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Federal Structure and Party Politics as Simultaneous Opportunity and Constraint: Transnational Political Engagement of overseas Americans

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Abstract

This chapter examines the differential inclusion of overseas Americans in the American polity; overseas Americans are included, and vote, as individual citizens in all primary and general elections but are recognized as a distinct overseas constituency only in the Democrats Abroad Global Primary. Constitutional, federal and state law shapes this differential American inclusion. The right to vote was extended on the basis of a constitutional right to electoral equality. On the other hand, an overseas constituency in which US citizens voted for dedicated representatives would be possible only with a constitutional amendment. In a state with a strong sense of itself as an immigration country, and not as a state with a diaspora identity, such an amendment is unlikely. The contestation of the profile of the overseas American population feeds into this discussion. Party-led inclusion is the strongest way in which overseas US citizens can be included as a distinct constituency.

Running Head Right-hand: Federal structure and party politics

Running Head Left-hand: Amanda Klekowski von Koppenfels

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Federal structure and party politics as simultaneous opportunity and constraint

Transnational political engagement of overseas Americans

Amanda Klekowski von Koppenfels

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United States citizens living outside the United States were granted the right to vote in federal (Presidential and Congressional) elections as of 1976. However, unlike the Haitian *diaspora* (Levitt and De la Dehesa 2003), Italians *all'estero* (Lalleur 2013) or French *expatriés* (Arrighi 2014), overseas Americans elect neither dedicated Congressional Representatives nor Senators. Overseas Americans vote as a bloc only in the Democrats Abroad (DA) Global Primary; in all other elections, including Republican Party primaries, they cast their ballots as individuals, voting in their last state of residence. In the United States, the right to vote in federal elections is well established, but both the degree and nature of outreach to external voters, as well as a broad understanding of the profile of overseas Americans and the value in reaching out to them, remain contested.

This chapter discusses the case of these overseas US voters within the American political structure and party landscape. Understanding parties' role in structuring the right to vote of emigrants from the world's most well-known immigration country contributes to our knowledge and understanding in this research field.

[Østergaard-Nielsen, Ciornei, and Lafleur \(2019\)](#) identify five frames that parties draw on in supporting or opposing external voters' enfranchisement. The first are the demos-related frames, which are based on a concept of shared political community, including territorial, ethnic and stakeholder frames. Second, they identify democratic-egalitarian frames, drawing on fundamental human rights and equality. Third are the frames of electoral integrity, including process protection and emigrant protection. In the utilitarian set of frames, external voting is examined through a cost-benefit lens, including remittances, partisan interest and cost vs. benefit of outreach to emigrant voters. In the policy learning frames, parties support enfranchisement by referring to policies implemented by neighbouring or similar states.

Østergaard-Nielsen et al.'s approach is useful in looking at the US case, providing a broader theoretical understanding of the processes involved. Bearing these frames in mind and expanding them to other aspects of outreach to external voters, this chapter examines a number of key factors which shape the differential inclusion and exclusion of US overseas citizens as individual voters and as a bloc. We ask what role the legal and political frameworks in the United States play. We then ask in what ways the complexity of that federal system allows for opportunity or constrains party development abroad. We see that the two major political parties in the United States – the Democratic Party and the Republican Party (or GOP – Grand Old Party) – have responded differently to overseas voters and with regard to creating structures for those voters ([Dark 2003](#)). We look to party philosophy to explain this observed disparity. In examining the profile of overseas Americans, combined with their absence in American national understanding, the paper asks how the contested profile of overseas Americans continues to shape (lack of) party outreach. The chapter concludes by examining the transnational engagement of overseas US citizens, asking what factors play a role in structuring that mobilization. Throughout, the chapter explores both the opportunities the parties and this group have been able to exercise and the constraints which have limited their further engagement, concluding by arguing that in a nation with no sense of being an 'emigration state' ([Gamlen](#)

2008; Collyer 2013) and no sense of having a diaspora identity (Klekowski von Koppenfels 2015), party-led outreach is the strongest means of including overseas voters.

While the United States may have been an early adopter of the enfranchisement of external citizens (Collyer and Vathi 2007), it does not fit comfortably into any of the classifications or typologies of state emigrant outreach (Burgess 2018) or transnational engagement (Østergaard-Nielsen 2000; Adamson 2002; Levitt and Jaworsky 2007). American migrants overseas do not constitute part of a broader ‘transnational’ understanding of citizenship (Bauböck 2003), nor does the United States identify as an ‘emigration state’ (Gamlen 2008). State-led outreach to American emigrants is not instrumental, whether for votes or financial/social remittances (Bocconi 2014). Yet an overseas American population has been granted the right to vote, and many remain electorally active. This chapter explores the framework surrounding that paradox.

