



Election  
Observation  
Handbook

**Fifth edition**

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Published by the OSCE Office for Democratic Institutions and  
Human Rights (ODIHR)

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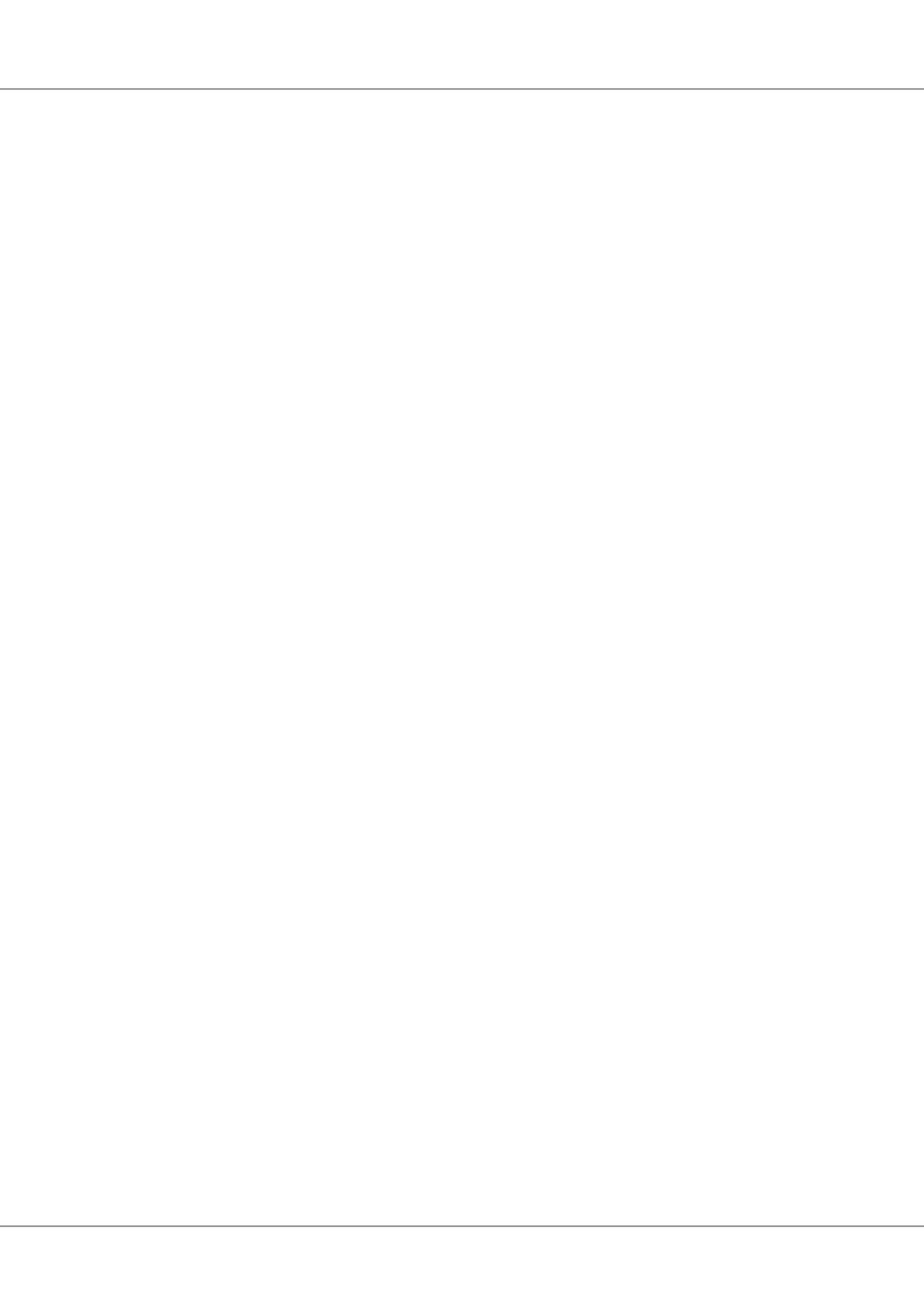


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# PREFACE

The Organization for Security and Co-operation in Europe (OSCE) is a transatlantic intergovernmental organization of 55 participating States that spans the broader European region (including the South Caucasus and Central Asia) and includes Canada and the United States of America. Thus, the OSCE embraces the entire region stretching from Vancouver to Vladivostok.

In its region, the OSCE is the primary instrument for early warning, conflict prevention, crisis management, and post-conflict rehabilitation. Its approach to security is co-operative; its decisions are made by consensus and are politically binding for the 55 participating States.

Since its origin in 1975 as the Conference on Security and Co-operation in Europe (CSCE), the OSCE has taken a comprehensive view of security. The *human dimension* of security — the protection and promotion of human rights and fundamental freedoms and the promotion of strong democratic institutions and rule of law — is considered to be as important for the maintenance of peace and stability as are the politico-military or economic dimensions. All OSCE participating States are committed to upholding democratic principles and to observing a broad range of human rights, among them the conduct of periodic and genuine elections.

All OSCE participating States have agreed that human dimension issues are not internal affairs but matters of immediate and legitimate concern to all other participating States. The 1996 Lisbon Summit Declaration stated that, “among the acute problems within the human dimension, the continuing violations of human rights, such as ... electoral fraud ... continue to endanger stability in the OSCE region.” The OSCE participating States further stated that they “are committed to continuing to address these problems”.

The Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR) is the main OSCE institution for the human dimension. A key element of the ODIHR’s human dimension mandate is the promotion of democratic elections. To this end, the Office has developed a number of election-related programmes, the most important of which is the observation of elections by international observers. Since the ODIHR’s establishment in 1991, it has

become the principal international election observation agency in the region. The ODIHR's election-related activities are mutually reinforced by the broad range of its other programmes aimed at protecting human rights, strengthening democratic institutions, respecting the rule of law, and fostering civil society in all participating States.

The ODIHR *Election Observation Handbook* was developed at the request of the OSCE participating States,<sup>1</sup> and the first edition was produced in 1996. Conceived, first and foremost, as a practical guide for the conduct of ODIHR election observation missions (EOM), the methodology described in this handbook has been at the very forefront of the international election observer community's efforts to make a consistent and comprehensive assessment of election processes. This methodology has served the OSCE well and has established a solid foundation for the ODIHR's leading reputation in the field of election observation.<sup>2</sup>

This fifth edition has been updated and expanded to adapt the methodology to new circumstances, and it also presents further experiences gained over recent years. I recommend it warmly, not only as required reading for all our election observers but also for a wider public that is interested in election processes.

Together with our other publications, it reflects key achievements and benchmarks of the international community with regard to democratic processes. All ODIHR publications are obtainable on our website ([www.osce.org/odihr](http://www.osce.org/odihr)) and are free of charge.

Lastly, I would like to thank the thousands of observers who have devoted their time and energy to strengthen our election observations. Their dedication has been essential to our efforts.



Ambassador Christian Strohal  
ODIHR Director



<sup>1</sup> Budapest Summit Declaration, 1994.

<sup>2</sup> The ODIHR's methodology has also been adopted and adapted by other international organizations for their respective election observation activities. For example, the European Union states in its *Handbook for European Union Election Observation Missions* that its own methodological approach to election observation "has been particularly enriched by the experience of the Organization for Security and Co-operation in Europe, and its election observation methodology, outlined in the OSCE/ODIHR Election Observation Handbook."

# 1.

## Introduction



### 1.1 About the ODIHR Election Observation Handbook

This handbook provides a thorough overview of the ODIHR's observation methodology and serves as a reference work for all members of an EOM.<sup>3</sup> It also informs the OSCE community at large, including governments of participating States, political parties, candidates, voters, and civil society, about the planning, deployment, and implementation of an election observation mission.

Although the ODIHR methodology has not been fundamentally altered since the first printing of this handbook in 1996, this fifth edition benefits from the accumulated experience of the more than 150 elections that the ODIHR has observed to date. It has expanded its focus to take account of specific issues, especially in areas such as the participation of women and the inclusion of national minorities in elections. In addition to the 1990 Copenhagen Document, this edition also makes reference to the additional election-related commitments agreed to by all participating States in different fora.<sup>4</sup>

The release of the fifth edition of the handbook coincides with the 30th anniversary of the Helsinki Final Act, as well as the 15th anniversary of the Copenhagen Document and the Charter of Paris. As such, it serves as a reminder of the OSCE's achievement as an organization in the advancement of democratic election processes among its participating States. The first edition of the handbook already emphasized the fact that an election process is more than

<sup>3</sup> More-detailed and specialized guidance for members of election observation missions is available in a number of other ODIHR publications, including the *Handbook for Monitoring Women's Participation in Elections*, the *Guidelines for Reviewing a Legal Framework for Elections*, the *Guidelines to Assist National Minority Participation in the Electoral Process*, and the *Handbook on Resolving Election Disputes in the OSCE Area*, as well as *Existing Commitments for Democratic Elections in OSCE Participating States*. All of these publications are available either in hardcopy from the ODIHR or electronically on the ODIHR's website: [www.osce.org/odihr](http://www.osce.org/odihr).

<sup>4</sup> Budapest Summit Declaration, 1994; Lisbon Summit Declaration, 1996; Istanbul Summit Declaration, 1999; Charter for European Security, 1999.

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a one-day event and reflected the ODIHR's enhanced role for long-term observation before, during, and after election day itself (Budapest Summit Declaration, 1994).

Today, following decisions at Istanbul (1999), Porto (2002), and Maastricht (2003), this fifth edition of the handbook also emphasizes the ODIHR's ongoing interest in further engaging OSCE participating States in their commitment to promptly follow up on ODIHR recommendations for improving election processes. During the span of a decade, from the first edition of the handbook to the fifth, the ODIHR has underlined the importance of long-term engagement and a process-oriented approach, in partnership with OSCE participating States, to achieve the common objective of implementing OSCE election-related commitments.

## 1.2 How to Use This Handbook

This handbook is structured to facilitate easy access to the specific material of most immediate interest to the reader. Chapters 1-4 consider the basis for ODIHR election observation, including the OSCE commitments by which election processes in the OSCE region are assessed, as well as other universal principles<sup>5</sup> for democratic elections. The regulatory framework for an election observation mission is also addressed, covering both the necessary conditions for effective election observation and the Observer Code of Conduct.

The operative chapters are grouped accordingly: Chapters 5-6 cover specific preparations for an EOM, beginning with the needs assessment mission, and including the eventual deployment of the mission, its structure and organization; Chapters 7-9 describe in detail the methodology to observe the pre-election period, as well as the voting and counting procedures; Chapters 10-12 focus on the post-election period, including immediate post-election reporting, observing post-election developments, and closing down the mission; and the final chapters (13-15) deal with the ODIHR's partnerships with other organizations, the final assessment of the election, and the options for post-election follow-up.

Finally, the handbook also contains three annexes that present additional information: Annex A contains all of the major OSCE election-related commitments found in the 1990 Copenhagen Document, as well as other related OSCE commitments; Annex B provides a sample questionnaire used by short-term observers when visiting polling stations; and Annex C provides a bibliography of election-related publications produced by the ODIHR.

<sup>5</sup> *Universal principles* are those that are enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The full texts of these and other United Nations documents can be found on the website of the UN High Commissioner for Human Rights at [www.unhcr.ch](http://www.unhcr.ch).

# 2.

## Background to international election observation



### 2.1 Why Observe Elections?

As a community of countries committed to democracy, the OSCE has placed great emphasis on promoting democratic elections as a key pillar of stability. All OSCE participating States have committed themselves to invite international observers, and specifically the ODIHR (Istanbul Summit, 1999), to their elections, in recognition that election observation can play an important role in enhancing confidence in the electoral process. Deploying election observers offers demonstrable support to a democratic process and can assist OSCE participating States in their objective to conduct genuine elections in line with OSCE commitments.

Elections are a celebration of fundamental human rights and, more specifically, civil and political rights, and election observation therefore contributes to the overall promotion and protection of these rights. A genuine election is a political competition that takes place in an environment characterized by confidence, transparency, and accountability and that provides voters with an informed choice between distinct political alternatives. A genuine democratic election process presupposes respect for freedom of expression and free media; freedom of association, assembly, and movement; adherence to the rule of law; the right to establish political parties and compete for public office; non-discrimination and equal rights for all citizens; freedom from intimidation; and a range of other fundamental human rights and freedoms that all OSCE participating States have committed themselves to protect and promote.

Election observation enhances accountability and transparency, thereby boosting both domestic and international confidence in the process. The mere presence of international observers alone, however, should not be viewed as adding legitimacy or credibility to an election process. Although the presence of observers may indicate that the process merits observation, it is the observers' conclusions about the process, based on the ODIHR's methodology, that will form the ODIHR's opinion on the election.

The ultimate objective of an ODIHR election observation mission is to assess the extent to which an electoral process complies with OSCE commitments in accordance with the 1990 Copenhagen Document, domestic legislation, and other universal principles for democratic elections. Domestic legislation is also assessed for compliance with these commitments, and the legislative framework for elections should fully reflect these commitments.

## 2.2 Election Observation in Context

The expansion of election observation activities over the past two decades is directly related to the corresponding global trend towards democratization. Election observation, therefore, is an activity that has primarily been employed in support of new democracies and countries in transition to democracy. The ODIHR's election observation activities have demonstrated the OSCE's commitment to assist new and emerging democracies within the OSCE region to build solid democratic structures. At the same time, observation also provides an assessment of the extent to which new and emerging democracies are meeting their OSCE commitments.

Although the focus of most election observation has been on new democracies and countries in transition, advanced democracies may also benefit from targeted observation or assessment by international experts. It should be noted that, following the principle of equality of sovereign states, as laid down in Helsinki, all 55 participating States are equally bound by identical commitments. With this in mind, the ODIHR has also deployed election assessment missions (see Section 2.4.2) to countries with a long-standing or established democratic tradition to evaluate electoral practices and, where necessary, to suggest improvements.

Election observation is a civilian activity. However, it is possible for election observation to be conducted in post-conflict situations, depending on the establishment of an appropriately secure environment for observers and election experts to operate within and an equally secure environment for a meaningful election process to be conducted. The value of election observation is essentially negated, however, if it is conducted under stringent security regulations, including under armed guard.

