

Code of Conduct

Ethical and Professional Administration of Elections

INTERNATIONAL
IDEA
INSTITUTE FOR
DEMOCRACY AND
ELECTORAL
ASSISTANCE

**Code of Conduct
for the**

**Ethical
and Professional
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Elections**

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This Code of Conduct was drafted in the first half of 1996. The process involved the retrieval, collation, analysis and synthesis of all the different codes and materials on this topic. This enabled the formulation and drafting of a universal set of minimum standards. Following distribution of the draft code, a lengthy and detailed process of consultation with Election Management Bodies was undertaken over a 12 month period.

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Introduction

1. This Code of Conduct is designed to assist election administrators by providing general guidelines for their work.
2. Election administrators face so many different circumstances and situations in their work that it would be impractical to attempt to make a firm rule for every possible situation. Rather, each person or organization using this Code of Conduct should apply it flexibly, together with good common sense, to meet the requirements of each particular situation.
3. This Code of Conduct has two Parts.

PART ONE

The Functions of an Election Administration

This Part includes a brief summary of the purpose, functions, objectives and fundamental ethical principles of election administration.

PART TWO

Guidelines for Election Administration

This Part includes an expanded statement of each of the fundamental ethical principles which form the basis of election administration, with an explanation and detailed guidelines to give effect to that principle.

The Function of an Election Administration

4. According to the *Universal Declaration of Human Rights*:

"The will of the people shall be the basis for the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal suffrage and shall be held by secret vote or by equivalent free voting procedures."¹

The concepts that found expression in the *Universal Declaration* have been incorporated in other, more recent international documents, including:

the *International Covenant on Civil and Political Rights*;

the *African Charter on Human and People's Rights*;

the *American Convention on Human Rights*; and

the *European Convention on Human Rights*.

5. In *Free and Fair Elections: International Law and Practice*, Professor Goodwin-Gill argues that:

"Experience and recent state practice confirm the necessity for oversight of the electoral process...[and] for institutionalized responsibility for implementation by impartial election officials..."

"An oversight mechanism that enjoys the

confidence of parties and electorate is especially pressing in situations of transition, for example, from single to multi-party systems, or wherever the impartiality of the administrative authorities is in doubt."

" The effective institutionalization of basic electoral and political rights obliges states...

- to establish an appropriate electoral system,
- to implement international obligations in regard to the individual rights, [and]...
- to establish an effective impartial and/or balanced mechanism for the management of legislative elections."²

6. The body or mechanism created to manage legislative elections impartially and in a balanced fashion will be assigned many specific functions, which could typically include the following:

- (i) conducting elections and referendums;
- (ii) compiling and/or maintaining a register of voters;
- (iii) promoting public awareness of electoral matters by conducting civic education and information programmes for members of the public, particularly for women, youth, the illiterate and disadvantaged minorities;
- (iv) training of electoral officials;
- (v) informing candidates, political parties and other affected persons about the electoral process;
- (vi) ensuring that women and minorities are able to participate fully in the electoral process;

- (vii) making regulations governing the electoral process;
- (viii) enforcing the electoral law;
- (ix) researching electoral policy and related matters;
- (x) providing the government, the legislature, and organs of the executive with information and advice about electoral matters; and
- (xi) engaging in international co-operation and assistance.

7. The overall legitimacy and acceptability of each election will depend on many factors, but the integrity of the administration of the election is one of the most vital of those factors. The public will measure the legitimacy of an election on the basis of both the actual integrity of its administration, and the appearance of integrity of the election process. Because of this, candidates, political parties, and election observers will all give very close attention to the way that the election administration performs its function.

Ethical Principles which form the basis of Election Administration

8. To ensure both the appearance and the actual integrity of the electoral process, election administration must conform to the following fundamental ethical principles:

- 1 Election administration must demonstrate respect for the law.
- 2 Election administration must be non-partisan and neutral.³
- 3 Election administration must be transparent.
- 4 Election administration must be accurate.
- 5 Election administration must be designed to serve the voters.

These ethical principles are now dealt with in detail.

ETHICAL PRINCIPLE 1 Election administration must demonstrate respect for the law

9. The success of an election depends on the extent to which it is accepted as legitimate and binding by the participants in the political process. The expression of major policy decisions in a clear legal form provides the degree of certainty which is required for the development of a common understanding, by all participants in the process, of how it will be administered. If the election administration does not follow the law, and apply it equitably

and clearly explain the legal rationale for its decision, the common understanding of the participants may be affected, and support for the election process may be weakened.

10. An election administration should therefore:

- (i) Comply with the laws of the country.
- (ii) Ensure, within the legal framework of the country, that the laws relating to elections are fully implemented in an impartial and equitable fashion.
- (iii) Ensure, within the legal framework of the country, that every party, candidate, voter and other participant in the election process is treated in a way that is fair and just, considering all the circumstances.

