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The Structure of an ODIHR Election Observation Mission

An ODIHR EOM includes a core team, LTOs and STOs, and is deployed under the overall direction of the ODIHR Director. More details on the specific members of the core team, as well as on LTOs and STOs, and their respective responsibilities are given below.

6.1 The Core Team

The EOM establishes its offices in the capital of the respective host country approximately six to eight weeks before election day. The EOM core team will be based here and may include some 10-15 international analysts, depending on the size of the mission and the specific circumstances of the election. The core team includes analytical and operational components.

The analytical component comprises the head of mission, who is normally assisted in his or her duties by a deputy. In very large missions, more than one deputy may be appointed, and there may also be a reporting officer. The other analysts include an election analyst, a political analyst, a legal analyst, a media analyst, a statistical analyst, an LTO co-ordinator and a parliamentary liaison officer, where relevant. Other analysts, for issues such as women's or national minority's participation in political life, on voter registration, new voting technologies or campaign financing, may also be assigned to the core team for all or part of the mission to strengthen the analysis of these particular issues in the election context when they are of particular interest.

The operational component comprises an operations expert, a procurement and contracting co-ordinator, a security expert and a finance officer.

The specific duties of core team personnel are set out below.

An ODIHR election adviser tasked with responsibility for a particular election serves as the regular liaison between the EOM and ODIHR and offer all support required from the headquarters in Warsaw.

6.1.1 The Analytical Component

The **head of mission** leads the EOM in its ongoing assessment of the extent to which all aspects of the election process are in line with OSCE commitments and other international standards for democratic elections, as well as with national legislation. The head of mission assumes responsibility for the day-to-day work of the EOM, in close co-operation with the ODIHR Election Department and is responsible for the overall management, including financial, of the EOM. The head of mission is appointed by the ODIHR Director, following the recruitment procedure.

The head of mission is responsible for overseeing the work of the mission, including:

- › the establishment and maintenance of contacts with state authorities, the election administration, the main political parties, candidates, civil society, other observer groups, the resident diplomatic community and international organizations;
- › the work of the core team, LTOs and STOs;
- › relations with the media, including preparation of EOM public statements (in co-ordination with the ODIHR spokesperson);
- › the drafting of interim reports outlining the main pre-election issues and developments;
- › briefing and working closely with parliamentary delegations (when applicable);
- › the development of a statement of preliminary findings and conclusions and a press release, in conjunction with leaders of other partner delegations (when applicable); and
- › the preparation of a final report to be issued approximately eight weeks after the completion of an electoral process.

Upon arrival in the host country, ODIHR issues a press statement announcing the opening of the EOM. In most cases, the head of mission holds a press conference to introduce the mission and its work. The press conference provides an opportunity to explain the mission's purpose and ODIHR's election observation methodology, as well as to express the mission's willingness to meet with all interested parties to receive information about the electoral process.

The **deputy head of mission** generally serves as a chief of staff, ensuring effective overall co-ordination of the EOM, assisting the head of mission in his or her operational and administrative duties, and representing the head of mission, as necessary. Among other duties, the deputy head of mission:

- › oversees all aspects of LTO and STO operations, including the preparation of briefing sessions and materials, the finalization of observer forms, a balanced and representative deployment plan, and various debriefings; and

- › co-ordinates the drafting of interim reports, the preliminary statement and the final report. This is done in conjunction with the head of mission and the ODIHR Election Department. In larger EOMs, a reporting officer may be assigned to focus on drafting reports and co-ordinating the preparations for STOs, with the deputy head of mission focusing on the management of the mission. In smaller EOMs, the deputy head may also serve concurrently in one of the analyst/expert positions set out below.

The **election analyst**:

- › assesses the performance of the host country's election administration in the context of national legislation, OSCE commitments and other international standards;
- › is the EOM's principal point of contact with the election administration and attends all meetings of the national electoral authorities;
- › assesses the election administration's effectiveness, independence from executive authorities, transparency and impartiality;
- › monitors various stages of the election process for conformity with legal regulations and administrative procedures, including the final aggregation of results;
- › is responsible for the initial development of the forms to be filled out by observers, based on a standard template; and
- › works closely with the legal analyst on election-related complaints and appeals and with the voter-registration analyst (if applicable).

The **legal analyst**:

- › reviews the election legislation and regulations, and other legislation pertaining to elections;
- › assesses the extent to which the legislation and its implementation comply with OSCE commitments and other international standards, and whether national laws are applied fairly and impartially; and
- › follows all election-related disputes, complaints, court cases and appeals. This permits an assessment of the extent to which effective, timely remedy is available for complainants and of the impartiality and effectiveness of the judiciary in dealing with election-related cases.

The **political analyst**:

- › serves as the EOM's principal liaison with candidates and political parties;
- › monitors and assesses the election campaign in line with OSCE commitments and other international standards, as well as with national legislation;
- › establishes contacts with political parties and civil society organizations relevant to the political process;
- › will generally be responsible for analysis of campaign-finance issues;
- › in many cases, may be tasked with specific issues of concern, such as women's participation, minority issues, and civil and political rights issues; and

- › may also be tasked to be the main point of contact with domestic election observers and international observer groups.

The media analyst:

- › co-ordinates a team responsible for preparing a qualitative and quantitative analysis of the activities and content of the electronic and print media during the election process;
- › assesses the extent to which parties and candidates have unimpeded access to the media and are not discriminated against in gaining this access, in accordance with OSCE commitments and other international standards;
- › monitors whether the media, and state or public media in particular, meet their responsibilities to provide balanced and neutral coverage of the electoral process;
- › considers the media environment and the extent to which media are able to work freely;
- › ultimately must assess whether the media provide sufficient, balanced and diverse information to enable voters to make a well-informed choice;
- › analyzes relevant media legislation, the regulatory framework for the media during elections, the work of regulatory bodies and any media-related election complaints. In this task, the media analyst is assisted by the legal analyst; and
- › may also be tasked to prepare a daily news summary for the EOM.

The gender analyst:

- › assesses the participation of women in the electoral process, as candidates, voters and election administrators, in line with OSCE commitments and other international standards, as well as with national legislation;³⁴
- › provides briefings on gender issues and guidance to other core team members to ensure a gender perspective in all aspects of the EOM's analysis; and
- › works together with the LTO co-ordinator to ensure that LTOs are prepared to effectively observe the participation of women in the regions.

The national minorities analyst:

- › assesses the participation of national minorities in the election process, as candidates, voters and election administrators, in line with OSCE commitments and other international standards, as well as national legislation;
- › may be assigned to EOMs in countries where there are significant national-minority or ethnic communities and issues related to their participation in elections and political life;
- › provides briefings on national-minority issues and provides guidance to other core team members to ensure that the EOM's overall analysis includes issues related to national-minority participation; and
- › works together with the LTO co-ordinator to ensure LTOs are prepared to effectively observe the participation of national minorities in particular regions of the country.

³⁴ The OSCE Gender Action Plan, adopted in Sofia (2004), tasked the ODHR to "... continue, as a part of its Election Observation Mission, to monitor and report on women's participation in electoral processes. When possible, additionally, the ODHR will commission and publish reports specifically analyzing the situation of women in electoral processes."

ODIHR liaises closely with the OSCE Office of the High Commissioner on National Minorities, whose staff members on occasions join ODIHR EOMs as national minorities analysts. Field co-operation is governed by an exchange of letters between the OSCE High Commissioner and the ODIHR Director in 2008.

The electronic-voting analyst:

- › assesses the use of electronic-voting systems in line with OSCE commitments, other international standards and national legislation;
- › reviews the use of electronic-voting systems in terms of transparency, secrecy of voting, security, design and public confidence;
- › In making an assessment, considers legislation, system documentation and reports on the system;
- › meets with public bodies or private companies responsible for developing and operating the system; certification, testing and audit bodies; political parties; and civil society groups or academics familiar with the system; and
- › identifies priority issues related to the electronic-voting process that should be followed by the mission and briefs other core-team members, LTOs and STOs to ensure that these issues are effectively observed in the preparations for elections and on election day.

The voter registration analyst:

- › assesses voter registration in line with OSCE commitments, other international standards and national legislation and reviews the accuracy, inclusiveness and transparency of the voter-registration process, as well as the confidence of election stakeholders in this process;
- › works closely with the election analyst and meets with the election administration, relevant authorities involved in the voter-registration process, such as the Interior Ministry, the police and regional administrations;
- › looks at technical issues related to the voter-registration process;
- › in co-ordination with the LTO co-ordinator, tasks LTOs to focus on specific issues in the regions; and
- › must have sufficient technical expertise to understand the relevant computer databases and the procedures for compiling and updating the voter register.

The statistical analyst:

- › is responsible for preparing a statistical analysis of key election-day findings, based on forms completed by STOs that are designed to assess election-day procedures (opening, voting, counting and tabulation);
- › provides advice in the development of the forms for the election, receives and analyzes the forms on election day/night, and also oversees a team responsible for data input; and
- › analyses and makes preliminary data available early in the morning following election day in order to incorporate findings into the preliminary statement; and

- › The statistical analyst arrives in country several days before election day and departs after all STO forms have been processed and fully analyzed.

The **co-ordinator of long-term observers**, or LTO co-ordinator, is the principal point of contact within the core team for the LTOs. The LTO co-ordinator:

- › devises a draft deployment plan for LTOs, in co-ordination with the deputy head of mission, to ensure that election developments throughout the country are adequately covered;
- › organizes a briefing session for LTOs when they arrive in the host country and subsequent debriefings during the course of the mission;
- › provides information and instructions to LTOs;
- › ensures that they are fulfilling their responsibilities and receiving the mission support they require;
- › maintains regular contact with them, and receives and analyzes their reports;
- › advises on the appropriate distribution of STOs to regions of the country to achieve a balanced and representative deployment plan; and
- › plays a principal role in organizing and scheduling election-day and election-night reporting by LTOs and STOs to ensure that full and timely reports are available for the preliminary statement.

The **parliamentary liaison officer**:

- › serves as an EOM's principal liaison with parliamentary delegations who are partners in observing election-day proceedings. These may include delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament or, occasionally, other international parliamentary bodies, such as the NATO Parliamentary Assembly;
- › depending on the particular circumstances, may be responsible for arranging briefing sessions, logistical support, deployment plans, interpreters, drivers and other arrangements for parliamentarians;
- › maintains close contact with the administrative staff of the respective parliamentary bodies; and
- › normally arrives in-country two to three weeks before an election and remains until the parliamentarians have departed.

6.1.2 The Operational Component

The operations expert, the procurement and contracting co-ordinator, the security expert and the finance officer arrive in country approximately two weeks before the arrival of the rest of the core team and remain in-country for about two weeks after their departure. This is to ensure a smooth opening and closing of the mission in line with OSCE rules and regulations.

The **operations expert**:

- › is tasked with ensuring the day-to-day functioning of the EOM and is responsible for all issues related its operation in line with the OSCE Common Regulatory Management System;
- › identifies the operational needs of the EOM in terms of the goods and services that the mission requires, identifying suitable office space, equipment and communications solutions, and sometimes also identifies options for accommodation;
- › facilitates the recruitment of national support staff;
- › as election day approaches, implements the STO deployment plan (in consultation with the LTO co-ordinator and deputy head of mission) and ensures that arrangements have been made for interpreters, drivers and accommodation for STOs; and
- › closely co-ordinates his or her activities with the procurement and contracting co-ordinator and the finance officer. Together, they form the EOM logistics team.

The **procurement and contracting co-ordinator** is usually an ODIHR staff member, who:

- › is responsible for procuring goods and services for EOMs, in accordance with the OSCE Common Regulatory Management System, in close co-ordination with the operations expert and finance officer; and
- › conducts market research, identifies potential suppliers, evaluates offers, recommends suppliers, and negotiates contracts for all goods and services necessary for the establishment and functioning of the EOM, including adequate office space, accommodation, equipment, travel, etc.

The **finance officer** is usually an ODIHR staff member, who:

- › develops and manages the detailed EOM budget in accordance with OSCE financial regulations and procedures and uses the OSCE-wide Oracle system;
- › administers EOM finances and expenditures, including payments for office space and equipment, local support staff salaries, per diems and other expenses, and ensures that these are made in line with the established budget; and
- › draws up or supervises all contracts for local support staff and keeps the head of mission informed about current expenditures, ensuring that the EOM remains within the budget.