## 2.3 The ODIHR's Mandate for Election Observation

The ODIHR's mandate to observe elections is derived from Paragraph 8 of the 1990 Copenhagen Document and is confirmed by the 1990 Charter of Paris for a New Europe, the 1993 Document of the Fourth Meeting of the CSCE Council (Rome), the 1994 Budapest Summit Document, and the 1999 Istanbul Summit Document (Charter for European Security).

The ODIHR was originally established as the Office for Free Elections through a decision taken by the 1990 Paris Summit of the OSCE's predecessor, the Conference on Security and Co-operation in Europe. The Office's original mandate was to foster the implementation of OSCE commitments specifically in relation to democratic elections. It began to undertake small-scale election observation activities shortly after its establishment.

The Office was renamed the Office for Democratic Institutions and Human Rights in 1992, when it was given additional responsibilities for other elements of the human dimension. In

1993, the CSCE Council, meeting in Rome, decided to augment the ODIHR's role through "comprehensive election monitoring".<sup>6</sup> The following year, in recognition that an election process is more than a one-day event, the Budapest Summit decided that the ODIHR should "play an enhanced role in election monitoring before, during and after elections".<sup>7</sup> The Budapest Summit also specifically charged the ODIHR with assessing the conditions for the free and independent functioning of the media in connection with elections.

In the Charter for European Security, adopted at the OSCE Istanbul Summit in 1999, the participating States specifically committed themselves to invite the ODIHR to observe their elections. Recognizing in the same document that observation of elections is not an end in itself but is designed to lead to improved electoral practices, the participating States also added another important, new commitment: "We agree to follow up promptly the ODIHR's election assessment and recommendations."<sup>8</sup>

### 2.3 When to Observe

The Budapest Summit of 1994 tasked the ODIHR to set up a "rolling calendar for upcoming elections".<sup>9</sup> All OSCE participating States have been requested to inform the ODIHR of their upcoming elections and to issue an official invitation to the ODIHR in a timely manner, preferably no later than three months in advance of election day. However, there are many elections in any given year within the OSCE region at the national level and below, and the ODIHR has to prioritize which elections it observes, taking into account the resources available.

The ODIHR's election observation activities are funded by the OSCE core budget, which is approved by consensus among the OSCE participating States. This implies the need for careful allocation of resources, and the ODIHR considers potential observation activities with regard to the optimal impact on the promotion of democracy and human rights. Thus, election observation in new or developing democracies remains a priority, since such states generally stand to benefit most from international election observation and ensuing recommendations.

In general, the ODIHR's focus has been on direct elections for state institutions at the national level. In recent years, however, and in keeping with Paragraph 8 of the 1990 Copenhagen Document, the ODIHR has also observed elections at the municipal and regional levels. A limited number of referenda have also been observed.

In some instances, the ODIHR may decide not to observe an election, either because: a preliminary assessment indicates that the respective participating State has already conducted elections in line with OSCE commitments; the legal framework or overall conditions for a genuine democratic election in line with OSCE commitments are not in place; or because

<sup>6</sup> Document of the Fourth Meeting of the CSCE Council, Rome, 1993, Decisions, Chapter IV, Paragraph 4. The text of this and other OSCE documents referred to in this handbook are available on the OSCE website at [www.osce.org](http://www.osce.org). A compilation of OSCE commitments on human-rights-related issues, including elections, is available in *OSCE Human Dimension Commitments: A Reference Guide* (Warsaw, OSCE/ODIHR, 2001). This compilation can also be found on the ODIHR website at [www.osce.org/odihhr](http://www.osce.org/odihhr).

<sup>7</sup> Concluding Document of Budapest, Decisions, Chapter VIII, Paragraph 12.

<sup>8</sup> Charter for European Security, Istanbul, Paragraph 25.

<sup>9</sup> This calendar is available on the ODIHR website at [www.osce.org/odihhr](http://www.osce.org/odihhr).

security factors or other considerations do not permit the necessary minimum conditions for effective election observation.

## 2.4 Adaptation of the ODIHR's Observation Methodology

The ODIHR's standard methodology for observation is set out in Chapters 6-15 of this handbook. In addition to standard election observation missions (see Chapter 6), however, the ODIHR has adapted its election observation methodology in order to respond appropriately to a number of specific circumstances arising in the context of election observation. These adaptations are outlined in the following sections.

### 2.4.1. Election Observation Missions Without Short-Term Observers

Some observation missions have been limited to a long-term team, without the presence of short-term observers on election day. This has been the case in countries where past experience or a needs assessment mission (see Chapter 5) indicates that serious problems on election day are unlikely at the polling-station level but that observation of the long-term process might still produce useful recommendations. Alternatively, a mission may not deploy short-term observers if it is clear at the outset, or becomes clear during the course of the election process, that conditions have not been established for a meaningful voting day.

### 2.4.2. Election Assessment Missions

Another initiative undertaken by the ODIHR to fulfill its mandate has been the development of election assessment missions. An assessment mission is normally deployed to assess elections in long-standing or more-established democracies and focuses on specific issues and the implementation of best practices. Since established democracies usually have well-tested electoral practices that enjoy the overall confidence of their electorates, as well as free and robust media that identify electoral shortcomings for public debate, these assessment missions can accomplish their essential objectives at minimal cost, without the need for a long-term presence or the systematic deployment of election-day observers.

An assessment mission generally consists of a team of experts who visit a country for a relatively short period of time before and on election day. An assessment mission does not attempt to comment on an election process in the comprehensive manner of an observation mission, and it has only a limited presence on election day at the polling-station level. However, an assessment mission does have the possibility to address issues pertaining to the overall administrative and legal framework for the conduct of elections, issues that affect elections at both the state and regional level, and polling-station procedures on a rather limited basis. Recommendations are provided as necessary.

### 2.4.3. Expert Support Teams

In instances in which the ODIHR is not observing a particular election, it may send a single expert, or a small team of experts, to support the respective OSCE field mission, where applicable. Their role is to be present immediately before, during, and immediately after an election and to enhance the mission's capacity to report on the election through its standard reporting channels. An expert support team is most often deployed in the case of municipal elections or referenda that the ODIHR does not intend to observe on a larger scale.

# 3.

## Universal principles on elections and human rights



All OSCE participating States have agreed that, “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of government.” A genuine election is, therefore, a basic human right and a fundamental element of democracy. ODIHR election observation missions assess election processes in line with OSCE commitments and universal principles for democratic elections. For example, if states are parties to UN human-rights treaties or other legal international instruments relevant to elections (for example, the European Convention for the Protection of Human Rights and Fundamental Freedoms), their adherence to these principles will also be taken into account.

### 3.1 Universal Principles

The Universal Declaration of Human Rights, which is accepted by all member states of the United Nations, established the universal right to genuine elections. Article 21 of the Universal Declaration states that, “everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” The same article also establishes that free elections are the only basis of a government’s authority: “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures.”

In addition to Article 21, which relates specifically to elections, the Universal Declaration sets out a list of other rights relevant to electoral processes, including the freedoms of expression, association, and assembly.

The rights set out in the Universal Declaration were reiterated and expanded in the International Covenant on Civil and Political Rights (ICCPR), a United Nations human-rights treaty ratified by almost all OSCE participating States. As a treaty, the ICCPR creates legal obligations for states to comply with its provisions. Article 25 of the ICCPR grants every citizen, without

discrimination, the right to vote and to compete for public office. The ICCPR also codifies and expands upon many other civil and political rights enshrined in the Universal Declaration.

Other United Nations human-rights instruments include specific provisions on electoral rights, as well as other human rights that may relate to elections. For example, Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) guarantees everyone, without distinction or discrimination, “political rights, in particular the rights to participate in elections — to vote and stand for election...”. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) guarantees, in Article 7, women’s right to participate in political life and elections on the same basis as men. Virtually all OSCE participating States have ratified the CERD and CEDAW and are bound by their provisions. The United Nations Guiding Principles on Internal Displacement state that internally displaced persons have the same rights as all other citizens, including specifically the right to vote and to participate in governmental and public affairs.

### 3.2 OSCE Commitments

OSCE participating States have committed themselves to a wide array of standards to support, protect, and promote democratic governance and human rights.<sup>10</sup> Most of the basic commitments relating specifically to elections are contained in Paragraphs 6-8 of the 1990 Copenhagen Document, although there are also relevant commitments related to a broad range of civil and political rights, rule-of-law issues, and non-discrimination provisions that are taken into account by election observation missions.<sup>11</sup> All observers should become familiar with these commitments, the full text of which is included in Annex A. In summary, the commitments require states to:

- Hold free elections at reasonable intervals;
- Permit all seats in at least one chamber of the legislature to be elected by popular vote;
- Guarantee universal and equal suffrage;
- Respect the right of citizens to seek office;
- Respect the right to establish political parties, and ensure that the parties can compete on the basis of equal treatment before the law and by the authorities;
- Ensure that political campaigning can be conducted in a free and fair atmosphere without administrative action, violence, intimidation, or fear of retribution against candidates, parties, or voters;
- Ensure unimpeded access to the media on a non-discriminatory basis;
- Ensure that votes are cast by secret ballot and that they are counted and reported honestly, with the results made public in a timely manner; and
- Ensure that candidates who win the necessary votes to be elected are duly installed in office and are permitted to remain in office until their term expires.

In addition, Paragraph 8 of the 1990 Copenhagen Document states that the presence of observers, both foreign and domestic, can enhance the integrity of the electoral process.

<sup>10</sup> See *OSCE Human Dimension Commitments: A Reference Guide*, *op. cit.*, Note 6.

<sup>11</sup> Document of the Copenhagen Meeting of the Human Dimension of the CSCE, Copenhagen, 1990.

The Document includes a standing invitation to participating States and appropriate private institutions and organizations to observe their national election proceedings.

Other OSCE documents include additional commitments on elections. For example, the Lisbon Summit Declaration of 1996 cites electoral fraud as a violation of human rights and a regional security issue, and it commits all participating States to address this recognized problem. The document adopted at the 1999 Istanbul Summit reiterates the commitment of OSCE states to hold free and fair elections and commits participating States to secure the full right of persons belonging to minorities to vote and to facilitate the right of refugees to participate in elections held in their countries of origin. As noted in Chapter 2 of this handbook, participating States have also committed themselves to promptly follow up on ODIHR assessments and recommendations.

### 3.3 Other International Obligations

The majority of OSCE participating States are also members of the Council of Europe and are therefore bound by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocols, as well as other treaties adopted by the Council of Europe.<sup>12</sup> Article 3 of the First Protocol to the ECHR requires states to “hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.” In OSCE participating States that are members of the Council of Europe, individuals may also appeal to the European Court of Human Rights to seek redress for election violations, provided that they have first exhausted possible domestic remedies.

The European Union has also adopted treaties with provisions relevant to free elections, including the Treaty on the European Union and the European Union Charter of Fundamental Rights. These treaties are binding only on member states of the European Union. Issues pertaining to democracy are placed at the centre of relations between the EU and its partners, since the consolidation of democratic institutions and human rights is a joint value and represents a common interest agreed formally by all parties.

The Commonwealth of Independent States and the Organization of American States have also adopted election standards binding on the respective OSCE participating States that have ratified them.

### 3.4 Practical Implications

The following paragraphs briefly set out some key concepts enshrined in universal principles, OSCE commitments, and other international obligations that observation missions should devote their utmost attention to, including: periodic elections, genuine elections, free elections, fair elections, universal and equal suffrage, voting by secret ballot, and honest counting and reporting of results. The government of each country is primarily responsible for ensuring that these commitments are adhered to.

<sup>12</sup> Council of Europe documents are available on its website at [www.coe.int](http://www.coe.int).

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**PERIODIC ELECTIONS** necessitates that elections be held at regular intervals as established by law. The period of time between elections should not be unreasonably long. Within the OSCE region, seven years is generally viewed as the maximum reasonable period between elections for the chief executive, although most countries have opted for intervals of four or five years between elections. Five years is generally viewed as a maximum reasonable period between elections for lower houses of parliament.

**GENUINE ELECTIONS** presupposes that the electoral process will be conducted in an accountable and transparent manner and will provide a real and informed choice for voters, thereby ensuring the overall confidence of the electorate. The concept of a genuine election can be called into question if fundamental rights and freedoms are not respected, if there is no credible political competition, if there are unreasonable restrictions on the formation or conduct of political parties, or if there is no meaningful prospect that voters would have the power to vote incumbents out of office.

**FREE ELECTIONS** requires that all citizens enjoy their fundamental rights of freedom of expression, association, assembly, and movement. Each voter should be able to cast his or her ballot free from intimidation, violence, administrative action, or fear of retribution. No obstacle should stand in the way of candidates freely presenting their views or prevent voters from engaging in campaign activities and learning about or discussing these views. The media should be able to cover the campaign freely, without interference or unreasonable restrictions imposed by the authorities. Domestic observers, both partisan (candidate and party proxies) and non-partisan observers, should be free to observe all stages of the election process before, during, and after election day. The tabulation of results should be visible and verifiable from polling-station level to all intermediate levels of the election administration and finally to the national election authority.

**FAIR ELECTIONS** should ensure equal conditions for all participants in the election process. The legal framework should reflect OSCE commitments and other universal principles, and all election-related laws should be implemented and enforced non-selectively. All candidates, parties, and political organizations that wish to run for office should be able to do so and to compete on the basis of equal and impartial treatment under the law and by the authorities. Candidates and political parties should have unimpeded access to the media on a non-discriminatory basis, and the state media should meet its special responsibility for providing sufficient, balanced information to enable the electorate to make a well-informed choice. Regulations on campaign financing should not favour or discriminate against any party or candidate. There should be a clear separation between the state and political parties, and public resources should not be used unfairly for the benefit of one candidate or group of candidates. The election administration at all levels should act in a professional and neutral manner, and the voting, counting, and tabulation processes should be absent of fraud or manipulation. Candidates, parties, and voters should have the possibility for prompt and effective redress, including through an independent judiciary, in case of violations of law or human rights. Those responsible for violations of law should be held accountable in a timely manner. Candidates who receive the required number of votes to be elected should be duly installed in office.

