The Organisation for Security and Co-operation in Europe (OSCE) was created in the early 1970’s under the name of the Conference for Security and Co-operation in Europe (CSCE) as a multilateral forum for dialogue and negotiation between East and West. The 1994 Budapest Summit, recognising that the CSCE was no longer simply a conference, changed its name to OSCE. Today the OSCE comprises 54 participating States from a region stretching from Vladivostok to Vancouver, including the United States, Canada and all the countries of Europe and republics of the former Soviet Union. All participating States have equal status and are represented on the basis of common interest and common rules and norms.

The Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe is located in Warsaw and is responsible for furthering human rights, democracy, and the rule of law throughout the OSCE region. It promotes democracy by observing elections, reviewing human rights commitments, and organising international seminars in Warsaw and elsewhere in the region that address issues related to the “Human Dimension” of the OSCE.

The ODIHR Election Unit serves as the focal point for election related matters. It is charged with monitoring the OSCE election related commitments established at the Copenhagen Meeting in 1990. It notifies participating States of invitations to observe elections throughout the OSCE region, and serves as the co-ordinating office for OSCE election observation missions. It also assists in the review of electoral laws and administration, in the implementation of recommendations that may result from the election observation missions, and organises election-related seminars in the new democracies of the OSCE.

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Produced by the ODIHR Election Unit
1. INTRODUCTION

In recent years, observation of elections and referenda has emerged as an important task in support of democratic transition and universal human rights. The expansion of election observation efforts is directly related to the corresponding global trend toward democratisation.

The conduct of a transparent and open election process in accordance with established legislation is fundamental to a democratic society. The right of political participation is important not only for the immediate election process, but also presupposes adherence to other basic human rights such as the right to freedom of expression, movement, peaceful assembly and association.

Election observation is therefore more than just a technical exercise, as it can contribute directly to the promotion of universal human rights. Elections are a celebration of fundamental human rights. Observation can prevent violations of human rights associated with the election process through the very presence and visibility of observers, as the correctness of the election process itself is assessed.

As the practice of sending election observer missions to assess elections has developed rapidly in the OSCE region, there has been a need to establish a more structured OSCE/ODIHR election observation methodology. The OSCE/ODIHR Election Observation Handbook addresses this need by outlining the general method of OSCE/ODIHR election observation in addition to providing a set of practical guidelines for the conduct of an election observation mission.

ODIHR’s Mandate For Long-Term Election Observation

As a result of the Budapest Summit in December 1994, the ODIHR’s mandate is now more comprehensive and aims to achieve long-term observation of the election process. The ODIHR’s enhanced mandate for long-term observation is the result of the increasing realisation that election observation is not a one-day event. An informed assessment of an election process cannot be made on the basis of election day observations only. The ODIHR has therefore reoriented its activities towards the pursuit of longer-term observation of the election process, rather than limiting them to short-term observation on and around election day.

This more complete approach requires a longer observer presence in the country, through the various stages of the election process necessary for a meaningful and democratic exercise. When making conclusions about an election process, observers must take into account the entire election cycle, from the registration of voters and candidates, through the campaign, the
final voting and counting stages, the public declaration of results, and the installment into office of those elected.

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

The objective of the long-term observation is to gain an in-depth knowledge of the various phases of the election cycle. The objective of the short-term observation is to meet the more “classical” duties of election observation, providing a broad presence throughout the country to assess the closing days of the campaign, election day and the vote count.

The structure of the Handbook reflects this distinction and separate chapters address the roles of both the Long-Term Observer (LTO) and the Short-Term Observer (STO). The principal advantage of this dual approach is to elaborate the tasks of observers throughout the election process, while defining the distinct but complementary roles of both categories of observers.

2. THE UNIVERSAL PRINCIPLES

The Universal Declaration, adopted unanimously by the United Nations General Assembly in 1948, recognises the integral role that transparent and open elections play in ensuring the fundamental and universal right to democratic participatory government. All election observers, regardless of their own nation’s political system and election process, are bound together in their task by the Universal Declaration of Human Rights.

The Universal Declaration of Human Rights, Article 21:

1. Everyone has the right to take part in the government of his/her country, directly or through freely chosen representatives.

2. 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.

The role that periodic, free and genuine elections play in ensuring respect for political rights is also enshrined in the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights.
3. THE OSCE COMMITMENTS

The OSCE Commitments, agreed upon in Copenhagen at the second meeting of the Conference on the Human Dimension in 1990, also emphasise the central role of elections in securing the citizen’s right to participate in the government of his or her country. All observers should be familiar with the OSCE election-related commitments (see Annex A).

In addition, the Copenhagen Document states that the presence of observers, both foreign and domestic, can enhance the integrity of the electoral process. Election observation has thus become accepted as an effective and invaluable service that is provided among OSCE participating States to promote and strengthen democratic governance.

As such, participating States invite observers from any other OSCE participating State to observe the course of their respective election proceedings. Observers are asked to assess elections for their compliance with the OSCE Commitments.

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

The legal framework should 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, that are on-going from election to election, can create an unstable and unpredictable environment in which political parties compete for election.

The OSCE Commitments can be summed up in seven key words central to democratic tradition: **Universal, Equal, Fair, Secret, Free, Transparent, and Accountable.**

The principle of **universal**ity is understood to secure access to an effective, impartial, and non-discriminatory registration procedure for both voters and candidates alike. Citizens who have reached a qualifying age should be given the right to vote, and it is encouraging when this right is extended to **de facto** citizens.

The principle of **equality** requires that one’s vote be given equivalent weight to that of the other voters in order to ensure equal representation. Under the majority voting system it requires that the size of the electorate among constituencies should not vary by more than approximately ten percent (10%).
Under the proportional representation system, the size of the electorate may vary but the number of representatives for each district should be proportional to the size of the electorate. Voters should have equal and effective access to polling stations.

