

OVERSEAS VOTING: THE CASE OF JAMAICA NUH WEY NUH BETTA THAN YARD^{*}

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Abstract

This paper examines the prospects of enabling Jamaicans living abroad to vote in Jamaica's elections. This issue has surfaced on two fronts: within the national context and in international academic and policymaking discourse. The International Covenant on Civil and Political Rights (ICCPR) affirms the right of citizens "to vote and to be elected at genuine and periodic elections." Recent discussions have questioned the application of these rights in Jamaica. This research investigates whether Jamaican citizens living overseas have the right to vote in Jamaican elections from abroad, and if so, under what conditions. Nationally, there have been calls from the diaspora for both major political parties, the Jamaica Labour Party (JLP) and the People's National Party (PNP), to allow voting rights for Jamaicans living abroad. The responses to these demands have been reflected in various national policies.

Central to these discussions is whether the right to vote, as enshrined in the ICCPR and various national constitutions, extends beyond borders. This article critically examines the feasibility of implementing overseas voting as a policy option for Jamaica. The research addresses issues of sovereignty, citizenship, and the role and rights of the diaspora in contemporary international relations.

Keywords: Diaspora; sovereignty; elections; overseas voting; Jamaica.

EL VOTO EN EL EXTRANJERO: EL CASO DE JAMAICA

Resumen

Este artículo aborda las perspectivas de permitir a los jamaíquinos residentes en el extranjero votar en las elecciones de su país de origen. Esta cuestión ha surgido en dos frentes: en el contexto nacional y en el discurso

* Stewart, Tinga 1981 Jamaican Festival Song, Nuh Weh Nuh Better Than Yard (No Where is Better Than Home).

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Recibido: 17 de abril de 2024 / Modificado: 30 de septiembre de 2024 / Aceptado: 4 de octubre de 2024

Para citar este artículo:

Vasciannie, L. (2024). Overseas Voting: The Case of Jamaica. *Opera*, 36, 153-174.

DOI: <https://doi.org/10.18601/16578651.n36.08>

académico y político internacional. El Pacto Internacional de Derechos Civiles y Políticos (PIDCP) afirma el derecho de los ciudadanos “a elegir y ser elegidos en elecciones auténticas y periódicas”. En debates recientes se ha cuestionado la aplicación de estos derechos en Jamaica. En ese sentido, esta investigación indaga si los ciudadanos jamaíquinos residentes en el extranjero tienen derecho a votar en las elecciones de Jamaica desde el extranjero y, en caso afirmativo, en qué condiciones lo pueden hacer. A nivel nacional, desde la diáspora se han hecho llamados a los dos principales partidos políticos, el Partido Laborista de Jamaica (JLP) y el Partido Nacional del Pueblo (PNP), para que permitan el derecho de voto a los jamaíquinos residentes en el extranjero. Las respuestas a estas demandas se han reflejado en diversas políticas nacionales. Un aspecto central de estos debates es si el derecho al voto, consagrado en el PIDCP y en varias constituciones nacionales, se extiende más allá de las fronteras. Este artículo examina críticamente la viabilidad de implantar el voto en el extranjero como opción política para Jamaica. La investigación aborda cuestiones de soberanía, ciudadanía y el papel y los derechos de la diáspora en las relaciones internacionales contemporáneas.

Palabras clave: diáspora; soberanía; elecciones; voto en el extranjero; Jamaica.

INTRODUCTION

This paper examines the prospects of enabling Jamaicans living overseas to participate in Jamaican elections. The issue has surfaced in both national discourse and international

academic and policymaking circles. The International Covenant on Civil and Political Rights (ICCPR) affirms citizens’ rights “to vote and be elected at genuine and periodic elections” (United Nations General Assembly, 1966). However, questions arise regarding the application of these rights within Jamaica, particularly concerning whether Jamaican citizens residing abroad can vote and, if so, under what conditions.

Over the years, there have been calls for both major political parties—the Jamaica Labour Party (JLP) and the People’s National Party (PNP)—to enact legislation allowing Jamaicans in the diaspora to vote from abroad. Responses to these demands are reflected in policy documents such as the *National Diaspora Policy* (2022) and the *White Paper on International Migration and Development* (2017). International comparative political science has also produced substantial research on issues related to overseas voting. Scholars such as Palop-García and Pedroza (2019) have clarified the meaning and scope of overseas voting, while others have examined various phases, legal considerations concerning citizenship and nationality, and logistical challenges. These discussions collectively explore whether the right to vote, as enshrined in the ICCPR and various national constitutions, extends beyond national borders.

Methodological and Theoretical Framework

Gamlen (2019) notes that diaspora institutions function at the intersection of international relations and domestic policy, a

dynamic that applies to overseas voting. This qualitative study relies primarily on content analysis of secondary data, focusing on migration studies, the evolving engagement of states with their diasporas, and the state's role in contemporary international relations. The study analyzes multiple sources that discuss voting from abroad, tracing the genesis of overseas voting in Jamaica through government white papers, remittance trends, draft documents, political party manifestos, and diaspora engagement policies under successive administrations. It also incorporates the positions of intergovernmental organizations, contributing to an understanding of the multiple influences shaping a state's foreign policy.