Legal framework

General elections

In the US case, in seeking an explanation for state-led outreach, Østergaard-Nielsen et al.’s framing shapes the discussion well. In arguing for the enfranchisement of overseas Americans in 1975, Democratic and Republican legislators alike drew on the liberal understanding of the individual citizen’s right to vote. The right to vote was, and is, grounded solidly in the concept of equality for all US citizens (Rhodes and Hanityunyan 2010; Klekowski von Koppenfels 2014). The right to vote emerged from the liberal understanding of the individual citizen’s equal right to vote – a democratic-egalitarian frame, rather than any communitarian argument drawing on the value of the inclusion and representation of the diaspora, or a demos-related frame. The expansion of this right on the basis of citizens’ equality is, we will see later, structured by the

constitutional constraints of the American polity. Further steps are structured by federal and state (e.g., Ohio, Texas, etc.) law and by the profile and activities of the overseas citizens themselves.

Eligible to vote in federal elections since 1976, overseas voters, civilian and military alike, have emerged more strongly in public consciousness since the controversial Presidential election of 2000 (Borin 2002). In that election, won by George W. Bush and famously decided by 537 votes in the state of Florida, the admissibility of absentee ballots played a key role. As a result of that high-profile electoral process, the importance of overseas American votes has been magnified, with individual political candidates increasingly making overseas fundraising trips and encouraging GOTV (get out the vote) activities (Klekowski von Koppenfels 2014).

The United States' federal system structures overseas citizens' opportunities to become electorally engaged in their country of origin. The United States Constitution (Article I, Section 4) gives to the states the primary authority for administering elections, while allowing Congress the discretion to oversee these laws. This section has largely been interpreted by Courts as granting the authority to states to administer elections, with federal law remaining the exception, rather than the rule (Douglas 2015). The Fourteenth Amendment to the Constitution grants Congress the power to ensure that equality is maintained in voting (Douglas 2015), the so-called equal protection clause.

Federal lawmakers must ensure they remain within the bounds of their constitutional authority when addressing electoral law. Federal laws seeking to address issues of equality may, in accordance with the Fourteenth Amendment, mandate actions to the states with regard to election administration. Federal laws pertaining to states' election administration typically have a mix of 'shall' and 'may' clauses, with the former falling under the federal mandate, constitutionally, and the latter under states' purview. UOCAVA distinguishes between Federal responsibilities (section 20301) and State responsibilities (section 20302). Most electoral legislation specifies that the means by which a task shall be carried out or a goal achieved is left up to the individual states, including voting in state-level elections.

Deadlines for registration for voting in the 2020 Presidential election, for instance, varied from 3 October 2020 in Nevada to 30 October 2020 in Vermont, with only 12 states allowing for in-person registration on Election Day (3 November 2020). The enfranchisement of US citizens born abroad who have never resided in the US also varies by state; in 13 states, they remain disenfranchised and cannot vote at all in US elections (EVAP 2019). US migrants abroad – unique among OECD countries and, in Bauböck’s phrase, ‘an extreme outlier’ (2003: 490) – continue to have tax obligations to the United States and males must register at the age of 18 with the Selective Service.

The *Overseas Citizens Voting Rights Act* (1975), enfranchised overseas civilians, building on the military members’ right to vote absentee, first institutionalized in 1942 with the *Soldier Voting Act* and expanded in 1955 with the *Federal Voting Assistance Act*. Again, this democratic-egalitarian frame is structured by US constitutional law – meaning that the only way to enfranchise overseas Americans through federal law was by drawing on this argument.

The 1986 *Uniformed and Overseas Citizens Absentee Voting Act* (UOCAVA) brought the enfranchisement of military and civilian overseas citizens into one piece of legislation, mandating that states enfranchise overseas civilian and military citizens in federal elections.

The 2002 *Help America Vote Act* (HAVA) mandated that overseas absentee ballots be tabulated separately from domestic absentee ballots. The *Military and Overseas Voter Empowerment Act* (MOVE) was passed in 2009, mandating that states provide ballots to voters a minimum of 45 days before Election Day, and allowing states to receive a voted ballot by electronic means, such as email.

These rights have been extended within a framework of equal rights for all US citizens (democratic-egalitarian frame), and explicitly not extended as a set of rights to a diasporic population (or a demos-related frame). The argument has been made convincingly that the right of civilians to vote piggybacked on to the military right to vote (Rhodes and Harutyunyan 2010), as was asked in a Congressional hearing in 1975: why should federal employment mean that one US citizen is entitled to vote but a non-federally employed citizen living overseas loses that

fundamental right? (Bipartisan Committee 1975: 2). The justification for the bill, introduced on 19 February 1975, noted that the uneven application of a right to vote across states and other conditions 'have the effect of denying to citizens the equality of civil rights and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment to the Constitution' (Bipartisan Committee 1975: 4).

Overseas citizens were enfranchised on two bases of equality: the basis of individual equality of US citizens before the law, and equality between military members and civilians overseas.

