



Handbook for the Observation of Election Administration



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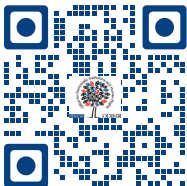
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Designed by Michael Lusaba



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List of Acronyms

CoE	Council of Europe
CIS	Commonwealth of Independent States
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECOSOC	UN Economic and Social Council
EMB	Election Management Body
EU	European Union
GC	General Comment
GDPR	EU General Data Protection Regulation
ICCPR	International Covenant on Civil and Political Rights
ICT	Information and Communication Technology
IDP	Internally Displaced Person
LTO	Long-term Observer
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OHCHR	UN Office of High Commissioner for Human Rights
STO	Short-term Observer
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCAC	United Nations Convention against Corruption
UN HRC	United Nations Human Rights Committee
Venice Commission	European Commission for Democracy through Law of the Council of Europe

Foreword

OSCE commitments and other international obligations and standards guarantee to all citizens the right to participate in the government, directly or through freely chosen representatives, and identify a number of principles for the conduct of genuine democratic elections. These commitments and standards give guidance for the regulation of all stages of an electoral process, including the rights and obligations of all the actors involved.

Organizing elections in line with these commitments and standards is indisputably a challenging task. Bodies in charge of administering elections have the demanding function of managing the electoral process effectively, impartially and transparently. This work has a direct impact on the quality and integrity of electoral processes and is one of the keys to ensuring the rights of voters and candidates. The election management bodies are therefore one of the main guardians of democratic elections.

As part of its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) assesses the compliance of elections in OSCE participating States with OSCE commitments, other international obligations and standards, national legislation, as well as good international electoral practice. Given the role the election administration plays in an electoral process, assessment of its work constitutes an integral part of ODIHR's election-observation methodology. This methodology is widely recognized for its systematic and comprehensive approach. As tasked by the OSCE participating States, ODIHR continuously strives to further improve its methodology by developing handbooks on specialized aspects of elections.

While election administration has already long been covered by ODIHR's general election observation methodology, this Handbook aims to establish a more systematic and comprehensive approach to analysing this component. It provides information and a framework to assist ODIHR observers in assessing how the activities of the election administration comply with cornerstone principles of integrity, legality, effectiveness, independence, impartiality, transparency, accountability and inclusivity.

We hope this Handbook will also be a useful tool for a wider audience interested in the topic, including election management bodies, political parties, civil society organizations and international organizations. ODIHR acknowledges the important contribution of all the experts and organizations who helped in the development of this Handbook.

Matteo Mecacci
ODIHR Director



I. Introduction

1. ABOUT THE HANDBOOK

Organizing elections and referenda is indisputably a challenging task. Bodies in charge of administering elections and referenda (hereinafter also the election administration or Election Management Bodies, EMBs) have the demanding function of ensuring that many complex election- and referenda-related processes are managed efficiently, impartially and transparently.¹ The work of the EMBs has a direct impact on the quality and integrity of electoral and referendum processes and is one of the keys to ensuring the rights of voters and contestants. The EMBs are therefore one of the main guardians of democratic elections, and their activities are central to fostering public confidence.

As part of its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) carries out election-related activities on a regular basis to assess the compliance of elections in OSCE participating States with OSCE commitments, other international

¹ Most of the guidance provided in this Handbook is applicable both to electoral and referendum processes. The Handbook focuses on electoral processes as the primary focus of ODIHR's work is observing elections.

obligations and standards, national legislation as well as good practice in the field of democratic elections. Given the role the election administration plays in an electoral process, assessments of its work constitute an integral part of ODIHR's election-related activities and are essential components of its reporting on observed elections.

The overall methodology for observing the administration of elections has been outlined in several previous ODIHR publications.² This Handbook aggregates and expands on the methodological guidance provided in other publications, takes account of developments in electoral practice across the OSCE region and builds on the experience gained from over 400 election observation activities deployed by ODIHR since 1996.

This Handbook is intended to serve as the primary reference material for all types of ODIHR observation activities, such as election and referendum observation missions, limited observation missions, assessment missions and expert teams (further jointly referred to as observation missions),³ to support their efforts in assessing the work of an election administration in a comprehensive, systematic and consistent manner. It aims to provide detailed guidance on the aspects and processes within the scope of an election administration that could be observed as part of ODIHR observation missions. By compiling relevant OSCE commitments, international obligations and standards, and good practice pertaining to election administration, the Handbook also provides observers with a comprehensive set of reference materials to facilitate their analysis. It is aimed primarily at election analysts as well as long-term observers tasked with assessing the work of the election administration. This Handbook will supplement other thematic ODIHR handbooks related to election observation that are more directly applicable to the work of legal, voter registration, new voting technology and political analysts.

This Handbook may be useful to a wider audience working on issues related to the administration of elections, including legislators, political parties, civil society, citizen observer and international organizations, and election management bodies themselves. However, this publication is limited in focus and was not conceived as a handbook for EMBs on how to run elections.⁴

The development of this publication was made possible by extra-budgetary contributions from OSCE participating States. It forms part of ODIHR's continued efforts to enhance its election observation methodology and to further increase the professionalism of

2 This includes, in particular, the [Election Observation Handbook](#), OSCE/ODIHR, 6th Edition, 11 June 2010, [Guidelines for Reviewing the Legal Framework for Elections](#), 2nd Edition, OSCE/ODIHR, 1 October 2013; and [Handbook for Long-Term Election Observers](#), OSCE/ODIHR, 20 April 2007. For other ODIHR election-related publications, visit the [ODIHR website](#).

3 Further information on election-related activities can be found in the Election Observation Handbook, *op.cit.*, note 2.

4 Readers interested in these aspects might find the following resources useful: Helena Catt, et al, [Electoral Management Design](#), International IDEA, 20 December 2014; the [Electoral Management Design Database](#); or [Election Obligations and Standards](#), A Carter Center Assessment Manual, 2nd Edition, 2023.

those involved in its observation activities, as tasked by the OSCE participating States in Ministerial Council Decision 19/06 “Strengthening the Effectiveness of the OSCE”.

2. RATIONALE FOR OBSERVING ELECTION ADMINISTRATION

The mandate of EMBs includes responsibility for a range of key processes, including registration of voters and contestants, recruitment and training of EMB staff, technical preparations for voting, counting and tabulation of results, providing information to electoral stakeholders and handling election disputes. How these processes are run and whether applicable rules are met is decisive for the quality of the overall electoral process and public confidence in it. Observation of EMBs' work allows assessment of the extent to which the requirements, outlined in the national legal framework, in international documents, and good electoral practice, were implemented, including in light of the main principles for election administration.

In addition, an EMB typically has some oversight functions aimed at ensuring that all the participants of an electoral process act in line with legal requirements. This role is most commonly fulfilled through resolving election disputes and applying appropriate enforcement measures for electoral violations, except for those of a criminal nature, which are dealt with by the law enforcement system. The mandate of EMBs may also include additional responsibility for specific aspects such as oversight of political party and campaign financing or monitoring of media conduct and coverage of elections.

Finally, although EMBs commonly do not have the right of legislative initiative and do not directly participate in legislative processes, their role in shaping electoral regulations, policies and practices should not be underestimated. Both binding decisions on various electoral issues and non-binding recommendations, as well as guidance materials and action plans developed by them, may contribute to modelling future approaches. Being at the forefront of an electoral process, the EMBs are in a unique position to lead by example, foster innovation and encourage and support electoral reforms where necessary.

ODIHR election observation serves to analyse how the election administration fulfils its various oversight duties, including the proportionate use of available enforcement measures, and whether its decision-making and the handling of election disputes provide timely and effective remedies. Observation of EMB's sessions and other meetings leading to the adoption of decisions and other documents gives an important insight into their functioning. Comprehensive observation provides a basis for assessment and enables ODIHR to offer grounded and concrete recommendations for possible improvements. At the same time, ODIHR observation missions may not cover all of the issues raised in this Handbook but focus on the most pertinent aspects in a specific context.

3. HOW TO USE THIS HANDBOOK

The Handbook is organized into six parts, which are further divided into sections and subsections.

- Following the **Introduction**, **Part II** provides an overview of international obligations, standards, commitments and good practice relevant to election administration. It also presents the **key principles** that stem from these, which should guide the work of EMBs and provide a consistent basis for assessment by election observers.
- **Part III** introduces different models of election administration and discusses aspects related to the structure of EMBs, composition, criteria and procedures for selection and appointment, and tenure.
- **Part IV** gives an overview of the major elements of the legal framework that should regulate the structure, status and functioning of EMBs, including the scope of their powers and the decision-making process.
- **Part V** elaborates on the activities of the election administration and provides reference materials for the assessment of different activities from the perspective of the key principles for election administration. Very specific issues dealt with by EMBs are also covered in this part, such as protection of personal data, use of information and communication technologies (ICT) in elections, ensuring cyber/ICT security and conduct of elections in extraordinary circumstances.
- **Part VI** gives an overview of the observation methodology focusing on assessment of election administration. The roles of members of ODIHR election observation missions, work with information, development of relevant recommendations and follow-up activities are described in this part.
- The **Annexes compile** excerpts from various sources of international obligations, standards, commitments, and good electoral practice with a focus on elements of particular relevance when observing and assessing election administration.

The Handbook combines a detailed review of various aspects of the administration of elections that could be subject to observation ('what') with practical guidance for election observers on how these aspects and processes could be assessed ('how'). Points of inquiry are provided throughout the publication to highlight key considerations that observers may find useful in their work.



II. International Standards and Principles for Election Administration

ODIHR observation missions assess electoral processes throughout the OSCE region for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. If a participating State is a party to UN human rights treaties or other international and regional instruments relevant to elections, the state's adherence to these standards will, in addition to OSCE commitments, also be considered.⁵

⁵ Paragraph 24 of the OSCE Copenhagen Document states: "The OSCE 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[...]".

International standards apply to a wide range of electoral activities that are organized by public authorities. These standards are applicable to all institutions with a mandated role in organizing an electoral process, whether they are established as autonomous institutions or government bodies. Standards for democratic elections, as well as standards related to the functioning of public authorities, are used by ODIHR observation missions to assess the performance of the EMBs.

International standards and good electoral practice establish key principles that guide the organization of elections and the functioning of the election administration. Many, such as transparency, impartiality and inclusivity, apply to almost all election activities, including the functioning of the EMBs, and are used as the key points of reference by ODIHR observation missions to assess election administration.

All ODIHR observation mission analysts should be familiar with these commitments and principles. A summary of the meaning of each principle as applied to election administration can be found in the last Section of this Chapter. The Handbook provides additional details on how adherence to these principles should be taken into account for assessing whether administering certain aspects of the electoral process complied with OSCE commitments, other international obligations and standards for democratic elections.

1. OSCE COMMITMENTS FOR ELECTION ADMINISTRATION

Most of the basic commitments relating specifically to elections are contained in the 1990 OSCE Copenhagen Document. Participating States are responsible for ensuring that electoral legislation complies with OSCE commitments, and the election administration is responsible for ensuring that the law is applied in a manner that guarantees:

- Universal and equal suffrage;
- The right of citizens to seek office;
- That votes are cast by secret ballot;
- That the votes are counted and reported honestly, with the results made public; and
- That candidates who receive the necessary number of votes are duly installed in office.

Depending on the scope of its mandate, the EMB may also have a role, or a shared role with other institutions, in ensuring that:

- Political parties and candidates are treated equally;
- Political campaigning is conducted in an open and fair atmosphere;
- Contestants receive unimpeded media access on a non-discriminatory basis;
- Electoral stakeholders enjoy effective remedy;
- Elections are held at reasonable intervals; and



- Observers from any other OSCE participating States, and other appropriate institutions and organizations who may wish to do so, are invited to observe the electoral process.

Other OSCE commitments contained in the Copenhagen (1990), Vienna (1990) and Moscow (1991) Documents, which are important for the work of the EMBs, include those covering impartial and effective public service,⁶ adequate decision-making by administrative bodies, rule of law, legal remedy,⁷ inclusive participation of national minorities, gender equality and non-discrimination.

2. UNIVERSAL INSTRUMENTS

OSCE participating States have committed to fulfilling their obligations as set out in universal human rights instruments and other conventions and treaties.⁸

The International Covenant on Civil and Political Rights (ICCPR)⁹ has been ratified by all OSCE participating States. The treaty creates legal obligations for state parties. A State's commitment to Article 25 of the ICCPR grants every citizen the rights to participate in public affairs: to vote and to compete for elected office without discrimination or unreasonable restrictions, and to access public service on equal terms. Like the OSCE Copenhagen Document, the ICCPR also guarantees the universality and equality of elections and secrecy of the vote.

General Comment (GC) No. 25 is an authoritative interpretation of Article 25 of the ICCPR, issued in 1996 by the responsible United Nations (UN) treaty body, the Human Rights Committee (HRC).¹⁰ It provides detailed guidance on implementing Article 25 and the exercise of the rights set out therein. Among other things, Paragraph 20 of GC No. 25 states: "An independent EMB should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant". In addition, it requires voter education and registration campaigns to ensure an informed community; taking action to overcome barriers to electoral participation; using minority languages for election materials and to convey voter information; minimizing barriers to candidacy (deadlines, deposits and support signatures); ensuring independent assistance to people with disabilities or illiterate people; permitting independent scrutiny of the voting and counting process, including in

6 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen Document), OSCE, 29 June 1990, Paragraph 26.

7 *Ibid.*, Paragraph 5; Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (Moscow Document), OSCE, 3 October 1991, Paragraph 18; and the [Concluding Document of the Third Follow-up Meeting, Vienna, 4 November 1986 to 19 January 1989](#) (Vienna Document), OSCE, 19 January 1989, Paragraph 13.

8 [Helsinki Final Act](#), OSCE, 1 August 1975, Declaration of Principles, Part VII.

9 International Covenant on Civil and Political Rights (ICCPR) United Nations, General Assembly Resolution 2200A (XXI), 16 December 1966.

10 Each UN treaty body publishes interpretations of the provisions of its respective human rights treaty in the form of "general comments" or "general recommendations". [General Comment 25](#), "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service", UN Committee on Human Rights, 1510th meeting, fifty-seventh session, 12 July 1996.

the presence of candidates or their agents; judicial review; and guaranteeing the security of ballot boxes.

Other articles of the ICCPR that are important to the administration of elections include Article 2, on the right to seek an effective administrative or judicial remedy, and Article 19, which encompasses the right to seek information. Other UN General Comments that establish principles relevant to the work of public bodies, including the EMBs, are GC No. 16 on data protection, GC No. 34 on the right to access information and the UN CRPD GC No. 2 on accessibility.¹¹

There are various other UN instruments that establish standards for the equal and non-discriminatory participation in electoral processes by specific groups of people and serve as reference points for assessing the activity and policies of election administration. These are:

- International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW; 1979);
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990);
- Convention on the Rights of Persons with Disabilities (2006); and
- UN Convention against Corruption (UNCAC, 2003)¹².

The UNCAC aims, among other things, “To promote integrity, accountability and proper management of public affairs and public property”.¹³ It contains a number of provisions on the functioning of public administration bodies, including:¹⁴

- On transparency in the organization, functioning and decision-making of public administration;
- On human resource policies for non-elected public officials, including training;
- On integrity, honesty, and responsibility among public officials;
- Requiring procurement rules and other measures to tackle potential conflicts of interest and corrupt practices in public bodies; and
- Encouraging the involvement of private individuals and groups, such as civil society, non-governmental organizations and community-based organizations, in decision-making processes related to the prevention of and the fight against corruption.

11 [General Comment 16](#), UN Committee on Human Rights, thirty-second session, 8 April 1988; [General Comment 34](#), 102nd session, 11-29 July 2011; [General Comment No. 2](#), UN Committee on the Rights of Persons with Disabilities (CRPD), eleventh session, 31 March–11 April 2014.

12 [Convention on the Elimination of All Forms of Racial Discrimination](#), General Assembly Resolution 2106 (XX), 21 December 1965; [Convention on the Elimination of All Forms of Discrimination against Women](#), General Assembly Resolution 34/180, 18 December 1979; [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), General Assembly Resolution 45/158, 18 December 1990; [United Nations Convention against Corruption \(UNCAC\)](#), General Assembly Resolution 58/4, 31 October 2003.

13 Article 1(c) UNCAC, *op.cit.*, note 12.

14 UNCAC, Articles 7 – 10 and 13, *op.cit.*, note 12.

3. REGIONAL CONVENTIONS, CASE LAW AND INTERNATIONAL GOOD ELECTORAL PRACTICE

OSCE participating States are parties to various regional conventions, including as members of the European Union (EU) and Council of Europe (CoE),¹⁵ the Organization of American States¹⁶ and the Commonwealth of Independent States (CIS).¹⁷ Many of these instruments reiterate, and in some cases reinforce, the obligations and commitments found in the OSCE documents and universal instruments.

The judgments of the European Court of Human Rights (ECtHR) have played an increasing role in the implementation of regulations related to election administration, specifying the scope of application and meaning of election-related international obligations. Some provisions of the European Convention of Human Rights (ECHR) have been interpreted by the ECtHR in the context of election administration on the basis of Article 3 of Protocol 1, especially with regard to registration and disqualification procedures.¹⁸ At the same time, the ECtHR has ruled that it does not have jurisdiction in cases related to referendums.¹⁹

International good practice has elaborated on specific measures that can be taken to enhance the impartiality, effectiveness and transparency of election administration as well as the participation of under-represented groups (such as women and national minorities) in elections. Two documents are particularly relevant as international good practice for election administration.

The 2002 Venice Commission Code of Good Practice in Electoral Matters, Section II.3, emphasizes the need for elections to be organized by impartial bodies. It includes the principles of election administration composition, the manner of decision-making and measures to further develop the professionalism and effectiveness of election administration.²⁰ The related Venice Commission Code of Good Practice on Referendums mirrors and elaborates on applicable good practice in the context of referendums.²¹

The Recommendations of the CoE's Committee of Ministers to Member States on Good Administration (hereafter Code of Good Administration)²² are applicable to "any public law entity of any kind or at any level, including state, local and autonomous authorities, providing a public service or acting in the public interest". The Code of Good Administration includes provisions defining and elaborating the principles of good administration such as

15 [European Convention on Human Rights](#), 4 November 1950.

16 [American Convention on Human Rights](#), 22 November 1969.

17 [Convention on standards of democratic elections, voting rights and freedoms](#), Commonwealth of Independent States, 7 October 2002.

18 Readers interested in cases specific to election administration might consult the substantial corpus of ECtHR case law, for instance, in the [database of the Election Observation and Democracy Support programme](#).

19 *Cumhuriyet Halk Partisi vs Turkey*, application no. 48818/17, ECtHR §§ 33 – 34 and 37 – 38.

20 [Code of Good Practice in Electoral Matters](#), Venice Commission, 52nd session, 18-19 October 2002.

21 [Code of Good Practice on Referendums](#), Revised Ed., Venice Commission, 131st session, 17-18 June 2022.

22 [Recommendation of the Committee of Ministers to member states on good administration](#) (CM/Rec (2007)7), 99bis meeting, 20 June 2007.

lawfulness (legality), effectiveness (legal certainty, acting within a reasonable timeframe), equality (equal treatment and non-discrimination), impartiality, inclusivity and transparency.

Additionally, the 2018 Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs by the UN Office of the High Commissioner on Human Rights (OHCHR) is a useful resource with direct references to election administration, enshrining the principles of independence, impartiality and transparency.²³ It also calls on EMBs to be maximally consultative in their decision-making and to provide access to relevant information for all stakeholders.

4. PRINCIPLES FOR ELECTION ADMINISTRATION

The election and legal analysts of ODIHR observation missions should possess expert-level understanding of international election standards and good practice documents. While it is beneficial if other analysts, long-term observers (LTOs) and short-term observers (STOs) are also familiar with these documents, it is more important that all relevant members of an observation mission are fully aware of the key principles, which should guide the work of the EMBs; specifically:

- Integrity
- Legality
- Effectiveness
- Independence
- Impartiality
- Transparency
- Accountability
- Inclusivity

In addition to explaining these key principles, this Section covers how analysts of ODIHR observation missions and LTOs should assess whether EMBs adhere to them while implementing the electoral legislation. Each sub-section offers points of inquiry, outlining the key indicators for each principle. Collecting and analysing information related to these points constitutes the framework for assessing election administration.

A. Integrity

EMBs are the primary bodies for ensuring the integrity of the electoral process. The principle of integrity in elections can be applied to people, procedures, materials and systems. Paragraph 7.4 of the OSCE Copenhagen Document specifically requires that votes be counted and reported honestly, and it is widely accepted that all other processes in an election should also be conducted honestly. Respect for other principles, such as legality, impartiality and effectiveness, serves to strengthen integrity.

