

**Office for Democratic Institutions and Human Rights**

**HUMAN DIMENSION SEMINAR**

**ON**

**ADMINISTRATION AND OBSERVATION OF ELECTIONS**

**CONSOLIDATED SUMMARY**

**Warsaw, 8 - 11 April, 1997**

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## **I. INTRODUCTION**

**The Human Dimension Seminar on Administration and Observation of Elections was held in Warsaw on 8 - 11 April, 1997. The Seminar was organised by the Office for Democratic Institutions and Human Rights (ODIHR).**

**The Seminar was the eleventh in a series of specialised Human Dimension Meetings organised by the ODIHR in accordance with the decision of the CSCE Follow-up Meetings in Helsinki 1992 and Budapest 1994. The previous seminars were devoted to: Tolerance (November 1992), Migration, including Refugees and Displaced Persons (April 1993), Case Studies on National Minorities Issues: Positive Results (May 1993), Free Media (November 1993), Migrant Workers (March 1994), Local Democracy (May 1994), Roma in the CSCE Region (September 1994), Building Blocks for Civic Society: Freedom of Association and NGOs (April 1995), Rule of Law (November/December 1995) and Constitutional, Legal and Administrative Aspects of the Freedom of Religion (April 1996).**

**The main theme of the Seminar were Elections, including election administration and observation.**

**The seminar was not mandated to produce any negotiated texts, but summary reports prepared by the Rapporteurs of the two Discussion Groups were presented in the final Plenary Meeting.**

## **II. AGENDA**

- 1. Opening of the Seminar.**
- 2. Keynote speech.**
- 3. Discussion on administration and observation of elections.**
- 4. Summing up and closure of the Seminar.**

### **TIMETABLE AND OTHER ORGANISATIONAL MODALITIES**

- 1. The Seminar was opened on Tuesday, 8 April 1997 at 3 p.m. in Warsaw. It was closed on Friday, 11 April 1997.**
- 2. All plenary meetings and discussion groups were opened.**
- 3. Agenda items 1,2,3 and 4 were dealt with in the plenary meetings. The closing plenary meeting, scheduled for Friday morning, summarized the practical suggestions and ideas offered in the discussion groups for dealing with issues and problems raised.**

4. Agenda item 3 was dealt with in the plenary meetings, as well as in the two discussion groups:

**DG1: Election administration**

- |               |  |
|---------------|--|
| Session One   | <b>National, district and local electoral administration</b> <ul style="list-style-type: none"><li>- the role and constitution of the electoral bodies</li><li>- the relationship between the electoral authorities at all levels</li></ul>                    |
| Session Two   | <b>Identifying and registering the electorate</b> <ul style="list-style-type: none"><li>- the process of identifying eligible voters</li><li>- the accuracy and completeness of the voter register</li><li>- public access to the voter register</li></ul>     |
| Session Three | <b>Transparency of the electoral process</b> <ul style="list-style-type: none"><li>- transparency of the electoral and decision-making processes</li><li>- transparency of the vote tabulation and verification processes</li><li>- campaign funding</li></ul> |
| Session Four  | <b>What election administrators need to know about international and domestic observation</b>  |

**DG2: Election observation**

- |               |  |
|---------------|--|
| Session One   | <b>Pre-election observation</b> <ul style="list-style-type: none"><li>- the electoral system and administration</li><li>- voter and civic education</li><li>- voter identification and registration</li><li>- the registration of candidates and political parties</li><li>- electoral campaigns</li><li>- media coverage</li><li>- the review process</li><li>- co-operation with international organisations</li></ul> |
| Session Two   | <b>Election day observation</b> <ul style="list-style-type: none"><li>- code of conduct for observers</li><li>- the voting process</li><li>- the counting process</li><li>- quantitative and qualitative reporting</li></ul>   |
| Session Three | <b>Post-election observation</b>   |

- verification and announcement of results
- complaints procedure
  
- the press statement and relations with the media
- the final report

**Session Four            What observers need to know about election administration**

5.    **The plenary and discussion groups meetings took place according to the attached work programme.**
6.    **An ODIHR representative chaired the plenary meetings.**
7.    **The ODIHR invited the moderators to guide the discussions in the discussion groups.        They were assisted by ODIHR representatives.**
8.    **Standard OSCE rules of procedure and working methods were applied at the Seminar.**

### **III.    PARTICIPATION**

**The Seminar was attended by a total number of 182 participants. Representatives of 45 participating States took part in it. The delegation of one Mediterranean Non-participating State, Egypt was also present.**

**In addition four international organisations were represented: the Council of Europe, Inter-Parliamentary Union, United Nations High Commissioner for Refugees and United Nations- Electoral Assistance Division.**

**At the seminar 48 representatives of 21 non-governmental organisations were present.**

### **IV.    SUMMARY OF PROCEEDINGS**

**The seminar was opened by the Director of the ODIHR, Ambassador Audrey F. Glover. The keynote address was delivered by the Commissioner of the U.S. Federal Election Commission, Mr. Danny L. McDonald.**

**Opening contribution were made by 9 national delegations, one international organisation and one NGO.**

**During the seminar two Discussion Groups met. The topics were divided as follows:**

#### **Discussion Group 1: Election Administration**

**Moderators:** Mr. Danny L. McDonald, Commissioner of the U.S. Federal Election Commission  
Ms. Loren Wells, Assistant Chief Elections Officer for the Province of Ontario (Canada)

**Rapporteurs:** Mr. Peter Hatch, International Electoral Services Consultant (United Kingdom)  
Mr. Ben Reilly, Programme Officer of the International Institute for Democracy and Electoral Assistance in Sweden (Australia)

**ODIHR:** Mr. Vladimir Shkolnikov, Migration Adviser

**Discussion Group 2: Election Observation**

**Moderators:** Mr. Kare Vollan, Election Expert, the Partner in Consultancy Firm (Norway)  
Mr. Andrew Ellis, Election Expert, GJW company (United Kingdom)

**Rapporteurs:** Mr. Bernard Owen, Secretary General of the Center for the Cooperative Study of Elections, University of Paris II (France)  
Mr. Eric Rudenshiold, Director of Programs, OSCE Parliamentary Assembly Secretariat (U.S.A.)

**ODIHR:** Mr. Gerald Mitchell, Election Adviser

There were also several Director of ODIHR meetings taking place in the course of the seminar, among others with NGOs and delegations from Central Asia.

The closing plenary meeting was chaired by the Director of the ODIHR. The Rapporteurs presented their reports. Statements on behalf of 9 national delegations, one international organisation and one NGO.

The press conference was organised after closing of the seminar.

**V. PLENARY MEETING**

Opening of the seminar - Ambassador Audrey F. GLOVER, Director of the ODIHR

Ladies and Gentlemen,

I am very pleased to welcome you to the OSCE Human Dimension Seminar on Election Administration and Observation. As you know, this is the last human dimension seminar that I will attend as the ODIHR Director, and I think that it is fitting that the subject of the seminar concerns elections.

I have always felt that one of the roles of the ODIHR is that of caretaker of the

**OSCE Human Dimension Commitments. As such its role extends beyond elections, and includes human rights in the broadest sense, support for the rule of law, the development of civic society and NGO's, and the independence of the media.**

However, ever since the ODIHR was established in 1991, originally as the Office for Free Elections, the election related activities have played a prominent role in defining the office.

When I took up my position as Director in April 1994, the ODIHR mandate for election observation was modest. As a result of the Budapest summit in December 1994, the mandate became more substantial, calling for long-term observation of an election, before, during and after polling day.

I am confident that over the past two years, the ODIHR has grown into its enhanced election mandate. The ODIHR Election Unit has developed a methodology, articulated in the OSCE/ODIHR Election Observation Handbook, that permits effective long-term observation of the entire election cycle.

The ODIHR methodology is a solid and well conceived approach to election observation. It is intended to begin approximately two months before election day, covering the pre-election administration and the campaign. It is intended to end when the final vote tabulation and verification has been completed, and when any serious complaints or appeals have been addressed.

The ODIHR is now able to offer the framework for co-ordination which the OSCE participating States asked of this office. The ODIHR On-site Co-ordinator offers a common briefing, deployment plan, and a forum for debriefing and reporting for all international observers wishing to participate.

While the ODIHR encourages all international observer missions to participate, de-brief and report within the framework for co-ordination, the ODIHR has no authority to demand that other observer missions do so. Since the ODIHR is often questioned on this issue, we would be pleased to hear your opinions during the course of the seminar.

Adjusting to this new mandate has not been easy. In many cases, participating States have not been notifying the ODIHR with sufficient time to meet its mandate for long-term election observation. The ODIHR requires a three month notice prior to election day, in order to undertake a Needs Assessment Mission and to instal an election observation mission two months prior to polling day.

In fact, there is no clear directive on whether or not the ODIHR needs a specific invitation to observe elections on a case by case basis, or whether the OSCE commitments provide for a standing invitation. Again, we would be pleased to hear your opinions on this issue, and the other pertinent issues raised in the Discussion Papers.

The ODIHR feels that without a specific invitation to observe, the minimum standards for effective election observation may not be met by the host government, and this could undermine the integrity of the observation.

**The ODIHR strives to make constructive recommendations on each election process that it observes. Participating States are encouraged to contact the ODIHR for assistance in implementing the recommendations that may result from an ODIHR election observation and which are contained in the final election report. It is important that the recommendations are implemented and that there should be a post-election review within a specific time period after an election to assess their implementation.**

**It is not the ODIHR's intention to embarrass an election administration, or to play the role of a judge, ruling on when the OSCE should "approve" an election. Rather the ODIHR is there to support countries in democratic institution-building in line with agreed upon OSCE commitments. Its election reports, when critical, are not meant to condemn, but offer a balanced assessment of the entire process and recommendations for reform.**

**The ODIHR does understand the necessity to maintain consistent and high standards for its election observation activities. The long-term integrity of election observation as an activity can only be assured when held to consistent standards.**

**It has been my good fortune to serve as the Director of ODIHR at this important juncture in its development. Throughout my tenure as Director the ODIHR has observed some forty elections, in which long-term observation has been increasingly employed.**

**In the past year alone ODIHR has conducted eight long-term observations, and it is currently engaged in two substantial long-term observations in the Republics of Croatia and Bulgaria.**

**Meeting the challenge of the enhanced ODIHR election mandate has helped to define the ODIHR role for the coming years and to heighten the profile and credibility of its election-related activities.**

**In closing, I wish to inform you that there will be two series of discussion groups running throughout the seminar: one dealing with election administration, the other dealing with election observation.**

**The moderators for the election administration discussion groups are Mr. Danny McDonald and Ms. Loren Wells. The rapporteurs are Mr. Peter Hatch and Mr. Ben Reilly.**

**The moderators for the election observation discussion groups are Mr. Kare Vollan and Mr. Andrew Ellis. The rapporteurs are Mr. Bernard Owen and Mr. Eric Rudenshiold.**

**I now wish to introduce Mr. Danny McDonald, a Commissioner with the Federal Election Commission of the United States in Washington D.C. Mr. McDonald has a career that spans twenty-five years dealing with elections. He has served at both the federal and local levels of government.**



**He has been appointed to the Federal Election Commission three times by both Republican and Democratic Presidents. He was appointed twice by President Reagan and once by President Clinton. He has served as Chairman of Federal Election Commission three times.**

**He has participated in numerous international election observation missions in all parts of the world. He is also President of the American Council of Young Political Leaders, an organisation that sponsors the international exchange of young political leaders.**

**I now invite Mr. Danny McDonald to deliver the keynote address of the seminar.**

**Keynote Address by Mr. Danny L. McDonald, a Commissioner with the Federal Election Commission of the United States of America**

**In a message to Congress in 1861, Abraham Lincoln said that ballots are the rightful and peaceful successors to bullets. Put simply, we are convened this week in Warsaw to talk about ballots.**

**The ballot is the insurance policy of the democratic system. It ensures that citizens have the right to self-determination - to determine the government of their choice through the exercise of their ballot.**

**The ballot has permitted immense change in the OSCE region in recent years. When history records the wave of democratisation that has swept this region in the closing years of the twentieth century, the ballot, not the bullet, will stand most prominently.**

**This call to democracy has been heard all over the world, and is not just confined to the OSCE region. Millions of people have found and raised their voices demanding their basic human right to participate in choosing their government.**

**At this historic moment of global democratic transition, the international community is responding to the need to safeguard the democratic process, and the sovereign will of every nation to choose its government through the ballot box. No democracy can survive if the contenders for power are not prepared to accept the outcome of the ballot.**

**But we are here this week to focus on the OSCE region. In June 1990, as the region stood on the threshold of immense change, the OSCE participating States met in Copenhagen and reached agreement on the fundamental principles necessary for a meaningful election process.**

**The OSCE commitments emphasise the central role of elections in securing the citizens right to participate in the government of his or her choice. While general enough to be reflected in their own election processes, they represent the minimum**

**criteria for a democratic election process.**

**These commitments represent a common denominator, by which all elections in the OSCE region should be conducted and assessed. They can be summed up in seven key words central to democratic tradition: Universal, Equal, Fair, Secret, Free, Transparent and Accountable.**

**Most of you in this room have voted at some stage or another in your lives. And among the diversity of nationalities in this room, I am sure that past experiences of voting among you has been vastly different.**

**Many of you in this hall have probably had the experience of voting under previous regimes in less than democratic circumstances. Those of you in this category should probably be delivering this keynote speech rather than myself.**

**I do not know what it is like to enter a voting booth, knowing that my vote would simply not count. Or voting in an election that was purely a rubber stamp, with one candidate only on the ballot.**

**Many of you know what it is like to vote in an election where your voice was not heard. Hopefully, the OSCE commitments have narrowed the gap between your respective voting experiences, and now you have had the experience of voting under circumstances where you feel that your vote does count.**

**This is what the OSCE commitments are all about. Making you feel that your vote counts, and you can contribute to the political and economic course your country will follow in the intervening years before the next election.**

**While the act of voting is the defining moment in an election process, it is much more than just dropping a slip of paper into a wooden box. The act of voting represents the voters choice. His or her aspirations for the future of their country.**

**The voter is therefore entitled to be informed about how to participate in the voting process, the choices available on the ballot, and to be able to make their choice within a technically efficient and open electoral process. This is not a luxury. It is the responsibility of every government toward its citizens.**

**I think the title of this OSCE Human Dimension seminar, Election Administration and Observation gets directly to the point. We re here to talk about transparent and well administered elections.**

**From Managua to Moscow and from San Salvador to Sofia and several places in between I have participated in election observations; and the one thing that is clear is that an election is more than merely a technical experience. It is a celebration of human rights. And when an election process is seriously flawed or manipulated, that celebration can turn quickly and even violently toward catastrophe.**

