

FOREIGNERS' WEIGHT ON ELECTION OUTCOMES (IN SPITE OF NO VOTING RIGHT)

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1. Introduction

Among the rights and the duties recognized to the Italian citizens, the article 48 of the Constitution states that vote is *personal and equal, secret and free*. It follows that it has the same value and weight regardless of the social and economic conditions characterizing the citizens called to vote, and independently from the different territorial contexts in which the right is exercised. However, referring to this latter element, the electoral laws grant the equal political representation to the citizens only through the criterion of residence, without taking into account the number, at times very substantial, of the 18 years old or more foreign citizens that legally live in our country and do not vote. Whatever is the opinion on this topic, which has been already discussed during the last decade's administrative consultation, it is still of major interest for the consequences on the political representation system that can arise from the electoral vote (De Santis, 2007; Silvestrini e Valentini, 2010; Blangiardo 2014a). The topic is included in the field of studies regarding the electoral systems, more specifically the rules that govern them, that at times result in distorting effects of the politic representation of a Country (like clauses of obstruction, majority prizes, activities of *gerrymandering* and operations of *malapportionment*¹).

In light of these and other considerations, like the recognition to all foreigners of the right to vote regardless of their citizenship (European or Non-European)², the goal of this work is to analyze and see how the Italian political scenario could change, in terms of active and passive constituency, if the rules that govern it

¹ The *gerrymandering activity* consists in artificially trimming the electoral districts in order to favor (or un-favor) a particular party for (or against) another; the *malapportionment* is a procedure with which a disproportion is determined, within the relation of the number of polling stations given to the congressional district and the number of voters. A broad literature on the argument can be found in: Banzhaf, 1965; Briffault 1993; Fishkin, 2011, 2012; Haiden, 2003; Kasuya, 2013; Monroe, 1994; Samuels e Snyder, 2001.

²See "Ciancio, 2002" for the issue of the Non-EU foreigners, in the Italian law dealing with the rights of participation of the political life of the hosting country.

would consider the sole demographic constituent to which the right to vote is recognized. In particular, we want to evaluate the impact of the Non-EU population, which is not entitled of the right to vote by the Italian law, on the system of political delegation at a local level. The occasion to examine the situation in depth derives from the forthcoming electoral appointment, where the population resident is invited to participate in more than 1.300 Italian municipalities; it deals with about 16 million of citizens that makes more than a quarter of the total amount of the population.

The following work consists in three sections. In the first section, we describe the framework surrounding the topic of interest:

1. The continuous growth of the foreign population living in Italy, resulting in a process of stabilization and settlement on the national territory;
2. The main rules that regulate the electoral consultations and specifically the ones regarding the administrative elections.
3. The classification of the Italian municipalities by population size class, that defines the rules dealing with the constituency (active and passive) for the citizens living there.

In the second section, we show the results obtained by distinguishing the population surveyed by the last census by citizenship (Italian, EU foreigner, Non-EU foreigner) and by analyzing, for each subset, the way it contributes to define the population size class of the municipality for electoral purposes.

In the ending section, we suggest a brief evaluation of the results and we highlight the main impacts on the political delegation system at a local level.

2. The framework of reference

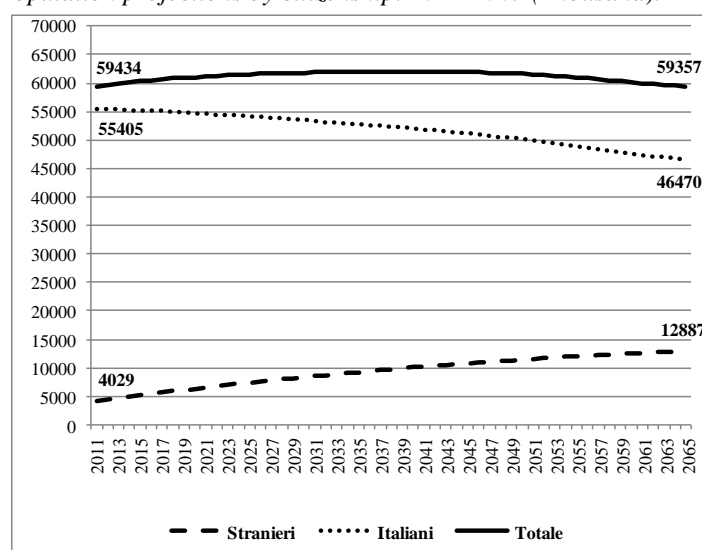
2.1 *Foreigners living in Italy: a significantly increasing population*

During the last 25 years, Italy has experienced a sharp increase of legal foreign population. The amount of foreigners registered among the records of the 8 thousand Italian municipalities has risen from 356 thousand in 1991 (less than 1 percent of total population) to one million 335 thousand in 2001 (2.3%). They result to have triplicated by the Census of 2011 (4.28 million, i.e. 6.8% of the population's total amount), up to 5 million at the beginning of 2015 (8.2%) (Table 1). In addition, the projections for the following fifty years confirm a *trend* of constant growth of foreign citizens (+152% between 2015 and 2065) together with a decrease of the native population (-16%) (Figure 1).