The principle of **fairness** should ideally assure a level playing field for all participants in the election process, but at a minimum it should ensure the voter’s exposure to basic information about all the contestants in the election and the fundamental issues that they represent.

The principle of **secrecy** can only be assured if the voter casts the ballot 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.

The principle of **freedom** should ensure a citizen’s ability to cast his/her ballot free from intimidation and secure in the knowledge that his/her rights of freedom of expression, freedom of association, and freedom of assembly will be upheld throughout the entire election process.

The principle of **transparency** requires that the election be carried out according to due process of the law, and according to legal ground rules that are established in an inclusive and open manner. A transparent process limits the possibility for election fraud, and thus the vote count should be visible and verifiable from the level of the polling station, to any intermediate levels of the election administration, and finally to the national election authority.

The principle of **accountability** requires that those elected are duly installed in office and recognise their accountability to the electorate.

### 4. THE OSCE/ODIHR CONDITIONS FOR EFFECTIVE ELECTION OBSERVATION

In accordance with the mandate given to the ODIHR for long-term observation, it is the responsibility of the participating States to notify the ODIHR at least three months in advance of an election. In the absence of a timely notification, the ODIHR may not be able to respond positively to an invitation to observe.

The ODIHR does not subscribe to the view that the mere presence of observers adds legitimacy to an election process. It is the observers’ methodology and the resulting conclusions that will form the basis of opinion on the election. In order to make this assessment, the ODIHR expects assurances from the inviting government, according to accepted international standards, that the ODIHR Election Observation Mission will be able to carry out its duties, and specifically to:
• Assess the number of observers necessary to mount a viable observation which is not a matter for negotiation with the host government;

• Receive accreditation through a simple non-discriminatory procedure;

• Obtain information regarding the election process from electoral authorities at all levels;

• Meet with representatives of all parties and with individuals randomly selected;

• Obtain permission to travel in all regions of the country during the election process and on election day;

• Have unimpeded access to polling sites and counting centres throughout the country;

• Have authority to issue public statements.

5. OBSERVER CODE OF CONDUCT

Listed below are some general principles and rules which all observers are required to follow:

• Observers will maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process.

• Observers will undertake their duties in an unobtrusive manner, and will not interfere with the election process, polling day procedures, or the vote count.

• Observers will carry the prescribed identification issued’ by the host government or election commission, and will identify themselves to any interested authority upon request.

• Observers will not display or wear any partisan symbols, colours, or banners.

• Observers may wish to bring irregularities to the attention of the local election officials, but they must never give instructions or countermand decisions of the election officials.

• Observers will base all conclusions on well documented, factual, and verifiable evidence, and should fill out a statistical survey form of polling stations visited.

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• Observers will refrain from making any personal or premature comments about their observations to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers.

• Observers will participate in post-election debriefings, by fax or telephone if necessary.

• Observers must comply with all national laws and regulations.

6. THE NEEDS ASSESSMENT MISSION

In order to prepare for a long-term observation, a Needs Assessment Mission will normally be initiated several months before an election. The Needs Assessment Mission will be conducted by the ODIHR Election Advisor and, if already identified, with the presence of the designated On-site Co-ordinator, the Deputy On-site Co-ordinator and the Administration and Deployment Officer.

The first objective of the Needs Assessment Mission is to ascertain whether the legal framework governing the election process is in line with the OSCE Commitments. Any previous ODIHR Election Observation reports on the country concerned should be considered, including progress made on the recommendations.

Such missions will also assess the extent, needs and context of the observation and should serve to establish an early dialogue with the national electoral authorities.

7. THE ODIHR ON-SITE CO-ORDINATOR

An ODIHR On-site Co-ordinator will be designated to represent the ODIHR as Head of the On-site Observation Mission and to support the activities of long- and short-term observers. The Co-ordinator will conduct an on-going assessment throughout the observation as to whether the conditions for effective observation are being respected by the host government. Likewise, the Co-ordinator will be responsible for ensuring that the ODIHR Observer Code of Conduct is understood by all observers.

The responsibilities of the Co-ordinator will be carried out under the direct supervision of the ODIHR Election Unit/Warsaw. The Co-ordinator will travel to and from post via Warsaw for briefing and de-briefing. The Co-ordinator will liaise with the ODIHR regularly throughout the observation and will submit weekly update reports to the ODIHR Election
Unit on all matters, including continuing progress with the implementation of previous recommendations.

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

The ODIHR’s principal counterpart within the host country is the electoral commission or the authority designated to administer the election (hereafter called National Election Administration). The Co-ordinator will establish regular contact with the relevant election authorities and set-up a temporary office in the capital city.

The Co-ordinator will also maintain regular contact at the national level with relevant ministries, political parties, non-governmental organisations (including any domestic monitors and human rights groups), other relevant civic associations, the media and national minorities (if relevant). The information collected should be documented with the permission of the source, and may later be incorporated into the final report.

The Co-ordinator will issue a short press statement upon arrival in the country offering a brief description of the ODIHR long-term election observation mandate, and providing contact information. The Co-ordinator will always stress the impartiality of the observer mission, and its willingness to receive comments about the electoral process or other human rights issues relating to the electoral process.

The Co-ordinator will support the activity of international observers by providing:

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

### 7.1. Deputy On-site Co-ordinator

The Deputy On-site Co-ordinator will assist the Co-ordinator in all the above-mentioned duties throughout the mission and represent the Co-ordinator in his/her absence. A primary responsibility of the Deputy On-site Co-ordinator will be to maintain regular contact with long-term observers (LTO’s) posted in the regions, to receive and analyse their reports,
and to provide this information to the Co-ordinator. The Deputy On-site Co-ordinator should travel to and from post via Warsaw for briefing and de-briefing.