**This is why the work of the ODIHR, the OSCE Parliamentary Assembly, and other organisations represented here today is so important. We have representatives in this room from many prominent organisations who are on the front line to uphold the integrity and the sanctity of the balloting process.**

**We also have election administrators here. You can take pride in your countries progress. You are the people who make the election happen. You are the people who have accepted the responsibility for implementing your fellow citizens right to vote. Yours is both a difficult task and a rare privilege. You will have the opportunity to discuss in the coming days all sorts of issues pertinent to a transparent and efficient election process.**

**We also have those of you in this room who the ODIHR calls and asks for observers. The support of the OSCE desk officers in various OSCE Foreign Ministries across Europe should not be underestimated, in ODIHR s ability to respond ever more quickly and effectively to meet its election observation responsibilities.**

**All provisions of the Copenhagen Document are relevant to democratic societies governed by the rule of law. Articles 6,7, and 8 provide a clear guide for those seeking to ensure genuine democratic elections - whether they be election administrators or election monitors from abroad or at home. The relevant part of Article 6 states that:**

**Participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all governments. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes.**

**Article 7 elaborates important elements of such an electoral process, and Article 8 provides for election monitoring by observers *both foreign and domestic* from participating States and any appropriate private institutions and organisations.**

**These provisions create a unique - and leading - role for the OSCE in the community of international organisations.**

**The OSCE embraces in significant detail a guide for electoral administration leading to genuine democratic elections. The OSCE also recognises the positive role of election monitoring in ensuring fair elections. Moreover, the OSCE recognises that both international election observers and domestic observers from non-governmental organisations (NGOs) are important in addition to the traditional role of political party pollwatchers.**

**First I would like to discuss the domestic elections monitors. They are an essential element to insure the integrity of the election process. Experience shows that when citizens in their own country observe and report on the integrity of the election process, the public tends to increase its confidence in the elections and in the resulting**

**government. Domestic election monitoring, like international election monitoring, deters irregularities and fraud and provides accurate information about election processes to election authorities and the public.**

**Domestic election monitoring by NGOs, parties and candidates provides an important avenue for citizen participation in government, which is the key to genuine democratic elections. In many countries around the world domestic election monitoring allows tens-of-thousands of citizens to advance democratic governance.**

**Election monitoring is left wanting unless there is an impartial and effective election administration. International assistance to promote strong, professional electoral administration has been provided to OSCE countries by the ODIHR, United Nations Election Assistance Division, European Union, International IDEA, IFES, NDI and others. Anyone who has stood for election knows that they cannot possibly win a fair and square election competition without the impartial and hardworking efforts of election authorities from the national, central election commission down to the polling station.**

**There is much more to election administration than the logistics of delivering election materials to the polling stations and collecting vote counts in order to tabulate official results and announce the winners. --- Although no one will dispute the hugeness and the difficulty of this paramount undertaking. --- Election administration also must address effectively and impartially other tasks that are crucial to democracy.**

**Creation of a credible voter registry addresses one of the essential elements of ensuring a democratic election. This determines who may actually exercise the right to vote. The registry ensures that all eligible voters are allowed the opportunity to go to the ballot box - safeguarding against disenfranchisement. A credible voter registration process also helps to keep those who would seek to vote illegally from casting a ballot or - indeed - casting more than one ballot. This ensures the value of each vote.**

**The manner in which this and other important processes are administered also is gaining ever greater attention, because allowing the political contestants and the public to see how election processes are administered helps to allay fears and helps to increase public confidence.**

**Transparency therefore has become a by-word in addressing fair elections, from selecting election administrators, to setting up and running computer systems, to operation of complaint mechanisms and announcement of election results.**

**Let me point out that election administration aimed at meaningful democratic elections requires involvement of the political contestants - the political parties and candidates.**

**Information must be shared with them equally and often - and they should have an ample opportunity to present their concerns. This can happen in different forms, whether it be regular informal liaison committee meetings, mandatory sessions with party and candidate representatives or by providing some type of representation at the**

**electoral bodies as they work. This is in addition to the activities of party and candidate pollwatchers. These mechanisms can be implemented at the national level and other levels of election administration.**

Such avenues for discourse between and among electoral authorities and the political contestants can do much to avoid conflict and bring confidence to the election process.

I have had the good fortune to participate in both long- and short-term observations. First I would like to address long-term observation. I am pleased to see that the OSCE participating States have recognised the importance of long-term international election observation. The ODIHR has been mandated by the OSCE participating States to observe elections before, during, and after.

I am equally pleased to see that the ODIHR has met this challenge. The ODIHR Election Unit is the caretaker of the election related OSCE commitments. Its ability to observe election processes in the long-term allow them to make a much more substantial contribution to elections in the OSCE region.

The ODIHR has had a tough job to do in the last couple of years, as it has adjusted to its long-term mandate. In some cases, it has had to produce some rather strong and discouraging assessments of elections in the OSCE region in which the OSCE commitments were not respected.

This is not an easy thing to do. For those of you who have ever been in the position of having to comment on the election process of another country, you know what a heavy responsibility this can be.

However, if the ODIHR does not voice its opinion when it sees that the OSCE commitments are not being honoured, then it is not doing its job, and these commitments will eventually become empty and meaningless.

Long-term election observation is essential to accurately assess an election process. An election observation should begin months before election day, starting with a needs assessment mission, and the instalment of a long-term observation at the same time as the pre-election administration and the political campaign get underway.

Without long-term observation, election observers are faced with the same situation as those of you who have never arrived late for your child's soccer game. You may have arrived in the game's closing moments, just in time to see the only goal of the game scored. But you did not see how the game was played.

This is not to underestimate the importance of short-term observers, who play a critical role in international election observation. Short-term observers are essential to an effective election observation.

They arrive a few days before election day, and observe the closing days of the campaign, election day, and the preliminary vote count. Short-term observers are deployed to provide a broad presence throughout the country on election day, covering a representative sample of the country.

**The roles of the long- and short-term observer are distinct but complementary. It is the job of the long-term observer to watch the entire game: to acquire first hand knowledge about the pre-election administration and the campaign.**

**It is then their duty to brief the short-term observers so that they can undertake their short-term observation duties within an informed context. The short-term observer must understand how the game has been played, and receive a good and thorough view of the playing field, so that they can make an informed assessment at the crucial moment of election day.**

**The long-term observers role is also important in the post-election period. The majority of short-term observers may not be able to remain in the country until the final count is completed, verified and announced. However, an election process does not finish the morning after an election, and therefore the long-term observers should remain through the aggregation of votes and verification process, until the announcement of the final result.**

**If complaints are being filed about the election process or if a review is specifically called for, this legal process should also be followed.**

**There has been much discussion in recent years as to whether election observation is an art or a science. I would have to say it is both. I am pleased to see that the ODIHR employ both quantitative and qualitative methods when reaching an assessment on an election process.**

**It is a science in that elections can be assessed according to concrete standards. For the OSCE participating States, these are the Copenhagen Commitments. These commitments can be quantitatively assessed. That is why the ODIHR produces election day checklists for statistical analysis.**

**However, a qualitative assessment is also necessary. The observations of seasoned election observers provide for an informed, comparative and in-depth analysis into an election process, and their assessments often provide more insight than the facts alone may reveal.**

**I am pleased that there is a concrete assessment in relation to the OSCE commitments and the implementation of domestic laws, and they therefore offer a truly constructive assessment. The OSCE/ODIHR Election Observation Handbook outlines the necessary minimum conditions for effective election observation.**

**These are internationally accepted standards, I urge all of you, particularly the election administrators present, to look at these during the course of the seminar. If any one of these fundamental conditions is not respected, an ODIHR observation cannot be meaningful.**

**Election observation is a serious undertaking. I am pleased to see the ODIHR is truly taking its job seriously. In the past, election observation has sometimes been**

**misunderstood, as an activity where a handful of people could arrive in a country on the eve of the election, to observe election day in between sightseeing. This could not be further from the truth.**

**The ODIHR understands the necessity to maintain consistent and high standards for its election observation activities. The integrity of election observation as an activity can only be assured when held to consistent standards.**

**Election observation cannot be abused. If it is not held to high and consistent standards, the long-term integrity of this important activity will be undermined.**

**As the OSCE commitments state, election observation enhances an election process. Election observation can assist the new democracies in the OSCE region to feel confident about their democratic institutions.**

**Election observation is essentially human rights observation. Elections are a celebration of fundamental human rights. Election observation is a technical observation focused on the implementation of agreed upon standards.**

**But elections are also about politics. Elections are a means of controlled conflict. A conflict of ideas. This is the democratic process.**

**While election observation is technical and human rights endeavour, it is an activity which due to the fundamental essence of an election process, may have political consequences. But election observation in itself is not a political activity and should not be construed as one. It is not a diplomatic tool for the purpose of achieving diplomatic ends. Its purpose is to provide an assessment of an election process. In the OSCE region this is done according to the OSCE commitments, which all of the states represented here today have already agreed upon.**

**Election observation, particularly long-term observation is an investment. But it is a small investment when compared with the often tragic results of a flawed or manipulated election process.**

**Every citizen within the OSCE region today, is assured by the OSCE commitments that their vote will count. Many of them have waited a long time for this basic human right. Efficient and transparent election observation can guarantee that fundamental right. Election observation can enhance an election process and offer constructive criticism for improving it.**

**I would like to thank Ambassador Glover for inviting me to participate in this seminar, and I wish all of you constructive and fruitful discussions in the days ahead.**

**In closing, let me say your faith, energy and devotion to the democratic process are vital to your fellow citizens. You can be very proud of what you are doing as I am proud to be here today.**

**Thank you.**

## **V. RAPPORTEURS REPORTS**

### **DISCUSSION GROUP 1**

#### **Election Administration**

##### **Rapporteur s Report: Mr. Peter HATCH**

#### **Introduction**

The holding of this seminar was greatly appreciated by all the participants. The bringing together of people from various countries with the common goal of establishing genuine elections has created an opportunity to share experiences, to compare practices, procedures, and structures and to form relationships in furtherance of democratisation.

It is felt that this should not be a one - off the event and further gatherings of this kind would be most beneficial.

#### **Elections Administration**

It is not generally recognised by the public, by the media and, indeed by the politicians, how much work is involved in the organisation of elections. It is a very labour intensive and ongoing exercise with many thousands even millions of people involved. Elections are very different from other phases of public administration in that they create an opportunity for participation: participation as voters and participation in assisting with and conducting the process. In this respect the importance of awareness of the process and the need for a reasonable timetable in order to conduct the process and the need for proper and adequate training of officials including members of commissions as well as public administration officials must be emphasised. The importance of civic and voter education must also be stressed in order to ensure that all the participants are fully informed about their rights, their responsibilities, the various choices available to the voters and how and where to register and how to vote.

In recognising the pressures on the electoral and public administration at the time of an election it was felt that more could be done to develop public confidence in the electoral process during the period between elections particularly as the atmosphere at that time is less confrontational.

A considerable amount of preparatory work could be undertaken by the election administration before the elections are called. Information packs could be prepared which could include a synopsis of the process, the number of voters, previous year s results etc. Such packs would be useful to the parties, the candidates, the media and the observers, and would reduce the demand placed on the administration at their busiest time. The availability of information on the Internet was also considered to be beneficial in this respect.

Given the sheer number of people involved in the administration and conduct of the electoral process, difficulty was encountered in attracting and retaining persons of the right calibre and experience to take part particularly at polling station level. This in turn placed a burden on the administration and led to a lack of continuity, in some countries.

It was acknowledged that there were many different structures and variations in composition of electoral bodies and these were discussed and elaborated upon. There was a general realisation of the essential requirement for independence and impartiality of those bodies to ensure the credibility of the electoral process. Also it was considered that members of the electoral bodies should have the required level of competence, organisational skills and the capacity to deal with electoral disputes.

A comparison was made between fixed electoral terms and elections which may be held at any time and the implications this can have on the electoral administration. The availability of computerised election management systems can greatly relieve the pressure when time is of essence.

Mention was made of the requirement of the electoral bodies to work within the legal and administrative framework and the fact that the law may not provide for all eventualities. A possible solution may be the provision of a set of rules, regulations and guidelines expanding on the law and clarifying the various aspects of the electoral process. This in turn would lead to a reduction in the number of contestations and appeals which of itself can be burdensome for the electoral bodies and also for the judiciary. It was considered that the transparency of the electoral process is depended on the transparency of the legislative framework.

In order to enhance the transparency of the electoral process it was considered that records of campaign finances should be maintained and financial returns from candidatures should be available for open inspection.

### Commissions.

It was considered that the best ambassadors for the legitimacy of the electoral process were the members of the various commissions, particularly at polling station level because most people's only contact with electoral administration is at that level. Electors need to have confidence in the process and a partisan as well as non partisan presence of domestic civic organisations, particularly in countries with weak or recent electoral histories, was considered an essential safeguard in ensuring the conditions of transparency and fairness.

It was recognised that where a large number of political parties or candidatures exist there has to be some limitation on the members present on the commissions and an equitable formula must be devised to ensure a balanced representation.

## **Registration**

The process of ensuring that the voters lists to be used at elections are as up-to-date, inclusive and accurate was recognised as an enormous task and one which is similar in size to the actual organisation of the elections themselves.

It was felt that this was not generally realised by the public nor indeed by the political parties. It was also felt that the significance of this crucial exercise should be given more prominence.

Comparisons were made between the practice of periodic registration and permanent rolling registration. The use of other government data in order to update registers was cited as an example of maintaining up-to-date registers.

The registration exercise was considered to be a strong argument for the establishment of electoral commissions on a permanent basis as an ad hoc approach to electoral administration resulted in a poor standard of electoral registration.

There is concern about the availability and use of registers for other than electoral purposes and there is a need to address this particular issue.

## **Media**

It was accepted that the presence of the media, both electronic and print media, was an inescapable burden to be borne by the administration. Their presence can contribute to the transparency of the process and they have a vital role to play in the broadening of civic and voter education. They should follow acceptable guidelines so as not to call into question the fairness, impartiality, balance and informative content of the media coverage.

It is essential to establish good relations with the media and this can be achieved by regular bulletins, press conferences, packs of information about the process and even the provision of media materials such as films.

## **Observation**

The burden placed on an electoral administration, experiencing, (particularly for the first time) an international observer presence must not be underestimated. Election administrators could give consideration to establishing a separate office with an appropriate number of staff to provide the necessary support, material and co-operation that may be required. Thus providing a similar service to that provided to the media.