Among other things, the UNCAC requires States Parties to “(1) promote, *inter alia*, integrity, honesty and responsibility among its public officials” and “(2) endeavour to apply, within

²³ See [Guidelines for States on the effective implementation of the right to participate in public affairs](#), UN OHCHR, 20 July 2018.

its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions."²⁴

When applied to people, integrity concerns their trustworthiness and honesty. Human actions such as falsification of election results, vote buying, intimidation of voters and other corrupt practices, where they are carried out for personal or political gain, represent a lack of integrity of the people. In most jurisdictions, these are criminal offences. Human actions concerning integrity relate also to the principles of legality, impartiality and accountability.

Anti-corruption measures identified in the UNCAC that can enhance integrity in public bodies, such as the EMBs, include:

- Appropriate anti-corruption and conflict-of-interest policies
- Procurement rules that ensure competitiveness, transparency and cost-effectiveness
- A Code of Conduct for all officials and staff
- An external audit²⁵

Article 13 of the UNCAC, which deals with the “participation of society”, requires States Parties to promote the contribution of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, to decision-making processes related to the prevention of and the fight against corruption. It is good practice to establish safe channels (hotlines, special online platforms) for citizens to report corrupt practices related to elections.

When applied to procedures, materials and systems, integrity reflects whether they are sufficiently robust or resilient to protect the electoral process from any form of manipulative or arbitrary interference or other exploitation or system failure, which could diminish its reliability or authenticity.²⁶

Practices that can enhance the integrity of the electoral process include procuring materials with appropriate safety features, testing critical systems such as the results management system, auditing any anomalous election results and undertaking comprehensive measures of (manual) result revalidation, where any doubts regarding their authenticity exist (see also: Section V.16 on *The Use of Information and Communication Technologies*).

Points of inquiry:

- Is there a Code of Conduct for election officials and staff? Is it publicized? Is it rigorously enforced?

24 See Article 1(c) and Article 8 of the UNCAC, *op.cit.*, note 12.

25 See Article 8 of the UNCAC, *op.cit.*, note 12.

26 Paragraph 19 of the UN HRC GC No. 25, *op. cit.*, note 10, prohibits any form of manipulative interference in the free expression of electors' will, while Paragraph 20 prohibits any unlawful or arbitrary interference in the voting process.

- Do the EMBs have any anti-corruption policies, including for procurement and conflicts of interest, and any reporting channels/hotlines?
- Do the EMBs raise awareness among election officials about integrity issues, including the legal requirements to follow procedures and penalties for non-compliance?
- Is there a system in place for citizens to report corrupt practices related to elections?
- Are allegations of lack of integrity among EMB officials promptly and efficiently addressed?
- Are election materials sufficiently well designed to prevent tampering (ballots, ballot boxes, etc.)?
- Do the EMBs test and check the systems prior to use for any system vulnerabilities?
- Are sensitive election materials stored properly before, during and after the polling process?
- Do the EMBs consistently apply necessary cyber/ICT security safeguards for its ICT systems?

B. Legality

The principle of legality derives from the concept of rule of law.²⁷ This principle requires that EMBs act in accordance with the law and do not exceed the scope of their mandate. The powers of the EMBs should be clearly established in law.²⁸

Electoral laws adopted by the legislature and sub-regulations approved by EMBs should be officially promulgated, be consistent with other laws (according to the national hierarchy of norms), not be retroactive (as a general rule), and provide sufficient detail on all of the activities of the EMBs.²⁹ The laws and regulations should be up-to-date and easily accessible, for example, on the central EMB's website.³⁰

If the legal framework is unclear and/or contains gaps, the EMBs should strive to clarify it within their legal powers. In this exercise, the EMBs should ensure that no people or parties are treated discriminatorily. The decision-making should be consistent: decisions should not be taken in an arbitrary manner and should be the same for similar situations.

27 In the preamble of the OSCE Copenhagen Document, *op.cit.*, note 6, participating States “recognize that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms”. See also Paragraphs 5.3, 5.5, 5.7 and 5.8.

28 The term ‘law’ here encompasses all documents that have a legally binding nature, including national law, sub-legal regulations and, at times, also case law.

29 For clarity of electoral legislation see also ECtHR, *Grosaru v. Romania*, application no. 78039/01, §§ 47 and 52, 2 June 2010.

30 See also Paragraph 5.8 of the OSCE Copenhagen Document, *op.cit.*, note 6.

When exercising decision-making powers, the EMBs should maintain balance between the purposes they are pursuing (introducing new safeguards while registering voters, requiring additional documents for confirming eligibility of candidates, etc.) and any adverse effects their decision has on the rights or interests of people and parties. Where a decision concerns the exercise of fundamental rights, such as standing for election or the right to vote, the EMBs should aim to facilitate the exercise of the right.³¹

If electoral irregularities occur, the EMBs should, within their mandate, ensure the conformity of the electoral process to the legal requirements. The decisions of EMBs with regard to irregularities should include the substantive reasons and explanations supporting them. Depending on the nature of the irregularity, this may require intervention by law enforcement or judicial authorities. ODIHR observation missions should assess whether and how the EMBs respond to irregularities, including when they act *ex officio* when appropriate, for example, if the EMB leaves the issue unaddressed, thereby tolerating wrongdoing.

The assessment of the EMBs' respect for the principle of legality is shared between the election and legal analysts of an ODIHR observation mission.

In addition to assessing the legal framework for the administration of elections, analysts should assess the implementation of rules by all institutions with a role in administering elections, whether the EMBs act within their powers and in accordance with the letter (and, at times, the spirit) of the law in a consistent manner, and whether their regulatory decisions have no retroactive effect.

While it is not part of the assessment of legality, it is also relevant to note and report any positive steps taken by the EMBs to promote adherence to the law, for example, by widely advertising the legal penalties for violations (through educational materials) and by training election officials on their legal duties and procedures.

Points of inquiry:

- Are the powers of the EMBs at all levels clearly established in law?
- How do the EMBs deal with any legal ambiguities or gaps? Do the EMBs use their legal powers appropriately, by adopting regulations where provided for?
- Are regulations and other decisions adopted by the EMBs coherent with provisions in the law?

31 See also Paragraph 24 of the Copenhagen Document, *op.cit.*, note 6.

- Do decisions of the EMBs comply with legal principles (within powers, non-retroactive regulations, restrictions on rights and sanctions are proportionate to the need)?
- Are decisions phrased in a clear manner? Do they state the reasons and factual grounds on which they were taken?
- Are regulatory decisions published in a timely manner?
- Are those affected by administrative decisions personally notified of the decision?
- Do the EMBs strive to implement the law correctly and consistently?
- In all divisions/levels? Equally to all actors? During all phases?
- Do the EMBs take appropriate action to rectify any procedural irregularities?
- How do the EMBs handle any instances where members of an EMB or staff, at any level, do not implement the law correctly? Does the higher authority take steps to remedy the situation?
- Where a lack of consistency in the implementation of the law is noted, is it a general pattern or an exceptional/isolated case?
- Have any legal challenges been filed against the EMB's implementation of the law? If yes, what is the outcome?

C. Effectiveness

Effectiveness is a recognized standard for public administration, which involves 'competence', 'sound policymaking' and 'collaboration'.³² It applies "to all public institutions, including the administration of executive and legislative organs, the security and justice sectors, independent constitutional bodies and State corporations". The principle of effectiveness as applied to EMBs relates to the overall competence of the organization (independence, accountability, planning and coordination), sound decision-making (legal, impartial and transparent) and collaborative implementation (consultative, inclusive) of applicable rules.

An electoral process that is well organized can have a positive impact on the exercise of citizens' rights to suffrage, and can strengthen confidence in elections, the reliability of the process and its outcome. A badly organized process can undermine confidence in the EMBs and raise doubts about the reliability of the electoral process and the election results.

While the main parameters of the electoral process and guarantees of suffrage rights are set by the law, the essence of election administration is ultimately to ensure that eligible people

³² [Principles of Effective Governance for Sustainable Development](#), UN Economic and Social Council, 2018, E/2018/44-E/C.16/2018/8, Paragraph 31. See also Paragraph 19 of GC No. 25, *op. cit.*, note 10, which requires that "elections must be conducted fairly and freely on a periodic basis within a framework of laws guaranteeing the effective exercise of voting rights".

have a meaningful opportunity to vote and to be elected at genuine elections, guaranteeing the free expression of the will of the electorate.³³ The effectiveness of the work of EMBs has a direct impact on the quality and integrity of electoral processes and is one of the keys to ensuring the rights of voters and contestants as required by international obligations.³⁴

To ensure uniform, effective implementation of the law, the central EMB should be conferred with sufficient appropriate “command and control” powers with regards to subsidiary and subordinate structures. This issue is considered in Section IV.3 covering the scope of an EMB’s mandate and is closely linked to the principles of legality and accountability.

Effective EMBs are likely to have adequate financial and human resources and have developed capacity and knowledge through training. Ensuring cost-effectiveness, financial autonomy and sustainability are also important. Article 7 of the Code of Good Administration further elaborates on the principle of effectiveness, including the need for public authorities to act within a reasonable timeframe.

The effectiveness of election administration should be assessed by ODIHR observation missions through the integrity of contestants’ registration, the quality of the voter registration and polling processes. These in turn, may depend on the clarity and completeness of procedures, the reliability and accuracy of ICT systems, internal and external coordination, facilitation, supervision and adherence to deadlines. EMBs must also be effective in their decision-making to ensure the smooth and timely supervision of the elections as well as the prompt resolution of election disputes and the addressing of any irregularities or violations. An EMB should also be assessed for its effectiveness in resolving issues that arise or in providing an effective remedy in case of electoral violations.

However, the effectiveness of election administration cannot be measured based solely on its adherence to procedures or on whether election operations are well planned and implemented.³⁵ The manner in which EMBs organize the process can affect citizens’ exercise of their suffrage rights. As public service bodies, EMBs also need to fulfil citizens’ reasonable expectations and be proactive within their mandate, responsive and facilitative. This helps to build positive public perception regarding election administration.

³³ See Article 25 of the ICCPR, *op.cit.*, note 9.

³⁴ See Paragraph 24 of the OSCE Copenhagen Document, *op.cit.*, note 6.

³⁵ The Code of Good Administration, *op.cit.*, note 22, states in the preamble: “good administration is an aspect of good governance; that it is not just concerned with legal arrangements; that it depends on the quality of organization and management; that it must meet the requirements of effectiveness, efficiency and relevance to the needs of society; that it must maintain, uphold and safeguard public property and other public interests; that it must comply with budgetary requirements; and that it must preclude all forms of corruption”.

Points of inquiry:

- Do the EMBs have sufficient financial, human and operational resources?
- Does the central EMB have adequate operational plans?
- What measures does the central EMB have to ensure consistency and uniformity in the implementation of legal provisions by the lower-level EMBs?
- Does the central EMB adequately coordinate and supervise the work of subordinate/subsidiary structures to ensure uniformity of implementation?
- Does the central EMB provide for comprehensive and timely training of the lower-level EMBs?
- Are there any concerns related to the effective management and use of resources by the EMBs, including financial resources?
- Do the EMBs at all levels respect legally established deadlines?
- Do the EMBs respond effectively to stakeholders'/voters' queries, information requests, needs, etc.? Are decisions in response to such requests taken within a reasonable timeframe?
- Does the central EMB work effectively with other agencies involved in administering elections?
- Are election disputes and violations addressed in a timely manner?

D. Independence

Whichever election administration model is in operation (see Section III.1 for applicable types of EMBs), the EMBs should be able to conduct their activities without undue dependence on any other entity. Regardless of nominating entities, all people appointed to the body's decision-making board should not be subject to any pressure or undue influence, and members should not have any other role which creates a real or perceived conflict of interest. Authoritative interpretations of international treaties and conventions, as well as good electoral practice documents, call for an independent EMB to supervise the electoral process.³⁶

An independent EMB is one that fulfils its functions without direction or interference from any government agency or political interests. One of the purposes of establishing an EMB as an autonomous body is to reduce the risk of interference in its work by the government, which, as an election contestant, has a conflict of interest.

³⁶ Paragraph 20 of the UN HRC GC No. 25, *op. cit.*, note 10, states: "an independent EMB should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially, and in accordance with established laws which are compatible with the Covenant". Section II.3.3.1.b of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20, states: "where there is no longstanding tradition of administrative authorities' independence from those holding political power, independent, impartial electoral commissions must be set up at all levels".

The establishment of an autonomous EMB independent of the executive branch may have little meaning in practice if it lacks the human and financial resources or regulatory power necessary to perform its work independently. This is a key assessment criterion for ODIHR observation missions — whether the election administration has ‘functional’ rather than ‘institutional’ independence. For example, does the central EMB have sufficient resources and control over its budget; can it directly recruit the staff it needs; and can it fulfil its regulatory role, without requiring governmental approval for regulations?

Observation experience has shown that the establishment of an EMB as an autonomous body does not necessarily guarantee that it is immune from political or institutional pressure, nor that it administers an election in an independent manner.

Regardless of whether an EMB is autonomous or a part of government (or under its authority), one of the main issues for ODIHR observation missions to assess is whether, in practice, election officials experience any institutional pressure related to the exercise of their tasks.

Public trust in the independence of EMBs is often based on perceptions. The question is, at what point could the public perceive the dependence of an EMB as problematic? Although they may be imperfect or even altogether inaccurate, the public’s perceptions can be a valuable finding of the independence of election administration and can either strengthen the integrity of the electoral process or diminish it. These perceptions are usually built on the adherence of the EMBs to the principles of integrity, impartiality, transparency in decision-making and accountability.

Points of inquiry:

- Can the central EMB adopt regulations without executive approval? Can the decisions of the EMBs be countermanded by a government body (excluding a court of law)?
- What are the legal safeguards in place to protect the independence of the EMB? For example:
 - Do members of the EMBs have security of tenure?
 - Are there criminal/administrative sanctions envisaged for electoral offences related to compromising the independence of EMBs?
- Does the central EMB have a budget over which it has full control? Is the budget sufficient for the EMBs to conduct their work independently?
- Can the EMBs hire their own staff?

- Do government agencies second their staff to EMBs? If yes, how does this affect election administration and the perception of its independence by contestants and citizens?
- Is there any indication of interference in the work of the EMBs or their individual members?
- Do the EMBs have confidence in the autonomy of their decision-making and actions?
- Do electoral stakeholders have confidence in the independence of the EMBs from political interests?

E. Impartiality

The independence of EMBs has little meaning if they do not perform their tasks in an impartial manner.³⁷ The principle of impartiality requires EMBs to treat all people and entities, such as candidates, political formations or voters, in the same way (if they enjoy the same status), avoiding all forms of favouritism or bias. In electoral terms, this means that the decisions and actions of EMBs, such as applying the legal provisions on candidate nomination or voter registration, are taken objectively and in a politically neutral manner. As with independence, it is not sufficient just to be impartial; EMBs must also be perceived by the public as impartial.

In many OSCE participating States, the composition of EMBs is based on political representation. The inclusion of members nominated by political interests in an EMB's board does not automatically jeopardize its impartiality. An EMB composed of partisan elements may vigorously defend its functional autonomy from government and base its decisions solely on objective and factual criteria rather than political interests.

Where an EMB is a collegial body (composed of multiple appointees, regardless of whether the membership is nominated by political interests or not), decision-making authority is vested equally among the membership. In this case, collegiality means that there is a collective responsibility, which is a safeguard for the impartiality of the EMB and its decision-making. Such a body should act in a 'collegial manner', meaning that it should organize its work so that members have equal access to documents and other information and are able to participate meaningfully in discussions and decision-making.

Once appointed to an EMB, party-nominated members should not do anything that could indicate, or be perceived as partisan support for a candidate, political actor or other political interest. To reduce the risk of partisanship, no political interest that has the right to nominate and/or appoint members should be in a position to dominate the work of the EMBs, for

³⁷ See Section II.3.1.a of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

example, by having a built-in majority of its membership, or have effective control over the selection of EMB members. A lack of impartiality can be observed when one group of EMB members effectively blocks the decision-making of other members or the entire EMB to gain a political benefit.

ODIHR observation missions should endeavour to assess if the quorum and majority requirements for valid sessions and decisions — formal safeguards for collegial decision-making — are adhered to, if all appointed members participate, and if there is an opportunity for meaningful discussion.

Another example of bias could be where election officials scrutinize the nomination documents or campaign finance accounts of one party more (or less) thoroughly than another party. Biased treatment could arise when similar election disputes are scrutinized and decided upon in a significantly different manner. If it appears that the EMBs have treated voters or contestants differently, ODIHR observation missions should inquire if there is an objective basis to justify the different approach.

In order to make an objective, grounded assessment of an EMB's impartiality, ODIHR observation missions should gather a wide array of information related to different aspects of election administration from different levels of the EMBs, but also from different political contestants and representatives of the media, civil society and disadvantaged groups, including their views on the impartiality of EMB activities.

Points of inquiry:

- In practice, does any specific political interest have a majority in the membership of the EMBs? How, if at all, does this affect the functioning of the EMBs?
- Do EMB members have a conflict of interest that could impede their ability to administer the process in an impartial and objective manner?
- Do any members appear to favour a specific political interest?
- Do the EMBs apply the law equally/fairly to all contestants?
- Do members of the EMBs publicly express any prejudicial views on contestants, which could indicate or be perceived as a political preference?
- Do the EMBs, in their policies, decisions or actions, discriminate against any specific group of people?
- Do the electoral stakeholders have confidence in the impartiality of the EMBs?
- Are all appointed members of a given EMB able to participate in its meetings without impediments?

- Are members invited to meetings in a timely manner?
- Do all appointed members of the EMB have equal access to information?
- Do EMB members have the opportunity to contribute to discussions in a meaningful way? Are discussions genuine rather than a formal adoption of decisions taken prior to official sessions?

F. Transparency

Transparency (openness) in the functioning of public institutions is a well established principle and has a strong basis in international standards.³⁸ Transparency encompasses the right to access to information held by public bodies and assumes proactive publication of information of public interest by these bodies.

In an electoral context, transparency can be defined as the execution of tasks and duties by the EMBs in an open manner that allows others to see actions as they are performed and to have access to information. A transparent approach allows all interested parties to access decision-making and electoral processes as they occur.³⁹ All decisions should include substantive supporting reasons and explanations to enhance the transparency of decision-making. Transparency and public confidence can be enhanced by holding election-related sessions that are open to electoral stakeholders, such as representatives of the contestants, journalists and election observers, as well as independent scrutiny of election administration activities, including by political parties and candidates, international and non-partisan citizen observers.⁴⁰

In the context of the functioning of public administrations, transparency is a broad concept that encompasses public consultation, inclusive participation in decision-making and effective communication with the public.⁴¹ Therefore transparency is linked to the principle of inclusivity.

Many OSCE participating States have adopted legislation to facilitate the right of citizens to access information held by public bodies. Transparency involves responding to questions and information requests from the media, election contestants, election observers and the public. Nevertheless, provision of information by the EMBs must respect legal provisions

38 Article 7 of the UNCAC, *op.cit.*, note 12, UN HRC GC No. 34, *op. cit.*, note 11, and Article 10 of the Code of Good Administration, *op. cit.*, note 22, elaborate on the principle of transparency.

39 Processes include the registration of voters, verification of candidates' data, printing, distribution and storage of ballots and other materials, election day procedures, election dispute resolution, establishing election results, etc.

40 The UN HRC GC No. 25, *op. cit.*, note 10, stipulates: "there should be independent scrutiny of the voting and counting process". Paragraph 8 of the OSCE Copenhagen Document stipulates: "The OSCE 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", Copenhagen Document, *op.cit.*, note 6.

41 Paragraph 45 of the [UN OHCHR Guidelines on the Right to Participate in Public Affairs](#), 20 July 2018.

covering personal data protection. ODIHR observation missions should assess rules on access to information and the policies adopted by the EMBs in this regard.⁴²

Points of inquiry:

- Do the EMBs hold sessions that are open to key stakeholders (contestants' representatives, observers and the media)?
- Are these sessions scheduled and announced in advance so that interested parties can attend?
- Do the EMBs provide online streaming of their sessions?
- Do the EMBs proactively place election-related information in the public domain?
- Does the central EMB hold regular press/media briefings?
- Do the EMBs provide stakeholders and observers with all requested information in a timely manner?
- Do the EMBs hold regular consultations with stakeholders, including with the election contestants?
- Do the EMBs ensure transparent decision-making, including by publishing alternative opinions, feasibility studies, detailed justifications for decisions, minutes of sessions and deliberations?
- Are election observers permitted to have reasonable access to all phases of the electoral process?
- Are detailed election results published, including in disaggregated form and open data format?