7.2. Administration and Deployment Officer

The Administration and Deployment Officer is specially designated to assist the ODIHR Co-ordinator with all issues related to administration of the observation mission including financial management, and in the development of the deployment plan for long-term observers (LTO’s) and short-term observers (STO’s). The Administration and Deployment Officer should travel to and from post via Warsaw for briefing and de-briefing.

8. THE PRE-ELECTION PHASE: THE LONG-TERM OBSERVER (LTO)

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

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

LTO’s should be prepared to arrive on a specified date for a briefing by the On-site Co-ordinator. The briefing should cover the following points:

• present an overview of the OSCE and specifically the role of the ODIHR;

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

• explain the philosophy and method of the particular observation;

• assess the election law and regulations;

• review security issues;

• explain how to respond to press enquiries.
After receiving their accreditation, LTO’s will be dispatched in teams of two to selected posts throughout the country. LTO’s will submit interim reports based on their findings which will then be used to brief STO’s and contribute to the final election report. LTO’s are expected to attend periodic meetings that may be called by the On-site Co-ordinator during the course of the observation.

Without intervening in the election process in any manner, the LTO’s will be responsible for maintaining contact with regional and local election and government authorities, political parties, non-governmental organisations (including any domestic monitors and human rights groups), other relevant civic associations, the media and national minorities (if relevant).

LTO’s should observe the following aspects of the pre-election cycle:

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

2) Election campaign:
   - the political campaign
   - campaign resources
   - media
   - conduct of security forces

8.1. Election Administration

a. The National Election Administration: Composition, Human Resources and Training, Material Resources

Composition of the National Election Administration

A National Election Administration, such as a Central Election Commission (CEC) or an equivalent body, is usually assigned to administer an election. Occasionally the judiciary may oversee the election process. Whichever body is constituted to administer the election, its work should be independent, impartial, and transparent.
The administering body should be independent and immune from politically motivated manipulation. Its independence could be assisted if composed of well-known, respected, neutral and experienced individuals. It should be able to implement the election legislation and regulations without any undue interference, intimidation or impediment to its duty.

Alternatively, the administering body could be made up of a balance of political party representatives appointed by their respective parties. The balance of clearly identified party representatives is intended to serve as a check on the system, through multi-party representatives, with equal representation at all levels of the election administration. If political party representatives constitute the election commissions, they should be prohibited from campaigning. They should not be subject to removal by their party based on their decisions concerning the election administration.

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

If a judicial body is charged with administering the elections, its independence must be assured through transparent proceedings. Judicial appointees should be immune from the authority of those standing for office.

It is imperative for the administering body to act impartially. It must enforce the rights of freedom of expression, association, assembly, non-discrimination and due process of the law. Any partial treatment or abuse of authority may pose serious threats to an election’s legitimacy.

The transparency of the election administration can be greatly enhanced, contributing to public confidence in the system, when meetings of the National Election Administration are open meetings, and when there are recorded minutes of each meeting.

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

Adequate human resources, and specialised skills, are required to implement an election. Long-term observers should note what instructions have been issued to election officers, and if electoral officers are familiar with the tasks to be carried out on election day.

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

Material Resources of the National Election Administration

The independence of the election administration body is further guaranteed by a sufficient and independent budget for public record.

The observer should establish whether the election administration has a realistic understanding of and adequate means to meet the material requirements for an efficient process:

- Will there be a sufficient number of suitable and adequate polling station facilities?
- Will sufficient polling station equipment be procured for a smooth process (number of ballot papers, secure and adequate ballot boxes, number of adequate polling booths)?
- Will the computer capacity be sufficient to service the election process?

b. Voter and Civic Education

Observers should assess the extent and effectiveness of voter and civic education. Sufficient voter and civic education is needed to ensure that participants in the electoral process are fully informed of 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.

Voter education is focused on the particular election and should inform voters of when, how and where to vote. It is therefore essential that this information is provided in a timely manner, allowing voters sufficient time to make use of the information.

Civic education is a longer term process of educating citizens in the fundamentals of democratic society and civic responsibility. It may focus on
the choices available to the voter and the significance of these choices within the respective political system.

While political parties and civic organisations may contribute to voter and civic education efforts, it is ultimately the responsibility of the government and the election authorities to ensure that voters receive objective and impartial information. It should be provided to all eligible voters, including traditionally disaffected segments of the population.

**Problems that can arise:** Information about the election process may be received too late, information issued by the government could be biased e.g. "information bulletins" showing a ballot paper filled in a certain way.

c. **Voter Identification and Registration**

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

Registration procedures and facilities should be readily accessible to the electorate. The voters list should therefore be posted well in advance of the election to permit complaints about incorrect inclusion or exclusion.

There should be legal provisions governing the method of registration, the registration timetable, qualification and disqualification in respect of nationality, age and abode, temporary absence, means of identification, the registration form, the format of the register, publication of a draft register, procedure for claims and appeals, publication of a final register, availability and right to inspect registers.

It is important that the implementation of the registration process be evaluated, to ensure that no unreasonable restrictions are placed on voter registration. Unreasonable restrictions are those based on race, gender, 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, persons in legal detention, and those considered mentally incapacitated by the courts. In relation to these factors, persons may be barred in some countries from exercising the right to vote without the violation of the universal principes. However, in regards to citizenship, those people who have lived in the country as *de facto* citizens for a reasonable number of years should be given a fair chance to register to vote.

The voter registration process is best assured by a permanent, well maintained and regularly updated national voter register. One comprehensive, compute-
rised list can also assist the authorities in verifying the accuracy of the lists, thereby enhancing the integrity of the voter register. However, some countries may not have the capacity to generate a computerised voter register. Methods of registration, therefore, may vary from country to country depending on local circumstances.

Each method requires a prescribed procedure for identifying and registering all qualified persons. It may be necessary to conduct a house to house, person to person canvass with completion of registration forms at the household. Persons may be required to attend a registration centre in their locality in order to have their names included on a register. A register may be generated from existing records such as census registration or other national registry details.