It was acknowledged that an observation exercise can contribute substantially to the credibility of an electoral process, more so than any other measure, and heighten the level of transparency. The importance of the observer mission's final report was emphasised in that the electoral administration considered it essential to have a

**constructive feedback. Every**

attempt should be made to ensure that such reports are widely circulated and are received particularly by those who conduct the process.

It was felt that the distinction between election observation and technical assistance or supervision should be clearly established. Terms such as observing , monitoring , assisting , supervising have now ceased to be interchangeable as the field of activity has become more specialized and clarification of these terms is necessary in order to identify the differences in status and expertise.

It was considered that observation should encompass not only the newly created democracies but also the well established democracies thus affording the opportunity to acquire knowledge at first hand of the differences that apply and identify solutions to problems that may exist for the mutual benefit of all.

International organisations took the opportunity to clarify their roles and the services that they provide and this was welcomed in the overall context of the promotion of genuine elections.

The need to focus on the rights and responsibilities of observers was emphasised as regards their presence at all levels of the process. The legal provisions should be clear and unambiguous in this respect so that there is no conflict and perceived obstruction.

## **DISCUSSION GROUP 2**

### **Election Observation**

#### **Rapporteur s Report: Mr. Eric RUDENSHIOLD**

**Session One - What observers need to know about election administration**

#### **Cooperation between the electoral administration and observers:**

The consensus of the group was that transparency is needed on all levels of electoral administration with the observers. It was agreed that observers need and should have access to all levels of the election administration. This was tempered by the appreciation that observers should not interfere with the administration. There were also discussions concerning:

- The need for clear rules and regulations regarding the relationship between observers and the host government.
- The need for an agreement to state the scope, mandate and duties for observers to know their rights and responsibilities.
- The best case is when observers have an invitation from the host government to observe elections.

### **The invitation to observe:**

It was the consensus of the group that ODIHR theoretically does not need an invitation to observe elections, as the Copenhagen Document and other OSCE commitments clearly indicate. However, it was also noted that for practical reasons an invitation can be extremely useful. It was recommended that ODIHR draft a standard invitation letter (drawing from the language of existing OSCE commitments) which would provide a clear statement/protocol for an election observation. The standard letter could then be sent by ODIHR to a specific OSCE participating State well in advance of an election informing of an intended election observation mission and seeking a signature on the letter as part of a standard agreement. This standardized form could also address specific issues and could also request specific assistance. Such a protocol could also include observer code of conduct and other assurances of what an election administration can expect from an observer mission.

### **The OSCE/ODIHR conditions for effective election observation:**

The group agreed that once an election observation is in place, continued operation would depend upon a number of factors. Should conditions deteriorate, long-term observers could approach the government. A next step would be for statements to be made to the press stating the problems encountered; and, failing that, a final step would be to consider pulling out of an observation mission.

Other discussions centered around the following themes:

- Deployment coordination is needed between different groups monitoring the elections.
- Deployment needs to be done in a sensitive manner, due to the differing needs and requirements of various monitoring groups who may be participating in an election observation.

### **Legal and administrative framework:**

The group believed it was extremely important to draw a clear line differentiating the roles of technical assistance and observation. Specifically, it was agreed that the two forms of international intervention contain possible elements that can be seen as somewhat contradictory, for instance, technical assistance to a central election commission as opposed to observing election administration. There was consensus that advance time needs to be given to ODIHR to plan a mission and that advance notification is essential.

Following onto this conclusion, the group also observed that the needs assessment mission was crucial to determine the scale of an observation and to provide essential and reliable information. Such missions will also enable ODIHR to gauge the level of implementation of previous recommendations from prior observation missions. Although the group noted that a decision to send observers to an election is also based upon political considerations, difficult circumstances and lack of time to prepare a full

observation effort should allow for a flexible measure of response by ODIHR.

Another discussion in this session highlighted the importance of observation within OSCE needing to be a two-way street. A reciprocity of having observers from newly independent and transitional democracies observe elections in other states was agreed by discussants to be highly useful. Nonetheless, it was also noted that many European states do not have provisions within their electoral laws for observers.

Discussion also included:

- Decision to monitor elections are often politically made. However, political will, or the lack thereof, is extremely important in establishing the need for a monitoring mission. Full observation missions cannot be organized in 2-3 weeks. Needs assessment missions are vital for determining the legal situation, in assessing progress made against OSCE commitments, and for planning and defining a mission's role.
- The role of supervising an election and the role of observing an election is often contradictory and can reflect a conflict of interest between international efforts. These roles should therefore be kept quite distinct.

*The following issues were not discussed, due to the length of the above discussions:*

5. *Structure of the electoral administration;*
6. *Role of the electoral administration;*
7. *Role of the public administration;*
8. *Training.*

Session Three - Election Phase: The long - and short-term observer...

### The briefing:

The group agreed that briefings should include a political component as well as technical and security issues. It was also agreed that long-term observers should be trained to provide, and then should provide, briefings for short-term observers. It was suggested that briefings present the OSCE ODIHR Election Observation Handbook, and even that observers be expected to sign an agreement or memorandum of understanding particularly insofar as this could help to enforce the code of conduct.

- Political briefings were also determined to be very helpful, but difficult to organize.
- It was suggested that observers sign a contract of sorts (agreement) stating their responsibilities, a code of conduct, and an agreement regarding press statements. It was also determined that such agreements would be difficult to enforce.

### Checklists:

It was generally agreed that the checklist procedure was extremely useful in gathering important information for later statistical analysis of an election. However, it was also noted that some of the language of some questions on the existing ODIHR

checklists was confusing, and could stand to be reworked. ODIHR however replied that the checklist in the handbook was a draft form to be adapted for each specific election.

#### **Deployment:**

It was noted that different organizations have different mandates in election observation, and whereas this may make coordinated deployment difficult, it was agreed by the group that efforts to coordinate activities between observer organizations was desirable whenever possible. Once groups and individuals have been assigned a deployment posting, however, the group believed that this should be viewed as a binding commitment.

#### **Domestic observers:**

Although the group agreed that any effort to limit domestic observers should not be allowed, international observers should, nevertheless, continue their observation efforts. Prior to an election, it was agreed that representations can be made by ODIHR on the behalf of domestic observer groups. Although there was a discussion on the possibility of granting domestic observers international observer status, it was generally agreed that this should not be the case for a number of technical, legal, and practical considerations.

- It was generally agreed that international observers need to support domestic observers, inasmuch as domestic observers should play an increasingly greater role in each election with a mind to eventually replacing their international counterparts.

#### **Special voting provisions:**

It was noted that mobile ballot boxes and other special provisions (military, ships at sea, voting outside of a country) can be abused and should also be monitored as possible.

- It was also noted that out-of-country voting should be observed whenever possible. It was generally believed that observation in Embassies would be fairly easy to arrange.

#### **The count:**

There was consensus that the electoral law or the observer instructions needs to be specific, so that international observers are allowed to observe all phases of the count. There was also general agreement that observers need to be made to understand the importance of their presence throughout the count, and that this is an important part of an observer's duties.

#### **The immediate post-election phase (long- and short-term observers)--de-briefing and reporting:**

It was noted that the shortness of time for some observers to remain at an election would make it advisable to schedule more than one debriefing period. It was also noted that pre-designed debriefing forms may not be sufficient to gather all of the relevant information.

#### Post-election statement:

There was consensus from the group that, whereas cooperation and coordination between observer groups is important, a unified or coordinated statement is not practical or advisable. It was noted in discussion that trends in voter statements have moved away from "free and fair" statements (too vague language), but it was agreed that common standards between international organizations and observers need to be applied.

- It was noted that different organizations have different mandates in observing elections.
- It was also discussed that international observer groups increasingly come to cooperate and coordinate on an informal basis, particularly relating to making final statements.

### **Rapporteur s Report: Mr. Bernard OWEN**

#### Session Two

#### The pre-election phase

All participants agreed on the need for a long term observation methodology - this entails sending a needs assessment mission whose task will be to determine the conditions under which the elections will be held. By meeting with as many of the people and organisations involved, it will look into the administrative framework, the electoral law, changes of the law since the last elections, the registration of voters, of candidates and parties, the adjudication of complaints. The Ambassadors or diplomatic staff of the OSCE participating States, the press, local and academics and domestic observer groups will give them their opinion on the election process.

The mission will give an assessment of the overall organisation of the observation, the necessary resources for the core staff, regional offices, the estimated number of and schedule for long term and short term observers.

It was stressed that the ODIHR has a difficult problem when tasked to observe an election, without observers being contributed on time. Advanced notification of elections and planning is vital in this regard.

#### Setting up the mission

The core staff will have headquarters and office space in the capital city of the host country. Practical arrangements, renting equipment, telephone lines etc. will be done before the arrival of the core staff.

The core staff should be experienced with elections in their home country and they should have experience in handling difficult situations. They should also be thoroughly briefed on the background of where they are going, prior to departure. The core staff should follow up on recommendations made from prior missions to the host country.

During this session, a clear distinction was made between advisers, supervisors, long term observers, short term observers. The United Nations representative gave his organisation's approach to this question.

There was a debate as to the possibility of requesting local Embassy staff to participate in ODIHR Observation Missions. One of the participants objected to this for theoretical reasons but practical examples of successful observation missions of this type lead to a proposal of not neglecting this efficient and cost reducing possibility.

The average time on the ground for short term observers was fixed approximately at 5 to 7 days. For example, 2 or 4 days before, polling day, 2 days after. A longer period of 2 months would apply to long term observers.

The deployment question was a lively issue and the proposal was that the ODIHR On-site Coordinator or Deployment Officer have final authority to deploy the observers so that most of the country would be covered without undue concentrations on the main cities.

The debate on deployment led to coordination. It was decided that coordination between international organisation was desirable and could be favoured by regular consultations, common deployment plans and the use of precise checklists. It was stressed that emphasis should be put towards working along common standards, and not so much towards a common post-election statement. The issue of the non-accreditation of domestic observers by the host country was raised. ODIHR should consult the NGOs and the authorities as to the reasons, then take appropriate action but continue the observation. While recognising the importance of domestic civic observers in their own rights, the inclusion of domestic observers into an international team was not considered desirable.

### The observers code of conduct

That observers should know and abide by the code of conduct was considered necessary. Two points gave rise to debate: the first had to do with the observers being invited to bring irregularities to the attention of the local election officials. The criticism was that it could lead short term observers to intervene in the election process. The second is about observers' comments to the press.

It was agreed that observers should respect the mandate of the mission and that

**the Code of Conduct be broadened to include long-term observers. Nevertheless the Code of Conduct should be kept short.**

**It was suggested that a memorandum be established by ODIHR and signed by the observer binding him to what is considered normal observation practice.**

**Voter identification and registration**

**It was stressed that observers should see the voter registration process (not just the voter lists) - observers also need to have access to those bodies determining the eligibility of candidates, and drawing up the lists from candidate registration, and access to the appeals procedure.**

It was noted that the registration process is particularly complicated in areas that have experienced civil war, and therefore, important to observe.

It was stated that boundaries can be extremely important in regions which have groups of national minorities. Historical borders may not reflect these distinctions. In the same vein, it was noted that the placement and registration of refugees are also vital for observers to take note of.

#### **The political campaign and the media**

It was generally agreed that the campaign has to be followed by the observers and can be checked by simple observation, although media coverage should be done by a specialised institute.

It was decided that parallel polls, if they are held by international observation missions, should in no way be made public. These parallel vote counts are simply indications based on a limited sample of counting processes recorded by the observers and should be used to spot check on the tabulated results. The publication of partial sample of results might be considered as undue intervention by the host country. However, domestic observers should be encouraged to carry out large scale parallel vote counts to enhance the transparency of and confidence in the process.

It was generally agreed that ODIHR should not withdraw from an observation if irregularities during the campaign are observed. However, it always can reserve the right to do so.

If there are insufficient numbers of observers to monitor the pre-election period and election day, ODIHR should have the right to withdraw. It was also noted in discussion that any decision to pull out of an election will depend upon a decision made in Vienna.

#### **The conduct of security forces**

The way the law is applied is as important as the law itself. No pressure must come from any quarter. The security forces or political activists must in no way intervene in the voting process. Historical circumstances and local conditions will consider the police or army in different ways. Some laws authorize police forces in the polling station because it has always been the case. Other laws forbid security forces to go within a 100 m radius of the polling station. So observers should be aware and take into account the reasons that have lead to the rules of the host country.

#### **Session Four**

#### **Extended post-election phase**

The count: it should be checked by the needs assessment mission that right from the start, either by law or by an agreement from the Central Electoral commission,

observers have access to counting at all levels. This includes the aggregation of results at constituency, regional and central level. It was said that observers should keep vigilant without applying undue pressure on the authorities to accelerate the publishing of results.

There is a need for timely reporting on results (preliminary versus final), but speed should not be the determining factor. Although waiting months for results is too long, reporting incomplete results can have serious repercussions.

Interest in observing subsequent rounds of voting can impede an overall assessment of an election, particularly if improvements have been implemented.

Everyone agreed that observers should have a copy of the protocols or make a careful copy if these are not available. They can even ask the Chairman of the polling station or the counting station to sign that document.

Observers should be trained on the complaints and appeals procedures either at the electoral commission or at the judicial level.

Transparency of the whole electoral process was found to be the best way to insure that the results be accepted by all participants.

The final report of the election observation mission should be a more elaborate document than the press statement taking into account all stages of the election process including last minute events and final recommendations.

Recommendations are based upon OSCE commitments. There needs to be a mechanism for the implementation and monitoring of international recommendations. For instance, the recommendations could be addressed in Human Dimension Seminars or addressed in Vienna.

There was general agreement that the host states should respond to recommendations. It was also agreed that the ODIHR should assist with the follow-up and the implementation of these recommendations.

It was suggested that the final report, and the press release should be translated into the host country's language, in order for the observation process to have local credibility. The importance of checking the quality of the translations (terminology needs to be carefully defined and explained in each instance) at all levels of the electoral process was also stressed.

## VI. ANNEXES

### FOOD FOR THOUGHT PAPERS

#### ELECTION ADMINISTRATION

##### TRANSPARENCY OF THE ELECTORAL PROCESS

###### *(DISCUSSION GROUP 1 - SESSION 1)*

#### 1. A FUNDAMENTAL PRINCIPLE

Transparency is one of the principles essential to an election's legitimacy. A high level of transparency not only provides a strong incentive on the part of the electoral authorities to administer the process fairly but it also fosters confidence among the contestants and the electorate.

In order to avoid confusion and uncertainty, allay fears and dispel scepticism on the part of all participants, the principle of transparency requires an election to be carried out according to the due process of law and according to legal ground rules that are established in an inclusive and open manner.

