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**SWISSCIT Index on Citizenship Law
in Swiss Cantons: Conceptualisation,
Measurement, Aggregation**

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SWISSCIT Index on Citizenship Law in Swiss Cantons: Conceptualisation, Measurement, Aggregation

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Abstract

In the Swiss federal context, the acquisition of citizenship through ordinary naturalization, the enjoyment of electoral rights as a foreign resident, and the retention of the franchise as a Swiss citizen abroad is not uniformly defined through a single federal law but co-determined by the cantons. In this explanatory note, we introduce SWISSCIT, a set of indicators measuring how inclusive cantonal citizenship policies are through a systematic comparison of the legislation in force as of 31 December 2017 in the 26 cantons. The dataset comprises three separate aggregated indicators, measuring the legislation on 1) ordinary naturalization of foreign residents; 2) the right to vote and stand as candidate of foreign residents in local and cantonal elections; and 3) the right to vote and stand as candidate of Swiss citizens abroad in their municipality and canton of origin. The note successively discusses issues of conceptualization, measurement and aggregation. By making our methodology fully transparent, we follow what has become common practice in index-building and hope to encourage users to make use of our data in their own research.

Keywords

Citizenship, migration, electoral rights, policy index, Switzerland, cantons

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1 Introduction

The past few years has seen unprecedented efforts among migration scholars toward building qualitative databases and quantitative indicators on immigration and citizenship policy aimed at facilitating systematic comparison across space and over time. A variety of indices have shed light on the multiple dimensions and purposes of immigration policy (e.g. Helbling *et al.* 2017, Boucher and Gest 2018), citizenship law (Huddleston *et al.* 2015, Jeffers *et al.* 2016, Palop-Garcia and Pedroza 2017), and electoral legislation (Schmid *et al.* 2017) in an era of protracted cross-border mobility. By disaggregating the state legislation into a variety of sub-components that target different groups, these indicators have contributed to show that migration-related policies could neither be reduced to a single purpose, nor converged along a single continuum of relative inclusion (Vink and Bauböck 2013). Instead, the legislation in force in a single country is often expansive and restrictive at the same time, depending on the particular population it aims to encourage or deter from migrating, taking up citizenship, or participating in elections.

Policy indices have considerably advanced our understanding of how states seek to “manage” migration and its consequences and constitute a prerequisite to explanatory and normative research on international legal trends. By breaking states’ (legal) responses into conceptually distinct sub-components, they are ideally suited for large-N comparative research. By covering a broad range of countries and clearly distinguishing policy outputs from inputs and outcomes, they considerably facilitate case selection in small-n comparative research, whether researchers opt for a most-similar or most-different research design.

Yet, they commonly take the state as the main unit of analysis and sole gate-keeper of territorial and membership boundaries. This tendency is not so much the product of an inherent methodological nationalism as the natural consequence of the pragmatic and sober observation that international migration today has remained, in the words of Aristide Zolberg, essentially a “matter of states” (Zolberg 1999). Within the limits of international law, the state has retained its quasi “monopoly over the legitimate means of movement” (Torpey 1998). It also enjoys an almost exclusive prerogative for separating the national wheat from the alien chaff through nationality law defining who its own citizens are, and through electoral laws determining the composition of its own demos¹.

While broadly accurate for describing the global trend, there remains several outliers where the sovereignty of the state has been challenged from within, by regional governments that either managed to retain historical powers or to conquer new ones. Like states, regions are territorial polities. As such, they are no less traversed by immigration and emigration flows and are also confronted by the ensuing mismatch between jurisdictional boundaries and populations. However, regions usually do not have control over the entry and settlement of international migrants, commonly referred to as immigration policy (Arrighi 2014). In the vast majority of cases, they do not enjoy “self-determination powers” in the realm of citizenship, that is the competence of defining who their citizens are, and the conditions under which an alien may become a citizen. As a general rule, regional citizenship is derived from state national membership and activated through residence in the region (Bauböck 2018, Arrighi and Lafleur 2017). For instance, a citizen of Bavaria is a German national residing in the Alpine region, just like one is a citizen of Texas by virtue of

¹ We consider the demos as the population who has the right to participate in democratic elections in a political community. The right to participate includes the active suffrage, or right to vote, and passive suffrage, or right to stand as candidate. The demos is qualitatively different from the citizenry that is the population that has membership status in the political community but who may not be included in the demos (e.g. minor citizens). This distinction is central to SWISSCIT’s endeavor.

holding US citizenship and residing in Texas. Accordingly, a foreigner residing in Munich or Austin must naturalize as German or US American in order to acquire the citizenship of Texas and Bavaria, respectively.

The case of Switzerland stands out in one important respect. In Art. 37 of the Constitution, a Swiss citizen is defined as “[a]ny person who is a citizen of a commune and of the Canton to which that commune belongs.” Hence, cantonal citizenship is a constitutionally recognized legal status. More importantly for our purposes, the derivative principle is, at least formally, turned inside out, as federal citizenship is derived from sub-state citizenship status instead of the other way around. This disposition, which has remained untouched since 1848, obscures the fact that the federal state has gradually gained more powers in determining the conditions under which Swiss citizenship may be acquired and lost. Notwithstanding the increasing centralization of citizenship law-making throughout the modern history of the Helvetic Confederation from the first federal law on citizenship introduced in 1876 to the latest reform in 2014, cantons still enjoy considerable legislative powers to determine who can acquire their own citizenship and by extension, Swiss nationality. In the context of international migration, as a result of which cantons find themselves with a significant proportion of non-citizens residing within their jurisdiction and of citizens residing abroad, three aspects of the cantonal legislation stand out:

1. Cantons can set their own criteria that a foreign applicant must meet in order to acquire Swiss nationality through **ordinary naturalization**.
2. Cantons can choose to extend the **right to vote or stand as candidate to specific categories of foreign residents** in local and cantonal elections.
3. They decide whether or not **Swiss citizens residing abroad** who either hold the citizenship of the canton or were resident there prior to emigrating should be given the right to vote from their country of residence, and under what conditions.