The firm basis in the democratic-egalitarian frame does not lend itself to recognition of overseas Americans as a distinct and integral group within the American national identity or understanding. The protection of individual US citizens' equal rights enabled the federal law enfranchising overseas Americans. At the same time, the Constitutional framework, together with the US national identity as an immigration country, limits the further extension of rights. Spiro notes that the chances for a distinct constituency for overseas Americans are 'non-existent' (2006: 226). Elections in the United States are based on the state, and overseas Americans cannot, per definition, constitute a territorial state; it follows from the constitutional right of states to administer elections that overseas Americans, absent a Constitutional amendment, cannot vote as a distinct constituency, which remains an implausible scenario (Spiro 2006).

Primary elections

On the other hand, presidential primary elections are governed by the political parties (administration is delegated to the states), which is significant in shaping differential inclusion. It is only through party-led outreach that US overseas citizens can be formally included in any institutional capacity as a diaspora.

It is up to the political parties to decide which groups may hold nominating contests, whether primary elections or caucuses. In addition to holding primaries or caucuses in the 50 US

states, both parties have allowed the District of Columbia and the five American territories – American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the American Virgin Islands – to hold nominating contests as well. They contribute delegates to the respective National Conventions and participate in the nomination of the party’s candidate for President. Residents of the five territories may not vote in any other elections, but US citizens living abroad are, or were, residents in one of the 50 States, and, as such, they may vote in general federal elections in that state and, depending upon the state, in elections for state-level office.

Only the Democratic Party has chosen to create a presidential primary election for overseas Americans, designating Democrats Abroad (DA) – formally, Democratic Party Committee Abroad (DPCA). Colloquially known as the ‘51st state’, or a ‘virtual state’ (Dark 2003), DA holds the status of a state party, with delegates to the Convention. The Republican Party has not done so (see below). The Democratic Party is the only institution in the United States’ political or party system to recognize and include overseas Americans as a distinct, formal constituency.

Profile of overseas Americans

Images of wealth and of draft-dodging remain in the imagination of the general population and government and party officials alike, with overseas American advocates seeking to dispel these images. American Citizens Abroad (ACA) notes that overseas Americans ‘are diverse: missionaries, businesspeople, teachers, students, researchers, and much more’ (ACA 2018), while AARO notes that part of its mission is to ‘Educate and inform . . . the American Federal and state governments about the nature of the American population abroad and about their needs and views’ (AARO 2019), and DA International Chair Julia Bryan stated that ‘We consistently have to combat the image of Americans abroad being wealthy and Republican’ (2019).

Insofar, a demos-related frame, as a means of exclusion, emerges with relation to the profile of overseas Americans which is in tension with the inclusion based on a democratic-

egalitarian frame. The US citizen living abroad – as a citizen with equal rights – is included, yet the overseas American, as a member of a nonterritorial group of Americans, is excluded, both from the national imagination or imagined community and from being a distinct constituency. Joppke argues that immigration ‘forces the state to de-ethnicize citizenship’, shifting more to a *jus soli* approach, and that emigration incentivizes states ‘to retain links with their members abroad’ (2003: 430). Yet, in the case of the US, this contrast is turned on its head. Immigration strengthens the American sense of identity, and emigration challenges its identity and territorial concept of citizenship.

The United States political system remains focussed on resident citizens – both the *jus soli* nature of citizenship and the status and self-image of the United States as an immigration country are contributing factors. The US sees itself and is seen as an immigration country; institutionalized recognition of overseas Americans would be in contrast with this self-identity (Gamlen 2008; Klekowski von Koppenfels 2019). This self-perception as an immigration country extends to the view of overseas Americans as either temporary ‘expatriates,’ acquiring skills and knowledge to bring back to the United States, or as tax dodgers or draft evaders. Permanent or long-term residence overseas, however, does characterize a certain percentage of overseas Americans.

Estimates of US citizens living outside the United States – based on different statistical modelling – range from 2.4 to nine million, both civilian and military personnel. The US State Department estimates nine million Americans living overseas (US Department of State 2018), while the Department of Defense, whose Federal Voting Assistance Program (FVAP) is responsible for administering overseas voting, estimates 5.7 million overseas Americans (FVAP 2016; EAC 2016). By this reckoning, overseas Americans, if they were a state, would be the 23rd largest in the US (The Economist 2016), while by the US State Department figure, they would be the 11th largest.