There is no shortage of scholarly work addressing the theoretical underpinnings and institutional frameworks in migration and diaspora studies. A substantial body of literature also examines the legislative and logistical challenges of implementing overseas voting, with a focus on Latin American and African states. However, overseas voting has not been a prominent feature in Caribbean electoral systems. No Caribbean nation has established a significant or sustained record of citizens voting from abroad in national elections.¹ This paper aims to provide benchmarks, best practices, and insights into potential hurdles for Caribbean nations, such as Jamaica, considering external voting.

The issue of whether Jamaica has already sufficient legal provisions to allow its citizens to vote from abroad has fueled public debate. This paper therefore complements policy discussions with an assessment of public opinion. Local newspapers were consulted for opinion pieces and letters to the editor to gauge public sentiment on the issue. This archival and contemporary data provides a clearer understanding of media and public perceptions regarding the diaspora vote.

The analysis in this study spans multiple theoretical levels. It does not propose to offer a comprehensive review of the numerous approaches addressing diaspora citizenship and its implications. However, it recognizes that traditional approaches, such as the theory of bounded citizenship (Bańkowski and Christodoulidis, 1999), do not account for overseas voting, as they limit citizens' rights to their territorial jurisdiction. In contrast, alternative perspectives, such as theories of expanded citizenship (Bauböck, 2005) and political transnationalism (Plaza, 2006), envision diaspora citizens as possessing transnational identities. For instance, Smith (2023, p. 212) argues that many diaspora citizens are "individuals with multiple identities, two flags in their heart... with multiple loyalties." These inclusivist frameworks suggest that diaspora citizens should have the right to vote in Jamaican elections from abroad, thereby exercising political

¹ As will be discussed later, Guyana has had overseas voting during its turbulent electoral history. It was discontinued because it became a tool of electoral fraud. See, for example, Vasciannie (2017, pp. 141-164). <https://doi.org/10.1080/14662043.2017.1283476>. The Bahamas currently has provisions for overseas voting, but these are limited to a small categories of citizens and not applicable to the general diaspora. See, *The Parliamentary Elections (Amendment) Act 2011* (Bahamas)

agency in two jurisdictions. Furthermore, Vambe (2021, p. 143) contends that the right to vote from abroad is a shared responsibility among states, noting that administering elections abroad often requires collaboration between nations.

Despite these valuable insights, both “bounded” and “expansive” citizenship theories fail to fully account for the nuanced interactions that go beyond the state. These models often overlook the roles of intergovernmental organizations, subnational entities such as political parties, and individual actors in shaping diaspora policy. Additionally, they tend to view the diaspora as a monolithic entity, disregarding its socioeconomic, cultural, and political diversity.

Délano Alonso and Mylonas (2019) offer a multilevel approach that acknowledges the roles of actors within and beyond the state in shaping diaspora engagement policies. Their micro foundations model, which recognizes the diversity within diasporas, is a useful framework for analyzing Jamaica’s potential for overseas voting. Much of this research has focused on Latin America, Africa, and Asia, with some attention to the Commonwealth Caribbean. For instance, Palop-García and Pedroza (2017) examine trends in overseas voting in Latin America and the Caribbean from 1950 to 2015. This paper extends that research by focusing specifically on Jamaica and its unique considerations within the broader context of the Commonwealth Caribbean.

The discussion on diaspora voting aligns with broader scholarship on voting rights in the age of globalization (Caramani and Grotz, 2015). It challenges the traditional Westphal-

ian concept of sovereignty by questioning whether voting rights are absolute or tied to territorial jurisdiction. A central question driving this research concerns political participation: Who has the right to representation in elections, and under what legal and logistical frameworks (Ellis and Wall, 2007)? In the context of Jamaica, do nationals living abroad have the right to participate in national elections, and if so, which citizens qualify, what logistical considerations apply, and would the policy be cost-effective?

The issue of overseas voting has featured on Jamaica’s foreign policy agenda for several years, gaining increased traction recently. This research explores how migrants influence their home countries’ politics, governance, and civil society (Burgess, 2012). The paper first sets the conceptual and historical context of external voting, followed by an analysis of the emergence of the issue in Jamaica. It then evaluates key variables, such as logistics, legality, cost, and principles, to assess whether diaspora voting is a viable option for Jamaica.

INTERNATIONAL APPROACHES, FRAMEWORK, AND CONTEXT OF EXTERNAL VOTING

External voting refers to the process that allows some members of the voting-age population to cast ballots from abroad. It grants voting rights to electors who are either temporarily or permanently outside their country of origin. External voting is also known as overseas voting, absentee voting, or out-of-country voting (Ellis and Wall, 2007). The practice has

been in use for centuries, with early instances such as during the reign of the Roman Emperor Augustus, and later in the United States, when the state of Wisconsin implemented Civil War provisions for soldiers fighting for the Union (2007). In both cases, political and strategic motivations were strong. Augustus seriously considered postal voting to secure approximately 3,000 additional votes from 28 Italian colonies, which would have increased his chances in the polls (Jones, 1955). In the U.S., both political parties had strong views on whether facilitating out-of-state voting for soldiers would provide an electoral advantage to one side or the other.