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**UNIVERSAL SUFFRAGE** requires that all eligible citizens should be given the right to vote. There should be an effective, impartial, non-discriminatory, and accurate voter-registration procedure that ensures all eligible citizens of the right to vote and protects against multiple voting. There should be no poll taxes or registration fees. There should be no restrictions on voting by persons belonging to minorities, by women, or other groups of citizens. All voters, including disabled persons, should have effective access to polling stations or other voting procedures. There should be provisions for voting by internally displaced persons. Efforts should be made to ensure adequate provisions for voting abroad. Restrictions on civil and political rights for citizens convicted of a crime should be proportional to the offence, and voting rights should be automatically reinstated once the sentence is served.

**EQUAL SUFFRAGE** implies that each citizen's vote should have the same value. This means that, under proportional-representation systems, the number of representatives for each district should be proportional to the size of the electorate and that the thresholds for winning seats in parliament should not be set so high as to disregard the political choices of relatively large numbers of voters. Under majority voting systems, equal suffrage means that the population of electoral constituencies should be approximately equal; a variance of more than some 10 per cent could be a cause for concern.

**VOTING BY SECRET BALLOT** necessitates that voters mark their ballots alone, in the privacy of a secure voting booth, and in a manner that the marked ballot cannot be viewed before it is deposited in the ballot box and cannot later be identified with a particular voter. The presence of more than one person in a voting booth should not be permitted, as it compromises the secrecy of the vote. Exceptions should be made only under specified conditions at the request of voters who require assistance, e.g., disabled or illiterate voters. Any voting outside of a voting booth compromises the secrecy of the vote. "Group voting", voting together by family members, open voting, or unlawful voting by proxies are violations of the principle of voting by secret ballot. Arrangements for voting by members of the military and, where permitted, by prisoners should ensure that their votes are secret and not subject to coercion, and the military should ideally be able to vote with the civilian population, with special voting stations for military voting reserved for extraordinary cases. No polling station should be so small that announcement of the results might compromise the secrecy of the ballots (this can sometimes be a problem with respect to voting in military units, prisons, or embassies abroad).



# 4.

## Practical framework for international election observation



A practical framework for election observation is based on the following minimal conditions for effective observation that the host government is expected to ensure and the OSCE Observer Code of Conduct that observers are expected to follow.

### 4.1 Conditions for Effective Observation

In order to observe effectively, the ODHR expects assurances from the host government that an election observation mission will be able to carry out its duties in a timely manner, and specifically to:

- Establish a mission within a time frame that permits observation of all phases of the election process;
- Decide at its own discretion the number of observers necessary to mount a viable observation mission;
- Receive accreditation for all its observers through a simple and non-discriminatory procedure;
- Obtain all necessary information regarding the electoral process from authorities at all levels in a timely manner;
- Meet with candidates, members of all political parties, representatives of civil society, and with all other individuals of its choice;
- Have the freedom to travel in all regions of the country during the election process and on election day, without any restriction or prior notification;
- Have unimpeded access to all polling sites, election commissions, and counting and tabulation centres throughout the country; and
- Be able to issue public statements.

Where these circumstances do not exist, the conditions for effective observation are essentially negated.

## 4.2 The Observer Code of Conduct

The Observer Code of Conduct was developed to ensure that all members of an election observation mission conduct themselves according to high professional and personal standards and behave in a manner consistent with the role of an independent and impartial observer. The role of an observer is limited to observing and reporting, and observers have no authority to instruct, assist, or to interfere in the voting, counting, tabulation, or other aspects of the electoral process. The Observer Code of Conduct is binding on all ODIHR observers; any serious infraction of the code will lead to withdrawal of observation accreditation.

### **CODE OF CONDUCT FOR OSCE/ODIHR OBSERVERS**

- Observers will maintain strict impartiality in the conduct of their duties and will, at no time, publicly express or exhibit any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process.
- Observers will undertake their duties in an unobtrusive manner and will not interfere in the electoral process. Observers may raise questions with election officials and bring irregularities to their attention, but they must not give instructions or countermand their decisions.
- Observers will remain on duty throughout election day, including observation of the vote count and, if instructed, the next stage of tabulation.
- Observers will base all conclusions on their personal observations or on clear and convincing facts or evidence.
- Observers will not make any comments to the media on the electoral process or on the substance of their observations, and any comment to the media will be limited to general information about the observation mission and the role of the observers.
- Observers will not take any unnecessary or undue risks. Each observer's personal safety overrides all other considerations.
- Observers will carry any prescribed identification issued by the host government or election commission and will identify themselves to any authority upon request.
- Observers will comply with all national laws and regulations.
- Observers will exhibit the highest levels of personal discretion and professional behaviour at all times.
- Observers will attend all required mission briefings and debriefings and adhere to the deployment plan and all other instructions provided by the OSCE/ODIHR Election Observation Mission.

In addition to the Observer Code of Conduct, all observers are expected to adhere to OSCE guidelines on a professional working environment, which prohibit discrimination or sexual harassment. Election observation missions in some countries may issue additional rules or guidance binding on OSCE/ODIHR observers.

# 5.

## Preparing for an observation: the needs assessment mission



An initial step towards the establishment of an ODIHR EOM is the deployment of a needs assessment mission (NAM), usually several months before a given election. A NAM is conducted over a period of several days by members of the ODIHR Election Department. The prospective Head, Deputy Head, or Logistics Officer of a potential EOM may also participate, as well as other experts as relevant or required.

The purpose of a NAM is to identify the prospects for the conduct of an election process in line with OSCE commitments, and subsequently to advise the ODIHR Director on the proposed ODIHR activity. The NAM also ascertains whether the host government intends to respect minimum conditions for effective election observation.

The NAM report, which is circulated to all participating States, reflects the ODIHR's conclusions on the scope and scale of the observation mission that is to be established. In some cases, a NAM may recommend that full observation is not appropriate or necessary in view of its findings and may instead call for the deployment of a limited election observation mission or an election assessment mission (see Section 2.4). The NAM report also establishes the numbers of long- and short-term observers that participating States will be requested to second in order to realize the respective mission.

A NAM also serves to establish an early dialogue with the national electoral authorities and other institutions involved in the election process. In general, a NAM will meet with senior officials of the election administration, representatives of government offices (the Foreign Ministry and any offices involved in elections such as the Interior Ministry and offices dealing with national minorities or human rights), political parties, media representatives, civil society organizations, the OSCE mission (where relevant), embassies of OSCE participating States, and any other interested international organizations.

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A NAM makes a preliminary assessment of:

- The extent to which recommendations emerging from previous ODIHR election observation missions have been implemented;
- The pre-election environment, including the general extent to which human rights and fundamental freedoms are being observed by the government in relation to the upcoming election;
- The legislative framework and any amendments since the last election (whenever possible or relevant, the ODIHR will prepare a separate detailed analysis of the election legislation);
- The composition and structure of the election administration, as well as the status of its preparations for the election and the general extent of public and political confidence in its work;
- The status of the media and their expected role in the elections;
- Any other issues of particular relevance, such as the compilation of voter registers, the candidate/party registration process, the participation of women, the inclusion of minorities, or election activities of civil society organizations;
- The degree to which interlocutors believe the establishment of an ODIHR EOM can serve a useful purpose; and
- Whether the security situation is conducive to an observation mission.

# 6.

## The structure of an OSCE/ODIHR election observation mission



An ODIHR election observation mission is deployed under the overall direction of the ODIHR Director. The Head of the ODIHR Election Department represents the Director on all election-related matters. The Head of a particular EOM is appointed by the ODIHR Director and assumes responsibility for the day-to-day work of the election observation mission, in close co-operation with the ODIHR Election Department. The ODIHR Election Adviser tasked with responsibility for a particular election serves as the regular liaison between the EOM and the ODIHR in Warsaw. The Head of a particular EOM may be required to travel to and/or from the election mission via Warsaw for briefing and/or debriefing.

A standard mission includes a core team, long-term observers (LTOs), and short-term observers (STOs). Members of the core team are drawn from an ODIHR roster of experts<sup>13</sup> and hired directly under contract, or they are occasionally seconded by OSCE participating States upon request from the ODIHR. For every election, the ODIHR issues a Note Verbale to all OSCE participating States, requesting that they second LTOs and STOs for that particular mission.

In some cases, LTOs and STOs may be recruited through the ODIHR's voluntary fund for the diversification of election observation missions, which was established in 2001. The fund has been exceptionally important to the ODIHR in its efforts to diversify the composition of election observation missions and to guarantee participation of election observers from Central and Eastern Europe and from participating States within the Commonwealth of Independent States. This is particularly important, as it permits a diversity of experience

<sup>13</sup> The ODIHR recommends that interested experts regularly update their information for input in the ODIHR database of experts to assist it in staffing missions (the database can be found on the ODIHR website at [www.osce.org/odihr](http://www.osce.org/odihr)).

to be represented within observation missions, often from participating States that do not regularly second observers.

ODIHR election observers must be citizens of OSCE participating States,<sup>14</sup> with the exception of the respective host state. As English is the working language of ODIHR election observation missions, all members of an EOM, including long- and short-term observers, must be able to communicate effectively in both spoken and written English. However, proficiency in a second language widely used in the area of deployment is an asset.

Specific information on each ODIHR election observation mission is available on a special web page created upon establishment of the mission.<sup>15</sup>

## 6.1 The Core Team

The ODIHR establishes its offices in the capital of the respective host country approximately six to eight weeks before election day, which is where the core team of any given election observation mission is based. The core team usually includes some 10-12 international experts, depending on the size of the mission and the specific circumstances of the election. The Head of Mission is normally assisted in his or her duties by a Deputy Head of Mission; in very large missions, more than one deputy may be appointed. The other members of the core team include an Election Analyst, a Political Analyst, a Legal Analyst, a Media Analyst, a Statistical Analyst, a Co-ordinator of Long-term Observers, a Logistics Officer, a Security Officer, a Finance Officer, and a Parliamentary Liaison Officer when relevant. Sometimes, a gender or national minorities expert may be assigned to the core team to strengthen the analysis on these particular issues in the election context. The duties of these personnel are set out below.

**THE HEAD OF MISSION** is responsible for the day-to-day work of the observation mission. He or she leads the ODIHR mission in its ongoing assessment of the extent to which all aspects of the election process are in line with domestic law, OSCE commitments, and other universal principles for democratic elections.

The Head of Mission is responsible, in close co-ordination and co-operation with the ODIHR Election Department, for the work of the mission, including:

- Preparation of interim reports outlining the main pre-election issues and developments;
- Establishing and maintaining contact with the authorities, election administration, main political parties, candidates, civil society, other observer groups, the resident diplomatic community, and international organizations;
- Overseeing the work of the core team, LTOs, and STOs;
- Relations with the media, including preparation of EOM public statements (also in co-ordination with the ODIHR Spokesperson);
- Briefing and working closely with parliamentary delegations (when applicable);
- Developing a statement of preliminary findings and conclusions and a press release, sometimes in conjunction with leaders of other delegations; and

<sup>14</sup> On occasion, the OSCE/ODIHR has accepted short-term guest observers from OSCE Partners for Co-operation.

<sup>15</sup> Individual EOM web pages may be found on the ODIHR website at [www.osce.org/odihr](http://www.osce.org/odihr).

- Preparing a final report to be issued approximately six weeks after the completion of the electoral process.

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

**THE DEPUTY HEAD OF MISSION** generally serves as a chief of staff, ensuring effective overall coordination of the EOM, assisting the Head of Mission in his or her operational and administrative duties, and representing the Head of Mission when relevant. Among other duties, the Deputy Head oversees all aspects of LTO and STO operations, including preparation of briefings, a balanced and representative deployment plan, and debriefing. He or she may co-ordinate the drafting of interim reports in conjunction with the Head of Mission and the ODIHR Election Department. In smaller EOMs, the Deputy Head may also serve concurrently in one of the expert/analyst positions set out below.

**THE ELECTION ANALYST** assesses the performance of the host country's election administration in line with OSCE commitments and other universal principles. He or she is the EOM's principal point of contact with the election administration and attends all meetings of the central election commission, or equivalent body, as necessary. The Election Analyst assesses that body's effectiveness, independence from executive authorities, transparency, and impartiality. The Election Analyst is responsible for monitoring voter registration, candidate registration, election regulations and procedures, the design and printing of ballot papers, the effectiveness of lower-level election commissions, and other issues within the purview of the election administration. The Election Analyst also reviews the counting and tabulation procedures and analyses the production of the final aggregated results for conformity with legal regulations and administrative procedures. The Election Analyst works closely with the Legal Analyst on election-related complaints and appeals.

**THE LEGAL ANALYST** develops expertise on election legislation and regulations. He or she assesses the extent to which the legislation and its implementation comply with OSCE commitments and other universal principles and whether domestic law is applied fully and impartially. The Legal Analyst also follows all election-related disputes, complaints, court cases, and appeals. This permits an assessment of the extent to which effective remedies are available for complainants and the impartiality of the judiciary in dealing with election-related cases.

**THE POLITICAL ANALYST** serves as the EOM's principal liaison with candidates and political parties and monitors and assesses the political campaign in line with OSCE commitments and other universal principles. He or she establishes contacts with political parties, civil society groups, and non-governmental organizations relevant to the political process. In many cases, the Political Analyst may be tasked with specific issues of concern, such as women's participation, minority issues, and civil- and political-rights issues. The Political Analyst may also be tasked as the main point of contact with domestic election observers.

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**THE MEDIA ANALYST** co-ordinates an analytical team responsible for preparing a qualitative and quantitative analysis of the performance and content of the major electronic and print media during the election process. He or she assesses the extent to which parties and candidates have equal access to the media in accordance with OSCE commitments and other universal principles. The Media Analyst monitors whether the media, and in particular the state or public media, meet their responsibilities to provide balanced and neutral coverage of the electoral process. Ultimately, the Media Analyst must assess whether the media provide sufficient, balanced, and diverse information to enable voters to make a well-informed choice. The Media Analyst becomes familiar with media legislation and assesses whether the media and the authorities comply with media laws and regulations. The Media Analyst also follows the election-related work of any media regulatory bodies and any election-related disputes concerning the media. The Media Analyst may also be assigned to prepare a daily news summary.