#### *Questions for Discussion*

\_\_\_1 If the legal provisions are unclear and open to interpretation, what effect could this have on the transparency of the process?

#### 2. ELECTORAL AND GUARANTEEING BODIES

The framework of the electoral system should be designed so as to ensure that the electoral processes are credibly implemented or administered and that the public has confidence in the electoral system. To achieve this objective the electoral arrangements must have transparent procedures for selecting and appointing members to those electoral authorities that will administer the process with impartiality and independence.

The administering body should be independent and immune from politically motivated manipulation. Its independence could be assisted if composed of well-known, respected, neutral and experienced individuals. It should be able to implement the election legislation and regulations without any undue interference, intimidation or impediment to its duty.

Alternatively, the administering body could be made up of a balance of political party representatives appointed by their respective parties. The balance of clearly identified party representatives is intended to serve as a check on the system, through multi-party representatives, with equal representation at all levels of the election administration. If

political party representatives constitute the election commissions, they should be prohibited from campaigning. They should not be subject to removal by their party based on their decisions concerning the election administration.

A series of checks and balances should be created whereby the activities and decisions taken by the electoral authorities are open to review by the provision of claims and appeals procedures at the various levels with the electoral administration and before the judiciary. In addition, the system of guarantees should be complemented and strengthened by the role of representatives and agents of the candidatures and by the full participation of international and domestic observers, thereby heightening the level of transparency.

### *Questions for Discussion*

- \_\_\_ 2 Should the selection and appointment of members to all the electoral bodies be an open process? Who may attend the selection and appointment proceedings?
- \_\_\_ 3 If electoral officials are appointed by their parties, how can they be immune from political pressure?
- What access for observers is sufficient to guarantee full transparency of the election administration at all levels? Should it include:
    - The right to attend all election commission sessions?
    - The right to attend unannounced, some commission sessions?
    - The right to attend commission sessions upon special request?
    - The right to receive minutes of each session of the commission?
- \_\_\_ 4 How may the decisions of the review bodies be recorded and made public?

### **3. THE ELECTORAL PROCESSES**

Whilst maintaining the secrecy of the ballot, all electoral processes should be carried out in a transparent manner. These various processes include delimitation of boundaries, distribution of seats, timetable arrangements, registration of electors, composition of electoral bodies, registration of political parties and candidatures, civic and voter education, campaign arrangements, media arrangements, administrative and technical arrangements in preparing for and conducting the elections, including the production and distribution of all materials, security arrangements, publication of notices and lists of candidates etc., polling arrangements, counting arrangements, scrutiny and tabulation of results, allocation of mandates, claims and appeals and provision for observers.

By providing a high level of transparency at each and every stage of the electoral process the administration may demonstrate efficiency, proper conduct, complete independence and impartiality.

*Questions for Discussion:*

- \_\_\_5 What factors may determine that transparency has not been sufficient enough to ensure the integrity of the OSCE commitments?
- \_\_\_6 How may a transparent process limit the possibility of electoral infractions?
- \_\_\_7 Would a short timescale in which to conduct the various electoral activities have an adverse effect on the transparency of the process?
- \_\_\_8 Would inadequate funding of the administration of the electoral processes have an adverse effect on the transparency of the process?
- \_\_\_9 Voting by the military or security forces may give cause for concern given their numbers and possible movement at the time of an election. If separate arrangements for registration, identification and voting are made, how may the requirements for transparency be met?
- \_\_\_10 If, in an attempt to maximise enfranchisement, electors are allowed to vote outside their constituency by registering on special electoral lists at the polling sites, what safeguards are necessary to prevent multiple voting?
- \_\_\_11 What means of identification should be produced by the elector when attending the polling station? Is there a need for a specific voters card (as opposed to an electors ID) as the means of identification?
- \_\_\_12 Given the high number of candidatures and a possible list system, how may the ballot paper format be simplified and improved so that it may be more easily understood by the voters thereby reducing the number of voided ballots and assist in speeding up the process?
- \_\_\_13 What other means may simplify the technical procedures so as to speed up the process and to ensure greater transparency?

#### **4. CAMPAIGN FUNDING**

Whilst it is understood that elections do not always take place on a completely level playing field, it is desirable to have an equitable and unbiased formula in respect of the provision and control of campaign financing and resources. A control of income and expenditure on campaign activities by parties, candidates and their respective agents may be provided for in the electoral law. The law may differentiate between the income and expenditure of a party and that of a candidate or his appointed agent and there may be limitations on contributions and on the overall expenditure.

A requirement of the parties, candidates and their agents to maintain records of campaign contributions and expenditure, to submit returns to the electoral administration within a given time together with the availability of such returns for

open inspection for a defined period, and a complaint and appeal procedure would greatly enhance the transparency of the electoral process.

### *Questions for Discussion*

\_\_\_14 Should political parties, candidates and their appointed agents be required to disclose their contributions and expenditure in respect of campaign activities?

\_\_\_15 What other measures may provide for greater transparency of campaign finance?

## **5. COUNTING, TABULATION AND VERIFICATION**

The counting of the votes, their tabulation and the reporting of the results should be conducted in a fully transparent manner, being both visible and verifiable, from the level of the polling station to any intermediate level and finally to the national election administration or central body. This is applicable from the very start of the counting exercise with the opening of the sealed ballot boxes, the sorting and counting of the ballot papers, the adjudication on doubtful ballot papers, the totaling of valid votes for each candidature, recording the results, display and distribution of the polling station result forms.

The transportation of the results and the various items of material to the next level of the electoral administration must be securely undertaken with transparency being maintained.

The receiving of the polling station result forms and other material, the scrutiny of the data including the result figures, and any claims or contested ballot papers, together with the totaling of results from each polling station in the constituency must be conducted in a transparent manner with a provision for appeal against decisions made by the constituency or district electoral authorities.

The tabulation and consolidation of the polling station results should take place with the full involvement of all members of the constituency or district electoral authorities. In order to support this activity public administration staff may be provided to operate computers and to tabulate the results using software specifically designed for the purpose. In order to ensure transparency of the tabulation exercise the software should be made available so that its correctness may be verified. The operation of the computers, access to the system and the transmission of data to the next level should also be conducted in a transparent way with a facility for checking the polling station result forms with the computer print out and the stored data.

Having completed the consolidation and totaling of the results at constituency or district level, the early publication of the provisional results may enhance the transparency of the process. Any appreciable delay in publishing results may lead to the outcome being questioned by the participating parties and candidatures and the electorate.

On receipt of the provisional results from each constituency or district a final tabulation and scrutiny exercise may be conducted by the National Election Administration and the final general results would be announced and published after decisions on claims or appeals have been determined.

The assignment of mandates, or seats, may take place at constituency or district level or at the central level or it may be carried out in two stages at both constituency level and central level depending on the electoral system. Often because of its complexity the assignment of mandates, or seats, is computerised. However, the computation procedure should be recognisable and verifiable so as to ensure the transparency of this important final stage in the electoral process.

### *Questions for Discussion*

- \_\_\_ 16 How may the transparency of the counting, tabulation and verification exercises be enhanced in order to instil confidence in the process?
- \_\_\_ 17 Infractions or errors may occur between vote counting at the polling stations and the consolidation of the final results at central level. Should parallel vote count exercises by domestic observer groups be encouraged in an effort to assure all participants that the official results reflect the vote totals at polling stations?
- \_\_\_ 18 Who should be allowed to attend the counting, tabulation and verification proceedings at the various levels of the electoral administration?
- \_\_\_ 19 The long hours of the poll followed by the counting process at the polling station often result in completely exhausted polling station members. It is not uncommon, particularly when polling hours are extended, for counting in the polling stations to continue throughout the night with results being delivered to the next level well into the next day. How may this be overcome?

## IDENTIFYING AND REGISTERING THE ELECTORATE

### *(DISCUSSION GROUP 1 - SESSION 2)*

#### 1. KEY TO PARTICIPATION IN DEMOCRACY

Fundamental principles of democracy include:

- ` \_\_\_[0]\_\_\_ the ability of all groups in society to play a role in community decision-making if they so wish
- ` \_\_\_[0]\_\_\_ the subjection of government decisions to popular accountability

[0]\_\_\_\_\_ the ability of all citizens, men and women, to become involved in the running of their country or community and in the direction of public administration.

The key to participation is the right to vote. The register of electors is the public document that establishes those persons who are eligible to vote. Thus the register of electors is central to the integrity of local and parliamentary democracy. The register forms the basis for enabling local and parliamentary elections and referenda to take place.

### *Questions for Discussion*

\_\_\_20 What measures may be taken, and by whom, to ensure that persons are aware of their electoral rights and responsibilities and the importance of participation in the electoral process?

## **2. ELECTORAL LAWS**

Election systems require criteria and procedures for identifying eligible voters and for safeguarding the "one person, one vote" principle. Electoral laws establish the rules and procedures by which individuals may participate in the elections. They also establish the rules and procedures for the administration and conduct of the various electoral processes.

There should be legal provision for the National Election Administration, or administering body, for: registration procedures and methods, the registration timetable, qualification in respect of nationality, age and abode, disqualification, temporary absence, means of identification, the registration form, the format of the register, publication of a draft register, procedure for claims and appeals, publication of a final register, availability and right to inspect registers.

### *Questions for Discussion*

\_\_\_21 Should all the detailed legal provisions be contained in one electoral law or should the law provide for a separate set of rules and regulations expanding on the law as well as defining and clarifying the various aspects of the electoral process?

## **3. METHOD OF REGISTRATION**

Producing and maintaining an up to date, complete and accurate register of electors is a most difficult task for any country. It is a particularly daunting task for new democracies. Often it is not recognised that electoral registration is a major part of the electoral process with complex administrative and technical procedures.

Methods of registration vary from country to country depending on local circumstances. Each method requires a prescribed procedure for identifying and registering all

qualified persons. It may be necessary to conduct a house to house, person to person canvass with completion of registration forms at the household. Persons may be required to attend a registration centre in their locality in order to have their names included on a register. It may be possible to conduct a postal canvass, either in whole or part, based on reliable and up to date property records. A register may be generated from existing records such as census registration or other national registry details. Or, in extraordinary cases, there may be no formal registration, with voters being required to establish their identity and eligibility at the polling station on polling day.

*Questions for Discussion:*

- \_\_\_ 22 Is there a model way to compile an electoral register?
- \_\_\_ 23 What measures are required to maintain and seek to improve the completeness and accuracy of registers of electors?
- \_\_\_ 24 What checks are available in respect of completeness, accuracy and possible duplication?
- \_\_\_ 25 What safeguards are necessary to ensure that qualified persons are not disenfranchised and that persons not qualified are not registered?
- \_\_\_ 26 Should registration on special lists at the time of an election be allowed to provide for persons who are temporarily absent from their normal place of residence and where they may be included on the permanent register?
- \_\_\_ 27 Should there be a special list provision for those persons whose entries have been inadvertently omitted from the permanent, or standing, register?
- \_\_\_ 28 Should there be legislative provision for individuals not able to register in person?
- \_\_\_ 29 Should registration as an elector be compulsory or regarded as a civic duty?
- \_\_\_ 30 If registration as an elector is compulsory, should the onus to register be on the electoral authorities or public administration or on the individual?
- \_\_\_ 31 What can be done if there is confusion surrounding the total number of electors and wide and inexplicable variations in the electorate figures from one election to the next?
- \_\_\_ 32 Is the role of the administration clearly defined and are the necessary resources available?
- \_\_\_ 33 Does an ad-hoc approach to electoral arrangements lead to poor administration and haphazard procedures?

#### **4. FRAMING THE REGISTER OF ELECTORS**

**For the purpose of elections a country is divided into either single-member or multi-member constituencies. The register is framed in separate parts for each constituency, and in turn, in areas of electoral administration (districts) within a constituency.**

**In accordance with OSCE commitments, all votes should carry the same weight to ensure equal representation. This means that each elected member should represent a similar number of registered electors. Accordingly, there should be provision for regular reviews of constituency boundaries and for the redistribution of seats.**

**The task of preventing discrepancies in the size of the various constituencies from becoming too big or too small, while at the same time respecting traditional boundaries, should fall to an independent body such as a boundary commission. The delimitation and review procedures must be clearly defined and carried out in a transparent and non-partisan manner with provision for publication, consultation, objections and representations.**

##### *Questions for Discussion:*

**\_\_\_ 34 What considerations, practices, administrative, executive and logistical operations are necessary to ensure proper and equal representation of the electorate as a whole and of the different parts of the country?**

**\_\_\_ 35 If an ODIHR observation cannot be assured that election boundaries have been drawn according to the electoral law, which should respect the principle of political neutrality, does this compromise the entire election process?**

#### **5. ORDER OF ENTRIES IN THE REGISTER**

**The layout of a register of electors and the order of entries are important considerations. For the purposes of determining inclusion and correctness, individuals should be able to easily and quickly find their particular entry. Also, at the polling station on polling day there should be no delay in locating an elector's entry.**

**Entries may be in ID number order, alphabetical name order, street order, household order or a combination of any of these.**

##### *Questions for Discussion:*

**\_\_\_ 36 Which order of entries is considered to be the most efficient, the most effective and the most transparent?**

#### **6. THE REGISTRATION TIMETABLE**

**Whichever method is adopted for the registration of electors there should be sufficient time for the administration to conduct the exercise, and for all qualified persons to be**

**registered. This applies to registration prior to the call of an election and particularly to registration undertaken at the call of an election.**

The timetable should set out the statutory dates by which time the various activities should be conducted or completed. These would include the start and finish dates for registration, the publication of the draft register, the periods for claims, objections and appeals and the publication of the definitive (final) register in advance of the period for nomination of candidatures.

*Questions for Discussion:*

\_\_\_ 37 What is a reasonable timescale for producing an up to date, complete and accurate register?

\_\_\_ 38 How many days should be allowed for each activity?

## 7. QUALIFICATIONS FOR REGISTRATION

In order to be registered as a voter an individual has to satisfy certain criteria in respect of nationality, age and residence and not be otherwise disqualified.

Citizenship is a prerequisite for registration as an elector. Relevant conditions to be considered include, residence, nationality, naturalisation or acceptance, direct ancestry, birth, marriage, language, oath of loyalty and recognition. Nationality is a complex issue which requires clarification and definition so as to remove any uncertainty when determining a person's eligibility. However, in regards to citizenship, those people who have lived in the country as de facto citizens for a reasonable number of years should be given a fair chance to register to vote.

Similarly, the meaning of address and abode should be clearly defined, as well as the provisions for those persons who may be temporarily absent from their legal abode either in country or out of country.

*Questions for Discussion:*

\_\_\_ 39 Who should be precluded from registering as an elector?