In the Swiss federal context, the acquisition of full citizenship, the enjoyment of electoral rights as a foreign resident, and the retention of the franchise as a Swiss citizen abroad is not uniformly defined through a single federal law but co-determined by the cantons. As a result, the legal opportunity structure shaping the citizenship prospects of immigrants and emigrants alike is marked by profound territorial variations, with some cantons being more inclusive than others on certain aspects of the legislation targeting a specific category of the mobile population. There is no single path to Swiss citizenship, but 26 cantonal channels that are more or less long, demanding, and difficult. These cantonal policy variations are captured by our indicators, which compare and measure their relative inclusion.

In this explanatory note, we introduce SWISSCIT, a set of indicators measuring how inclusive cantonal citizenship policies are through a systematic comparison of the cantonal legislation in force as of 31 December 2017. The dataset comprises three separate aggregated indicators, respectively covering the relative inclusiveness of cantonal laws on 1) ordinary naturalization of foreign residents; 2) the right to vote and stand as candidate of foreign residents in local and cantonal elections; and 3) the right to vote and stand as candidate of Swiss citizens abroad in their municipality and canton of origin. We consider the underlying nature of inclusiveness as continuous: hence, SWISSCIT measures components in scales ranging from a minimum of 0, as maximum exclusion, to 1 as maximum inclusion.

The dataset can be freely downloaded, and our data can be consulted online through a series of interactive visualizations including geo-maps, heat-maps, and spider-charts. Here, our main purpose is to open the black box of SWISSCIT to the broader research community, by making transparent

the methodology employed for conceptualizing, measuring and aggregating our qualitative data into numerical indicators. By doing so, we follow what has become common practice in index-building and hope to encourage users to make use of our data in their own research.

2 Conceptualization

As we have stated above, Swiss nationality status, at least formally, is derived from one's citizenship within a municipality and canton. In some important respects, the attribution of citizenship in Switzerland mirrors the institutional framework regulating the acquisition and loss of citizenship of the European Union, which is granted to "[e]very person holding the nationality of a Member State" (Article 8 of the Treaty on European Union), and is additional to, instead of replacing, national citizenship. A fundamental difference lies in the growing competence of the Swiss federal state in determining how Swiss citizenship is acquired and lost, resulting from a long historical process through which cantonal powers have been gradually yet decisively challenged and weakened to the benefit of the central state without disappearing altogether (Dardanelli and Mueller 2017, Stueder *et al.* 2013).² Today, the federal government enjoys an exclusive legislative competence over how citizenship is acquired at birth – both through birth of a citizen parent and birth in the territory –, and through marriage to a Swiss national. It also has an exclusive prerogative in determining the conditions under which Swiss citizenship may be lost (Achermann *et al.* 2012). As far as electoral rights are concerned, cantons cannot deny the right to vote or stand as candidate to Swiss citizens who took up residence in the canton and must comply with the federal legislation on the enfranchisement of citizens who committed a criminal offense and those who were found incapacitated.³

Yet, cantonal authorities have retained significant legislative and executive powers with regard to the acquisition of Swiss citizenship through long term residence, the inclusion of resident aliens into their own demos, and the extension of electoral rights to their own citizens residing abroad. First, foreigners' acquisition of citizenship through ordinary naturalization is co-regulated by the federal state, the canton, and the municipality of residence. Cantons and municipalities can specify their own criteria that must be met in addition to the federal requirements. In the absence of a *jus soli* element in Swiss nationality law⁴ automatically granting citizenship to the children of foreign immigrants born in Switzerland, ordinary naturalization is the only route to Swiss citizenship for those foreigners who are not married to a Swiss national. Therefore, how inclusive cantonal policies are largely determines foreigners' citizenship prospects. Second, cantons have "the freedom to regulate the exercise of political rights at cantonal and communal matters" by virtue of Article 39 of

²Notwithstanding its notorious judgment in the Rottman case, wherein the European Court of Justice declared that "citizenship of the Union is intended to be the fundamental status of nationals of the Member States", Member States' prerogatives in determining how nationality is acquired and lost have never been challenged in any meaningful way.

³ The constitution of 1848 proclaims the equality of all human beings in the eyes of the law. In practice, however, the legislation that was approved by the cantons in the following years placed women in a situation of legal inferiority. Only from the early 1960s have cantons passed laws that enfranchised women. The last canton to introduce women's suffrage was Appenzell-Innerrhoden, which was forced to do so following the judgment of 27 November 1990 on the case *Theresa Rohner et consorts contre Appenzell Rhodes-Intérieures*, whereby the Swiss federal court declared unconstitutional the exclusive male suffrage. The principle of equality between men and women as was guaranteed by the federal constitution ordered, in effect, an interpretation of the Appenzell constitution such that women's suffrage should be equally possible.