G. Accountability

According to the principle of accountability, all decision makers, collective and individual, are responsible for their decisions and these should be reported on and explained. Accountability — which is intrinsic to the concept of 'rule of law' — requires effective mechanisms against maladministration of the electoral process or wrongdoings leading to infringement of suffrage rights.⁴³ It is the responsibility of the central EMB to ensure that the election administration as a whole is internally accountable. It is also essential for a central EMB to maintain an overview of all the processes and to remain the key coordinator in partnerships, be those with other state bodies involved in administering certain aspects of elections, or private companies contracted for services such as ballot production or implementation of ICT solutions.

42 Paragraph 19 of UN HRC GC No. 34, *op. cit.*, note 11, stipulates: "States parties should also enact the necessary procedures, whereby one may gain access to information, such as by means of freedom of information legislation".

43 Paragraph 5.10 of the OSCE Copenhagen Document stipulates: "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity", Copenhagen Document, *op.cit.*, note 6.

In practice, subordinate or subsidiary parts of the election administration or private entities involved in the election should be answerable to the higher-level EMBs for their decisions, actions, and inaction. The EMBs can also be held accountable through the possibility of appeals to a court of law against their regulations and activities.

If the electoral law has been violated, intentionally or unintentionally, the EMBs may have a crucial role to fulfil in deciding measures and taking actions to restore lawfulness and integrity to the electoral process.⁴⁴ Therefore, within the scope of their mandate, the EMBs have a duty to provide an effective remedy.

ODIHR observation missions can assess adherence to the principle of accountability by observing whether the EMBs are, when necessary, ordering a recount of ballots, correcting errors made by election officials, annulling election results, ordering repeat voting, etc.

If a criminal offence has been committed, such as falsifying election results, then the issue is likely to be addressed through the criminal justice system (law enforcement bodies and the judiciary), rather than the EMBs. In this case, the EMBs should cooperate with the law enforcement authorities to ensure that the perpetrators are held accountable.

Regardless of the election administration model, the EMBs should be also horizontally accountable. Many OSCE participating States require the central EMB to report periodically on its mandated activities and to account for its spending. It may be appropriate to require the central EMB to present itself for questioning to another state authority, such as a parliamentary committee, or to produce an annual public report, or to have their accounts independently audited.

Points of inquiry:

- Are the EMBs accountable for their decisions, actions and inaction to a higher-level EMB or a court?
- Does the legislation establish comprehensive provisions defining electoral offences?
- Do EMB decisions state the reasons and factual grounds behind them?
- Do EMB decisions on complaints include details of appeal procedures, including time limits?

⁴⁴ As set out in Article 2 of the ICCPR, *op.cit.*, note 9, Paragraph 13.9 of the OSCE Vienna Document, *op.cit.*, note 7; Paragraph 5 of the OSCE Copenhagen Document, *op.cit.*, note 6; and Paragraph 18 of the OSCE Moscow Document, *op.cit.*, note 7.

- Have any legal challenges been filed against the EMB's implementation of the law? If yes, what is the outcome?
- Does the central EMB put in place all reasonable measures to ensure the security and integrity of the polling, counting and result-tallying processes?
- Where election results were successfully challenged, was voting repeated in the polling stations affected within a suitable timeframe?
- Do the competent authorities (electoral, law enforcement and justice) ensure that those who commit an electoral offence are held to account?
- Are the EMBs required to report on their activities and/or have their financial accounts audited? Are these reports available in the public domain?

H. Inclusivity

Article 25 of the ICCPR, among others, establishes the right and opportunity of every citizen, without discrimination or unreasonable restrictions, to “have access, on general terms of equality, to public service”. According to Paragraph 5 of UN General Comment No. 25, “The conduct of public affairs [...] is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the *formulation and implementation of policy* at international, national, regional and local levels” (emphasis added).⁴⁵

The key international standards for democratic elections emphasize universality and equality, assuming that all eligible people have the right and opportunity to participate in an electoral process on an equal basis. The universality of the vote and equality of treatment of all electoral stakeholders build upon a fundamental principle of non-discrimination and apply to all election administration activities. EMBs have the greatest responsibility for ensuring the inclusive participation of eligible voters in elections.⁴⁶

Notwithstanding the need for equal treatment, experience has shown that certain voters may require special measures to overcome obstacles to their participation in the electoral process, including women,⁴⁷ people with disabilities,⁴⁸ people belonging to national, ethnic,

⁴⁵ See also UN OHCHR Guidelines on the Right to Participate in Public Affairs, *op. cit.*, note 41.

⁴⁶ The [Handbook for the Observation of Voter Registration](#), OSCE/ODIHR, 13 July 2012, provides guidance on the methodology to assess the universality of the voter register(s).

⁴⁷ UN CEDAW Article 7 states: “States Parties shall [...] ensure women, on equal terms with men, the right: (a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.” Article 4.1 emphasizes that the adoption of temporary special measures shall not be considered discrimination. See also UN CEDAW General Recommendations 25, 28, 30 and Paragraph 3 of the UN HRC GC No. 28. The [Handbook for Monitoring Women's Participation in Elections](#), OSCE/ODIHR, 24 April 2023, provides details on integration of gender perspective in election observation.

⁴⁸ See UN CRPD GC No. 2 on accessibility *op.cit.*, note 11, and Chapter V.D of the UN CRPD GC No. 6 on equality and non-discrimination, nineteenth session, 26 April 2018. The ODIHR [Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities](#) provides more details on the role of the EMBs in facilitation of electoral participation of people with disabilities.

religious and linguistic minorities,⁴⁹ young and first-time voters, people with restricted mobility, such as people in a medical facility and in places of detention, internally displaced people (IDPs) and refugees, homeless people and people without a fixed residence, the illiterate and other individuals.⁵⁰

Measures to facilitate access to elections may include procedures to overcome physical barriers to the electoral process, release of information in accessible formats, and reasonable accommodations needed for certain groups of voters. ODIHR observation missions should assess what steps the EMBs have taken to promote the inclusion of groups with specific needs.

Some OSCE participating States have adopted legislation requiring state administrations to consult with the general public on matters of public interest. International good practice also strongly encourages the participation of interested parties in decision-making and policymaking processes, for example, during the process of needs assessment and developing appropriate policies.⁵¹ Approaches that can facilitate participation and knowledge about participation include: data disaggregation; promotion of diversity in recruitment; multilingual and multi-format service delivery; and verifying accessibility. Holding structured public consultations and multi-stakeholder events should strengthen inclusivity and can bolster public awareness of and confidence in the electoral process.⁵²

As public authorities, the EMBs should be properly representative of wider society. Within their structures, there should not be a disparity between men and women or a preponderance of one gender in senior positions.⁵³ People from minority groups and people with disabilities should also be adequately represented, especially in consultative processes leading to decision-making.

49 The ODIHR [Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes](#) provides more details on promoting the participation of national minorities in electoral processes.

50 The UN HRC GC No. 25, Paragraph 12, states: “Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent people entitled to vote from exercising their rights effectively”. See also Paragraph 11.

51 The Code of Good Administration, Article 15, states that “(1) If a public authority proposes to take a non-regulatory decision that may affect an indeterminate number of people, it shall set out procedures allowing for their participation in the decision-making process, such as written observations, hearings, representation in an advisory body of the competent authority, consultations and public enquiries. (2) Those concerned in these procedures shall be clearly informed of the proposals in question and given the opportunity to express their views fully. The proceedings shall take place within a reasonable time”.

52 Apart from the protected right of everyone to participate in public affairs, several instruments explicitly call for consultations with particular needs groups when designing public policies. See, for instance, the [European Union Youth Strategy 2019-2027](#) on consultations with young people and youth organizations, EU Council Resolution 2018/C 456/01, 18 December 2018, and the CoE Committee of Ministers [Recommendation CM/Rec\(2011\)14 on the Participation of Persons with Disabilities in Political and Public Life](#), 1126th meeting of the Ministers’ Deputies, 6 November 2011.

53 CoE’s [recommendation CM/Rec 2003\(3\)](#), 831st meeting of the Ministers’ Deputies, 12 March 2003, refers to representation of men and women in all decision-making bodies in political or public life not falling below 40 per cent. Also, Paragraph 15 of the [CEDAW Committee’s General Recommendation No. 23](#), sixteenth session of the Committee in 1997, stresses the importance of not only removing de jure barriers but also achieving de facto equality in public and political life.

Points of inquiry:

- Do the legal provisions prevent or create unreasonable barriers to the participation of any eligible group of people in the electoral process?
- Does the law provide for alternative voting methods for disadvantaged groups?
- What efforts do the EMBs undertake to enhance the participation of marginalized groups in all processes in an election?
- How do the EMBs address concerns about discrimination, differential treatment of individual citizens or specific groups in their participation in the electoral process?
- Do EMBs make any special efforts to enhance access for groups with specific needs, for example, through provision of information in accessible formats, targeted support and infrastructure?
- Does the central EMB provide voter information and education in inclusive formats and ensure election materials, including ballot papers, are available in accessible formats?
- How inclusive is the EMB decision-making process? Do civic associations representing the interests of marginalized groups have the opportunity to present their views to the EMBs on policies and measures related to electoral participation, prior to decisions being taken or policies finalized?
- Did the EMBs verify the suitability of polling stations for different categories of voters?
- Do the EMBs and their administrative staff have a composition that reflects society in terms of gender, national minorities, people with disabilities, etc.? What legal provisions and practical measures are in place to make sure the EMB membership is inclusive?
- Do the EMBs have gender-action plans or focal points for gender-related issues in their staff?
- Do the EMBs provide information and hold sessions that are accessible to key stakeholders?



III. General Features of the Election Administration

THE ELECTION ADMINISTRATION AND ITS COMPONENTS: DEFINITIONS

This Handbook uses the term **'the election administration'** or 'EMB' to refer to an institution or institutions (bodies) responsible for organizing and holding elections, regardless of the exact nature of the institutional arrangements in place. The scope of mandate of the election administration may differ, varying from being in charge only of administrative and technical aspects of organizing elections to being responsible for a broad range of issues, including monitoring, oversight and enforcement functions.

Within the election administration, there may be a single body designated as the primary **EMB** at the national level. This would typically be in charge of the overall organization of elections and act as the primary decision maker. Its role often includes setting regulations for the implementation of legislation, approving policies, taking decisions on individual matters and applications. An EMB may be a collegial body such as an election commission, or an individual, such as a returning officer or election official.

However, it is not uncommon for various tasks related to the holding of elections to be assigned to additional or multiple bodies. This typically includes an executive or an operational branch, often known as a '**secretariat**', with administrative responsibility over day-to-day processes and electoral operations. The subordinate or subsidiary structures of the election administration, such as a district election commission or a constituency returning officer, may also have operational and administrative staff.

Institutions sharing the responsibility for administering elections or responsible for specific elements of an electoral process are considered as being covered by the term election administration in this Handbook, unless specified otherwise.

1. TYPES AND STRUCTURE OF THE ELECTION ADMINISTRATION

A. Election Administration Models

There are no specific international standards related to the type or composition of an election administration, nor methods for establishing one. It is therefore within the remit of OSCE participating States to choose a model that best corresponds to the national context and electoral traditions, and that is deemed most effective in delivering elections in compliance with national laws and international obligations and standards. Various election administration models have emerged and are used across OSCE participating States. The most common models are presented below.⁵⁴

At the same time, the choice of election administration model and the decision-making leading up to it should also be based on a few guiding principles stemming from international good practice; most notably by ensuring transparency in the process and holding inclusive consultations with all stakeholders.⁵⁵ Broad political agreement on the type, method of establishment and composition of the EMBs can enhance trust and public confidence

⁵⁴ For a more detailed review of various election administration models see International IDEA's Electoral Management Design, p. 6-12, *op.cit.*, note 4.

⁵⁵ See Section II.3.1 of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

in the elections and their administration. In line with good electoral practice, changes to election administration type and formation methods should generally be undertaken sufficiently ahead of elections to ensure that institutions, contestants and voters, who may all be affected, have enough time to adjust.⁵⁶

Irrespective of their composition, the EMBs should operate impartially and transparently.⁵⁷ In their work, they should be guided by the objective of good faith implementation of laws, with no regard for political considerations. The key principles, by which the EMBs should be guided, are outlined in Section II.4

When deciding on an election administration model an additional overarching consideration is to take into account the interests of, and to create opportunities for participation by all groups of voters in administering the elections. This may include special measures to enhance gender equality, arrangements for representation of national or ethnic, religious and linguistic minorities, and people with disabilities. Broader aspects related to the role of the election administration in facilitating the participation of these and other groups that might be disadvantaged in the electoral process are mainstreamed throughout this Handbook.

Autonomous model

The EMBs under this model are institutionally autonomous (independent) from the government and often include members appointed by political parties, among other options. They may, however, be accountable to the legislature, the judiciary or the head of state. This model usually involves an autonomous body vested with the responsibility to organize elections, which heads the hierarchy of the EMBs at intermediate (regional, constituency, district or municipality) and polling station levels.

Variations to this model exist whereby there may be two (or more) bodies vested with the responsibility to manage elections, all of which are institutionally autonomous from the government. In this scenario, one of these bodies might have the authority to determine policy or to decide on election disputes, and the other(s), to administer technical preparations.

Autonomous EMBs have been a common choice for some of the younger democracies and countries in democratic transition when there is a lack of trust in state institutions as potential election administrators. However, EMBs that are structurally autonomous from the government in their work have also been established in countries with a longer

⁵⁶ See Section II.2.b of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

⁵⁷ Paragraph 25 of the UN OHCHR Guidelines on the Right to Participate in Public Affairs, *op. cit.*, note 41, states: "Electoral management bodies should be able to function independently and impartially, irrespective of their composition. Such bodies should be open, transparent and maximally consultative in their decision-making and provide access to relevant information for all stakeholders".

democratic tradition; an acknowledgement of the added value of a professional and designated institution as a repository of national electoral experience.

Governmental model

Under the governmental model, elections are organized and managed by civil servants from the central level of government, for example, the Ministry of the Interior or Ministry of Justice, and/or by local authorities. At the national level, such EMBs are typically led by a minister or a civil servant, who may, at the same time, be a member or nominee from a political party, but not an advocate for the party interests in that institution. There may also be several institutions or agencies of central or local government sharing the responsibility for policymaking, while the technical aspects of the organization of elections under this model are generally left to the local authorities.

Governmental election administration models have been adopted and operate effectively in countries with a long tradition of separation of party and state and with high stakeholder confidence in government administration. Public trust is therefore the cornerstone of success for this election administration model.

Mixed model

The mixed model generally involves two components:

- an autonomous structure that determines overall policy and ensures supervision; and
- an implementation structure, which may be located within a ministry or other government institution.

Under this model, elections are typically organized by a governmental structure, with certain responsibilities allocated to an autonomous EMB. The distribution and balance of powers between the two components may vary. The relationship between the governmental and the autonomous structures should be clearly defined in law and the specificities of their mandates observed in practice.

The election administration set-up may combine these different models and/or elements of them, so defining them as one type or another may be difficult. Furthermore, additional institutions and structures, including government ministries or local administration offices, may be tasked with various administrative, technical and logistical preparations and the conduct of elections. While these bodies may formally be regarded as auxiliary to election administration, in some cases, their election-related activities may be closely intertwined with those of the EMBs, further complicating accurate classification.

There are also countries where some EMBs are made up of judges or include judges among their members. While such EMBs are not judicial bodies, the inclusion of judges can help to further underline the independence of the election administration from the state administration and political interests.

In these models, judges are often appointed as EMB members by virtue of their position, by decisions of chairpersons of the higher courts or by a lottery among eligible judges. In any case, the selection process should be transparent and comply with the principle of independence of the judiciary and EMBs as well as contribute to the public perception of independence and impartiality. At the same time, this composition and method of selection may not be effective in countries where the judiciary is not perceived as impartial and independent.

A governmental or mixed model EMB relies on the human resources and financial, administrative and logistical support of government agencies. Nevertheless, the EMBs should deliver their mandate without specific consideration for the party interests of its members or the heads of government agencies. Where there is broad public confidence in the political impartiality of the state and civil service and in the independence of the judiciary, the administration of an electoral process by a governmental body may be uncontroversial and consequently the public may not see the need to establish an autonomous EMB.

B. Centralized and Decentralized Structures

A centralized election administration structure is commonly comprised of one main (central) EMB at the national level, which is supported by additional, subsidiary, lower-level bodies that are responsible for administering elections at intermediary and polling station levels.⁵⁸ The function of the central EMB is to provide consistent centralized guidance, while the actual implementation is carried out by the lower-level EMBs. The structure of the mid-level EMBs usually follows the territorial and administrative divisions of the country and may be established at regional or provincial, constituency, district or municipal level. Mid-level bodies might be assigned considerable substantive responsibilities for various processes. This could include candidate registration, voter registration, the establishment of lower-level bodies, oversight of campaign financing and election dispute resolution. The duties of the polling station-level EMBs are mainly focused on election day procedures.

A combination of centralized direction and decentralized execution typically allows more focused management of processes within the various levels' areas of responsibility and the efficient use of resources. In a decentralized structure, lower-level EMBs are usually not subordinate to the central one, and they fulfil their functions independently. The exact set-up and the distribution of authority between EMBs may vary and will depend on the size of the country, the system of government, the number of voters, the type of electoral system and the infrastructure.

⁵⁸ In the OSCE area, the EMBs are established at various levels, often reflecting the administrative division of the state: regions, provinces, departments, cities, constituencies (election districts), local government districts or municipalities and, at the lowest level, wards. In federal states, the election administration structures may also exist at the state (republic, federal subject) level.

C. Permanent and Temporary Structures

EMBs may work on a permanent or temporary basis. Depending on the model and the institutional set-up, different arrangements might apply to different parts or levels of the election administration or only to parts of the EMB architecture.

Given the range of issues and the complexity of processes that administering elections entails throughout the electoral cycle, it is considered good practice at least for the national-level EMB to be permanent.⁵⁹ Such bodies are always in place and continue functioning without a break, with their members appointed for set terms. This is seen as contributing to continuity between elections, the accumulation of experience and institutional consolidation. While the national-level EMB in most OSCE participating States is permanent, lower-level EMBs are often established before each election and conclude their work shortly after.⁶⁰ In addition, the composition of some EMBs may include 'expanded' membership where additional people from political parties or representatives of contestants might be appointed for a short time around elections. Furthermore, additional, temporary EMBs may be established to administer alternative voting methods, including early, postal, out-of-country, home- and special institution-based voting, and voting using new voting technologies.⁶¹

D. Composition

Apart from the choice of the overall election administration model, the composition and size of the EMBs at different levels must also be decided. The legislation typically elaborates how the national-level EMB is formed, while the make-up of lower-level structures often resembles that of the national body. Approaches include:

- Professionalized, non-partisan
- Representation of political parties (partisan)
- Institutional quotas
- Mixed composition

The composition of, and appointment procedures to secretariats and other administrative and support structures of the EMBs are typically a less sensitive matter. They are usually subject to separate selection and appointment rules, often based on open recruitment, respecting the right of access to public service.

Professionalized

Professionalized EMBs consist of members or representatives who are appointed purely on the basis of their professional qualifications and standing, without any consideration for the representation of political interests. Selection of 'professionalized' election officials

⁵⁹ See Section II.3.1.c of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

⁶⁰ See [Review of Electoral Legislation and Practice in OSCE participating States](#), OSCE/ODIHR, 15 October 2013, p. 12.

⁶¹ While the OSCE participating States have a wide discretion on whether and how to conduct out-of-country voting, general principles for election administration should be also applied to administering this part of electoral process.

typically involves an open, competitive recruitment process, which may be carried out to select staff for all levels of the election administration, both permanent and temporary. If expert appointments are envisaged, the legislation needs to include clear selection criteria and competencies demonstrating professional standing.⁶² Depending on the type of election administration and the mandates of each level, different bodies will appoint the EMBs, for example, the legislature, the head of state, the government, upper-level EMBs, or local executive and representative bodies (see below the section on selection and appointment procedures).

Potential election officials can either apply or be nominated by political parties, initiative groups, professional associations or civil society. Applications need to be screened as part of an impartial and purely merit-based procedure.⁶³ The recruitment processes require a clear legislative basis, including transparent and objective selection and appointment criteria and procedures for receiving, processing and evaluating nominations and applications. If implemented professionally and transparently, this approach to selecting election officials can contribute to enhancing public confidence and to long-term institutional development.

Political representation

EMBs which are based on multiparty representation include members nominated by political parties. The eligibility of political parties to nominate election officials (members) may be based on past electoral performance, representation in national or local parliaments, and/or be granted to parties, coalitions and voter groups (voter initiatives nominating candidates) contesting the elections.

