

News From the *ACE Electoral Knowledge Network*

October 2005 - Offline Edition

What's New with ACE

New ACE FOCUS ON

Electoral Laws: A Macroscopic Perspective The newest installment in the ACE Focus-On series examines electoral law from a global perspective, focusing on nine aspects: legal framework, electoral management, boundary delimitation, voter registration, political parties and candidates, media, voting operations, vote counting and voter education. This installment indicates the types of regulations which are most and least frequent and points out some factors related to the adoption or non adoption of these rules ... [read more »](#)

New ACE Consolidated reply

Vetting Electoral Candidates "Under international law, what are the options and requirements for vetting electoral candidates in order to prevent from running individuals who have reportedly been involved in (but not yet convicted of) serious crimes?"

The main relevant principle in this case, highlighted by most members, is that one should be treated as innocent until proven guilty ... [read more »](#)

Information Resources



La Conquista del Poder. Elecciones y campañas presidenciales en América Latina (Spanish) This comparative study of presidential elections in Latin America is a systematic analysis of political dynamics, voting trends, the use of marketing and communication instruments in the context of political competition. This new study illustrates in a unique way the development of presidential elections in Latin America. [Order your copy](#)

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Political Parties in Conflict-Prone Societies: Regulation, Engineering and Democratic Development

Well-functioning political parties are essential components of democracy. But political parties in many developing democracies remain weak and underdeveloped, often based around personal, ethnic or regional ties rather than national interests. This volume examines the growing trend in conflict-prone societies towards promoting stable and inclusive political parties via political party regulation and engineering in developing democracies around the world [Order your copy »](#)



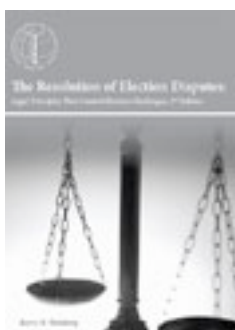
Compendium of International Standards for Elections (2nd Edition)

The Compendium outlines the obligations and commitments each state has made by signing international and regional instruments [Order your copy »](#)



Handbook for EU Election Observation (2nd Edition)

The revised Handbook provides a comprehensive overview of the basis of EU EOM methodology, emphasizing how international standards are used in assessment and reporting. It also explains how EU EOMs are planned, deployed and implemented. The reporting materials (guidelines, templates and examples) detail how EOMs produce internal and public reports and how such reports should be written [Order your copy »](#)



Resolution of Election Disputes (2nd Edition)

The Resolution of Election Disputes is the most up-to-date centralized information source for understanding, responding to, and preventing election disputes and irregularities in the U.S. The 2nd edition of this groundbreaking publication features updates and additional cases that highlight the legal principles that courts in the United States use to resolve election disputes, as well as a new section on substantial compliance [Order your copy »](#)

Election Calendar

Palau Presidential & Parliamentary, November 4

United States Presidential & Parliamentary, November 4

Puerto Rico Legislative, November 4

New Zealand Parliamentary, November 8

Guinea-Bissau Parliamentary, November 16

Events Calendar

2008 U.S. Election Program

November 2-4 | Washington DC, USA

IFES' 2008 U.S. Election program will bring together over 100 senior executives from electoral management bodies worldwide to analyze and observe the 2008 US Electoral Process.

Election Technology Exhibition

November 17-19 | Manila, Philippines

Electoral Technology Vendors will showcase wares to decision-makers and executives from election management bodies throughout Southeast Asia. Contact: Mara Krier, mkrier@ifes.org

Inter-American Forum on Elections

November 17-21 | Mexico City, Mexico

The First Inter-American Forum on Elections will gather the representatives of electoral management bodies of almost all the countries in the continent. This forum is organized jointly by IFE, OAS, International IDEA, and the Latin-American Faculty of Social Sciences.