**THE STATISTICAL ANALYST** is responsible for preparing a statistical analysis of key election-day findings based on forms completed by STOs and designed to assess procedures at polling stations and counting centres. The Statistical Analyst provides advice in the development of the STO forms for the respective election and oversees a team responsible for data input. Preliminary data must be analysed and available early in the morning immediately following election day in order to incorporate findings into the preliminary statement. The Statistical Analyst arrives in-country several days before the election and departs after all STO forms are processed and fully analysed.

**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. He or she organizes a briefing for LTOs when they arrive in the host country and subsequent debriefings during the course of the observation. The LTO Co-ordinator provides 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 analyses their reports. He or she also advises on the appropriate distribution of STOs to regions of the country to achieve a balanced and representative deployment plan and may be responsible for co-ordinating the deployment of locally recruited STOs. The LTO Co-ordinator 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 LOGISTICS OFFICER** is tasked with all issues related to the logistical operations of an EOM. He or she normally arrives in-country a few days before the rest of the core team and locates and leases suitable office premises, equipment, communications facilities, and also identifies options for accommodation. The Logistics Officer also facilitates the recruitment of national support staff. As election day approaches, the Logistics Officer implements the STO deployment plan (in consultation with the LTO Co-ordinator and Deputy Head of Mission) and makes arrangements for interpreters, drivers, and accommodations for STOs. He or she may also have responsibility for EOM security issues in the event that a Security Officer has not

been appointed. The Logistics Officer remains in-country for a few days after the rest of the core team has departed to assist with the closure of the EOM.

As the security of OSCE personnel, including election observers, is of the greatest significance during all ODIHR observation activities, a **SECURITY OFFICER** is regularly appointed to election observation missions, when necessary. Typically, the security officer maintains regular contacts with the relevant host-country authorities, notably law-enforcement institutions; provides regular security briefings for the members of an EOM, including long- and short-term observers; prepares an evacuation plan, including medical evacuation; and closely liaises with the OSCE Security Co-ordinator in Vienna and security officers of the resident OSCE missions or offices, where relevant.

**THE FINANCE OFFICER** develops and manages the detailed EOM budget in accordance with ODIHR regulations and procedures. He or she administers EOM finances and expenditures, including payments for offices and equipment, salaries, per diem, and other expenses, and ensures that these are in accordance with the budget. He or she also draws up or supervises all contracts for national support staff and rented facilities. The Finance Officer normally arrives in-country with the Logistics Officer a few days before the rest of the core team and remains in-country to assist with closing the EOM.

**THE PARLIAMENTARY LIAISON OFFICER** serves as an EOM's principal liaison with parliamentary delegations observing any given election. This may include members of the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament, or, occasionally, other parliamentary bodies. Depending on particular circumstances, the Parliamentary Liaison Officer may be responsible for arranging briefings, logistical support, deployment plans, and other arrangements for parliamentarians. The Parliamentary Liaison Officer maintains close contact with the administrative staff of the respective parliamentary bodies. He or she normally arrives in-country two to three weeks before the election and remains until the parliamentarians have departed.

## 6.2 Long-Term Observers

**LONG-TERM OBSERVERS (LTOs)** are requested by Note Verbale, conveyed to all 55 OSCE participating States, in which the ODIHR requests the secondment of persons with relevant election administration and/or comparative observation experience to serve as LTOs. LTOs must be capable of maintaining objective relationships with municipal or regional officials, election officials, political-party and candidate representatives, and relevant non-governmental organizations over an extended period of time. They must be able to contribute an independent analysis of the pre-election environment, throughout the host country, for inclusion in overall ODIHR reporting. The seconding participating State incurs most of the expenses for deploying and supporting LTOs.

LTOs usually arrive in-country approximately one week after an election observation mission has been established and remain for approximately one week after election day. They are usually deployed in teams of two, comprising persons of different citizenship, throughout the host country, according to a deployment plan that enables balanced geographical coverage. LTOs are expected to work at the municipal, district, or provincial levels, remaining in their

regions during the entire election process, unless otherwise instructed. They are normally required to attend periodic debriefings at the central level. The number of LTOs may vary depending on the size of the country and other particular circumstances.

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

- An overview of the OSCE and the role of LTOs within an ODIHR EOM;
- A review of the ODIHR's election observation methodology and Code of Conduct;
- An analysis of the election system, election law and regulations, and the structure of the election administration;
- A political overview;
- A description of any key issues to observe and any specific tasks to fulfill;
- An overview of gender and minority issues as relevant;
- A review of security issues as relevant;
- Logistical, financial, and deployment information; and
- Instruction on reporting and other tasks.

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

The presence of LTOs ensures that an EOM can effectively extend its reach throughout the country. 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. This includes human-rights groups, domestic election observer groups, women's organizations, other NGOs, 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. (Details on issues to follow regarding media analysis are included in Chapter 7 of this handbook.)

LTOs are required to submit weekly reports to the Head of Mission through the LTO Co-ordinator. These reports should summarize the main findings from the LTOs' observation of the process during the preceding week, and they should also indicate the various meetings held. Particularly important or urgent information should be reported separately in spot reports. LTO findings will be 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 responsibility. These briefings highlight the main aspects of the electoral process in their region and the key political issues, and they also indicate any pertinent logistical and security information. LTOs are expected to attend periodic meetings that may be called by the Head of Mission during the course of the observation.

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 will be 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 and counting centres in their regions. They must also locate appropriate accommodations, 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 their respective regions. LTOs will usually be required to submit a report to the core team very early on the morning after the election to ensure that regional findings are reflected in the EOM's preliminary statement. LTOs are often required to arrange a regional debriefing for STOs early on the morning after the election.

### 6.3 Short-Term Observers

**SHORT-TERM OBSERVERS** (STOs) are requested by Note Verbale, conveyed to all 55 OSCE participating States, in which the ODIHR requests the secondment of persons with relevant election administration and/or comparative observation experience to serve as STOs. The sending state incurs all costs for STOs.

STOs usually stay in-country for approximately one week. STOs are deployed in teams of two and observe voting and counting on election day. They are deployed according to a plan that provides a broad and balanced presence throughout the country on election day. 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. Specific STO responsibilities and procedures are outlined in Chapters 8 and 9 of this handbook.

In most instances, the ODIHR also welcomes locally recruited internationals as STOs to complement those seconded; these are usually diplomats or other citizens of OSCE participating States who are recommended by their embassies. The ODIHR, however, retains the right to accept or reject such nominees on a case-by-case basis. By special arrangement, states that are OSCE Partners for Co-operation may occasionally send guest observers to participate as STOs.

As mentioned earlier, the ODIHR established a voluntary fund in 2001 that enables it to ensure some participation of observers from throughout Central and Eastern Europe and from participating States within the Commonwealth of Independent States, depending on the availability of funds.

STOs usually arrive in-country approximately four days before an election; the precise schedule is established by the ODIHR on the basis of local circumstances and is communicated to delegations of participating States in a timely manner. The core team provides a one-day briefing session on the day after the scheduled arrival of STOs. The next day, STOs are deployed to their regions; they then normally have one day to familiarize themselves with their assigned areas of responsibility before election day.

STOs begin work very early on election day by observing the opening of polling stations. In the course of the day, STOs usually visit some 10 polling stations. They then select one polling station at which to observe closing procedures and the vote count. In some cases, STOs may be required to remain at a single polling station, or they may be assigned to observe tabulation at a mid-level election commission and/or to perform other duties, such as observing special voting procedures (military or prison voting or following a mobile ballot box).

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

- ODIHR methodology and the Observer Code of Conduct;
- A political overview;
- The election system;
- The election law and its practical implementation;
- The election administration;
- Polling and counting procedures;
- Gender and minority issues;
- A media overview;
- How to respond to media enquiries;
- The pre-election period based on long-term observation;
- Any special issues or procedures to be observed;
- How to fill out and submit reporting forms;
- Logistical, deployment, and financial information; and
- Security issues.

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

#### 6.4 National Support Staff

A key component of every election observation mission is its national staff, who provide an EOM with invaluable knowledge. 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.

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Members of an EOM's national staff serve as interpreters and as 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 each STO team will also be assisted by a national interpreter and driver.

While national staff play an essential support role for every election observation mission, they may not themselves 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 observation and domestic opinion.



# 7.

## Observing the pre-election period



It is the responsibility of the core team and the LTOs to observe the long-term process and to assess it in line with OSCE commitments and other universal principles. In particular, long-term observation should assess the implementation of the election legislation, the performance of the election administration, the conduct of the election campaign, and the role of the media. The following sections highlight a number of key 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 in a particular country, the ODIHR arranges, whenever possible, for a review and analysis of the respective election law. This enables a comprehensive assessment of the extent to which the law reflects OSCE commitments and universal principles. Such analysis is carried out in conformity with the ODIHR *Guidelines for Reviewing a Legal Framework for Elections*.<sup>16</sup> In member states of the Council of Europe, this analysis may be carried out jointly or in co-operation with the Council of Europe's Commission for Democracy through Law (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 the political factions in a given country. The legal framework should therefore be drafted in an open and inclusive manner in order to secure broad confidence among the competing political parties, candidates, and voters. Significant changes in the legislative framework should not be introduced shortly before an election, except under special circumstances and when the needed amendments have broad

<sup>16</sup> *Guidelines for Reviewing a Legal Framework for Elections* (Warsaw, OSCE/ODIHR, 2001).

support, as this can create confusion and lead to an unstable and unpredictable environment.

**OTHER LEGISLATION:** The legislative framework for an election includes not only the election law 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, including the law on political parties, citizenship laws, voter-registration laws, campaign-financing laws, media laws, and possibly elements of the criminal code and administrative code. Laws relating to human rights and non-discrimination may also be important to the electoral process. Reviewing regulations and decrees, as well as laws, is often necessary.

**IMPLEMENTATION:** The impartial 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' offices and other government offices, central and local government authorities, media regulatory bodies, 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 universal principles. 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 the legislation complies fully with international standards, this will be of little value unless it is implemented fully and fairly.

#### **Possible problems to be aware of:**

- Legislation that does not fully meet OSCE commitments and other universal principles;
- Laws that do not enjoy the confidence of major election stakeholders;
- Legislation that is vague, subject to varying interpretations, and lacking sufficient guarantees for respect of civil and political rights;
- Laws or administrative regulations that do not adequately protect fundamental human rights;
- Failure to implement legislation in a non-partisan, consistent, and transparent manner; and
- Regulations that may violate the spirit of the law.

#### **B. Complaints and appeals**

Another important element of the legislative framework is the complaints and appeals process, which must provide effective and timely remedies in the event of violations of law. Complaints concerning the election process must be dealt with equitably, transparently, and according to due process of law. Procedures and deadlines should be clearly set out in the election law. Time frames must be sufficiently short to ensure a meaningful remedy. There must be accessible and adequate facilities for filing complaints.

The right to appeal to election bodies and courts must be established to enable a clear, understandable, singular, 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, and 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 nevertheless always provide the right to appeal to a court of law as a second and/or third instance. Observers should pay attention to the independence and impartiality of the courts. Responses to complaints should be provided in a timely manner, and all hearings and rulings should be public.

The Legal Analyst should keep track of complaints registered during the campaign and how they were resolved. A listing of complaints can serve as an indicator of issues that may require further EOM attention.

### **Possible problems to be aware of:**

- An unclear or ambiguous process for filing complaints;
- A judiciary that is not independent from the executive;
- Lack of due process in court proceedings;
- Postponing rulings on complaints until after the elections;
- Lack of transparency in the implementation of the appeals process; 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. Occasionally, the judiciary may oversee the election process. Whichever body is constituted to administer a particular election, its work should be collegial, non-partisan, transparent, and independent from the authorities and other political influences.

The independence of a central election commission is enhanced if it is composed of respected and suitably qualified individuals and nominated by a balance of interests. It should be able to implement the election legislation and regulations without interference, intimidation, or impediments to its duty. The administering body could also be made up of a balance of representatives nominated by political parties. 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. If political-party nominees constitute election commissions, they should be prohibited from campaigning and should be able to act independently without fear of retribution or recall.

If a judicial body is charged with administering the elections, its independence from executive authorities and political forces must be ensured, including through transparent proceedings. Judicial appointees should be immune from the authority of those standing for office.

A central administering body may be a permanent body, or at least have a standing executive committee. If it is not a permanent body, its independence should be guaranteed by fixed tenures of its members and the right of return to their previous employment.

When all meetings of the election administration are open, transparency is greatly enhanced, thereby contributing to public confidence in the system. Alternatively, election administration bodies should publish their decisions immediately upon delivery and provide regular and timely briefings for the media.

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. There should be recorded minutes of each meeting.

In an environment that has a deficit of transparency, an EOM, and in particular the Election Analyst, should attend all meetings of the central election administration, while LTOs should attend meetings of regional and local election administrations. Domestic observers should also be permitted to attend and follow the proceedings of election commission meetings.

**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 of preparing for, and conducting, elections. They may have responsibility for preparing voter registers and distributing voter lists, ballot papers, ballot boxes, polling booths, official stamps, and all other required material, as well as determining the arrangements for storage, distribution, and security. Local authorities are often required to provide premises for polling stations.

Any bodies involved in electoral preparations should conduct their tasks transparently and accountably. Observers should become acquainted with the roles of ministries and local authorities in organizing the election process and the extent to which these contribute to an effective administration of the elections.

### **Possible problems to be aware of:**

- Election commissions that do not enjoy broad confidence of election stakeholders;
- Commissions that are under political pressure or lack independence from the executive;
- Commissions that tend to make decisions by voting along political lines rather than by broad agreement;
- Commissions that do not hold their meetings in public or do not fully publicize their decisions;
- Any difficulties posed for major election stakeholders to take their seats on commissions;
- Last-minute changes in election commission membership or unfounded recalls of members; 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 manner, with funds from the state or municipal budget sufficient to meet its responsibilities. The independence of the election administration can be enhanced if it has

its own public budget, at established levels, rather than allocated through an ad hoc budgetary procedure.