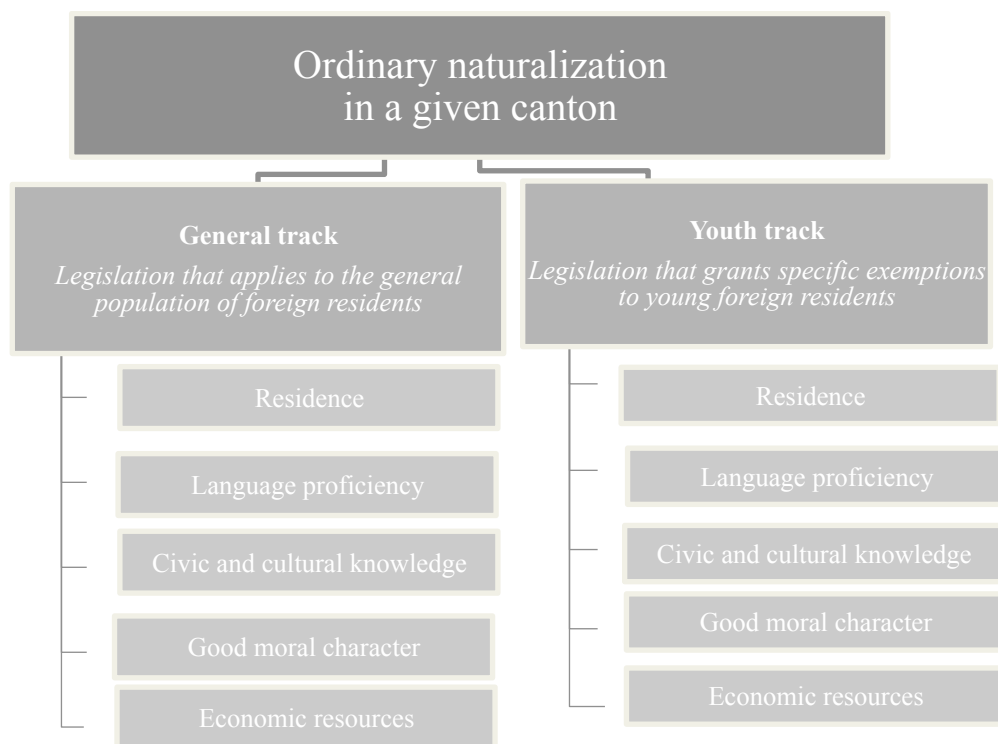
⁴ At least until the February 2017 referendum on the facilitated naturalization procedure for the third generation foreigners who were born in Switzerland but do not have Swiss citizenship because their parents and grandparents did not. A strong majority of voters supported the reform. The outcome of the referendum was translated into law in March 2018. Therefore, the reform is not covered in our indicators, which capture the legal situation as of 31 December 2017.

the Federal Constitution; with the important caveat that they can neither discriminate against Swiss national residents who hold the citizenship of another canton and cannot enfranchise their own citizens who took up residence in another canton (Arrighi and Lafleur 2017). They do, however, have the power to decide whether foreigners should be granted the right to participate in elections in their canton and municipality of residence, and whether Swiss citizens abroad should retain the right to participate in the elections of their canton and/or municipality of origin.

At the highest level of aggregation, the SWISSCIT indicators distinguish between three separate aspects of the legislation and measure their degree of inclusion across cantons: ordinary naturalization, electoral rights of foreign citizens, and electoral rights for Swiss citizens residing abroad.

First, the indicator on ordinary naturalization measures the relative inclusiveness of the cantonal legislation regulating foreigners' acquisition of citizenship based on long-term residence in the canton. The overall indicator is divided into two sub-indicators, respectively measuring the legal requirements applying to the general population of foreign applicants (general track) and those exemptions that apply to young applicants because they were either born, socialized, or educated in the canton (youth track). For each of those sub-indicators, the indicator on ordinary naturalization captures five criteria that are commonly found in the citizenship law of most European countries (Goodman-Wallace 2015; Jeffers *et al.* 2016) and show significant empirical variations across cantons. Conceptually, our typology distinguishes between those conditions that are based on (1) length of residence; (2) language proficiency; (3) civic and cultural knowledge; (4) good moral character; and (5) economic resources.

Figure 1. Conceptual Tree: Law on Ordinary Naturalization in a Given Canton



Second, the two electoral rights indicators measure the relative inclusiveness of the cantonal legislation regulating voting and candidacy rights of two groups of individuals whose status is a

consequence of international migration: foreign residents, on the one hand, and Swiss citizens residing abroad on the other. Citizenship laws may reduce the discrepancy between resident and citizen populations (e.g. through conditions for loss of a citizenship of origin and for acquisition of host country citizenship); however, the inclusion in the *demos* of those who are not yet citizens of the country where they live and / or who are still citizens of a country where they no longer reside ultimately depends upon the way in which electoral rights are regulated across democratic states or, as in Switzerland, across the different cantons.