Joint Training on Effective Electoral Assistance

December 1-5 | Brussels, Belgium

The EC, UNDP and International IDEA are organising their 6th Joint Training on Effective Electoral Assistance for development partners and international organisations dealing with electoral assistance, EMBs, national authorities and CSOs. The training covers EU/EC and UN/UNDP framework, policies and procedures for electoral assistance projects, specific activities in support of electoral cycles, technological innovations, project budgeting, procurement and cost of elections, and more. The training emphasises the electoral cycle approach and the importance of process driven, rather than event driven, electoral support. The broader framework of democratic governance within which elections take place is also addressed.

Feature Articles



US 2008 Elections: A Pre-Election Briefing for the Global Observer:

Contributors: Skye Christensen, Jack Santucci, Lauren Serpe, Daniel Laurent

High pressure, low margin elections have the capacity to compromise the reputation of even the best run electoral process. Unusually high turnout in the 2008 U.S. presidential election is expected to put unprecedented pressure on America's decentralized electoral management system. This special briefing explains the structures, from voter registration to electoral dispute resolution, underpinning America's democracy.

The world is watching the U.S. 2008 general elections. The race between presidential candidates John McCain and Barak Obama has garnered unprecedented interest both inside the U.S. and in the international community. The OSCE has deployed long-term election observers to 40 U.S. States. The candidates and issues at stake in this election have inspired unprecedented participation; indicators including voter registration, campaign spending, and expected voter turnout are breaking previous U.S. records. Despite surging participation, public confidence in the electoral process is alarmingly low.

Observers remember the last two presidential elections were especially close, revealing significant cracks in the way the U.S. actually runs its elections. In 2000, the election outcome came down to several hundred votes, and was eventually decided in court. Four years later, despite national and local efforts at reform, the 2004 presidential contest was characterized by problems with electronic voting equipment and allegations of fraud. In the last eight years, the way citizens register and vote has changed dramatically, largely driven by federal laws and citizen activism. How will the U.S. electoral management system, already suffering from a dearth of public confidence, hold up to this exceptional pressure?

In the sections below, we outline the key aspects of the U.S. electoral process from a global perspective, giving you, the ACE community, tools to analyze this important race.

U.S. Electoral Systems

The United States uses a mixture of electoral systems. Some elements of the system date back to the founding of the U.S., while other elements have been reformed more recently. Critics point out parts of the system do not meet International Best Practices including 'one person, one vote, one value.' Below we provide a summary of the different electoral systems used for the Legislature and the President.

National Legislature

The U.S. legislature is bicameral, consisting of a lower house (the House of Representatives) and an upper house (the Senate). Members of both houses are elected using a plurality system with single member districts (First Past the Post or FPTP).

The House of Representatives (the House, Congress, or HoR) has 435 voting members elected to two-year terms. Following a census every ten years, these seats are apportioned according to population among the 50 states. There are additional delegates with limited rights from the U.S. territories and District of Columbia.

The Senate has two members elected from each U.S. state. Terms are staggered such that one-third of the Senate is elected every two years. No more than one Senator is elected from any state in a given year.

President and Vice President

To understand the system used for U.S. Presidential Elections, it is best to consider elections for President and Vice President as an amalgamation of 51 separate yet simultaneous elections. The president is not directly elected by popular vote, being instead indirectly elected by a special body called the Electoral College. This system is truly unique; indeed the U.S. is the only presidential democracy in the world that uses an electoral college to elect an executive head of state.

Voters in each state as well as the District of Columbia (Washington, DC) elect electors to the college. Ballot design varies, some votes select presidential candidates, in others, they select parties. In 48 of 50 states, electors are sent as a block: the winning candidate's party chooses all of the electors. In two other states, Maine and Nebraska, the electors are partially chosen on a district basis and partially on a state-wide basis. A state's number of electors (relative voting power) is equal to its number of federal legislators (House members plus Senators). Washington DC, which is not a state, has representation in the Electoral College as if it were a state.

Electors subsequently elect the president by absolute majority; that election will occur on December 15th. In the unlikely event of a tie, the legislature decides the winner.