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 reimbursement of the members of election commissions, a sufficient number of suitable polling-station facilities, polling-station equipment (ballot papers, secure and adequate ballot boxes, adequate polling booths), and 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 election commission members, including members nominated by political parties, have received standardized training at all levels of the election administration. LTOs should observe such training sessions for regional and local election officials whenever possible.

#### **Possible problems to be aware of:**

- Election commissions that have no public budget;
- Lack of clarity over whether state or local authorities are responsible for providing various kinds of funding or assistance;
- Lack of funding for unexpected elections;
- Inadequate voting equipment;
- Polling stations in facilities that are too small or are not accessible to disabled voters;
- Inexperienced polling-station officials;
- 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. Registration of candidates and political parties**

The election administration is usually responsible for registering candidates for an election. The same general principles underlying the right to vote apply to the right to be a candidate. All political forces and movements should be able to nominate and field 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.

There should be no restrictions on candidates for reasons such as race, sex, religion, political affiliation, ethnic origin, or economic status. However, best practices do not exclude reason-

able quotas or preferences designed to ensure more equitable representation of women or minority groups.

There are certain reasonable restrictions that may be applied to individuals wishing to run 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 candidate rights should be proportional to the crime committed, and candidate rights should be automatically reinstated once the sentence has been served. Another example pertains to residency, whereby it is reasonable to require a person to have been a resident of a particular country for a certain period of time before running for office. Other restrictions may pertain to a demonstration of minimum support among voters, or a reasonable age requirement. Any language thresholds should not present an unreasonable limitation on candidacies, and language tests should be transparent, objective, non-discriminatory, and administered in a rational manner. Civil servants, military or security personnel, or judges may reasonably be restricted from running for office unless they resign from their positions.

The provisions regarding candidate registration must be applied equally to all candidates and parties. The registration requirements for candidates and parties should be clear and predictable and should not involve potentially discriminatory demands such as excessive deposits, mandatory regional support or party representation, or an unreasonable number of names on registration petitions.

With regard to the principle of proportionality, parties or candidates should not be disqualified from standing for election except for the most serious reasons. They should be given an opportunity to correct any technical deficiencies on their applications for registration; they should not be disqualified or refused registration on technical grounds. A right of judicial appeal must exist for the refusal of registration to 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 that has a direct impact on the competitive nature and quality of the process, it should be monitored 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 candidates denied registration.

#### **Possible problems to be aware of:**

- Banning, suspension, or deregistration of parties or candidates;
- Restrictive or discriminatory policies with regard to the formation or operation of political parties or civil society groups;
- Selective implementation of the law with respect to the registration of parties or candidates;
- Requirements for excessive deposits, mandatory regional representation, or excessive numbers of signatures to qualify for registration;
- Excessive 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; and
- Undue delays or administrative obstacles to the registration of political parties.

#### D. Voter registration

**GENERAL CRITERIA FOR REGISTRATION:** All citizens of a country must have the right to vote, provided they have reached a qualifying age and have not been declared mentally incapable by a court of law. 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. 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 elements of an election process. Assessing the adequacy of the voter register can be a challenge for observers.

Fundamental decisions have to be made with regard to whether voters vote in their place of permanent residence only or whether voters have the right to vote in their place of temporary residence, or anywhere. If the second approach 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.

There should be clear legal provisions governing the method of registration; the registration timetable; qualification and disqualification with respect to citizenship, age, and residence; temporary absence; means of identification (evidence of eligibility); the registration form; the format of the register; publication of a draft register; availability and right to inspect registers; the procedure for claims and appeals; and publication of a final register.

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

An accurate voter-registration process can be best assured by a permanent, well-maintained, and regularly updated central statewide voter register. One comprehensive, computerized list can assist the authorities in checking individual citizen registration and avoiding duplications, thereby enhancing the integrity of the voter register. However, some countries may not have the capacity to generate a computerized voter register. In federal systems, regional and local authorities may be responsible for voter lists at the regional or local level. Methods of registration, therefore, vary from country to country depending on local circumstances.

**SYSTEMS OF VOTER REGISTRATION:** Countries have adopted a variety of means for registering voters. *Active*, or *affirmative*, registration systems require voters themselves to apply for registration at each election. In *passive* systems, the authorities compile the voter register

automatically on the basis of residency, citizen registry, or other records. Either type of system is acceptable if it produces a comprehensive, transparent, and accurate voter register. At times, both types of registration systems may be employed. Some participating States permit registration on election day by means of a supplementary voter list for voters whose names have been omitted from the voter list and who can prove their eligibility.

In some countries, the authorities responsible for the maintenance of the voter registers may be tasked to issue special certificates, including on election day, to enable eligible voters whose names do not appear on the local voter lists to vote. While this certainly broadens the possibility of voters to cast their ballots, such systems can be open to abuse. When certificates are used, observers should thoroughly assess how the system is implemented.

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 polling 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 each voter's finger.

**ENSURING THE ACCURACY OF THE VOTER REGISTER:** The national voter register (where applicable) or regional and local lists require constant updating to remain accurate. Emigration and internal migration or displacement can cause significant population shifts between elections. The difficulty of identifying and registering or re-registering large numbers of voters who have moved is a substantial technical undertaking, requiring voters to be crossed off lists according to their previous residence and added to lists in their new place of residence.

Safeguards should exist to avoid multiple registration. If voters receive special voter cards, there must be adequate security to avoid duplication of the cards. In all countries, there should be systems in place to ensure that deceased persons are removed from the lists and that those who have recently reached voting age are added to the lists. When women change their names upon marriage or divorce, it is important to ensure that the lists are updated so that women do not lose their right to vote. Ideally, there should be provisions for citizens abroad to register and to vote.

Observers should carefully assess the effectiveness and 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, property, or ability to pay a registration fee. Reasonable restrictions may include factors such as residence, citizenship, current incarceration for having been convicted of a crime, and mental incapacity as determined by a court.

### **Possible problems to be aware of:**

- Lack of a central voter register;
- Registers and/or lists not open to public inspection or not easily accessible;
- Lack of clear rules for registration or for contesting mistakes on registers and/or lists;
- Ineffectiveness of the appeals process;

<input type="radio"/> Discriminatory practices;
<input type="radio"/> Non-registration of internally displaced persons;
<input type="radio"/> Registration processes that are not easily accessible for all citizens;
<input type="radio"/> Lack of voter education on registration;
<input type="radio"/> Widespread inaccuracies in the register and/or lists;
<input type="radio"/> Registers and/or lists containing unnecessary data such as ethnicity; and
<input type="radio"/> Voting rights not being automatically restored after having served a prison sentence.

### E. The ballot

**BALLOT DESIGN:** The complexity or simplicity of the ballot directly affects the efficiency of the voting process. Ballots should be designed as simply as possible and should be easy for voters to understand and fill out. Unduly long or complex ballots can cause confusion among voters and slow the voting and counting procedures. In multilingual societies, ballots should be available in major minority languages. In societies with a significant level of illiteracy, it is a good practice to include easily identifiable symbols next to the names of candidates or parties. The order of candidates on the ballot should be determined by lot or in another fair manner.

**BALLOT SECURITY:** Ballots and other sensitive election material 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 when this was done prior to the elections. Interested parties should be granted the right to observe the printing, distribution, and storage of ballots. In some countries, the “protocol of results” form or other materials may be as sensitive as a ballot 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 material.

As an additional security measure and safeguard against fraud, a number of countries use voting procedures that require that ballots be placed in envelopes before being placed in the ballot box. In such cases, it is particularly important to understand that the vote may be identified with the contents of the envelope rather than with the ballot itself, depending on the type of ballot.

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

- Stamping ballots with an official stamp specific to the polling station when they are given to voters or before they are placed in the ballot box;
- Having one or more polling-station officials sign the back of the blank ballot when it is given to the voter;
- Use of numbered ballot stubs to monitor the number of votes in a ballot box;
- Use of a stamp rather than a pen to mark ballots;

- Use of 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.

**DIRECT RECORDING ELECTRONIC (DRE) VOTING SYSTEMS:** New election technologies using direct recording electronic (DRE) equipment (electronic voting, automated voting) have the potential to facilitate voter participation. However, such new technologies may also pose challenges to the transparency and accountability of an election process. Furthermore, they may influence perceptions on the security of the vote, with a potential impact on voter confidence. It is therefore important to assess the introduction of DRE equipment, where relevant, and whether its introduction will have a direct impact on the possibility to observe the voting process compared to conventional voting. Such issues should be followed closely by an ODIHR EOM where relevant.

International observers do not certify DRE voting systems. However, they should have full access to the certification and independent domestic verification process. The criteria electoral authorities use when choosing DRE voting systems, and the manner of introduction, including voter education and pilot testing, are also relevant issues for an EOM.

The following measures could prove essential with a view to enhance voters' confidence in such new voting technologies:

- (i) Permission for competent individuals, academic institutions or civil society groups to comprehensively and independently test automated voting equipment subject to reasonable limitations related only to patent or copyright law. However, such testing should not be perceived as a substitute for the establishment of inclusive and transparent certification procedures;
- (ii) Regulations that ensure against possible conflicts of interests of the vendors;
- (iii) Facilities that produce a permanent paper record with a manual audit capacity, and serious considerations to ensure a voter-verified auditable paper trail; and
- (iv) Establishment of a clear division of responsibilities between vendors, certification agencies and election administrators to fully ensure accountability and an effective response in the case of failure of DRE equipment.

### **Possible problems to be aware of:**

- Unduly long or complex ballots that may confuse voters;
- Inadequate safeguards or 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
- Electronic voting systems with no voter-verified auditable paper trail or other manual audit capacity.

## F. Voter information

Sufficient voter and civic information and education may be 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 and civic information and education.

Voter education should inform voters 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 make use of the information. Domestic voter- and civic-education efforts may also focus on 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. While political parties and civic organizations may contribute to voter- and civic-education efforts, it is ultimately the responsibility of the authorities, including the election administration, to ensure that voters receive objective, impartial, and timely information. Publicly funded or state media also have a special responsibility to ensure that voters receive sufficient, balanced information on the candidates and issues in order to enable them to make a well-informed choice.

Special voter-education efforts may reasonably be directed at segments of the population with a traditionally low voter turnout; in some countries, these might include minority groups, women, or youth. It is a good practice to provide voter education in major minority languages, as well as in the country's predominant language.

### Possible problems to be aware of:

- Information about the election process may be received too late;
- Information issued by central or local authorities could be biased, e.g., showing a ballot paper filled in in favour of a certain contestant;
- Certain groups of voters may not receive or understand information;
- Changes in election procedures may not be adequately publicized;
- Citizens reaching voting age for the first time may not be aware of procedures; and
- Citizens outside of the country, refugees, or displaced persons may not understand the required procedures.

## 7.3 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, assembly, and association must be respected at all times. There should be no

arbitrary or unreasonable restrictions on campaign activities, meetings, or rallies. If permits are required for public rallies or demonstrations, these should be freely and equally available to all contestants. The government is responsible for ensuring respect for these rights.

It is particularly important that campaigning should be free from violence or intimidation. There should be no disruptions of campaign meetings. Citizens should not fear retribution, such as loss of employment, for their campaign activities. All persons should be free from coercion by the authorities; special attention in this regard may be focused on such groups as students, soldiers, or local leaders. There should be no harassment of political activists, such as administrative detentions or sudden tax audits.

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 insidious effect on voters and candidates. While intimidation may be difficult to quantify, or in some cases to prove, widespread trends of intimidation, particularly by security forces, become readily apparent.

There must be timely and effective judicial remedies available in case candidate or party rights are violated during a campaign, or in case unreasonable restrictions are imposed on campaigning. However, if hate speech or speech that advocates violence is introduced into the campaign, such rhetoric should be censured and the perpetrators held accountable.

**THE POLITICAL CONTEXT:** While the primary focus of observers is on the election process, this necessitates a knowledge of the political context and issues surrounding a particular election. Observers should therefore meet with candidates and parties, observe rallies, and review campaign material 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 reasons for a lack of active involvement. In addition to political parties and candidates, other good sources of information on the campaign can be non-governmental organizations, 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 placing restrictions on, campaign meetings or rallies, including refusals to grant permits;
- Reports of intimidation 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 material.

## B. Campaign resources

**CAMPAIGN FINANCING:** Campaign financing should be transparent, and there should be clear legislation or rules governing campaign financing. These should apply equally to all candidates and parties. It is a good practice to require both pre- and post-election disclosure of campaign spending, where funds were raised and how they were spent. Where the government may provide 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 that candidates are unable to pay for basic campaign costs such as salaries, transportation, office expenses, the purchase of space in the media, and the printing and distribution of campaign materials. Reasonable restrictions may include, for example, prohibitions on funding of campaign expenses from foreign sources, public corporations, or anonymous sources.

**USE OF PUBLIC RESOURCES:** It is the responsibility of the government 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 equal access is provided to all contestants. If public buildings or other public facilities are available for campaign offices or campaign meetings, they should be available to all 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 any campaign activities they may be involved in. Public employees should not be required to attend campaign events 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. The law should make clear whether political activities, outside of the official campaign period, are permitted and, if so, to what extent.

### Possible problems to be aware of:

- Unclear or ambiguous rules on campaign financing;
- 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;
- Unequal use of public resources by incumbents;
- Campaigning by civil servants or military leaders;
- A campaign too short to enable parties to organize and to convey their message; and
- Lack of a clear commencement date for the campaign and/or staggered registration of candidates, resulting in unequal periods of time available to campaign.

## 7.4 The Media

**MEDIA FREEDOM:** Free and independent media are a vital element in a genuine and democratic election process. The authorities should ensure that the media have the right to gather and report information freely, without intimidation or obstruction, and that there is no censorship of either the media or candidates. OSCE commitments, as agreed by all OSCE participating States, 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.