Overseas Americans are, according to the data available, widely spread around the globe, with just two-thirds of US citizens living in ten countries, while in the case of other countries of

origin, such as Mexico or Turkey, over 90% of those living abroad live in ten countries (Klekowski von Koppenfels 2014). FVAP estimated data – based on statistical modelling – show the largest numbers of Americans live in Canada, the United Kingdom, France, Israel, Japan and Australia (FVAP 2016), while OVF survey data suggest that Canada, the UK, Germany, France and Israel are the top countries of residence (OVF 2009). The State Department last released a country breakdown in 1999, and by their estimations, Mexico, Canada, the UK, Germany and Israel hosted the largest numbers of US citizens (Schachter 2006). Host countries have a variety of ways of counting, which differ based on a migrant's place of birth and any second or third nationality. Given the wide dispersal of US citizens, there are many host countries doing the tabulations, meaning that the potential for variation is substantial. In the US, there is no national registration system, so none can be used as a basis for estimation. Overseas Americans lobbied in the 1990s for inclusion of overseas Americans in the 2000 census, and again for the 2010 census. The 'C2K' (Census 2000 Coalition) succeeded in having the US Census Bureau carry out a test census in 2004, which resulted in the conclusion that attempting to tabulate overseas Americans would be expensive and likely not achieve its aim of enumerating all overseas Americans (Klekowski von Koppenfels 2014). Again, referring to Østergaard-Nielsen et al.'s frames, a utilitarian frame is clearly drawn on here, with both high cost and low anticipated benefit continuing to confound a broad understanding of the nature of the overseas American population.

The nature of the US itself – as a strong immigration country and as a country with unrestricted *jus soli* – and the diverse profile of overseas Americans complicate a definitive tally. We can identify four different groups of US citizens living abroad who would be captured in different ways by data. First, we can identify US-born US citizens who have left the United States either temporarily or permanently. Second, some US citizens living abroad are foreign-born naturalized US citizens who have either returned to their country of birth or moved to a third country – often retaining their original nationality in addition to US nationality. A third group is constituted by children born abroad to US citizens, who, in most cases, become US citizens at birth. A fourth population of overseas Americans are the self-dubbed 'accidental

Americans,' namely those who were born in the United States to foreign parents and, thanks to its unrestricted *jus soli* law of citizenship attribution, become and remain US citizens, even if they left shortly after birth. They have another primary nationality and have not retained ties to the United States after leaving as infants (Spiro 2017). All of these variants – the majority of whom have a second citizenship – thus make a definitive figure hard to capture (for more discussion, see Klekowski von Koppenfels 2014: 27–34). All of these US citizens could either be military, in which case they would be captured by US government data, or civilian, in which case they may or may not be.

Cross cutting these distinct profiles are reasons for migration, for which there are similarly no definitive figures. While recent research shows that 'exploring' is the most common motivation for US citizens aspiring to move abroad (Marrow and Klekowski von Koppenfels 2018: 11), this is not the stated primary motivation of those who have already moved. Surveys among US citizens abroad indicate that, for a plurality of respondents, joining a partner is the primary reason for migration (OVI 2009), yet this accounts for just over one-quarter of respondents in both studies. Working or studying abroad are the next most common, with a myriad of other reasons rounding out this complex migration flow (OVI 2009; Klekowski von Koppenfels 2014: 53).

Any of the US citizens mentioned previously could again fall into any of these categories: they might be so-called lifestyle migrants, often those who have retired to Mexico or Central America (Croucher 2010; Hayes 2014), retired military (Allman 1980), corporate expatriates (Vesa, Brewster, and Dickmann 2018), or, perhaps above all, 'middling migrants' (Conradson and Latham 2005). They might be students abroad for one term or one year, expecting to return to the United States. However, as has been widely noted, there is nothing as permanent as a temporary migrant, and indeed, many US citizens initially temporarily abroad do become permanent 'accidental migrants' (Klekowski von Koppenfels 2014: 43).

Although there is not yet sufficient research on US citizens living overseas to have a complete picture of this migrant population, and stereotypes do persist, there are numerous

indications that the wealthy ‘corporate expatriate’ population has declined since the 1980s. The US military overseas population also declined from 600,000 in 1990 to under 200,000 in 2016 (Bialik 2016). Today’s US citizen migrants seem more likely to have moved to be with a partner, for study or to work, to be self-employed, often as teachers or in the IT industry, working for a local company or university, and less likely to be employed by an international company (including ‘corporate expatriates’), a US company or the US military (Klekowski and Koppenfels 2014: 81). These latter groups have declined in strength over the years, with such migration movements as artists from high-cost New York City moving to lower-cost Berlin, Germany, on the rise.

The changing profile of overseas Americans relates to their voting patterns. While we do not have consistent or complete data on overseas Americans’ voting patterns, both the US military and certain industries, such as the banking industry, are thought to tilt more Republican. As noted, however, these are the populations which have decreased in size in recent years, suggesting that we might be seeing a shift towards a more Democratic overseas population.