U.S. Legal Framework for Elections

Due to the United States' federal structure, there is no comprehensive national electoral law of the type found in many countries. Instead the electoral legal framework consists of an array of codified law, court precedent and EMB regulation.

The federal constitution mandates much of the key aspects including direct elections for legislature, the Electoral College, and the voting age (18 years.) Likewise, courts have interpreted a constitutional "equal protection" clause as affecting some aspects of electoral management.

Federal laws mandate the number of members in the U.S. House and the formula by which they are apportioned to each state. They also mandate single-member districts, compel jurisdictions to protect the voting strength of racial and ethnic minorities, and to print ballots in multiple languages where necessary. Finally, since 2002, federal law provides states with financial incentives to meet certain equipment and administration standards.

Other provisions flow from federal court decisions. These include equal apportionment, matters related to voter registration and ID, whether state legislatures must respect decisions by voters about Electoral College members, and specific ways in which boundary delimitation must affect the voting strength of racial and ethnic minorities.

There is a great deal of further variation at the state and local levels. Usually this affects registration, early and absentee voting, and ballot access provisions. Some municipalities, however, allow non-citizen residents to vote in local elections. Finally some states forbid convicted felons from voting.

U.S. Electoral Management Structures

While local authorities run elections in many countries, international best practices call for a national EMB with the enforcement power needed to maintain consistency, quality of service and, ultimately, freedom and fairness. The U.S. Election management structure is so decentralized that there are effectively over 13,000 distinct election management bodies.

Primary authority is with local governments, but the legal framework imposes some obligations on these officials. While state governments are a common focal point for electoral management, their effective control is often weak. American University's Robert Pastor called the system "decentralized to the point of being dysfunctional."

Responsibility for electoral management and core funding, from registration to results, is shared between 50 state and 13,000 local governments. The EMB model is governmental or mixed, meaning either appointed or elected officials or multi-partisan commissions manage the process.

At the state level, responsibility for oversight and confirmation of results is with an elected or appointed, partisan Secretary of State, who is a member of the state executive. Less frequently these duties are with boards of elections. Because most states' chief electoral officers are often elected officials, it is not uncommon for him or her to publically campaign while overseeing an election.

Nationally, the Federal Electoral Commission regulates political finance disclosure and, when candidates accept it, public funding. Following controversies over voting equipment in the 2000 federal election, an Electoral Assistance Commission now establishes equipment standards and best management practices, but it cannot formally enforce them.

While EMBs are not structurally independent, they generally work impartially with relatively infrequent exceptions in the modern era. Nonetheless, mistakes and malfeasance, whether actual or perceived, have called elections' legitimacy into question. Indeed, 27 percent of Americans polled in the 2004 post-election period believed the presidential voting process was unfair.

U.S. Boundary Delimitation

Boundary delimitation (known as redistricting in the U.S.) plays a controversial role in elections in the House of Representatives and many state legislatures.

State legislatures are responsible for delimitation, though some legislatures delegate the authority to a multi-party or judicial commission. In all cases, new boundaries take the form of a bill, which governors must sign into law. Federal boundary delimitation conventionally follows the census every 10 years, but some states in recent years have redrawn boundaries at other times, for partisan advantage, known as gerrymandering, or to correct for changes in population.

Federal law dictates some of the criteria authorities use when delimiting legislative boundaries. These include population equity, boundary contiguousness, and racial and ethnic minority representation. The latter is the most controversial, requiring that districts be drawn specifically to ensure descriptive minority representation.

Jurisdictions may apply other criteria. Usually they specify a hierarchy of criteria since some may be in conflict. These criteria include compactness (minimizing the distance between the farthest apart points in a district), respect for political subdivisions like municipalities and counties, and respect for communities of interest.

States using independent, multi-party or judicial commissions have had mixed results. On one hand, “independent redistricting” has enhanced public confidence. On the other, it has not relieved tensions among conflicting boundary delimitation criteria, and has not made elections more competitive overall.

