote. The symbolic value of the Constitutional provision established right after the end of the 1967 junta should be interpreted in light of the hard times the democratic regime went through during most of the 20th century. In simple terms, to protect democracy, it was considered important for all citizens to vote. This norm, even without effecting a penalty, transforms a political right into a citizen’s obligation in the eyes of the majority of the Greek citizenry. Even today, most Greeks who abstain from voting hardly regard it as refraining from a right. They regard it as avoiding one of their civic duties.

Since only Greek citizens are entitled to vote in national and regional elections and Greek citizens abroad do not possess any facility for overseas voting, there is a general default procedure for voter registration and vote casting. The only exception is made for Greek citizens who do not reside at the municipality where they are registered but elsewhere in the country. These voters are called ‘heterodimotes’, a very frequently used term in Greek, literally meaning those ‘registered in another municipality’.

4.1. Voter registration

Since 1997, all eligible voters are automatically registered in the electoral lists of their municipality when they reach voting age. Before 1997 registration had not been automatic, but voters were expected to register by providing themselves with the so-called “electoral booklet” and following its instructions. Since then, however, the right to vote for every citizen derives automatically from the certificate of citizenship. Since citizenship and voting age are the two exclusive conditions for the right to vote, registration at the municipal rolls, proof of Greek citizenship, and reaching the age of eighteen, automatically lead to the endowment of this right.

The legal basis for the right to vote is registration at the municipal rolls (Demotologia) of any Greek municipality. In virtue of L. 2623/1998, the electoral lists were redrafted according to the Demotologia of all Greek municipalities. The same law established common electoral lists for men and women and abolished the electoral booklet. Ever since, every voter possesses a Special Electoral Number, unique and permanent for each and every citizen. The same procedure is

followed for Greek residents overseas.⁷ For new voters – those who come of majority age – the municipal authorities draft every February name lists comprising all individuals registered at the Demotologia and who have acquired voting age. These young voters may submit a request to the municipality to express their preference for any particular electoral department within the district. If they do not – as is generally the case – the municipal authorities automatically register the individuals to the electoral department closest to their residence.

Special electoral lists are established for personnel of the Greek Police, Armed Forces, Fire brigade and Port Police serving their duties far from the municipality at the rolls of which they are registered. Such special lists still exist for Greek marines who may vote at any port of the Greek territory if they fail to be at their ‘home-town’ polling station as well as detainees and prisoners, as we’ve already seen. The aforementioned voter registration procedure is the same for all Greek citizens for all types of elections, including local ones.

4.2. Casting the vote

The default method for casting a vote is at the polling station in the district where the voter is registered. In Greece there is no absentee voting through mail ballot, proxy voting or e-voting. There is, however, a major exception to the general rule according to which each voter casts his or her vote at his or her district. This exception concerns voters who reside far from the municipality in which they are registered, the ‘heterodimotes’ (‘ετεροδημότες’), who represent a significant percentage of the Greek electorate. It is very common that a voter with a household in a large city keeps his or her voting rights at their home town of the Greek province. The electoral law of 2007 (Art. 95 of p.d. 96/2007) provided the possibility for such persons to exercise their voting right in a polling station in the Prefecture to which their municipality of origin belongs. To do so, the voter must submit in advance a declaration at the municipality of his/her residence. In the latest round of elections, 300 polling stations for this category of voters were in operation, a fairly small number suggesting that only a small part of the Greek electorate uses this service.

⁷ It must be strongly emphasised here that if someone is not registered at the municipality rolls, then he/she does not possess Greek nationality.

Bibliography

- Alivizatos, N. (2011), *The Constitution and its enemies 1800-2010*, Athens : Polis Pub. [in Greek]
- Christopoulos, D. (2011), ‘Greek State Council strikes down ius soli and local voting rights for third country nationals : an alarming post scriptum to the Greek citizenship reform’ <http://eudo-citizenship.eu/news/citizenship-news/444-greek-state-council-strikes-down-ius-soli-and-local-voting-rights-for-third-country-nationals-an-alarming-postscript-to-the-greek-citizenship-reform>
- Christopoulos, D., (2012) ‘Before an eventual counter-reform of the Greek Nationality Code’ <http://eudo-citizenship.eu/news/citizenship-news/742-before-an-eventual-counter-reform-of-the-greek-nationality-code>
- Christopoulos, D. (2013), ‘On the electoral rights of the Greek diaspora’ , in Baltsiotes L., & Venturas L. (eds), *The nation beyond territory*, Athens : Vivliorama Pub. [in Greek]
- Drosos, G. (1990), *Voting rights for Greek overseas voters – The possibility of a legislative regulation*, Athens Komotini : Ant. N. Sakkoulas Pub. [in Greek]
- Fundamental Rights Agency (2010), *The right to political participation of persons with mental health problems and persons with intellectual disabilities*
www.fra.europa.eu/sites/default/files/fra_uploads/1216-report-vote-disability_EN.pdf
- Mavrias, K. (2004), *Constitutional Law*, 3rd Edition, Athens – Komotini: Ant. N. Sakkoulas Pub [in Greek]
- Nikolakopoulos, I. (2001) , *Wan democracy – Parties and Elections 1946-1967*, Athens: Patakis Pub. [in Greek]
- Papadimitriou, G. (1980), *The right to vote for Greeks overseas* Athens – Komotini: Ant. N. Sakkoulas Pub [in Greek]
- Venizelos, E., (2008), *Courses of Constitutional Law*, Athens – Komotini: Sakkoulas Pub. [in Greek]
- Venturas Lina (2009), “‘Deterritorialising” the Nation: the Greek State and “Ecumenical Hellenism”” , in Tziovas Dimitris (ed.) *Greek Diaspora and Migration since 1700*, Ashgate, 125-140