Anecdotal evidence (e.g., Chase 2016), as well as the stronger grassroots presence of DA – in 55 countries – and evidence of overseas absentee ballots tipping a number of races towards Democrats (DA 2018) suggests that there may be a Democratic tilt to this overseas population. Although the Hatch Act prevents any partisan political engagement for Americans who are federal employees, their vote remains private and personal. North Carolina, a state with a substantial military population, collects and presents complete absentee ballot requests. In North Carolina, which voted for Donald Trump in 2016 (49.83% to 46.17% for Hillary Clinton), 44% (6016) of overseas absentee ballot requests were from registered Democrats, 21% (1257) from registered Republicans and 34% (2070) unaffiliated (North Carolina 2016). While the North Carolina data give an indication of a Democratic tilt, in the absence of similarly strong data across all 50 states, we cannot draw a clear conclusion for the entirety of the overseas American population. This will remain a fruitful area for further research.

In short, the complex and diverse population of Americans living abroad hinders attempts to develop an accurate and complete profile. Absent such a profile, images from past eras continue to resonate. We see a partial explanation for the differential inclusion of overseas US citizens in this tension – they are included as individual US citizens on the basis of equality, justified through a democratic-egalitarian frame, but excluded as members of an American overseas diaspora, justified both through demos-related (primacy of territory) and utilitarian frames. The legal framework allows political parties to create an overseas constituency, yet there too we see an ongoing tension, with substantial engagement on the part of the Democratic Party, but not on the part of the Republican Party.

Party structure and identity

When US parties reflect on whether to dedicate resources to an overseas population, they do so without clear and complete data. The lack of clarity on overseas Americans' profile means that parties can infer potential for electoral gains, but, at the same time, they have little empirical basis on which to do so. They may well look to anecdotal evidence instead.

Internal party decisions and dynamics, in addition to the federal and multi-level system, structure the inclusion and opportunities for engagement of US citizen migrants. The Democratic Party has included US citizen migrants institutionally in the party, while the Republican Party has chosen not to do so. This section will discuss the nature of those different relationships with their overseas voters, then shifting to a discussion of the internal dynamics as a causal factor in that decision.

The Democratic Party recognizes DA as a '51st state' within the Party, allowing them nonvoting delegates as early as 1972, predating the federal right to vote (NYT 14 July 1980), demonstrating the strong party-led nature of the outreach in the Democratic Party. On the other hand, the Republican Party has explicitly decided to not include Republicans Overseas (RO) institutionally within the Party: the Republican National Committee (RNC) voted in June 1979 to

grant overseas Republicans delegates at the 1980 Republican National Convention, only to overturn that decision in July 1980, shortly before the Convention itself (NYT 25 June 1979, 14 July 1980). The RNC again voted in February 1984 to grant Republicans Abroad delegates from the 1988 Convention, only to have the rules committee of the RNC again overturn that decision in August 1984 (NYT 16 August 1984). Republicans living overseas have thus never had formal representation at the Republican National Conventions.

While DA holds the status of a state Democratic party within the national Democratic Party, RO has a so-called '527' status, which is the section of the United States tax code which regulates the existence of these groups. Such groups may raise and spend unlimited money, often with a specific ideological leaning, but may not support or oppose the election of a specific candidate. It is not a formal part of the Republican Party, although membership does overlap (the Chair of RO, Bruce Ash, is a member of the RNC from Arizona, while the Vice Chair and CEO of RO, Solomon Yue, is simultaneously a member of the RNC for the state of Oregon) (RO 2019).

Despite the increased post-2000 awareness of the potential of overseas votes, the structural inclusion of overseas Americans in the two parties has not been debated since the mid-1980s. The predecessor of RO was Republicans Abroad (RA), which was established in 1978, also as a 527, and disbanded in 2013. RA was initially established as an auxiliary group, which also includes such groups as Young Republicans. Neither RA nor RO is a formal part of the party; there is no mention of RO – or indeed of voting from abroad – on the GOP website. Interestingly, the GOP website cannot be accessed from servers located outside the United States, suggesting that openness to overseas voters is not a priority.

With DA recognized as part of the Democratic Party, voter registration, participation in the DA Global Primary, and election of DNC members and delegates to the Democratic National Convention all play a role in engagement and energizing membership. Success begets success – as DA can show positive electoral outcomes, they have a stronger basis on which to reach out to more voters. This is, Burgess notes, more likely with party-led outreach: 'Higher turnout can

then give emigrant activists more leverage in their negotiations with homeland authorities, especially in the rare event that their vote has the potential to sway elections' (Burgess 2018: 380). Here, we see a reference back to numbers – being able to demonstrate electoral wins is important for continued success and is one factor in advocacy. And, indeed, with increasingly tight elections, the lure of an electorate which has not yet been completely tapped attracts candidates from both the Democratic and Republican political parties. Candidates see opportunity in both overseas votes and financial donations. While the 2000 Presidential election helped to raise awareness of the significance of overseas votes, the engagement of DA is key in their awareness-raising of the role of overseas ballots in 'tipping' some elections (Bauböck 2007: 32; Klekowski von Koppenfels 2014: 218).