Table 1 – Population living in Italy by citizenship. Census 1981-2011 and January 1st 2015 (Thousand).

Citizenship	1981	1991	2001	2011	1/1/2015
Italian	56,346	56,422	55,661	55,405	55,781
Foreigner	211	356	1,335	4,029	5,014
<i>Total</i>	56,557	56,778	56,996	59,434	60,795

Source: Blangiardo, 2014b (p. 32)

Figure 1 – Population projections by citizenship. 2011-2065 (Thousand).

Source: Elaboration on Istat data

In light of this data, it is easy to understand the importance and the meaning of the foreign presence in Italy, not only with reference to the economic, social and cultural implications over the entire Country system, but also with regard to the consequences expected on the electoral system. In fact, the recurrent use of the ‘demographic parameter’ to define the right of active and passive participation of citizens to the political choices pervades the rules that regulate our electoral system at all levels of government. The *legal population* (of a municipality, province or of a region) which the electoral regulation explicitly refers to, is based on the last population Census, according to which the population resident is counted without distinction of citizenship (Italians, EU and Non-EU citizens) (Law 7 April 2014, n. 56; Law 25 March 1993, n. 81, Legislative Decree 18 August 2000, n. 267). The

population registered as ‘legal population’ is called to play a fundamental role in implementing the electoral consultations rules (Blangiardo, 2014a).

2.2 *Population census and municipal electoral rules*

By reducing the analysis to the administrative elections (notably, the municipality elections), the Italian law provides detailed rules both for the *legal population*, verified every ten years, and for the election procedures of the elective offices of the local government (the major, the council members, the city councilmen). For what concerns the constituency, although the foreign *legal population* contributes, as already mentioned, in defining the overall population resident, only a part of it, the one from the EU Countries, has the active and passive right to vote. The Non-EU citizens are totally precluded to vote: they cannot vote, even if they are resident in our Country³. The Italian law gives this right only to the European Union citizens legally living in Italy and making a *formal request*. They can contribute to the election of the major, to the city councilmen and can be also voted as city councilmen, once they have subscribed to the *electoral roll* of their city of residence.

Considering the rules that regulate the election of the major, the procedures required by the law vary depending on the amount of residents in the municipality. The majority system with a *unique run* is applied in municipalities where the legal population does not exceed 15 thousand inhabitants; the *double run* is applied in all of the other cases (Legislative decree 18 August 2000, n. 267 “Testo unico delle leggi sull’ordinamento degli enti locali”). It has to be considered that the actual electoral law states that in municipalities with no more than 15 thousand inhabitants, in case of parity, a second ballot will be held on the second following Sunday, between the two most voted candidates. In this run, the most voted candidate would be elected. In municipalities with more than 15,000 residents, the candidate that gains at least 50% of votes plus one would be elected as major in the *first run*⁴.

³ It has to be considered that in thirteen member states of the European Union (Belgium, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Letvie, Luxembourg, The Netherlands, Slovakia, Slovenia and Sweden) the administrative right to vote is given also to the foreign citizens living there, that have a permanent permit or that have a certain amount of years of residence in that Country. (Giovannetti and Perin, 2012).

⁴ Whether none of the candidates reaches that threshold, the law requires to vote again the second following Sunday, for one of the two most voted candidates in the first run. In case of equal number of votes in the first run, the candidate of the most voted list (major electoral number) will be admitted at the second ballot and, in case of further equality, the elder of age will be admitted (the same rules will be applied in case of equality in the second ballot). In the second run, the candidate most voted will be elected.

For what concerns the rules that regulate how long the mayor will remain in office, and the possibility for him to be re-elected for a third mandate, the law in force allows its re-election only in municipalities where the inhabitants do not exceed 3 thousand units (Law 7 April 2014, n. 56 “Disposizioni sulle città metropolitane, sulle province, sulle unioni e fusioni di comuni”). It follows that the elective procedures are tightly linked to the amount of population, although a part of it (expected to increase in the following years) does not participate to the choices that spring from them.