Representatives of political parties may be permanent or temporary appointments, selected for a certain period or for an individual election to provide oversight and to help cope with the increasing workload. Temporary members may have full voting rights and decision-making authority or may be granted only a consultative vote. Nominated members may or may not belong to the nominating political party.

By granting political contestants direct access to election administration, this composition method allows for greater stakeholder oversight, encourages collaboration, creates a sense of shared responsibility and ownership over the electoral process, and may therefore contribute to enhancing confidence in elections. It is, however, crucial for the legislation to contain mechanisms for ensuring the balanced representation of various political forces and to prevent the dominance of any political interest in the composition.⁶⁴ To avoid

62 See International IDEA [Electoral Management During Transition: Challenges and Opportunities](#), Policy Paper, p. 15.

63 Paragraph 26 of the OSCE Copenhagen Document states: “the OSCE participating States [...] will therefore encourage, facilitate and, where appropriate, support [...] the development of an impartial and effective public service where recruitment and advancement are based on a merit system”, Copenhagen Document, *op.cit.*, note 6.

64 Section II.3.1.d.ii of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20, states that when an independent, impartial election commission is set and includes representatives of political parties, the national-level EMB “should include [...] representatives of parties already in parliament or having scored at least a given percentage of the vote”, and Paragraph 75 of the Explanatory Report states: “[p]olitical parties should be represented equally in the central electoral commission; “equally” may be interpreted strictly or proportionally”.

becoming a source of controversy and political discord, this approach to establishing the EMBs should be based on broad consultations and agreement among key actors.

It is essential for election officials nominated by political parties to implement the legal framework in a professional, impartial and collegial manner, and to be guided by public rather than party interest. Apart from outlining these principles in law, impartiality and neutrality could be required by terms of reference and be encouraged through codes of conduct for all election officials. The legislation should stipulate whether the composition of multiparty EMBs will need to alter following changes in a party's registration status, dissolution, the establishment of new parties or changes in the representation of parties in elected institutions.

Institutional quotas

EMBs established on the basis of institutional quotas may include representatives from state institutions, generally from the legislative, judicial and executive branches. In such cases, quotas may apply to the representation of various government ministries, agencies, judiciary or other professional associations.

Mixed composition

This composition strives to combine the benefits of multiparty political representation in the EMBs with elements of continuity, neutrality and professionalism that may stem from the inclusion of experts, representatives of institutions (often by virtue of their office), including courts, or trained election officials.

The two components of mixed composition EMBs may be configured in various ways. For instance, representatives from different state institutions may be nominated or directly appointed to the membership of an EMB, including on the basis of institutional quotas, in addition to a number of political appointees.

Size

The number of officials in EMBs varies considerably among OSCE participating States, and there is neither a general rule nor a recommended size. Elections can be administered effectively by both small and larger EMBs. The optimal size of an EMB may depend on different aspects, such as election administration structure and model, scope of responsibilities, size of the electorate and complexity of electoral procedures. The number of officials may be identical at each level of EMBs or may reflect the operational needs, for example, to accommodate nominations from political parties and contestants. In general, a larger number of election officials in an EMB allows greater inclusion and broader representation of various groups and interests. Fewer members tends to contribute to more efficient discussions and swifter adoption of decisions. At the same time, when deciding on the size of an EMB, careful consideration should be given to the quorum requirements both for holding valid meetings and for making decisions.

E. Selection and Appointment

The performance of the election administration, and the public's perception of it, is influenced by the nomination, selection and appointment procedures of election officials. The most important considerations are provided below.

Eligibility and qualification requirements

To ensure transparent and objective selection of election officials, the legislation needs to set out clear eligibility and qualification requirements as well as incompatibilities that apply to the different positions at various levels of election administration. Some of the common criteria are presented below.

- **Education and professional experience:** In line with electoral good practice, election officials should have appropriate qualifications and skills and be familiar with the country's legal framework. Depending on the role, there may be requirements for election officials to be legal experts, political scientists, mathematicians or other professionals with a good understanding of electoral issues. Specific functions within EMBs may require a technical background and training. Past experience of electoral work is often included as a desirable criterion for higher-level officials.
- **Integrity and personal qualifications:** Especially in professionalized and/or expert-based EMBs, the law may set out clear personal qualifications for members, such as demonstrated integrity, impartiality and lack of conflict of interest. A common requirement for all election officials is a clean record on electoral infringements or disciplinary proceedings related to electoral fraud.
- **Completion of special training and certification:** Eligibility for membership in 'professionalized' EMBs is often conditional upon successful completion of comprehensive training programmes on various aspects of the electoral process and certification.
- **Political neutrality:** Under governmental and autonomous election administration models, it is common for eligibility criteria to require that election officials have no political affiliation. While the exact scope of this criterion may vary, it may include a ban on active membership in political parties, involvement in parties' governing structures, past affiliation with political parties (for example, active engagement in political campaigns or holding political office), or, more often, lack of formal affiliation with contestants standing in a current election.

Nomination, selection and appointment procedures

There are several important considerations with regard to the nomination and appointment of election officials.

As a general principle, it is important to emphasize that the EMBs are public institutions vested with the responsibility to provide a public service — to organize elections. While positions within the EMBs may not always be categorized as 'civil servants' and therefore not formally bound by civil service laws, there are international standards for filling public positions that should be adhered to. This includes, in particular, the right of access, on a non-discriminatory basis and without unreasonable restrictions, to public service.⁶⁵ Hence, the procedures for establishing EMBs should respect the principle that these positions should be filled based on a non-discriminatory merit system.

- **Selection and appointment procedures:** To ensure transparency, the legal framework needs to outline how nominations are made, processed and decided upon and who is responsible for these processes. The way the appointment procedures are designed and implemented may have a considerable impact on the autonomy and independence of the EMBs and on public perception.

Approaches to appointment procedures may vary depending on the type of election administration, the mandates of each level and local election traditions. Under autonomous and mixed models, nominations to the lower-level EMBs are often processed and appointments approved by the EMB the next level up. Under the governmental model, decisions on the selection of lower-level election officials are often made by local executive and representative bodies.

Procedures for the selection and appointment of election officials to the national-level EMB, while also dependent on the overall model, are often more elaborate. In the OSCE area, national-level EMBs are most commonly appointed by the legislature, by the head of state or by the government. Shared responsibility between the executive and the legislature for the appointments allows for checks and balances in the process. In contrast, when the authority to appoint the national-level EMB is granted solely to a head of state or government, without provisions for consultation and input from other stakeholders, the credibility of the body as an independent institution may be undermined.

Prior to formal appointment, procedures may envisage that the preparatory work — including processing nominations, verification of eligibility and shortlist preparation — is carried out by another designated entity, often a parliamentary committee or an ad hoc body. For professionalized (non-partisan) EMBs, this may include organizing

65 Article 25(c) of the ICCPR states: "every citizen shall have the right and the opportunity [...] without unreasonable restrictions [...] to have access, on general terms of equality, to public service in his country", *op.cit.*, note 9. The UN HRC GC No. 25, Paragraph 23, states: "to ensure access on general terms of equality, the criteria and processes for appointment, promotion, suspension and dismissal must be objective and reasonable [...]". The UN ECOSOC's 2018 Principles of Effective Governance for Sustainable Development, *op. cit.*, note 32, stipulate: "to respect, protect and promote human rights and fundamental freedoms for all, access to public service is to be provided on general terms of equality, without distinction of any kind as to 'race', colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status".

open, competitive recruitment. In line with international good practice, an inclusive and participatory approach to the establishment of such ad hoc bodies contributes to public confidence in the outcome of the selection. Special rules could be set for a parliamentary vote to approve the composition (for example, requiring approval by a qualified majority) to encourage cross-party agreement on the composition of an EMB and better protect its impartiality and stability from any attempts at politically-motivated changes.

- Procedures for the selection and appointment to leadership positions in EMBs:** The leadership of EMBs, including chairperson (head) and deputy chairperson (deputy head), is often selected from among the membership of the EMB. However, depending on the election administration model, special or additional arrangements might be in place. Laws may include a requirement for balanced distribution of leadership posts among key political forces. This may also include a separate parliamentary procedure for the appointment of the head of the national-level EMB, assuming open recruitment and approval processes. Alternatively, the law might stipulate that the function will be fulfilled by the person holding another high-level function within a state structure (for instance, the head of the Supreme Court) or a nominee of a specified institution. Given the prominence of the position of the head of the national-level EMB, it is critical that all the procedures related to this appointment are transparent and broadly accepted by electoral stakeholders.

The approach to appointments of secretaries of the EMBs varies and will also depend on the election administration model and scope of responsibilities of the secretary. In cases, where secretaries are part of an EMB's membership, with or without the right to vote, they are often selected by its members. In other cases, secretaries may be appointed to the EMBs by and from the staff of local administrations or other institutions supporting the administration of elections. Some EMBs do not have a secretary, and all the operational, administrative and record-keeping work is carried out by dedicated secretariats.

- Additional requirements and considerations:** There may be additional requirements in place for the composition of EMBs. These may include requirements for proportionate representation of parties, civil society and other stakeholders, minimum or balanced representation of women and men, quotas for representatives of national minorities or limits on the maximum representation of employees from state and local institutions. Provisions facilitating the inclusivity and impartiality of EMBs are in line with international obligations and standards and electoral good practice as well as the key principles for election administration.
- Timeframes:** Regardless of the election administration model, it is imperative that the EMBs are established well ahead of the elections and processes they will be managing. The time and effort required, level of collaboration with other structures and possible delays and challenges should not be underestimated. For these reasons, it is necessary for the rules to provide clear and realistic timeframes for each stage. These include

advertising for open recruitment, coordination between institutions, verifying applicant information, selecting and coordinating with recruited staff. Apart from selection, sufficient time must be allowed to train election officials so they can work effectively.

Tenure

Approaches to the duration of an EMB's mandate vary. In permanent EMBs, each composition typically has a specified term of office, ranging from some three to eight years. A fixed period ensures continuous oversight, long-term planning and allows them to cover a full electoral cycle.

Especially in countries where the national-level EMB is appointed by the parliament, tenure may match the duration of the legislature's term (for example, a new EMB is always established by a newly elected parliament). Or, it may deliberately not match; for example, when the EMB's mandate expires mid-way into a parliamentary term or stretches across two terms. The latter approach could help to safeguard the independence of the EMBs and make it less vulnerable to possible changes in parliamentary majority.

While forming a central EMB anew, it is good practice to maintain the institutional memory among members by re-appointing at least some members from the previous composition, or by staggering the election officials' appointments so that the entire composition does not change at once. Renewal of all mandates of officials of permanent EMBs during an election year should generally be avoided.

Some legal frameworks set a limit on the number of consecutive mandates election officials may hold, especially at the national-level EMB. This is usually to attract new staff and ideas over time, and to encourage development and innovation.

Recall, dismissal and replacement

To ensure the stability and independence of election administration and to protect election officials from arbitrary or politically motivated removal, it is important for the legal framework to regulate the security of tenure of election officials, i.e., on what grounds and under what procedures they may be recalled, dismissed and replaced. In principle, early termination of the mandate of an EMB or of individual election officials should only be possible on an exceptional basis, for instance, in order to protect the impartial and professional performance of EMBs. The law should clearly and exhaustively list the situations and conduct of election officials that can lead to dismissals, which should be proportionate. Likewise, the legislation should regulate the circumstances under which the bodies nominating election officials might be permitted to recall and replace their nominees. The possible grounds for election officials to stand down should also be regulated in order to balance the need to account for personal circumstances with the risks of resignation for other, possibly political, reasons. Changes of personnel late in an electoral process, after training of polling officials has been conducted and significant operational preparations

have been made, are particularly problematic as they may hamper the ability of the EMBs to operate effectively.

2. FUNCTIONING OF THE ELECTION ADMINISTRATION

A. Administrative, Operational, Security and Technical Support

Given the breadth of duties and the complexity of processes that the election administration manages, it is common for EMBs both at the national and mid-levels to be supported in administrative, organizational and technical aspects by additional technical staff. This staff may either form part of an EMB's secretariat (administration) or be drawn from among public servants from other institutions and structures based on legal requirements or inter-institutional agreements.⁶⁶ Often, rules and procedures applicable to public service also apply to the staff of secretariats supporting the EMBs.

Secretariats and other support services may be permanent and/or temporary, established only for an electoral period. Permanent secretariats supporting the work of national-level EMBs tend to be larger, with a more complex structure, and often serve as the operational engine and backbone of the EMBs. Various departments are typically tasked with carrying out preparatory, research and analytical work and processing information on legal matters, voter and candidate registration, constituency boundary delimitation, dispute resolution, media monitoring and campaign finance oversight. Other sections of secretariats may be responsible for finance, procurement, ICT, training, outreach, security, including cyber/ICT security, external relations and communications.

To carry out their duties effectively and to assist the EMBs in their day-to-day work, secretariats need to be properly resourced with qualified staff and adequate technical and financial means. It is as important to give training and continuous professional development to secretariat staff as it is for election officials, and it contributes to the independence and professionalization of the election administration.

B. Budget and Financing

Budgetary and financial arrangements for election administration vary and depend to some extent on the institutional status of the EMB. Under a governmental model, EMBs' budgets often fall within the budgets of ministries, other state institutions and local authorities vested with, or sharing responsibility for administering elections. EMBs of autonomous and mixed models commonly manage their own budgets.

⁶⁶ In some cases, departments or units in government bodies are tasked to render administrative support to the EMBs. In addition, some EMBs rely on additional external expert services and advice on specific substantive matters, particularly in relation to ICT components.

The availability of resources and the financial autonomy of the election administration plays an important role in safeguarding its independence and ability to fulfil efficiently the functions assigned to it by law. EMBs should be allocated sufficient funds to cover the costs of organizing scheduled elections and activities. This can be achieved by tying the EMBs' budget to the consolidated national budget. In some countries, the election budget is given even higher status as a strategic national priority. Safeguards are put into the law to ensure the automatic allocation of funds for elections and to prevent political manipulation of the amount to be allocated. Secure and stable funding can protect EMBs from political pressure over fund allocation.

Procedures should also be in place to enable the election administration to obtain additional, ad hoc funds to respond to unforeseen circumstances, such as early elections or referendums or extraordinary situations such as pandemics. Funding shortages and issues with disbursement may hamper or paralyze electoral operations. At the same time, the election administration should be bound by the same rules of accountability, transparency and financial diligence as other public institutions.⁶⁷

C. Cooperation with Other Bodies

As already mentioned, EMBs often cooperate with multiple bodies and stakeholders in organizing elections. EMBs may rely on various forms of support from other bodies. This may include assistance from local authorities with administrative and technical aspects of voting, such as preparing voter registers, providing voting premises and office space for the EMBs, and securely storing and distributing election materials and equipment. The legal framework should contain explicit requirements for all institutions to provide support within established timeframes to enable EMBs to operate effectively.

EMBs also rely on support from other institutions and private entities for some of the substantive aspects of the electoral process. This might include cooperation with the civil registry, the courts, a boundary delimitation commission, ICT companies for election technology, state and private mail services, media regulatory bodies, audit and anti-corruption agencies (if required for oversight of campaign finance oversight), or the state prosecution service and police in enforcing the rules. Cooperation allows the EMBs to benefit from the expertise of specialized entities, contributing to professionalism and effectiveness, but also often allows them to reduce costs substantially.

Within all cooperation formats, it is important that the mandates and responsibilities of the EMBs and the private entities involved are clearly defined and delineated. It is essential for the central EMB to maintain an overview of all the processes and to remain the key coordinator in these partnerships.

67 According to Article 9.2 of the UNCAC, *op.cit.*, note 12, "Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances".



IV. Legal Framework for the Functioning of the Election Administration

The administration of elections can be enhanced through the adoption of legislation on the EMBs and the electoral process that is consistent, clear, accessible, and enshrines the principles for good administration.

When assessing an electoral process, ODIHR observation missions should make a clear distinction between problems that exist in the legal framework and those arising during the application of the laws. It is important to make this distinction in order to make further recommendations.

If a problem concerns the legal framework, the recommendation will address the legislator, whereas an issue of implementation is likely to be addressed to the EMBs.

Analysis of the legal framework for the functioning of the election administration is the joint work of the legal analyst and the election analyst. The election analyst should look at:

- The structure of the election administration
- The composition and formation of the election administration
- The scope of the EMBs' mandate (functional responsibilities and regulatory powers)
- The delineation of functions between the EMBs and other agencies

The legal analyst contributes to this analysis by identifying gaps in the legislation related to the election administration, and considers if the legal framework is sufficiently clear and provides legal certainty for actions by the EMBs and, in so doing, contributes to the rule of law and avoidance of arbitrary decisions. When there have been recent legal amendments on election administration, the legal analyst should provide analysis of the law-making process, its inclusivity and consultative nature; important when deciding on the structure and mandate of EMBs. Together the analysts should look at what the legislation provides on the EMBs decision-making process, including requirements for transparency, inclusivity and accountability.

1. THE STRUCTURE OF THE ELECTION ADMINISTRATION

As already noted, there are no specific international standards related to the structure of an election administration. Whichever election administration model is chosen, it should enable the electoral process to be organized effectively. ODIHR observation missions should assess if the election administration structure is appropriate and creates neither a system with an excessive number of EMBs, nor too few levels, which would place an unreasonable operational burden on subsidiary or subordinate structures.

ODIHR observation missions should verify whether the legal framework clearly sets out the structure, authority and responsibilities of the EMBs at each level and whether it adequately defines the relationship between the central EMB and subsidiary/subordinate levels.

While ODIHR does not observe out-of-country voting and is not always able to observe in disputed territories, it is beneficial to understand whether, if at all, the EMBs are set up to organize elections in these territories, and whether they can operate effectively enough.

It is considered good practice for the legislation to identify all levels of election administration and, in principle, no additional level(s), not clearly provided for in law, should be established by the central EMB. If the legislation allows the central EMB to establish additional or ad hoc structures, then principles of legality, accountability and transparency require that the competences and functions of these structures are compatible with the structures established by law, and are clearly set out, at least in secondary legislation.

Points of inquiry

- Are all levels of the election administration established by law?
- Does the structure of the election administration enable an election to be effectively organized?
- Does the legislation clearly set out the mandate and scope of responsibility of the EMBs at each level and does it adequately define the relationship between the central EMB and subsidiary/subordinate levels?
- Does the election administration model in place enjoy stakeholder confidence?
- Are there sufficient safeguards to ensure that the election administration is independent from any political or other interests and influence?

2. COMPOSITION AND FORMATION OF THE ELECTION ADMINISTRATION

Whichever model of election administration is used, ODIHR observation missions should assess how the composition of the EMBs, as set out in the legislation, relates to the principles applicable for election administration, in particular on impartiality, independence and inclusivity. They should assess whether the law facilitates or mitigates against a political interest group that dominates the membership of the EMBs or controls the selection of members.

If the legal framework establishes the EMBs with a political party composition, then parties' entitlements to nomination should be clearly set out in law. It is good practice for the law also to establish how and when changes in membership can or should occur (for example, if a political party or coalition of parties dissolves or splits, or how, if at all, party entitlements change relative to their numerical strength in elected institutions).

It is important that legislation is coherent and the provisions enable and do not contradict the realization of the key principles for election administration. For example, if a law establishes the central EMB as an autonomous institution, to give effect to its independence the EMB will require a high degree of control over its budget and staff recruitment and be given the power to adopt regulations without approval from the executive branch of government.

At a minimum, clear procedures should be set out for appointing members of the EMBs, including for filling management positions. Rules should adequately specify term limits for election officials and the procedures for removing a member of an EMB. Unless absolutely necessary, it is prudent to avoid making changes to key EMB staff once the electoral process is underway, at least in the central EMB. Therefore, the legislation is likely to regulate the timing of nominations and appointments. Measures to ensure the security of tenure of

election officials can strengthen their independence and protect them from interference by political interests.

Election laws often set eligibility requirements for membership of EMBs, such as a minimum age or qualifications, and may include measures to avoid or mitigate possible conflicts of interest, for example, by prohibiting a member of an EMB from standing as a candidate or engaging in election campaign activities.

ODIHR observation missions should assess whether the eligibility criteria are reasonable and non-discriminatory and whether they safeguard against conflict of interest.

If the central EMB is established as a collegial body, the number of members can affect its functioning. As noted before, there are no international standards on the numerical size of EMBs, but it may be advisable to avoid establishing a body whose membership is so large that it becomes difficult to convene meetings, or so small that a single absence could jeopardize reaching a quorum. Often, the EMBs' boards have an odd number of members to reduce the risk of tied votes, or the chairperson has a decisive vote. ODIHR observation missions should assess if the number of appointed members affects the efficiency of the EMBs.

