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ACCESS TO ELECTORAL RIGHTS

SWEDEN

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Access to Electoral Rights

Sweden

Hedvig Bernitz

1. Introduction

The question of electoral rights for Swedish citizens abroad, for EU citizens or for other foreign citizens has never been a big political issue in Sweden, and has hardly been discussed at a wider public level. In 1968 Swedish citizens living abroad were granted the right to be registered in a special electoral roll. The right for foreign citizens to vote in regional and local elections was introduced in Sweden in 1976 and laid down in the Swedish Local Government Act (1977: 179). The Committee of Inquiry preparing this new provision found very few arguments against giving foreigners local electoral rights. One of the few arguments against introducing the right was that the difference between local competence and state competence is not always clear. The advantages of introducing the right was, however, considered to be far more important. A continuous period of three years residence in Sweden was required. Today the provisions giving foreigners regional and local electoral rights are found in the 1991 Swedish Local Government Act (1991:900). In 1997 the three year residence requirement was abolished for EU citizens as well as for Icelandic and Norwegian citizens without any wider public debate.

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

2.1 Citizen residents

2.1.1 Age

According to the Swedish Constitution (Instrument of Government, *Regeringsformen*) Chapter 3, Art. 4) every Swedish citizen who is currently domiciled within the Realm or who has ever been domiciled within the Realm, and who has reached the age of eighteen, is entitled to vote in elections to the Swedish Parliament (*Riksdag*). Only a person who is entitled to vote may be a member or alternate member of the Parliament. The question of whether a person has the right to vote is determined on the basis of an electoral roll drawn up prior to the election. The right to vote at the age of eighteen was introduced in 1975.

Every Swedish citizen with the right to vote in elections to Parliament also has the right to vote in national referenda (Act on National Referenda (1979: 369), Art. 5).

In local elections (*kommun*) every Swedish citizen registered as a resident of the municipality and who has reached the age of eighteen by Election Day is entitled to vote in the election of municipal assembly members and their alternates. As to regional elections (*landsting*), any person entitled to vote in the election of municipal assembly members and their alternates in a municipality within the county council area concerned is also entitled to vote in the election of county council assembly members and their alternates. (Swedish Local Government Act (1991: 900), Chapter 4, Art. 2-3). As to eligibility in regional and local elections, assembly members and their alternates are elected from among persons entitled to vote in the local/municipal elections. In the election of committee members and their alternates and of auditors and alternate auditors, any person who at the time of the election satisfies the abovementioned requirements in the Swedish Local Government Act is eligible, irrespective of their registration on the electoral register. A person employed by a municipality or county council as the leading official is not eligible. Nor can a person in charge of an administration belonging to the sphere of activities of a committee be elected a member or alternate of that committee. A person elected a member or alternate of an assembly may not be appointed as an auditor of the municipality/county. A person who is accountable to a municipality or county council may not be appointed as auditor or auditors' alternate to inspect activities for which he is accountable. The same applies to the spouse, cohabitant, parent, child or sibling of the accountable person or any other person closely connected to him. (Swedish Local Government Act (1991: 900), Chapter 4, Art. 5-6).

In regional and local referenda (municipality and county), every Swedish citizen who is registered as resident in the municipality/county, and who has reached the age of eighteen on the day of the referendum, has the right to vote (Act on Local Referenda (1994:692), Art. 5).

As to European elections, every Swedish citizen with the right to vote in an election to the Swedish Parliament is also entitled to vote in an election to the European Parliament (Elections Act (2005:837), Chapter 1, Art. 4.)

2.1.2 Mental disabilities

Mentally disabled persons are not disenfranchised. The possibility to be incapacitated was abolished in 1991. A person who, because of illness or physical disability, cannot personally go to a polling station or advance voting place may vote by proxy (employing persons such as

relatives, caregivers or rural postmen for the task). In addition, the Election Committee (i.e. the local election authority) may appoint special persons to act as messengers for those who have no one to help them. Special material is required for voting by messenger and can be ordered from the Election Authority or from a municipality.