The **security expert**:

- › ensures the safety and security of all EOM members through the implementation of a security plan, as the security of OSCE personnel, including election observers, is an issue of great significance during all ODIHR election observation activities;
- › typically maintains regular contacts with the relevant host-country authorities, notably those from law enforcement agencies;
- › provides regular security briefings for the members of the EOM, including long and STOs;
- › prepares contingency plans for possible emergency situations, including medical evacuation; and

- › liaises closely with the ODIHR security officer and security officers of OSCE field operations, where applicable.

6.2 Long-Term Observers

Long-term observers are responsible for observing the various stages of the election process in the regions, providing the mission with a comprehensive understanding of what is occurring throughout the country.³⁵ The presence of LTOs allows a thorough observation of the pre-election period and the immediate post-election period, enabling ODIHR to report on the election process in its entirety also based on findings from the regions. LTOs also play an important role in preparing for and supporting their election-day activities.

In assembling LTOs for an election mission, ODIHR requests from all OSCE participating States the secondment of individuals with relevant election-administration and/or comparative-observation experience. LTOs must be capable of maintaining effective/impartial relationships over an extended period of time with municipal and regional officials, election officials, political party and candidate representatives, and relevant NGOs. They must be able to contribute an independent analysis of the pre-election environment for inclusion in overall ODIHR reporting. The seconding participating State is responsible for recruiting experienced and qualified LTOs and incurs most of the expenses for deploying and supporting them. LTOs are not, however, representatives of their seconding country; they are the eyes and ears as well as the public face of the EOM in the field.

LTOs usually arrive in country approximately one week after an EOM has been established, and remain for at least one week after election day. An LTO is usually teamed up with an LTO with different citizenship, and these teams of two are deployed throughout the country according to a deployment plan that enables balanced geographical coverage. LTOs are expected to work at the local, district or provincial levels, remaining in their regions during the entire election process, unless otherwise instructed. They are normally required to attend periodic EOM debriefings at the central level.

Before deployment to their areas of observation, LTOs receive a comprehensive briefing by the core team, which includes:

- › An overview of ODIHR;
- › A review of ODIHR's election observation methodology and the role of LTOs within an EOM;
- › A review of the Observer Code of Conduct;
- › An analysis of the election system, election law and regulations, and of the structure of the election administration;
- › A political overview;
- › A description of any key issues to observe and any specific tasks to fulfil;
- › An overview of gender and minority issues;
- › A review of security issues;
- › Logistical, financial and deployment information; and

³⁵ For more complete guidance on the role of LTOs, see the *ODIHR Handbook for Long-Term Observers* (2007), available at <http://www.osce.org/publications/odihr/2007/04/24088_829_en.pdf>.

- › Instruction on reporting, preparation for the arrival of STOs and other tasks.

LTOs also receive a briefing pack with additional information and background documents about the election and their area of observation.

The EOM Logistics Team assists LTOs in hiring interpreters and drivers, arranging transportation to their areas of observation, and identifying initial accommodation, as well as providing each LTO team with basic equipment, such as a laptop computer and a mobile telephone. LTOs are normally expected to work from their place of accommodation, since EOM budgets do not include funds for LTO office space.

Each LTO team undertakes observation and reporting activities in the regions, just as the core team undertakes these activities at the national level. Each LTO team divides its time between monitoring the substantive issues surrounding an election and making logistical and deployment preparations for the STOs who will be deployed to their area and work under their immediate supervision.

The substantive role of the LTO is to observe and assess the effectiveness and impartiality of the election administration, the implementation of the election law and regulations, the nature of the campaign and the political environment. For this purpose, LTOs establish and maintain contacts with regional and local election administrations and government authorities, political parties and candidates, leaders of minority groups and civil society organizations relevant to the elections. These include human rights groups, domestic election-observer groups, women's organizations and media representatives. In co-ordination with the EOM media analyst, LTOs may be asked to follow coverage of an election in the regional media.

LTOs are normally required to submit weekly reports to the LTO co-ordinator. These reports should summarize the main findings from the LTOs' observation of the process during the preceding week, and should also indicate the various meetings held. Particularly important or urgent information should be reported separately in spot reports. LTO findings are consolidated into the EOM's overall reporting.

LTOs are also required to provide substantive briefings for STOs on aspects of the election process specific to their respective area of observation. These briefings highlight the main aspects of the electoral process and the key political issues in their region, and also indicate any pertinent logistical and security information.

The role of LTOs in providing logistical support for STOs is crucial to the effective functioning of an EOM. All LTO teams must assist in determining the optimal number of STOs that will be required for election-day observation in their regions; actual numbers are determined in consultation with the core team, based on the total number of STOs available. LTOs must draw up local deployment plans for STOs to ensure adequate and balanced coverage of polling stations in their regions. They must also locate appropriate accommodation, interpreters, cars and drivers for the STO teams assigned to their immediate responsibility. LTOs may need to assist with special regional arrangements for parliamentary observers.

On election day and election night, LTOs must co-ordinate reporting by STOs and ensure that the core team is fully informed of trends and developments in the LTOs respective regions. LTOs submit regular reports to the core team throughout election day and night to ensure

that regional findings are reflected in the EOM's preliminary statement. LTOs are required to arrange a regional debriefing for STOs on the morning following the election, before STOs return to the capital.

6.3 Short-Term Observers

Short-term observers are responsible for observing election-day procedures in their assigned area and reporting their findings accurately and efficiently back to the mission headquarters. The deployment of a sufficient number of STOs allows ODIHR to achieve a statistically representative sample of polling stations throughout the country.

In assembling STOs for an EOM, ODIHR requests from all OSCE participating States the secondment of experienced and qualified observers. The seconding state is responsible for recruiting them and incurs all costs. Some participating States offer training for STOs, which helps to prepare them for their observation tasks. STOs are not official representatives of their seconding states. In most instances, an EOM includes a small number of STOs from the bilateral embassies of OSCE participating States to complement those coming from abroad. Their number should be strictly limited and remain within the ten per cent rule. In conformity with OSCE decisions, ODIHR makes special arrangements to integrate STOs from OSCE Partners for Co-operation into EOMs, if requested.

STOs remain in the host country for approximately one week. Their schedule is established by the EOM on the basis of local circumstances and is communicated to participating States. In most cases, STOs arrive four days before an election and are fully briefed by the core team on the day after arrival. The following day, the STOs are deployed to their regions. They normally then have one day to familiarize themselves with their assigned areas of observation before election day. STOs usually return to the capital one to two days after election day and participate in a debriefing. They leave the host country the following day.

Attendance at the pre-election briefing is mandatory for all STOs. Individuals who cannot arrive in time for the briefing will not be accepted as EOM members. Even experienced observers need to be briefed on issues and procedures specific to a particular election. The briefing covers a number of substantive and practical issues and generally includes:

- › The ODIHR election observation methodology;
- › The Observer Code of Conduct;
- › The legal framework and election administration;
- › The political context and the election campaign;
- › Media environment and media coverage;
- › Gender and minority issues;
- › Voting and counting procedures;
- › How to fill out and submit reporting forms;
- › How to respond to media enquiries;
- › Logistical, deployment and finance information; and
- › Security issues.

STOs are asked to pay particular attention to the procedures for reporting their findings on the observer forms. All STOs must have a clear understanding of the questions posed and

how to fill in the forms so that their observations are as objective as possible. A consistent approach to reporting is essential.

STOs are provided with accreditation and written briefing materials, including an STO briefing book designed specifically for each election, a translation of the national election law(s) and relevant regulations, general logistical information and emergency contact numbers, a map of the country or area of observation, the ODIHR *Election Observation Handbook*, and reporting forms. An electronic version of the STO briefing book is generally e-mailed to STOs before election day.

STOs are deployed to their areas of observation in multi-national teams of two, according to a plan that provides a broad and balanced presence throughout the country. Due to the complexity of deployment planning, it is not possible to consider STO requests to be deployed to particular locations or teamed with certain partners.

Once STOs arrive in their area of observation, they meet with the LTOs, who brief them about the specific political and electoral context of the region. The LTOs also discuss logistical arrangements and specific security issues, outline the procedures for reporting on election day, and introduce STOs to their drivers and interpreters. Depending on the deployment plan, it may be necessary for STO teams to be accommodated in a different location from the regional centre where the LTOs are based.

Following the regional briefing, and at least one day before election day, STOs familiarize themselves with their area of observation. They should visit polling stations and observe any preparations by election officials. They should also plan a possible route for election day and select a polling station where they will observe the opening procedures. STOs should not disclose their plans for election-day observation to anyone except the LTOs.

STOs begin work very early on election day by observing the opening of polling stations. In the course of the day, STOs observe the voting process. STOs are typically instructed to follow the transfer of the results from the polling station to the mid-level election commission and observe the tabulation of results there. In some cases, STOs may be required to remain at a single polling station throughout election day. Others may be assigned to observe tabulation at a mid-level election commission. Others yet may be required to perform other duties, such as observing military or prison voting or following a mobile ballot box.

Specific STO responsibilities and procedures for observing voting, counting and tabulation are outlined in Chapters 8 and 9 of this handbook.

6.4 National Support Staff

A key component of every EOM is its national staff. In general, each member of the core team will have at least one national assistant. Some units — especially media and logistics — often require several national staff members. National staff serve as interpreters and administrative support staff for international personnel. National staff may include people with expertise in particular fields of interest to the observation mission. Each LTO team and STO team will also be assisted by a national interpreter and driver.

While national staff play an essential support role for EOM, they cannot be accredited as ODIHR observers. These restrictions are necessary in order to ensure objective and impartial analysis, to prevent potential conflicts of interest, and to maintain a clear separation between international and domestic election observation.

On occasion, national staff have access to sensitive information and should follow internal EOM guidelines for confidentiality of information and data security. Although they are not observers, national staff are representatives of the EOM and must act in accordance with the OSCE Code of Conduct, including the Observer Code of Conduct, at all times.

7



Observing the Pre-Election Period

The core team and LTOs observe the long-term election process, including the pre-election period, and assess it in line with OSCE commitments, other international standards and national legislation. In particular, observation in the pre-election period should assess the implementation of election legislation, the performance of the election administration, the registration of election contestants and voters, the conduct of the election campaign, the adjudication of election disputes and the role of the media. The mission's observation of pre-election processes is reflected in public interim reports, issued periodically prior to election day. The purpose of interim reports is to give an indication of the issues the EOM is considering, to underscore some of the positive elements and observed shortcomings, to serve as a tool for continuous dialogue with the authorities, to enhance the transparency of its work and to provide an opportunity for the authorities to address any critical issues in the run-up to election day.

The following sections highlight a number of key pre-election issues and areas of inquiry within each of these fields.

7.1 The Legal Framework

a. Election-related legislation and its implementation

THE ELECTION LAW: Before an EOM is deployed to a particular country, ODIHR may arrange for a review and analysis of the respective election law(s), if such a review does not already exist. This allows for a comprehensive assessment of the extent to which the legal framework re-

flects OSCE commitments and other international standards. Such analysis is carried out in conformity with the ODIHR guidelines.³⁶ This analysis is usually carried out jointly with the Venice Commission. The members of the EOM, and in particular the legal analyst, will be thoroughly familiar with any such analysis. If there are clear shortcomings in the legislation, these should be noted and recommendations for relevant amendments should subsequently be included in the EOM's final report.

An EOM considers not only the content of the legislation but how it was drafted and adopted. Election legislation must enjoy broad support among election stakeholders in a given country. The legal framework should, therefore, be drafted in an open and inclusive manner in order to secure broad confidence among competing political parties and candidates, and voters. It is good practice that significant changes in the legal framework are not introduced shortly before an election, except under exceptional circumstances and when the amendments have broad political support. Otherwise, such changes could create confusion and lead to an unstable election environment. In principle, the rules of the game are not to be changed in the middle of the game. Election legislation enacted sufficiently in advance of elections allows election stakeholders adequate time to learn about the rules of the election processes.