2.3 Characteristics of the Italian municipalities for electoral purposes

The last Census counted about 8 thousand municipalities, more than half of them included in the first of the nine population size classes provided by the electoral law. The 9th of October 2011, 4,553 municipalities had a population size up to 3 thousand inhabitants, 44% of them located in the north-western regions.

Table 2 – Italian municipalities by geographical area and population size class^(a), Census 2011.

Population size class	North-West	North-East	Centre	South	Islands	N. Municipalities	% Municipalities
Up to 3000	2,022	679	471	988	393	4,553	56.3%
3001-5000	399	244	151	232	123	1,149	14.2%
5001-10000	364	296	160	255	111	1,186	14.7%
10001-30000	217	212	146	222	100	897	11.1%
30001-100000	57	29	59	83	33	261	3.2%
100001-250000	4	13	6	7	4	34	0.4%
250001-500000	0	3	1	1	1	6	0.1%
500001-1000000	2	0	0	1	1	4	0.0%
More than 1000000	1	0	1	0	0	2	0.0%
<i>Total</i>	3,066	1,476	995	1,789	766	8,092	100.0%

^(a) Municipalities are classified in compliance to the parameters dictated by the Law of the 7 April 2014, n. 56 “Disposizioni sulle città metropolitane, sulle province, sulle unioni e fusioni di comuni”.

Source: Elaboration on Istat data

On the contrary, the geographical distribution of the municipalities included in the class of 10001-30000 inhabitants highlights a substantial homogeneity (Table 2). The survey of the January 1st, 2015 points out for the overall Italian municipalities (decreased to 8,003 due to some integration between municipalities

of smaller dimensions⁵) further elements of electoral and demographic interest (Table 3).

Table 3 – *Characteristics of the municipalities interested by the 2016 administrative elections in the Italian regions, January, 1st 2015.*

Region	Resident Population	N. municipalities ^(a)	Population living in the municipalities voting the 2016 Administratives	N. municipalities voting the 2016 Administratives ^(b)	Municipalities voting the 2016 Administratives in % of the total Italian municipalities
Abruzzo	1,331,574	305	296,170	72	23.6
Basilicata	576,619	131	128,831	27	20.6
Calabria	1,976,631	409	409,264	80	19.6
Campania	5,861,529	550	2,289,706	144	26.2
Emilia Romagna	4,450,508	334	1,057,416	48	14.4
Friuli V.G.	1,227,122	216	422,029	40	18.5
Lazio	5,892,425	378	3,739,293	108	28.6
Liguria	1,583,263	235	150,886	47	20.0
Lombardy	10,002,615	1,528	2,819,447	238	15.6
Marche	1,550,796	236	186,854	29	12.3
Molise	313,348	136	63,990	33	24.3
Piedmont	4,424,467	1,202	1,486,287	150	12.5
Puglia	4,090,105	258	695,701	56	21.7
Sardinia	1,663,286	377	520,374	101	26.8
Sicily	5,092,080	390	399,337	33	8.5
Tuscany	3,752,654	279	362,218	26	9.3
Trentino A.A.	1,055,934	294	153,923	20	6.8
Umbria	894,762	92	103,895	9	9.8
Valle d'Aosta	128,298	74	1,417	1	1.4
Veneto	4,927,596	579	643,108	79	13.6
ITALY	60,795,612	8,003	15,930,146	1,341	100.0

^(a) <http://www.comuniverto.it> (29 February 2016: last recent data). ^(b) The number of the Italian municipalities at January, 1st 2015 is decreasing compared to the 9th October 2011 when 8,092 were counted. Such a decrease is due to aggregations between some smaller municipalities, allowed upon voluntary choice by the recent 2014 law.

Source: Elaboration based on Ancitel and Istat data

In the forthcoming administrative elections 1,341 municipalities⁶ will be called to choose the members of their government (major, deputy-major and councilmen). They account for the 16.7% of the total amount of the Italian municipalities, with higher shares up to 25% in four regions: Lazio (28.6%), Sardinia (26.8%), Campania (26.2%) and Molise (24.3%).

Concerning the population, nearly 16 million of inhabitants are counted among the municipalities involved, i.e. more than 26% of the total amount of residents in

⁵ Law 7 April 2014.

⁶ <http://www.comuniverto.it> (29 February 2016: latest data update).

Italy. The main represented regions are five (based on the population called to vote on a regional total): Lazio (63.5%), Campania (39.1%), Friuli V.G. (34.4%), Piedmont (33.6%), and Sardinia (31.3%).

3. Results

Hereafter, we analyze the results obtained through the elaboration on Istat data, with reference to the normative picture illustrated in section 2.