Post-World War II conditions introduced another context for external voting. Countries such as New Zealand, Canada, and France implemented provisions allowing military personnel to vote while serving abroad. In these cases, voting was conducted via postal service or proxy. The guiding philosophy behind these measures was the extension of voting rights to ensure that military personnel were not denied their franchise. Eventually, eligibility for external voting expanded to include merchant seamen and all individuals on government or professional service abroad. Beyond wartime, the United States further extended postal voting to encompass all U.S. citizens residing overseas.

Over time and across different contexts, several factors have influenced most states' decisions to implement overseas voting. Historically, governments sought to acknowledge the participation of military members during wartime. Subsequently, measures were introduced to ensure that diplomats, public

servants, professionals, and students were not disenfranchised while abroad. Another important consideration for governments has been the desire to maintain connections between emigrants and their countries of origin, as demonstrated by the U.S. (1975), Switzerland (1989), Austria (1990), and during democratic transitions in Namibia (1989) and South Africa (1994).

Another reason for implementing overseas voting is the belief that the expatriate vote may generate a political advantage for the incumbent in elections or referendums. This has been observed throughout history, often intertwining with sentiments of nationalism. For example, Emperor Augustus in Rome, the push for prohibition in Canada, and cases in the United Kingdom and Honduras reveal how governments have expected their overseas contingents to support their political agendas. Finally, pressure from diaspora populations and lobbying efforts have occasionally influenced governments to consider external voting (Ellis and Wall, 2007).

This discussion will demonstrate how the prospects for overseas voting in Jamaica reflect a combination of advocacy from Jamaicans abroad and overtures from successive governments. Contributing factors include the desire of some Jamaicans to retain or deepen their links to home, as well as the hope from the government that sentimental nationalism will lead to increased investment and contributions from Jamaicans overseas. There is an implicit expectation among expatriates, and a sense of obligation from the government, that the substantial support from Jamaicans in the diaspora should be rewarded with the opportunity for

political participation through voting in general elections. Specifically, this discussion will also highlight the relevance of remittances to the decision of whether to introduce overseas voting in the Jamaican context.

REGIONAL CARIBBEAN CONTEXT OF EXTERNAL VOTING

Globally, over 115 countries have provisions for external voting. In Latin America alone, the number of states allowing overseas voting increased from 3 to 14 between 1990 and 2015 (Palop-García and Pedroza, 2019). Within the Caribbean, Guyana historically allowed overseas voting, but this practice contributed to electoral fraud during the 1970s and 1980s and was subsequently abolished (Vasciannie, 2018). More recently, the Bahamas passed the *Parliamentary Elections (Amendment) Act* in 2011 to implement overseas voting for specific segments of the diaspora, including diplomats, students, government workers, and other individuals residing abroad temporarily. However, this model of overseas voting is limited in scope and does not reflect the broader version under consideration for Jamaica.

Given that more than 50 percent of countries worldwide have introduced overseas voting, one might be inclined to consider it a global norm. However, Palop-García and Pedroza (2017) challenge this narrative for Latin America and the Caribbean, emphasizing the wide variability in policies across the region. There has been no uniformity in the acceptance, development, or implementation of

legislation to facilitate overseas voting within this geographic area.

Guyana was the first Caribbean country to introduce external voting, doing so in the immediate post-independence period during the politically contentious era marked by electoral struggles between the People's Progressive Party (PPP) and the People's National Congress (PNC). In the 1968 election, the Guyanese diaspora was permitted to vote via postal ballots, which became a significant avenue for electoral fraud in subsequent elections (Vasciannie, 2018). This practice was eventually discontinued as Guyana's electoral system came under international scrutiny, culminating in the 1992 observation by the Carter Center.

In recent years, the issue of overseas voting has reemerged in the Guyanese political sphere. Currently, the focus lies on Guyanese citizens working in neighboring countries who return home to vote during general elections. While this specific practice falls outside the immediate scope of this research, it warrants mention. Some argue that any registered Guyanese citizen has the right to vote, as was evident in the 2020 election, where individuals returned from Suriname to cast their ballots. Nevertheless, given the history of fraud and continued international scrutiny, it is unlikely that Guyana will reinstate voting for diaspora citizens residing abroad (Vasciannie, 2018).

In the Bahamas, some citizens living abroad retain the right to vote. The *Parliamentary Elections (Amendment) Act* of 2011 allows for the registration and voting of Bahamian citizens in six countries across eleven cities. However, this provision applies only to certain

categories of individuals, including students, diplomats, government staff, and their spouses and household members. This restrictive approach reflects a more functional, traditional conception of overseas voting and excludes private Bahamian citizens who may have dual citizenship but wish to vote despite having permanent residence elsewhere. Both the Commonwealth Observer Group (2021) and the Organization of American States (2021) have recognized and commended this limited version of overseas voting during the 2021 Bahamian general elections. Their observation highlights the need for electoral bodies to implement safeguards to protect the integrity of overseas voting, potentially by including election observers to mitigate vulnerabilities to inefficiencies or irregularities.