OTHER LEGISLATION: The legislative framework for an election includes not only election law(s) but also a range of legislation on related matters. Depending on the circumstances, the legal analyst, and possibly other members of an EOM, may also need to review constitutional provisions and other legislation relevant to the election. This could include laws on national electoral authorities, political parties, civil society organizations, citizenship, public assemblies, voter registration, campaign finance, media, and elements of criminal and administrative legislation. Laws relating to human rights and non-discrimination may also be important to the electoral process, and a review of subsidiary regulations and decrees may also be necessary.

IMPLEMENTATION: The impartial, fair and consistent implementation of the legislative framework is critically important and deserves the careful attention of an EOM. There are usually different bodies responsible for implementation and enforcement: election commissions, prosecutors and other government bodies, central and local government authorities, media outlets, regulatory bodies, the courts and the police. An EOM observes the extent to which each of these bodies complies with its obligations under the law and in line with OSCE commitments and other international standards. Experience demonstrates that a key factor in any election is the authorities' political will to implement the process in an impartial, transparent and accountable manner. Even if legislation complies fully with electoral standards, this will be of little value unless it is implemented fully and fairly. Conversely, in the presence of commensurate political will on the side of the authorities, democratic elections could be conducted even if the legislative framework presents some shortcomings.

36 *Guidelines for Reviewing a Legal Framework for Elections* (Warsaw, OSCE/ODIHR, March 2001). An expanded version of the Guidelines will be published in 2010.

Possible problems to be aware of:

- Legislation that does not meet OSCE commitments and other international standards and that does not adequately ensure respect for fundamental human rights;
- Laws that do not enjoy the confidence of major election stakeholders;
- Legislation that is vague, subject to varying interpretations or lacking sufficient guarantees for the respect of civil and political rights;
- Inconsistencies between different pieces of election-related legislation;
- Failure to implement legislation in a non-partisan, consistent, fair and transparent manner;
- Subsidiary regulations that are contrary to the intent of the law.

b. Complaints and Appeals

Another important element of the legal framework is the complaints-and-appeals process, which must provide effective and timely remedy in the event of a violation of the law. Complaints concerning the election process must be dealt with equitably, transparently and in accordance with due process of law. Procedures and deadlines should be clearly set out in the election law. Timeframes must be sufficiently short to ensure a meaningful remedy but also long enough to allow complainants to prepare adequate cases.

The right to appeal to election bodies and courts should be established to enable a clear, understandable, singular and hierarchical complaint process that defines the roles of each level of election commission and each level of the courts. This will avoid the potential for a complainant to appeal to the body considered likely to offer the most favourable consideration of the complaint. It can ensure that all complaints are addressed in a consistent manner. If complainants are required to appeal first to election bodies, the law should always grant the right to appeal to a court of law at a higher instance, and this court should be able to examine the substance of the case. Observers should pay careful attention to the legal reasoning motivating decisions and to the independence and impartiality of courts. Responses to complaints should be provided in writing and in a timely manner. All hearings and rulings should be public.

The legal analyst should keep track of complaints registered during the campaign and how they were resolved. Although the number of complaints is not necessarily indicative of the quality of an election process, a listing of complaints and their resolution can serve as an indicator of issues that may require further EOM attention, including whether effective remedy was available.

Possible problems to be aware of:

- An unclear or ambiguous process for filing complaints;
- Lack of opportunity to appeal administrative decisions in a court of law;
- A judiciary that is not independent from the executive branch;
- Lack of due process in court proceedings;
- Lack of consideration of complaints, or postponement of rulings on complaints until after the elections;

⊖ Lack of consideration of the substance of a complaint on appeal;
⊖ Evidentiary rules that prevent complainants from having a fair opportunity to present facts in support of a complaint or appeal;
⊖ No provision of the legal reasoning or the factual basis motivating decisions;
⊖ Lack of timely and effective remedy; and
⊖ Failure to hold accountable those who violated laws.

7.2 The Election Administration

a. Composition of the Election Administration

Election commissions: A national election administration, such as a central election commission or equivalent body, is usually responsible for administering an election efficiently, transparently and impartially. Occasionally, the judiciary and executive bodies may play a role in organizing elections. Whichever body is constituted to administer a particular election, its work should be efficient, collegial, impartial, transparent and independent from the state authorities and other political influences. It should be guided by the fair implementation of laws with no regard for political considerations, especially in cases where election commissions are multipartite, and should enjoy the confidence of election stakeholders.

There are numerous acceptable ways of forming election commissions. Election-management bodies can be made up of party nominees representing different political interests. The balance of party representatives can serve as a check on potential misadministration or abuse of office, particularly if parties are represented at all levels of the election administration. This can also enhance the confidence in the work of the election commissions. If the members of election commissions are nominated by political parties, they should be prohibited from campaigning and should be able to act professionally, impartially and independently without fear of retribution or recall. The independence of an election commission can be enhanced if it is composed of suitably qualified and experienced individuals and nominated according to a balance of interests. The commission should be able to implement the election legislation and regulations without interference, intimidation or impediments to its duty. Regardless of how election commissions are composed, the legal framework must provide for the opportunity to have a decision or act of an election administration body reversed or corrected.

A central election-administration body may be permanent or a temporary body that exists during the election period only. If it is not a permanent body, its independence may be best guaranteed by fixed tenures for its members and the right of return to their previous employment. The importance of the staff of election administration bodies, especially in cases where there is a permanent body, should not be underestimated. The same requirements of professionalism, impartiality and independence should be applicable for the staff. The staff, which in most cases are civil servants, should be protected against arbitrary or politically motivated removal.

When all meetings of the election administration are open to accredited observers, transparency is greatly enhanced, thereby contributing to public confidence in the system. It is a good

practice for election-administration bodies to publish their decisions immediately upon delivery and provide regular and timely briefings for the media. Domestic observers should also be permitted to attend and follow the proceedings at election commission meetings. The ODIHR election analyst should attend all meetings of the central election administration, while LTOs should attend meetings of regional and local election administrations.

Election administrations enjoy the most public confidence when they are able to work on the basis of consensus or collegiality. All meetings should be announced in a timely manner, with all relevant documents equally conveyed to all members of the commission in sufficient time to be considered prior to the session.

OTHER BODIES INVOLVED IN ELECTION ADMINISTRATION: In addition to election commissions, various government ministries and regional and local officials may be required to carry out administrative and logistical operations in the preparation for and conduct of elections. They may be responsible for preparing voter registers and distributing voter lists, ballot papers, ballot boxes, polling booths, official stamps and other required materials, as well as determining the arrangements for storage, distribution and security. Local authorities are often required to provide the premises for polling stations.

Any bodies involved in electoral preparations should carry out their tasks transparently, efficiently and impartially, and should be accountable for their conduct. Observers should become acquainted with the roles of ministries and local authorities in organizing the election process and the extent to which they contribute to an effective administration of the elections.

Possible problems to be aware of:
➤ Commissions that do not enjoy broad confidence among election stakeholders;
➤ Commissions that are under political pressure or lack independence;
➤ Commissions that do not implement laws fairly and impartially;
➤ Commissions whose work lacks transparency;
➤ Commissions that tend to make decisions by voting along political lines;
➤ Inexperienced officials at polling stations;
➤ Ineffective, inadequate or lacking training;
➤ A lack of collegiality;
➤ A lack of consistent and adequate guidance to lower-level commissions from central electoral authorities;
➤ Last-minute changes in election commission membership or unfounded recalls of members, leading to an unstable commission membership; and
➤ Lack of effective co-ordination between election commissions and regional or local officials responsible for supporting elections.

b. Resources

MATERIAL RESOURCES: Whatever the particular characteristics of the respective national system for funding various election processes, the election administration should be provided, in a

transparent and timely manner, with funds from the state or local budget sufficient to meet its responsibilities.

Observers should establish whether the election administration has a realistic understanding of, and adequate means to meet, the resource requirements for an efficient election process. This includes funds for the financial compensation of the members of election commissions, for a sufficient number of suitable polling-station facilities, for polling-station equipment (ballot papers, secure and adequate ballot boxes, adequate polling booths, etc.), and for communications and computer capacity.

PERSONNEL RESOURCES: Adequate human resources and specialized knowledge are also required to implement an election effectively. Observers should ascertain whether a sufficient number of election officials have been appointed, whether clear guidance and instructions have been issued to election officials, and whether election officials are familiar with the tasks to be carried out on election day.

Observers should assess whether all election commission members at all levels, including members nominated by political parties, have received standardized training. LTOs should observe such training sessions for regional and local election officials whenever possible.

Possible problems to be aware of:
⊖ Lack of funding or late fund disbursement that can hinder preparations;
⊖ Inadequate voting equipment, such as polling booths that do not ensure the secrecy of the vote;
⊖ Polling stations in facilities that are too small or not accessible to disabled voters;
⊖ Inadequate training for polling-station officials;
⊖ Lack of clear, written instructions on polling procedures; and
⊖ Polling-station personnel being appointed too late to receive adequate training.

c. The Ballot

BALLOT DESIGN: The complexity of the ballot directly affects the efficiency of the voting process. Ballots should be designed as simply as possible so that they are easy for voters to understand and fill out. Unduly complex ballots can cause confusion among voters, slow the voting and counting procedures, and generate a greater number of invalid ballots. In multilingual societies, ballots should be available in the relevant languages. The order of candidates or parties on the ballot should be determined by lot or in some other equitable manner.

BALLOT SECURITY: Ballots and other sensitive election materials should be properly supervised and secured at all times. To assess these processes, observers should look into where and how the ballots were printed, where and how they were stored and distributed, and how long before the elections. It is good practice to grant interested parties the right to observe the printing, distribution and storage of ballots to bolster confidence in the process. In some countries, the “protocol of results” form or other materials may be as sensitive as ballots, and should also be subject to security measures. A system of receipts helps ensure accountability during the transport, handover and storage of ballots and other election materials.

As an additional security measure and safeguard against fraud, a number of countries use voting procedures that require that ballots be placed in special envelopes before being placed in the ballot box. In such systems, envelopes, rather than the ballot papers themselves, are sensitive materials.

A number of other safeguards may also be built into voting systems to help protect the security and secrecy of ballots, such as:

- › Affixing an official stamp specific to the polling station on ballots when they are given to voters;
- › Having one or more polling-station official(s) sign the back of the blank ballot before it is issued to the voter;
- › Using numbered ballot stubs to monitor the number of ballots in a ballot box;
- › Using a stamp, rather than a pen, to mark ballots;
- › Using heavy paper for ballots so that marks cannot be seen through the back of the ballot paper; and
- › Printing ballots with watermarks or other devices to make them harder to counterfeit.

Possible problems to be aware of:

- Lack of or inadequate safeguards surrounding sensitive materials, including ballots or envelopes;
- Lack of accountability at any stage of the ballot production or distribution process;
- Ballots circulating outside of polling stations on or before election day;
- Polling-station procedures that may compromise the secrecy of the ballot; and
- Ballots not translated in relevant languages.

d. Voter Information and Education

Sufficient voter information and education is needed to ensure that participants in the electoral process are fully informed of their rights and responsibilities as voters. These efforts can also generate knowledge and interest about the election process and build a climate for open debate. Observers should assess the extent and effectiveness of voter information and education.

Voters are to be informed of when, how and where to register to vote or to check that they are already properly registered. It should also explain when, how and where to vote on election day. It is essential that this information is provided in a timely manner, allowing voters sufficient opportunity to benefit from it.

Voter-education efforts address voters' motivation and preparedness to participate fully in elections and focus on relatively more-complex types of information about voting and the electoral process, including the choices available to the voter and the significance of these choices within the respective political system.

Information should be freely available to all voters throughout the country. While political parties and civic organizations may contribute to voter-education efforts, it is ultimately the responsibility of the authorities, including the election administration, to ensure that voters

receive objective, impartial, unambiguous and timely information. Publicly funded or state media also have a special responsibility to ensure that voters receive sufficient, balanced information on candidates, parties and issues in order to enable them to make well-informed choices.

Voter-education efforts may reasonably be directed at particular segments of the population with a traditionally low voter turnout; in some countries, these might include minority groups, women or youth. It is good practice to provide voter education in major minority languages in addition to the language of the majority.