2.1.3 Persons convicted of criminal offences

Persons convicted for criminal offences are not disenfranchised. The right to vote was introduced for convicted criminals in 1937. Persons detained on remand or in correctional institutions may vote by messenger. It is also possible to vote at an advance voting place. Prisons usually provide for this possibility, and the votes are sent in a special window envelope by the election officials to the Election Committee. Advance voting begins eighteen days before Election Day. A person voting in advance at a special voting place must present his or her voting card as well as an identification document.

2.2 Citizens Abroad

2.2.1 Residence in the country as a prerequisite

In national elections to the Swedish Parliament (*Riksdagen*) any citizen who is, or at some time has been, registered as resident in Sweden has electoral rights. (Instrument of Government, (*Regeringsformen*) Chapter 3, Art. 4) The person, however, must be included in the electoral roll. The electoral roll is based on the information registered in the population register of the Swedish Tax Agency 30 days before Election Day. For the first ten years of absence, a Swedish citizen living abroad remains automatically in the electoral roll. After that a special application is needed to renew registration for every further ten-year period. The application shall be sent to the Swedish Tax Agency and should be made no later than 30 days before an election in which the person wishes to vote. The application form is found on the website of the Swedish Tax Agency. Every citizen with electoral rights in parliamentary elections also has the right to vote in national referenda (Act on National Referenda (1979: 369), Art 5).

In regional and local elections (county and municipality), only citizens who are registered as resident in the county/municipality concerned have electoral rights (Swedish Local Government Act (1991: 900), Chapter 4, Art. 2-3). The same applies for regional and local referenda (Act on Regional and Local Referenda (1994: 692), Art 5). Citizens living abroad are thus excluded.

2.2.2 Voting rights for citizens temporarily out of the country

Every Swedish citizen who is abroad on Election Day may vote at a Swedish Embassy or Consulate, or by post, in all elections where he or she has electoral rights.

When voting at a Swedish mission, the only thing the person must bring is his or her identification document. A Swedish passport, a Swedish ID card, or an ID card issued by the local authorities is accepted. Bringing the voting card is not compulsory, but recommended. Voting at a Swedish mission abroad may begin no sooner than 24 days before Election Day. When the possibility to vote ends depend on how long it will take to transport the votes from the country in question back to Sweden. It is not possible to vote on Election Day from abroad. The Election Authority decides at which Swedish missions votes may be received.

The votes are sent from the Swedish mission to the Election Authority, and from there they are distributed and forwarded to the relevant Election Committees.

Citizens abroad (including seafarers on ships in international traffic) may also vote by post from all countries in the world. Special material is needed for postal voting and may be ordered from the Election Authority, a Swedish municipality, or a Swedish mission abroad. Postal votes must be posted abroad and may not be posted in Sweden. The vote may not be sent earlier than 45 days before Election Day. The postal vote must have arrived in the voter's municipality for the so-called Wednesday Vote Count. On this day, the Wednesday after Election Day, the election committees count the advance votes that have not reached the polling stations on Election Day.

2.2.3 Voting rights for citizens residing permanently abroad

Every Swedish citizen permanently residing abroad has electoral rights in elections to the Swedish Parliament if the person in question has ever been domiciled in Sweden and he or she is included in the electoral roll. For the first ten years a Swedish citizen living abroad remains automatically in the electoral roll. After that a special application is needed to remain on the electoral roll for every new period of ten years. The application shall be sent to the Swedish Tax Agency and should be made no later than 30 days before an election in which the person wishes to vote. The application form is found on the website of the Swedish Tax Agency. Swedes registered as resident abroad get a special voting card and may vote at a Swedish Embassy or Consulate, or by post, from abroad. When voting at a Swedish mission, the only thing the person must bring is his or her identification document. A Swedish passport, a Swedish ID card, or an ID card issued by the local authorities is accepted. Bringing the voting card is not compulsory, but recommended. Voting at a Swedish mission abroad may begin no sooner than 24 days before Election Day. When the voting possibility ends depend on how long it will take to transport the votes from the country in question back to Sweden. It is not possible to vote on the Election Day from abroad. The Election Authority decides at which Swedish missions votes may be received. The votes are sent from the Swedish mission to the Election Authority, and from there they are distributed and forwarded to the relevant election committee.