THE JAMAICAN PROPOSAL: ORIGINS

Evolution of the Idea and Nature of Proposals

Diaspora Policy

In the context of political inclusion for diaspora populations, Jamaica ranks lowest in terms of electoral rights, as the country does not grant any voting rights to its non-resident voting-age population in any category of elections (Palop-García and Pedroza, 2017). This assertion is debatable, however, given that, in practice, once a Jamaican citizen is registered to vote, they may return home to participate in any election. Nonetheless, since this discussion focuses on provisions for Jamaicans living

abroad to vote from overseas, it now turns to the evolution of the debate surrounding this issue.

As is the case in many other countries, the discourse on the prospects of overseas voting for Jamaicans is deeply intertwined with the sentiment that:

Jamaica's human resource base, expertise, experience, and technological level is not only that of the nation's half who reside on the rock. It is also reflected in the outstanding scholars, statespeople, administrators, and businessmen who are to be found all over the Diaspora. The Jamaican nation is to be found not only [...] here at home but in those spread throughout the Diaspora. (Munroe, 1999)

The potential value and contribution of the Jamaican diaspora extend beyond the input of ideas, expertise, and the prestige of having notable citizens abroad. Franklyn (2003) has noted that the demographic shift from “manual-type immigrants to professionals” resulted in increased income inflows to Jamaica. These remittances have been increasingly recognized by successive Jamaican governments, who have sought to acknowledge their tangible contributions to the country's Gross National Product (GNP).

Many countries have implemented policies to formalize links with their diaspora communities. Some have established various forms of advisory councils, committees, or boards to represent the views and interests of their diasporas. Despite differing political systems, cultures, and regions, states have largely conformed to a similar general template for institutionalizing these links (Gamlen, 2019,

p. 47). In Jamaica, the Returning Residents Facilitation Unit (1993) and the Jamaicans Overseas Department (2002) were two early initiatives aimed at formally acknowledging and engaging the diaspora. By 2008, Jamaica established a Joint Parliamentary Committee for Diaspora Affairs to recognize the “critical role played by the Jamaican Diaspora, ‘the Greater Jamaica,’ in the country’s developmental process.”² Currently, the Global Jamaica Diaspora Council serves as the formal institutional representation of Jamaicans abroad, fulfilling the mandate of the National Diaspora Policy.

The roots and relevance of the Jamaican diaspora run much deeper than twenty-first-century institutions and are inextricably connected to the foundations of nation-building and political independence movements in colonial Jamaica. Specifically, the genesis of the People’s National Party (PNP) can be traced, in part, to the intellectual and political activism of Jamaicans in the United States. The PNP’s founder, O.T. Fairclough, and others established the party with support from the New York-based Jamaica Progressive League (JPL). The JPL played a central role in the Jamaican independence movement, successfully forging financial, intellectual, and political links between Jamaicans in the diaspora and those at home, culminating in the eventual formation of the nationalist PNP led by Norman Washington Manley (Nettleford, 1971). Both the PNP and the Jamaica Labour Party (JLP) have sought to garner support from the

diaspora through overseas chapters or youth groups such as G2K and Patriots.

One of the earliest discussions of whether Jamaica should permit overseas voting coincided with political developments in Guyana during the height of the Cold War. When Guyana implemented its system for the registration of overseas voters in 1979, some Jamaicans in Canada questioned then-Prime Minister Michael Manley about whether Jamaica’s new constitution would support overseas voting for the large Jamaican community in Canada. Manley responded that “overseas voting could only work with a system of proportional representation or one with an elected president” and that “to import overseas voting into the present system would be to open the way to massive electoral corruption” (Guyana Begins Registration, 1979). While both elements of this response are debatable, it was evident that the then-PNP administration was not receptive to the idea of overseas voting.

Successive Jamaican governments have grappled with balancing the acknowledgment of the diaspora’s value, along with the expectations of being rewarded for their contributions to national development, against the practical and political risks posed by allowing overseas voting. For instance, if, as Manley feared, widespread fraud was to occur in overseas voting, it could negatively impact Jamaica’s global democratic ranking and status in international relations. Furthermore, given the country’s history of deep political tribalism and polarization during the 1970s and 1980s, adding an uncer-

² Sir Kenneth Hall, 2008, March 27, Throne Speech.

tain overseas constituency could complicate electoral outcomes for both political parties. Neither the PNP nor the JLP has been able to confidently foresee an electoral advantage that would guarantee a victory by extending voting rights to Jamaicans abroad.

Some elements of the private sector in Jamaica have emphasized the increasing importance of the diaspora, noting that Jamaican immigrants in the U.S. have one of the highest per capita incomes of all immigrant groups (Orane, 2002). Others have called for greater engagement with the diaspora to foster business development partnerships (Lopez, 2003). Despite the overwhelming evidence of the diaspora's contributions and potential investments, the Electoral Advisory Committee (EAC) rejected calls for overseas voting legislation, citing concerns over costs, lack of clear eligibility criteria, and vulnerability to fraud (EAC Rejects Call, 2003). These themes have been consistent in the cautious approach of political administrations over time.

Both the PNP and JLP have been non-committal in their responses to requests for overseas voting arrangements. The issue has periodically surfaced in public discourse since 2002, with spikes in advocacy and policy engagement during,³ election cycles. For instance, a newspaper in 2006 urged the PNP, led by Simpson-Miller, to “shift gears” and appoint a ministerial representative for the diaspora in the Senate (*A Time to Shift Gears*, 2006, p. A8). However, the response remained

consistent: “not on the agenda at this time.” The question of overseas voting continues to generate persistent debate among officials on diaspora boards, members of the public, and government representatives.