DA has eight voting members (superdelegates) on the Democratic National Committee (DNC) (total of 200 members) and elects 13 further delegates to the 2016 Democratic National Convention. These eight overseas representatives attend the four annual DNC meetings, raising awareness of overseas Americans' particular issues and demonstrating and exercising support for Democratic platform issues. They, and all officers, both at international and at country level, are required to have their primary residence overseas. DPCA does not receive funding from the DNC but is integrated into all of its formal structures. In 2016, nearly 35,000 overseas Democrats cast their ballots in the DA Global Primary, with 69% casting a ballot for Bernie Sanders and 31% for Hillary Clinton (DA 2016). The results of the DA Global Primary in turn inform the election of the 13 delegates to the Convention; four delegates cast their ballots for Hillary Clinton in 2016, and nine delegates cast their ballots for Bernie Sanders – one of them being the older brother of Bernie Sanders, Larry Sanders, who is a resident of the UK.

DA thus participates fully in the structure and procedures of the Democratic Party. It is, much like state Democratic parties based in the United States, grassroots-based with, as of 2019, 55 country committees from Afghanistan to Vietnam. Each country committee has an Executive Committee made up of a Chair and Vice Chair (of opposite gender), Treasurer, Secretary, Counsel and often two Members-at-Large, has a set of by-laws, which are in line with the overall

DPCA charter, and which is, in turn, approved by the DNC, and is required in order to be permitted to participate in the international organization.

RO, as noted previously, has significant overlap in its membership between the RNC and RO, with key officers residing in the United States. These tight personal connections to the RNC then enable voter registration and fundraising events abroad to be organized with key speakers. RO is, in contrast to DA, considerably more characterized by transnationalism from above; individuals from among the leadership of the Republican Party reach out to overseas voters, in a person-to-person, voter-to-voter, Republican-to-Republican, style. There is comparatively little social media presence, including on its dedicated website, and little evidence of grassroots activity. Fundraisers are not advertised publicly.

RO is a single-issue 527 which ‘operates as a corporation with specific interests of repealing the Foreign Account Tax Compliance Act (FATCA) and of generally representing Republicans living overseas’ (WikMili 2019). RO’s main goal is the repeal of FATCA, a Democrat-sponsored Obama-era law which requires reporting of all foreign bank accounts and business ownership to the Department of Treasury, and taps into existing opposition to FATCA among some overseas Americans (Klekowski von Koppenfels 2019). This is both the reason behind the founding of RO, replacing RA, and its continued *raison d’être*, with a full timeline of its lawsuit filed against FATCA presented on its website.

Party identity

This disparity between the Democratic and Republican parties is in contrast to Østergaard-Nielsen et al.’s findings that centre-right parties (within a European context) are more likely to support emigrant voting rights. When we look for an explanation in the difference between the Democratic and Republican representation of overseas US citizens, we find it in domestic, party-specific, factors, rather than factors relating to diaspora identity, transnational engagement or opportunities or constraints abroad. Here we can look to Østergaard-Nielsen et al.’s typology

again, arguing that the Democratic Party has invoked a democratic-egalitarian frame, while the Republican Party draws on a utilitarian frame in rejecting inclusion. Even so, here the framing is only a partial explanation.

Classic political transnationalism literature similarly does not provide a convincing explanation for state- or party-led overseas Americans' political involvement: diasporas are typically seen as being engaged by the state or party when there is something to be gained such as votes or remittances (Komova and Tsourapas 2018). Lalleur (2014) argues that a combination of lobbying, awareness of economic benefit and domestic political changes results in diaspora outreach.

Given that the federal mandate of the right to vote for overseas Americans is justified constitutionally within the equal protection clause, it is logical to look at the way the two parties address minority representation. While the Democrats draw on a communitarian approach when they seek to include minority groups in the institutional structure, the Republican Party rather draws on a liberal approach in seeking to include individual representatives of minority groups in the party (Freeman 1986).

While the Democratic Party prioritizes identity, a question which resonates through the party as of this writing, the Republican Party is rather characterized by personal connections, as Freeman noted: 'In the Democratic party legitimacy is determined by who you represent, and in the Republican party by whom you know and who you are' (Freeman 1986: 333). This distinction between representation and individual connections is reflected in the representation given to DA, and the role of individual connections in linking RO to the Republican Party, as RA before them (Dark 2003). The debates in Congress in 1975 concerning the federal mandate for the right to vote for overseas citizens were based on a claim of inequality and exclusion. Just months after the passage of the law, the Democratic Party voted to include DA as a formal state within the party, which is again consistent with Democratic Party ideology, again following Freeman: 'the [Democratic] party is very responsive to any groups . . . that claim to be left out' (Freeman 1986: 338). A look at the Democratic Party's website as of 2019, on the 'Who We

Serve' tab (accessed from 'Who We Are') reveals 16 links, including 'African Americans,' 'Americans with Disabilities,' 'Ethnic Americans,' 'Faith Community,' 'Rural Americans,' 'Veterans and Military Families' and, of course, 'Democrats Abroad' (Democrats 2019).