For what concerns the rules on the major's election, and notably the voting procedures (*unique run* or *double run*), the municipalities included in the population size class 10-30 thousand inhabitants are 897 (11% of the total), 64% of which is located in North-Center regions (Table 2).

Because of the effect of the Non-EU foreign population, 43 municipalities (8 of them are involved in the forthcoming 2016 administrative elections) exceed the '15,000 residents' threshold; therefore they leave the *unique run* rule for the *double run* rule (Table 4).

Table 4 – Italian municipalities with more than 15 thousand inhabitants due to Non-EU citizens, Census 2011.

Geographical Area	Municipalities with more than 15 thousand Inh.	Average number of inhabitants	Italians	EU citizens-27	Non-EU citizens	Municipalities involved in the Administratives of 2016 ^(a)
North-West	12	15592	13971	281	1341	2
North-East	15	15503	13940	404	1158	3
Centre	11	15635	13968	431	1237	2
South	4	15245	14131	347	767	1
Islands	1	15122	14337	224	561	
<i>Total</i>	<i>43</i>	<i>15529</i>	<i>13983</i>	<i>367</i>	<i>1179</i>	<i>8</i>

^(a) Caravaggio (BG), Covolone (VR), Finale Emilia (Mo), Altopascio (Lu), Sansepolcro (Ar), San Vito al Tagliamento (Pd), Codogno (Lo), Cirò Marina (Kr).

Source: Elaboration on Ancitel and Istat data.

The average amount of inhabitants is 13,983, when the foreign population is excluded, and it is 15,529 when the foreign population is included. The number of foreigners is 1,341 in the North Western municipalities and more than half this figure in the Southern regions.

Additional considerations emerge from the results presented in Table 5, where the Non-EU foreign population contribution to overcome the demographic threshold of interest (15 thousand inhabitants) is shown. Considering all the 43

municipalities, only 93.2% of the gap requested for the *double run* election of the major is due to the native population, while 2.4% is due to the EU citizens, and 4.3% pertains to the Non-EU citizens.

Table 5 – *Municipalities with a double run due to Non-EU citizens. Contribution of the various components in reaching the threshold of 15,001 inhabitants, Census 2011.*

Geographical Area	Contribution of Italian residents (%)	Contribution of EU-citizens 27 (%)	Contribution of Non-EU citizens (%)
Nord-West	93.1	1.9	5.0
North-East	92.9	2.7	4.4
Centre	93.1	2.9	4.0
South	94.2	2.3	3.5
Islands	95.6	1.5	2.9
<i>Total</i>	<i>93.2</i>	<i>2.4</i>	<i>4.3</i>

Source: Elaboration on Istat data.

Concerning the major's duration in office, in compliance with the law his re-eligibility for the third consecutive mandate is allowed only to the municipalities with no more than 3 thousand inhabitants. Due to the presence of the Non-EU citizens, 104 municipalities lose the possibility to have a major running for the third mandate (Table 6). This contingency happens in 76 municipalities of the Northern regions, in 13 of the Central ones, in 15 of the Southern ones. The average population is 3,116 inhabitants, 6.8% of them is Non-EU citizen. Among these 104 municipalities, 20 are involved in the forthcoming administrative elections of 2016. With reference to the Non-EU citizens, their contribution to overcome the '3 thousand' threshold amounts to 3.2%, up to 4% in Northern regions (Table 7).

Table 6 – *Italian municipalities with more than 3 thousand inhabitants due to Non-EU citizens, Census 2011.*

Geographical Area	Municipalities with more than 3 thousand inh.	Average number of residents	Italians	EU-Citizens-27	Non-EU Citizens	Municipalities involved in 2016 Administratives ^(a)
North-West	47	3133	2819	68	246	7
North-East	29	3138	2815	72	251	8
Centre	13	3096	2841	104	151	1
South	10	3042	2905	60	77	3
Islands	5	3021	2926	36	59	1
<i>Total</i>	<i>104</i>	<i>3116</i>	<i>2834</i>	<i>71</i>	<i>210</i>	<i>20</i>

^(a) Caramagna Piemonte, Cugliate Fabiasco, Daverio, Porto Ceresio, Saltrio, Filago, Sesto ed Uniti, Belfiore, San Pietro di Morubio, Gambellara, Nanto, Orgiano, Palazzolo dello Stella, Acquasanta Terme, Tornimparte, Amendolara, Francavilla Marittima, Montevago, Pravidomini, Pennabilli.

Source: Elaboration on Ancitel and Istat data.