U.S. Voter Registration

Practices vary across states and municipalities, but most EMBs use continuous voter registries maintained by local governments. State-level officials (Board of Elections or Secretary of State) design registration forms and determine requirements.

The federal constitution forbids age or gender restrictions on voting rights for any citizen of at least 18 years, though some states restrict specific groups including those convicted of serious crimes. Registration is self-initiated and not compulsory. Most states require citizens to register by some deadline well in advance of an election, though a few permit same-day or Election Day registration, and one does not conduct registration at all.

There are various governmental efforts to encourage registration. The federal National Voter Registration Act offers citizens opportunities to register at public service centres, like driver’s license centres.

Recent controversies have concerned the fairness and partisan effects of registration regulations. For example, states require different forms of identification. Proponents argue this controls fraud, and detractors argue it depresses turnout among poor and elderly voters who are less likely to obtain these forms. Another recent controversy stems from the requirement in some states that a voter’s name on his or her identification match, character for character, his or her name in the voter file. Partisan differences have cropped up as well; Democrats generally promote increased access to the polls (believed to favour Democratic candidates) while Republicans are generally concerned about potential for fraud (stricter standards are believed to favour Republican candidates).

U.S. Voting Operations

In terms of polling and voting systems, there is tremendous variation in practices. Voting equipment varies from punch-card ballots (0.14%), mechanical lever machines (5.83%), hand-counted paper ballots (0.52%), direct recording electronic devices (30.70%), and optically scanned paper ballots (57.77%). One state, Oregon, votes entirely by mail.

The greatest controversies surround the rise and fall of electronic touch-screen voting machines. Following mechanical failures in punch-card machines during the 2000 election, many EMBs used federal support to purchase “direct recording equipment,” or touch-screen computer systems. When concerns surrounding the use of these machines arose in 2004, some counties transitioned again, this time to optically scanned paper ballots. As a result of this expensive process, many poll workers in 2008 will be managing new and potentially unfamiliar equipment.

In addition, the expected high turnout will tax the capacities of polling centres and poll workers. In the run-up to the 2008 polls, many EMBs are experiencing difficulty recruiting enough staff to manage projected turnout.

Some experts say we should see November 4th not as the days the polls open, but the days that the polls close, because nearly 1 out of 3 voters are expected to vote early through early walk-in, mail voting, or absentee voting. Indeed two states (Oregon and Washington) will vote almost entirely by mail.

Voter Registration in Afghanistan

Contributors: Charlemagne Sophia Gomez

With less than one year to elections the Independent Electoral Commission and UNDP are working to add, update, or re-card over 5 million voters on the registry. Despite security, weather, infrastructure, and gender constraints, initial progress is reassuring.

Background

Subsequent to the Bonn agreement, the United Nations Development Program was given a pivotal role in helping to establish viable governance structures in Afghanistan. Among these efforts was support to the 2004 Presidential and 2005 Parliamentary and Provincial Council elections. Both elections were a success with large voter turnout and nationally accepted results. The United Nations Assistance Mission in Afghanistan (UNAMA) was tasked with political oversight of the elections process, with UNDP holding responsibility for the execution of the 2004 Presidential elections and managing all resource mobilization and donor relations for the 2005 Parliamentary and Provincial Council elections. UNOPS was the implementing agent for all electoral activities in 2005.

In June 2008, 65 donors met in Paris in order to reiterate the commitments under the Afghan Compact and “underlined the importance of holding of elections in 2009 and 2010 as a crucial step to consolidate democracy for all Afghans. The international community pledged its strong support to help make the elections free, fair and

secure.”

With less than a year to go before the second cycle of elections to be held in Afghanistan in almost three decades, UNDP continues to build capacity of the Independent Electoral Commission (IEC); established in 2005 according to Presidential Decree 21 and replacing the former Joint Election Management Body (JEMB) [1] which managed the electoral process in 2004 and 2005. The current task of UNDP is to provide advisors to the IEC in order to strengthen capacity to design and implement a sustainable national voter registration programme. This programme will inform and engage the Afghan public and deliver a credible voter register in time for national elections in 2009 and 2010. UNDP will further support the IEC in the delivery of credible, sustainable electoral processes in 2009 and 2010. Furthermore it will support the broader electoral framework through capacity building, engagement with and support to civic and voter education, media development, political parties, domestic observation and other emerging issues.