Large scale emigration and internal migration can cause significant population shifts between elections. The difficulty of identifying and registering large numbers of voters who have moved is a substantial technical undertaking. Voters have 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 the voters receive special voter cards, there must be adequate security to avoid duplication or counterfeiting of the cards.

Any system where special certificates can be issued on election day to enable eligible voters whose names do not appear on the voter register certainly broadens the possibility of voters to cast their ballot. But this is also a system that can be open to abuse. On such occasions when certificates are used, observers should ask voters where they were issued and who issued them. To avoid multiple voting, voters can also have their identification certificates stamped, particularly if there is no voter register.

In some instances, a formal voter register may not exist, and voting may be allowed on the basis of a citizens’ register. In such cases, the citizens’ register should be equally well maintained and accessible. In exceptional cases there may be no formal registration, with voters being required to establish their identity and eligibility at the polling station on polling day. In these cases, special arrangements should be considered, such as the use of indelible ink, to guard against multiple voting.]

**d. Registration of Candidates and Political Parties**

Commitment 7.5 of the Copenhagen Document of 1990 guarantees to respect the right of citizens to seek political or public office, individually or as representatives of political parties or organisations, without discrimination. Any arbitrary or discriminatory application of the law for the purpose of damaging specific political forces, contravenes the OSCE commitments.
The same general principles underlying the right to vote apply for the right to be a candidate. All political forces and movements should therefore be able to nominate candidates on equal terms, and not be limited for reasons of race, gender, language, religion, political affiliation, ethnic or national origin, or economic status.

Reasonable restrictions for persons wishing to become candidates may include a residency requirement in the country for a certain period of time before the elections, or having reached a higher age than the minimum voting age.

The registration requirements should be clear and predictable, and not involve potentially discriminatory demands such as excessive deposits or an unreasonable number of names on registration petitions. A right of appeal must exist for the refusal of registration to a party or candidate.

*Problems that can arise:* undue suspension of parties or candidates, and inconsistent application of the law with respect to the registration of candidates.

**e. Election Boundaries**

According to the OSCE commitments, all votes should carry the same weight to ensure equal representation. This means that each elected representative represents a similar number of registered electors. For example, in a majority voting system, the size of the electorate should not vary by more than approximately ten percent (10%) from constituency to constituency. Under the proportional representation system the size of the electorate may vary but the number of representatives for each district should be proportional to the size of the electorate.

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

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

**f. Ballot Design and Security**

The complexity or simplicity of the ballot directly affects the efficiency of the voting process. The ballots should be easy to fill out for the voter. In order to safeguard the ballot, each of them should bear an official stamp specific to the polling station and/or the signature of an authorised person/s in the polling station.
The ODIHR On-site Co-ordinator and the LTO’s should determine who printed the ballots, where and how they were stored and distributed to the different regions, and at what time this was done prior to the elections. Where envelopes are used to authenticate a vote, similar observation should be carried out to ensure their security.

**Problems that can arise:** In multilingual societies, observers should note whether the election administration has made an effort to facilitate voting of those citizens who may not speak the language of the majority.

**g. Special Voting Provisions:**

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

**Mobile Ballot Boxes and Absentee Voting**

Providing mobile ballot boxes and absentee voting broadens the participation of the electorate. However, these are provisions that can be open to abuse and therefore can jeopardise confidence in the election process. LTO’s should closely observe and understand such provisions, i.e. to which constituencies will absentee ballots be allocated;

Although restrictions on these provisions may compromise the right to vote for part of the electorate, legislators may be convinced to accept such limitations as a necessary step to increase overall public confidence in the election process.

**Voting in Military Barracks, Prisons and Hospitals**

In such cases where voting is permitted in military barracks, prisons and hospitals:

- Will sufficient campaign material be provided to soldiers, prisoners, and hospital patients in order for them to make an informed choice on election day?

- Are special voter registration arrangements provided? How are double registration and multiple voting prevented?

- Will there be adequate practical arrangements provided in these voting sites or will these segments of the electorate vote with the general public?

- Will there be adequate provisions for these voters to vote by secret ballot and free from intimidation?
h. Tabulation, Aggregation, and Verification Process

Before an election, the National Election Administration should explain the counting, reporting and transportation process to the electorate, parties and the media. They should describe the process openly, assuring the transparency of the system, and give preliminary results according to a specific schedule. LTO’s should assess this process, and ensure that it is conceived in a transparent manner.

The counting process should be transparent and easily verifiable. Candidates’ proxies or agents, domestic and international observers, and the media should have the right to observe the whole vote count including, where applicable, the tabulation of votes.

Candidate proxies or agents, domestic and international observers, and the media should all have the right to receive copies of the official results of each polling station (or “protocols”) which should also be made available to the general public by posting in a public place.

The process of aggregating results should be open to inspection, from polling station level to regional authorities and/or to the National Election Administration, and documented in relevant laws. Transportation of the ballots should be transparent and secure. If authorities transmit the results by computer, then observers should have access to the process and be allowed to monitor it.

i. Complaints and Review Process

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

Observers should pay particular attention to the selection and composition of the review authority, its terms of tenure and its institutional autonomy, as the integrity of the election process can only be upheld if the review mechanism is independent and impartial.

Complaints concerning the election process that are submitted by candidates or voters alike, must be dealt with equitably and according to due process of law. Procedures and deadlines should be clearly enumerated in the election code. There must also be accessible and adequate facilities for filing complaints with the judicial authorities nominated for this purpose by the electoral law.

Response should be provided in a timely manner, and all rulings should be recorded and made public.
The complaints that are registered during the campaigning process can serve as indicators of the issues that should be further investigated by the LTO’s.

**Problems that can arise: **"shelving" of complaints until after the elections, failure of a representative of the National Election Administration to turn up at the court hearing.