Generally, the PNP has not been enthusiastic about changing the existing arrangements. In May 2015, the party stated that the government was not considering absentee voting at that time. The PNP further encouraged Jamaicans in the diaspora to “become full citizens where they are, which includes the right to vote, and to exercise their franchise where they are, because by being actively engaged, they can also impact policy where they reside” (Brown, 2015). The party softened this position, acknowledging that the issue deserved “serious thought” to devise “the best arrangement.”

One draft of the National Diaspora Policy (2015) reflected a significant overture by the Jamaican government to consider overseas voting. It stated that the government would:

Undertake consultations with the Electoral Commission of Jamaica and the Attorney General regarding options for addressing the involvement of the Diaspora in political decision-making in the context of current electoral rules. The consultations will consider provisions for Jamaicans abroad to vote, the legal implications of overseas voting, restrictions to consider, and the potential impact of the Diaspora's involvement in political decision-making in Jamaica.⁴

³ General elections were held in Jamaica in 2002, 2007, 2011, 2016 and 2020 and another is due by 2025.

⁴ The Draft National Diaspora Policy (2015, pp. 19-20).

Subsequent versions of the Diaspora Policy, however, do not include this specific commitment and reflect a more cautious approach to the issue of overseas voting. The final policy document, supported by both political parties, maintains only a commitment to advocating for voting rights for the diaspora in their countries of residence (National Diaspora Policy, 2022, p. 33).

The Jamaican Proposal: Logistical and Operational Issues

This section addresses several logistical issues that must be considered to make overseas voting feasible. These include the type of election, determining eligibility, representation issues, the voting process, and how diaspora communities would be represented in an election. To date, discussions about overseas voting for Jamaica have primarily focused on general elections. General elections are widely regarded as the country's most significant political contest, despite declining voter turnout. Local government elections or referenda have not yet been considered in this context.

If Jamaica were to implement overseas voting, clear eligibility criteria must be established. Defining the eligibility of overseas voters could create political tension and division (Erben *et al.*, 2012). A restrictive approach, like that adopted by Barbados for students and professionals, is similarly used by India and Zimbabwe. This approach may be applicable for Jamaicans who have moved abroad to work as teachers, nurses, and farmworkers. However, caution should be exercised in adopting this model, as it would likely fail to meet the

expectations of the vast majority of overseas Jamaicans, many of whom have expressed a desire to participate in elections. Additionally, as seen in Zimbabwe, such limited application of overseas voting could invite criticism, with those excluded from eligibility claiming discriminatory and unconstitutional treatment by the government (Tungwarara, 2007; Vambe, 2021).

The most inclusive model, adopted by countries like Austria, Russia, and Sweden, permits all categories of citizens abroad—whether temporarily or permanently residing abroad—to vote. In contrast, the United Kingdom only allows individuals who registered to vote prior to emigrating to participate from abroad. Another option, seen in the European Union, limits individuals to voting in only one country's election. However, this approach is not applicable to the Jamaican context, as CARICOM's supranational governance model is far less integrated. Moreover, most Jamaicans advocating for overseas voting reside outside the Caribbean. Additionally, there is no regional mechanism for tracking, verifying, or reconciling voter registrations, as these are managed individually by national electoral bodies. Given that the Jamaican diaspora is concentrated primarily in a few cities across the United States, Canada, and the United Kingdom, one feasible stipulation for the Jamaican model could involve selecting cities with consular representation, typically located where there is a substantial Jamaican community. This would help mitigate logistical challenges such as finding central voting locations and would reduce some of the administrative

costs associated with venue rentals and other expenses.

Another consideration is the length of time prospective overseas voters have lived abroad. Many countries impose a time limit after which emigrants are no longer eligible to vote (Green, 2007). For example, Canada allows for five years, Australia six years, Sweden 10 years, and the United Kingdom 15 years, while Guinea allows 19 years and Germany 25 years. Bosnia and Herzegovina and the United States have no such restrictions. Currently, any Jamaican living abroad, once registered, can return home to vote without any time constraints. It would be difficult and impractical to impose time restrictions on Jamaicans in the diaspora, as the duration spent abroad does not necessarily indicate a weakening of ties to the home country. Many Jamaicans maintain strong connections to Jamaica, regardless of how long they have been abroad (Smith, 2023). Connection is not solely a function of time but is influenced by psychological and emotional factors that are harder to quantify.

Moreover, verifying which diaspora members qualify based on time abroad would be a resource-intensive task for a small developing country. Given the pressing economic and social challenges Jamaica faces, it is unlikely that the government would allocate resources for a verification exercise, particularly if it offers no guarantee of additional votes for the incumbent.

Methods of Casting Ballots

The primary logistical issue for overseas voting is the method of casting ballots. Some countries allow in-person voting at embassies and consulates, while others use proxy voting, mail-in ballots, fax, or internet voting. Jamaica would not be able to afford the multiple options that some countries, like Australia, offer. Ecuador's 2023 experience with low participation and voting errors in its digital voting system, which compromised the integrity of its overseas vote and necessitated a rerun (Organization of American States, 2023), underscores the risks associated with this option. Given the costs and risks, digital voting would not be a prudent choice for Jamaica⁵ Furthermore, the predominantly older demographic advocating for diaspora voting may be less inclined to favor this option.