Citizens abroad (including seafarers on ships in international traffic) may also vote by post from all countries in the world. Special material is needed for postal voting, and may be ordered from the Election Authority, a Swedish municipality, or a Swedish mission abroad. Postal votes must be posted abroad and may not be posted in Sweden. The vote may not be sent earlier than 45 days before Election Day. The postal vote must have arrived in the voter's municipality for the so-called Wednesday Vote Count. On this day, the Wednesday after Election Day, the election committees count the advance votes that have not reached the polling stations on Election Day.

A Swedish citizen permanently residing abroad who is visiting Sweden on Election Day is recommended to visit the Election Authority, or a municipality or county office to get a new voting card that can be used in Sweden.

Swedish citizens residing permanently abroad do not have regional or local electoral rights and no right to participate in regional and local referenda.

2.3 Foreign residents

2.3.1 Electoral rights for all foreign residents

Foreigners do not have electoral rights in national (Swedish Parliament) elections (Instrument of Government, Chapter 3, Art. 4) or in national referenda (Act on National Referenda (1979: 369), Art 5).

In regional and local elections (county and municipality) and regional and local referenda, every foreigner has electoral rights if he or she has reached the age of eighteen and has been registered as resident in Sweden for a continuous period of three years before Election Day (Swedish Local Government Act (1991: 900), Chapter 4, Art. 2-5 and Act on Regional and Local Referenda, (1994: 692) Art. 5). The person must be included in the electoral roll to have the right to vote.

For EU citizens and Nordic citizens there are special rules (see below 2.3.2).

2.3.2 EU citizens and Nordic Citizens

Foreigners do not have electoral rights in national (Swedish Parliament) elections (Instrument of Government, Chapter 3, Art. 4) or in national referenda (Act on National Referenda (1979: 369), Art 5).

In regional and local elections (county and municipality), and in regional and local referenda, any person who is a citizen of an EU country or a citizen of Iceland or Norway has electoral rights if he or she has reached the age of eighteen on Election Day and is registered as resident in Sweden (Swedish Local Government Act (1991:900), Chapter 4, Art. 2-5 and Act on Regional and Local Referenda (1994:692) Art. 5). The person must be registered in the electoral roll. The special rules for Icelandic and Norwegian citizens are based on the close ties between the Nordic countries and on Nordic cooperation. Similar rules apply in all Nordic countries.

3. Electoral rights of EU Citizens

3.1. Local Elections

Directive 94/80/EC was implemented in Swedish law in 1997 (Government proposition 1996/97:70). The right for European citizens to vote in local elections (in Sweden defined as regional (*landsting*) and local (*kommun*) elections) was introduced by an amendment in the former Elections Act (1997:157) and an amendment in the Swedish Local Government Act (1991:900). There are no additional conditions imposed on EU citizens compared to national citizens. There is no relevant case law.

3.2. European Parliament Elections for EU Citizens Residing in Sweden

For the first Swedish election to the European Parliament in 1995, a special law (Act (1995:374) on Election to the European Parliament) was enacted. This law was only valid for the 1995 election and stated that every citizen of an EU country who had reached the age of eighteen by Election Day, who was registered as resident in Sweden and who had not voted in the elections to the European Parliament held in June 1994 in another EU country, had the right to vote. Persons with the right to vote also had the right to stand as a candidate if they had not lost their eligibility in their country of origin.