8.2. The Election Campaign

a. The Political Campaign

The OSCE Commitments require political campaigning to be conducted in an environment that assures freedom of expression, assembly and association. These rights must be safeguarded for an adequate period, to allow political organising and campaigning, and to inform citizens about the candidates and issues. Adequate security measures must be provided, but not in a manner that compromises the above-mentioned commitments.

The government is responsible for ensuring that the ground rules for the campaign enjoy broad support from the contestants and effectively comply with the regulations. The contestants may adopt a Code of Conduct to ensure responsible behaviour, and should not use any means of violence or intimidation to further their cause.

Candidates must have the freedom to convey their programmes to the voters without disruption of campaign meetings, and with no geographic infringement imposed by government “no-go areas.” There must be a well defined process for issuing permits for conducting public rallies, political meetings, and fund raising activities. There must be judicial recourse in the case of unreasonable delays in granting such requests.

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

b. Campaign Resources

An effective campaign needs sufficient financing. Campaign costs can include salaries, transportation, office expenses, the purchase of print and electronic media, and the printing and distribution of campaign materials. While it is understood that elections do not always take place on a completely level playing field, an equitable and unbiased formula should be agreed upon to ensure some financing to all contestants. This may be regulated by the election law or separate legislation dealing with public financing if these funds are to be provided by the state.
It is the responsibility of the government not to abuse state resources, both human and material, in support of its own candidates. For example, government vehicles, office space and telecommunications should not be used for partisan purposes unless equal access can be provided to the other contestants.

Time is also an important resource for a meaningful election campaign. The duration of the campaign must provide enough time for the contestants to convey their policies to the electorate. The right to freedom of expression, association and assembly, if not previously secured on a permanent basis, must be ensured in sufficient time to allow effective political organisation and campaigning.

Observers must ultimately consider whether any disparity of resources between the contestants meant that voters were not well informed about their available choices and whether this substantially affected the outcome of the election.

_Problems that can arise:_ rules on campaign financing which obstruct efficient campaigning.

_c. Media_

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

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

However, editorial coverage is also important to an election campaign, and consideration should be given as to whether editors cover the campaign from an independent perspective covering all issues and events, or not. Additionally, while the incumbent will get media coverage concerning state affairs, campaign events should not be confused with issues of state.

This should be taken into account when evaluating the media by its degree of independence in informing the electorate about the candidates and issues.

The media should be assured by the government of:
• the right to gather and report objective information without intimidation;
• no arbitrary or discriminatory obstruction or censorship of campaign messages.

While long term observers should pay attention to the media, it may be necessary to co-operate with specialised agencies in order to have a precise and scientific analysis of the media.

**Problems that can arise:** defamation of candidates by state owned media, exclusion of particular parties or candidates from state-owned media coverage or coverage only at times of low penetration, intimidation or harassing of media in the context of the elections, manipulation of paper and ink supplies, interference with distribution networks for printed media.

d. Conduct of Security Forces

Throughout the campaign and voting process, security forces have a duty both to prevent intimidation of voters and candidates by others, and not to propagate intimidation themselves. Intimidation can have an insidious effect on candidates and voters alike, particularly when perpetrated by security forces. While intimidation may be difficult to quantify, widespread trends in intimidation, particularly by security forces, become readily apparent.

9. ELECTION PHASE: THE LONG- AND SHORT-TERM OBSERVER (LTO AND STO)

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

9.1. Closing Days of the Campaign

a. The Briefing

It is particularly important that the observer is well informed about the electoral process. The observer needs to be informed on the procedural and legal aspects of the election, in addition to the political and social context within which the election is being organised.

Prior to deployment the ODIHR On-site Co-ordinator will therefore organise a briefing which will cover the following issues:

• present an overview of the OSCE and in particular the role of the ODIHR;
• review the *OSCE/ODIHR Election Observation Handbook*, covering codes of conduct and methodology of an OSCE/ODIHR observation;

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

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

• assess the political / social climate prior to the election;

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

• assess the election law and its practical implementation;

• explain the polling and counting procedures;

• explain the use and design of the checklists;

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

• review security issues;

• explain how to respond to media enquiries.

Information to be provided will include a translated copy of the national election law and relevant regulations, general logistical information, map of the country delineating constituencies, the *OSCE/ODIHR Election Observation Handbook* and checklists.

b. Checklists

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

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

STO’s are often in the country in time to observe the closing days of the campaign. Pre-election questions should include:

- Is the campaign dynamic and is the electorate participating actively?
- Is there an atmosphere of open debate and free discussion among the electorate, or an atmosphere of reserve and fear?
- Is there much physical evidence of the campaign such as campaign posters and campaign literature?
- Do such campaign materials represent a wide or narrow array of competing candidates /parties?
- Have civic education efforts been made and how well do citizens appear to be prepared and motivated?
- Does the media coverage of the campaign appear to be balanced or weighted in favour of certain parties/candidates?

Observers should be encouraged to observe campaign meetings and rallies on site and through media reporting. In reference to the code of conduct, observers may not speak at campaign events or make any public comments. Observers should not display any partisan symbols or banners. Observers must always carry their official accreditation.

9.2. Election Day

a. Deployment

The ODIHR Co-ordinator will offer a deployment plan, developed in co-operation with other observation groups, local NGO’s and local embassies. The deployment is intended to avoid duplication of observer efforts, and to ensure that teams of observers cover a representative sample of the country on election day. The deployment plan should ensure a balanced sample, covering both urban, rural, and socially diverse areas. 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, the deployment plan should also ensure coverage of these special voting sites.

Observers should be deployed in teams of two persons. Depending on geography and on what is found at polling stations, a team of observers may visit between 10 - 20 polling stations during the day. Observers should be reminded that election observation is not a race to visit the greatest number of
polling stations, and sometimes it can be equally beneficial to visit fewer polling stations for a longer period of time.