At the highest level of aggregation, these two indicators measure the relative inclusiveness of the cantonal legislation regulating the electoral rights of foreign residents in their canton of residence and the electoral rights of Swiss citizens abroad in their canton of origin. We do not aggregate across these two categories to arrive at a single indicator for electoral inclusiveness. The reason is that there is no generally accepted normative standard for comparing inclusiveness towards non-resident citizens and non-citizen residents. Each of the two indicators is divided into the two sub-indicators that constitute the main components of electoral rights: the right to vote, or active suffrage, and the right to stand as candidate, or passive suffrage. Finally, at the lowest level of aggregation, the indicators measure how electoral rights vary across cantonal and municipal elections, as well as across elections for executive councils, parliaments, and referendums. The indicators thus capture the variation of the rules of inclusion in the *demos*, not only at different levels of government (cantonal and local), but also across different types of electoral competition (executive councils, parliaments, and referendums). We attribute the same weight to each of the six kinds of election that result from this combination, since the Swiss context is characterized by the frequent use of direct democracy – including referendums and popular initiatives –, the proportional representation of cantonal and municipal parliaments, and the collegial nature of cantonal and municipal executives.

Figure 2. Conceptual Tree: Electoral Rights of Swiss Citizens Abroad and of Foreign Residents in a Given Canton



SWISSCIT covers the legislation in force in the 26 Swiss cantons as of 31 December 2017. We focus on policies as legally binding outputs in the form of either primary law (i.e., law that has come into existence through the parliamentary legislative process, e.g., statute law) or secondary law and regulations (i.e., law that is created by executive authority and derived from primary legislation).

Like many existing indices, users may freely download the data disaggregated to the lowest level and in full knowledge of how it was processed. However, our resources go a few steps further: users may also consult the repository of full-text legislation on naturalization and electoral rights in Switzerland; they may access the comparative overview summarizing the main legal conditions; and they can organize the data through a set of visualizations – a HeatMap, a GeoMap, and a ScatterPlot – that can be customized depending on what variables are more relevant for the research at hand. In this way, we want to promote transparency not only when it comes to the methodology employed for building the indicators, but also in regard to the empirical material: one of the main assets of SWISSCIT is the full accessibility of data, which will hopefully invite other researchers to replicate our results or organize the data differently.

3 Ordinary Naturalization Law in Swiss Cantons (ON)

The naturalization indicator measures and compares how easy ordinary naturalization in the 26 cantons is, on a scale ranging from 0 (maximum exclusion) to 1 (maximum inclusion). The overall indicator is divided into two intermediate components: the relative inclusion of the legislation applying to the general population of adult candidates (the ordinary track) and the legislation specifically targeting young applicants (youth track). The absence of *jus soli* at the federal level justifies the special attention given to young candidates by the cantons, for example in offering applicants who were born, socialized or educated in the canton certain exemptions and therefore a privileged access to citizenship. In turn, each of these two intermediate indicators captures five conditions that can be found in the legislation of almost every canton: length of residence, language proficiency, civic and cultural knowledge, good moral character, and economic resources.

Table 1: Ordinary Naturalization of Foreigners in Their Canton of Residence

High	Intermediate	Low	Full name	Description
ON	-	-	Ordinary naturalization	The indicator measures how easy it is to access ordinary naturalization. It is calculated as a simple average of intermediate indicators on general track and youth track.
ON	YOT	-	Youth track	The indicator measures how easy access to ordinary naturalization is for young applicants. It is calculated as an average of basic indicators for length of residence, language proficiency, civic and cultural knowledge, good moral character and economic resources.
ON	GET	-	General track	The indicator measures how easy access to ordinary naturalization is for general applicants who do not fall into the 'youth' category. It is calculated as an average of basic indicators for length of residence, language proficiency, civic and cultural knowledge, good moral character and economic resources.
ON	YOT/GET	RES	Length of residence	The indicator calculates an overall residence requirement for general applicants OR the youth based on required years of residence in the canton and/or in the municipality and permitted interruptions. The outcome is standardized to fit into a five-point scale between 'less than two years of residence' = 1 and 'more than 8 years of residence' = 0.
ON	YOT/GET	LAN	Language proficiency	The indicator measures the strength of a language skill requirement for general applicants OR the youth based on a five-point scale between 'no explicit requirement in the law' = 1 and 'B2-level with test or certificate' = 0.
ON	YOT/GET	CCK	Civic and cultural knowledge	The indicator measures the strength of civic knowledge and cultural assimilation requirements for general applicants OR the youth on a five-point scale between 'no explicit requirement in the law' = 1 and 'demanding formal test' = 0.
ON	YOT/GET	GMC	Good moral character	The indicator measures good moral character and clean criminal record requirements for general applicants OR the youth on a five-point scale between 'no explicit requirement in the law' = 1 and 'no criminal sentence, including past sentences' = 0.
ON	YOT/GET	ECO	Economic resources	The indicator measures economic resource requirements for general applicants OR the youth based on a scale between 'no explicit requirement on income, dependence or welfare dependency in the law' = 1 and 'requirements include no unpaid debt or welfare dependency for several years prior to the application' = 0.

Mode of Aggregation

Our overall indicator comprises three levels of aggregation. At the lowest level, we find our five sub-indicators: length of residence, language proficiency, civic and cultural knowledge, good moral character, and economic resources, as they apply to the general and youth population. The simple average of these five indicators for all adult candidates and for young applicants is subsequently aggregated into our intermediate indicators: General Track and Youth Track, respectively. As a rule, our aggregation formula gives the same weight to all sub-indicators, as their relative importance essentially depends on the value assigned to them by individual researchers.⁵ Our considerations and coding decisions notwithstanding, we encourage users to select, combine, and further aggregate different indicators according to their own research questions and aims. For this purpose, we make available all disaggregated data in the downloadable dataset so that users can follow their own aggregation strategy.