Possible problems to be aware of:

- ➡ Lack of or inadequate voter information and education;
- ➡ Information about the election process being received too late;
- ➡ Information that could be biased, e.g., showing a ballot paper marked for a certain contestant;
- ➡ Certain groups not receiving or understanding information;
- ➡ Changes in election procedures may be inadequately publicized;
- ➡ First time voters unaware of registration or voting procedures; and
- ➡ Minority language speakers, citizens outside of the country, refugees or displaced persons unaware of the required procedures.

7.3 Registration of Candidates and Political Parties

The right to stand for office is a fundamental civil and political right enshrined in the 1990 OSCE Copenhagen Document and is an essential element of democratic elections. This right relates to the universality of suffrage and the fundamental right to freedom of association. The election administration is usually responsible for registering candidates for an election. All electoral contestants should be able to nominate and field or stand as candidates freely and on equal terms. Any arbitrary or discriminatory practices for the purpose of disqualifying or undermining certain candidates or political forces contravene OSCE commitments.

Freedom of association is the central right that governs the functioning of political parties. However, given political parties' unique and vital role in the electoral process, the state also has an obligation to regulate them to the degree necessary to ensure effective, representative and fair governance. Any limitations to the rights to freedom of association, expression and assembly must be prescribed by law and necessary in a democratic society. The regulation of political parties must be undertaken by bodies that enjoy guaranteed impartiality both in legislation and in practice. Political parties should have recourse to be heard by an independent tribunal for all decisions affecting their fundamental rights of association, expression and assembly.

There should be no restrictions on the registration of candidates or parties for reasons such as "race", gender, religion, political or other opinions, national or social origin, association with a minority or ethnic group, property, birth or other personal status. However, good practices include special mechanisms designed to ensure more equitable representation of women or minority groups.

There are certain reasonable restrictions that may be applied to individuals wishing to stand for office. For example, it may be reasonable to exclude any person currently serving a prison sentence for having committed a serious crime. However, loss of the right to run for office should be provided for by law, be decided by a court of law, and be proportional to the crime committed. This fundamental right should be automatically reinstated once the sentence has been served. Another example pertains to residency; it is reasonable to require a person to have been a resident of a particular country for a reasonable period of time before running for office. Other restrictions may pertain to citizenship, to a demonstration of minimum support among voters, or to a reasonable minimum-age requirement. Any language requirements should not present an unreasonable limitation on candidacies and should be clearly provided for by law. Language tests should be transparent, objective, non-discriminatory and administered fairly. Civil servants, military and security personnel, and judges may reasonably be restricted from running for office unless they resign from their positions, so as to avoid conflicts of interest. Unreasonable requirements may include excessive deposits, mandatory regional support or party representation, or an excessive number of support signatures, each of which could discourage legitimate candidacies.

Provisions regarding candidate and party registration must be applied equally. Registration requirements for candidates and parties should be predictable and clearly defined in law.

Citizens should not be required to be members of political parties in order to stand for office and there should be provision for independent candidates, in accordance with Paragraph 7.5 of the 1990 Copenhagen Document.

With regard to the principle of proportionality, parties or candidates should not be disqualified from standing for election other than for the most serious reasons given the fundamental nature of the right to stand. They should be given an opportunity to correct any technical deficiencies on their applications for registration and should not be disqualified or refused registration solely on technical grounds. The right of judicial appeal must exist for the refusal of registration of a party or candidate, and appeals must be heard within a reasonable time-frame prior to the election.

Since the registration of candidates and political parties is a key part of any election process and has a direct impact on the competitive and pluralistic nature and quality of the process, it should be monitored closely by an EOM. If an EOM does not arrive in-country until after all or part of the candidate-registration process is complete, it should nevertheless try to assess the fairness and effectiveness of the process through discussions with officials, party representatives and candidates, including any individuals who have been denied registration.

Possible problems to be aware of:
➤ Lack of provision for independent candidates;
➤ Unreasonable restrictions placed on the right to stand for office or on the right to associate;
➤ Unlawful banning, suspension or de-registration of parties or candidates;
➤ Restrictive or discriminatory policies with regard to the formation or operation of political parties;

➤ Selective and unfair implementation of the law with respect to the registration of political parties or candidates;
➤ Excessive deposits, mandatory regional representation or excessive numbers of signatures required to qualify for registration;
➤ Excessive or unfairly tested language requirements;
➤ Disqualification of candidates for previous violations of the administrative code or administrative regulations;
➤ Disqualification of candidates or parties due to technical problems with their applications;
➤ Absence of the opportunity for candidates to rectify mistakes or correct omissions in their applications;
➤ Undue delays or administrative obstacles in the registration of political parties;
➤ Lack of political pluralism; and
➤ Lack of a genuine choice offering alternative political views to voters.

7.4 Voter Registration

GENERAL CRITERIA FOR REGISTRATION: The right to vote is a fundamental human right that can be subject to age, residency and citizenship requirements, or to deprivation by a court of law for having committed a serious crime or for lacking the necessary mental capacity. Voter registration is intended to ensure that all citizens can exercise this right within a system that also facilitates the administration of elections and guards against multiple voting.³⁷ Establishing and maintaining accurate voter registers at the national level, or voter lists at the regional or local level, can be one of the most difficult and, sometimes, the most controversial elements of an election process.

The authorities in a country have to make fundamental decisions with regard to whether voters vote in their place of permanent residence, or whether they will be allowed to vote at their place of temporary residence or anywhere in the country. If either of the latter two approaches is adopted, then a system of checks needs to be put in place to prevent the possibility of double entries and, ultimately, the possibility of double voting.

An accurate voter-registration process can be best assured by a permanent, well-maintained and regularly updated central, nationwide voter register. One comprehensive, computerized register can assist the authorities in checking the registration of individual citizens and avoiding duplications, thereby enhancing the integrity of the voter register. Some countries, however, may not have the capacity to generate a computerized nationwide voter register, and will have a decentralized system of voter registration instead. In federal systems, regional and local authorities may be responsible for voter registers at the regional or local level.

There should be clear legal requirements governing qualification and disqualification with respect to citizenship, age and residence, the timelines for registration for specific elections, the method of registration and the format of the voter register. The law should also clearly set forth the accepted means of identification (evidence of eligibility) and the complaints

³⁷ See ODIHR *Guidelines for Observing Voter Registration* (forthcoming).

and appeals procedures when a voter is not on the voter register. It is common that the legal framework for voter registration also regulates the temporary absence of voters from their place of residence, and provides for the publication of a draft register, for voters' rights to inspect their registration, and for the publication of a final register.

An efficient voter-registration system requires the population to be active in reporting changes of residence and other relevant aspects of their civil status. Registration procedures and facilities should be as simple as possible, free-of-charge, and should be readily accessible to voters. The voter lists (as extracted from the national voter register, where applicable) should be made public well in advance of the election to allow complaints about and remedy of incorrect inclusions, exclusions or other inaccuracies. Voter lists either should not include or should carefully protect personal data beyond that required to identify a voter and establish eligibility.

SYSTEMS OF VOTER REGISTRATION: Countries have adopted a variety of means for registering voters. Active, or affirmative, registration systems require individuals to apply to be registered as voters. In passive systems the voter register is compiled automatically on the basis of residency or citizenship registers, or some other form of record. Either type of system is acceptable if it produces a comprehensive, transparent, inclusive and accurate voter register.

Some participating States permit registration on election day by means of a supplementary voter list for voters whose names have been omitted from the main voter list and who can prove their eligibility. While this broadens the possibility of voters to cast their ballots and enlarges the franchise, such systems can be open to abuse. Observers should thoroughly assess how this system is implemented and what safeguards are in place to avoid multiple voting.

In exceptional cases, there may be no formal registration at all, with voters being required to establish their identity and eligibility at the polling station on election day. In such cases, special arrangements should be considered to guard against multiple voting, such as the marking of voter identification documents or the application of indelible ink to voters' fingers.

ACCURACY OF THE VOTER REGISTER: The voter register requires constant updating to remain as accurate as possible. Emigration and internal migration or displacement can cause significant population shifts from one election to the next. Identifying and registering or re-registering large numbers of voters who have moved is a substantial technical undertaking, requiring the updating of voters' registration according to their new places of residence. Voter registers must also be continuously updated to take account of other civil events, such as changes in voters' names, their coming of voting age or their deaths.

Safeguards should exist to avoid multiple registration. Systems should be in place to ensure that deceased persons are removed from the register and that those who have reached voting age are added. In cases where a person's name might change upon marriage or divorce, it is important to ensure that the voter register is updated accordingly so that individuals do not lose their right to vote. Ideally, there should be provisions for citizens abroad to register and to vote. If voters receive special voter cards to identify themselves at polling stations on election day, there must be adequate security to avoid duplication of the cards.

INCLUSIVENESS OF THE VOTER REGISTER: Observers should carefully assess the inclusiveness of the voter-registration process. In particular, they should ensure that no unreasonable restrictions are placed on voter registration. Unreasonable restrictions include those based on “race”, sex, religion, ethnic origin, (past) political affiliations, language, literacy, ownership of property or ability to pay a registration fee.

Possible problems to be aware of:
➤ An insufficient or incomplete legal framework for voter registration;
➤ A system of voter registration that does not ensure accurate voter registration;
➤ Registers and/or lists that are not open to public inspection or are not easily accessible;
➤ Lack of clear rules for correcting mistakes or omissions;
➤ Lack of a clear complaints and appeals process with regards to voter registration;
➤ Discriminatory practices resulting in the exclusion of certain groups of citizens from the voter register;
➤ Non-registration of internally displaced persons;
➤ Registration processes, especially in systems of active voter registration, that exclude certain categories of citizens or that are not accessible for certain categories of citizens, such as women or national minorities;
➤ Lack of voter information on registration;
➤ Widespread inaccuracies and or duplicates in the register and/or voter lists;
➤ Voter lists containing unnecessary data; and
➤ Voting rights not being restored after the convicted person has served a prison sentence.

7.5 The Election Campaign

a. The Political Campaign

FREEDOM TO CAMPAIGN: OSCE commitments require that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence, nor intimidation bars parties and candidates from freely presenting their views and qualifications. Fundamental freedoms, such as the rights to freedom of expression, peaceful assembly, association and movement must be respected at all times. There should be no arbitrary or unreasonable restrictions on campaign activities, meetings or rallies. Those wishing to assemble should enjoy this right equally and should only be required to notify the authorities. The government is responsible for ensuring that respect for these rights is subject only to reasonable restrictions.

It is particularly important that campaigning should be free from violence, pressure or intimidation. There should be no disruption of campaign meetings. Citizens should not fear retribution, such as loss of employment, for their campaign activities. They should not be prevented from familiarizing themselves with and discussing the political platforms of election contestants. All persons should be free from coercion by the authorities; special attention in this regard may be focused on such groups as students, soldiers, public-sector employees or local leaders.

While the authorities are responsible for providing a safe and secure environment for campaign activities, security concerns should not be misused as a reason to abridge fundamental freedoms. Throughout the campaign and voting processes, security forces have a duty to refrain from intimidation and to prevent intimidation by others. Intimidation by members of the security forces can have a particularly negative effect on voters and candidates.

There must be timely and effective judicial remedies available in case candidate or party rights are violated during a campaign, or in the event that unreasonable restrictions are imposed on campaigning activities. Observers should particularly take note of instances of speech that advocate violence or encourage racial, ethnic and religious hatred during a campaign. They should assess how these instances are dealt with by the authorities. Like at any other time, speech that incites violence or hatred should never be acceptable during an election campaign.

THE POLITICAL CONTEXT: While the primary focus of observers is on the election process, this necessitates a basic knowledge of the political context and issues surrounding a particular election. Observers should, therefore, meet with candidates and parties, observe rallies, and review campaign materials in order to gain an understanding of the political processes and issues dominating the campaign. Observers should assess the extent to which the population — including minority groups and women — are active in the political process and seek to understand any causes of a lack of active involvement or interest. In addition to political parties and candidates, other good sources of information on a campaign can be NGOs, domestic observer groups, academic specialists and media representatives.