\_\_\_ 40 If a person has more than one address, for which address should that person be registered?

\_\_\_ 41 Should a person be registered for their temporary address?

\_\_\_ 42 What special arrangements should be made for persons away from their home (i.e. students, members of the security forces etc.)?

\_\_\_ 43 What measures are available to ensure that a person is registered in no more than one polling district?

## **8. MEANS OF IDENTIFICATION**

**At the time of registration a person may be required to produce some means of their identification and evidence of their abode.**

*Questions for Discussion:*

\_\_\_ 44 Which documents are available and acceptable for the registration exercise?

## **9. THE REGISTRATION FORM**

**At the time of registration an official registration form may be completed providing the required information including full name, gender, date of birth, place of abode, current address, identity number, declaration by elector and the elector's signature or mark.**

*Questions for Discussion:*

- **What type and style of form lends itself to ease of completion and speedy processing?**
- **Has consideration been given to computerised forms, bar coding, optical mark or optical character reading, or scanning equipment?**

## **10. AVAILABILITY AND RIGHT TO INSPECT REGISTERS**

**In accordance with the principles of democracy and to provide the necessary safeguard, the register, both draft and final, should be a public document, open for inspection. The times and places for publication should be well publicised. Copies should be made available to the various political parties.**

**In order to enhance the transparency of the electoral process, the marked copies of the polling station registers should also be made available for public inspection for a defined period after the election.**

*Questions for Discussion:*

\_\_\_ 45 At what location should the register be displayed?

## NATIONAL, DISTRICT AND LOCAL ELECTORAL ADMINISTRATION

### *(DISCUSSION GROUP 1 - SESSION 3)*

#### 1. LEGAL AND ADMINISTRATIVE FRAMEWORK

Electoral laws establish the rules and procedures for the administration and conduct of the various electoral processes. In so doing they establish the electoral authorities responsible for preparation and proper conduct of the various aspects of the electoral process. The laws should determine: the composition of the electoral authorities; their powers and competences; their role and relationship with each other and with the public administration and judiciary; the due times by which the various activities must be carried out; the procedures for claims and appeals; the requirement for independence and impartiality and the penalties for offences committed.

An independent judiciary or like body should have the means of interpreting electoral rules and procedures in direct relationship to the electoral laws.

The legal and administrative framework should incorporate the essence of the OSCE commitments which may be summed up in the following key words central to democratic tradition:

**Universal, Equal, Fair, Secret, Free, Transparent and Accountable.**

#### *Questions for Discussion:*

- \_\_\_ 46 What measures may be taken to clarify the legal provisions, to avoid misinterpretation and to ensure uniformity and consistency?
- \_\_\_ 47 What measures may be taken to identify and notify deficiencies in the electoral provisions?
- \_\_\_ 48 How, and by whom, should budgetary provisions be determined so as to provide proper and adequate funding of the whole of the electoral process?
- How should funds be allocated and controlled at the various levels of administration?

#### 2. STRUCTURE OF THE ELECTORAL ADMINISTRATION

Although structures vary from country to country, the legal and administrative frameworks should provide the necessary assurances that the elections will be credibly implemented and properly administered and will command the confidence of the participating parties and the electorate.

Usually there is a hierarchical network of authorities in charge of the preparation for and the conducting of elections. The administration of the electoral process may be

undertaken by central, district and polling station commissions. The commissions may be assisted in respect of the logistical operations by the public administration at both central and local level.

The electoral process may be administered by a permanent authority or authorities or arrangements may be on an ad-hoc basis with commissions set up for each election and disbanded after each election.

There may be an accompanying infrastructure within the public administration with specific logistical and operational tasks assigned to appropriate offices and officials or there may be no clear division of responsibilities within and between central and local public administration.

Commissions at the various levels may be composed of a number of judges, magistrates, lawyers, academics, teachers or persons of high standing in the community. They may be directly appointed or chosen by lot from lists drawn up for the purpose of selection. Competing political interests may be represented on the commissions during the entire electoral process and take an active part in the proceedings as opposed to the non-participatory presence of accredited agents or representatives of candidatures.

*Questions for Discussion:*

- How can the advancement of consistent, effective and efficient electoral administration be fostered?
- In recent experience, when electoral arrangements have been characterised by chaos, disorganisation, confusion and a resultant lack of transparency, what were the main causes?
- Is the absence of a permanent and professionally staffed National Election Administration a major weakness?
- What are the shortcomings of an ad-hoc approach to the administration of the electoral process?
- What measures may be taken to secure and sustain improvements in election administration from one election to the next?
- For there to be positive improvements in electoral administration there must be a willingness on the part of parliament, the National Election Administration or authorities and the public administration to discuss problems associated with the organisation and conduct of elections, to evaluate procedures, to accept deficiencies if they exist and to accept the need for change. How best can this be secured and co-ordinated?

### **3. ROLE OF THE ELECTION AUTHORITIES**

#### **3.1 National Election Administration**

**A National Election Administration, such as a Central Electoral Commission or equivalent body, may have the overall responsibility for preparing, organising and properly conducting the elections. As part of its supervisory role this body would ensure the correct and uniform interpretation and application of the legal provisions, enforce the rights of freedom of expression, association, assembly, non-discrimination and due process of the law, adjudicate on claims and appeals, verify and proclaim the final results of the polls and where necessary, cancel the poll and order a further ballot in a particular constituency.**

#### **3.2 District Electoral Commissions**

**Electoral administration within each constituency may be undertaken by a District Electoral Commission. In executing the instructions given by the National Election Administration, the District Electoral Commissions would supervise the correct and timely organisation of the elections in the respective constituencies, record and certify the candidatures, settle objections and complaints at District level, monitor polling and counting operations, determine the constituency results and forward election returns and details of complaints and objections to the National Election Administration.**

#### **3.3 Polling Station Electoral Commissions**

**Each constituency may be further divided into polling districts with a Polling Station Commission as the basic unit of electoral administration within each polling station. Each Polling Station Electoral Commission would be responsible for the conduct of polling and the counting of the votes within its polling site and the submission of the required returns to the respective District Electoral Commission.**

#### ***Questions for Discussion:***

- How can the relationship between the electoral authorities be secured?**
- How can the lines of responsibility be made clear?**

### **4. ROLE OF THE PUBLIC ADMINISTRATION**

**Various ministries, other central public administration bodies, prefects or other government representatives at district level, local council mayors and town hall staff may be directed to support the various Commissions by carrying out the administrative and logistic operations of preparing for and conducting the elections. They may have responsibility for preparing and distributing the electoral registers, the ballot papers, ballot boxes, polling booths, official stamps and all the other required material, as well as determining the arrangements for storage, distribution and security.**

*Questions for Discussion:*

- **What should be the proper relationship between the electoral authorities and the public administration?**
- **What limitations should be imposed on the public administration in respect of its involvement in electoral arrangements?**

**5. CONTESTATIONS AND APPEALS**

**The integrity and fairness of the whole electoral process may be ensured by the electoral law through a full set of guaranteeing bodies and mechanisms of claim and appeal, both administrative and judicial.**

**On the one hand the electoral authorities should be constituted in a way that ensures the neutrality of the whole electoral process, and on the other hand the decisions taken by those authorities should be open to review through a full mechanism for claims and appeals both at levels within the electoral administration itself and before the judiciary.**

*Questions for Discussion:*

- **How can the confidence of the political parties and the electorate in the claims and appeals machinery be assured?**

**6. TRAINING**

**Training should play an important part in the preparations for the electoral processes so as to ensure efficiency, uniformity and correct interpretation and application of the legal provisions. Courses should be held for trainers to train others and for all members of the various Commissions as well as officers of the public administration. Courses should be held prior to and at the call of an election and should be so designed as to be practical as well as theoretical.**

*Questions for Discussion:*

- **How can proper and adequate training be provided?**
- **Who should conduct the courses?**
- **What material is required to ensure that all those involved in the electoral process fully understand their roles and responsibilities?**

**7. INDEPENDENCE OF ELECTORAL ADMINISTRATORS**

**Whichever authorities are constituted, their electoral activities should be conducted in accordance with the electoral law and in an independent, impartial and transparent manner. They must see that the prescribed procedures are strictly observed so as to**

ensure uniformity and impartiality in the treatment of candidates, their representatives, agents and the electors.

*Questions for Discussion:*

- The success of the electoral process will depend to a large extent on the confidence of the parties and the electorate in the independence of the electoral authorities and their members. How can this be achieved?

## 8. ELECTORAL ADMINISTRATION AND THE MEDIA

The OSCE commitments call for unimpeded access to the media on a non-discriminatory basis. The very basis of democratic governance requires that the electorate be able to make informed choices. This demands that all contesting points of view be fairly and equitably communicated. A detailed legal and administrative framework should provide for the regulation of media coverage and an obligation to inform the electorate about all matters relevant to the electoral process including information about the process itself, the political parties, candidates and campaign issues.

*Questions for Discussion:*

- What measures may be taken to ensure a well balanced coverage in respect of parties and candidates?
- What conditions are required in respect of presentation and fair play?
- How can equitable distribution of air-time for both public and private electronic media be achieved?
- How can national authorities interfere with the media's ability to gather and report objective information?

## WHAT ELECTORAL ADMINISTRATORS NEED TO KNOW ABOUT INTERNATIONAL AND DOMESTIC OBSERVATION

*(DISCUSSION GROUP 1 - SESSION 4)*

### 1. PURPOSE OF ELECTION OBSERVATION

Election observation, or monitoring, is the process of observing an election or referendum, to ensure that it is carried out in a free and genuine manner in accordance with the electoral legal provisions. This applies irrespective of whether the election occurs in a long-standing, new or transitional democracy. Electoral laws should establish a truly democratic, free and genuine electoral system based on the principles of universal, free, equal, direct and secret suffrage.



The political parties, candidates, their appointed representatives and the electorate must have confidence in the electoral process. It must be an open process and one which allows for effective monitoring. The greatest challenge for national authorities is to provide that confidence in order to legitimise the outcome no matter who wins. Thus incumbent and interim governments have turned to observers, both domestic and international, to enhance public confidence.

*Questions for Discussion:*

\_\_\_ 49 What clear provisions for observation participation should be contained in the electoral laws?

## 2. UNIVERSAL PRINCIPLES AND OSCE COMMITMENTS

All election observers, regardless of their own nation's political system and election process, are bound together in their task by the Universal Declaration of Human Rights. The Universal Declaration recognises the integral role that free and genuine elections play in ensuring the fundamental right to democratic participatory government. The right to participate and electoral rights are well documented in international human rights instruments and the role of election observers in guaranteeing those rights should be accepted and respected.

The OSCE Commitments re-emphasise the central role of elections in securing the citizen's right to participate in the government of his or her country. In addition, the Copenhagen document states that the presence of observers, both foreign and domestic, can enhance the integrity of the electoral process. Election observation has thus become accepted as an effective and invaluable service that is provided among OSCE states to promote and strengthen democratic governance.

As such, participating states invite observers from any other OSCE participating State to observe the course of their respective election proceedings. Observers are asked to assess elections for their compliance with the OSCE Commitments as regards the principles of universality, equality, fairness, secrecy, freedom and transparency.

The OSCE commitments should be clearly reflected in the legal framework for the election, including the Constitution and the statutory provisions (election law, political party law, media law, criminal code, rules of procedure). The ODIHR would not be inclined to observe an election in which the OSCE Commitments are not clearly reflected in the governing legislation and regulations.

*Questions for Discussion:*

- Do the OSCE Commitments represent a standing invitation to observe or are case by case invitations required?
- When the OSCE Commitments are not satisfactorily reflected in the legal framework governing the election process, how should the ODIHR respond?

### **3. THE ODIHR'S LONG-TERM MANDATE AND CONDITIONS FOR EFFECTIVE ELECTION OBSERVATION**

The ODIHR's mandate for election observation was enhanced at the Budapest Summit in December 1994, requiring the ODIHR to conduct long-term observation. In accordance with this mandate for long-term observation, it is the responsibility of the participating States to notify the ODIHR at least three months in advance of an election. In the absence of a timely notification, the ODIHR may not be able to respond positively to an invitation to observe.

The ODIHR does not subscribe to the view that the mere presence of observers adds legitimacy to an election process. It is the observers' methodology and the resulting conclusions that will form the basis of opinion on the election. In order to make this assessment, the ODIHR expects assurances from the inviting government, according to accepted international standards, that the ODIHR Election Observation Mission will be able to carry out its duties independently, and specifically to:

- Assess the number of observers necessary to mount a viable observation which is not a matter for negotiation with the host government;
- Receive accreditation through a simple non-discriminatory procedure;
- Obtain information regarding the election process from electoral authorities at all levels;
- Meet with representatives of all parties and with individuals randomly selected;
- Obtain permission to travel in all regions of the country during the election process and on election day;
- Have unimpeded access to polling sites and counting centres throughout the country;
- Have authority to issue public statements.

#### ***Questions for Discussion:***

- Under what circumstances would the ODIHR have to consider declining the invitation to observe an OSCE participating State's electoral process?
- What restrictive or obstructive provisions and practices should be deemed to be unacceptable?

### **4. INTERNATIONAL OBSERVERS AND THE ELECTORAL ADMINISTRATION**

To be effective, observers need to have a clear understanding of electoral procedures in order to be able to thoroughly assess the election process. Similarly, electoral

administrators must be aware of their duties and responsibilities and the issues specific to monitoring elections, particularly the requirement to co-operate with accredited observers. The success of a monitoring exercise depends on full co-operation from all levels of electoral administration, from the ministries and from other public administration bodies.

The monitoring of the electoral process by observers should serve to encourage rather than to embarrass the administration. By its openness the administration may demonstrate the efficient organisation and proper conduct of the elections as well as complete political independence and impartiality. The administration will benefit from monitors' observations on any shortcomings or failings in the administrative arrangements so that these may be improved for future elections.

It must be emphasised that the ODIHR does not play the role of a judge, ruling on when the OSCE should approve an election. Rather, the ODIHR is there to support countries in democratic institution-building in line with agreed upon OSCE commitments. Its election reports, when critical, are not meant to condemn, but offer a balanced assessment of the entire process and recommendations for reform.

*Questions for Discussion:*

- How can the relationship between observers, the electoral and public administration be improved?
- What administrative arrangements are necessary in order to facilitate the election observation activities of both international and domestic observers?

## 5. OSCE/ODIHR OBSERVERS

### 5.1 Initiating an Observation Mission

OSCE/ODIHR observers are non-partisan and may represent their government, international organisations, inter-governmental and non-governmental organisations.

The ODIHR has developed a framework for Co-ordinated Election Observation. Other international monitoring bodies are invited to participate under this framework.