Length of Residence (RES)

The first indicator is length of residence in the canton. Until the reform that entered into force on 1 January 2018, Article 15 stipulated that “(f)oreign nationals may only apply for a residence permit if they have lived in Switzerland for a total of twelve years, including three of the five years prior to the application being made”, and leaves cantons with the right to introduce their own additional conditions of residence. The cantonal legislation thus specifies a minimum length of residence in the canton, which can be easily captured along a single temporal scale. However, the coding is complicated by the existence of further restrictions: for example, some cantons specify a minimum length of residence in the municipality where the application is made and / or uninterrupted residence for a definite period of time. In order to account for these distinct hurdles, we proceed in three steps.

Step 1: We calculate a coefficient that captures additional restrictions, namely residence in the municipality and the strength of the continuous residence requirement.

Length of residence: step one, general conditions	Coefficient
Continuous residence in the canton or in the municipality	1.75
Continuous residence between 50% and 75% of the period in the canton or between 25% and 50% in the municipality	1.5
Continuous residence for less than 50% of the period in the canton or less than 25% of the period in the municipality	1.25
No continuous residence required	1

Step 2: We multiply the coefficient by the number of years of residence required in the cantonal legislation to calculate the length of residence capturing all three aspects.

Step 3: We then assign to the canton the corresponding score in the table below.

Length of residence: step two, temporal conditions	Coefficient
Up to two years	1

⁵ The three aggregation formulas for our naturalization indicators therefore are **ON** = **ONYOT** + **ONGET** for the highest level of aggregation, whereby **ONYOT** = **ONYOTRES** + **ONYOTLAN** + **ONYOTCCK** + **ONYOTGMC** + **ONYOTECO** and **ONGET** = **ONGETRES** + **ONGETLAN** + **ONGETCCK** + **ONGETGMC** + **ONGETECO**.

Between two and four years	0.75
Between four and six years	0.5
Between six and eight years	0.25
Eight years or more	0

For example, Article 8 of the Law on Cantonal and Municipal Citizenship in Bern establishes that candidates must reside in the municipality for at least “two years without interruptions at the time of filing their application”. In this case, we take two years multiplied by 1.75 (i.e. step 1, corresponding to continuous residence in the cantons or in the municipality), and we obtain a weighted result of 3.5 years (i.e., step 2, corresponding to a requirement “between two and four years”), which in our final scale (i.e. step 3) is translated into a score of 0.75.

Language Proficiency (LAN)

Article 14 of the Swiss Citizenship Act stipulates that the applicant must be “integrated into the Swiss community” as well as be “accustomed to the Swiss way of life and habits”, while cantons have the power to decide to decide how linguistic integration should be tested and how demanding the test should be. In order to standardize all criteria, we translated the cantonal requirements into the corresponding level of the *Common European Framework of Reference for Languages: Learning, Teaching, Assessment* (CEFR). Cantons that do not specify language requirements are the most inclusive, while cantons that require a B2 level with certificate or formal test with a written component are coded as most restrictive.

Language proficiency	Scores
No language condition in the law	1
Language condition with specified low level of requirement (A1 or everyday communication)	0.75
A2-level of requirement with certification or formal test OR B1-level assessed informally during an interview	0.5
B1-level of requirement with certification or formal test	0.25
B2-level of requirement with certification or formal test OR test with written component	0

Civic and Cultural Knowledge (CCK)

Until the latest reform of the nationality law, the federal Law did not specify the criteria that an applicant must fulfil to demonstrate his/her level of civic and cultural integration. The evaluation was left in the hands of cantons and municipalities by virtue of Article 15 of the Citizenship Act. The relevant aspect where cantons vary in this field is the method of assessment as well as the relative difficulty of the requirement. We consider cantons that do not require a naturalization test to be the most inclusive, while cantons that demand a formal test of civic and cultural knowledge containing demanding questions, that do not provide study material, or that require mandatory attendance of the preparatory courses are considered the most restrictive.

Civic and cultural knowledge	Scores
No naturalization test	1
General cultural integration condition, assessed informally during an interview	0.75

No naturalization test during the application procedure, but requirement to take courses or to provide certificates on civic and cultural knowledge	0.5
Formal naturalization test containing civic and cultural knowledge questions with study material freely available and no obligation to attend courses	0.25
Formal naturalization test containing civic and cultural knowledge questions with study material not freely available and obligation to attend courses	0

Good Moral Character (GMC)

Article 14 of the Citizenship Act stipulates that the candidate “shall comply with the Swiss legal order; and shall not compromise the internal or external security of Switzerland”. Apart from this federal requirement, cantons enjoy significant room for determining the judicial conditions that candidates for naturalization must fulfil. We consider cantons that do not specify criteria concerning the criminal record of applicants as the most inclusive. Conversely, cantons that exclude applicants who were found guilty of a criminal offense committed over five years before their application were coded as most restrictive.

Good moral character	Scores
No criminal record or good moral character condition	1
Basic good character requirement that does not exceed the federal requirement	0.75
No pending criminal sentence	0.5
No criminal sentence in the past five years preceding the application	0.25
No criminal sentence for a period over 5 years preceding the application OR Blank criminal record	0

Economic Resources (ECO)

There is no mention of economic conditions or requirements in the Citizenship Act. Cantons can thus decide how important the economic autonomy of candidates is and how this should be evaluated. We regard cantons that do not specify requirements related to the income, employment, or welfare dependency of candidates as the most inclusive. By contrast, cantons that require applicants to show that they are not dependent upon welfare and that they have no unpaid taxes for several years before they file an application are coded as the most restrictive.