Possible problems to be aware of:
➤ Forms of campaign violence;
➤ Detentions of candidates or activists;
➤ Disruption of, or restrictions on, campaign meetings or rallies, including refusals to grant authorization;
➤ Reports of intimidation, pressure or harassment;
➤ Exclusion of women or minority groups from the political process;
➤ Systematic efforts to remove or deface campaign posters; and
➤ Placing of unattributed campaign materials.

b. Campaign Resources

Campaign financing: Campaign financing should be governed by clear legislation or regulations. The legal framework should apply equally to all candidates and parties. It is a good practice to require both pre- and post-election disclosure of campaign spending, as well as disclosure of campaign income to promote transparency and accountability. Where the government provides funds for campaigning, this should be done on a fair and equitable basis.

Any limits on fund-raising and campaign spending should not be so stringent as to render candidates unable to pay for basic campaign costs such as salaries, transportation, office expenses, the purchase of campaign advertising space in the media, and the printing and distribution of campaign materials. However, reasonable limitations on campaign expendi-

ture may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by disproportionate expenditure by or on behalf of any candidate or party. Reasonable restrictions may include prohibitions of funding from foreign sources, public and private corporations or anonymous sources. The law should establish an independent and specialized body to be in charge of monitoring campaign finance.

USE OF PUBLIC RESOURCES: It is the responsibility of the government, in order to provide a level playing field, to ensure that public and administrative resources, both material and human, are not abused in support of any particular candidates or parties. For example, government office space, vehicles and telecommunications equipment should not be used for partisan purposes unless access is specifically regulated, provided in the form of in-kind state subsidies, and based on fair criteria. If public buildings or other public facilities are available for use as campaign offices or campaign meetings, they should be available to all candidates or parties on the same basis.

The law should make clear the extent to which civil servants or other public employees may be involved in a campaign. At a minimum, public employees should strictly separate their roles as public servants from their involvement in any campaign activities. Public employees should not be required to attend campaign events, finance individual candidates or political parties, or be coerced to vote for a particular party or candidate.

TIME AS A RESOURCE: Time is also an important resource for a meaningful election campaign. All contestants should have an equal period of time in which to campaign. The duration of the campaign must be long enough to enable the contestants to effectively organize and convey their policies to the electorate.

Possible problems to be aware of:
⊖ Unclear or ambiguous rules on campaign financing or absence thereof;
⊖ Public campaign funds that are not received in a timely manner;
⊖ Fund-raising or spending limits that are too low to allow for effective campaigning;
⊖ Lack of transparency in campaign funding or spending;
⊖ Abuse of public resources or unfair distribution of public funds;
⊖ Lack of separation between state and party;
⊖ Biased enforcement of campaign-finance regulations.

7.6 The Media

a. Media Environment

MEDIA FREEDOM: Free and independent media are a vital element in a genuine and democratic election process. The authorities, including media owners, should ensure that the media have the right to gather and impart information freely, without undue interference, intimidation or obstruction of media outlets or journalists. Censorship should be prohibited and the editorial independence of media outlets should be respected.

ACCESS TO MEDIA: OSCE commitments call for unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process. At the same time, the media, taken as a whole, have a responsibility to provide sufficient and diverse information to enable voters to make a well-informed choice at the ballot box.

PLURALITY: A broad range of media outlets (broadcast and print) at the national and regional levels generally indicates the existence of a pluralistic media environment. Such diversity in the media market also provides for a range of political viewpoints and information to be available to voters during an election. At the same time, concentration of ownership of media outlets may diminish the plurality of viewpoints available to citizens.

The expansion of news sources and social media available on the Internet has significantly increased the amount of information available to citizens during election campaigns. These media can have a significant impact on an election process, and observers should assess any state regulations in this respect, as well as any interference in citizens' ability to communicate and access information freely via the Internet.

PUBLIC MEDIA: State-owned or public media, have a special responsibility to provide balanced and neutral information on elections and on candidates and parties in all election-related programmes, including news. All contesting points of view should be fairly and equitably communicated. It is good practice for the public media, at least, to provide free airtime or print space to the candidates or parties. While incumbents may receive media coverage related to their official duties, this should not be misused as a means to give them an unfair advantage, and campaign events should not be confused with issues of state.

PRIVATE MEDIA: Depending on national regulations and laws, private media do not necessarily have the same responsibility as public media for neutrality and balance. For example, a political-party newspaper may be expected to serve as a platform for a particular party, and it is not unreasonable for a private newspaper to endorse a candidate in its editorial policy. However, private electronic media are often subject to a higher degree of control by public authorities than print media, as they benefit from the allocation of limited public resources (airwaves and frequencies). It is important, therefore, that any regulatory framework for the media - either statutory regulation or self-regulation - ensures balanced coverage of electoral contestants by private broadcast media.

An EOM monitors both private and public media to assess their impact on the campaign and whether, through all sources, the electorate receives sufficient, balanced and impartial information to make an informed decision. Particular attention is given to newscasts and political talk shows broadcast in prime time.

b. Legal framework for the media

MEDIA-RELATED LEGISLATION: The conduct of the media during an election campaign may be part of media-specific legislation or be included in the election law. Media legislation may regulate media conduct in legitimate ways, such as limiting the release of opinion polls in the week before the election, imposing a campaign-silence period immediately prior to election day, or restricting the release of exit-poll data prior to the close of polls. Legislation may also

require public media to provide free airtime to all contestants or to treat all contestants in an equal manner, affording them equitable access and balanced coverage. Legislation may also ban paid political advertising during a campaign or, alternatively, to require that the same rates and conditions for advertising be offered to all contestants.

A balance may be sought in regulating the media sector during elections without being overly restrictive or burdensome, or impeding the role of the media in providing sufficient and diverse information to allow voters to make an informed choice. In an overly restrictive media environment, journalists may practice self-censorship to avoid harassment or sanctions by the authorities, thus limiting the information and diversity of views available to the electorate.

MEDIA-REGULATION BODIES: Regulations on the media are usually monitored and implemented by media-regulation bodies, which may remain the same for an election period or be set up specifically for an election. In some countries, the election administration may be responsible for the oversight of media conduct. Media-regulation bodies should have a balanced composition and act in an impartial, independent and transparent manner. Such bodies should have the means available to enforce the regulations through a range of reasonable and proportionate sanctions.

Media-regulation bodies may also accept complaints about media behaviour during elections, while, in other cases, these complaints are made to the same bodies as other election-related complaints. Any media-related election complaints should be treated expeditiously, with a timely remedy available.

c. Media monitoring

ODIHR employs a specific methodology for assessing media coverage of an election campaign, based on both quantitative and qualitative analysis.³⁸ The media analyst leads a team that monitors the major broadcast and print media and measures the amount of time and space devoted to each contestant. The team also assesses whether each segment of coverage presents the contestant in a positive, negative or neutral manner. The analysis of these data gives an indication of the access afforded to candidates and parties by each media outlet, as well as the tone of the coverage.

The media analyst also considers additional qualitative aspects of media coverage in their analysis. For instance, the media analyst notes whether any election events have been omitted from coverage, if certain contestants are more likely to be shown during prime time, if the sound or image quality is distorted for certain contestants, and any other indications of media bias. The media analyst also assesses the compliance of media outlets with regulations on issues such as free airtime and campaign-silence periods.

An EOM also assesses whether the media laws permit freedom of the media during the campaign, how well this freedom is upheld, whether the media-regulation bodies are fulfilling their responsibilities, and whether complaints are handled in a fair and efficient manner and any consequent sanctions implemented.

³⁸ See ODIHR *Handbook on Monitoring the Media during Election Observation Missions* (forthcoming).

Possible problems to be aware of:

- Unequal treatment of parties or candidates by public media;
- Lack of sufficient, balanced and objective information on candidates, parties and the campaign for voters to make an informed choice;
- Closure of electronic or print media outlets;
- Intimidation, harassment, or detention of journalists;
- Media self-censorship;
- Interference with distribution networks for print media;
- Discriminatory practices for paid advertising;
- Free airtime broadcast at times of low viewership;
- Defamation of candidates or distortion of candidate messages by the media; and
- Ineffective media-regulation bodies that do not take appropriate remedial action.

7.7 Women's Participation in Elections

All OSCE participating States recognize equality between women and men as a fundamental aspect of a democratic society. They are committed to promoting equal opportunities for the full participation of women in all aspects of political and public life. An election process cannot meet OSCE commitments or other international standards unless it includes the opportunity for full and equal participation by women.³⁹

ODIHR integrates a gender perspective into all its election observation activities and takes into account how election processes affect both women and men. Gender issues affect all aspects of an election. Therefore, any ODIHR election-related activity considers how political, legal and social structures affect women as well as men in the electoral process. Analysts will look at women's participation in an election as voters, candidates and elected representatives; the role of women in leadership positions in the government, state institutions and the election administration; and how the legal framework and media structures affect women, especially as candidates.

Possible problems to be aware of:

- Lack of representation of women in state institutions and election administration;
- Legal provisions that disenfranchise or disadvantage women;
- Discrimination against women in the legal system;
- Effect of the election system on the participation and candidacy of women in the election;
- Where affirmative action or quota provisions exist, their effect on the participation of women;
- Under-representation of women on the voter register in comparison with the proportion of women in the population at large;

³⁹ For more information on the integration of gender issues in ODIHR's election-related work and on observation of women's participation in elections, see the ODIHR *Handbook for Monitoring Women's Participation in Elections* (Warsaw OSCE/ODIHR, 2004), available at: <http://www.osce.org/odihr/item_11_13585.html>.

➤ Obstacles, shortcomings or cultural traditions affecting the voter-registration process that are disadvantageous to women;
➤ Determination of candidates for party lists that is disadvantageous to women candidates;
➤ Placement of women candidates on party lists in positions that are unlikely to win parliamentary seats;
➤ Obstacles to campaigning by women candidates;
➤ Discriminatory or unequal treatment of women candidates by the media;
➤ Reproduction of negative stereotypes about women by public and political figures or institutions, including candidates and media;
➤ Family voting; and
➤ Visibly low participation of women as voters on election day.

7.8 Participation of Persons Belonging to National Minorities in Elections

ODIHR has integrated the assessment of national-minority participation into its overall election observation methodology, recognizing the importance of this issue for democratic elections.⁴⁰ Each EOM should collect a certain amount of quantitative data on national-minority participation to be included in mission reports, which can serve as a useful basis for measuring positive and negative trends, particularly regarding representation of national minorities as candidates, election administrators and voters.

Observers should assess whether voter education and information are available to national-minority voters and candidates. They should carefully monitor the campaign and investigate any possible problematic issues regarding national-minority representation. They should also determine whether national-minority candidates and parties have been given the same opportunities to participate in an election and to campaign. The possible impact of the election system on the participation of national-minority groups should also be considered. Such an assessment should evaluate the formula for translating votes cast into seats and consider how the details of the system impact the seat allocation for minority candidates and parties. It should also analyze the possible impact of delimitation of electoral boundaries on the representation of national minorities in the newly elected body.

Possible problems to be aware of:
➤ An electoral system that disadvantage national minority groups;
➤ Discriminatory electoral-district boundaries;
➤ Difficulties registering candidates who belong to a national minority;
➤ Obstacles to the registration of voters belonging to a national minority;
➤ Obstacles to the ability to campaign freely;
➤ Use of hate speech in the campaign;
➤ Lack of access to media for national-minority candidates;

40 For more information, see the ODIHR Guidelines to Assist National Minority Participation in the Electoral Process at <http://www.osce.org/odihr/item_11_13589.html>. An expanded ODIHR handbook on observing the participation of national minorities in elections is forthcoming.

- Inadequate voter education;
- Lack of representation of national minorities in election commissions;
- Lack of national-minority candidates on political party lists; and
- Non-availability of voter education and election materials in languages of national minorities.

7.9 Electronic Voting

Some OSCE participating States have introduced new technologies to automate voting and counting processes. A variety of electronic technologies are in use, including direct recording electronic (DRE) equipment, ballot-scanning devices, the Internet and mobile telephone networks.