ETHICAL PRINCIPLE 2

Election administration must be non-partisan and neutral

11. For an election to be successful, participants in the process have to be able to trust that the election administrators will carry out their functions in a politically neutral way. If the people managing an election are perceived to have a commitment to any particular election result, the public credibility of the election process will be so seriously compromised that it will be difficult to restore faith in the process.

Election administrators must therefore perform all their tasks in a manner that is strictly non-partisan and politically neutral.

12. At times, a country may choose people to be election administrators because they represent a

political party or political tendency. In that case, even though the administrators are chosen because of their political affiliation, they must still perform their election administration tasks in a manner that is strictly non-partisan and politically neutral.

13. Election administrators should:

- (i) Act in a strictly neutral and unbiased manner in every matter concerning a political party, candidate, voter, or member of the press or media.
- (ii) Do nothing that could indicate, or be seen as indicating, partisan support for a candidate, political party, political actor or political tendency.
- (iii) Conduct themselves, at all times, in an irreproachable manner, exercise sound judgement, and observe the highest levels of personal discretion.
- (iv) Disclose any relationship that could lead to a conflict of interest with their duties as election administrators.
- (v) Not accept any gift or favour from a political party, organization, or person involved in the election process.
- (vi) Reject any improper influences, and, except as provided by law or custom, refrain from accepting directions relating to the performance of their tasks.
- (vii) Not participate in any unauthorized activity, including any private activity, that could lead to an actual or perceived conflict of interest with their duties as election administrators.
- (viii) Not participate in any activity, including

any private activity, that could lead to a perception of sympathy for a particular candidate, political party, political actor, or political tendency.

- (ix) Not express a view on any subject that is likely to be a political issue in the election;
- (x) Not communicate with any voter on a matter of partisan significance.
- (xi) Not wear, carry or display any obviously partisan party symbols or colours.

14. Election administrations should follow each of these guidelines, to the extent that each guideline applies to an organization as well as to a person.

ETHICAL PRINCIPLE 3

Election administration must be transparent

15. For an election to be successful, participants in the process have to feel able to accept the decisions of the election administration. Those participants will most likely feel able to accept those decisions if they can easily satisfy themselves that the decisions were made appropriately. To do that, they must have access to the information on which decisions are based.

16. Of course, each election will generate a large amount of data, extensive databases, and many documents. Generally, it is not practical to provide access to, or copies of, all the data or every one of those documents to every person who may want access or copies.

However, election administrators should be

prepared:

- (i) To justify their decisions.
- (ii) To make freely available the information on which each decision was based.
- (iii) To arrange effective and reasonable access to relevant documents and information, within the framework of the country's electoral and freedom of information laws.

17. In addition, election administrators and administrations should:

- (i) Ensure that the agents of each political party or candidate can fully and effectively exercise their legal rights.
- (ii) Consult with participants in the electoral process on a regular basis, and in relation to specific decisions, if it is appropriate to do so in the circumstances.
- (iii) Provide an explanation, in response to reasonable requests, for a decision they have made as part of the electoral process, or a decision made as part of the general operation of the election administration.
- (iv) Establish a system that allows interested parties to access, in a timely manner, all critical information, documents, and databases used in an election process, or used in the normal operation of the election administration.
- (v) Disclose any deficiency in the administration of an election if it comes to their attention.

ETHICAL PRINCIPLE 4

Election administration must be accurate

18. It follows from the discussion of Ethical Principle 3 that, for decisions of election administrators to be satisfactory to the participants, the information on which the decision is based must be accurate as well as accessible. Inaccurate or unreliable information can undermine confidence in both the administration's decisions and its general competence.

19. Election administrators and administrations must perform every task on the basis of the highest standards of accuracy of information and objectivity of analysis. In particular, they should:

- (i) Ensure that information is collected, compiled, and published in a way that is systematic, clear, and unambiguous.
- (ii) Do anything necessary, within the country's legal framework, to ensure that all the information that they compile, use, or publish has a sound factual basis.

ETHICAL PRINCIPLE 5

Election administration must be designed to serve the voters

20. Election administrators and administrations should work to provide to every voter the highest quality service required to enable voters to exercise their rights with the least possible inconvenience, given the circumstances and the

country's legal framework. In particular, they should:

- (i) Make it as convenient as possible for voters to participate in the election process.
- (ii) Ensure that voters adequately understand the election process.
- (iii) Do everything possible to provide a way to vote for people with special needs, such as blind, physically handicapped, or illiterate voters, or voters living in remote areas.

¹ Article 21, Paragraph 3, Universal Declaration of Human Rights.

² Guy S. Goodwin-Gill, *Free and Fair Elections: International Law and Practice*, Inter-Parliamentary Union, Geneva, 1994, pp. 12-14, 87.

³ There is little difference between “non-partisan” and “neutral”, however, the election management bodies consulted felt this to be of such importance that it should receive special emphasis.