The electoral legislation is likely to include provisions on the composition and formation of the subordinate/subsidiary EMBs. As for the central (national) EMB, the appointment method should enable these bodies to act impartially and independently.

ODIHR observation missions should assess whether the appointment process for the lower-level EMBs has any negative effects, in light of the principles of independence, impartiality, effectiveness and inclusivity.

If the election administration is set up as an autonomous structure, there should be clear separation of the constituent EMBs from government structures. A potential issue with the independence of EMBs can arise where local governments form the lower-level EMBs. It would be beneficial for ODIHR observation missions to learn whether local officials are appointed as election officials on a permanent or a temporary basis and whether, after the election, they could face any negative consequences or retribution from their permanent work-place superiors for their actions and decisions whilst serving as election officials. ODIHR observation missions should verify if the law contains any protection for election officials from harassment or retribution, for example, by making this a punishable offence. While it does not automatically make relevant EMBs non-independent, the heavy involvement of local authorities in the formation of the EMBs can seriously undermine public perception of the independence of the election administration.

ODIHR observation missions should analyse the composition of the EMBs in terms of gender balance, and to the extent possible, in terms of representation of people with disabilities and minorities. Gender-disaggregated data should be publicly available.⁶⁸

In line with the gender mainstreaming strategy, ODIHR observers also collect gender-disaggregated data on the composition of lower-level EMBs as part of long-term and election day observations. ODIHR observation missions should assess not only the numerical representation of these groups but also how meaningful their participation is in the decision-making process.

Points of inquiry:

- Are the composition of the EMBs and the nomination, selection and appointment criteria and procedures clearly outlined in the law?
- Are the eligibility requirements for an EMB member reasonable?
- Are the timeframes for the establishment of the EMBs consistent with the principle of effectiveness?
- How, if at all, does the appointment procedure and composition of the EMBs affect confidence in the independence and impartiality of the election administration?
- How, if at all, does the number of appointed members affect the efficiency of the EMB's decision-making process?
- Does the legislation clearly specify the tenure for EMB officials and the recall procedures? Are election officials duly protected from discretionary recall, dismissal and replacement?
- Does the law contain any provisions to prevent conflicts of interest among members of the EMBs?
- Is the election-related data, including on the composition of EMBs disaggregated by gender, available in public domain?
- Are there any gender equality measures or other mechanisms to encourage inclusive EMB membership?
- Do the EMBs and their administrative staff have a composition that reflects wider society in terms of gender, national minorities, people with disabilities, etc.?

In the autonomous election administration model:

- How, if at all, does the composition and appointment procedure of the EMBs affect confidence in the independence and impartiality of the election administration?

⁶⁸ Paragraph 40.13 of the OSCE Moscow Document, *op.cit.*, note 7, commits participating States to "ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women".

- Do the provisions on appointing election officials hinder the independence of EMBs?
- Does the legislation contain any protections for election officials from harassment or retribution as a result of their work as an election official?

If the legal framework establishes EMBs with a political party composition:

- Does the composition ensure either strictly or proportionally balanced representation of the main political parties and/or of election contestants?
- Does the system for appointing the EMBs enable one political interest to gain a majority of positions in an EMB or secure the leadership roles?
- Do the rules set how and when changes in political membership of the EMB can (or should) occur?

3. SCOPE OF EMBs' MANDATE (REGULATORY AND CONTROL POWERS, DELINEATION OF FUNCTIONS)

The scope of EMBs' mandates varies considerably across the OSCE region. Regardless of the specific functions, for which an EMB may be responsible, it is essential that the bodies are conferred with the legal authority to effectively fulfil their legally assigned tasks.

In a democratic system, the legal framework for elections is adopted by the national-level legislative body. However, there are limits to the level of procedural details that can and should be set out in primary legislation. In many OSCE participating States, electoral laws allow the central EMB to adopt regulations (or the equivalent) to supplement or elaborate on the general provisions of primary legislation and to supervise the work of lower-level structures.

Giving EMBs the power to adopt regulations may be necessary to avoid legislation becoming overly detailed and to enable the central EMB to have greater control over uniformity in election operations. However, in order to maintain the primacy of law, regulations should be not contrary to the legislation. The substantive rights and principles established in primary legislation should not be restricted in any way through sub-legal acts. To better ensure that this is the case, the electoral legislation should provide for an effective means of redress for citizens, political parties, civil society and other stakeholders to challenge the unlawfulness of regulations and other secondary legislation issued by the EMBs.

It may be appropriate for the law to establish deadlines for the issuance of certain regulations, such as on boundary delimitation or verification of candidate eligibility, to allow for proper consultation, awareness-raising and legal review before the rules are applied. However, exceptional situations may require the EMBs to provide immediate guidance or clarification.

ODIHR observation missions should assess whether the legislation sets appropriate parameters for the scope of sub-regulations, whether the sub-regulations are in line with the provisions set out in the legislation and whether there is an opportunity to challenge the legality of sub-regulations.

It may be necessary for the central EMB to have powers to ensure that the law and regulations are applied in a consistent and equal manner by subsidiary bodies. To ensure this, many central EMBs have jurisdiction (based on complaints or ex officio) to review decisions and actions taken by lower-level structures. To ensure that these are in accordance with the law, the legislation should contain provisions setting out the procedures for reviewing EMBs' decisions, actions, and inaction (see Section V.13).

In addition to the EMBs, the law may require various national, regional and local agencies or officials to carry out administrative and logistical operations to support the organization of elections.

ODIHR observation missions should assess whether the electoral framework clearly sets out the functions and responsibilities of state agencies in the organization of an election, whether the legal provisions adequately require these bodies to adhere to the principles for election administration and how, if at all, the allocation of functions to other bodies affects the ability of the EMBs to fully control the electoral process.

For example, a potential issue with the independence of the election administration can arise where local governments form the lower-level EMBs. ODIHR observers should assess whether the functions of support to the EMBs and actual administration of the elections are blurred, especially if the local officials may face negative consequences from their permanent superiors for their actions whilst serving as election officials.

Points of inquiry

- Are the mandates of all EMBs clearly set out in law?
- Does the legislation clearly define the roles of other agencies in the electoral process?
- Do the EMBs have the appropriate powers to effectively fulfil their tasks?
- Does the law adequately define the relationships between the central EMB and subsidiary levels?
- If the EMBs are established as autonomous entities, does the legislation make a clear separation between the election and governmental structures?

- Does the legislation give the EMBs the power to direct other state agencies where appropriate to ensure that the EMBs have sufficient control over areas for which they are legally responsible?
- Does the legislation require other agencies with a role in the electoral process to adhere to the principles for public and election administration?
- Does the central EMB have regulatory power?
- Does the central EMB regulate only issues specifically defined by the legislation or also issues of broader scope?
- Are the EMB's regulations consistent with the provisions set out in primary legislation?
- Can citizens challenge the unlawfulness of regulatory decisions issued by the EMBs in a court of law?
- Does the law place appointed election officials solely under the supervision of the EMBs?

4. DECISION-MAKING PROCESS

Often, the EMBs' decisions have the status of administrative decisions under the country's administrative law. Administrative decisions can be either regulatory or non-regulatory. Regulatory decisions have general application, and non-regulatory decisions relate to specific issues and/or individuals. Electoral legislation may include provisions deviating from a general administrative law, for example, in terms of jurisdiction and timeframes for resolving disputes.

If the central EMB is established as an autonomous institution, the law should not be overly prescriptive on how it organizes its work. However, because the decisions of EMBs can have a major impact on the electoral process, the legislation should include provisions establishing the requirements for the EMBs to take valid decisions (required majorities for adopting decisions), particularly if the body is fully or partly composed of political interests. In some countries, the quorum and voting requirements are set out in the internal rules of procedures approved by the EMBs.

The election and legal analysts of ODIHR observation missions should assess the regulatory provisions on quorum requirements and voting majorities for the EMBs and their impact on the effectiveness of the electoral process. In addition, the analysts and LTOs should verify that all members of the EMBs can meaningfully participate in decision-making; for example, whether they receive timely and adequate notice of meetings, or have access to all documents and information sufficiently in advance to allow the EMB members to contribute to an informed decision.

While it is not always required by the law, it is good practice when an EMB's rules of procedures set procedural safeguards for ensuring transparency of the EMB's activities, for the impartiality of decision-making, for due proceedings and the proper documenting of activities. Well elaborated rules of procedures often help strengthen the collegiality and integrity of the functioning of the EMB. It is beneficial if the rules require that the time, venue and agenda of any meeting are announced reasonably well in advance.

Extraordinary circumstances, including pandemics and election officials' busy schedules, may be valid reasons for EMBs to hold meetings and make decisions using information and communication technologies and to vote for decisions online or via technology. Nevertheless, such alternatives should not jeopardize due proceedings, the full and timely access to documents, nor the transparency and accessibility of the hearings to external actors, such as contestants, the media and observers.

The Code of Good Administration, among others, provides a set of rules governing administrative decision-making applicable to EMBs:

- Administrative decisions can be taken by public authorities either on their own initiative or upon request from private entities.
- Decisions in response to requests should be taken within a reasonable time.
- If a public authority intends to make an individual decision that will directly and adversely affect someone's rights, such people should have an opportunity to express their views within a reasonable time.
- If a public authority proposes to make a non-regulatory decision that may affect an indeterminate number of people, the procedures should allow those people to participate in the decision-making process.
- Administrative decisions should be phrased in simple, clear and understandable language.
- Appropriate reasons should be given for any individual decision taken, stating the legal and factual grounds on which the decision was taken, at least in cases where they affect individual rights.
- Administrative decisions should be published to allow those concerned to have an exact and comprehensive knowledge of them. Publication may be through personal notification or general in nature.
- Except in urgent cases, administrative decisions should not come into force until they have been published.
- Those affected by individual decisions should be notified personally except where only general publication methods are possible. In all cases, appeal procedures, including time limits, shall be indicated.

- Administrative decisions should not take effect retroactively from the date of adoption or publication, except in legally justified circumstances⁶⁹.

ODIHR observation missions should verify whether the regulatory framework for decision-making adheres to the principles for election administration, in particular in legality, impartiality, inclusivity, transparency and accountability.

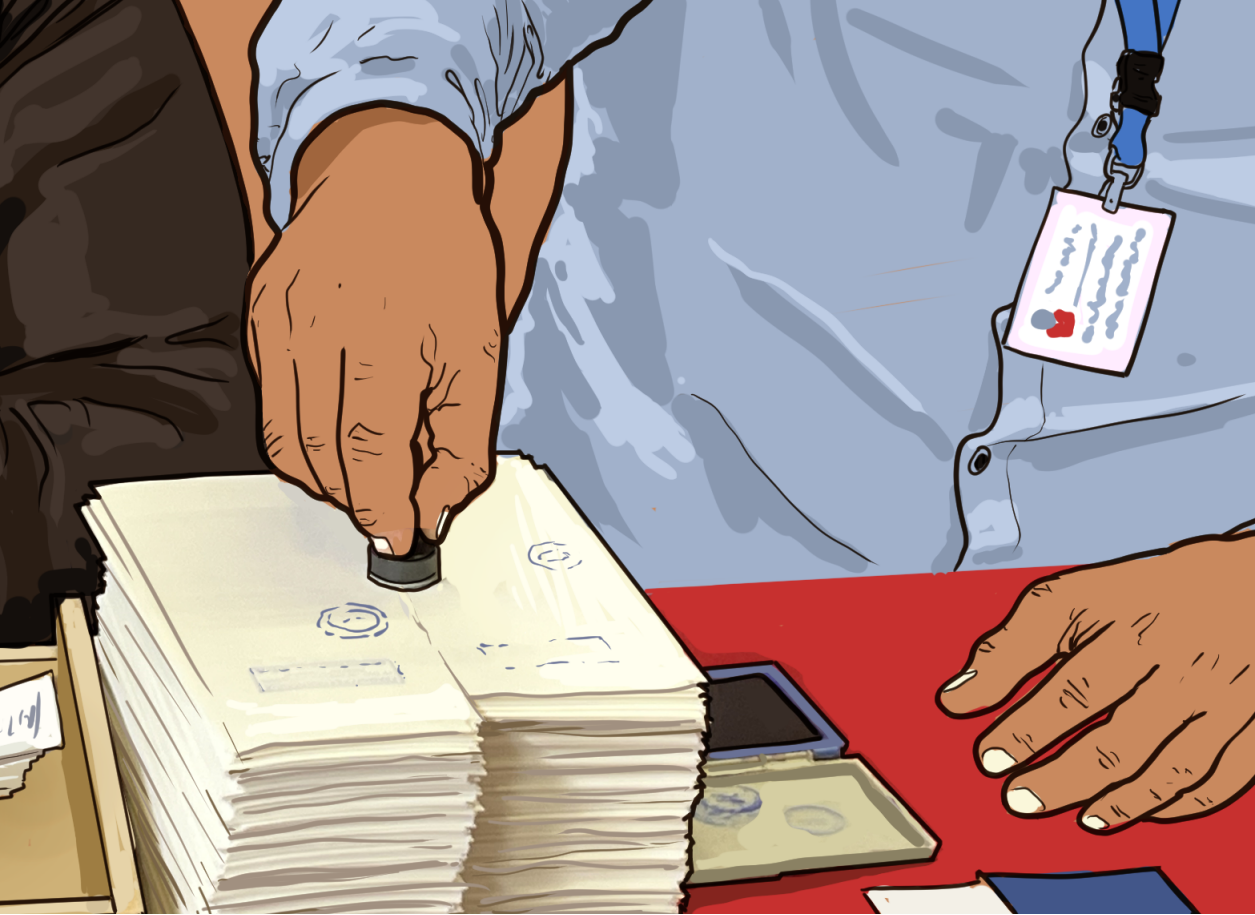
To ensure the lawfulness of the decisions taken by an EMB, the legal framework should provide for administrative or judicial review of the EMBs' decisions and should establish procedures to seek correction of a decision that is contrary to the applicable legislation.⁷⁰

Points of Inquiry:

- Does the legislation include sufficient provision to enable the EMBs to make valid decisions, such as quorum and voting majority requirements? Are they reasonable and effective?
- Does the legislation set out the right of members of the EMBs to participate in the decision-making process, and do they exercise this right?
- Do the EMB's rules of procedures set reasonable time limits for making informed decisions?
- Do the EMBs have confidence in the autonomy of their decision-making and actions?
- Are there indications of undue interference in the work of the EMBs or their individual members?
- Does the legislation allow individuals affected to present their views to the EMBs prior to a decision being taken?
- Does the legislation establish a procedure to appeal against EMBs' decisions? Are the procedures in these cases, including deadlines, reasonable?
- Where a decision affects individual rights, do the rules require the EMBs to state the legal and factual grounds on which the decision was taken and the procedure to lodge an appeal against the decision?
- Does the legislation require affected parties to be notified of the decision?
- Does the legislation require the publication of decisions and their reasoning?
- Does the legislation prohibit execution of the regulatory decision until it has been published?

⁶⁹ Code of Good Administration, *op. cit.*, note 22.

⁷⁰ Paragraph 5.11 of the OSCE Copenhagen Document, *op.cit.*, note 6, stipulates: "administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available", see also Paragraph 5.10. Paragraph 18.4 of the OSCE Moscow Document, *op.cit.*, note 7, states: "The OSCE participating States will endeavour to provide for judicial review of such regulations and decisions".



V. Activities of the Election Administration

1. DEVELOPMENT OF REGULATIONS, POLICIES, STRATEGIES

The central EMB usually has the authority to develop and issue regulations and instructions. For the governmental model, this power may be held by the ministry within which the central EMB is located. In autonomous models, the central EMBs usually have power to set the rules independently, without executive approval, but in close consultation with other relevant agencies and stakeholders. To comply with the principle of **legality**, regulations should clarify opaque aspects, or fill in gaps in the law and should always be consistent with electoral and other primary legislation.

Many EMBs have the power to formulate administrative policies on operational issues, such as their relationships with their staff on matters of gender equality, performance management and staff development, and also with external stakeholders, including

government ministries, the legislature, political parties, civil society organizations, and the media. Every central EMB develops a strategic plan for its activities, including operations, training and resource allocation.

In some OSCE participating States, the **effectiveness** of regulations is enhanced through giving EMBs the powers to enforce rules and investigate wrongdoings, including enabling an EMB to compel anyone to appear before it during an investigation. Sometimes, the EMBs are obliged to carry out inquiries in connection with complaints about breaches of law. In criminal and other cases, investigations are the sole purview of law enforcement agencies. In some OSCE participating States, penalties aimed at enforcing the rules, including fines, can be directly imposed by the EMBs; in others, such penalties are subject to validation through judicial proceedings.

To be **effective**, a strategic plan should be consistent with the EMB's mandate and be implemented within the legal framework governing its operations. It should take account of factors that could affect the EMB's performance, including the regulatory environment, available finance and infrastructure, electoral stakeholder participation, and the context the EMB is working in. The plan should take account of likely developments, including demands for increasing use of technology, anticipated funding allocation and procurement modalities.

The EMBs are required to take a **transparent** approach by publishing regulations and policies. Even when they have no legal obligation to publish administrative directives, it is good practice to do so.⁷¹ Making the strategic plan a public document serves as a record of what the EMB stands for, what it does and why. This road map guides the EMBs for a defined period of time and provides a benchmark against which stakeholders can measure their EMBs' performance. The EMBs should consider how to make these documents accessible in alternative formats.

The principle of **accountability** must be respected by ensuring that regulations and policies, as well as individual administrative decisions on applying sanctions, are subject to administrative or judicial control, to test whether they are within the powers of the EMB to make, and whether they are otherwise consistent with the legislation.

In developing regulations, policies and strategies, the EMBs should adopt an **inclusive** approach by consulting with electoral stakeholders, including representatives of disadvantaged groups, to take into account their needs or concerns. This promotes stakeholder awareness and appreciation of the strengths of the EMBs and the challenges they face. Inclusivity should boost confidence in the electoral process and enable EMBs to understand stakeholders' expectations.

⁷¹ See, for example, Paragraph 68 of the Explanatory Report to the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

Points of inquiry:

- Do EMB regulations clarify how to implement the law, fill in necessary gaps or just repeat the (unclear) legal provisions?
- Are regulations adopted by EMBs consistent with the election legislation?
- Does the central EMB publish regulations, policies and strategies?
- Do the EMBs ensure transparent decision-making, including by publishing alternative opinions, feasibility studies, detailed justifications for decisions, minutes of sessions and deliberations?
- Does the central EMB consult with electoral stakeholders in developing regulations and policies?
- Do the EMBs provide equal treatment to all election contestants while adopting rules?
- Do the EMBs ensure that regulations are available in accessible formats?
- Are rules made, and sanctions applied by the EMBs subject to administrative or judicial control?
- Do the EMBs hold sessions that are open to key stakeholders?
- Do decisions state the reasons and factual grounds on which they were taken?
- Is the strategic plan consistent with the mandate of the EMBs?
- Did the EMB consult with electoral stakeholders when preparing the strategic and operational plans?

2. DELINEATION OF BOUNDARIES OF ELECTORAL CONSTITUENCIES

It is common in the OSCE region to establish a separate body to undertake delimitation of boundaries of electoral constituencies. In some cases, the boundary delimitation authority, while separate from the election administration, includes senior election officials and may be supported by staff from the EMBs. Some participating States assign responsibility for boundary delimitation to the legislature. The central EMB can also be mandated to undertake this process. However, due to politically sensitive nature of the delineation process, this can leave the EMB open to attacks by those who perceive the results as not serving their interests.

The body in charge of boundary delineation must conduct the process **effectively**. Constituency delineation should be reviewed regularly to ensure that equal suffrage and equal voting strength are maintained despite the demographic evolution of the country. As a general rule, seats should be redistributed at least every 10 years, preferably after the completion of a periodic population census and outside electoral periods to limit the risks of political manipulation.⁷²

72 See Section I.2.2.v of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

Delineation of electoral boundaries must also be undertaken **impartially**, ensuring equal suffrage and equal voting strength.⁷³ Constituency boundaries should be drawn in such a way that seats are distributed similarly among the constituencies, in accordance with specific distribution criteria such as the number of residents or voters in the constituency, geographical criteria and the administrative, or indeed historic, boundary lines. The maximum admissible departure from the distribution criterion — usually the average number of voters (or residents) per parliamentary seat nationwide or constituency-wide (in multi-seat constituencies) — will depend on the individual situation but, in line with good electoral practice, should generally not exceed 10 per cent.⁷⁴ In any case, the process of delineation should not favour or disadvantage certain political forces.

Whichever body is responsible, it must conduct the process **transparently**, using an approach that ensures discussions are held openly, with meaningful opportunity for consultation with, and feedback from, electoral stakeholders. This could include publishing draft decisions on boundary delimitation, including alternatives, before making a final decision.