New election technologies using electronic equipment offer potential advantages, including their ability to increase voter participation, to enable voting in remote locations (such as for overseas voters), to facilitate counting, to speed up the release of final results and to improve access for voters with disabilities or who speak minority languages. However, such technologies also pose challenges to the transparency and accountability of an election process, to the secrecy of the vote and may influence perceptions about the security of the vote and have a negative impact on voter confidence. It is important, therefore, to assess the introduction of electronic voting in a participating State and the impact on the ability to observe the voting process compared with traditional methods of voting.

Electronic technologies must function in a manner compatible with the principles enshrined in OSCE commitments and other international standards for democratic elections, and offer the same guarantees for transparency, accountability and public confidence as traditional voting methods.⁴¹ In countries where electronic voting has been introduced, the following measures have proven essential to ensuring respect for these principles and to enhancing public confidence in new election technologies:

- i. Transparent procedures for the certification of electronic-voting equipment and reporting of results;
- ii. Permission for competent individuals, academic institutions or civil society groups to comprehensively and independently test automated voting equipment;
- iii. Regulations that ensure against possible conflicts of interests for the vendors of electronic-voting equipment;
- iv. Facilities that produce a voter-verified, permanent paper record, with a manual audit capacity, and clear regulations that specify when audits must be conducted;
- v. The ability to provide for mandatory, statistically sound manual recounts of paper ballots to detect possible irregularities; and

41 See ODHR *Handbook on Observing Electronic Election Technologies* (forthcoming).

- vi. Establishment of a clear division of responsibilities between vendors, certification agencies and election administrators to fully ensure accountability and effective response in the event of equipment failure.

ODIHR observers do not certify electronic-voting systems. However, they should have full access to the process of certification and independent domestic verification of electronic-voting equipment, including reports from certification bodies and auditors. The criteria electoral authorities use when choosing electronic-voting systems and the manner of their introduction, including the legislative framework, voter education and pilot testing, are also relevant issues for an EOM. Observers should also be allowed to observe the functioning of electronic-voting systems, including the tabulation of results by such systems.

The use of electronic-voting technologies in an uncontrolled environment, such as Internet voting, presents additional challenges with respect to the security and secrecy of the vote and the ability to observe it. While an EOM may be able to observe aspects of the process in such cases, it is unlikely to be able to observe the voting process itself in an effective manner and may be unable to reach conclusions about the integrity of the process.

Possible problems to be aware of:
⊖ Lack of an adequate legal framework;
⊖ Electronic-voting systems with no voter-verified paper audit trail or other manual-audit capacity;
⊖ Lack of access to the source code;
⊖ Lack of public confidence in the integrity of electronic-voting equipment;
⊖ Insufficient training of election officials;
⊖ Lack of voter information;
⊖ Lack of transparency in the certification process;
⊖ Lack of division of responsibility among vendors of equipment, certification agencies and election administration; and
⊖ Lack of clear guidance or regulations in cases of equipment failure.

8



OSCE/ODIHR/GUNNARSÐÓTTIR

Observing Election Day

The observation of election-day activities is a shared responsibility among the core team, LTOs and STOs, including parliamentary observers. Among these, however, STOs are the mission's primary resource for observing and assessing election-day procedures at polling stations and at intermediate levels of the election administration. STOs are deployed around the country on election day to observe voting and the counting and tabulation of results.

Experiences of election-day observation can vary significantly from case to case, depending on such factors as the area of deployment and the set of circumstances confronted by each observer team in the polling stations visited. Some observers might encounter significant problems, others might find no problems at all. The ODIHR election observation methodology, which provides for a contribution by each observer team, is designed to achieve an overall picture of election-day proceedings. At each polling station visited the STO team fills in a form, which provides detailed information on the opening, voting or counting process. This information provides the EOM with an overall profile of polling-station activity throughout the country, from which it can draw conclusions based on a collective experience.

The ODIHR methodology for election-day observation is, therefore, both qualitative and quantitative. Completing the forms in polling stations provides a basis for a country-wide statistical analysis of the implementation of key election-day procedures. While there are standard forms designed as checklists for procedures in polling stations, the forms may vary somewhat depending on country-specific procedures (see Annex B for a sample form). The forms ensure proper focus and reports on all important aspects of the election-day process

and that key tendencies are identified correctly. The EOM statistical analyst prepares a quantitative analysis of the results of observation.

In addition to filling out forms, STOs are asked to provide comments on noteworthy observations or impressions, both on specific comment forms and in oral debriefings. They are asked to prepare separate written reports on particular incidents or observations. Careful commentary from STOs can be particularly important in establishing whether specific election-day violations took place and in discerning trends within the country or in particular regions. It is extremely important for STOs to be specific and precise, and indicate on their forms and in their reports whether irregularities reported were witnessed by themselves or related to them by others, such as political party representatives, polling-station officials or domestic observers.

Observers should exhibit the highest levels of personal discretion and professional behaviour at all times during the conduct of their observation duties. They should remember that they have been invited to observe the election proceedings of the host country and that, in this process, they are not representing themselves or their country of origin but, instead, an intergovernmental organization. As such, their conduct will reflect upon the OSCE. Observers should introduce themselves, wear their identification and present their accreditation upon request.

While observers should refrain from giving advice or instructions to election officials, they may draw problems or irregularities to these officials' attention and observe if and how they address them. Observers should record all irregularities and violations when they occur. The observer forms and debriefings will eventually disclose the extent and seriousness of such problems by indicating whether the observed shortcomings were isolated or systematic.

8.1 Deployment

The core team and LTOs prepare an STO deployment plan to ensure a broad geographic coverage on election day to avoid duplication of work by observer teams. In order for election observation to be effective, an element of unexpected visits to polling stations is necessary, so deployment plans are not made public prior to deployment.

The deployment plan should cover both urban and rural areas and should also ensure that some observers are designated to visit regional election commissions. In instances where voting is conducted in military barracks, prisons or hospitals, or by mobile ballot box, the deployment plan should also take into account these types of special voting procedures.

Observers should be deployed in teams of two. Diversity of experience within an observer team, which includes citizens of different OSCE participating States, helps ensure a broader and more balanced view of operations at each polling station. Each team should fill out only one form per polling station; this requires members of STO teams to come to a consensus about their observation and report findings and assessments jointly providing an extra check on the accuracy of the particular observer team's findings.

Depending on geographic conditions and circumstances encountered at polling stations, an STO observer team can visit approximately ten polling stations during the day. Each team

of STOs is assigned a limited area of observation, and the observers themselves determine which polling stations to visit in this area and the order in which they will visit them. They may not have time to visit all of these in the course of the day, however observers should stay between 30 and 60 minutes at each station they visit, and should remain longer if it helps them to better understand the ongoing dynamics. They may choose to return to the same station, particularly if they believe there are problems that merit close attention. In such cases, the team should fill in a separate form for each visit. Observers should keep in mind that election observation is not a race to visit the largest number of polling stations, and sometimes it can be more beneficial to visit fewer polling stations for longer periods of time.

It is important for STOs to abide by the deployment plan and by any instructions from the core team or their LTOs on when and how to submit their forms and to attend debriefings. Failure to stay within the assigned area of observation or visits to polling stations not on their list may result in duplication with other observers and disruption of the balance built into the country-wide deployment plan. Failure to report according to the stipulated timetable may result in forms being received too late to be taken into account when the overall preliminary assessment of the election is prepared.

8.2 Polling-Station Activities

The basic aim of observing elections at the polling-station level is to assess whether voting, counting and tabulation of results is conducted in a correct and orderly manner and in accordance with domestic electoral regulations, OSCE commitments and other international standards. Observers should be aware that some mistakes made by election officials may be due to inexperience or lack of training rather than to any deliberate intention to compromise the integrity of the process. Observers should seek to identify patterns rather than recording single incidents. On the other hand, wilful and systematic irregularities do have the potential to distort the process, and the sum total of STO reports will readily reveal such systematic irregularities.

In the event of irregularities, observers should observe how and whether election officials address these and include this information in their reporting. In the event of serious irregularities, such as ballot-box stuffing or tampering with results protocols at any level of election administration, observers should bring them promptly to the attention of the LTOs responsible for their area of deployment.

In the event of violence or serious threats of violence, STOs should leave the area immediately. They should not risk putting themselves, their interpreter or their driver in danger. Such incidents should also be reported immediately to their LTOs, who will, in turn, report to the EOM headquarters.

Customarily, observers should arrive to observe opening procedures at their first polling station at least one hour before it opens for voters. Important points to observe at the opening are whether the station opens on schedule, whether the polling-station commission is familiar with procedures, and whether voting in the station commences efficiently and according to regulations. It is important to note whether ballot boxes are empty at the start of the process, whether they are properly sealed, and whether the polling station has received, and can

account for, blank ballots and all other necessary materials. Observers are also requested to provide an overall assessment of the conduct of the opening procedures. STOs are provided with a special report form to note their observations and comments on polling-station opening procedures.

a. Observations Outside and Upon Entering Polling Stations

STOs should observe the general conditions outside and around the polling station. A number of issues are relevant:

- › Is there any sign of campaign materials or campaign activity in, or in close proximity to, the polling station?
- › Are there crowds around the polling station? If voters are waiting outside for their turn to vote, are they doing so in an orderly manner? If the crowds are not voters, is there any indication of who they are?
- › Is there any evidence of intimidation or tension/unrest?
- › Are voters being offered any inducements to vote in a particular manner?
- › Are the police present and, if so, are they behaving in an appropriate manner?
- › Is access to the polling station difficult? Could a disabled person enter the station unassisted?

Observers should be aware of any unusual tension or unrest that appears to exist when they enter the polling station, whether the result of their presence or for other reasons. Those first few minutes may be crucial for an immediate and realistic impression of the situation in a polling station. However, more time may be required to assess the situation in more detail, and observers should spend as long as necessary to form an accurate impression. Observers should pay careful attention to what is going on around them, and should not become distracted by rushing to complete their form.

b. Questions for Polling-Station Officials

Once inside a polling station, STOs should first introduce themselves to the chairperson of the polling station as accredited observers, and then briefly explain the nature of their visit. If the official objects to their presence or their activities, they should calmly explain that they have been invited by the government and are officially accredited to observe. However, they should not argue with the official in charge and should abide by the official's instructions. If the instructions make it impossible for the STOs to fulfil their responsibilities, the circumstances should be noted in detail on a specific report form and reported as soon as possible to the responsible LTO.

Whenever possible, observers should speak with a number of different polling-station officials, particularly when they represent different political parties. There are a number of questions STOs may usefully pose to polling-station officials, many of which will appear on the observer forms. Other questions may not appear on the forms but will enable STOs to gain a clearer impression and understanding of election procedures. Possible questions for polling-station officials include:

- › How were polling-station officials selected? Do they represent political parties?

- › Are all appointed members present?
- › How are the duties of the polling-station commission divided to provide for efficient and secure processing of voters?
- › Did polling-station officials receive formal training?
- › When were the ballots and other voting materials received, and how were they secured prior to election day?
- › How many ballots were initially received by the polling station in question?
- › Are there sufficient ballots and other polling materials?
- › What is the total number of voters on the voter list at the polling station, and how many voters have actually voted at the time when the observers visit the polling station?
- › Are there supplementary voter lists for voters who are added to the voter list on election day? If so, how many names appear on the supplementary voter list? Is the number unusually high?
- › Have any voters been turned away because their name did not appear on the list for this polling station? If some voters did not have the appropriate identification, how was this problem addressed?
- › Did any disturbances, irregularities or complaints occur, and how were they addressed?
- › How are complaints addressed or resolved?

Observers should also try to assess whether polling-station officials appear to be well trained and familiar with voting procedures. They should assess whether officials appear to be free to talk about their duties. Most importantly, observers should be alert to whether officials appear to be performing their duties impartially.

c. Observation of Polling-Station Procedures

Beyond their conversations with polling-station officials, STOs should carefully observe all procedures at the polling station. They should be guided by the observation form provided to them, which will include the questions most relevant to a particular election. However, STOs should use their judgement to assess whether any other issues or procedures not mentioned on their forms are a cause for concern, and they should note these on a special report form. Issues and procedures to observe include:

- › Was the ballot box empty at the start of voting?
- › Are the ballot boxes properly sealed?
- › Is the layout of the polling station adequate for voting? For ensuring the secrecy of the vote?
- › Are the facilities suitable for disabled persons to use independently?
- › Are voters who need assistance provided with the appropriate help?
- › Are ballot boxes located in full view of election officials and observers?
- › Are all required voting procedures being properly and efficiently followed?
- › How are voters identified, and do they produce the correct documents?
- › How are voters processed, e.g., by crossing names off the voter list, by signing the list, or by stamping identity cards? Is indelible ink used?
- › Are voters being turned away because they are not on the voter list?
- › Do ballot papers bear an official stamp specific to the polling station and/or the signature of a polling-station official(s)?