In 1997, through amendments to the former Election Act (1997: 157) and to the Swedish Local Government Act (1991:900), Directive 93/109/EC was introduced. Today, Union Citizens' right to vote in European Parliament elections is governed by the Elections Act (2005: 837) (Chapter 1, Art. 4-6), and the Swedish Local Government Act (Chapter 4, Art. 2-3) The Elections Act states that a foreign Union Citizen, who has regional and local electoral rights and who has not voted in another EU country, has electoral rights in European Parliament elections in Sweden. Regional and local electoral rights for Union citizens are governed by the Swedish Local Government Act, which states that any person registered as a resident of the county/municipality, and who has reached the age of eighteen no later than on the Election Day, is entitled to vote.

A condition for electoral rights is that the Union citizen has registered himself or herself in the electoral roll. The Union citizen must, no later than 30 days before the election, notify the County Administrative Board that he or she wishes to be included in the electoral roll. The person must also provide information on his or her nationality and address in Sweden, as well as information on where, in the country of origin, he or she was last registered in an electoral roll. The person must also affirm that he or she will not vote in another EU Member State (Elections Act, Chapter 5, Art. 3).

3.3 European Parliament Elections for National Citizens Living Abroad

Every Swedish citizen permanently residing abroad has electoral rights in elections to the European Parliament, if the person has ever been domiciled in Sweden and is included in the electoral roll. For the first ten years of absence, a Swedish citizen living abroad remains automatically registered in the electoral roll. After that a special application is needed to remain on the electoral roll for every new period of ten years. The application shall be sent to the Swedish Tax Agency and should be made no later than 30 days before an election in which the person wishes to vote. The application form is found on the website of the Swedish Tax Agency. Swedes registered abroad get a special voting card, and may vote at a Swedish Embassy or Consulate, or by post, from abroad. When voting at a Swedish mission, the only thing the person must bring is his or her identification document. A Swedish passport, a Swedish ID card, or an ID card issued by the local authorities is accepted. Bringing the voting card is not compulsory, but recommended. Voting at a Swedish mission abroad may begin no sooner than 24 days before Election Day. When the possibility to vote ends depend on how long it will take to transport the votes from the country in question back to Sweden. It is not possible to vote on the Election Day from abroad. The Election Authority decides at which Swedish missions votes may be received. The votes are sent from the Swedish missions to the Election Authority.

Citizens abroad (including seafarers on ships in international traffic) may also vote by post from all countries in the world. Special material is needed for postal voting, and may be ordered from the Election Authority, a Swedish municipality, or a Swedish mission abroad. Postal votes must be posted abroad and may not be posted in Sweden. The vote may not be sent earlier than 45 days before Election Day. The postal vote must have arrived in Sweden for the so-called Wednesday Vote Count. On this day, the Wednesday after the Election Day, the Election committees count the advance votes that have not reached the polling stations on Election Day.

A Swedish citizen permanently residing abroad who is visiting Sweden on Election Day is recommended to visit the Election Authority, or a municipality or county office to get a new voting card that can be used in Sweden.

3.4 Regional and other elections

Local elections in Sweden, according to directive 94/80/EC, have been interpreted as including regional elections (*landsting*) and local elections (*kommun*) (Government proposition 1996/97:70).

4. Exercising Electoral Rights

4.1. National and Regional Elections

4.1.1 Voter registration

In Sweden, parliamentary elections and regional elections (as well as local elections) are held on the second Sunday of September every fourth year (Elections Act, Chapter 1, Art. 2-3). Only persons included in the electoral roll are allowed to vote. New electoral rolls are compiled before each election. If several elections are held on the same day the electoral roll is common to all elections held on that day. An electoral roll is drawn up for every electoral district and is used in the relevant polling station (in the 2010 election there was 5,668 electoral districts). The electoral roll is based on the information found in the population registration database of the Swedish Tax Agency 30 days before Election Day (Elections Act, Chapter 5, Art 1). The information in the population database on this day is decisive for the right to vote and for where the voter shall cast his or her ballot. Everyone residing in Sweden with electoral rights in parliamentary and/or regional elections is thus automatically included in the electoral roll and entitled to vote in the electoral district where they were registered as resident 30 days before Election Day.