**b. Polling Station Activities**

The basic aim of observing the elections at the polling station level is to verify whether voting and counting is implemented in an orderly manner and in accordance with the electoral procedures.

When arriving at the polling station, the observers should show their accreditation to the Chairman of the Polling Station Commission and an effort should be made to ensure that the purpose of the mission is well understood by the officials.

Customarily, observers arrive at a polling station prior to the official opening to observe the opening procedures. This will allow observers to examine ballot boxes before they are sealed, and to see if polling is beginning on schedule.

Observers should be aware of any unusual tension that exists upon entering the polling station. It may be those first few minutes that are crucial for an immediate and realistic impression of the situation in a polling station. On the other hand, it also takes some time to assess the situation, and observers should certainly plan on spending at least thirty minutes in each polling station visited.

At the close of the polls, observers should be present to ascertain that the procedures for closing are followed and they should stay to observe the count.

Observers should refrain from giving advice unless requested to do so by local officials, and even then should be very careful not to exceed their competence. They may draw problems to the attention of local officials, allowing these officials to address any problem themselves. Observers should record all irregularities. The debriefing will eventually disclose whether such irregularities represent recurring patterns or if they are isolated events.

If there are concerns about serious irregularities in a particular polling station, observers may wish to spend more time there to see if problems are addressed, or consider returning later in the day. In the event of serious irregularities, observers should bring them to the attention of a superior election commission.

Observers should recognise that some mistakes made by election officials may be because of inexperience rather than due to any deliberate intention to compromise the integrity of the process.
c. Polling Station Questions

There are three groups of persons that observers should speak with at the polling station. These include the polling station officials, voters, and if present domestic observers (party affiliated, candidate affiliated, and non-partisan). All opinions should be considered as long as their credibility is assured. Observers should remember that some persons may try to manipulate information given to observers for their own purposes, and observers should use their judgement in ascertaining a balanced assessment of a situation.

The Polling Station Officials

Observers should confirm that all persons working as election officials or handling ballots are duly appointed members of the polling commission. Relevant enquiries to address to members of the polling commission may include:

• How were they selected and prepared for their election administration duties?

• Were any written instructions issued in addition to the election law and public regulations?

• How are the duties of the polling commission divided to provide for efficient and secure distribution of ballots and processing of voters?

• 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 station?

• What was the number of total voters on the voter list, and how many voters have actually voted? (this should give the observers some idea of the turnout trends)

• Is there a supplemental voter registry for sick and elderly voters voting at home by mobile ballot box, and if so does there seem to be an unusually high number of names on the supplemental list?

• Have any voters been turned away because their name did not appear on the list or they did not have the appropriate ID, and how were these problems addressed?

• Did any disturbances, irregularities or complaints occur, and how have they been addressed?
Voters

Observers should talk to voters to judge their mood and confidence in the process. For example, when perfect conditions for a secret ballot do not exist, an observer should consider whether the voter believes that his or her vote is secret. Were voters well informed about their choices and familiar with the voting procedures?

Domestic Observers

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

Discussions with voters and domestic observers should be in confidence and with discretion, beyond the sight of the election authorities if necessary.

d. Polling Station Observations

Observers should note the following observations and record them by filling-in the checklists provided by the Co-ordinator:

• Is the physical access to the polling station difficult?

• Are there indications of disorganisation such as unusually long lines of people?

• Is there any sign of partisan campaign materials or campaign activity in the polling station?

• Is there any attempt to solicit people to vote?

• Are there police, security forces or government officials in the polling stations?

• Are there other persons in the polling station with no apparent purpose?

• Do polling station officials seem well trained and free to talk about their duties?

• How are the voters identified?
• Does the voter register appear to be accurate?

• How are voters processed e.g. by crossing names off the electoral register or by stamping identity cards? Or, if no register exists, by the use of indelible ink?

• Are there any indications of multiple voting?

• Is there sufficient balloting material?

• Do large numbers of voters require assistance with the process?

• Determine if any undue pressure is being applied to voters?

• Is the secrecy of a person’s vote guaranteed by the layout of the station?

• Are voters being allowed to enter the voting booth together?

• Are handicapped or severely ill people able to vote, and how is the secrecy of their vote maintained in the best possible manner if they need assistance?

• Are ballot boxes located in full view of the Polling Station Commission and observers?

• Is there any intimidation of voters as they leave the polling station?

• What is the overall impression of the voting process?

**Problems that can arise:** restricting the right of eligible voters to cast a ballot, demanding unnecessary forms of identification, incorrectly telling voters they must vote in another location, telling potential voters that they have already cast a ballot, family voting, proxy voting (unless specified by law), multiple voting, unscreened voting booths, unsealed ballot boxes, campaign materials and political party propaganda in the polling-station, presence of military or security forces (unless accounted for in the election law), failures to check the voters identity, unregulated use of mobile ballot boxes, eligible voters who have not been registered, absence of necessary voting materials, excessive delays in administering the polling, intimidation.

e. Military Voting

The military voting process should be followed by some observers, as soldiers who vote can be vulnerable to intimidation, particularly when they are required to vote in barracks. For example, troops may be required to vote in front of their officers, and in some cases officers may even instruct their troops on how to vote.
f. Voting in Hospitals and/or Prisons

In some countries, voting is permitted in hospitals and/or prisons. Where this is the case, some observers should be assigned to visit these special polling stations as well. Hospital patients and prisoners also constitute a segment of the electorate that may be particularly vulnerable to intimidation.

9.3. The Count

a. Vote Count Observations

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

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

The results should be made available at the polling station level, and should be freely available for record. The transparency of the process is enhanced when all party and candidate representatives sign and are given copies of the result sheets, or “protocol”. Ideally, non-partisan domestic observers should also receive copies of the results in the polling stations.