Democrats Abroad is one of 16 different communities 'served' by the Democratic Party.

In contrast, the only mention on the Republican Party website of RO is in a brief 2015 comment by then-RNC Chairman Reince Priebus speaking favourably of the RO lawsuit filed to halt the FATCA Act from taking hold (GOP 2019). Yet minority groups also are not a focus on the Republican Party's website as of 2019; while the 'Get Involved' tab leads to seven 'GOP Groups', which include Young Leaders, RNC Women, GOP Faith, Black Republican Activists, Asian Pacific Americans, GOP Hispanics and Veterans and Military Families, none of those groups lead to specific activities but rather to a list of related press stories (GOP 2019).

The Democratic Party website leads to DA, which enables an individual to request a ballot via the DA voter registration wizard. The Republican Party website does have a 'Military and Overseas Voters' link under its 'Vote' tab, but it is, as noted previously, inaccessible outside the United States.

A look at the respective Charter/Bylaws of the Democratic Party, and at the Rules of the Republican Party confirm that minority groups 'shall' be included in the Democratic Party proportionally to their presence in the Party, while the 'broadest possible participation' of minorities is sought in the Republican Party. The affirmative action goals apply in this case to DA as well. Here, the clear support among Democrats for minority group representation is clear, which Masket notes is not replicated in the Republican Party: 'As the "party of interest groups," the Democrats have a group element to their party culture for which there is no Republican analog' (Masket, Heamey, and Strolovitch 2014: 276–277), with DA one of those groups.

The substantially different structures in the two parties vis-à-vis US citizen migrants are reflected in individuals' mobilization, with overseas Democrats engaging in a variety of formal and unconventional political transnationalism, and Republicans engaged as individual US citizens, in a limited number of fundraising events, some voter registration and FATCA repeal.

Burgess (2013) found that partisanship was strongest in party-led outreach and weakest in state-led outreach; her finding is confirmed in the case of the United States.

Mobilization

The party structure provides the framework for mobilization in the US case; the Democratic Party in this case provides the structure for a coherent Democratic constituency abroad and has done so since 1976. However, as is the case in many other countries, other factors clearly drive individual engagement – individuals certainly can and do register to vote as individuals, without DA or Republican Overseas’ support. However, it is the individual overseas Americans who engage, mobilize and are active in political transnationalism. The classic transnationalism literature does not explain satisfactorily the US overseas voters’ engagement. Explanations for transnational political engagement include that migrants from authoritarian regimes may now have the freedom to exercise political dissent (Ostergaard-Nielsen 2000), that they may engage in support for or opposition to political factions at home (Levitt and Jaworsky 2007), or that they might be engaged with one side or another of a political or violent conflict (Adamson 2002). None of these widely known explanations for political transnational engagement is applicable in the American case.

What does apply to the United States is the interactive nature of transnationalism from above and from below or, as Itzigsohn emphasizes, the interactive feedback between overseas populations and origin country institutions (Itzigsohn 2000). Here, the active engagement between the DNC, DA and individual members plays a key role. In explaining overseas Americans’ engagement, previous research has identified three key factors in explaining their political transnationalism. These are reactive transnationalism, identity as overseas Americans and partisanship (Klekowski von Koppenfels 2014).

Reactive transnationalism is often at work. Affected by country of destination opinions opposing their government or governmental actions, overseas Americans engage in opposition

politics (Klekowski von Koppenfels 2014). DA experienced a surge in membership in Europe during 2003–2004, a time when anti-Iraq War sentiment was quite high, and individual Democrats wanted to show that not all Americans supported the Republican-led war. The Trump presidency has again resulted in a surge of overseas Americans seeking to demonstrate that Trump’s foreign policy – for instance the so-called ‘Muslim Ban’ – is not enacted in all Americans’ name.

Partisanship is another factor which plays a role in overseas political engagement and does, as Burgess demonstrates, emerge from party-led overseas voter engagement (2013). DA builds on this – using a utilitarian frame themselves – to further partisan interests through its members’ mobilization. Democrats have engaged in anti-Iraq War and anti-Trump activities while, on the Republican side, anti-FATCA activities underpin the entire existence of RO.