A Swedish citizen permanently residing abroad has electoral rights in parliamentary elections if he or she is included in the electoral roll. For the first ten years of absence, a Swedish citizen living abroad remains automatically in the electoral roll. After that a special application is needed to remain on the electoral roll for every new period of ten years (Elections Act, Chapter 5, Art. 2). The application shall be sent to the Swedish Tax Agency and should be made no later than 30 days before an election in which the person wishes to vote. The application form is found on the website of the Swedish Tax Agency. If the Election Authority receives a vote from a Swedish citizen who is not registered as resident in Sweden and who is not included in the electoral roll, and the vote arrives no later than the day before Election Day, the Election Authority shall register that person in the electoral roll. If the vote arrives on the Election Day, or later, it shall be considered only as an application for registration in the electoral roll.

A Swedish citizen permanently residing abroad has no electoral rights in regional elections.

Everyone with the right to vote gets a voting card with information on the elections in which they are entitled to vote and the relevant polling station where they must cast their ballot (ValFS 2008:1, ValFS 2009:1).

4.1.2 Casting the vote

There are several different ways in which a voter may cast his or her ballot: voting in a polling station on Election Day, voting in an advance voting place, voting by messenger, or voting by post from abroad (Elections Act, Chapter 7-10). E-voting is not possible. The voter must always put the ballot paper in the envelope by himself or herself and close it. The ballot

papers have different colours for different elections: ballot papers for parliamentary elections are yellow and for regional elections they are blue. The voter must always prove his or her identity (unless the person in question is known by the election officials).

When voting in a polling station on Election Day, the voter must visit the station that he or she belongs to. There is one polling station for every electoral district and only those who are registered as resident in the electoral district may vote there. The address of the polling station and its opening hours are stated on the voter's voting card. The polling station is open only on Election Day, normally between 8 a.m. and 8 p.m. Each polling station has at least four election officials and at least three of them must be present when the vote is cast.

Those who are unable to go to the polling station on Election Day may vote in advance at any advance voting place in Sweden. All advance voting places can be found on the website of the Election Authority, together with their name, address and opening hours. Advance voting starts eighteen days before Election Day (but is also possible on Election Day). The envelope with the vote is sent to the polling station in the election district where the voter is registered. When the polling station closes on Election Day the voter's name is ticked in the electoral roll and the envelope is opened. Votes that have not reached the polling station on Election Day are counted on the Wednesday after Election Day (the so-called Wednesday Vote Count). A person voting in an advance voting place must always present his or her voting card and be able to identify himself or herself. A person who has voted in advance may change his or her vote. This must be done in person at the polling station on Election Day. The vote in the polling station will then be accepted, and the advance vote declared invalid.

Those, who because of illness, physical disability or age, cannot personally go to a polling station or an advance voting place may vote by proxy (employing such persons as relatives, carers or rural postmen for the task). Persons detained on remand or in correctional institutions may also vote by messenger. Special material is required to do this which can be ordered from the Election Authority or from a municipality office. The voter prepares the vote himself or herself by putting the ballot paper in the envelope and closing it. The voter shall then put the envelope in another, special, envelope for proxy voting. This must be done in front of the messenger and a witness. The messenger then delivers the vote to the voter's polling station on Election Day, or to an advance voting place. For those who do not have anyone who can help them, the municipality appoints special messengers. A proxy vote may not be prepared earlier than 24 days before Election Day.

Anyone who is abroad during the election period may vote at a Swedish diplomatic mission that provides such a service. The Election Authority decides at which Swedish missions votes may be received. When voting at a Swedish diplomatic mission, the only thing the voter must bring is his or her identification document. A Swedish passport, a Swedish ID card, or an ID card issued by the local authorities is accepted. Bringing the voting card is not compulsory, but recommended. Voting at Swedish missions abroad may begin no sooner than 24 days before Election Day. When the possibility to vote ends depends on how long it will take to transport the votes from the country in question back to Sweden. It is not possible to vote on Election Day from abroad. The votes are sent from the Swedish mission to the Election Authority, and from there they are distributed and forwarded to the relevant election committee.