Following the Needs Assessment Mission, an OSCE (ODIHR) mission will co-ordinate and support the activities of international observers from the OSCE participating States. The ODIHR has developed a minimum core staff structure, which for most elections, is capable of supporting an observation mission. An ODIHR On-site Co-ordinator as well as a Deputy On-site Co-ordinator and a Administration and Deployment Officer are assigned to organise and oversee the activities of the long- and short-term observers. However, there are some elections, which due to their scale, complexity, or special security concerns, may require a larger, well integrated core staff.

They will provide all observers with a comprehensive briefing, a deployment plan and a debriefing.

**The presence of an observation mission should be announced through a press statement explaining the ODIHR mandate and giving contact information. The Co-ordinator will always stress the impartiality and independence of the mission**

### **5.2 Respective roles of the long-term and short-term observers**

**The practical field tasks of an OSCE/ODIHR election observation mission can be divided into four distinct phases: the pre-election phase, the election day, the immediate post-election phase and the extended post-election phase. Long-term observers cover all election phases, while the short-term observers mainly cover the election day and the immediate post-election phase.**

**Election observation is not a one-day event. The electoral process has to be seen as a film rather than an instant photo. Observers must take into account the various stages of the election cycle, from the registration of voters and the commencement of the campaign, to the final voting, counting and verification procedures. In order to fulfill the ODIHR's commitment to long-term election observation, a core group of LTO's is requested from the participating States for a period of approximately two months prior to the election.**

**The role of the LTO is to acquire first hand knowledge about the effectiveness and impartiality of the pre-election administration; the implementation of the election law and regulations; the nature of the campaign; and the political environment prior to voting day. LTO's are then responsible for assisting short-term observers (STO's) to place election day observations within an informed context.**

**The objective of the short-term observation is to meet the more "classical" duties of election observation, providing a broad presence throughout the country to assess the closing days of the campaign, election day and the vote count. Short-term observers (STO's) normally arrive shortly before election day, and are deployed to provide a broad presence throughout the country on election day. The election phase can be broken down into three stages: the closing days of the campaign; election day; the vote count.**

#### ***Questions for Discussion:***

- **Why is it necessary to have an international presence both in the long-term and the short-term?**

### **5.3 Recruitment and Code of Conduct**

**In order to fulfil the ODIHR's commitment to longer-term election observation, a core team of long-term observers may be requested from OSCE participating states for a period of approximately 2 months. Their activities in observing the entire election cycle would be supervised by an on-site co-ordinator. Short-term observers would normally arrive a few days before the election, providing a broad presence throughout the country to assess the close of the campaign, and particularly the polling and counting**

**processes.**

**In general, the ODIHR relies on the OSCE participating States to provide the observation mission with both short-term and long-term observers. The observers are expected to have sufficient election observation experience and/or regional expertise.**

All observers receive a briefing on and are expected to follow the OSCE/ODIHR Code of Conduct. The ODIHR will withdraw the accreditation of observers, both long and short-term, if they do not abide by the following Code of Conduct:

- Observers will maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process;
- Observers will undertake their duties in an unobtrusive manner, and will not interfere with the election process, polling day procedures, or the vote count;
- Observers will carry the prescribed identification issued by the host government or election commission, and will identify themselves to any interested authority upon request;
- Observers will not display or wear any partisan symbols, colours, or banners;
- Observers may wish to bring irregularities to the attention of the local election officials, but they must never give instructions or countermand decisions of the election officials;
- Observers will base all conclusions on well documented, factual, and verifiable evidence;
- Observers will refrain from making any personal or premature comments about their observation to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers;
- Observers will participate in post-election debriefings, by fax or telephone if necessary;
- Observers must comply with all national laws and regulations.

International observers serve as neutral witnesses in order to raise confidence in the overall electoral process.

*Questions for Discussion:*

- How are observers selected by their Foreign Ministry?
- Are certain occupations or well-known political sympathies of potential observers incompatible with the independent profile of an ODIHR Observation Mission?
- How should the ODIHR proceed when its observers, nominated by their respective governments, are rightly or wrongly accused of breaching the above Code of Conduct?

- **Can the electoral administration impose its own Code of Conduct for observers?**

## **5.4 Duties of Observers**

**This involves meeting with electoral administrators, public administration officials, candidates and their representatives, embassy representatives and representatives of other involved bodies and institutions, and non-governmental organisations.**

**Observations will be recorded and fact will be distinguished from subjective judgements. The observers are also provided with relevant checklists which they should fill in to report their observations and findings. Observers will attend a de-briefing session.**

**The majority of STO's may not be able to remain in the country until the final verification of the results and their public announcement. LTO's should remain in place, along with the On-site Co-ordinator, until the announcement of the final result. Conclusions regarding the electoral process will be based on the collective findings of the observers, both long-term and short-term.**

**A concise post election statement will be issued by the On-site Co-ordinator upon approval of the ODIHR Warsaw Office and notification to the OSCE Chairman-in-Office within 24 to 48 hours after the election. A final report approved by ODIHR will be presented to the OSCE Chairman-in-Office within 10 days after the final results have been announced. The report will include recommendations for improvement of the election process.**

### ***Questions for Discussion:***

- How can long-term observers that remain on site after election day be assured access to the election administration during this crucial stage of an election process?**
- How should the OSCE/ ODIHR respond if a participating State refuses to accept a negative assessment of an election process, and the ODIHR prescribed recommendations?**
- Should participating States be required to report their views on the recommendations, and how they may intend to implement them, within a specified period of time after an election?**

## **6. DOMESTIC OBSERVERS**

**Commitment 8 of the Copenhagen Document supports the presence of domestic observers in the polling stations. These may be either non-partisan civic observers, party affiliated observers, or candidate representatives. International observers should note whether domestic observers are present at the polling stations, and whether they have been restricted or hindered in any way from carrying out their observation duties. Their comments may offer additional insights into the voting environment before, during and after election day.**

## **6.1 Non-partisan observers**

**Domestic observers (sometimes referred to as "national", "local" or "indigenous") work to ensure a transparent and open electoral process. They are often members of local NGOs, non-political organisations, civic, professional, religious and student groups. To gain the confidence of ordinary citizens they should refrain from certain actions that might call their neutrality into question. To be considered non-partisan they must agree not to work for the advancement or defeat of a particular candidate or philosophy. They must accept election observation as a civic duty, and should remain neutral for the period leading up to the election and until the results are officially announced. They must not express a point of view regarding the outcome of the election and they must not wear or display material or paraphernalia identified with a particular party or candidate. This does not mean that they should not vote if they so wish.**

**Domestic observers may significantly enhance public confidence in the electoral process. The presence of strong domestic monitoring organisations with local language speakers working together on a non-partisan basis provides for greater transparency. Their activities in observing the electoral process beginning with voter registration, through the campaign, on election day and through the stages of counting and enumeration of the votes, may follow those of the international observers.**

## **6.2 Partisan Observers**

**Partisan monitors are those who monitor elections on behalf of their respective political party and candidatures. They may be accredited representatives or agents of the candidatures with the right to a presence at some or all of the electoral proceedings and particularly in respect of watching the polling and counting exercises.**

## **6.3 The Local Media**

**The local media, both electronic and print media, play a part in monitoring an election. In addition to reporting on the election campaign and results, the media may have a presence at the various electoral proceedings and may follow up any reported irregularities.**

### ***Questions for Discussion:***

- What circumstances could lead to domestic observation group(s) refusing to participate in the monitoring exercise?**
- Who should be granted access to the vote count at the various levels of the electoral administration?**
- Why is it so important for domestic observers to receive copy of the final result sheet, or protocols, in the polling station?**



## **ELECTION OBSERVATION**

### **WHAT OBSERVERS NEED TO KNOW ABOUT ELECTION ADMINISTRATION**

#### ***(DISCUSSION GROUP 2 - SESSION 1)***

#### **1. CO-OPERATION BETWEEN THE ELECTORAL ADMINISTRATION AND OBSERVERS**

**Election observers should be aware that election administrators have certain duties and responsibilities with regard to election observation. The OSCE Commitments specify that the presence of observers, both foreign and domestic, can enhance the electoral process. The success of an observation exercise depends on full co-operation from all levels of electoral administration, from the ministries and from other public administration bodies.**

**The observation of the electoral process should serve to encourage rather than to embarrass the administration. By its openness the administration may demonstrate the efficient organisation and proper conduct of the election as well as complete impartiality. The administration will benefit from the observation of any shortcomings or failings in the administrative arrangements so that these may be improved for future elections. ODIHR Final Election Reports always strive to offer constructive recommendations for future elections.**

**It is essential that an ODIHR Observation Mission has access to the election administration, relevant ministries and public administration bodies, throughout the observation. All electoral processes should be carried out in a transparent manner, including: delimitation of boundaries; distribution of seats; timetable arrangements; registration of electors; composition of electoral bodies; registration of political parties and candidatures; civic and voter education; campaign arrangements; media arrangements; administrative and technical arrangements in preparing for and conducting the elections, including the production and distribution of all materials; security arrangements; publication of notices and lists of candidates; polling arrangements; counting arrangements; scrutiny and tabulation of results; allocation of mandates; claims and appeals; and provisions for observers.**

**It is the responsibility of the host State to provide this access to all levels of the administration. By providing a high level of transparency at each and every stage of the electoral process the administration may demonstrate its efficiency, proper conduct, complete independence and impartiality.**

#### ***Questions for Discussion:***

- **How can the relationship between the election administration and the observers be improved?**
- **What can be done if the election administration attempts to obstruct or control**

the activities of foreign and domestic observers?

- **What access for observers is sufficient to guarantee full transparency of the election administration at all levels? Should it include:**
  - **The right to attend all election commission sessions?**
  - **The right to attend unannounced, some commission sessions?**
  - **The right to attend commission sessions upon special request?**
  - **The right to receive minutes of each session of the commission?**
- **When the ODIHR Observation Mission determines that it does not have sufficient access to the election administration to guarantee a transparent process, should the observation proceed?**

## **2. THE INVITATION TO OBSERVE**

**In accordance with the mandate given to the ODIHR for long-term election observation, it is the responsibility of the participating States to notify the ODIHR at least three months in advance of an election. Long-term observation requires the observation of the entire election cycle. In the absence of a timely notification, which allows the ODIHR to make the practical arrangements for an observation before the commencement of the election cycle, the ODIHR may not be able to respond positively to an invitation to observe an election process. The ODIHR wants to pursue a consistent approach on this question, in the interest of the integrity of ODIHR long-term election observation.**

### ***Questions for Discussion:***

- **Do the OSCE Commitments represent a standing invitation to the ODIHR, or does the ODIHR require a specific invitation to observe elections on a case by case basis?**
- **If the ODIHR does not receive an invitation in sufficient time to be in place to observe the election cycle, how can ODIHR respond in a manner that the long-term election observation is upheld?**

## **3. THE OSCE/ODIHR CONDITIONS FOR EFFECTIVE ELECTION OBSERVATION**

**The ODIHR does not subscribe to the view that the mere presence of observers adds legitimacy to an election process. It is the observers' methodology and the resulting conclusion that will form the basis of opinion on the election. In order to make this assessment, the ODIHR expects assurances from the inviting government, according to accepted international standards, that the ODIHR Election Observation Mission will be able to carry out its duties independently, and specifically to:**

- **Assess the number of observers necessary to mount a viable observation which is not a matter for negotiation with the host government;**
- **Receive accreditation through a simple non-discriminatory procedure;**

- Obtain information regarding the election process from electoral authorities at all levels;
- Meet with representatives of all parties and with individuals randomly selected;
- Obtain permission to travel to all regions of the country during the election process including on election day;
- Have unimpeded access to polling sites and counting centres throughout the country;
- Have authority to issue public statements.

*Questions for Discussion:*

- Under what circumstances should the ODIHR consider declining an invitation to observe an election process?
- What restrictive or obstructive provisions or practices should be deemed to be unacceptable?
- When an ODIHR observation mission is denied any one of the above fundamental and minimum conditions for effective observation, should other observation missions which have not been so restricted still proceed with their own observation?
- Can a government favour the observation of a specific organisation that it feels will give it the most benevolent assessment of its election process?

#### **4. LEGAL AND ADMINISTRATIVE FRAMEWORK**

Electoral laws establish the rules and procedures for the administration and conduct of the various electoral processes. In so doing they establish the electoral bodies responsible for preparation and proper conduct of the electoral process. The law should determine the composition of the electoral bodies, their powers and competencies, their role and relationships with each other and with the public administration and judiciary, the due times by which various activities should be carried out, the procedures for claims and appeals, the requirement for independence and impartiality and the penalties for offences committed.

It is vital that all election administrators involved in the conduct of the electoral process carry out their duties and responsibilities in accordance with electoral law. Failure to do so may lead to the penalties provided within such a law. They must see that the prescribed procedures are strictly observed so as to ensure uniformity and impartiality in the treatment of candidates, their representatives, agents and the electors.

An independent judiciary or like body should have the means of interpreting electoral rules and procedures in direct relationship to the electoral laws.

**The legal and administrative framework should incorporate the essence of the OSCE commitments which may be summed up in the following key words central to democratic tradition:**

## **Universal, Equal, Fair, Secret, Free, Transparent and Accountable**

The OSCE commitments should be clearly reflected in the legal framework for the election, including the Constitution and the statutory provisions (election law, political party law, media law, criminal code, rules of procedure). The ODIHR would not be inclined to observe an election in which the OSCE Commitments are not clearly reflected in the governing legislation and regulations.

### *Questions for Discussion:*

- **If it is determined that the legal framework governing the election process is not sufficiently in line with the OSCE Commitments, should the ODIHR observe?**
- **In what ways may the electoral administration be arbitrary or discriminatory in the application of the legal provisions?**
- **How can a National Election Administration that has not properly implemented the election law, leading to a seriously flawed election process, be sanctioned? Can it be permitted to administer another election? If not, does this require the recruitment of an entirely new election administration at all levels, or only at the central and district levels?**

## **5. STRUCTURE OF THE ELECTORAL ADMINISTRATION**

Although structures vary from country to country, the legal and administrative frameworks should provide the necessary assurances that the elections will be credibly implemented and properly administered and will command the confidence of the participating parties and the electorate.

Usually there is a hierarchical network of bodies in charge of the preparation for and the conducting of elections. The administration of the electoral process may be undertaken by central, district and polling station commissions.

A National Election Administration, such as a Central Election Commission (CEC) or an equivalent body, is usually assigned to administer an election. Occasionally the judiciary may oversee the election process. Whichever body is constituted to administer the election, its work should be independent, impartial, and transparent.