Economic resources	Scores
No requirement on income, employment, or welfare dependency	1
Income requirement at level of minimum wage or official poverty line	0.75
Income requirement at level higher than minimum wage or poverty line and no unpaid taxes at time of application	0.5
No welfare dependency and unpaid taxes ONLY at time of application	0.25
Employment condition or no welfare dependency – or unpaid taxes - for SEVERAL years before application	0

4 The Electoral Rights of Swiss Citizens Residing Abroad (NR)

The indicator measures the relative inclusiveness of electoral laws regulating the electoral rights of Swiss citizens abroad in their municipality and canton of origin. It covers the right to vote and the right to stand as candidates in three types of election (executive, parliament, and referendum) at two levels of government (cantonal and local). The highest-level indicator NR (Electoral rights of Swiss citizens abroad in their canton of origin) is a simple average of our two intermediate indicators, Voting and Candidacy. Each of these two intermediate indicators, in turn, is an average of our sub-indicators which measure the eligibility criteria in each type and level of election.

Table 2. Electoral Rights of Swiss Citizens Residing Abroad

High	Intermediate	Low	Full name	Description
NR	-	-	Electoral rights of Swiss citizens residing abroad	The indicator measures the inclusiveness of electoral rights of Swiss citizens residing abroad on a scale between ‘unconditional right to vote and to stand as candidates in their canton of origin’ = 1 and ‘no right to vote and no right to stand as candidates in their canton of origin’ = 0. It is calculated as the average of intermediate indicators on the right to vote and the right to stand as candidates.
NR	VOT	-	Voting rights Swiss citizens residing abroad	The indicator measures the inclusiveness of voting rights of Swiss citizens residing abroad on a scale between ‘unconditional right to vote through postal and /or electronic voting methods’ = 1 and ‘only residents in Switzerland have the right to vote’ = 0.
NR	CAN	-	Candidacy rights of Swiss citizens residing abroad	The indicator measures the inclusiveness of candidacy rights for Swiss citizens residing abroad on a scale between ‘Swiss citizens retain the right to stand for elections when moving abroad’ = 1 and ‘candidacy rights are reserved to residents in Switzerland only’ = 0.
NR	VOT/CAN	CAPR	Voting and candidacy rights of Swiss citizens residing abroad in the executive elections of their canton of origin	The indicator measures the inclusiveness of voting OR candidacy rights of Swiss citizens residing abroad in the executive elections held in their canton of origin.
NR	VOT/CAN	CALE	Voting and candidacy rights of Swiss citizens residing abroad in the legislative elections of their canton of origin	The indicator measures the inclusiveness of voting OR candidacy rights of Swiss citizens residing abroad in the legislative elections held in their canton of origin.
NR	VOT	CARE	Voting rights of Swiss citizens residing abroad in referendums and popular initiatives held their canton of origin	The indicator measures the inclusiveness of voting rights of Swiss citizens residing abroad in the referendums and popular initiatives held in their canton of origin.
NR	VOT/CAN	LOPR	Voting and candidacy rights of Swiss citizens residing abroad in the executive elections of their municipality of origin	The indicator measures the inclusiveness of voting OR candidacy rights of Swiss citizens residing abroad in the legislative elections held in their municipality of origin.
NR	VOT/CAN	LOLE	Voting and candidacy rights of Swiss citizens residing abroad in the executive elections of their municipality of origin	The indicator measures the inclusiveness of voting OR candidacy rights of Swiss citizens residing abroad in the legislative elections held in their municipality of origin.
NR	VOT	LORE	Voting rights of Swiss citizens residing abroad in referendums and popular initiatives held in their municipality of origin	The indicator measures the inclusiveness of voting rights of Swiss citizens residing abroad in the referendums held their municipality of origin.

In order to measure the eligibility criteria in a given election, we construct a scale with empirically-informed endpoints. Despite the lack of empirical examples within the Swiss context, we also include a theoretical possibility for intermediate provisions that are frequently found in the electoral legislation of other countries (Schmid *et al.* 2017). Examples of such provisions are the enfranchisement of foreign residents who resided in the country at some point in their life (e.g., as it is found in Norway or Sweden); or the enfranchisement of limited categories of foreign residents only (e.g., the Irish or Maltese legislation that limits the right to vote from abroad to military personnel and civil servants posted abroad).

Eligibility conditions	Scores
Generally enfranchised	1
Past residence in lifetime or birth in the territory	0.75
Past residence within specific period	0.5
Limited categories only (such as military personnel, embassy staff, employees of public companies)	0.25
Generally disenfranchised	0

Initially, we also wanted SWISSCIT to capture access conditions to the ballot, measuring how cumbersome and frequent the registration procedure is and whether voting methods are easily available to Swiss citizens residing abroad. However, we did not find enough variation across either of these dimensions to justify the inclusion of a sub-indicator measuring access conditions in the index. With the exception of Ticino, where Swiss citizens residing abroad must present a formal application in order to be included in the voting registry, the registration procedure is identical across all cantons. As far as voting methods are concerned, all cantons that have extended the suffrage to their own citizens abroad provide them with the opportunity to cast their ballot through the mail. The only important variation across cantons concerns electronic voting, a method that some of the cantons recently introduced for their citizens residing abroad. However, there is no obvious reason why electronic voting ought to be considered as more inclusive than postal voting. While this information was not included in our indicators, it can be easily retrieved in our online [Comparative Overview](#) and [Repository](#).