Identity as an overseas American is a point which is closely related to both of the foregoing points; an overseas American identity can emerge both from reactive transnationalism and from partisanship enacted abroad. That sense of identity is cultivated in the case of DA, which is held together by local groups, national groups, Facebook groups, internet-based conference calls, and annual meetings, which bring together American Democrats from over 40 countries, and certainly from four, if not five continents; this is a strong, issues- and nationality-based political community. The DA Global Primary – held every four years – is the centrepiece. The hotly contested 2008 (Hillary Clinton vs. Barack Obama) and 2016 (Hillary Clinton vs. Bernie Sanders) elections were mirrored in more than one city around the world. From donkey-shaped ballot boxes to red, white and blue-draped tables and more, the DA Global Primary elections in 2008 and 2016 resonated strongly with overseas Democrats (Chase 2016).

In contrast to RO’s primary purpose of repealing FATCA, DA’s main goal is voter registration – the 2009 Military and Overseas Voter Empowerment (MOVE) Act requires that overseas voters request a ballot in each election year – and DA seeks to maintain voter engagement throughout the political cycle in order to facilitate that goal. Given the strong awareness of American politics around the world, engagement has surged both at times of

unpopular foreign policy actions, such as President George W. Bush's Iraq War, or the Trump presidency, but also at moments of intense partisan engagement, such as the Clinton–Obama primary contest during the first half of 2016 (Wayne 2008).

In addition to voter registration, advocacy and fundraising are also central elements of DA's core activities – bound together by social events which are meant to bring people together and motivate them to continue to be engaged politically. The social function is thus a secondary one, but is a crucial one nonetheless, both for members themselves as well as for continuing to encourage engagement. The identity of overseas American comes out clearly and is both motivated by and motivating for many of DA's events, whether it is a debate-watching party, a Fourth of July barbecue, a protest or a vigil or a political film and discussion evening (Klekowski von Koppenfels 2014). These events lead up to the biennial elections, whether mid-term Congressional elections, or Presidential elections, the latter preceded of course by the DA Global Primary, typically six to eight months prior to that election. Election years are the busiest years, in terms of activities and events, while non-election years typically focus on political discussions and awareness-raising. DA country committees, as well as regional chapters, may also, as many did in 2010, when President Obama was gathering support for the Affordable Care Act (ACA), engage in letter-writing campaigns. A number of overseas Americans, coordinated by DA, wrote their American hometown newspapers, recounting their positive experiences with healthcare in Europe, encouraging voters to support the ACA. More recently, DA has provided sample letters for overseas Americans to write their representatives, encouraging them to vote against attempts to overturn ACA (DA 2017).

DPCA's annual meeting is held every second year in Washington, D.C. That Washington, D.C.-based meeting, complete with presentations from DNC speakers, candidates for office and training sessions, is also typically accompanied by the 'Doorknock,' in which teams of DA members visit Congressional representatives and Senators, lobbying for issues of concern for overseas Americans (DA 2019). These may either be issues which affect all overseas Americans – such as questions surrounding easier voting procedures, citizenship access for

children born abroad or tax reform – or they may be more partisan issues. One key example of a partisan issue was the lobbying that occurred prior to the Windsor Supreme Court decision in 2015, legalizing same-sex marriage, a decision which allowed overseas Americans with same-sex foreign partners to sponsor those partners for spousal Green Cards. Before that date, the ‘Love Exiles’ – Americans who had moved abroad in order to be able to form a family with their same-sex foreign partner – were engaged in awareness-raising and lobbying on this issue, with many allies within DA.

Conclusion

Examining voting from abroad in the American case – the quintessential immigration country – demonstrates the opportunities and constraints of Constitutional, federal and state laws in shaping parties’ inclusion and exclusion of external voters. The self-image of a country as an ‘emigration state’ (Gamlen 2008), or not, is a significant factor as well, while the profile of and knowledge about a population abroad plays a key role.

Looking to Østergaard-Nielsen et al.’s set of frames, we see that the democratic-egalitarian frame was used in a bipartisan manner to enfranchise overseas voters in 1975 and continues to be drawn on in ongoing legislative changes. Demos-related frames are drawn on by actors in excluding overseas Americans, which again links with the national imagination of the United States as an immigration country, and not as an emigration country or one with a diaspora population. Finally, utilitarian frames are drawn on by both Democratic and Republican parties, in a differential inclusionary and exclusionary manner.

Constitutional law, granting administration of elections to states, shapes the exclusion of overseas voters – no overseas constituency would be possible without a constitutional amendment. At the same time, constitutional law also establishes the basis, on the grounds of equality, for the inclusion of the individual overseas voter. That parties are responsible for organizing presidential primary elections then means that the Democratic Party may – not shall –

recognize DA as a '51st state'. This is not mandated, meaning that the Republican Party can, and does, choose not to include RO structurally. Nonetheless, party-led outreach remains the only means by which an American overseas population can be recognized and included as a distinct constituency. In short, laws and the federal structure shape the differential inclusion of the overseas voter. Equality (democratic-egalitarian frame), self-image as an immigration country (demos-related frame) and party-specific philosophies vis-à-vis underrepresented groups also all play a role in the tension between inclusion and exclusion.

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