- › Are there indications of disorganization, such as unusually long lines of people or excessive delays?
- › Are there any signs of campaign materials or campaign activity in the polling station?
- › Are there any attempts to solicit people to vote in a particular manner, or is any pressure being applied to voters? Is there any indication of intimidation?
- › Are there police, security forces personnel, or government or local officials in polling stations?
- › Are there other persons in the polling station with no apparent official function?
- › Are there any unauthorized persons interfering in the voting process?
- › Do voters appear to understand the process, or do large numbers of voters require assistance? Are the ballots simple and easy to use?
- › Are any voters attempting to vote on behalf of other voters (“proxy voting”)? If so, is any action being taken by polling officials?
- › If voters sign the voter list, are there any apparently identical signatures (the same handwriting, several similar signatures one after the other, etc)?
- › Are voters given more ballot papers than they are entitled to, or are there any other indications of multiple voting?
- › Is there any evidence or indication of ballot-box stuffing (bundles of ballots placed together in the ballot box or a number of ballots in the ballot box that is obviously greater than the number of signatures on the voter list)?
- › Are voters being allowed to enter the voting booth together (“group voting”)?
- › Are any voters voting outside the booth (“open voting”)?

d. Other contacts at polling stations

In addition to recording their own observations and discussions with polling-station officials, STOs should try to speak with domestic observers. These may include party-affiliated observers, candidate representatives and observers from civil society organizations. Domestic observers, both party and non-party, should be permitted in polling stations, in accordance with the principles set out in the 1990 OSCE Copenhagen Document.

STOs should note whether domestic observers are present at polling stations and whether they have been restricted or hindered in any way from carrying out their observation duties. Wherever possible, STOs should speak to a cross-section of people from each respective category of domestic observers. Their comments may offer additional information with regard to the voting environment at the polling station and the performance of election officials.

While international observers can greatly benefit from the insight of domestic observer networks, it is important to note that ODIHR EOMs remain entirely separate from any domestic observation effort. STOs should make clear in their conversations that they have no authority to remedy violations or irregularities, but only to report the issues to their headquarters. STOs should inform those who have witnessed violations or irregularities that it is their right to pursue complaints through official domestic procedures. STOs should not, however, provide assistance to voters or election contestants in lodging complaints.

STOs should also attempt to engage some voters in discussion in order to assess their understanding of, and confidence in, the process. However, STOs should never ask voters for whom

they voted. They should not question voters within the polling station or as people are approaching the polling station to vote, as this may be misconstrued. Possible questions to ask include:

- › When voting procedures appear to STOs to compromise the secrecy of the ballot, do the voters believe that their votes are secret?
- › Were voters well informed about their choices and familiar with the voting procedures?
- › If there were multiple ballots or new election procedures, did the voters find these confusing?
- › If a voter was turned away from a polling station, was it done for a valid reason?

In all their conversations, observers should remember that some people may try to manipulate information shared with STOs for their own purposes and interests. STOs should therefore use their judgement in making an assessment of the information received. When reporting, STOs should always distinguish between information based on their own observations and information reported to them by others. If STOs report information provided by others, they should attempt to explain the extent to which they consider the information to be accurate and on what basis.

e. Completing observer forms

Observers should take particular care when filling in observer forms. They should make sure that they systematically indicate the observer team and polling-station number. They should ensure that observer forms are accurate and complete, so that their observations are properly reflected in the EOM's overall assessment of the election-day process. Observers should follow the guidance given by the core team regarding how to fill in the forms, and both STOs should review the form to ensure agreement on its contents. Observers should provide further comments only when necessary or requested to do so and should make sure their comments are concise and legible.

Observers are generally requested at the bottom of the form to make an overall assessment of proceedings in the polling station, based on a four-point scale ("very good", "good", "bad", and "very bad"). This question is designed to provide an overall assessment of the conduct of election-day proceedings. This question is also used by the statistical analyst to check whether the assessment is consistent with how other parts of the form have been completed. If an STO team has observed ballot stuffing, for example, the statistical analyst can check this against the team's overall assessment.

8.3 Special Voting Procedures

In many countries, there are provisions for special voting procedures that are intended to facilitate voting or to make voting available to citizens who, for whatever reason, may not be able to visit the polls. Special voting procedures may include the use of mobile ballot boxes for the sick and elderly, voting in hospitals and prisons, early voting (i.e. voting prior to election day), voting by post, absentee voting, voting in embassies and special provisions for military voting.

Special voting has the advantage of extending the franchise to voters who might not otherwise be able to vote. However, special voting procedures may also be much more difficult to regulate securely without the appropriate safeguards and are therefore open to potential abuse. Ensuring the secrecy of the ballot can also be more problematic. Therefore, an assessment of the advantages of special voting provisions must be weighed against the ability to regulate them properly, securely and transparently, as well as their affect on degree of confidence in the overall election process.

STOs may be instructed to observe some forms of special voting as part of their duties. If so, they should try to assess the extent to which such voting is sufficiently regulated, secure and transparent.

VOTING BY MILITARY PERSONNEL: While military personnel should normally be able to vote with the civilian population in order to protect their right to a secret ballot, they may be required, in some circumstances, to vote in their barracks or on their bases. In such circumstances, if authorized, the military voting process should be observed by some STOs, as soldiers can be especially vulnerable to intimidation. For example, troops may be ordered to vote in front of their officers and, in some cases, officers may even instruct their troops on how to vote.

HOSPITALS, RETIREMENT HOMES AND PRISONS: When special polling facilities are established in hospitals, retirement homes or prisons and other places of detention, some observers should be assigned to visit these special polling stations. In a number of countries, persons convicted for serious crimes are disqualified from voting, but individuals in pre-trial detention retain the right to vote. Hospital patients, the elderly and prisoners also constitute a segment of the electorate that may be particularly vulnerable to intimidation.

MOBILE BALLOT BOXES: Many countries provide mobile boxes at the request of voters who are elderly, ill or otherwise unable to visit a polling station. The mobile boxes are usually taken on their rounds by at least two polling officials. Where applicable, the two officials should ideally represent different political interests. Applying all polling-station controls to mobile ballot boxes is not possible. Voters using mobile ballot boxes may also not have all the privacy afforded by a polling booth. Some STOs should seek to follow mobile ballot boxes on their rounds and to assess the process. They should check whether there is an unusually high number of names on the voter lists for mobile voting and whether citizens using mobile boxes were able to cast their ballot in secrecy.

EARLY VOTING AND POSTAL VOTING: In general, STOs will not always be able to monitor early voting or postal voting. Where these are permitted, however, it is useful for observers to ascertain how postal and early ballots have been secured prior to election day, to attend the opening and counting of these ballots, and to form a general impression of the process. In the case of early voting, it is also important for observers to ascertain how the daily records of voter turnout are accounted for in the polling-station results protocol and what security measures are in place to safeguard the integrity of ballot boxes.

ABSENTEE VOTING is a procedure that allows voters to vote at a location other than the polling station at which they are registered. Voters are usually issued an absentee voting certificate at the polling station where they are registered. This certificate enables them to vote at another polling station on election day. Absentee voting can considerably increase accessibility to the

voting process. However, additional safeguards should be in place to minimize the potential for abuse of absentee voting certificates and to prevent possible multiple absentee votes. Observers should ascertain what conditions, if any, a voter must satisfy to be eligible to vote as an absentee; where a voter may have an absentee vote (i.e. only within the electoral district in which the voter is registered or in a wider area); and how it is determined in the polling station if a voter is eligible for an absentee vote.

Possible problems to be aware of:
⊖ Violence or disturbances;
⊖ Intimidation of voters;
⊖ Confusion or disorganization at polling stations;
⊖ The presence of unauthorized persons at polling stations;
⊖ Interference in the process by unauthorized persons;
⊖ Inappropriate activities by police and/or security forces personnel, such as taking notes and reporting turnout figures or results by telephone;
⊖ Campaigning during an electoral-silence period;
⊖ Campaign materials in polling stations;
⊖ Delayed opening of polling stations;
⊖ Failure by polling officials to follow required procedures;
⊖ Voters inappropriately turned away;
⊖ Failure to check voters' identities;
⊖ Inappropriate booths, screens or light supply that fail to ensure the secrecy of the vote;
⊖ Inaccuracies in the voter lists;
⊖ Group (family) voting;
⊖ Proxy voting (unless specified by law);
⊖ Multiple voting;
⊖ Ballot-box stuffing;
⊖ Unsealed or inadequately sealed ballot boxes;
⊖ The presence of pre-marked ballots;
⊖ Unregulated use of mobile ballot boxes;
⊖ The absence of necessary voting materials;
⊖ Excessive delays in administering the voting;
⊖ Inappropriate activity by representatives of political parties or individual candidates; and
⊖ Interference with the work of election commissions or observers.

8.4 Activities of the Core Team

The core team must be well organized and efficient to support STOs and to receive and process their reports throughout election day and election night. A schedule is prepared to ensure that sufficient and appropriate staff are on duty all day and all night and that relevant

information is processed in time for the statement of preliminary findings and conclusions. This should take into account the following points:

- › The statistics unit must have sufficient staff and equipment on hand to process all STO forms in a timely manner (preliminary statistical reports should be prepared on a regular basis);
- › Members of the core team read all comments on STO forms and provide a summary of trends and highlights;
- › The LTO co-ordinator or another member of the core team designated to liaise with LTOs must remain on duty at all times throughout election day and election night. The LTO co-ordinator should prepare brief summary reports at regular intervals, outlining key trends and any problems reported by LTOs;
- › The media-monitoring team must be staffed at all times throughout election day and election night to ensure that the observation mission is aware of any major developments or trends reported by the media. The media-monitoring team should be prepared to report any findings at specific designated times;
- › The election analyst will need to spend as much of the night as appropriate in following the performance of the central election commission and should report any developments;
- › A mission telephone operator and receptionist have to be on duty at all times and have to be instructed on how to direct inquiries, information and complaints;
- › A record of all complaints reported to the EOM must be maintained by a duty officer from the opening of the polls at least until the issuance of the preliminary statement, and possibly for longer time;
- › A car, driver and interpreter must be available during election day and night to accompany core-team staff to investigate or deal with any urgent situations that may arise; and
- › The security expert and his/her team should maintain a round the clock security operations desk during the entire stay of STOs, including election night, in order to respond quickly and efficiently to any emergency situation that may arise.

9



OSCE/ODIM ADAMUS

Observing the Vote Count and Tabulation

The counting of votes is an important stage in the election process, and it should be closely followed and observed. As the voting draws to a close, all STOs are required to observe the counting process once it commences, unless they are specifically assigned to other duties, such as observation of the tabulation process. The vote count normally takes place at polling-station level,⁴² and STOs should select one of their assigned polling stations at which to observe the closing procedures, and then remain there for the entire vote count. In principle, the polling stations where the count will be observed should be selected randomly. STOs complete special forms that contain a number of specific questions about polling-station closing and counting procedures.

Observing the count provides an opportunity to assess whether ballots are counted honestly and accurately, thus reflecting the choices expressed by the voters. Experience demonstrates that electoral fraud is more likely to take place during the vote count or the tabulation of results than during the actual voting process. Therefore, STOs should be particularly vigilant during the vote count and tabulation of results.

⁴² In most countries, the vote count takes place in individual polling stations. When ballots are not counted in the polling station but, instead, are transported to a central counting location, this produces extra problems of visibility and verification. An observer team should accompany any ballot boxes as they are transported to the counting centre, and assess the procedures for ballot security and prevention of fraud during the period when ballots are being moved.

