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Ordinance on Swiss Persons and Institutions Abroad (Swiss Abroad Ordinance, SAO)

of 7 October 2015 (Status as of 1 November 2015)

The Swiss Federal Council,

based on Articles 50 paragraph 2 and 63 paragraph 2 of the Swiss Abroad Act of 26 September 2014¹ (SAA),

ordains:

Title 1 Swiss Nationals Abroad **Chapter 1 Networking and Information**

Art. 1 Networking (Art. 9 para. 1 SAA)

The representations shall maintain contacts with the institutions referred to in Article 38 paragraph 1 SAA (Swiss Abroad institutions), and with other associations in the fields of business, science, culture, society and other areas that have ties with the relevant local community of the Swiss abroad.

Art. 2 Information (Art. 10 SAA)

¹ The Confederation shall inform the Swiss Abroad in an appropriate manner about upcoming elections and referendums. For this purpose it shall in particular make use of the magazines and other media published by the Organisation for the Swiss Abroad and other Swiss Abroad institutions.

² The Federal Department of Foreign Affairs (FDFA) shall provide a compilation on its website of the most important legislation affecting the Swiss Abroad. It shall also publish links to other websites containing relevant information, particularly on Swiss politics.

³ The representations shall regularly inform the Swiss Abroad and Swiss Abroad institutions in their consular district about issues affecting them.

AS 2015 3879

¹ SR 195.1

Chapter 2 Register of the Swiss Abroad

Art. 3 Competent representation

(Art. 12 para. 2 SAA)

- ¹ The competent representation is determined based on the consular district in which an individual has established domicile.
- ² If an individual has not established domicile, their usual place of residence is the determining factor.
- ³ The consular districts are determined by the FDFA, subject to the approval of the receiving state.

Art. 4 Registration

(Art. 12 para. 1 SAA)

- ¹ Persons who move abroad from Switzerland must register with their competent representation within 90 days from the announcement of departure to a foreign country. They must prove that they have given notice of departure to their last commune of residence in Switzerland.
- ² In order to register, Swiss nationals living abroad must provide identification and proof of their Swiss citizenship. The FDFA designates which documents may be used for this purpose.
- ³ Persons with multiple nationalities must disclose their foreign nationalities when they register.

Art. 5 Registration *ex officio*

(Art. 11 para. 2 SAA)

- ¹ If a representation provides urgent social assistance to an individual who is not entered in the Register of the Swiss Abroad, the representation shall enter the individual in the Register of the Swiss Abroad *ex officio*.
- ² The competent representation shall then ask the individual entered on the Register to confirm the registration.

Art. 6 Notification of changes

(Art. 13 para. 1 SAA)

- ¹ Any person who is entered in the Register of the Swiss Abroad must notify the competent representation of the following changes in particular:
 - a. events, declarations and decisions that affect civil status;
 - b. changes of address or contact details;
 - c. the acquisition or loss of a foreign nationality.
- ² The obligation to notify the competent representation of any foreign events, declarations or decisions affecting civil status (Article 39 of the Ordinance of 28 April

2004² on Civil Status) applies, irrespective of whether the person is entered in the Register of the Swiss Abroad.

Chapter 3 Political Rights

Section 1 Entry in and Removal from the Electoral Register

Art. 7 Registering to exercise political rights
(Art. 19 para. 1 first sentence SAA)

¹ The Swiss Abroad who wish to exercise their political rights must register with the competent representation either in writing or in person.

² Swiss nationals who are resident in the Principality of Liechtenstein must register with the authority designated by the Canton of St. Gallen; this authority performs the tasks of the representation for them. The FDFA regulates the administrative processes with the Canton of St. Gallen.

³ When they register, the Swiss Abroad must state:

- a. their surname and first names;
- b. their date and place of birth;
- c. their sex;
- d. their home address;
- e. their last commune of domicile and, if different, their last political domicile in Switzerland;
- f. all communes and cantons of origin.

⁴ The representation or, where applicable, the authority designated by the Canton of St. Gallen shall forward the registration to the electoral commune.

Art. 8 Electoral commune
(Art. 18 para. 1 and 2 SAA)

¹ The most recent commune of residence in Switzerland is deemed to be the electoral commune.

² In the case of Swiss Abroad who have never been domiciled in Switzerland, the commune of origin is deemed to be the electoral commune. If they have several communes of origin, they may select one as their electoral commune when they register.

³ If the cantonal law provides for a central electoral register in accordance with Article 20 paragraph 1 SAA, the body that manages the register performs the role of the electoral commune.

Art. 9 Entry in the electoral register
(Art. 19 para. 1 second sentence SAA)

¹ Once the electoral commune receives the registration, it enters the Swiss national living abroad in its electoral register.

² The electoral commune then confirms to the Swiss national living abroad that he or she has been entered in the electoral register.

³ If the electoral commune intends to reject the entry, it notifies the individual concerned and the competent representation stating the reasons for its decision.

Art. 10 Notification of change of residence
(Art. 13 para. 1 SAA)

If Swiss Abroad change their place of residence, they must notify the competent representation in good time before the next vote.

Art. 11 Deletion from the electoral register
(Art. 19 para. 3 SAA)

¹ The electoral communes shall delete Swiss Abroad from the electoral register if:

- a. they have been deleted from the Register of the Swiss Abroad (Art. 14 para. 1 SAA);
- b. they have been excluded from voting (Art. 17 SAA);
- c. they have renounced their political rights by declaration to the competent representation (Art. 19 para. 2 SAA); or
- d. the voting material was returned as undeliverable on three successive occasions.

² Swiss Abroad who are eligible to vote and who have been deleted from the electoral register may contact their representation and make a substantiated request to be re-entered in the electoral register.

Section 2 Exercising Political Rights

Art. 12 Sending of voting material
(Art. 18 SAA)

¹ The electoral commune or canton sends the official voting materials and the explanatory statements from the Federal Council directly to those eligible to vote at their address abroad.

² Registrations to vote and notifications of a change of address are taken into account when voting materials are sent out, provided they are received by the electoral commune at least six weeks before the vote.

³ The electoral commune or canton sends out the voting materials at the earliest one week before the official dispatch in Switzerland.

⁴ No legal claims may be made on the basis of voting materials being received late by the voter living abroad or of ballot papers arriving late at the electoral commune despite being dispatched on time.

Art. 13 Voting at the ballot box

(Art. 18 para. 3 SAA)

¹ Swiss Abroad who wish to cast their vote at the ballot box in person and collect their voting materials directly from the electoral commune should notify the electoral commune of this in writing or in person.

² The electoral commune will withhold the voting materials provided it receives the notification at least six weeks before the vote.

Art. 14 Signing federal popular initiatives

(Art. 16 para. 1 SAA)

¹ Swiss Abroad who sign federal requests for referendums or popular initiatives must state their electoral commune and canton on the signature list.

² As their place of residence they should state the address abroad (including country and municipality) to which the voting materials were sent.

Section 3 Support Measures

(Art. 21 SAA)

Art. 15

¹ The Confederation may support cantonal projects aimed at developing, procuring and assuring the quality of electronic systems designed to make it easier for Swiss nationals living abroad to exercise their political rights.

² The funding paid to the cantons shall not exceed 40 per cent of the costs directly generated by the project.

³ Operating costs are not eligible for funding. The Federal Chancellery may set maximum rates for eligible staff costs and define eligible costs directly generated by the project in more detail.

⁴ Applications for funding should be addressed to the Federal Chancellery. They must contain all the information needed for evaluation, in particular:

- a. a description of the project, including statement of goals;
- b. an action plan and schedule;
- c. a budget and financing plan.