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

The results from particular polling stations constitute a sample of verified results that can be matched at district or regional level, and later with the overall published results. The results from polling stations can be checked one by one against the official tabulation. This is a process that should also be encouraged for domestic observers and party agents. Findings and results can be documented with the assistance of checklist forms and with copies of the protocols with results.

It is important for observers to note the response to the following questions:

• Is the vote count performed by the polling commission only or are other “unofficial” persons assisting in the counting process?
• Do election officials appear to understand the process?

• Is the vote count being conducted in a transparent environment, and are adequate and impartial arrangements made for domestic observers?

• How does the number of registered voters recorded as having voted, compare with the number of ballots actually cast?

• Are ballots counted in an orderly and secure manner?

• 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 are they preserved for review?

• Does the number of invalid ballots seem inordinately high?

• Are officials making any marks or notations on certain ballots?

• How are disputes or complaints resolved during the count?

• Are the official counting records correctly completed at the end of the count and signed by all authorised persons?

• Is it possible for domestic observers and party poll watchers to obtain copies of the official result sheet (“protocol”) of the count?

• How long does it take the commission to complete the count and copy down the results in polling stations, and other levels of the election administration that may be visited?

• Is the transport of protocols, ballots and voting materials at the completion of the count transparent and secure?

• Are the results transmitted to the appropriate authorities in a transparent and secure manner, and tabulated accurately?

• Are preliminary results announced according to a prearranged and publicly announced schedule?

b. Levels of Vote Count

The results of the polling station count are normally transmitted to a regional election commission, where the regional results are aggregated and
transmitted to the national level. Observers should make sure that they have fully understood the manner for transporting and calculating the results and that the calculation is verifiable from the polling station to the national level.

Observation of the vote count at each level of the election administration is essential, from the polling station, to regional election commission, and finally to the National Election Administration. Observers should maintain a presence at each vote tabulation level, working a shift system or by deployment of teams specifically assigned for this purpose.

In some cases electoral authorities may use computers or e-mail to transmit results. In order to ensure transparency of the tabulation exercise, the software shall be made available so that its correctness may be verified. Additionally, in these cases observers should have the right to monitor the process, and if possible to receive copies of a printout signed and stamped by the relevant authority as the information is sent.

**Problems that can arise:** disorderly counting procedures, ballot stuffing, ballot box switching, arbitrary invalidation of ballots cast, loss of ballot papers or ballot boxes, dishonest counting or reporting of the ballots, insecure storage of unused ballots, inconsistent regulation of invalid ballots, inadequate number of counting staff and supervisors.

10. IMMEDIATE POST-ELECTION PHASE: LONG- AND SHORT-TERM OBSERVERS (LTO'S AND STO'S)

10.1. De-briefing and Reporting

A de-briefing will be organised by the ODIHR On-site Co-ordinator within 24-48 hours following election day. The de-briefing should provide an opportunity for all observers to share and report their findings on the election process, and to try and reach a common conclusion on how the elections were administered in relation to the OSCE Commitments and the legal framework of the country concerned. The debriefing is closed to the press and to the general public.

The input of observers should concentrate on a factual summary, with particular emphasis on recurrent trends noted during election day observation. Conclusions are drawn form the collective findings of observers, and impressions based on a limited observation experience should of course be avoided. The debriefing of the observers can be organised by teams or in the regions by the LTO’s, and/or at an open-room session. For those observers who logistically may not be able to return in time for the debriefing, arrangements should be made to receive reports by fax or telephone.
10.2. Post-election Statement

Upon having informed the OSCE Chairman-in-Office, a post-election statement is issued by the ODIHR On-site Co-ordinator within 24-48 hours after the election. A press conference may be organised in country to present the post-election statement.

While the Co-ordinator is responsible for the content of the statement, all post-election statements will be sent for final review and approval of content to the Election Unit/ODIHR before being released to the OSCE Chairman-in-Office.

The statement will be concise (approximately 1-2 pages) and will reflect the most significant findings and concerns of the pre-election period as reported by long-term observers, as well as the election day findings of the long- and short-term observers. The statement should be factual, to the point, and provide a preliminary assessment of whether the OSCE Commitments were upheld and of how well the domestic election law and regulations were implemented.

It is important that the opinion of the observation be reflected in a joint statement, rather than individual observers giving their personal comments. Every observer must refrain from making any statement or individual comment on his or her observation. There are serious dangers in the publication of partial or incomplete observations.

It should be clearly stated that the post-election statement is a preliminary statement and that the post-election findings can significantly change the overall observation findings and will then be reflected in the final report.

Recommendations are normally reserved for the final report except in cases where there is a second round of voting; issuing recommendations in the preliminary statement may then improve the quality of this second round.

11. EXTENDED POST-ELECTION PHASE: LONG-TERM OBSERVERS (LTO’S)

11.1. Final Verification and Announcement of Results

The majority of STO’s may not be able to remain in the country until the final verification of the results and their public announcement. LTO’s should remain in place, along with the On-site Co-ordinator, until the announcement of the final result.
Official publication of complete results by polling stations in a set period of time after election day enables a detailed verification process and can enhance public confidence in the outcome of the election.

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

**Problems that can arise:** unbalanced supervision of the aggregation, verification and final result tabulation, denial of access to this process; denial of access to authorised persons; failure to publish the results at district and precinct level, discrepancies between the election day records of the number of ballots casts and the final results.

11.2. Complaints and Review Process

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

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

Complaints concerning the election process that are submitted by candidates or voters alike, must be dealt with equitably and according to due process of law. Voters and candidates should have access to the appropriate documentation that they may need in order to present their case. There must also be accessible and adequate facilities for filing complaints with the judicial authorities nominated for this purpose by the electoral law.

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

**Problems that can arise:** The competence of or access to the review board or judicial body may be limited, which could cause a problem for achieving a complete examination of the entire process.