Individuals with electoral rights who are abroad (including seafarers on ships in international traffic) may also vote by post from all countries in the world. Special material is needed, and this may be ordered from the Election Authority, a Swedish municipality, or a Swedish mission abroad. Postal votes must be posted abroad and may not be posted in Sweden. The vote may not be sent earlier than 45 days before Election Day. The postal vote

must have arrived in the voter's municipality for the so-called Wednesday Vote Count. On this day, the Wednesday after the Election Day, the election committees count the advance votes that have not reached the polling stations on Election Day.

4.1.3 Running as a Candidate

Every person with the right to vote in an election is also eligible. For Parliamentary elections there is no residential requirement, but the person must have been registered as resident in Sweden at some point. For regional elections the person must be registered as resident in a municipality within the county to be eligible. Eligibility is thus determined by the information provided in the population register of the Swedish Tax Agency.

4.1.4 Assimilated or special representation of citizens residing abroad

Votes of citizens abroad are cast in the constituency where he or she was previously resident.

4.2 Local elections

4.2.1 Voter registration

Local elections, i.e. municipality elections, are held on the second Sunday of September every fourth year (the same day as parliamentary elections and regional elections) (Elections Act, Chapter 1, Art. 2-3). Only persons included in the electoral roll are allowed to vote. New electoral rolls are compiled before each election. If several elections are held on the same day the electoral roll is common to all elections held on that day. An electoral roll is drawn up for every electoral district and is used in the relevant polling station (in the 2010 election there were 5,668 electoral districts). The electoral roll is based on the information found in the population registration database of the Swedish Tax Agency 30 days before Election Day (Elections Act, Chapter 5, Art 1). The information in the population database on this day is decisive for the right to vote and for where the voter shall cast his or her ballot. Everyone residing in Sweden with electoral rights in local elections are thus automatically included in the electoral roll and entitled to vote in the electoral district where he or she was registered as resident 30 days before Election Day.

A Swedish citizen permanently residing abroad has no electoral rights in local elections. Everyone with the right to vote gets a voting card with information on the elections in which they are entitled to vote and on the polling station where they must cast their ballot (ValFS 2008:1, ValFS 2009:1).

4.2.2 Casting the vote

There are several different ways in which a voter may cast his or her ballot. Voting in a polling station on Election Day, voting in advance voting places, voting by messenger, or voting by post from abroad (Elections Act, Chapter 7-10). E-voting is not possible. The voter must always put the ballot paper in the envelope by himself or herself and close it. The ballot papers have different colours for different elections: ballot papers for local (municipality) are white. The voter must always prove his or her identity (unless the person is known by the election officials).

When voting in a polling station on Election Day, the voter must visit the station to which he or she has been assigned. There is one polling station for every electoral district and only those who are registered as resident in the electoral district may vote there. The address

of the polling station and its opening hours are stated on the voter's voting card. The polling station is open only on Election Day, normally between 8 a.m. and 8 p.m. Each polling station has at least four election officials and at least three must be present when the vote is cast.

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Anyone who is abroad during the election period may vote at a Swedish diplomatic mission that provides such a service. When voting at a Swedish diplomatic mission, the only thing the voter must bring is his or her identification document. A Swedish passport, a Swedish ID card, or an ID card issued by the local authorities is accepted. Bringing the voting card is not compulsory, but recommended. Voting at Swedish missions abroad may begin no sooner than 24 days before Election Day. When the possibility to vote ends depends on how long it will take to transport the votes from the country in question back to Sweden. It is not possible to vote on Election Day from abroad. The Election Authority decides at which Swedish missions votes may be received. The votes are sent from the Swedish mission to the Election Authority, and from there they are distributed and forwarded to the relevant Election Committee.

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4.2.3 Running as a Candidate

Every person with the right to vote in an election is also eligible. For local elections, the person must be registered as resident in the municipality to be eligible. Eligibility is thus determined by the information provided in the population register of the Swedish Tax Agency.