The administering body should be independent and immune from politically motivated manipulation. Its independence could be assisted if composed of well-known, respected, neutral and experienced individuals. It should be able to implement the election legislation and regulations without any undue interference, intimidation or impediment to its duty.

Alternatively, the administering body could be made up of a balance of clearly identified party representatives appointed by the respective parties. The balance of clearly identified party representatives is intended to serve as a check on the system,

through multi-party representatives, with equal representation at all levels of the election administration. If political party representatives constitute the election commission, they should not be candidates themselves, and should be prohibited from campaigning for any party or candidates. They should not be subject to removal by the party that nominated them, if they have to make an independent decision concerning the election administration which runs contrary to their party's opinion.

It is preferable if the administering body be a permanent body, or at least with a standing executive committee. If it is not, its independence can be further guaranteed if the members have a fixed tenure and the right of return to their previous employment.

*Questions for Discussion:*

- Who should appoint members to the various electoral bodies?
- In the case of a clearly defined multi-party administering body, how may the fair representation of political parties be assured?
- How can politically appointed members of the election administration be immune from political pressure?

## **6. ROLE OF THE ELECTORAL ADMINISTRATION**

### **6.1 National Election Administration**

A National Election Administration, such as a Central Electoral Commission (or CEC), may have the overall responsibility for preparing, organising and properly conducting the elections. As part of its supervisory role this body would ensure the correct and uniform interpretation and application of the legal provisions, enforce the rights of freedom of expression, association, assembly, non-discrimination and due process of the law, adjudicate on claims and appeals, verify and proclaim the final results of the polls and, where necessary, cancel the poll and order a further ballot in a particular constituency.

### **6.2 District Electoral Commissions**

Electoral administration within each constituency may be undertaken by a District Electoral Commission. In executing the instructions given by the Central Electoral Commission, the District Electoral Commission would supervise the correct and timely organisation for the election in the respective constituencies, record and certify the candidatures, settle objections and complaints at District level, monitor polling and counting operations, determine the constituency results and forward election returns and details of complaints and objections to the National Election Administration.

### **6.3 Polling Station Commissions**

Each constituency may be further divided into polling districts with a Polling Station

**commission as the basic unit of electoral administration within each polling station. Each Polling Station Commission would be responsible for the conduct of polling and the counting of the votes within**

its polling station and the submission of the required returns to the respective District Electoral Commission.

*Questions for Discussion:*

- How may the "grass roots" administration bring to the attention of the central body imperfections in the legal provisions and in the administrative and technical arrangements?
- How may a poor or high level of co-operation between the different levels of election administration be evidenced?
- How to ensure that each level of the electoral administration has sufficient resources to implement its responsibilities?

## **7. ROLE OF THE PUBLIC ADMINISTRATION**

Various ministries, other central public administration bodies, prefects or other government representatives at district level, local council mayors and town hall staff may be directed to support the National Election Administration by carrying out the administrative and logistic operations or preparing for and conducting the elections. They may have responsibility for preparing and distributing the electoral registers, the ballot papers, ballot boxes, polling booths, official stamps and all the other required material, as well as determining the arrangements for storage, distribution and security. Observers should be informed of the role of all relevant ministries and local authorities in organising the election process.

*Questions for Discussion:*

- How should observers proceed when there is no clear division of responsibilities within the public administration and between central and local administrative bodies?
- How may public administration use its authority or influence to interfere with the electoral process?
- What measures may be taken by the public administration, and security services, to protect voting materials and premises so as to safeguard each stage of the electoral process?

## **8. TRAINING**

Training should play an important part in the preparation for the electoral processes so as to ensure efficiency, uniformity and correct interpretation and application of the legal provisions. Courses should be held for trainers to train election officials and for all members of the various commissions as well as officers of the public administration. Courses should be held prior to and at the call of an election and should be designed to

be practical as well as theoretical.

Long-term Observers should assess whether election commission members at all levels of the election administration have received standardised training. Such training should also be available to members of commission appointed by political parties. LTO's should observe such training sessions whenever possible.

*Questions for Discussion:*

- In what ways does insufficient training manifest itself?

**THE PRE-ELECTION PHASE**

*(DISCUSSION GROUP 2 -SESSION 2)*

As a result of the Budapest Summit in 1994, the ODIHR has developed a long-term observation methodology and a framework for co-ordination with other international organisations. This framework includes:

- a comprehensive briefing on the election regulations and procedures, as well as on critical election issues for both long- and short-term observers;
- relevant checklists and forms to be used by long- and short-term observers;
- deployment plan that ensures a representative sample of the country on election day;
- a post-election de-briefing that will serve as a common forum for reporting on the election process.

Practical points for increased co-ordination are offered for discussion where appropriate.

**1. THE NEEDS ASSESSMENT MISSION**

A Needs Assessment Mission will normally be initiated several months before an election by the ODIHR Election Unit. The needs assessment will determine whether the legal framework governing the election process is in line with the OSCE Commitments, and whether previous ODIHR recommendations have been sufficiently addressed. Such missions will also assess the number of long and short term observers necessary to conduct the observation.

*Questions for Discussion:*

- If previous ODIHR recommendations have not been seriously addressed, should ODIHR observe?

- **If the OSCE participating States do not second the required number of qualified long-term and short-term observers for the observation mission, how should ODIHR proceed?**

## **2. THE CORE STAFF OF AN ODIHR OBSERVATION MISSION**

The ODIHR has developed a minimum core staff structure, which for most elections, is capable of supporting an observation mission. However, there are some elections which due to their scale, complexity, or special security concerns, may require a larger, well integrated core staff.

### **2.1 The ODIHR On-site Co-ordinator**

An ODIHR On-site Co-ordinator will be designated to represent the ODIHR as Head of the On-site Observation Mission and to support the activities of long- and short-term observers. The responsibilities of the Co-ordinator will be carried out under the direct supervision of the ODIHR Election Unit/Warsaw.

A temporary On-site ODIHR office will be established in the capital city for the duration of the observation. A press statement will be released upon arrival explaining the ODIHR mandate and giving contact information. The Co-ordinator will always stress the impartiality and independence of the mission.

The Co-ordinator will maintain ongoing contact with the relevant election authorities. The Co-ordinator will also maintain regular contact with relevant ministries, political parties, non-governmental organisations (including any domestic monitors and human rights groups), other relevant civic associations, the media and national minorities (if relevant).

The Co-ordinator will consult with OSCE embassies and with the OSCE Mission staff, if such a Mission is established in the respective country.

### **2.2 Deputy On-site Co-ordinator**

The Deputy On-site Co-ordinator will assist the Co-ordinator in all the above-mentioned duties throughout the mission, and represent the Co-ordinator in his/her absence.

### **2.3 Administration and Deployment Officer**

The Administration and Deployment Officer is specially designated to assist with all issues related to administration of the observation mission, and in the development of the deployment plan for long-term and short-term observers.

#### ***Questions for Discussion:***

- Should an observation mission ever accept office space, interpreters or drivers from the governing party or any other party in the host country?
- In particular cases where the nature of the election requires greater core staffing to support the observation, how should the ODIHR proceed to ensure a qualified, effective and well integrated core observation staff available to cover

the entire election cycle?

- **What is the appropriate relationship between an ODIHR Observation Mission and an OSCE Mission, where such a mission exists?**
- **What is the appropriate relationship between an ODIHR Observation Mission and Embassies of OSCE participating States? Is it appropriate for ODIHR to recruit OSCE embassy staff as observers?**

### **3. OBSERVER CODE OF CONDUCT**

**The ODIHR will withdraw the accreditation of observers, both long and short-term, if they do not abide by the following Code of Conduct:**

- **Observers will maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process;**
- **Observers will undertake their duties in an unobtrusive manner, and will not interfere with the election process, polling day procedures, or the vote count;**
- **Observers will carry the prescribed identification issued by the host government or election commission, and will identify themselves to any interested authority upon request;**
- **Observers will not display or wear any partisan symbols, colours, or banners;**
- **Observers may wish to bring irregularities to the attention of the local election officials, but they must never give instructions or countermand decisions of the election officials;**
- **Observers will base all conclusions on well documented, factual, and verifiable evidence;**
- **Observers will refrain from making any personal or premature comments about their observation to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers;**
- **Observers will participate in post-election debriefings, by fax or telephone if necessary;**
- **Observers must comply with all national laws and regulations.**

#### ***Questions for Discussion:***

- **How should the ODIHR proceed when its observers, nominated by their respective governments, are rightly or wrongly accused of breaching the above**

### **Code of Conduct?**

- **Are certain occupations or well-known political sympathies of potential observers incompatible with the independent profile of an ODIHR Observation Mission?**

#### **4. THE LONG-TERM OBSERVER(LTO)**

**Long-term observers (LTO's) are requested from the participating States for a period of approximately two months prior to the election. The necessary number of LTO's for an effective observation will be estimated during the Needs Assessment Mission.**

**Election observation is not a one-day event. In order to fulfil the mandate for long-term election observation that ODIHR received from the OSCE participating States, long-term observers must check on the level of preparation of the various stages of the election cycle, including the:**

##### **1) Election Administration:**

- the National Election Administration: composition, human resources and training, material resources**
- voter and civic education**
- voter identification and registration**
- registration of candidates and political parties**
- election boundaries**
- ballot design and security**
- special voting provisions**
- tabulation, aggregation and verification process**
- complaints and review process.**

##### **2) Election campaign:**

- the political campaign**
- campaign resources**
- media**
- conduct of security forces**

**Not all aspects of the election cycle can be addressed in this "food for thought" paper. Election administration has been covered in the previous paper and a full description of these activities is available in the OSCE/ODIHR Election Observation Handbook.**

##### ***Questions for discussion:***

- Why are LTO s requested to observe the entire pre-election period (approximately two months before election day)?**
- How should the ODIHR proceed when the sufficient number of long-term observers is not provided to the observation mission?**

#### **5. VOTER AND CIVIC EDUCATION**

**Observers should assess the extent and effectiveness of voter and civic education. Sufficient voter and civic education is needed to ensure that participants in the electoral process are fully informed of when, how and where to vote and of the fundamentals of democratic society and civic responsibility.**

While political parties and civic organisations may contribute to voter and civic education efforts, it is ultimately the responsibility of the government and the election authorities to ensure that voters receive objective and impartial information.

*Questions for Discussion:*

- What measures may be taken, and by whom, to ensure that persons are aware of their electoral rights and responsibilities and the importance of participation in the electoral process?
- What are the signs and consequences of poor civic and voter education?

## 6. VOTER IDENTIFICATION AND REGISTRATION

The right to vote must be given to all citizens of the country on equal terms, provided they have reached a qualifying age. A national voter register is a public document that establishes the nation-wide list of all eligible voters according to the maxim one person, one vote .

Often it is not recognised that the integrity of the entire election process can be compromised by an inaccurate voter register. The electoral registration is a major part of the electoral process with complex administrative and technical procedures.

Methods of registration vary from country to country depending on local circumstances. Each method requires a prescribed procedure for identifying and registering all qualified persons.

*Questions for Discussion:*

- Since the registration process is fundamental to an election process, how can ODIHR assure that this aspect of an election cycle is observed?
- What checks are available in respect of completeness, accuracy and possible duplication of the voter register?
- What safeguards are necessary to ensure that qualified persons are not disenfranchised and that persons not qualified are not registered?

## 7. REGISTRATION OF CANDIDATES AND POLITICAL PARTIES

Commitment 7.5 of the Copenhagen Document of 1990 guarantees the right of citizens to seek political or public office, individually or as representatives of political parties or organisations, without discrimination. Any arbitrary or discriminatory application of the law for the purpose of damaging specific political forces, contravenes the OSCE commitments.

*Questions for Discussion:*

- **Should observers have access to the bodies constituted to determine the eligibility of candidates?**

## **8. ELECTION BOUNDARIES**

**According to the OSCE commitments, all votes should carry the same weight to ensure equal representation. This means that each elected representative represents a similar number of registered electors.**

**The election law should provide detailed and uniform criteria for the drawing of electoral district lines, specifying considerations such as the number of voting population per district and natural and historical continuity of boundaries.**

**The boundaries must be drawn in a transparent manner, and ideally by a non-partisan commission of experts assigned for this purpose. Otherwise it may be difficult to determine if the boundaries are elaborated on the principle of political neutrality, or in a selective and biased manner.**

### ***Questions for Discussion:***

- **If an ODIHR observation cannot be assured that election boundaries have been drawn according to the electoral law, which should respect the principle of political neutrality, does this compromise the entire election process? Should the observation proceed?**

## **9. THE POLITICAL CAMPAIGN**

**The OSCE Commitments require political campaigning to be conducted in an environment that assures freedom of expression, assembly and association.**

**There must be a well defined process for issuing permits for conducting public rallies, political meetings, and fund raising activities. There must also be judicial recourse in the case of unreasonable delays in granting such requests.**

**The observers should note the availability of venues for rallies, access of all candidates and parties to places and audiences of their choice, distribution of campaign materials, and the effective freedom of assembly, association and expression for all competing political forces. Particular attention should be paid to the use of intimidation or violence to inhibit campaigning.**

**An effective campaign needs sufficient financing. While it is acknowledged that elections do not always take place on a completely level playing field, an equitable and unbiased formula should be agreed upon to ensure some financing to all contestants.**

**Time is also an essential resource for a meaningful election campaign. The duration of the campaign must provide enough time for the contestants to convey their policies to**

the electorate, in an environment that assures freedom of association, expression and assembly.

*Questions for Discussion:*

- What obstacles can national authorities and public administration create to effectively prevent all political parties and candidates a fair opportunity to campaign?
- If the ODIHR Observation Mission cannot be assured that the rights to freedom of expression, assembly and association are safeguarded for an adequate period to allow political organising and campaigning, does this compromise the entire election process? Should the observation proceed?
- Should the State be responsible for distributing campaign funds among competing parties and candidates?
- What rules on campaign financing can contribute to greater transparency?
- To what extent can the incumbent party use State resources in an election campaign before it is considered an abuse of State privilege?

## 10. MEDIA

The OSCE Commitments call for unimpeded access to the media on a non-discriminatory basis. The very basis of democratic governance requires that the electorate be able to make informed choices. This demands that all contesting points of view be fairly and equitably communicated.

In this respect, government regulation of the media is of crucial importance to a meaningful election campaign. While larger and better financed parties and candidates may be able to purchase media time or space, an equitable formula should be reached to permit all contestants reasonable access to print and electronic media.

*Questions for Discussion:*

- How can national authorities interfere with the media's ability to gather and report objective information?
- If it is determined that arbitrary or discriminatory obstruction is leading to censorship of campaign messages, does this compromise the entire election process? Should the ODIHR observation mission proceed?