11.3. Closing Down the Mission

When closing down the Mission, it is imperative that the ODIHR On-site Co-ordinator should make a final courtesy call to the National Election Administration, to the Ministry for Foreign Affairs and to any other local authorities or organisations which have been in close contact with the Observation Mission.
11.4. The Final Report

The Final Report should be approximately 10-20 pages, and will reflect the cumulative findings of both LTO’s and STO’s. The report will be based upon opinions expressed during the debriefing and upon the data collected on the checklists, as well as by the Co-ordinator and long-term observers.

The aim of the report is to arrive at a conclusion on the election process according to two standards: (1) the OSCE Commitments and (2) the legal framework governing the election process and its implementation.

The conclusion must be based on verifiable data and be presented in a concise yet comprehensive manner, and include recommendations for improvements in the election process.

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

The report should include:

I. Introduction
   a) list of countries and organisations that sent observers
   b) the general deployment plan
II. The Legislative Framework
III. The Electoral Administration
IV. Voter and Civic Education
V. Voter Registration
VI. Candidate Registration
VII. The Pre-Election Campaign
VIII. The Media
IX. Observation on Polling Day
X. Observation of Counting
XI. Aggregation and Verification of the Results
XII. The Review Process
XIII. Conclusions
XIV. Recommendations

11.5. ODIHR Mission Archives

Some information should be compiled by the On-site Co-ordinator and sent to the Warsaw Office for archiving. The main documents should include:
12. THE OVERALL ASSESSMENT

Assessing the election process requires reference to both the OSCE Commitments and the domestic laws and regulations governing the election process.

An election within the OSCE region may not meet the ideal standard for an election as set out in the Commitments. An election process can always be subject to imperfections and irregularities. While isolated infractions are serious and should be noted, it is the pattern of recurring and systematic irregularities that may indicate a serious threat to the integrity of the election process.

It is accepted that in the case of newly democratising countries, the OSCE Commitments may not initially be fulfilled to the same extent as in long established democracies. However, all OSCE participating States are committed to do their utmost to ensure that these principles are upheld.

Moreover, the perfection of the election process itself may not be immediately attainable. But it will certainly not be achieved without a good faith intent on the part of the authorities to see that the OSCE Commitments are effectively implemented. Observers should be aware that there are instances where the letter of the law is not broken, but the spirit of the law is clearly violated.
Therefore, when assessing an election process, a relative determination must be made as to whether any irregularities materially affected the voter’s choice and the overall election outcome. Poor organisation does not necessarily indicate manipulation.

The principle of free elections can only be fulfilled if the citizens of a country are informed about the election process, free to cast their ballot without intimidation, and thus have the freedom to choose effectively their leaders. Ultimately, any election process is a celebration of human rights. It is hoped that election observation, as detailed in this handbook, is an effective tool in supporting these fundamental human rights as outlined in the OSCE Commitments.

13. ODIHR POST-ELECTION ASSISTANCE IN THE IMPLEMENTATION OF RECOMMENDATIONS

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

Participating States are encouraged to contact the ODIHR for assistance in implementing the recommendations that may result from an ODIHR election observation and which are contained in the Final Reports.
The Copenhagen Document does not contain any references to the Office, since the institution was set up at the Paris Summit in November 1990. However, the Charter of Paris for a New Europe states that the Office for Free Elections - later renamed the Office for Democratic Institutions and Human Rights - "will foster the implementation of paragraphs 6, 7 and 8 of the Document of the Copenhagen Meeting". Therefore, the relevant paragraphs are reproduced here below.

(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. They recognise their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organisations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or that of another participating State.

(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 organisations, without discrimination;
(7.6) - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organisations and provide such political parties and organisations 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 non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) - ensure that the candidates who obtain the necessary number of votes required by the law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to 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 organisations 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.

Related commitments include:

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.
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...

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 for 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.
ANNEX B: OSCE / ODIHR MODEL ELECTION DAY CHECKLIST

OSCE / ODIHR Election Observation Mission

Polling Station Report

Observer team

<table>
<thead>
<tr>
<th>Names/initiats</th>
<th>Team number/Accreditation numbers</th>
</tr>
</thead>
</table>

Polling Station

<table>
<thead>
<tr>
<th>Electoral District</th>
<th>Polling station name/number</th>
<th>Type of station</th>
</tr>
</thead>
</table>

Time of visit

<table>
<thead>
<tr>
<th>Arrival of team</th>
<th>Departure of team</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of voters registered at the station</td>
<td>Number of voters voted at (time)</td>
</tr>
</tbody>
</table>

Before entering the polling station

Please assess the general atmosphere. Listening to voters and other bystanders will be helpful.

Please specify details on back of form.

<table>
<thead>
<tr>
<th>Was the polling station difficult to find?</th>
<th>Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Was the physical access to the station difficult?</td>
<td>Y/N</td>
</tr>
</tbody>
</table>

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

Inside the polling station: People present, polling environment

Please specify details on back of form

<table>
<thead>
<tr>
<th>Members of the Election Commission</th>
<th>How many?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representatives of parties/candidates</td>
<td>Y/N/DK Which?</td>
</tr>
<tr>
<td>Domestic observers</td>
<td>Y/N/DK</td>
</tr>
<tr>
<td>Media representatives</td>
<td>Y/N/DK</td>
</tr>
<tr>
<td>Security forces</td>
<td>Y/N/DK</td>
</tr>
<tr>
<td>Unauthorised people</td>
<td>Y/N/DK</td>
</tr>
</tbody>
</table>

| 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 |
Inside the polling station: Voting procedures

Please assess each step in the voting procedure in turn.

Please specify details on back of form

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?

Disruptions of polling

Please specify details on back of form

Had voting been suspended at any time? Y/N/DK Details?

Irregularities reported to you

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.

Important

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.

Details and comments

Overall impression

In general, the conduct of the poll at this station was

Very bad   Bad   Good   Very good