Voter Registration

Due to time constraints and delays in political decisions on when to hold the elections, it was decided in late June the IEC would only be able to conduct an update of the current voter register of 12.5million voters. Unfortunately a new registration exercise was not feasible and UNDP was tasked with assisting the IEC to develop an update which would allow the current information of registrants to be built upon and eventually establish a register which would be sustainable and meet international standards

The voter registration exercise which commenced on October 6, 2008, in 14 provinces is split into four one month phases. The exercise will close on February 2, 2009, in order to allow enough time to produce a register and allow for commencement of candidate nomination; to begin in March 2009. The rationale behind the four phases was principally to ensure the Afghan National Police (ANP) were able to secure all voting registration centres around the country. Currently the ANP has only 30,000 people which would have diverted essential police manpower from the day to day police work if the voter registration exercise had taken place simultaneously across the country.

Another contributing factor towards the decision to use a phased approach is the climate. In the central and northern regions, winter tends to arrive by late October, therefore if registration had commenced any later in these regions it would have the potential to disenfranchise many potential registrants in accessing the registration centres. Finally, due to the decision of having a phased approach, the IEC is able to take note of lessons learned from each phase in order to improve their public outreach campaign and logistical arrangements according to the region.

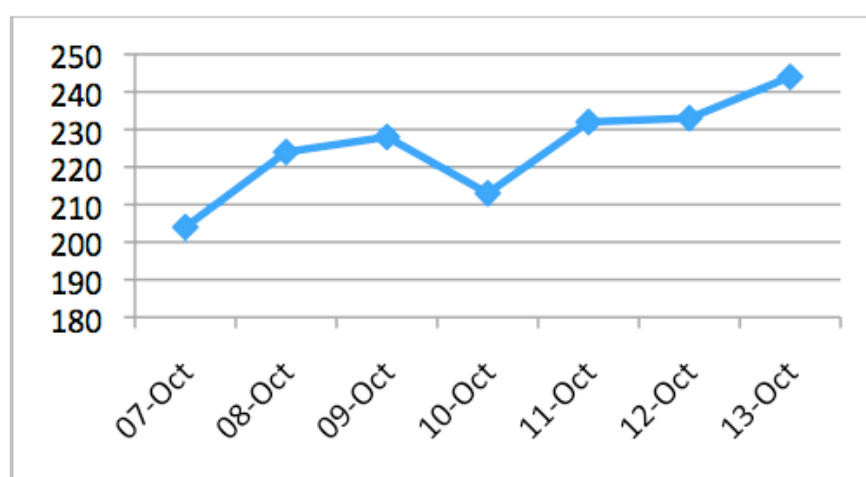
All Afghans are eligible to register who:

- * Have turned 18 since the last registration or will turn 18 before September 2009
 - * Not registered before
 - * Returned to Afghanistan since the last registration
 - * Moved to a new province
 - * Lost their old registration card
-

Afghanistan has a potential of approximately 15 million voters. The voter registration exercise aims to register over 2 million new registrants and perhaps 3 million voters who have either lost their card or have changed provinces since the last election. Although voters were not attached to any particular polling station in the last cycle of elections, all new registrants and those eligible to register according to the above criteria (in box above) will be assigned to a polling station. To this end, a proportion of the population will know exactly where they will vote on Election Day, allowing the IEC to prepare more adequately for the supply and transportation of ballot papers. Those who have previously registered will still be free to choose the polling station where they would like to vote within the province they have registered; however, in the future, the IEC will strive for all registrants to be assigned a polling station so polling station lists will be available and logistics for allocation of ballot papers will be easily facilitated. The current and future use of biometrical data, such as fingerprinting and facial scanning will further facilitate the IEC to flush out any multiple entrants in the system.