There is no perfect procedure for overseas voting, but some methods are more practical and cost-effective for Jamaica. Nohlen and Grotz (2007) identify traditional in-person voting as the most feasible option for most countries. This method would offer Jamaica, a newcomer to the process, the best chance of administering an efficient and fair overseas vote. The simplest and most practical approach would be to require diaspora voters to cast their ballots in person at embassies and consulates. In-person voting would reduce the risk of fraud, and the technical errors associated with

⁵ For example, see IFES, 1998. Technical Assessment: Electronic Registration and Voting System, Jamaica. <https://www.ifes.org/publications/technical-assessment-electronic-registration-and-voting-system-jamaica> This report concludes that while electronic registration and voting would be positive steps for Jamaica, within the context of limited resources, it would be difficult to convince local and international stakeholders to prioritize this activity for Jamaica.

postal, proxy, or digital voting. However, this process would necessitate coordination between the Electoral Office of Jamaica (EOJ), the Ministry of Foreign Affairs and Foreign Trade (MFAFT), and other relevant entities. Prior registration, voter education, the printing and distribution of ballot papers, and the procurement of ballot boxes and other materials would all require meticulous planning to ensure smooth execution of both local and overseas voting.

Additionally, the EOJ, MFAFT, and other entities must ensure that Jamaica maintains its autonomy and sovereignty throughout the administration of the overseas vote.

Representation and Registration

At this juncture, it is crucial to consider how diaspora voters would be represented and registered. Nohlen and Grotz (2007) identify two main approaches to representing overseas votes as parliamentary seats. The first is to establish a separate diaspora or extraterritorial district or constituency. The second is to assign overseas votes to existing electoral divisions, typically based on where the voter was last registered. Both methods present different challenges, advantages, and observations and have been proposed for Jamaica.

Extraterritorial Constituency Representation

Countries such as Mozambique, Portugal, Angola, and Croatia have opted to create separate electoral districts for their overseas voters. During his tenure as opposition leader, Andrew Holness urged the government led by Simpson-Miller to explore giving Jamaicans in the diaspora a “constituent vote” (Campbell, 2015). However, this idea has been met with resistance in some quarters. Some argue that Jamaicans abroad should be allowed to vote but without representation in a separate constituency, as the current 63 constituencies are deemed sufficient (Spaulding, 2012). This resistance is understandable, given the potential for one or two diaspora constituencies to determine the outcome of a closely contested election.

Creating an additional constituency would require a constitutional amendment and would add responsibilities for the EOJ, including monitoring overseas campaigns and ensuring a free and fair electoral process. Moreover, the controversies and divisiveness surrounding the Diaspora Council highlight the potential for political polarization in engaging certain diaspora elements.⁶ Furthermore, in tightly contested elections, a single constituency could potentially swing the results. In some cases, significant resources are invested

⁶ For example, on April 12, 2024, The Ministry of Foreign Affairs and Foreign Trade issued a Draft Press Release: the Foreign Ministry confronts deception from ‘parallel Diaspora Conference’; urges support for authentic Diaspora engagement. See also, protest activities against the Government of Jamaica in Miami in January 2024. This sparked controversy and division among some members of the Jamaican community abroad who noted that this group did not represent common interests <https://jamaica-gleaner.com/article/lead-stories/20240115/diaspora-protests>

in establishing overseas voting only for it to be discontinued due to insufficient registrants or a lack of interest, as seen with the Cook Islands.⁷

The alternative approach is for overseas voters to cast ballots for their home district, where they last lived, which is the most common arrangement (Collyer, 2014). While this option poses logistical challenges and requires careful coordination, it is more suitable for Jamaica. However, there is still a risk that a high concentration of diaspora votes in a single division could disproportionately influence the outcome. Some countries mitigate this by setting a maximum quota of overseas voters per division. This strategy could help ensure that the election results are not unduly swayed by diaspora voters. Ultimately, while both approaches—whether through creating additional constituencies or assigning votes to existing divisions—present challenges, the latter is more appropriate for Jamaica given the need to diffuse the potential disproportionate influence of diaspora votes.

Why Overseas Voting?

One of the primary arguments supporting the diaspora vote is that many Jamaicans living abroad maintain strong ties to Jamaica, whether familial, financial, or cultural. Some visit family, return for vacations, or participate in entertainment and sports. A key feature of these enduring connections is the retention of Jamaican citizenship and, where possible,

dual citizenship. Successive governments have acknowledged and encouraged these connections, recognizing the diaspora's contribution to Jamaica's development through remittances, scholarships, medical missions, financial assistance, and other forms of support. Engaging the Jamaican diaspora in discussions about the prospects of overseas voting is one-way governments have demonstrated appreciation for their substantial contributions to Jamaica's economy and society.