In general, there should be a detailed standard procedure for closing a polling station and counting the ballots. The counting process usually begins with the sealing of the ballot-box slot once voting has ended; it should remain sealed while polling officials complete forms accounting for all ballot papers and other polling materials. These materials should be sealed separately. Often, unused ballot papers are invalidated before the opening of the ballot box. The ballot box is then opened and the ballots counted according to the designated procedure. Polling officials verify that the number of ballots in the box matches the number of signatures on the voter list. STOs will receive specific information about the counting procedures during their pre-deployment briefing.

Should there be a mobile ballot box in the same polling station, the counting of the votes should begin only after the number of ballots in the mobile box and the number in the stationary box are determined separately. After this calculation has been made, the ballots from the mobile box should be mixed with the rest of the ballots that were cast, and only then should the vote count commence. These precautionary steps are necessary in order to maintain the secrecy of the votes in the mobile box.

The results of voting should be made publicly available at the polling-station level. It is good practice, for example, to post the results outside each polling station. The transparency and integrity of the process is enhanced when all party and candidate representatives are given official copies of the result sheets, or protocol, for the polling station. Domestic observers and international observers should also be able to receive a copy of the results in polling stations, and STOs should request a copy of the completed result protocol. If provided, the official protocol or copy of the results should be forwarded promptly to the core team, together with the completed observer form for the count. If it is not possible to obtain an official protocol of polling-station results, STOs should, nevertheless, carefully note the full results of the polling station at which they observed the count. STOs should never sign protocols, even if the law allows observers to do so.

9.1 Issues for the Vote Count

STOs should observe how the following procedures are implemented. Questions concerning these issues are likely to appear on the forms STOs are required to complete.

- › Is the count performed by polling-station officials or are other non-authorized persons involved?
- › Do election officials appear to understand and adhere to the required procedures?
- › Are ballots counted in an orderly and secure manner?
- › Is the count conducted in a transparent environment, with adequate arrangements for domestic observers? Are observers able to clearly see all aspects of the counting, including marks on ballots?
- › Does the number of registered voters recorded as having voted correspond with the number of ballots cast?
- › Are unused ballots secured, cancelled or destroyed after being counted?
- › Does the counting adhere to the principle that the ballot is deemed valid if the will of the voter is clear?

- › Are ballots invalidated in a reasonable and consistent manner? Are invalid ballots appropriately segregated and preserved for review?
- › Does the number of invalid ballots seem inordinately high?
- › Do the ballots contain any unusual markings intended to violate the secrecy of the vote?
- › Are ballots for each party or candidate separated correctly and counted individually?
- › Did polling-station officials agree on the vote-counting procedures and results? If not, what action was taken to resolve the disagreement?
- › If there were any disputes or complaints, were they resolved in a satisfactory manner?
- › Are official counting records correctly completed at the end of the count and signed by all authorized persons?
- › Are political party/candidate representatives and other domestic observers able to obtain official copies of the protocol for the polling station?
- › Are the results posted publicly at the polling station?
- › Are there inappropriate activities by police and/or security forces personnel, such as taking notes and reporting figures or results by telephone?

Possible problems to be aware of:

- Ballot-box stuffing;
- Adding marked ballots after the opening of the box;
- Attempts to invalidate ballot papers;
- Disorderly counting procedures;
- Discrepancies in the reconciliation figures, such as a higher number of ballot papers found in the ballot box than the number of signatures on the voter list;
- Multiple and identical signatures on the voter list;
- The involvement of unauthorized persons, such as local-government officials, uniformed or plain-clothes security personnel or other unidentified individuals, in the count;
- Inadequate numbers of counting staff and supervisors;
- Exclusion of polling-station officials or observers;
- Power outages that hamper or prevent counting;
- Observers kept at too great a distance to see marked ballots and how they are sorted;
- Arbitrary or inconsistent invalidation of ballots cast;
- Dishonest counting or reporting of the ballots;
- Insecure storage of unused ballots;
- Polling-station results protocol not completed in the polling station;
- Polling-station results protocol filled in by pencil instead of pen;
- Failure to post official results at the polling station; and
- Refusal to supply official copies of results to candidate representatives or observers.

9.2 Tabulation

Ultimately, it is necessary to assess whether the results reported by the polling stations are tabulated honestly and accurately. After the ballots are counted, the results of the polling-station count are usually transmitted to a higher-level election commission, where the regional results are tabulated, and then transmitted to the election commission at the national or regional level. The tabulation process is another important step in the election process that should be observed. STOs are often asked to accompany the official results and other polling materials as they are transported from the polling station to the tabulation centre, and then to observe that the results from their polling station are properly included in the tabulation. STOs should assess whether the transport of ballots and other voting materials is direct, secure and transparent (i.e., are STOs and other observers allowed to accompany the results during transport?).

In some cases, special teams of STOs may be assigned to observe procedures at tabulation centres. The goal is for observers to monitor each level of the tabulation process and to be able to follow the results of individual polling stations up to the national level, as a spot check that the tabulation process has been properly administered. The EOM may organize its work in shifts or deploy special teams to ensure that this goal is met. If STOs are assigned to special teams to observe the tabulation of results, they will be given specific instructions on how to conduct the observation.

Electoral authorities often use computer networks to transmit preliminary results. The EOM should become familiar with the technical procedures to be followed and assess whether the tabulation process is fully transparent and allows for verification by observers. In addition, in such cases, observers should monitor the process and, if possible, receive a copy of a printout of results, signed and stamped by the relevant authority as the information is sent.

The tabulation of results should be verifiable and transparent at all levels of the election administration. In the interest of transparency and to promote confidence in the electoral process, results for each level of the tabulation should be made publicly available immediately, at each stage of the process. It is also good practice to make detailed results from each individual polling station publicly available on the Internet, thus allowing electoral contestants and observers to verify that the results included in protocols they collected at polling stations have been reported honestly and accurately.

Possible problems to be aware of:

- Insecure transport of polling materials to the tabulation centre;
- Unreasonable delays in transferring results to the tabulation centre;
- Transfer of results via local government offices before arriving at the tabulation centre;
- Inadequate premises, leading to overcrowding and chaotic tabulation process;
- Lack of access to the room where results are transferred electronically;
- Falsifying or switching result protocols; and
- Lack of transparency or irregular procedures at tabulation centres.

10



Reporting, Debriefing and Statements

10.1 STO Reporting

STOs report throughout election day and election night by completing forms at each polling station they have observed. The forms should be returned at designated drop-off points during election day or faxed back to the EOM headquarters, depending on the specific instructions provided by the core team and LTOs. It is important for STOs to adhere to their assigned schedule in order to ensure that their reports can be processed in time for their assessments to be included in the observation mission's statement of preliminary findings and conclusions.

In addition to forms, STOs should report immediately to their LTOs any significant problems or major irregularities that occur on election day, such as incidents of violence, ballot-box stuffing or other election fraud, or refusal to admit observers to polling stations. LTOs will convey this information immediately to the core team. Such incidents should also be documented in writing using a form specifically designed for this purpose.

10.2 STO Debriefing

STOs are required to participate in a debriefing. Debriefings are normally organized on a regional basis by each LTO team. Because of the short time available to assemble information for the statement of preliminary findings and conclusions, the debriefings are likely to be held very early in the morning following election day. Although STOs will have been following the

counting and tabulation process very late into the night, the debriefing is an important opportunity for all observers to share and compare their findings on the election process. These findings will contribute to the observation mission's conclusion on how the elections were conducted in relation to OSCE commitments and other international standards, as well as national legislation. The debriefings are closed to the press and to the general public. In addition to the regional debriefings, the core team usually convenes a national debriefing for all observers once they have returned from their deployment areas. Because of time constraints, this debriefing generally occurs following the presentation of the preliminary statement at the press conference. However, all information shared at the debriefing session is drawn upon for the final report.

During the debriefing, STOs are asked to complete an evaluation form of their experience in the EOM. This information is used to help ODIHR improve the functioning of future EOMs. STOs generally depart the host country on the following day.

10.3 Quantitative and Qualitative Analysis of STO Observation Forms

The basis for the EOM assessment of the conduct of voting, counting and tabulation of results is the quantitative and qualitative analysis of STO election-day observation forms. Throughout election day and night, the statistics unit, led and supervised by the statistical analyst, enters data into a database from the thousands of observation forms filled out by STOs in polling stations around the country.⁴³ These data are used to produce a full analysis of the election-day process at both the national and regional levels. Based on this information, the statistics analyst produces an overview early on the morning following election day. At the same time, the qualitative comments provided by observers are analyzed by the core team in order to identify any additional information on the election-day process, including on significant violations. The reliability of the election-day findings depends on careful, complete and accurate reporting by the STO teams, as well as on timely transfer of the reports to the statistics unit.

In order to consolidate the data in a reliable and useful format, the statistics analyst designs a data-entry program, based on Excel or Access. The data will then be analyzed using an off-the-shelf program for advanced statistical analysis, such as SPSS (Statistical Package for the Social Sciences). These tools allow the statistics analyst to cross-check the data for errors, such as observers that may have misunderstood a question, as well as to establish relations between characteristics; to verify whether irregularities are isolated or represent a regional or national trend; and to cross-reference answers to find relations between variables. Comparing responses to various questions may identify links between certain types of irregular practices or isolate irregularities to a particular type of polling station. Regression and (co) variance analysis are also used to link certain irregularities to the observers' overall assessment of the conduct in the polling station, identifying which problems were so severe as to warrant a rating of "bad" or "very bad".

⁴³ ODIHR is currently piloting the use of optical-recognition technology in the processing of the forms. This would allow for forms to be processed more quickly on election night and, hopefully, would reduce costs and STO time in the long-term. The first pilot was conducted in May 2010 in the context of the 2010 EOM to Georgia.

In most ODIHR EOMs, observers provide an adequate number of forms on the voting process to provide reliable figures on the problems and irregularities observed. As observers are deployed randomly across the country, the observers' findings can be considered representative for the country. This allows the EOM to speak authoritatively about the conduct of voting nationwide in statistical terms.

The number of reports on opening, vote count and tabulation is more limited than for voting, as observers monitor this process in only one polling station and fill out only one form per team for these parts of the election process. Consequently, statistical data that can be produced regarding these aspects of elections are also more limited. As a result, the figures based on such observation forms provide an overall indication of trends in the whole country, and also identify any specific cases of violations. Additionally, these observation forms offer important qualitative information about the conduct of procedures and any specific violations. For this reason, the analysis relies more on qualitative information than quantitative.

While statistics may be used to highlight mission findings in the EOM preliminary findings and conclusions, they are usually used as a means of identifying trends. In the final report, statistics can be used to illustrate observation findings on specific aspects of the voting, counting and tabulation processes. Core team members drafting reports consult closely with the statistics analyst to ensure that statistics are used appropriately.

10.4 The Statement of Preliminary Findings and Conclusions

The EOM usually releases its statement of preliminary findings and conclusions at a press conference held in the afternoon following election day. The statement is based on the work of the whole EOM, including both the long- and short-term observation components; this reflects the reality that elections are a long-term process, not a one-day event. Where applicable, the preliminary statement is prepared jointly with parliamentary observers and is released at a joint press conference (see section 13 on Partnerships).

The preliminary statement is a summary of key findings and conclusions on the legal framework, election administration, campaign, the media, the participation of women and minorities, domestic observation and election-dispute resolution, as well as the election-day voting, counting and tabulation processes. The statement provides a preliminary assessment of the degree to which OSCE commitments and other international standards for democratic elections were upheld and how well domestic election laws and regulations were implemented. While the preliminary statement should include evidence necessary to support the conclusions, it should not be too long or detailed, as it should be accessible to a broad audience.

The statement is called *preliminary* because it is issued before the entire election process has been completed. In some cases, the vote count and tabulation may not be complete when the preliminary statement is issued. In almost all cases, the statement is issued before the election results are final and official, as well as before election-day and post-election-day complaints and appeals have been resolved. For this reason, it is clearly stated in the preliminary statement that the EOM continues to monitor the ongoing process.

Recommendations are normally reserved for the ODIHR final report. However, in cases where there will be a second round of voting or other special circumstances, issuing recommendations in the preliminary statement may help improve the quality of the remaining stages of the process.