If we consider all the Italian municipalities, we notice that the Non-EU citizens determine for 285 of them the passage to an upper population size class: this implies an increase of the number of city councilmen (Tables 8-9).

In fact, their number depends on the *legal population* of reference: from ten members plus the mayor in municipalities with a population up to 3 thousand inhabitants, to a maximum of 48 councilmen in municipalities with one million residents. The ‘demographic parameter’ determines, for a total amount of 254 municipalities located in ordinary-statute regions, an increase of 598 councilmen.

Table 7 – *Municipalities with more than 3 thousand inhabitants due to Non-EU Citizens. Contribution of the various components in overcoming the threshold, Census 2011.*

Geographical Area	Contribution of the Italian residents (%)	Contribution of the EU-Citizens-27 (%)	Contribution of the Non-EU Citizens (%)
North-West	93.9	2.3	3.8
North-East	93.8	2.4	3.8
Centre	94.7	3.5	1.9
South	96.8	2.0	1.2
Islands	97.5	1.2	1.3
<i>Total</i>	<i>94.4</i>	<i>2.4</i>	<i>3.2</i>

Source: Elaboration on Istat data.

Table 8 – *Italian municipalities that pass to an upper population size class due to Non-EU Citizens, Census 2011.*

Geographical Area	Population size class							
	3001-5000	5001-10000	10001-30000	30001-100000	100001-250000	250001-500000	500001-1000000	More than a 1000000
North-West	47	38	28	6	1	0	0	0
North-East	29	29	24	4	3	2	0	0
Centre	13	6	10	2	1	0	0	0
South	10	10	11	3	1	0	0	0
Islands	5	2	0	0	0	0	0	0
<i>Total</i>	<i>104</i>	<i>85</i>	<i>73</i>	<i>15</i>	<i>6</i>	<i>2</i>	<i>0</i>	<i>0</i>

^(a) The five regions with a Special Statute, Sicily, Sardinia, Valle d'Aosta, Friuli-Venezia Giulia and Trentino-Alto Adige (this latter one constituted from the autonomous provinces Trento and Bolzano) have a greater legislative autonomy compared to the one given to the ordinary regions, hence they can operate differently dealing with electoral matters.

Source: Elaboration on Istat data.

Table 9 – Italian municipalities that pass to an upper population size class due to Non-EU Citizens by size class, Census 2011.

Population size class (threshold n.inhabitants)	N. councilmen provided by the law	Municipalities that pass to a higher class	Municipalities of ordinary statute regions that pass to an upper class ^(a)	N. added councilmen
Up to 3thousand inhabitants	10			
with pop. > 3thousand	12	104	89	178
with pop. > 5thousand	12	85	75	0
with pop. >10thousand	16	73	73	292
with pop. >30thousand	24	15	15	120
with pop. >100thousand	32	6	0	0
with pop. > 250thousand	36	2	2	8
with pop. > 500thousand	40	0	0	0
with pop. > 1million	48	0	0	0
<i>Total</i>		285	254	598

^(a) State capitals are excluded because the number of councilmen is established in advance.

Source: Elaboration based on Istat data.

4. Conclusions

Will the Non-European foreigners influence the 2016 administrative elections even if they do not actively participate to the political choices?

In light of what emerged from the results, the answer can only be affirmative. Our elaborations clearly show how Non-EU citizens resident in Italy play a significant role in determining the election outcomes for more than 1,300 municipalities directly involved in the forthcoming elections.

At this level of government, the electoral competition is strictly ruled by the demographic criterion, i.e. the population resident in the territory of reference. Its amount is certified by the Census, and it takes into account all the population living there, without considering that a more or less considerable part of it do not have the right to vote.

If this case has always been considered as ‘normal’ as regards the minors⁷, it seems always less acceptable for the Non-EU foreigners that are 18 years old or more. Foreign citizens play an active role in determining the procedures (as well as the outcomes) of the electoral consultations. Their uneven geographical distribution at a local level, due to reasons mostly linked to the specificity of the

⁷ Notice some challenging proposals to give the parents an added number of votes in relation to their minor children (Campiglio, 2005).

host territories, can introduce some distorting effects on the political system of representation, especially at a local level, where the presence of Non-EU citizens can be sensibly higher, compared to the national average.

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SUMMARY

Foreigners' weight on election outcomes (in spite of no voting rights)

The aim of this paper is to analyse how the Italian political representation could change if just the population with the right to vote would be considered by the election rules. More specifically, we evaluate the impact of non-European foreigners, without the right to vote, on the political representation at the local level. The results show that non-EU citizens play a significant role in defining the elective procedures for more than 1,300 municipalities directly involved in the forthcoming elections.

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