The media, taken as a whole, have a responsibility to provide sufficient and balanced information to enable voters to make a well-informed choice. If paid political advertising is permitted in the public or private media, then the costs and conditions should be reasonable and should be equally applied to all candidates.

**PUBLIC MEDIA:** State-owned media, or public media, have a special responsibility to provide balanced and neutral information on the election and the contestants. All contesting points of view should be fairly and equitably communicated. It is a good practice for the public media, at least, to provide free airtime or print space to the candidates or parties. While the incumbents may get media coverage concerning 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, 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 information to make an informed decision.

**MEDIA MONITORING:** The ODIHR employs a specific methodology for assessing the quantitative and qualitative media coverage of election campaigns. The Media Analyst co-ordinates an analytical team that monitors the major television stations and newspapers and assesses both the amount of time and space devoted to each contestant and whether this coverage is positive, negative, or neutral. This analysis forms the principal basis for assessing the role of the media in the election. An EOM also assesses whether the media laws permit freedom of the media during the campaign, how well this freedom is upheld, how and whether any media regulatory bodies are fulfilling their responsibilities, and whether complaints are handled in a fair and efficient manner and any consequent sanctions implemented.

### Possible problems to be aware of:

- Defamation of candidates or distortion of candidate messages by the media;
- Unequal treatment of parties or candidates by public media;
- Closure of electronic or print media outlets;
- Intimidation or harassment of media;

- Detention or harassment of journalists;
- Large libel judgements against media outlets;
- Manipulation of paper and ink supplies;
- Interference with distribution networks for print media;
- Unreasonably high charges for paid advertising;
- Free airtime designated only at times of low viewership; and
- Ineffective media regulatory bodies that do not take appropriate remedial action.



# 8.

## Observing election day



Responsibilities for observing election-day activities are shared among the core team, LTOs, and STOs. 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, in international teams of two, to observe polling stations and counting centres.

Election-day observation can be a very individual experience, depending on the area of deployment and the set of circumstances confronted by each observer team in the polling stations they visit. Some observers may encounter significant problems, others may find no problems, and still others may see a mixed picture. 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. Observers fill in forms at each polling station and counting centre visited, which provides detailed information on the voting and counting process, and which in turn provides the election observation mission with an overall profile of polling-station activity throughout the country, upon which it can draw conclusions based upon 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 is a standard form designed as a checklist for procedures in polling stations and counting centres, forms do vary depending on country-specific procedures (see Annex B for a sample form). The forms ensure that all important aspects of the election-day process are properly focused on and reported 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 their forms and in oral debriefings. They may sometimes be 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

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regions. It is extremely important for STOs to specify in their forms and reports whether they themselves witnessed any reported irregularities or whether these were reported to them by others, such as proxies, 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 national election proceedings of the respective host country and that, in this process, they are representing neither themselves individually nor their country of origin but an intergovernmental organization. As such, their conduct will reflect upon the OSCE. Observers should 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 their attention and observe if and how these officials address any problem themselves. Observers should record all violations and irregularities. The observer forms and debriefings will eventually disclose the extent and seriousness of such problems.

## 8.1 Deployment

The core team and LTOs prepare an STO deployment plan intended to ensure that teams of observers cover a balanced sample of the country on election day and that observer teams do not duplicate each other's work. In order for election observation to be effective, an element of unexpected visits to polling stations and counting centres is necessary; thus, deployment plans are not made public prior to deployment.

The deployment plan covers both urban and rural areas and takes into account a country's social diversity. The deployment plan 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 the STOs on each team to reach an agreement on their findings. This requirement provides an extra check on the accuracy of the particular observer team's findings.

Normally, STOs are deployed to their area of responsibility at least one full day before election day. This is done to ensure that STOs have time to familiarize themselves with their areas of observation and to receive local briefings before election day.

Depending on geographic conditions and circumstances encountered at polling stations, a team of observers may visit approximately 10 polling stations during the day. Each team of STOs is assigned a specific list of polling stations, and the observers themselves determine the order in which they will visit the polling stations. However, they may not have time to visit all of these in the course of the day. They should stay for at least half an hour at each station they visit. They may choose to return to the same station more than once, particularly if

they believe there are problems that merit close attention. In such cases, the team will fill in a separate form for each visit. Observers should keep in mind that election observation is not a race to visit the greatest number of polling stations, and sometimes it can be more beneficial to visit fewer polling stations for a longer period of time.

It is important for STOs to abide by the deployment plan and by any instructions on when and how to submit their forms and to attend debriefings. Failure to visit the assigned polling stations or visiting polling stations not on their list may result in duplication with other observers and in disrupting the balance built into the country-wide deployment plan. Failure to report according to the instructed timetable may result in forms being received too late to be taken into account when the EOM preliminary statement is prepared.

## 8.2 Polling-Station Activities

The basic aim of observing elections at the polling-station level is to assess whether voting and counting are implemented in a correct and orderly manner and in accordance with electoral regulations, OSCE commitments, and other universal principles. Observers should be aware that some mistakes made by election officials may be due to inexperience or lack of training rather than due to any deliberate intention to compromise the integrity of the process. On the other hand, willful 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 bring them to the attention of election officials, but they should not give their advice or instructions or attempt to countermand decisions of election officials. They should, however, observe how and whether election officials address any reported irregularities 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 the respective 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.

Customarily, observers should arrive at their first polling station in time to observe opening procedures. Important points to observe at the opening are whether polling stations open on schedule, whether the polling-station commission is familiar with procedures, and whether voting in the respective polling 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. STOs are provided with a special form to complete with their impressions 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 disturbance?
- Are voters being offered any inducements to vote in a particular manner?
- Are security personnel 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 that appears to exist when they enter the polling station, either because of their presence or for other reasons. It may be those first few minutes that are 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.

#### **B. Questions for polling-station officials**

Once inside a polling station, STOs should first introduce themselves as accredited observers to the chief polling-station official 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 that they are officially accredited to observe. However, they should not argue with the official in charge and should abide by his or her instructions. If the instructions make it impossible for the STOs to fulfill their responsibilities, the circumstances should be noted in detail in the *Comments* section of the 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 these 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? What is their usual employment?
- Are all appointed members present? Have any members been prevented from serving on the polling-station commission?
- 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? (This should give the observers some idea of the turnout trends.)
- Is there a supplementary voter list for sick and elderly voters voting at home by mobile ballot box and, if so, is there an unusually high number of names on the supplementary voter list?
- 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?

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 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 the comments section of their forms. Issues and procedures to observe include:

- Are there indications of disorganization, such as unusually long lines of people or excessive delays?
- Is there any sign of partisan campaign materials or campaign activity in the polling station?
- Is there any attempt to solicit people to vote in a particular manner, or is any pressure being applied to voters? Is there any sign of intimidation?
- Are there police, security forces, or government officials in polling stations?
- Are there other persons in the polling station with no apparent official function?
- Is anyone other than a polling-station official administering the polling process or giving directions to polling-station officials?
- 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?
- If voters sign the voter list, are there any apparently identical signatures?
- 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 voters given more ballot papers than they are entitled to, or are there any other indications of multiple voting?
- Is there any evidence of ballot-box stuffing?
- Do voters appear to understand the process, or do large numbers of voters require assistance? Are the ballots simple and easy to use?

- Could the layout of a polling station potentially breach the secrecy of a person's vote?
- Are voters being allowed to enter the voting booth together?
- Are any voters voting outside the booth?
- Are the facilities suitable for disabled persons to use independently?
- Are voters who need assistance provided with appropriate help?
- Are ballot boxes located in full view of election officials and observers?
- Are the boxes properly sealed?
- Are all required voting procedures being properly and efficiently followed?

#### **D. Other contacts at polling stations**

In addition to discussions with polling-station officials and independent observations, STOs should try to speak with domestic observers. This may include party-affiliated observers, candidate representatives, and non-partisan civic observers. Domestic observers, both partisan and non-partisan, should be permitted in polling stations, in accordance with the principles set out in the 1990 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. STOs should speak to a cross section of people from each respective category of domestic observers wherever possible. 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 election observation missions 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, only to report the complaints 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 also attempt to engage some voters in discussion in order to assess their understanding of, and confidence in, the process. For example, when voting procedures may 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? However, STOs should never ask voters for whom they voted, and they should not question voters within the polling station or as people are approaching the polling station to vote, as this may be misconstrued.

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 relevance of the information received. When reporting, therefore, 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.

## E. 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 intended for the sick and elderly, voting in hospitals and prisons, early voting, voting by post, 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 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 the 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. If supplementary voter lists are used for sick and elderly voters voting at home, for example, is there an unusually high number of names on these lists? Has sufficient campaign material been provided to soldiers, prisoners, hospital patients, or other voters using special voting procedures in order for them to make an informed choice?

**MILITARY VOTING:** While there are distinct advantages with regard to confidence and transparency for the military to be able to vote with the civilian population, military personnel may still be required, in some countries, to vote in their barracks or on their bases. In such circumstances, 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 AND PRISONS:** When special polling facilities are established in hospitals or prisons and other places of detention, some observers should be assigned to visit these special polling stations. In a number of countries, convicts are disqualified from voting, but detained individuals who have not been convicted retain the right to vote. Hospital patients 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 may be elderly, ill, or otherwise unable to visit a polling station. Usually, the mobile boxes are taken on their rounds by at least two polling officials, ideally representing different political interests where applicable. 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 try to follow mobile ballot boxes on their rounds and to assess the process.

**EARLY VOTING AND POSTAL VOTING:** In general, STOs will not always be able to monitor early voting or postal voting, where these are permitted. It is useful, however, for observers to ascertain how early and postal 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.

**VOTING ABROAD:** A number of countries permit their citizens to cast ballots in embassies or specially designated voting centres outside of the country. In general, only a very small portion of the population votes in this manner. Only under exceptional circumstances, e.g., in the case of large numbers of displaced persons, are special arrangements made for STOs to observe such voting.

### 8.3 Contacts With the Media

Media representatives often approach observers on election day for a comment on the election process. The Observer Code of Conduct prohibits observers from making personal comments about their observations to the media. Observers are strictly forbidden from speaking to the media regarding the substance of their observations and findings. In the event that any observers were to discuss the substance of their findings with the media, their respective sending states would be notified, and their observer accreditations could be immediately withdrawn.

If, however, an observer is the subject of an unsolicited media enquiry, he or she may give some general background information about his or her role as an OSCE observer but may not discuss any substantive issues or individual findings. Observers should also refrain from comparing the election to any other elections they may have observed in the same country or elsewhere. General comments to the media may include:

- That it would be inappropriate to comment on their impressions or findings because they are witnessing only a very small part of the overall national voting picture; their reports will be factored in with a great many others, so that the EOM can draw overall conclusions based on a large number of observer reports;
- That all OSCE countries are committed to inviting observers, in recognition that observation improves transparency and has the potential to enhance public confidence in the election process;
- The total number of ODIHR STOs who are observing and the number of different countries they come from (this information is usually supplied at the STO briefing);
- How many polling stations they expect to visit;
- That a press conference will be held in the capital the day after the election to announce the EOM's preliminary conclusions and that all media representatives are welcome to attend.

If a media representative persists in requesting information or comments beyond the types of points listed above, they should be referred to the Head of Mission. According to ODIHR guidelines, only the Head of Mission or responsible ODIHR officials may make substantive comments to the media. If an observer does give any general comments to the media, he or she should make a record of who interviewed them and what media outlet or outlets they represented.

### **Possible problems to be aware of:**

- Violence or disturbances;
- Intimidation of voters;
- Confusion or disorganization at polling stations;
- Presence of unauthorized persons at polling stations;
- Presence of uniformed police or local-government officials inside the voting area of polling stations or close to it;
- Other inappropriate activities by police and/or security forces, such as taking notes and reporting turnout figures or results by telephone;
- Campaigning during an electoral-silence period;
- Campaign material in polling stations;
- Delayed opening of polling stations;
- Failure by polling officials to follow required procedures;
- Restricting the right of eligible voters to cast a ballot;
- Failure to check voters' identity;
- Failure to ensure the secrecy of the vote by inappropriate booths, screens, or supply of light;
- Inaccuracies in the voter lists;
- Group (family) voting;
- Proxy voting (unless specified by law);
- Multiple voting;
- Ballot-box stuffing;
- Unscreened voting booths;
- Unsealed ballot box;
- Presence of pre-marked ballots;
- Unregulated use of mobile ballot boxes;
- Absence of necessary voting materials;
- Excessive delays in administering the voting;
- Inappropriate activity by political-party or candidate representatives; and
- Interference with the work of election commissions or observers.



# 9.

## Observing the vote count



The vote count is an important stage in the election process, and it should be closely followed and thoroughly observed. As the voting draws to a close, and the vote count commences, all STOs are required to observe the counting process. The vote count normally takes place at the polling-station level,<sup>17</sup> and STOs should select one of their assigned polling stations at which to observe the closing procedures and then remain there for the vote count. In some instances, STOs may be asked to attend the count at a particular polling station. STOs are provided with special forms to complete that contain a number of specific questions about polling-station closing procedures and counting procedures.

Observing the count provides an opportunity to assess whether ballots are counted accurately, 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 balloting. STOs should therefore be particularly vigilant during the vote count and tabulation of results.

In general, there is 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 and verify that the number of ballots distributed to voters matches the number of voters recorded as having voted. This material 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.

Should there be a mobile ballot box in the same polling station, however, the counting of the votes should start only after determining separately the number of ballots in the mobile box and the number in the stationary box. After this calculation has been made, the mobile-box ballots should be mixed with the rest of the ballots that were cast, and only then should the

<sup>17</sup> In most countries, the vote count takes place in individual polling stations. When ballots are not counted in the polling station but are instead transported to a central counting location, this produces extra problems of visibility and verification. An observer team should accompany any transportation of ballot boxes to the counting centre and assess the procedures for ballot security and prevention of fraud during the period when ballots are being moved.

vote count commence. These precautionary steps are needed in order to prevent a violation of 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 a good practice for the results to be posted outside of each polling station. The transparency and integrity of the process are enhanced when all party and candidate representatives are given official copies of the result sheets, or protocol, for the polling station and have the possibility to sign it or register complaints. Non-partisan domestic observers and international observers should also be able to receive a copy of the results in polling stations. 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.