The principle of **accountability** must also be adhered through mechanisms that ensure that errors can be rectified, and that electoral stakeholders, particularly political parties and other election contestants who believe that errors have been made in the process, are provided with effective remedy.

Points of inquiry:

- Do the competent bodies regularly review the constituency boundaries?
- Is the delineation process conducted transparently, using a consistent procedure established by law?
- Does the process provide for consultation with, and feedback from, electoral stakeholders?
- Does the result ensure equal suffrage and equal voting strength?
- Are the seats distributed similarly among the constituencies, in accordance with acceptable distribution criteria? Are there considerable departures from the distribution criterion? If yes, why?
- Is there a legal remedy for decisions (or lack thereof) on constituency boundary delineation?

⁷³ More about organization of electoral constituencies can be found in the ODIHR Guidelines for Reviewing a Legal Framework for Elections, (Chapters 5.4 and 6.2), *op.cit.*, note 2.

⁷⁴ Section I.2.2.iv of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20, recommends that seats be evenly distributed among constituencies while “the permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances”.

3. TRAINING OF ELECTION ADMINISTRATION STAFF

No EMB can justify or afford to permanently maintain the number of staff needed for all polling stations. Efficiency considerations may also preclude maintaining permanent secretariats for subsidiary EMBs at regional and local levels, or the full, permanent staffing of functions that are only needed during an electoral period. Much of the management structure for major electoral events may be based on temporary appointments or made up of staff seconded from other areas of public service.

To be **effective**, an EMB needs to provide a comprehensive organizational and staff development programme that takes into account long-term capacity-building and skills requirements. EMB staff should receive specific training ahead of elections to ensure that they fully understand their assigned tasks.⁷⁵

The EMBs also need to provide intensive, high quality training for temporary staff recruited for an electoral event. Training is particularly important for polling officials because of the ad hoc and often infrequent nature of polling processes.⁷⁶ This should focus on the specific operational elements of their responsibilities as well as respect for the law, impartiality and transparency. EMBs often maintain a database of staff who have been trained and have worked satisfactorily during elections so they can be contacted to work in future electoral events.

Training can take the form of cascade training. This is cost-effective and especially useful where training has to be delivered simultaneously over a large geographical area. Another option is to train a small number of mobile teams of trainers. This has the advantage that the information is imparted accurately by competent teams of trainers. However, it requires more time, because a small number of teams are responsible for training all election staff across the country.

EMBs may opt to train commission members and staff entirely online, as it reduces the cost and is deemed more convenient. However, EMBs should consider carefully whether to replace or retain in-person training or perhaps employ a hybrid approach. For example, testing the election officials' knowledge of applicable regulations can be automated with online expert systems, but in-person training may prove essential for conducting high quality practical exercises (e.g., for vote counting procedures).

Whatever approach is used, high quality materials should be prepared and used, including instructions in a user-friendly form and training manuals. Simulating electoral processes such as voter registration, polling and counting processes is an effective training method.

⁷⁵ See Section II.3.1.g of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

⁷⁶ Article 7.1.d of the UNCAC, *op. cit.*, note 12, prescribes State parties to “promote education and training programmes to enable [public officials] to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions”.

If possible, ODIHR LTOs should observe training sessions at different levels of EMBs and assess the quality, uniformity and substance of the training provided, as well as its effect on the quality of election day procedures observed later on.

Points of inquiry:

- Is there an organizational and staff development programme adopted and implemented?
- Do election staff receive specific, standard and effective training in advance of electoral events?
- Is training provided for temporary staff? Is it standard, comprehensive and effective?
- Are observers invited to training sessions?
- Are observed training sessions interactive and practical?
- How are ICT tools used in training election officials?
- Are those participating in online training given the opportunity to ask questions?

4. PROVISION OF INFORMATION TO ELECTORAL STAKEHOLDERS AND VOTER EDUCATION

Public information campaigns on key electoral processes are necessary to ensure the **effective** exercise of suffrage rights by an informed community.⁷⁷ The EMBs should put information of public interest in the public domain and make every effort to ensure easy, prompt, effective and practical access to the information. Many EMBs develop and implement communication strategies to better guide their interface with the public via the media. In addition, some organize briefing sessions among key stakeholder groups, such as representatives of the contestants and civil society, to allow two-way communication and information exchange, which is not always possible solely through press conferences. Increasingly, the public receives information via social networks.

The EMBs should provide reasons for any refusal to provide access to information, and there should be arrangements in place to allow appeals over refusals to provide access to information, or where there is a failure to respond to requests.⁷⁸ Voters should be able to form their opinions free of manipulative interference of any kind. Therefore, it may be necessary for the EMBs to set up a communication and information system to counter false or misleading information on the electoral process.

Responsibility for voter education usually lies with the EMBs, while the political parties, civil society and the media often get involved in this activity on their own initiative. The purpose

⁷⁷ See Paragraph 11 of the UN HRC GC No. 25, *op. cit.*, note 10.

⁷⁸ See Paragraph 19 of the UN HRC GC No. 34, *op. cit.*, note 11.

of voter education is to ensure that all citizens are aware of their rights and responsibilities as voters, that they understand how to exercise them and have the information they need to make informed choices. Meaningful voter education can also generate knowledge and interest about the electoral process and build a climate for open debate.

If responsible for voter education, the EMBs must ensure that they conduct it **effectively**. Voters should receive objective, non-biased, unambiguous and timely information. All voters must be informed, in a timely manner, how and where to register to vote or to check that they are already properly registered. Ahead of election day, all voters must be given essential information, such as the polling place, date and times, and how to cast their vote. If there have been recent changes in procedures, this must be adequately addressed in education programmes and widely publicized. As a result of voter education, citizens should be fully informed about the importance of the elections as a democratic institution, the list of candidates and political parties and have all the information necessary to participate effectively in the process.⁷⁹ Adequate information should also be available in polling stations on election day.

A vital component for strengthening the **transparency** of the electoral process is a well-maintained website, run by the central EMB. This should contain up-to-date and comprehensive data of public interest, such as:

- Relevant laws, including those related to electoral offences and applicable penalties
- Normative acts (sub-laws) regulating all aspects of the elections
- Constituency/election district maps
- Information on the EMBs involved in administering the elections, their membership disaggregated by sex, as well as information on administration departments and organizational charts
- The list of all polling places and tabulation centres
- Voter registration data, including data disaggregated by election district, polling station and gender
- Electoral timetables or calendars, clearly indicating important deadlines
- The EMB's schedule of meetings, meeting agendas and minutes
- Information on registered and rejected contestants
- Information on election disputes and their resolution
- Preliminary and final election results disaggregated by election district and polling station
- Civic and voter education materials, public information and guidance notices
- Relevant forms

79 See, for example, Section I.3.1.b of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

- Codes of conduct (for election officials and staff, observers, the media and contestants, as applicable)
- The EMB's strategic plan and its annual and post-election reports
- Media briefings and releases
- Frequently asked questions supported by a search function
- Recruitment notices
- Tender notices

Given the specific obligation to count and report election results accurately and the right of the public to access information held by public bodies, the EMBs should ensure that all electoral results are publicly available as aggregated totals and in disaggregated form enabling interested parties to verify the accuracy of the results tabulation and the electoral victors.

Voter information must be **inclusive**. This means that, in addition to information being provided to all, without discrimination, it should also be targeted and made accessible to those with special needs, those who are less likely to vote, face hurdles in participation, or who have traditionally experienced difficulties in accessing voter information. When developing these programmes, the EMB should consult organizations representing the interests of marginalized groups.⁸⁰ The EMBs may craft specific voter education materials for women, members of national minorities (including in minority languages), illiterate people, IDPs, citizens outside the country, first-time and young voters.⁸¹ Information should be freely available to all citizens throughout the country and, where necessary, be geographically targeted at areas with traditionally low voter turnout. EMBs and state-owned/controlled broadcasters often have a responsibility to raise awareness about the participation of people with disabilities and other specific groups and to combat stereotypes, thereby promoting inclusive political participation. Where possible, all electoral materials should be designed to be accessible to people with various types of disabilities.⁸²

Points of inquiry:

- Does the central EMB place all election-related regulations in the public domain?
- Do the EMBs proactively place other election-related information in the public domain?
- Do the EMBs provide stakeholders and observers with all requested information in a timely manner?

80 See Paragraph 25 of the UN OHCHR Guidelines on the Right to Participate in Public Affairs, *op. cit.*, note 41.

81 See Paragraphs 12 and 20 of the UN HRC GC No. 25, *op. cit.*, note 10, and Paragraph 32.5 of the OSCE Copenhagen Document, *op. cit.*, note 6.

82 See Paragraph 7.3.3 of the CoE Parliamentary Assembly Resolution 2155(2017) on [Political Rights of Persons with Disabilities: A Democratic Issue](#), Standing Committee, 22 February 2017.

- Does the central EMB hold regular press/media briefings?
- Are detailed election results published, including in disaggregated form?
- Is voter education provided without discrimination to all citizens and groups?
- Is adequate voter information freely available to all citizens throughout the country?
- Do voter education programmes target different groups with specific needs and in accessible formats?
- Are voters informed, in a timely manner, how and where to register to vote or to check that they are already properly registered?
- Are all voters provided with essential information such as the polling place and hours, and how to cast their vote? Are changes in procedures, if any, adequately explained?
- Is adequate voter information available in polling stations on election day?
- Are voters aware of the significance of the election and the identities/ programmes of contestants?
- Do the EMBs raise awareness about the political participation of women, people with disabilities, national minorities?
- Have voter education materials been prepared and disseminated (if relevant) in minority languages?

5. REGISTRATION OF VOTERS AND PREPARATION OF VOTER LISTS

Responsibility for the registration of voters and preparation of voter lists varies. In some countries, the election authorities undertake these tasks, in others it is the responsibility of other state authorities, such as the police, census or statistics bodies, which also serve as EMBs in this context.

The process for registering voters also varies and can be active or passive.⁸³ Whichever body is responsible for undertaking voter registration, the process must be conducted **effectively**. Establishing and maintaining an accurate voter register is one of the most difficult and, at times, controversial elements of the electoral process. The quality of the registration process and, therefore, of the voter lists can enhance or diminish public confidence in the conduct of an election. At a minimum, the legal framework should outline the registration method, eligibility requirements, and the deadlines for voter registration and compiling voter lists. Any gaps in these areas, as well as in the registration forms, the formats of the register and voter lists, should be filled by the administrative body through the publication of regulations.

83 More on technical aspects of voter registration and on how to assess this process can be found in the ODIHR Handbook for the Observation of Voter Registration, *op. cit.*, note 46.

Voter registration data should be accurate and credible. The EMBs should have a data exchange system and coordination mechanisms in place to ensure that the voter register is updated in a timely manner. **Effectiveness** also extends to registering voters in places of temporary residence or anywhere in or out of the country if this is permitted in the legal framework. If either of these approaches is adopted, then a system of checks must be put in place to prevent the possibility of multiple entries and, by extension, the possibility of double voting.

Increasingly, polling stations are being equipped with a computer terminal that contains the voter list of the respective polling location or constituency, or has access to the full voter register. The use of biometric voter registers is also increasing. In such cases, it is critical that the technologies are properly tested and piloted well before election day to ensure that the computers will work as envisaged and not cause delays in processing voters. In addition, the polling staff will need to be trained in their use. The **effectiveness** of the technologies will also depend upon enhanced cyber/ICT security measures implemented by administrative bodies to protect the data and communication channels.

The voter registration process should be conducted **transparently**. This requires preliminary and final voter lists to be made available for public inspection well in advance and on election day. It is good practice to give the voters the possibility to verify their individual registration remotely. Where there are strong allegations or evidence of exclusion, inconsistencies and inaccuracies in the voter register, the authorities should take constructive and **transparent** steps to improve its quality. At the same time, the authorities should, within the national legal framework, ensure the personal data of voters is protected, beyond that required to identify a voter and establish their eligibility to vote.⁸⁴

The availability of lists of people who voted should be limited. The mere fact that a person participated in voting or abstained from voting might be treated as political support or lack thereof and therefore may compromise the secrecy of the vote. Thus publishing the lists of people who have participated in elections should be avoided. However, access to such data may be granted to certain stakeholders, such as the EMBs, party proxies, citizen observers, or those who allege irregularities during voting when participating in an appeal process. The Venice Commission explicitly noted: "Such access to the list of voters having voted should be meaningful, should be granted for a sufficient period of time and should take place under controlled conditions".⁸⁵

Where the EMBs are involved in establishing and using biometric voter identification, they should ensure that its complexity does not reduce **transparency** for stakeholders, and that

84 See Articles 9.1-9.3 of the Code of Good Administration, Article 5.1. of the EU GDPR and Paragraph 66 of the [Principles for a Fundamental Rights-Compliant Use of Digital Technologies in Electoral Processes](#), Venice Commission, 11 December 2020.

85 See the [Interpretative Declaration to the Code of Good Practice in Electoral Matters on the Publication of Lists of Voters Having Participated in Elections](#), Venice Commission, 17 October 2016.

the EMBs do not become dependent on vendors and external expertise to operate, raising questions about control and accountability.

The principle of **accountability** must be adhered to by the bodies responsible for voter registration. This requires processes to be in place to address complaints from electoral stakeholders, in particular those who feel they have been wrongly omitted from the register. For this reason, voter lists should be made public well in advance of election day so that erroneous inclusions, exclusions or other inaccuracies can be corrected.

Adding citizens to voter lists on election day, if applied, should always be **accountable**. Some OSCE participating States consider that any erroneous omissions in voter lists should not bar eligible voters from voting. Thus, the polling staff in these States are allowed, on election day, to register those voters who can prove their eligibility. From one side, cases of omissions, especially if numerous, serve as an indicator of problems with the voter registration system. At the same time, registration on election day often leads to multiple voter registration and possibly to multiple voting undermining integrity of elections. Therefore, it is good practice for the higher-level EMBs in charge of voter registration or courts to pre-validate election day registration.⁸⁶

The voter registration process must be **inclusive**. EMBs should ensure that registration procedures do not have discriminatory effects and, in practice, unduly restrict groups based on 'race',⁸⁷ sex, religion, ethnic origin, (past) political affiliations, language, literacy, ownership of property or ability to pay a registration fee or to obtain an identification document. The EMBs should also make sure that effective procedures are in place to facilitate registration for groups that face specific challenges or who are less likely to be registered, including national minorities, members of rural communities, first-time voters, IDPs, and, if envisaged by the law, citizens abroad.

The principle of **inclusivity** also requires the EMBs to be proactive in providing citizens with information about the voter registration process and opportunities for corrections and updates, including how and where it takes place. This may include conducting a broad-based voter education campaign in advance of, and during the registration process. This should include targeted messaging for traditionally marginalized and under-represented groups, including women, national minorities, members of rural communities, IDPs and first-time voters, in order to ensure their right to universal and equal suffrage. If an active voter registration process is being used, it could involve election officials reaching out to potential voters in these groups by registering them door-to-door.

86 Section 1.2.iv of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20, recommends: "there should be an administrative procedure - subject to judicial control - or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day".

87 The use of the term 'race' in this Handbook shall not imply endorsement by ODIHR of any theory based on the existence of different races. It is a term widely used in international human rights standards, as well as in national legislation. This Handbook uses the term to ensure that people who are misperceived as belonging to another 'race' are protected against hate crimes.



The EMBs should make the voter registration process accessible to all, including people with psychosocial, learning and other types of disabilities. This means that it should be as simple as possible, there should be no physical barriers at registration centres, and materials should be in accessible formats. As far as possible, voters with disabilities should be able to register without assistance in a regular registration centre. At the same time, the EMBs should be aware of and facilitate the role of people entrusted to support the decision-making of voters with psychosocial and learning disabilities.

Points of inquiry:

- Are there any gaps in the legal framework on voter registration that require regulation by the EMBs?
- Are registration procedures and facilities as simple as possible and free-of-charge?
- Is the voter registration process accessible to all, including people with disabilities?
- Are voter lists made public well in advance of election day so that mistakes can be remedied?
- Do political parties and observers have an opportunity to access the full voter register?
- Do the EMBs sufficiently protect personal data beyond that required to identify a voter?
- Do the EMBs apply effective data exchange to keep the voter register updated and accurate?
- Are the EMBs testing or piloting new technologies for processing voters on election day?
- Are polling station staff trained in the use of technologies, if applicable?
- Do the EMBs apply safeguards to avoid multiple voter registration?
- Are the EMBs proactive in providing citizens with information about voter registration?
- Do the EMBs conduct a broad-based voter education campaign in advance of, and during, the registration process?
- Do the EMBs target traditionally disadvantaged and under-represented groups in voter registration and voter education campaigns?
- Are voter registration materials available in accessible formats?
- Does the election dispute resolution mechanism apply to the voter registration process? If not, what forum can voters or political parties appeal to regarding the voter register?
- If allowed, is voter registration on election day subject to pre-approval by a higher-level EMB or court?

6. REGISTRATION OF ELECTION CONTESTANTS

Many OSCE participating States have a specific legal framework for the registration and regulation of political parties.⁸⁸ The general registration of political parties may be administered by an executive body, such as the Ministry of Justice, or the judiciary or the central EMB. Party and candidate registration for contesting elections is generally regulated through electoral legislation.⁸⁹ Responsibility for the registration of election contestants often lies with the EMBs, either at central or local level.

Democratic elections can only take place within a pluralistic environment in which a range of political views and interests can be represented.⁹⁰ The process of registering election contestants must be **effective** to ensure respect for freedom of association and the right to stand for. The law should specify reasonable deadlines for nominating and registering contestants. These deadlines should ensure there is a real opportunity to collect the necessary documents and, if required, supporting signatures, but also that there are equal opportunities for all contestants to campaign in case there are disputes about the registration of contestants.⁹¹

For the registration of political parties and candidates, a central EMB must ensure that procedures are clearly established and consistently applied in a manner that does not have the intention or effect of restricting the choice of voters and the right to seek elected office under equal conditions. If procedures outlined in law are not clear or sufficient, they should be supplemented by regulations. Decisions to refuse the registration of political parties and candidates should only be made on the most serious grounds, given the fundamental nature of freedom of association and the right to stand. The EMBs should undertake a comprehensive awareness campaign about eligibility requirements, make all nomination and registration forms easily available for potential contestants. All nominees should be given the opportunity to correct any technical deficiencies on their applications for registration and should not be disqualified solely on technical grounds.

The process must be conducted **impartially**, with provisions regarding party and candidate registration applied equally. All election contestants should be able to nominate, field or stand as candidates freely. No arbitrary, discriminatory or disadvantageous practices must be undertaken for the purpose of disqualifying or undermining the equal opportunity of certain candidates or political forces, including through setting a certain order of

88 More on standards and good practices for regulating activities of political parties can be found in the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#), 2nd Edition, 6 April 2023.

89 More on legal aspects of registration of election contestants can be found in the ODIHR Guidelines for Reviewing a Legal Framework for Elections (Sections 6 and 9), *op.cit.*, note 2.

90 In Paragraph 3 of the OSCE Copenhagen Document, OSCE participating States reaffirmed that “democracy is an inherent element of the rule of law” and recognized “the importance of pluralism with regard to political organizations”, Copenhagen Document, *op.cit.*, note 6.

91 See Section I.1.3.v of the Code of Good Practice in Electoral Matters, *op.cit.*, note 20.

contestants on the ballot or the design of the ballots, or the non-transparent verification of nomination documents.

Contestant registration, including all aspects of verifying the nomination documents, must be conducted **transparently**. Procedures for registering political parties and candidates should be published and made widely available in advance. Lists of all contestants should be published at the conclusion of the registration process and made available in polling stations before and on election day.⁹² The decisions on the rejection of nominees should be published as soon as possible, and include clear justifications.

The registration process must adhere to the principle of **accountability**. The right of appeal must exist for both registration and the refusal of registration of a party or candidate. The appeals must be heard through a transparent process in which complaints are resolved within a reasonable timeframe so that successful political parties and candidates have a meaningful opportunity to campaign.⁹³ Stakeholders should have recourse to a fair hearing by an impartial tribunal that can provide an effective remedy.

The EMBs in charge of registration of election contestants, while adhering to the legal requirements on the eligibility of candidates, should undertake an **inclusive** approach, ensuring that the electorate has genuine choice. There should be no discriminatory restrictions such as those based on ‘race’, gender, religion, political or other opinions, national or social origin, association with minority or ethnic groups, property, birth or other personal status. In addition, international obligations and standards and good practice encourage the adoption of special measures designed to ensure a more equitable representation of women or minority groups in elected bodies.⁹⁴ Registration of election contestants should be as simple as possible, have no physical barriers and ensure materials are in accessible formats. As far as possible, eligible citizens with disabilities should be able to register without assistance. As already noted, the EMBs should be aware of and facilitate the role of people entrusted to support the decision-making of candidates with psychosocial and learning disabilities.