The Role of Remittances

Many Jamaicans abroad make significant contributions to the Jamaican economy through remittances. The Bank of Jamaica (2023) highlights this impact, noting that, for the fiscal year 2023, total remittances amounted to USD 3.37 billion. The majority of these funds—67.5%—originated from the United States, with other notable inflows coming from the United Kingdom (11.5%), Canada (9.6%), and the Cayman Islands (7.1%). Over the years, remittances have become one of the largest contributors to Jamaica's GDP, more than twice that of the agricultural sector. In 2023, remittances accounted for just over 17% of GDP (Bank of Jamaica, 2023). Although this figure has fluctuated slightly, it provides a clear representation of the diaspora's contribution to Jamaica's economy (Bank of Jamaica, 2022).

⁷ See, https://aceproject.org/ace-en/topics/va/annex/country-case-studies/the-cook-islands-seat-for-overseas-voters/mobile_browsing/onePag

Despite the significant contribution of remittances to Jamaica's national income, there is no clear rationale for converting this economic input into voting power or electoral capital. If one were to argue that those contributing to Jamaica's economy should be granted the right to vote, this argument must be extended to its logical conclusion: foreign direct investment, which far exceeds annual remittance inflows, would justify granting voting rights to non-Jamaican investors and donors.

Even if the argument that remittances justify voting rights were accepted, it falsely assumes that every Jamaican living abroad sends money home. Since this is demonstrably not the case, to which members of the diaspora would this right be extended? A voting right should not be based on a practice that is neither universal nor easily verified.

Moreover, the implied link between economic contribution and the right to vote becomes problematic when examined in reverse. Given Jamaica's socioeconomic profile and history of partisan politics, a significant proportion of the voting-age population makes little or no economic contribution. Introducing overseas voting based on financial contributions would create the problematic notion of conditional voting rights—a regressive step reminiscent of pre-1940s property-based voting qualifications. While remittances are valued as a macroeconomic contribution, their primary motivation is the personal desire to support family members. This familial commitment should not be conflated with the right to vote, as doing so undermines the principle of universal suffrage.

Globalization and the Case for Overseas Voting

Voting from abroad could also be framed as a pragmatic response to trends such as globalization and dual citizenship. Buddan (2004) observes that, under globalization, “nation and territory no longer coincide,” supporting a universalist approach where the right to vote transcends national borders. In this context, Jamaican citizens living abroad, particularly those with dual citizenship, should be allowed to participate in national elections. Bauböck (2005) expands on this idea of “expanding citizenship” through his concept of stakeholder citizenship. Like Buddan, Bauböck (2005) envisions “a world in which political boundaries increasingly overlap.” This concept of “overlapping membership” in different countries offers at least a philosophical basis for supporting the right to vote abroad for diaspora populations.

From a policy perspective, however, the Jamaican government must carefully consider the eligibility criteria and logistical challenges associated with implementing overseas voting.

Overseas Voting: Challenges of Principle and Practicality

This section examines the arguments against external voting both generally and in the context of Jamaica. These include concerns related to legality, the disproportionate influence of the diaspora on election results, vulnerability to fraud, prohibitive administrative costs, and the likelihood of non-implemen-

tion. While these challenges do not entirely preclude the possibility of overseas voting, they may influence whether the government considers it a priority or viable option for Jamaica.

One obstacle concerns legality. The Representation of the People Act (Jamaica) states that “every person shall be entitled to vote at an election... if his name appears upon the official list... unless subsequent to his registration he ceases to be a Commonwealth citizen or to be ordinarily resident in Jamaica.” This suggests that residence is a primary condition for the right to vote in Jamaican elections. This provision aligns with Article 23 of the American Convention on Human Rights (OAS, 1969), which affirms the right of citizens to vote in periodic and free elections.

Many Jamaicans living abroad return home to vote in general elections, arguing that they maintain some permanent connection to Jamaica. This practice has not generally been problematic, as inclusion on the voter registration list presupposes a substantial remaining connection to the country. As noted by former Minister of Foreign Affairs and Foreign Trade, Franklyn, such voters “need to be registered in Jamaica and they need to come home at the appropriate time to ensure that they are re-verified at the addresses, which they would have filled out on the form here in Jamaica” (Jamaica Information Service, 2006).

Although this practice has been challenged by some (Sticking Points Remain, 2022), it has legitimate grounds for acceptance.

The practice of traveling home to vote is not unique to Jamaica. In many other countries, emigrants are allowed to vote by returning to their home country during the election period, provided they are registered. In such cases, there is no need for overseas ballots, as voters can already exercise their constitutional right to vote. In Jamaica’s case, however, there is no legislation allowing Jamaicans in the diaspora to vote from abroad. Implementing such a provision would require political consensus, which is unlikely in Jamaica’s highly partisan political environment.⁸ On the other hand, the option of return voting places the financial burden on individual prospective voters (Erben *et al.*, 2012, p. 5).

Proportionality

Successive Jamaican governments have made considerable efforts to engage the diaspora, acknowledging their contributions beyond remittances to sectors such as health care, education, and the local economy. This engagement fosters a spirit of national pride beyond borders. While arguments about the globalization of citizenship and the universality of the right to vote are compelling, the

⁸ For example, the Government of Jamaica was unable to get the required two-thirds majority vote to implement a State of Emergency despite effort to convince the opposition People’s National Party (PNP) that this was a necessary measure to combat the elevated levels of crime. See, Mundle, Jamaica Gleaner “Government to review two-thirds majority SOE voting bar. January 10, 2022. <https://jamaica-gleaner.com/article/lead-stories/20220110/govt-review-two-thirds-majority-soe-voting-bar>

question of proportionate representation must be addressed when discussing whether overseas voting should be allowed.