## 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 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?
- 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?
- Are invalid ballots properly identified in a uniform manner? Are invalid ballots appropriately segregated and preserved for review?
- Do the ballots contain any unusual markings intended to violate the secrecy of the vote?
- Does the number of invalid ballots seem inordinately high?
- Does the counting adhere to the principle that the ballot is deemed valid if the will of the voter is clear?
- Are ballots for each party or candidate separated correctly and counted individually?
- Are any disputes or complaints resolved in a satisfactory manner?
- Are official counting records correctly completed at the end of the count and signed by all authorized persons?
- Are domestic observers and poll watchers from political parties able to obtain official copies of the protocol for the polling station?
- Are the results publicly posted at the polling station?
- Are there inappropriate activities by police and/or security forces, such as taking notes and reporting figures or results by telephone?
- Did polling-station officials agree on the vote-count procedures and results, and, if not, what action was taken in case of disagreement?

## 9.2 Tabulation

Ultimately, it is necessary to assess whether the results were tabulated accurately. After the ballots are counted, the results of the polling-station count are usually transmitted to a regional election commission, where the regional results are tabulated and transmitted to the national 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 material 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 material is direct, secure, and transparent (i.e., are STOs and others allowed to accompany the results during transport?).

In other 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.

In some cases, electoral authorities may use computer networks to transmit preliminary results. In order to ensure transparency of the tabulation exercise, observers should become familiar with the technical procedures to be followed. If the election observation mission has the requisite expertise available, it could request access to the software to assess its performance. In addition, in such cases, observers should monitor the process and, if possible, receive copies of a printout 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 promoting confidence in the electoral process, results for each level of the tabulation should be made publicly available immediately, at each stage of the tabulation process. The results from particular polling stations constitute a sample of verified results that can be checked against results at the district or regional level and later checked one by one against the overall published results. This task is normally carried out by the core team.

### **Possible problems to be aware of:**

- Ballot-box stuffing;
- Ballot-box switching;
- Adding marked ballots after the opening of the box;
- Disorderly counting procedures;
- Involvement of unauthorized persons, such as local-government officials, uniformed or plain-clothes security personnel or other unidentified individuals, in the count;

- Inadequate number of counting staff and supervisors;
- Exclusion of polling-station officials or observers;
- Arbitrary or inconsistent invalidation of ballots cast;
- Loss of ballot papers or ballot boxes;
- 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;
- Refusal to supply official copies of results to candidate representatives or observers;
- Insecure transport of polling materials to tabulation centres;
- 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. 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. 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. During some elections, STOs are asked to meet personally with their LTOs at some point during the day.

STOs are also usually required to participate in a debriefing. These debriefings are normally organized on a regional basis by each LTO team. Because of the short time available to assemble information for the public statement, the debriefings are likely to be held very early on 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. The debriefings are closed to the press and to the general public.

### 10.2 Activities of the Core Team

The core team must be well organized to support observers and to receive and process STO reports throughout election day and election night. A schedule is prepared to ensure that sufficient and appropriate staff is on duty all day and all night. This should take the following points into account:

- The Statistics Unit must have sufficient staff and equipment on hand to process all STO forms in a timely manner (a preliminary statistical report should be prepared by very early on the morning following the elections);
- A number or members of the core team are designated to read all comments on STO forms and provide a summary of trends and highlights by very early on the morning following the elections;
- 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 a brief summary report by very early on the morning following the elections, 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 by very early on the morning following the elections;
- 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 early on the morning following the elections;
- A mission telephone operator and receptionist have to be on duty at all times and need 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 until the issuance of the preliminary statement;
- A car, driver, and interpreter must be available at all times to accompany core-team staff to emergencies that may arise; and
- The mission should consider having some reserve teams of observers available on election day and election night to respond immediately to reports of problems or serious irregularities. Such reserve teams of observers might include members of the core team who are not otherwise assigned, supported by designated interpreters and drivers.

### 10.3 The Statement of Preliminary Findings and Conclusions

The election observation mission usually releases its statement of preliminary findings and conclusions at a press conference held on the afternoon following election day. The statement is based on all of the work of the EOM, including both the long-term observation and analysis and the election-day reports provided by STOs; this reflects the reality that elections are a process, not a one-day event.

The statement is a summary of key findings and conclusions on the legal framework, the election administration, the campaign and the media, as well as the election-day voting and counting processes. The statement provides a preliminary assessment of the degree to which OSCE commitments and other universal principles were upheld and how well the domestic election law and regulations were implemented.

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 and before election-day complaints and appeals have

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been resolved. On occasion, the ODIHR may need to issue a subsequent statement covering post-election developments prior to the release of the final report.

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



# 11.

## Post-election observation



As noted earlier, the ODIHR has a mandate to observe before, during, and after election day, in recognition that elections are not a one-day event but a process. Depending on particular circumstances, most election procedures may be virtually over by the day following election day, or there may be any number of outstanding issues still to be resolved. A decision on how to observe post-election developments will therefore depend to a large degree on the specific situation and conditions.

Many countries also have a two-stage election process, under which a second round of voting may be held a week or two (or possibly later) after the first round if no candidate receives the legally required number of votes in the first round. In such cases, an EOM should establish contingency plans well in advance for whether and how it will observe the second round.

### 11.1 Announcement of Results

OSCE election observation is mandated to assess the degree to which an election process is conducted in line with OSCE commitments. It does not validate, invalidate, or certify the results of an election. Since an ODIHR EOM is non-partisan, it never comments on the political ramifications of an election result. The EOM is interested in the election results only to the degree that they are reported accurately, honestly, and in a timely manner.

An election observation mission's preliminary statement is practically always issued before the final official results of the election are known or, in some instances, even before the preliminary results are known. Nevertheless, the announcement of final results is clearly an important part of any election process and, to the extent possible, it should be observed by the election observation mission. If the results are to be issued within days of the election, then part of the core team should remain in place. If the announcement of final results is not expected until well after the election, then it may not be possible for EOM members to remain. Any comments concerning the final stages of the election process, including the announcement of the final results, should be included in the EOM's final report.

If there are significant elements of the process still to be completed, or if there are unresolved issues of controversy, then the EOM should make arrangements for at least some members of the core team and LTOs to remain in-country for post-election observation. The tasks of any such extended post-election team must be very clear.

**Possible problems to be aware of:**

- Unreasonably delayed announcement of results;
- Unbalanced or insufficient supervision of the final result tabulation;
- Denial of access to observers to this process;
- Denial of access to other authorized persons;
- Failure to publish detailed results down to district and polling-station levels; and
- Discrepancies between election-day records of results and the final results at any level of the election administration.

**11.2 Post-Election-Day Complaints and Appeals Process**

Complaints and appeals are an important component of an election process and may arise in relation to any aspect of the process. If important complaints remain unresolved by an EOM's scheduled departure date from the country, the mission should consider whether it is useful or possible for the Legal Analyst or some other observers to remain in-country to observe court cases or other complaint proceedings relating to the elections.

The EOM should make a judgement on the importance of the cases under appeal, on whether the appeals process to date has proved to be effective and reliable, and whether the presence of observers might have a beneficial effect on the implementation of the process. For example, if a pending recount might affect the overall outcome of the election, or if a significant case is before the constitutional court, the EOM should try to arrange to have observers stay and monitor these processes.

**Possible problems to be aware of:**

- Complex procedures may make it unclear which body complainants should appeal to;
- Judicial or administrative bodies may refuse to accept complaints or may not be open to accept complaints;
- Extremely short deadlines may make complaints difficult to file;
- Complaints may be ruled inadmissible or dismissed on technical grounds;
- The competence of the review board or judicial body may be limited;
- The process of reaching a decision may be so prolonged that it becomes meaningless;
- Public offices may refuse to make evidence available;
- Election commissions may refuse to undertake recounts;
- Court proceedings may not provide all guarantees of due process; and
- Court decisions may not be enforced.

### 11.3 Implementation of Election Results

A final element of an election process is the installation in office of the persons elected. OSCE commitments require that candidates who obtain the necessary number of votes be duly installed in office and be permitted to remain in office until their term expires. In most countries, however, there is a certain lapse of time between election day and the installation of newly elected officials. This makes it impractical for the EOM to remain in-country until the entire election process is over. Nevertheless, the ODIHR keeps up to date on this final stage of the election process. If any problems arise in this regard, they will be reflected in the final report on the election.

#### **Possible problems to be aware of:**

- Disqualification of winning candidates;
- Irregularities or confusion in selecting which persons on party lists will be awarded seats (e.g., when there are quotas for women or minorities);
- Replacement of winning candidates by political parties before or after they take office; and
- Potential for early termination of mandates of elected officials or duly appointed members of the election administration.



# 12.

## Closing down an OSCE/ ODIHR election observation mission



There are a number of logistical and substantive steps that must be taken to close down an ODIHR EOM. Following election day, all STOs return as soon as possible to the capital to complete any necessary debriefing processes before their departure. STOs usually depart on the second day following the election. LTOs should remain in their regions for a few days longer, depending on local circumstances, to observe any remaining elements of the election process before returning to the capital for a final debriefing with the core team and subsequent departure. The Logistics and Finance Officers should remain in-country two or three extra days beyond the departure of the rest of the core team to complete the administrative and financial aspects of closing down the mission. All significant EOM documents should be copied onto a compact disc and sent to the ODIHR in Warsaw for archiving. Any key documents not available in electronic format should be organized into hard-copy files and returned to the ODIHR.



# 13.

## Partnerships



It is the ODIHR's policy to co-operate closely with other groups of international observers from relevant governmental and non-governmental organizations, depending on the credibility of their approach and methodology. This enables the ODIHR to have a dialogue with other organizations and to discuss their respective findings. This also minimizes the possibility that different international organizations may reach different conclusions on an election process.

### 13.1 Parliamentary Observers

Recognizing the value of co-operation with parliamentary bodies observing elections, the ODIHR is committed to co-operation with the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE),<sup>18</sup> and it also frequently partners with observers from the European Parliament. The ODIHR has established regular practices and procedures for support and co-operation with the respective parliamentary assemblies, including the provision of a briefing for parliamentary observers and logistical support for their deployment. The ODIHR core team usually includes a Parliamentary Liaison Officer who facilitates these preparations. Joint election-day observation efforts are conducted in the name of the respective organizations and under the inclusive umbrella of an international election observation mission.

With regard to the ODIHR's co-operation with the OSCE PA, the two bodies exchange information throughout an election process, and the OSCE PA is regularly invited to accompany the respective ODIHR needs assessment missions. In addition, the OSCE Chairman-in-Office may designate a senior member of the OSCE PA to be a Special Co-ordinator to lead the short-term observation for a particular election. When appointed, the Special Co-ordinator delivers the preliminary post-election statement in conjunction with the ODIHR Head of Mission and the leaders of other parliamentary assemblies, and, on occasion, the ODIHR management.

<sup>18</sup> When observing elections for local and regional bodies, the ODIHR often co-operates with the Council of Europe's Congress of Local and Regional Authorities of Europe.

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## 13.2 OSCE Missions and Institutions

ODIHR election observation missions and the respective resident OSCE mission (where applicable) operate under their distinct and separate mandates. This distinction should always be made clear to the host government authorities and to the general public, beginning with the introductory press release or press conference. OSCE missions are a valuable source of knowledge, expertise, and advice for an ODIHR election observation mission.

The election observation mission should also familiarize itself with any in-country work by other OSCE institutions that may be relevant to the electoral process. In particular, the work of the OSCE High Commissioner on National Minorities and the OSCE Representative on Freedom of the Media may often have a bearing on the work of an election observation mission.

## 13.3 Other Organizations

In addition to its partnerships with parliamentary observers and other international organizations, and its close relationship with other OSCE institutions and field missions, the ODIHR co-operates with other groups observing elections, including from international non-governmental organizations.

The ODIHR also co-operates with domestic election observer groups through regular dialogue and the exchange of information. However, it is the ODIHR's policy to keep the international observation effort, and its conclusions, strictly separate from any domestic observation efforts.<sup>19</sup>

<sup>19</sup> The ODIHR published a *Handbook for Domestic Election Observers* in 2003, which is available on the ODIHR website at [www.osce.org/odihr](http://www.osce.org/odihr).

# 14.

## The final report



The final report sets out an EOM's overall assessment of the electoral process. In particular, the report provides the EOM's conclusions on the extent to which the process was conducted in accordance with OSCE commitments, universal principles, and other international obligations for democratic elections and the extent to which it complied with domestic law. It also provides recommendations for the host government on how the process might be improved or brought more closely into line with OSCE commitments. The report should be released approximately six weeks after the end of the election process, and it is distributed to all members of the OSCE Permanent Council in Vienna.

The final report draws on findings of the entire EOM, including the work of the core team, LTOs, and STOs, and it includes sections describing the election's political context; legislative framework; the performance of the election administration; voter and candidate registration; the election campaign; the media; the voting, counting, and tabulation processes; and the complaints and appeals process. The final report also takes into consideration whether any reported irregularities or violations of law are isolated incidents or whether they form a systematic pattern that could pose a threat to the integrity of the election process. It reflects the extent to which the electoral process was carried out in a manner that enjoyed the confidence of the candidates and the electorate, as well the degree of political will demonstrated by the authorities to conduct a genuine democratic election process. Ultimately, all elections are assessed in line with OSCE commitments, universal standards, and other international obligations.