## 11. CONDUCT OF THE SECURITY FORCES

Throughout the campaign and voting process, security forces have a duty both to prevent intimidation of voters and candidates by others, and not to propagate intimidation themselves. Intimidation can have an insidious effect on candidates and

voters alike, particularly when perpetrated by security forces. While intimidation may be difficult to quantify, widespread trends in intimidation, particularly by security forces, become readily apparent. Security forces should receive a briefing on their appropriate conduct during the election period

*Questions for Discussion:*

- How can the role of security forces, vis a vis the election process, be most clearly defined?

**ELECTION PHASE: THE LONG- AND SHORT-TERM OBSERVER**

*(DISCUSSION GROUP 2 - SESSION 3)*

It is the role of the long-term observers to enable the short-term observers to view the election phase in an informed manner. All observers need to be well informed about the electoral process including the procedural and legal aspects of the election, in addition to the political and social context within which the election is being organised.

Short-term observers (STO's) normally arrive shortly before election day, and are deployed to provide a broad presence throughout the country on election day. The election phase can be broken down into three stages: the closing days of the campaign; election day; the vote count.

**1. THE BRIEFING**

The ODIHR framework for co-ordination assures that all international observers who wish to receive an ODIHR briefing are welcome to do so. Shortly before polling day, the ODIHR On-site Co-ordinator will organise a briefing which will cover the following issues:

present an overview of OSCE institutions and in particular the role of the ODIHR;

review the *OSCE/ODIHR Election Observation Handbook*, covering codes of conduct and methodology of an OSCE/ODIHR observation;

explain the philosophy, methods and specific issues of the particular observation;

assess the pre-election period based on the long-term observation;

assess the political/social climate prior to the election;

assess the conditions for a free and independent functioning of the media;

assess the election law and its practical implementation;

explain the polling and counting procedures;

**explain the use and design of the checklists;**

**present deployment plan and team assignment (only accredited observers should be present);**

**review security issues;**

**explain how to respond to media inquiries.**

*Questions for Discussion:*

- Why are OSCE/ODIHR observers required to attend the ODIHR briefing before being accredited as observers?

## 2. CHECKLISTS

The main method of analysis for an OSCE/ODIHR election observation is both qualitative and quantitative. For statistical analysis, observers will be asked to fill in the standard ODIHR forms to be adapted as required on a country-by-country basis. Completing the forms in polling stations provides a basis of analysis of election day and serves as an *aide memoire* for the observers.

Although a quantitative analysis may not always be possible given that the total number of polling stations visited may be too limited, checklists do ensure that all aspects of the election day are followed and reported. A quantitative analysis may be possible whenever the basis of analysis is drawn from at least 500 polling station forms and from a representative sample of the polling stations within the country.

*Questions for Discussion:*

- Should all accredited international observers be encouraged to use the same checklist, adapted for each specific election observation?

## 3. DEPLOYMENT

The ODIHR Co-ordinator will offer a deployment plan, developed in co-operation with other observation groups, local NGO's and local embassies. The deployment is intended to avoid duplication of observer efforts, and to ensure that teams of observers cover a representative sample of the country on election day, covering both urban, rural, and socially diverse areas. Some observers should be designated to visit regional election commissions. In instances where voting is conducted in military barracks, prisons or hospitals, the deployment plan should also ensure coverage of these special voting sites.

*Questions for Discussion:*

- Should all accredited international observers be encouraged to participate in the OSCE/ODIHR deployment plan?

## 4. POLLING STATION ACTIVITIES

The basic aim of ODIHR observation at polling station level is to verify whether voting and counting is implemented in an orderly manner and in accordance with the electoral procedures. ODIHR observers are not supervisors, and are therefore not permitted according to the ODIHR Code of Conduct, to assist the election administration in any way or to intervene in the election process.

Observers may draw problems to the attention of local officials, allowing these officials to an opportunity to address any problem. ODIHR observers should be very careful not to exceed their competence. Observers should record all irregularities using the checklists provided by the ODIHR On-site Co-ordinator. The debriefing will eventually disclose whether such irregularities represent recurring patterns or if they are isolated events.

*Questions for Discussion:*

- When does an observer cross the line from observing the election, to interfering in the election process?
- Is the difference between an observer, whose competence is the broad observation of the election environment and polling procedures, and a supervisor who actually participates in administering the election on a technical level, clearly understood?
- Can a supervisor ever fulfil a dual role of supervisor and observer?

## 5. DOMESTIC OBSERVERS

When observing at polling station level, ODIHR observers should consult with any domestic observers. Domestic observation is extremely important in adding legitimacy to an election process. Commitment 8 of the Copenhagen Document endorses the rights of domestic observers in contributing to the integrity of an election process. These may be either non-partisan civic observers, party affiliated observers, or candidate representatives. International observers should note whether domestic observers are present at the polling stations, and whether they have been restricted or hindered in any way from carrying out their observation duties.

*Questions for Discussion:*

- How may the national authorities obstruct the activities of domestic observers?
- How should the ODIHR proceed when restrictions are placed on domestic observers?
- Should parallel vote count exercises by domestic observers be encouraged in an effort to assure all participants that the official results reflect the vote totals at polling stations?

## 6. SPECIAL VOTING PROVISIONS

In cases where voting is permitted by mobile ballot boxes and absentee voting, or in military barracks and prisons, such special voting procedures should be closely observed.

Providing mobile ballot boxes and absentee voting broadens the participation of the electorate. However, these are provisions that can be open to abuse and therefore can

**jeopardise confidence in the election process.**

*Questions for Discussion:*

- **How can observers closely follow these special voting provisions? In the case of voting in military barracks, how can the need for observers to randomly visit barracks be reconciled with national security concerns of the host state?**
- **In such cases where voting is permitted in military barracks, prisons and hospitals, how are double registration and multiple voting prevented?**
- **How can voting in military barracks and prisons be secured from intimidation?**

**7. THE COUNT**

**Accredited observers, both international and domestic, are entitled to observe the count. Although observers are normally fatigued by the time the vote count begins, this is a crucial stage in the election and should be observed to the end. This provides the opportunity to spot check whether ballots are counted accurately, reflecting the choices expressed by the voters.**

**The first stage in the vote count should be organised in the polling stations. Any counting system in which the ballots are not counted in the polling station but transported to a central counting location produces significant extra problems of visibility and verification. An observer team should accompany any transportation of ballot boxes and balloting materials.**

**The results should be made available at the polling station level, and should be freely available for record. All members of the polling station commission should have the right to sign and receive copies of the official result sheets of each polling station (or protocols ). Copies should also be made immediately available to non-partisan domestic civic observers and international observers, candidate proxies or agents, and representatives of the media who may be present. An official copy of the protocol should be posted immediately in a public place for the benefit of the general voting public.**

**The tabulation of results should be verifiable and transparent at all levels of the election administration. This is applicable both in the polling station and as the results are aggregated at each level of the election administration. Transportation of the ballots boxes and balloting materials should be transparent and secure. Observers should maintain a presence at each vote tabulation level, working a shift system or by deployment of teams specifically assigned for this purpose.**

*Questions for Discussion:*

- **Who should be granted access to the vote count at the various levels of the electoral administration?**
- **What should an observer do, international or domestic, when denied access to the vote count?**

- If the observer witnesses dishonest counting or reporting of the ballots, how should he/she react?
- Why is it so important that observers receive a copy of the final result sheet "protocols" in the polling station?

#### **8. THE IMMEDIATE POST-ELECTION PHASE (LONG AND SHORT-TERM OBSERVERS): DE-BRIEFING AND REPORTING**

A de-briefing will be organised by the ODIHR On-site Co-ordinator within 24-48 hours following election day. This ensures that the counting process at polling station level is observed until the end and that observers have had a possibility to report fully on election day observation. All election day checklists will be processed for statistical analysis. This is why the ODIHR is usually still de-briefing when other organisations deliver their "morning after" statements.

The de-briefing should provide an opportunity for all observers to share and report their findings on the election process, and to try and reach a common conclusion on how the elections were administered . The de-briefing is closed to the press and to the general public.

The input of observers should concentrate on a factual summary, with particular emphasis on recurrent trends noted during election day observation. Conclusions are drawn from the collective findings of observers, and impressions based on a limited observation experience should of course be avoided.

#### *Questions for Discussion:*

- Should all international observers be encouraged to attend the ODIHR de-briefing before issuing their respective statements?

#### **9. POST-ELECTION STATEMENT**

Upon having informed the OSCE Chairman-in-Office, a post-election statement is issued by the ODIHR On-site Co-ordinator within 24-48 hours after the election.

While the Co-ordinator is responsible for the statement, the ODIHR Election Advisor will work with the Co-ordinator in finalising the statement. All statements must meet with ODIHR approval before being released to the OSCE Chairman-in-Office.

It should be clearly stated that the post-election statement is a preliminary statement. The election process is not yet over at this stage. A final assessment on an election process cannot be made until the final tabulation, reconciliation and verification stages have been completed, normally several days after the election day itself. Findings during these crucial, closing stages of an election process can significantly change the overall observation findings.

**ODIHR post-election statements are technical in nature. The statement will reflect the most significant findings and concerns of the pre-election period as reported by long-term observers, as well as the election day findings of the long- and short-term observers. It provides a preliminary assessment according to two concrete criteria: the OSCE commitments and the implementation of**

the domestic law and regulations. ODIHR no longer employs vague terminology such as "free and fair" in its post-election statement or consequent reporting on an election.

It is important that the opinion of the ODIHR observation be reflected in a joint statement, rather than individual observers giving their personal comments. Every observer must refrain from making any statement or individual comment on his or her observation, at least until after the joint ODIHR statement has been released.

While the ODIHR encourages all international observer missions to de-brief and report within the framework for co-ordination established by ODIHR at the request of the participating States, the ODIHR has no authority to demand that other observer missions do not issue their own respective statements.

*Questions for Discussion:*

- Why should concrete criteria be preferred to terminology such as "free and fair"?
- Is it realistic to expect that all international observer missions, with their own individual identity, standards and in some cases particular agendas, would ever agree to issuing only one objective international observer statement?
- Can a plurality of informed and objective assessments enhance the confidence in an election process? Is it therefore necessary or desirable to express international opinion in one joint statement?
- What should an observer mission do in cases where persons external to the observation mission try to exert undue influence on a post-election statement?

**EXTENDED POST-ELECTION PHASE: LONG-TERM OBSERVERS (LTO S)**

*(DISCUSSION GROUP 2 - SESSION 4)*

**1. AGGREGATION, FINAL VERIFICATION AND ANNOUNCEMENT OF RESULTS**

The majority of short-term observers (STO's) may not be able to remain in the country until the final verification of the results and their public announcement. Long-term observers (LTO's) should remain in place, along with the On-site Co-ordinator, until the aggregation and final verification have been completed and the announcement of the final results.

The aggregation of results should be verifiable and transparent at all levels of the election administration. This is applicable both in the polling station and as the results are aggregated at each level of the election administration.

International and domestic observers should have the right to observe the whole vote tabulation including the final aggregation and verification. The process of aggregating

results should be open to inspection, from polling station level to regional authorities and/or to the National Election Administration, and documented in relevant laws.

In some cases electoral authorities may use computers or e-mail to transmit results. In order to ensure transparency of the tabulation exercise, the software should be made available so that its correctness may be verified.

Official publication of complete results by polling stations in a set period of time after election day enables a detailed verification process and can enhance public confidence in the outcome of the election.

The results from particular polling stations constitute a sample of verified results that can be matched at district or regional level, and with the overall published results. The results from polling stations can be checked one by one against the official tabulation.

It should be noted whether there is any undue delay or discrepancies concerning the aggregation, verification and the announcement of the final result.

*Questions for Discussion:*

How can long-term observers that remain on site after election day be assured access to the election administration during this crucial stage of an election process?

How may the transparency of the tabulation and verification of the results be enhanced?

Why is it important for the results to be published at district and precinct levels?

## **2. COMPLAINTS AND REVIEW PROCESS**

If complaints are being filed about the election process or if a review is specifically called for, this legal process should also be followed.

The right to appeal to an independent, impartial national legal body must be ensured for all parties involved in the electoral process. A complaints procedure should be established as a review mechanism which can serve as the final arbiter of disputes.

Complaints concerning the election process that are submitted by candidates or voters alike, must be dealt with equitably and according to due process of law. Procedures and deadlines should be clearly enumerated in the election code.

Voters and candidates should have access to the appropriate documentation that they may need in order to present their case. There must also be accessible and adequate facilities for filing complaints with the judicial authorities nominated for this purpose by the electoral law.

Response should be provided in a timely manner, and all rulings should be recorded

and made public.

*Questions for Discussion:*

- What if the review mechanism is not considered to be independent and impartial?
- What if the competence of the review mechanism is limited? For instance, in cases where a court can only review a small portion of documentation as introduced into the court as evidence, but has no right to institute a thorough review of a controversial election process?
- What if the national authorities do not demonstrate a serious intention to implement an appeals process, and complaints are simply ignored?

### 3. THE FINAL REPORT

The Final Report should reflect the cumulative findings of both long- and short-term observers. It will be based upon opinions expressed during the debriefing and upon the data collected on the checklists.

The aim of the report is to arrive to a conclusion on the election process according to two standards: (1) the OSCE Commitments and (2) the legal framework governing the election process and its implementation. The conclusion must be based on verifiable data and should include any recommendations for improvements in the election process.

While the observation mission's cumulative findings will be reflected in this report, the report will ultimately be the responsibility of and written by the ODIHR Co-ordinator. It will be reviewed, edited, and finally approved by the ODIHR Warsaw before being submitted to the Chairman-in-Office, within ten days after the final results have been announced. The report should also be distributed to relevant organisations and national authorities concerned with the elections, and to observers upon request.

*Questions for Discussion:*

- How should the OSCE/ODIHR respond if a participating State refuses to accept a negative assessment of an election process, and the ODIHR prescribed recommendations?

### 4. ODIHR POST-ELECTION ASSISTANCE IN THE IMPLEMENTATION OF RECOMMENDATIONS

It must be emphasised that the ODIHR does not play the role of a judge, ruling on when the OSCE should approve an election. Rather, the ODIHR is there to support countries in democratic institution-building in line with agreed upon OSCE commitments. Its election reports, when critical, are not meant to condemn, but offer a balanced assessment of the entire process and recommendations for reform.

Participating States are encouraged to contact the ODIHR for assistance in implementing the recommendations that may result from an ODIHR election observation and which are contained in the Final Reports.

*Questions for Discussion:*

- **Should participating States be required to report their views on the recommendations, and how they may intend to implement them, within a specified period of time after an election?**