92 Section 1.3.3.1.b.ii of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20, provides that “the public authorities have a number of positive obligations; inter alia, they must enable voters to know the lists and candidates standing for election, for example through appropriate posting”. Article 9.3 of the 2002 CIS Convention states: “with authentic elections, voters are provided with free access to information on candidates, lists of candidates, political parties”.

93 See [Handbook for the Observation of Election Dispute Resolution](#), OSCE/ODIHR, 17 September 2019, (in particular Chapter 4.A.3 on election disputes related to candidate registration). See also Section 1.1.3.v of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

94 UN CEDAW [General Recommendation No. 25](#) encourages the adoption of a “variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programmes; allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems”. See also, for instance, Paragraph IV.B.9.72 of the UN CEDAW [General Recommendation No. 30](#); Paragraph A.3 of the CoE’s Committee of Ministers [Recommendation \(2003\)3 on Balanced Participation of Women and Men in Political and Public Decision Making](#). On good practice measures to promote the participation of representatives of minorities as candidates see p. 28 of the ODIHR Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes, *op. cit.*, note 49.

To avoid frivolous candidates, certain restrictions may be applied to potential contestants wishing to stand for election, such as a demonstration of minimum support among voters or elected officials, or payment of a financial deposit.⁹⁵ It is paramount that such restrictions are reasonable, not excessively burdensome and do not involve any potentially discriminatory measures.⁹⁶

Points of inquiry:

- If procedures outlined in law are not clear or sufficient, have they been supplemented by regulations issued by the central EMB?
- Are procedures for the registration of contestants published and made widely available?
- Are all the necessary nomination and registration forms made available?
- Do the EMBs undertake an effective awareness campaign on candidate eligibility requirements and the procedures for registration?
- Are candidate registration procedures clearly established and consistently applied in a manner that does not restrict voter choice?
- Is there sufficient time for election contestants to register?
- Is the candidate registration process, including registration materials, accessible to all? Are people with disabilities able to register as election contestants without assistance?
- Do election officials consistently check documentation and adequately address potential mistakes?
- Are applicants given an opportunity to correct technical mistakes on their nomination documents?
- Are decisions on the rejection of candidates published with clear justification for refusals?
- Have any political parties or candidates been disqualified solely on technical grounds?
- Have any arbitrary or discriminatory practices been undertaken for the purpose of disqualifying or undermining certain candidates or political forces?
- Are up-to-date lists of registered political parties and all candidates published at the conclusion of the registration process and made available in polling stations on election day?
- Does the law provide for appealing registration or the refusal of registration?

95 Paragraph 24 of the OSCE Copenhagen Document, *op.cit.*, note 6, states that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law". Paragraph 14 of the UN HRC GC No. 25, *op. cit.*, note 10, states that grounds for deprivation of suffrage rights should be "objective and reasonable".

96 See, for example, Section I.1.3.ii and Section I.1.3.vi of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

- Are appeals heard through a transparent due process and resolved within a reasonable timeframe?

7. PROCUREMENT OF BALLOTS AND OTHER ELECTION MATERIALS

EMBs are normally responsible for the design, procurement and security of ballot papers and all other election materials. The EMBs may be bound by government procurement guidelines, practices or requirements or they may be able to determine some or all of their procurement policies and procedures. Some EMBs may have to use a generic government or public sector purchasing agency for all procurement.

To be **effective**, the EMBs should design ballot papers to be as simple as possible so that they are easy for voters to understand and fill out. Unduly complex ballots can cause confusion among voters, slow the voting and counting procedures, and generate a greater number of invalid ballots. Other election materials should be designed in a similar fashion. It is also important that election materials are accessible to all, including people with disabilities.⁹⁷ Where possible, ballot papers should be prepared in such a way that they are available in easy-to-use formats, in minority languages or adjusted for people with different types of disabilities as well as for illiterate voters.

Ballot papers and other sensitive election materials should be **effectively** supervised and secured at all times. As an additional security measure and to safeguard against fraud, voting procedures can require that ballots be placed in special envelopes before being cast in the ballot box. In such systems, the envelopes, as well as the ballot papers are sensitive materials. In some OSCE participating States, the blank version of the “protocol of voting results” or other materials, such as ballot stamps or seals for ballot boxes, may be considered to be as sensitive as the ballots and also be subject to security measures to prevent tampering.

The principle of **transparency** should be adhered to while acquiring the sensitive election materials. This means that political parties, candidates, and citizen and international observers should be able to observe the printing, distribution and storage of ballot papers and other sensitive election materials. It also means that the EMBs should make public their purchasing processes and meet the highest standards of probity to avoid any favouritism and taint of corruption.

A system of receipts during the transport, handover and storage of election materials helps ensure **accountability**. A number of other safeguards may be built into procedures to help protect the security and secrecy of ballot papers, including affixing an official stamp specific to polling stations, the signing by election officials of the blank ballot before issue, the use

⁹⁷ More on facilitation of electoral participation can be found in the ODIHR Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities., *op.cit.*, note 48.

of numbered ballot stubs to monitor the number of ballots issued, and printing ballots with watermarks or other security features to make them harder to counterfeit.

Adhering to the principle of **impartiality** means the EMBs should determine the order of election contestants on the ballot by lot, or in another equitable, unbiased manner. In line with the principle of equality, the text on the ballot should be similar for all contestants. In case the EMBs procure ballot papers separately for each contestant, the quantity and quality of the ballots purchased should be equal.

Points of inquiry:

- Are ballot papers and other election materials designed as simply as possible?
- Are ballot papers and other sensitive election materials properly supervised and secured at all times?
- Are election materials sufficiently well designed to prevent tampering (ballots, ballot boxes, etc.)?
- Is the order of candidates or political parties on the ballot determined by lot, or in another equitable, unbiased manner?
- Are election materials, including ballot papers and voter education materials, designed in accessible, easy- to-use formats, and in minority languages?
- Are robust checks and review procedures in place for major procurement decisions?
- Are political parties, candidates and observers able to observe the printing, distribution and storage of ballot papers and other sensitive election materials?
- Do the EMBs make public their purchasing processes?

8. REGULATION OF ELECTION CAMPAIGN

For a campaign to be open and fairly contested, candidates, political parties and their supporters must be given the opportunity to promote their platforms and policies across the country through public meetings and other activities.⁹⁸ Any restrictions on campaign activities must strictly conform to the principles of legality, legitimacy and proportionality.⁹⁹ While responsibility for regulating and facilitating an election campaign is typically entrusted to the government and specific state agencies, in some OSCE participating States the EMBs share this responsibility alongside other state organs.

⁹⁸ More on observation of election campaigns can be found in the [Handbook for Observation of Election Campaigns and Political Environments](#), OSCE/ODIHR, 14 October 2021.

⁹⁹ See, for example, Article 19.3 of the ICCPR which states that restrictions “shall only be such as are provided by law and are necessary: (a) for respect of the rights or reputations of others; (b) for the protection of national security or of public order ... or of public health or morals”, *op.cit.*, note 9.

Among the guarantees that should be secured are the right to free and fair campaigning, equal access to state resources and prohibition of the misuse of administrative resources.¹⁰⁰ To be **effective**, a regulatory body may need to issue regulations to clarify any ambiguities left by the law and fill any gaps. These regulations should comply with the principle of **legality**.

It is the duty of contestants to comply with the campaign regulations, but the authorities should ensure a level playing field for the campaign. Whichever body is responsible, it should adhere to the principle of **impartiality** by ensuring, in a fair and consistent manner, that all candidates and political parties have equal opportunities. This applies to the opportunity to conduct public rallies, produce and disseminate campaign materials, access the media and use state resources.

The campaign regulatory body should ensure that it acts **transparently** by publishing campaign regulations, codes of conduct and other campaign-related information, including in alternative formats, as well as decisions on the imposition of sanctions for violations of the campaign rules.

The authorities should adopt an **inclusive** approach by promoting the full participation in the campaign of groups that face barriers. For example, people with disabilities should enjoy barrier-free access to campaign events and receive campaign materials and media reports in accessible formats.¹⁰¹ Inclusivity also involves taking steps to protect women from intimidation and harassment or arranging for security services to protect members of national minorities who are standing for election.

Points of inquiry:

- Do campaign regulations aim to ensure a level playing field for all candidates?
- Are campaign regulations enforced by an oversight body in a fair and consistent manner?
- Does a regulatory body apply reasonable restrictions on campaigning equally to all contestants?
- Are campaign regulations, codes of conduct and other information related to the campaign published and available to electoral stakeholders, including in accessible formats?
- Do the authorities facilitate the meaningful participation in the campaign of people with disabilities?

¹⁰⁰ See [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources During Electoral Processes](#), ODIHR and Venice Commission, 14 March 2016..

¹⁰¹ PACE Resolution 2155(2017) on Political Rights of Persons with Disabilities, Paragraphs 7.3, 7.4, 10, *op.cit.*, note 82.

9. FACILITATION OF ELECTION OBSERVATION

Paragraph 8 of the OSCE Copenhagen Document stipulates: “The OSCE 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”. The Declaration of Principles for International Election Observation and accompanying Code of Conduct for International Election Observers, commemorated at the UN in 2005, sets out important principles that many international observer organizations adhere to.¹⁰² Similarly, in 2012, the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations was adopted as a measure of self-regulation of citizen observation activities.¹⁰³

While citizen and international election observation should be undertaken independently, the legal framework often assigns responsibility to the EMBs for accrediting election observers and guaranteeing their rights of observation. The requirements for observation and accreditation as observers should be clearly defined and publicized well in advance in line with the principle of **legality**.

To be **effective**, an EMB should ensure that it provides election observers with meaningful access to all aspects of the electoral process. While relevant authorities may regulate the requirements for participating as observers, the EMBs should guarantee that they do not interfere in the work of election observers, but ensure their safety. No fees should be charged for election observation, and overly burdensome requirements, which in fact limit the participation of civil society or prevent new organizations from working in this area, should be avoided.

If the accreditation process is decentralized and carried out by EMBs formed later in the electoral process, the rules should allow for observer accreditation at the central level from the beginning of the electoral process, so that observers do not miss any stage. The law may require observers to sign a code of conduct, reiterating the commitment of observers to act independently and impartially. If these requirements are violated, sanctions, such as withdrawal of accreditation or suspension of activities, may be applied only to the individuals in question and not to the entire observer organization.

In facilitating election observation, EMBs should act **impartially**, treating all observers equally, including in their application for accreditation, and showing favour or bias to none.

The EMBs should act **transparently**, by ensuring that the information and materials for observers, including codes of conduct, are publicly available. Information about accredited

¹⁰² See the [Declaration of Principles for International Election Observation](#), OSCE/ODIHR, 27 October 2005.

¹⁰³ See the [Declaration of Global Principles for Non-partisan Election Observation](#), Venice Commission, Commemorated 3 April 2012 at the UN.



observers should also be made publicly available, including data on accredited, refused or withdrawn organizations and the reasons for refusal or withdrawal of accreditation.

An EMB should ensure that the principle of **accountability** is respected by ensuring that citizen election observers are able to appeal against decisions, in particular ones depriving them of accreditation.

The EMBs should act **inclusively**, making information, materials and observation opportunities accessible to groups that may face specific barriers to participation, such as national minorities or people with disabilities.

Points of inquiry:

- Does the law or central EMB over- or under-regulate election observation in any way?
- Are requirements for accreditation clearly defined and publicized well in advance and do they facilitate broad participation in the observation of elections?
- Do the EMBs accredit observers in an inclusive manner?
- Are election observers provided with meaningful access to all aspects of the electoral process?
- Do the EMBs ensure no interference in the work of election observers?
- Do the EMBs treat all election observers equally?
- Do the EMBs make observation opportunities accessible to groups facing specific barriers?
- Are the materials and information for election observers, including codes of conduct, publicly available, including in accessible formats and languages?
- Is appropriate information about the participation of observers made publicly available?
- Are citizen election observers given the right to appeal decisions affecting their rights?

10. VOTING

Voting must be organized **effectively** to ensure that all eligible citizens have the opportunity to exercise their right to vote. This begins with establishing polling stations in proportion to the number of voters. These should be staffed with sufficiently trained polling officials.

Polling stations should open and close on time, and no unauthorized people should be present or interfere in any aspect of the process. Ballot papers should be properly accounted for, supervised and secured at all times, including during transfer to the polling station and storage. Polling officials and security personnel, if present, should seek to ensure that there

is a secure environment in and around polling stations, free from intimidation, violence, undue influence or coercion.¹⁰⁴

The **effective** administration of voting also means ensuring that all voters are able to vote in secret; the set-up of polling stations must allow ballot papers to be marked in private. Except in lawful cases of assisted voting, no one can waive their right to vote in secret.¹⁰⁵ Voting procedures should be as simple as possible.

Polling officials should ensure the **integrity** of the voting process, preventing occurrences such as several people in one polling booth voting at the same time ('family voting') or voting outside a polling booth ('open voting'). Nobody should be able to vote on behalf of another person ('proxy voting') unless defined by law for specific circumstances. Multiple voting should be prevented with adequate safeguards, including marking off the voter register, voters signing for receipt of their ballots, or marking a voter's finger with ink, etc.

Polling officials should act in a fair and **impartial** manner. They must not favour election contestants they might represent, or support them politically, or allow others to campaign for or against election contestants within the voting premises. Voting procedures should be consistent and allow all voters who abide by the electoral law to cast their ballots. All voters should be given the opportunity to vote to ensure equal suffrage. The time available for voting should be fixed and of the same length for all voters, and any decision to extend voting should be based on objective criteria applied in a consistent manner.

The EMBs should ensure that voting is conducted **transparently**. Accredited party/candidate representatives and international/citizen observers should be permitted to observe all aspects of voting, including arrangements for alternative voting methods. The EMBs should ensure meaningful opportunities for observation as well as share interim information on the process of voting with observers. Ballot papers awaiting use should be kept in voting premises in full view at all times. Procedures for assistance to certain groups of voters should be published before election day and explained at polling stations.

Recognizing that the use of new voting technologies can reduce transparency and limit opportunities for observation, the EMBs should do all they can to ensure that processes are open to independent scrutiny. This means that observers and candidate and party representatives should be able to witness and review all aspects of the selection, certification and testing of equipment, as well as its use throughout the electoral process.

104 In Paragraph 7.7 of the OSCE Copenhagen Document, *op.cit.*, note 6, participating States committed to "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 ... prevents the voters from learning and discussing them or from casting their vote free of fear of retribution"; see also [Guidelines for Public Security Providers in Elections](#), OSCE/ODIHR, 12 September 2017, Section 5.3.

105 In Paragraph 7.4 of the OSCE Copenhagen Document, *op.cit.*, note 6, OSCE participating States agreed to "ensure that votes are cast by secret ballot or by equivalent free voting procedure".

An independent audit of software should be foreseen in law. The EMBs should proactively involve independent experts in auditing the processes and publicizing the results.

The voting process, including use of new technologies, should adhere to the principle of **accountability**. Eligible citizens who are prevented from voting by, for example, a decision of the polling staff or exclusion from the voter register, should be able to seek effective remedy. Electoral stakeholders should be able to appeal any irregularities, both by polling officials and other people present at polling station, to higher-level EMBs or law enforcement bodies, provided that timely effective redress is ensured.¹⁰⁶

The authorities must adhere to the principle of **inclusivity** to ensure that all citizens are given an opportunity to vote, preferably independently. The EMBs should take measures to enable voters with disabilities, to the largest extent possible, to vote in the same locations as others without assistance. Where this is not possible or relevant, alternative methods can be provided, but should not be promoted as a substitute to improving accessibility at regular polling stations. Alternative voting procedures may be envisaged by law for voters unable to visit their polling station on election day.¹⁰⁷ This includes the organization of mobile voting, early voting, special polling stations (for example, in places of detention, retirement homes or universities), allowing voters to cast their ballot in any polling station by presenting an absentee voting certificate, postal and out-of-country voting as well as by means of Internet voting.

Whenever alternative voting procedures are provided, sufficient safeguards should be enforced by the EMBs to exclude: multiple voting, compromising the secrecy of the vote, pressure and undue influence on voters or electoral manipulations, especially in an uncontrolled environment, thus enhancing **integrity**. The EMBs and other agencies, before and while administering alternative voting arrangements, need to make available to the public accurate information about procedures in accessible formats. All voting options should be open to election contestants and observers.

To fully meet the principle of **inclusivity**, the authorities should ensure the accessibility of the electoral process.¹⁰⁸ Access to polling stations is a necessary condition for voting, and citizens should not be required to travel an unreasonably long distance. Particular care should be taken to ensure that people with disabilities have no-barrier access to their polling stations.

106 More on election-day disputes resolution can be found in the ODIHR Handbook for the Observation of Election Dispute Resolution (Chapter 4.B), *op.cit.*, note 93.

107 More on alternative voting methods can be found in [Alternative Voting Methods and Arrangements](#), OSCE/ODIHR, 12 October 2020.

108 More on accessibility of election day proceedings can be found in the ODIHR Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities, Chapter 3.B, *op.cit.*, note 48.

Where citizens are not able to vote unaided, arrangements should be in place for them to request assistance. This should be provided by a person of the voter's own choice, while ensuring the secrecy of the voter's choice.¹⁰⁹ Assistance should be impartial and should therefore not be provided by candidates or party representatives. The EMBs should be aware of and properly trained to facilitate supported decision-making by voters with psychosocial and learning disabilities.

Points of inquiry:

- Are appropriate alternative voting procedures provided for voters?
- Do the EMBs provide all voters with the opportunity to exercise their right to vote, as allowed by law?
- Do the EMBs ensure that safeguards for the integrity of voting, including for alternative voting methods, are applied as envisaged by the rules?
- Do polling officials ensure that family/group and illegal proxy voting, carousel voting and ballot box stuffing are not taking place?
- Is a secure environment in and around polling stations ensured?
- Is sufficient information on voting rules available in voting premises?
- Is information on voting rules, including on alternative voting methods, prepared in accessible formats?
- Did the EMBs verify the suitability of polling stations for different categories of voters?
- Are unauthorized people present in polling stations? If so, are they interfering with the process? How do polling officials respond to the presence of unauthorized people and interference?
- Do the polling officials ensure that all voters cast their ballots in secret?
- Are materials (ballots, envelopes) properly accounted for, supervised and secured at all times?
- Are polling officials acting in an impartial manner?
- Are polling officials or other people campaigning in the polling station or in its immediate vicinity?
- Do all voters, in particular people with disabilities, have access to their polling stations?
- Are arrangements in place to ensure that voters in need are able to request assistance from a person of their choice?
- Are accredited party/international/citizen observers able to meaningfully observe the voting process?

¹⁰⁹ UN CRPD, *op.cit.*, note 11, Article 29, and Paragraph 20 of the UN HRC GC No. 25, *op. cit.*, note 10.

- Do electoral stakeholders have a meaningful opportunity to challenge irregularities experienced/observed at polling stations? Are they provided with an effective redress?

11. COUNTING

In OSCE participating States, counting is usually conducted in polling stations or, sometimes, in counting centres where ballot boxes from multiple polling stations are counted together.¹¹⁰ Counting at polling stations can enhance effectiveness and accountability, while doing it at counting centres can enhance transparency and consistency or ensure that the results of individual polling stations are not known, mitigating the possibility of retribution against voters in certain polling stations, such as in hospitals, prisons, military units or small villages.

Once voting has been completed, the principle of **integrity** requires reconciliation by counting the number of voters who received ballot papers, the number of unused ballot papers, as well as any spoilt and returned ballot papers. After ballot boxes have been opened, the total number of ballots inside should be counted and reconciled with the number of ballot papers that were issued to voters. The number of ballots inside the box should not be more than the number of voters who received their ballots.

Integrity requires that counting is conducted honestly. All ballots indicating the intended choice of the voter should be considered as valid, provided they contain no marks that could indicate who has cast the ballot. The law may provide for recounts when violations and/or significant discrepancies in counting records are observed. Such recounts may be initiated by the EMB or requested by a stakeholder. Once (re)counting has been completed, the results should be accurately recorded, and all materials should be secured and transported in an appropriate manner.

Counting must be conducted **effectively**, following procedures established in law. If these are not sufficient to provide for a transparent, prompt and accurate count, they should be supplemented with regulations issued by the central EMB to ensure sufficient safeguards and consistency. Counting should only be undertaken by authorized officials and should take place promptly after voting has ended. Polling officials and security personnel, if present, should seek to ensure that the environment in and around counting facilities is secure, free from intimidation, violence, undue influence or coercion.¹¹¹

¹¹⁰ The Code of Good Practice in Electoral Matters, *op. cit.*, note 20, states in Section 1.3.2.xii: "counting should preferably take place in polling stations". See also Paragraph 45 of the Explanatory Report to the Code of Good Practice in Electoral Matters, *op. cit.*, note 20.