5 The Electoral Rights of Foreign Citizens (NC)

The indicator measures the relative inclusiveness of the legislation regulating the electoral rights of foreign residents in cantonal and local elections. It covers the right to vote and the right to stand as candidates in three types of election (executive, parliament, and referendum) at two levels of government (cantonal and local). The highest-level indicator NC (Electoral rights of foreign citizens) is a simple average of our two intermediate indicators - Voting and Candidacy – capturing foreigners' eligibility to active and passive suffrage, respectively. At the lowest level of aggregation, we measure the eligibility criteria based on residence in each kind of election that is the combination of a specific level (cantonal or municipal) and type of election (executive, legislative or referendum).

Table 3. Electoral Rights of Foreign Citizens in Their Canton of Residence

High	Intermediate	Low	Full name	Description
NC	-	-	Electoral rights of foreign citizens in their canton of residence	The indicator measures the electoral rights of foreign citizens. It is calculated as an average of intermediate indicators on the right to vote and the right to stand as candidates for foreign citizens.
NC	VOT	-	Voting rights of foreign citizens in their canton of residence	The indicator measures the right to vote of foreign citizens on a scale between ‘foreign citizens have the right to vote after 1 year of residence’ = 1 and ‘voting rights are reserved to Swiss citizens only’ = 0.
NC	CAN	-	Candidacy rights of foreign citizens in their canton of residence	The indicator measures the right to stand as candidate for foreign citizens on a scale between ‘foreign citizens have the right to stand for elections after 1 year of residence’ = 1 and ‘candidacy rights are reserved to Swiss citizens only’ = 0.
NC	VOT/CAN	CAPR	Voting or candidacy rights of foreign citizens in cantonal executive elections	The indicator measures the right to vote OR to stand as candidate of foreign citizens in cantonal executive elections on a scale between ‘foreign citizens are enfranchised after one year of lawful residence’ = 1 and ‘electoral rights are reserved to Swiss citizens only’ = 0.
NC	VOT/CAN	CALE	Voting or candidacy rights of foreign citizens in cantonal legislative elections	The indicator measures the right to vote OR to stand as candidate of foreign citizens in cantonal legislative elections on a scale between ‘foreign citizens are enfranchised after one year of lawful residence’ = 1 and ‘electoral rights are reserved to Swiss citizens only’ = 0.
NC	VOT	CARE	Voting rights of foreign citizens in local referendums and popular initiatives	The indicator measures the right to vote OR to stand as candidate of foreign citizens in cantonal referendums on a scale between ‘foreign citizens are enfranchised after one year of lawful residence’ = 1 and ‘electoral rights are reserved to Swiss citizens only’ = 0.
NC	VOT/CAN	LOPR	Voting rights of foreign citizens in local executive elections	The indicator measures the right to vote OR to stand as candidate of foreign citizens in local executive elections on a scale between ‘foreign citizens are enfranchised after one year of lawful residence’ = 1 and ‘electoral rights are reserved to Swiss citizens only’ = 0.
NC	VOT/CAN	LOLE	Voting or candidacy rights of foreign citizens in local legislative elections	The indicator measures the right to vote OR to stand as candidate of foreign citizens in local legislative elections on a scale between 1 ‘foreign citizens are enfranchised after one year of lawful residence’ = 1 and ‘electoral rights are reserved to Swiss citizens only’ = 0.
NC	VOT	LORE	Voting rights of foreign citizens in local referendums and popular initiatives	The indicator measures the right to vote of foreign citizens in local referendums on a scale ranging between ‘foreign citizens are enfranchised after one year of lawful residence’ = 1 and ‘electoral rights are reserved to Swiss citizens only’ = 0.

The relative inclusion of the cantonal legislation is assessed on an empirically-informed scale that captures four distinct residence conditions, as follows: length of residence in Switzerland, length of residence in the canton, length of residence in the municipality, possession of a permanent residence permit. All these conditions share the same the underlying purpose of using residence as a

proxy for evaluating social ties at different territorial levels. In local elections, the indicator also measures whether or not the enfranchisement of non-resident citizens indiscriminately applies to all municipalities or only to specific municipalities, by applying a territorial coefficient.

Step 1: We make a weighted average of the scores of the conditions regulating residence as proxy for social ties. These are: length of residence in Switzerland, length of residence in the canton, length of residence in the municipality, possession of a permanent residence permit (C-Permit).⁶ Please note that the legislation rarely mentions conditions along all four dimensions. In the absence of a requirement, the canton receives the maximum score of 1.

Cantonal and municipal elections: Years of residence in Switzerland	Scores
No requirement	1
Between 1 and 3	0.75
Between 4 and 6	0.5
Between 7 and 9	0.25
More than 9	0

Cantonal and municipal elections: Possession of a permanent residence permit	Scores
Not required	1
Required	0.25

Cantonal and municipal elections: Years of residence in a canton	Scores
No requirement	1
Between 1 and 3	0.75
Between 4 and 6	0.5
Between 7 and 9	0.25
More than 9	0

Municipal elections only: Years of residence in a municipality	Scores
No requirement	1
Between 1 and 3	0.75
Between 4 and 6	0.5
Between 7 and 9	0.25
More than 9	0

Subsequently, we assign different weights to each of these four conditions in order to reflect the fact that a country-wide residence requirement is less demanding than in a single canton or municipality, as it allows for multiple resettlements and internal migration, as long as the person does not relocate outside Switzerland.