Jack and Lagunoff (2006) note that overseas voting could reduce the representative power of the local electorate relative to the overseas constituent (p. 552). This dilution of local influence is not an unlikely scenario in Jamaica. The organization of a parallel diaspora conference to coincide with the government's 10th Biennial Diaspora Conference fuels this argument, with grievances such as government corruption, crime, health care, and insufficient engagement with the diaspora (Bailey, 2024). Some argue that the diaspora's contributions to Jamaica foster a belief that they should hold the government more accountable.

Additionally, if the diaspora population is large relative to the local population, the diaspora electorate could significantly influence election outcomes. This could result in the diaspora shaping local policies that do not affect their daily lives (Erben *et al.*, 2012, p. 2). It is problematic for emigrants to vote in their origin country's elections without facing the consequences of that vote (Vasciannie and Vasciannie, 2024). Given the development disparities between Jamaica and the countries with significant diaspora populations, one cannot ignore the power dynamics and the reinforcement of limited agency for origin states (Délano Alonso and Mylonas, 2019). The recent trend of low voter turnout in Jamaica (Electoral Commission of Jamaica, 2020) increases the likelihood of disproportionate influence by a politically active diaspora.

Ensuring Fairness and Logistical Matters

The implementation of overseas voting would require additional measures to ensure that elections are free and fair in a foreign jurisdiction. Although it is possible to observe these aspects of an election, the Electoral Office of Jamaica (EOJ) would need to ensure that voter registration, verification, polling agents, and other electoral procedures mirror those provided for local elections. Additionally, recounts, queries, or disputes would be harder to manage in a foreign jurisdiction. Delays in collecting, counting, and redistributing ballots across polling divisions could hinder the timely release of election results. For instance, the delays in vote counting during Jamaica's February 2024 local government elections frustrated both political parties and the public. Given these challenges, it is doubtful that Jamaica would have the capacity to handle additional overseas ballots.

Increased vulnerability to electoral fraud is another concern if proper safeguards are not in place. To mitigate these risks, additional resources would need to be mobilized. Maintaining the integrity of overseas voting is just as crucial as it is for domestic elections. The Jamaican government must also ensure that all eligible overseas voters have a broadly equal opportunity to vote. For example, Jamaicans living far from assigned embassies and consulates may require additional voting centers or postal voting, both of which present challenges related to cost and fraud. Smaller, poorer countries like Jamaica lack the financial

resources to implement overseas voting. Robinson (2024) notes that since 2016, Jamaica has incurred losses of over JMD58 million for unused ballots due to low voter turnout. The costs would be further compounded by the need for additional resources for extraterritorial voting, which is a costly exercise in itself (Ellis *and* Wall, 2007).

Non-Implementation of Policy

There are several stages between the idea of overseas voting and its implementation. Palop-García and Pedroza (2019) note that there is often a significant delay between the enactment and regulation of overseas voting policies, and even more so between regulation and implementation. Some countries, such as Angola, Bolivia, Greece, Nicaragua, and Panama, have provisions for external voting but have yet to implement them. In other cases, states have partially implemented external voting procedures, only to conclude that the process is costly and does not accommodate the desires of significant voter groups.

Risk of Politicization

Partial or non-implementation of overseas voting is often attributed to logistical or resource issues. However, a political administration might delay implementation if they believe the overseas vote could work against them. As Whitaker (2011) notes, this occurred in Ghana in 2006, when the law allowing overseas citizens to vote was passed, but the practical steps were not taken to facilitate voting in the 2008 election. The result was

polarization between the new leadership and the diaspora. In the case of Jamaica, there are already tensions within the Diaspora Council and between some Council members and the Government of Jamaica's Ministry of Foreign Affairs and Foreign Trade (Bailey, 2024; Ministry of Foreign Affairs and Foreign Trade, 2024). These tensions undermine the prospects for any policy or legislative changes aimed at strengthening diaspora engagement and implementing overseas voting (Sives, 2012).

CONCLUSION

This discussion has evaluated the prospects of external voting for Jamaicans in the diaspora. It has examined whether the administrative and logistical costs associated with implementing overseas voting provisions are outweighed by the political and economic benefits for the country. The analysis has demonstrated that there are significant legislative and practical requirements that render such an endeavor financially and logistically prohibitive for Jamaica at this time. One key finding is that there is no universal best practice or fixed template for overseas voting. The wide variations in eligibility, application, and implementation create an unclear guideline for a country like Jamaica, which has been considering overseas voting for some time.

Furthermore, certain legislative and logistical requirements necessitate careful planning, budgeting, and consideration. The representation of the diaspora through mechanisms such as the Diaspora Council and the Biennial

Conferences currently provides formal and substantive channels for addressing issues related to security, investment, and other mutual concerns. Until the government thoroughly assesses the logistical, financial, administrative, and other costs and balances them against the potential advantages of politically engaging the diaspora, it is prudent to maintain the current institutional and organic connections with the Jamaican diaspora. In the medium to long term, building stronger capacity could facilitate the introduction of overseas voting.

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