# 15.

## Follow-up

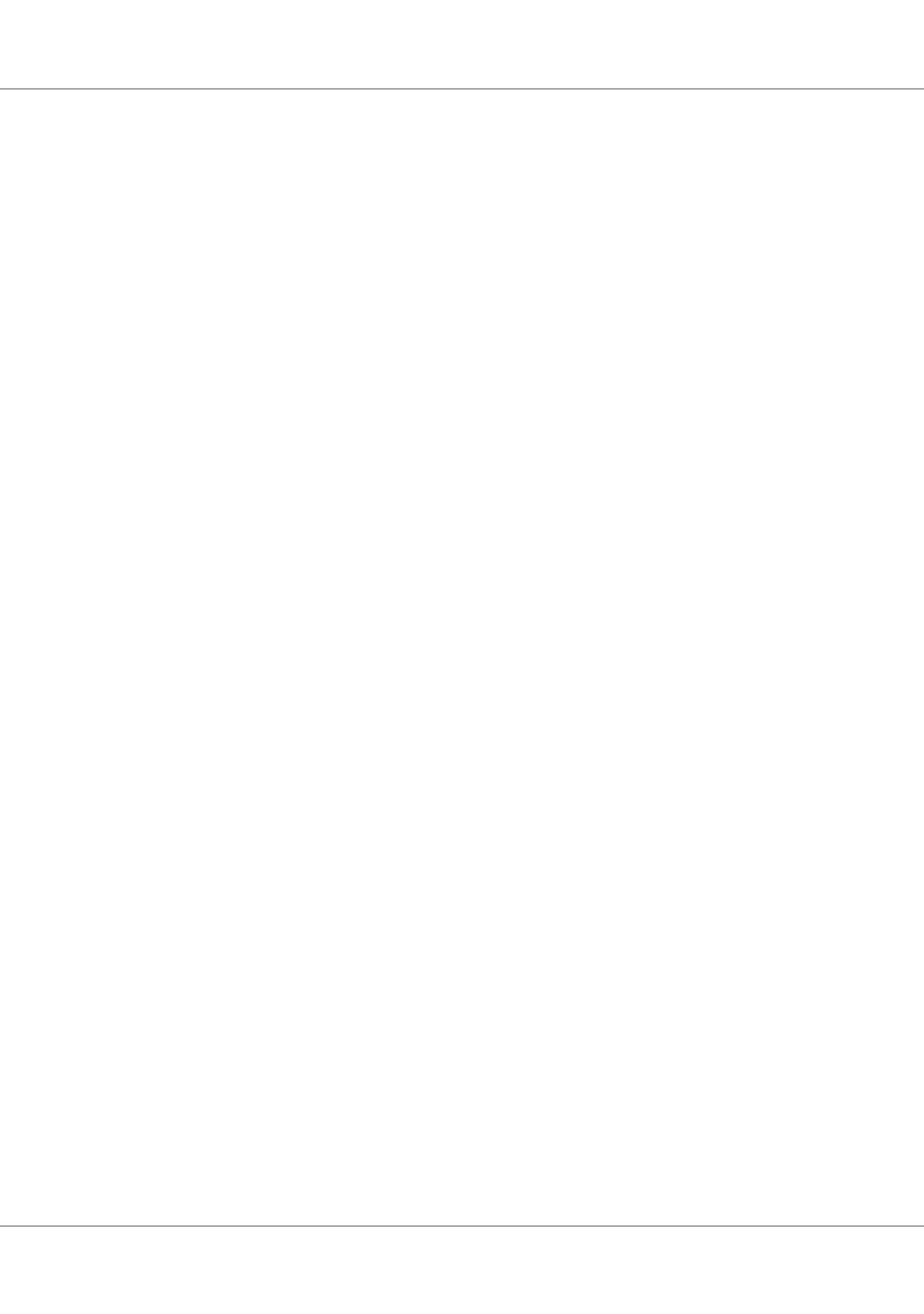


A key element of the final report is a section on recommendations offered for consideration by the host government on how the overall process or elements of the process might be improved. Recommendations might include suggestions for changes in law or in election administration practices. The report always reiterates that the ODIHR stands ready to assist the host government authorities, including election officials, and political parties, candidates, civil society, and others, to rectify any shortcomings identified.

Participating States are encouraged to contact the ODIHR for assistance in implementing recommendations contained in its reports. The ODIHR can provide election assistance to participating States, including the review of election-related legislation, advice on specific topics such as effective voter registration, exchange of experience with domestic observer networks, and overall assistance in the implementation of recommendations made in the final election observation report. ODIHR election observation reports also identify issues that can often be addressed through longer-term ODIHR programmes aimed at protecting human rights, strengthening democratic institutions, respecting the rule of law, and fostering civil society in all participating States. The ODIHR does not provide election assistance immediately prior to, or during, the election observation period.

As noted earlier, all OSCE participating States committed themselves in the Charter for European Security (1999) to follow up promptly on the ODIHR's election assessment and recommendations. This commitment was reiterated at the Porto Meeting of the OSCE Ministerial Council (2002), which called on participating States to strengthen their responses to ODIHR recommendations following election observations.<sup>20</sup> These repeated commitments highlight the importance that the organization attaches to follow-up measures to improve electoral processes and specifically to the role of the ODIHR in facilitating the implementation of its recommendations.

<sup>20</sup> Decision No. 7, Election Commitments, OSCE Porto Ministerial Council, 2002.



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# Annexes

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# Annex A

## OSCE Documents

### Paris, 1990 (“Human Rights, Democracy and Rule of Law”)

Democratic government is based on the will of the people, expressed regularly through free and fair elections. (...)

We affirm that, (...) everyone (...) has the right: (...) to participate in free and fair elections (...)

### Copenhagen, 1990 (election-specific commitments)

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

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will

(7.1) - hold free elections at reasonable intervals, as established by law;

(7.2) - permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

(7.3) - guarantee universal and equal suffrage to adult citizens;

(7.4) - ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;

(7.5) - respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

(7.6) - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

(7.7) - ensure 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 the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) - provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a nondiscriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) - ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

(8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

### **Copenhagen, 1990 (other related commitments)**

In order to strengthen respect for and enjoyment of human rights and fundamental freedoms, to develop human contacts and to resolve issues of related humanitarian character, the participating States agree on the following:

(3) They reaffirm that democracy is an inherent element of the rule of law. They recognise the importance of pluralism with regard to political organisations.

(5) They solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

(5.1) free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives;

(5.3) the duty of the government and public authorities to comply with the constitution and to act in a manner consistent with law;

(5.4) a clear separation between the States and political parties; in particular, political parties will not be merged with the State;

(5.9) all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds;

(5.10) everyone will have an effective means of redress against administrative decisions so as to guarantee respect of fundamental rights and ensure legal integrity;

(5.11) administrative decision against a person must be fully justifiable and must as a rule indicate the usual remedies available;

(10) In reaffirming their commitment to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively individually or in association with others, to their promotion and protection, the participating States express their commitment to:

(10.1) respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information;

(10.3) ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organisations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups;

(10.4) allow members of such groups and organisations to have unhindered access to and communication with similar bodies within and outside their countries and with international organisations, to engage in exchanges, contacts and co-operation with such groups and organisations and to solicit, receive and utilise for the purpose of promoting and protecting human rights and fundamental freedoms voluntary financial contributions from national and international sources as provided for by law.

(24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner but in such a way that the effective exercise of these rights is ensured. Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

### **Budapest, 1994 (Concluding Document, par. 12)**

The ODIHR will play an enhanced role in election monitoring, before, during and after elections. In this context, the ODIHR should assess the conditions for the free and independent functioning of the media.

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### **Lisbon, 1996 (Summit Declaration, par. 9)**

9. (...) Among the acute problems within the human dimension, the continuing violations of human rights, such as (...) electoral fraud (...) continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

### **Istanbul, 1999 (Summit Declaration, par. 26)**

26. With a large number of elections ahead of us, we are committed to these being free and fair, and in accordance with OSCE principles and commitments. This is the only way in which there can be a stable basis for democratic development. We appreciate the role of the ODIHR in assisting countries to develop electoral legislation in keeping with OSCE principles and commitments, and we agree to follow up promptly ODIHR's election assessments and recommendations. We value the work of the ODIHR and the OSCE Parliamentary Assembly — before, during and after elections — which further contributes to the democratic process. We are committed to secure the full right of persons belonging to minorities to vote and to facilitate the right of refugees to participate in elections held in their countries of origin. We pledge to ensure fair competition among candidates as well as parties, including through their access to the media and respect for the right of assembly.

### **Istanbul, 1999 (Charter for European Security, par. 25)**

25. We reaffirm our obligation to conduct free and fair elections in accordance with OSCE commitments, in particular the Copenhagen Document 1990. We recognize the assistance the ODIHR can provide to participating States in developing and implementing electoral legislation. In line with these commitments, we will invite observers to our elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe our election proceedings. We agree to follow up promptly the ODIHR's election assessment and recommendations.

# Annex B

## OSCE/ODIHR Model Election Day Checklist

<b>OSCE/ODIHR Election Observation Mission</b>		
<b>Polling Station Report</b>		
Observer team		
Names/initials	Team number/Accreditation numbers	
Polling Station		
Electoral District	Polling station name/number	Type of station
Time of visit		
Arrival of team	Departure of team	
Number of voters registered at the station		
Number of voters voted	at: (time)	
<b>Before entering the polling station</b>		
<i>Please assess the general atmosphere. Listening to voters and other bystanders will be helpful. Please specify details on back of form.</i>		
Was the polling station difficult to find?	Y / N	
Was physical access to the station difficult?	Y / N	
Did you observe any of the following:		
Intimidation of voters?	Y / N	
General agitation and disturbance?	Y / N	
Campaign posters and materials?	Y / N	
Campaigning activity?	Y / N	

<b>Inside the polling station: People present, polling environment</b>		
<i>Please specify details on back of form</i>		
<b>Members of the Election Commission</b>		
How many?		
Which parties?		
Representatives of parties/candidates	Y / N / DK	Which?
Domestic observers	Y / N / DK	
Media representatives		Y / N / DK
Security forces		Y / N / DK
Unauthorized people		Y / N / DK
Was the polling station overcrowded?		Y / N
Was there campaigning inside the station?		Y / N
Was there campaign material inside the station?		Y / N
Was the information displayed for voters correct and complete?		Y / N
<b>Inside the polling station: Voting procedures</b>		
<i>Please assess each step in the voting procedure in turn. Please specify details on back of form</i>		
Problems with identification?		Y / N
Problems with registration?		Y / N
Ballot papers/documentation not signed/marked/stamped?		Y / N
Insufficient or wrong ballot materials?		Y / N
Booths not secret?		Y / N
Voting outside booths?		Y / N
Was more than one person in a booth at once?		Y / N
Problems with assistance to blind/illiterate voters?		Y / N
Ballot box not sealed properly?		Y / N
Ballot box not visible by Commission?		Y / N
Other problems?		Y / N
Approximate time taken to process one voter		
Any questions about mobile ballot boxes?		
<b>Family voting observed</b>		Y / N
<i>Please specify details on back of form</i>		
<b>Disruptions of polling</b>		
<i>Please specify details on back of form</i>		

Had voting been suspended at any time?	Y / N / DK	Details?
<p><b>Irregularities reported to you</b>  Please enter here details of any irregularities in polling or campaigning reported to you, and of who reported these irregularities. Ask party representatives, voters themselves, domestic observers, and members of the election commission. Please note also whether you have been able to verify any of these reports.</p>		
<p><b>Important</b>  Please take time in the car to discuss your impressions of the polling station and fully complete this form. In particular, please enter the details of anything you saw or heard that appeared irregular or otherwise noteworthy.</p>		
<p><b>Details and comments:</b></p>		
<p><b>Overall impression</b></p>		
<p>In general, the conduct of the poll at this station was:</p>		
<p>Very bad ( )</p>	<p>Bad ( )</p>	<p>Good ( )</p>

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# Annex C

## Election-Related Publications

*Handbook for Monitoring Women's Participation in Elections*, Warsaw, OSCE/ODIHR, 2004.

*Handbook for Domestic Election Observers*, Warsaw, OSCE/ODIHR, 2003.

*Existing Commitments for Democratic Elections in OSCE Participating States*, Warsaw, OSCE/ODIHR, 2003.

*Guidelines for Reviewing a Legal Framework for Elections*, Warsaw, OSCE/ODIHR, 2001.

*Guidelines to Assist National Minority Participation in the Electoral Process*, Warsaw, OSCE/ODIHR, 2001.

*Resolving Election Disputes in the OSCE Area: Towards a Standard Election Dispute Monitoring System*, Warsaw, OSCE/ODIHR, 2000.

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## About the OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today, it employs more than 120 staff members.

The ODIHR is the leading agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of numerous observation missions with thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities are aimed at assisting participating States with the implementation of their human dimension commitments by providing expertise and practical support in strengthening democratic institutions through longer-term programmes to strengthen the rule of law, civil society, and democratic governance.

The ODIHR promotes the protection of **human rights** through technical-assistance projects and training on human dimension issues. It conducts research and prepares reports on different human-rights topics. In addition, the Office organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States. In its anti-terrorism activities, the ODIHR works to build awareness of human dimension issues and carries out projects that fundamentally address factors engendering terrorism.

The ODIHR's **tolerance and non-discrimination** programme provides support to participating States in implementing their OSCE commitments and in strengthening their efforts to respond to, and combat, hate crimes and violent manifestations of intolerance. The programme also aims to strengthen civil society's capacity to respond to hate-motivated crimes and incidents.

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The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).

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## CODE OF CONDUCT FOR OSCE/ODIHR OBSERVERS

- Observers will maintain strict impartiality in the conduct of their duties and will, at no time, publicly express or exhibit any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process.
- Observers will undertake their duties in an unobtrusive manner and will not interfere in the electoral process. Observers may raise questions with election officials and bring irregularities to their attention, but they must not give instructions or countermand their decisions.
- Observers will remain on duty throughout election day, including observation of the vote count and, if instructed, the next stage of tabulation.
- Observers will base all conclusions on their personal observations or on clear and convincing facts or evidence.
- Observers will not make any comments to the media on the electoral process or on the substance of their observations, and any comment to the media will be limited to general information about the observation mission and the role of the observers.
- Observers will not take any unnecessary or undue risks. Each observer's personal safety overrides all other considerations.
- Observers will carry any prescribed identification issued by the host government or election commission and will identify themselves to any authority upon request.
- Observers will comply with all national laws and regulations.
- Observers will exhibit the highest levels of personal discretion and professional behaviour at all times.
- Observers will attend all required mission briefings and debriefings and adhere to the deployment plan and all other instructions provided by the OSCE/ODIHR Election Observation Mission.