Condition	Weight
Length of residence in Switzerland	1

⁶ We consider possession of a permanent residence permit as a proxy for social ties, since this permit is automatically given to all foreign EU citizens who reside in Switzerland for more than five years and to all non-EU citizens who reside in Switzerland for a period of ten years. For this reason, we estimate that the requirement of a permanent residence permit equals residence in Switzerland for a period of 7.5 years, which is a simple average of the durational requirement for EU citizens and third country nationals.

Possession of a permanent residence permit (C-Permit)	1
Length of residence in the canton	1.5
Length of residence in the municipality (for municipal elections only)	2

In order to illustrate our coding, let us take the examples of the cantons for Geneva and Neuchâtel in local elections. In Geneva, foreign citizens are eligible to vote after a period of residence of eight years in Switzerland. In Neuchâtel, the law requires only one year of residence in the canton, but limits the suffrage to persons who hold a permanent residence permit.

Condition	Weight	Geneva	Neuchatel
Length of residence in Switzerland	1	8 years $1 * 0.25$	None $1 * 1$
Possession of a permanent residence permit (C-Permit)	1	Not required $1 * 1$	Required $1 * 0.25$
Length of residence in the canton	1.5	Not required $1.5 * 1$	1 year $1.5 * 0.75$
Length of residence in the municipality	2	Not required $2 * 1$	Not required $2 * 1$
Total	5.5	$4.75 / 5.5 = 0.86$	$4.375 / 5.5 = 0.79$

Step 2: For local elections only: In certain cantons, the cantonal legislation allows municipalities to legislate on this matter but does not impose it. Some municipalities in the same canton have passed legislation extending the suffrage to long-term foreign residents, and others did not. Our territorial coefficient is calculated as follows:

Electoral rights of foreign citizens, step one: percentage of municipalities concerned by the law	Territorial coefficient
All of the municipalities in the canton	1
More than 75% of the municipalities in the canton	0.75
Between 25% and 75% of the municipalities in the canton	0.5
Less than 25% of the municipalities in the canton	0.25
None of the municipalities in the canton	0

As per our previous example, the legislation of the cantons of Geneva and Neuchâtel indiscriminately applies to all municipalities. Therefore, the eligibility score, multiplied by a territorial coefficient of 1, remains unchanged. By contrast, in Appenzell-Innerrhoden, the non-citizen franchise exists in only 3 municipalities out of 20, and two out of three in Basel Stadt. Their eligibility score was therefore multiplied by 0.25 and 0.5, respectively, in application of our rule on territorial coverage.

6 Conclusion

Citizenship policies in Switzerland show considerable variations across cantons. SWISSCIT maps out these differences within a context that has long been praised by international comparatists for offering the ideal approximation to a sub-national most similar case research design (Przeworski and Teune 1970; Lijphart 1971; Vatter 2002). Previous research has already used Switzerland as a laboratory to explain variations in naturalization policies across municipalities (Helbling 2008), or

variations in cantonal immigrant integration policies (Manatschal 2011) and their impact on immigrants' intention to naturalize (Bennour 2018).

With this new set of indicators, we lay the empirical groundwork for further comparative explanatory and normative analysis. SWISSCIT could, for example, help researchers explain the causes and effects of contrasted citizenship policies, by addressing questions such as: What are the main factors explaining policy variations across cantons?; Do demographic factors, such as the uneven distribution of migration flows, lead to more or less inclusive policies?; Is there a gap between policy outputs and policy outcomes (e.g. naturalisation rates or electoral turnout of non-citizen residents)?; Do policies have an impact on cantonal citizens' attitude to immigrants?

We foresee two expansions of the dataset in the future. First, the indicators should be updated to account for the latest legislative changes at the federal level: the revision of the Federal Nationality Law, which was approved by the Swiss Parliament in 2014 and entered into force on January 1 2018⁷; and the new constitutional provision on the facilitated naturalization procedure for young applicants belonging to the third generation, which was approved through a referendum in February 2017 and entered into force on February 15 2018.⁸ In light of these developments, SWISSCIT will therefore have to be updated in 2019, once cantonal authorities have proceeded with the required revision of their citizenship legislation. In addition to updating the dataset, another future task is to go back in time. Recording the exact year when cantons changed their citizenship law, and identifying whether they moved in a more inclusive or a more restrictive direction, would allow us to capture patterns of convergence and divergence over extensive periods of time.

⁷ The revised Citizenship Act provides that a person with a permanent residence permit can be naturalized if he or she has lived in Switzerland for at least ten years. The new legislation defines more precisely the criteria for naturalization, including clear minimum language requirements, more restrictive controls on the applicant's financial situation as well as an in-depth review of her/his criminal record. While these changes leave less leeway in the interpretation of the minimum federal requirements, cantons may still apply stricter conditions than those outlined in the Federal legislation.

⁸ As a result of this vote, young third-generation foreign applicants who were born on the Swiss soil and who are younger than 25 years of age are now able to acquire Swiss citizenship via a uniform administrative process that is simpler, shorter and less expensive than before. Cantons are therefore obliged to pass new legislation, sparing third-generation foreign applicants to naturalization the examination currently undertaken by the cantonal and local authorities.

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