Challenges

The start of the voter registration process exceeded all expectations, and to date no major incidents have been reported. The process, though, has not been without its challenges and further challenges lie ahead. One of the major challenges was opening voter registration centres (VRC) on time. Of the 261 sites included in the first phase, only 204 centres were able to open on the first day. Within six days of the process, a further 40 were active, signifying that a total of nearly 94% of the centres are registering potential voters. The various centres still not open face logistical and security issues.



Within six days nearly 94% of voter registration centres were operational.

The challenges of security in a country like Afghanistan are always difficult. Nevertheless, thus far, security incidents during voter registration (VR) have been minimal. The combination of a phased approach and the selection of “green” security permissible provinces in the first phase limited the number of potential incidents. In later phases security incidents are expected to increase; especially in the Eastern (Phase 3) and Sothern (Phase 4) regions. At this time, the main challenge facing VR is the coordination of VR activities with supporting security agencies, primarily the Ministry of Interior (Mol).

The Independent Election Commission's (IEC) voter operations centre (VROC) was set up on the day VR commenced (6 Oct 08). Had it been set up at least a month earlier, many coordination issues could have been solved (e.g. coordination of police escorts and air movements). The lack of an IEC VROC or a field operations representative at the Mol's table-top exercise (TTX) on September 25, 2008, was a missed opportunity to tighten coordination between the IEC and supporting security actors (Mol, MoD, NDS and ISAF). Mol plans to conduct a TTX prior to each VR Phase (the next is scheduled for October 16, 2008). The TTXs are important in order to capture and implement lessons learned from previous phases after a thorough action review process. Failure to improve coordination between the IEC and the Mol will have serious consequences as VR progresses into more unstable provinces in the remaining phases.

In addition, communication is proving quite difficult in the Afghan context. Communication between HQ and Provincial Electoral Officers (PEO) and between PEOs and District Field Coordinators (DFCs) has proved difficult. As a result, the figures of the registration process are not yet perceived to be a true reflection of the figures on the ground. Nevertheless on October 16, 2008, the IEC reported 215,610 people had registered to vote in the 14 provinces covered under Phase I. The provinces of Kunar, Takhar, Badakshan and Kapisa reported the highest turnout rates due to a combination of support from local government and effective public outreach campaign. According to the IEC, the majority were reportedly first-time registrants and an estimated 27% were women.



A woman poses for her photograph during voter registration

Gender

Of the approximately 250,000 registrants less than a third were women. The figures to date are also much lower than they were for both men and women in the 2004 and 2005 registration efforts. There are a few provinces with a higher than average turnout, and research is being conducted as to the possible reasons why to see if lessons can be learned to apply to the next ten provinces to enter the second phase of voter registration in November. The low turnout for women is a disappointment, as many efforts to increase female participation were put into effect. As a direct result of the low turnout figures for women so far, the campaign to attract women to the voter registration centres is being stepped up. It is hoped that at the beginning of November a religious decree will be issued by the Ministry of Haj which will encourage all women to register and, more importantly, for male relatives to allow their women to register. Other initiatives will be to increase the number of radio spots on women's

participation and to work in close coordination with religious and community leaders to encourage and increase awareness of the importance of women's participation in the process.

Improving participation of women and men in the voter registration process is key to the success of the overall process. Apart from the pertinent security challenges which face Afghans, apathy towards the election process is increasingly evident. This concern is echoed by all stakeholders involved in the process. As a consequence, the interest in the voter registration exercise by Afghans will set the first benchmark as to possible participation in the election process due to enter its first cycle in September 2009. The holding of second elections are always expected to draw less attention than the first, however the success of a second election will definitively illustrate that the Afghan people have progressed from a transitional government to a society capable of embracing the ideals of democracy. Nevertheless, true indicators of a fully fledged democracy will require more than successful elections and will necessitate a commitment by both the future government of Afghanistan and the continued support of the international community to work together far beyond the upcoming electoral process.

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