¹¹¹ See also Paragraphs 7.4 and 7.7 of the OSCE Copenhagen Document, *op. cit.*, note 6.

Counting must be conducted **impartially**, with polling officials treating all votes in an equal and fair manner. The impartiality of counting may be assessed while observing decision-making on the invalidation of disputable ballots; invalidation should be made in a reasonable and consistent manner.

Counting should be conducted **transparently** by authorized officials who record data on standard forms, often referred to as voting results protocols. Party and candidate agents as well as citizen and international observers should be able to observe all aspects of the process, if present. This includes accompanying ballot boxes to counting centres (if applicable) and being able to inspect ballot papers when counting is underway. It can be admissible for voters registered in the polling station to attend.¹¹² Copies of the voting results protocol should be provided to all observers present who request it. A copy of the voting results protocol should immediately be posted at the polling station or counting centre as soon as counting has been completed.

The principle of **accountability** is guaranteed by giving contestants and other stakeholders opportunities to seek remedy if they have objections about the activities of the counting officials.¹¹³

Points of inquiry:

- Are counting procedures established, and do they provide effective safeguards to protect the integrity of the process and the accuracy of the results?
- Does counting take place promptly after voting has ended?
- Is counting conducted honestly?
- Is counting undertaken only by authorized officials?
- Do counting officials act in an impartial manner and in accordance with the regulations?
- Are all ballots clearly indicating the choice of the voter considered valid?
- Are decisions on invalidating ballots taken in a consistent and reasonable manner?
- Is reconciliation undertaken once voting has been completed and ballot boxes opened?
- Is a recount ordered where required?
- Are results accurately recorded?

¹¹² See Section 3.2.2.4 of the Explanatory Report to the Code of Good Practice in Electoral Matters, *op.cit.*, note 20.

¹¹³ Section 2.3.3.f of the Code of Good Practice in Electoral Matters, *op. cit.*, note 20, states: "All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections".

- Is the environment in and around polling stations/counting centres secure, free from intimidation, violence, undue influence or coercion?
- Are observers able to observe all aspects of the counting process?
- Are observers able to inspect ballot papers when counting is underway?
- Are results posted publicly immediately after the count is completed and given to observers?
- Are election materials secured and transported in an appropriate manner?
- Are observers able to accompany election materials from counting facilities to tabulation centres?
- Are election contestants and other stakeholders given opportunities to seek remedy if they object to the decisions or activities of the counting officials?

12. TABULATION AND PUBLICATION OF RESULTS

After the votes are counted, the results from the polling/counting station are usually transmitted to a higher-level EMB where the regional results are tabulated and then transmitted to the EMB at national level. This should be undertaken promptly, without delay.

Tabulation is often organized in tabulation centres. Authorized officials report to the EMBs in charge of the tabulation and publication of results. The EMBs should be able to show the connection between the data in the voting results protocols and tabulated results; they are expected to account for any discrepancies in the published results.

To be **effective**, the central EMB should ensure that procedures for results tabulation and publication are clearly established before election day. If electoral legislation is not clear or has gaps, the central EMB should address them with regulations.

Most importantly, the central EMB should ensure that detailed results are published at every stage of the aggregation process as soon as they are available, indicating how many votes have been won by each contestant and the number of invalid votes. To ensure **transparency** the authorities should publish the results in full, including a breakdown of results by individual polling station, as well as regional constituencies, to allow for cross-checking and preferably in a format which allows for data analysis.

EMBs are expected to announce preliminary results as soon as tabulation is completed at regional or countrywide level. The release of preliminary results as they are available is a transparency measure that can increase public confidence in the integrity of the tabulation process. Preliminary results should always be referred to as representing only a proportion of the votes cast. Final results should be declared after the deadline for the submission of any challenges to the preliminary results has passed.

The EMBs should ensure that all aspects of the processes of result tabulation and publication are **transparent**. This means that observers and the media should be able to accompany the official results, ballot papers and other election materials from counting facilities to tabulation centres and then be given full access to the tabulation procedures, including the computer networks used to transmit results. The relevant EMB should give observers an official copy of the results. Detailed results from each polling station should also be made publicly available on the Internet to allow election contestants, observers and the media to check the results against those collected at polling stations or counting centres.

The principle of **accountability** is respected when voters, candidates and political parties have the right to challenge the accuracy and validity of election results. Procedures should allow challenges to be made within an appropriate timeframe. Where results have been successfully challenged, the correct results should be established or voting should be repeated in the polling stations affected within a suitable timeframe. Repeat polling may not be required if the total number of votes affected by wrongdoings is insufficient to change the allocation of a mandate. At the same time, those found guilty in violation of established rules should be held accountable.

Points of inquiry:

- Are there clear procedures for the tabulation and publication of results?
- Are observers and the media given meaningful access to the tabulation processes, including computer networks when these are being used to transmit results?
- Are preliminary results announced as soon as the tabulation of results is completed?
- Are final results declared after the deadline for the submission of any challenges to the preliminary results has passed?
- Have detailed results been published at every stage of the aggregation process, including in disaggregated form by polling station, district, constituency, and in open data format?
- Are voters, election contestants and other stakeholders provided with the right to challenge the accuracy and validity of election results?
- Where election results were successfully challenged, was voting repeated in the polling stations affected within a suitable timeframe?

13. ELECTION DISPUTE RESOLUTION

The principle of **accountability** is enforced through election dispute resolution, which is an important component of an election and may arise in relation to any aspect of the

process. Responsibility for certain election-related complaints often lies initially with the EMBs, with appeals lodged before a court.¹¹⁴

Within their competence, the EMBs must resolve election disputes **effectively** and provide meaningful and timely redress, where required. This is particularly important for cases of candidate or voter registration, as remedies should be implemented before the start of the campaign and on election day, respectively.

To ensure effective and substantive consideration, the legislation should provide the EMBs with legal powers to directly and promptly receive necessary materials and evidence from stakeholders and institutions involved in the disputes. To ensure objective consideration, the right of those involved in a dispute to participate in the hearing of a complaint and present their case should be ensured. For this, the EMBs are responsible for informing the parties in a timely manner about the hearing and their opportunity to participate.

The rules should allow a swift but reasonable timeframe for receiving all necessary information. In jurisdictions where the timeframes for making decisions on complaints are too short, the EMBs often tend to redirect the complaints to other 'competent' agencies, most often to law enforcement bodies. This may deprive plaintiffs of effective remedies since the consideration of complaints following regular timeframes for proceedings tends to be considerably longer, often lasting beyond an electoral period.

Election disputes must be addressed **impartially**. This requires all complainants and parties to the complaint to be treated equally, without bias or discrimination, in a consistent manner, and in accordance with due process of law.

Complaints must be dealt with **transparently**. All EMB hearings and rulings should be public. EMB members considering the matter must have the opportunity to discuss the complaints on their merits, and reasoned decisions need to be provided in writing and published in a timely manner. Well-reasoned decisions serve as a transparency and confidence-building measure by informing the interested parties and the general public of the grounds of the decision and are an essential component of providing an effective remedy. To increase the transparency of election dispute resolution, EMBs should adopt and publish standard operating procedures on complaint-handling and maintain records of complaints, such as a publicly accessible registry.

In administering the election disputes, EMBs should ensure that the principle of **inclusivity** is met. Most importantly, this means that all citizens have a right to effective remedy where their political rights have been infringed or denied. Efforts must be made to ensure that those with particular needs or who face hurdles in participation, including women,

¹¹⁴ See more in the ODIHR Handbook for the Observation of Election Dispute Resolution, *op.cit.*, note 93.

members of national minorities, illiterate citizens and people with disabilities, can exercise adequately their right to an effective remedy.

Points of inquiry:

- Do EMBs have authority to act ex officio in response to noted irregularities?
- Are EMBs entitled to request access to information from other bodies as part of investigations or review of complaints?
- Are there clear procedures and deadlines for handling election disputes?
- Are there realistic timeframes for complaints and appeals to be submitted and for decisions to be reached?
- Do timeframes maintain a suitable balance between the time pressures of the electoral process and the need to allow a complaint/appeal to be lodged and heard fairly? Are they adhered to?
- Are effective arrangements in place to ensure that those with particular needs or who face hurdles in participation have the right to an effective remedy?
- Are all complainants treated equally by EMBs, without bias or discrimination and in a consistent manner?
- Are EMB hearings of election disputes held in public?
- Are decisions and their justifications provided in writing and published in a timely manner?
- What remedies, including sanctions, could be imposed by EMBs to address irregularities? Are these proportionate, effective and dissuasive?

14. EVALUATION AND POST-ELECTORAL FOLLOW-UP

An EMB has to evaluate its activities to consider how effectively it has performed and to identify areas where improvements can be made that will enhance the conduct of future elections.¹¹⁵

To be **effective**, an EMB should evaluate its activities on a regular basis, particularly after an election. This can be conducted by its own staff, or can involve external experts, including EMB officials from other countries. Evaluation should seek to look at all aspects of the EMB's work, including planning, regulatory and oversight activities, the organization of the electoral process, efforts to ensure inclusion and accessibility, financial management, staff training, and relations with electoral stakeholders.

¹¹⁵ The [Committee of Ministers Recommendation \(2007\)7](#), CoE, 20 June 2007, accompanying the Code of Good Administration, recommends that objectives and performance indicators be devised "in order to monitor and measure, on a regular basis, the achievement of these objectives by the administration and its public officials" and "to conduct appropriate internal and external monitoring of the administration and the action of its public officials".

Evaluation should involve scrutiny of the election administration at all levels. It should involve the EMBs in a representative sample of locations throughout the country. Evaluation methods can include questionnaires, interviews, seminars, focus groups and workshops, both in-person and online.

In undertaking these tasks, use should be made of reports by citizen and international election observers, in particular recommendations that have been made to improve the conduct of future elections. These should not be accepted uncritically but should be reviewed carefully to consider how they can be implemented in a correct and appropriate manner and to identify additional areas that may not have been addressed.

Comprehensive election evaluation reports made by the EMBs and observers can be of utmost value to lawmakers in improving or refining regulation of the electoral process. The results of evaluations or lessons-learned processes conducted by the EMBs can be used to present a law making initiative to parliament, or to feed into an expert review of legislation. Such analysis is also useful for discussions among lawmakers, political parties, institutions, academia, civil society and organizations representing disadvantaged groups.

After an evaluation has been completed, it is helpful for an EMB to conduct a mid-term review to consider the extent to which improvements have been made and to prioritize actions in advance of the next electoral event.

In conducting an evaluation, an EMB should ensure that it adopts an **inclusive** approach by consulting with a wide range of electoral stakeholders, including state institutions, voters, political parties, candidates, representatives of civil society and the media. The EMBs should consult with groups who face obstacles to participation in the electoral process, such as women, members of national minorities, people with disabilities, including those with psychosocial and learning disabilities, IDPs and youth. Consideration could be given to holding gender audits of EMBs and specific components of the electoral process.

The EMBs should act **transparently** by publishing the evaluations and distributing them to key stakeholders.¹¹⁶ They should also ensure that evaluations are accessible to people with different disabilities.

While ODIHR observation missions usually do not assess the stages of self-evaluation and post-electoral follow-up to lessons learnt, these can be a useful reference for ODIHR observation missions when reviewing the implementation of previous observer recommendations and for ODIHR follow-up activities.

¹¹⁶ For instance, Paragraph 84 of the UN OHCHR Guidelines on the Right to Participate in Public Affairs, *op. cit.*, note 41, emphasizes that “participation and transparency in monitoring the implementation of decisions made should be ensured.” Paragraph 86 elaborates that “Participation in monitoring and evaluation should be considered as a continuum and include the use of social accountability tools, such as social audits, public expenditure tracking surveys, community score cards, social audits, transparency portals, community media and public hearings”.

Points of inquiry:

- Do the EMBs evaluate all aspects of their activities after an electoral event?
- Does the central EMB evaluate the work of the EMBs at all levels around the country?
- Does the central EMB consider reports by citizen and international election observers in its evaluation, in particular recommendations to improve the conduct of future elections?
- In undertaking evaluation, do the EMBs consult with a wide range of electoral stakeholders?
- Do the EMBs consult with groups who face obstacles to participating in the electoral process?
- Do the EMBs publish evaluations, including in accessible formats?
- If the central EMB has the opportunity to propose legislative amendments, is it basing its suggestions on its own self-evaluation or observer reports?

15. PROTECTION OF PERSONAL DATA

The protection of the right to data privacy is enshrined in many regional instruments.¹¹⁷ One international initiative in response to the emerging use of ICT and the need for protection of personal data is the CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108).¹¹⁸ Convention 108 applies to all data processing carried out by the private and public sectors and protects individuals against abuses that may accompany the processing of personal data, including cross-border data flows. Also relevant for some parts of the OSCE region are the EU initiatives which regulate and protect personal data. The EU General Data Protection Regulation (GDPR) establishes strict rules based on individual consent for the collection and processing of personal data. The GDPR also lists a number of concerns related to online (micro) targeting and possibilities for communication in “non-transparent ways”, which may involve the processing of personal data “unlawfully in the electoral context”.¹¹⁹

In line with international standards, the conditions under which voter data may be obtained and used should be spelled out in the law and further regulated in secondary legislation.

117 Paragraph 24 of the OSCE Moscow Document, *op.cit.*, note 7, recognizes the right to privacy, and Article 25 of the ICCPR, *op.cit.*, note 9, requires a secret ballot. Article 9 of the Code of Good Administration is also relevant, *op. cit.*, note 22.

118 The 1981 [CoE Convention 108](#) of 28 January 1981 is the legally binding international instrument in the data protection. See also the CoE dedicated [website](#) on data protection. The [modernized Convention 108](#), 128th session of the Committee of Ministers, 17-18 May 2018; also known as Convention 108+, introduced additional safeguards for data protection “[to be applied to the new realities of the on-line world](#)”.

119 See [General Data Protection Regulation](#), EU, 2016/679, 27 April 2016, and the [Handbook on European data protection law, 2018 Edition](#), EU Agency for Fundamental Rights, 2018.

Given the sensitivities involved, data collection, storage, processing and the use of private data should be subject to stringent regulation and oversight. In many OSCE participating States, the oversight for data protection lies within the mandate of specific institutions, and their regulatory policy applies to election administration. Data protection authorities should be **independent**, sufficiently resourced and endowed with enforcement/sanctioning powers to fulfil their role **effectively**. This also applies to data held on individuals by political parties. In general, the key standards for personal data protection require **legality**, **transparency**, limitation on the purpose of the use of data, storage limitation, adequate security safeguards and **accountability** of those who are given access to voters' data.¹²⁰ All entities holding or processing personal data, including EMBs, are called upon to provide clear and accessible information about their data collection policies and practices.¹²¹

Traditionally, aspects of privacy and data protection in election administration are most often discussed in the context of voter registration and voter list scrutiny as, in most OSCE participating States, contestants are able to access the voter list to verify its accuracy and completeness. However, there are growing concerns about the use and exploitation of voter data for campaign purposes.¹²²

The use of private data is especially relevant while using ICT, such as with electronic voter identification technology and an Internet voting process. These technologies rely on collecting, storing, and analysing personal information to administer the electoral process. The data protection authorities and EMBs have to address several questions: if and how personal data is protected during the automatic processing of voter registers; how the same data, along with the secrecy of the vote, are protected after ballots have been cast, etc. The authorities should take all necessary measures to guarantee privacy. Citizens should have the right to access their personal data held by the EMBs and to secure rectification or removal of any data that is inaccurate.¹²³

The absence of clear regulation and procedures for handling data can potentially expose voters to unsolicited communications. The abuse of voter data can negatively affect the integrity of the process by giving contestants information about voters' preferences and afford an undue advantage to some contestants. In extreme cases, such instances can make voters vulnerable to pressure, intimidation or manipulation.

120 Paragraph 10 of the UN HRC GC No. 16, *op.cit.*, note 11, also states: "The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law. Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of people who are not authorized by law to receive, process and use it, and is never used for purposes incompatible with the Covenant".

121 See EU GDPR, Article 5(1)a, UN General Assembly [Resolution 73/179 on the Right to Privacy in the Digital Age](#), Paragraph 7(b).

122 See [Guidelines for Observation of Election Campaigns on Social Networks](#), OSCE/ODIHR, 11 October 2021.

123 Personal data are often defined as information that relates to an identified or identifiable individual. Most often, the legislation for data protection provides the voters with the right to be informed, the right of access, the right of rectification, the right of erasure, right to restrict processing and the right to object.

Points of inquiry:

- Is the privacy and data protection regime applicable to administering elections?
- Do EMBs have policies in place to ensure respect for privacy and data protection?
- Does the legislation establish an independent data protection authority?
- Under what conditions is personal data related to the electoral process openly accessible? Does the legislation adequately safeguard voters' and candidates' personal data? What measures are in place to protect personal data from unauthorized access?
- Does the legislation provide for effective remedies against misuse of private data?

16. USE OF INFORMATION AND COMMUNICATION TECHNOLOGIES

All EMBs across the OSCE region use information and communication technologies (ICT) to support and facilitate various aspects of electoral processes. Digital tools are routinely used to store, process, aggregate, secure, transmit, back up, publish and archive election-related data. In recent years, many EMBs have developed comprehensive ICT systems to manage their election administration functions, including for drawing precinct boundaries, voter and contestant registration, signature validation in support of contestant nominations, certification of election officials, observer accreditation, administration of alternative voting methods, management of election results, etc.¹²⁴ In addition, online meetings and training sessions became particularly widespread, mainly triggered by the COVID-19 pandemic.

The use of ICT can boost EMB's productivity and increase efficiency, **accountability** and **transparency**. For instance, EMBs can publish detailed precinct-level results immediately after the vote count; a feature that can significantly enhance the transparency of election results. In addition, the use of digital infrastructure has a positive impact on safeguarding election **integrity**, for example, by having built-in mechanisms to capture errors during results tabulation or by having data encryption to protect against the interception and alteration of results.¹²⁵

All principles for election administration apply to the use of ICT in elections. To date, no specific international obligations have been developed regarding either the use of voting technologies or the use of ICT in administering electoral processes. At the same time, sources of good practice emphasize that electoral processes involving technologies should meet the same requirements of universality, equality, integrity,

¹²⁴ The methodology for observation of the use of ICT applied for voting, counting and tabulation of votes is elaborated in [Handbook for the Observation of New Voting Technologies](#), OSCE/ODIHR, 1 October 2013.

¹²⁵ Encryption is the process of encoding data so that it can be interpreted only by intended recipients.

transparency and accountability as traditional voting processes. In February 2022, the Council of Europe's Committee of Ministers issued Guidelines on the use of ICT in electoral processes. These guidelines cover the use of ICT solutions by EMBs at all stages of electoral process, except electronic voting and counting, which are covered separately by the Council of Europe's recommendation on standards for electronic voting.¹²⁶

The use of ICT in electoral processes should align with the core principles for a functioning election administration, as identified in Section II.4. To ensure **legality**, all ICT procedures should be addressed in primary or secondary legislation. Moreover, EMBs should ensure **accountability**, and electoral stakeholders and observers should be able to check whether the ICT systems comply with regulations.

A certain level of technical expertise is required to understand the functionality of most ICT. Any non-IT staff, users or election observers may find it difficult to scrutinize the ICT systems. EMBs, therefore, should ensure the **transparency** of these systems. This includes publishing the technical documentation and source codes (if applicable), informing about procurement procedures and outcomes, organizing independent audits, evaluating the ICT systems and publishing relevant findings, tracking issues and reporting how they were solved, and developing and publishing future ICT strategies. EMBs should discuss the functionality of the ICT systems used in elections in their open meetings or formal sessions rather than treat it as a non-public task of their secretariat or an implementing partner.

While it is impossible to follow and assess the entire workflow, electoral stakeholders and observers should be invited or permitted to witness critical events (for example, tabulation of results) or the demonstration of ICT capabilities, receive documentation and any non-sensitive data, and be provided with ample opportunity to ask questions, including technical ones.

The ICT should be **inclusive**. This requires a user-oriented approach when designing interfaces for election officials and other stakeholders, including contestants and voters. These interfaces should be accessible to people with disabilities, including those with visual and hearing impairments and voters with cognitive difficulties. Web resources containing election information for the general public must include accessibility features, including in different formats. Where applicable, the ICT systems should also be configured for use in minority languages, including in different alphabets in official use.

¹²⁶ See [Guidelines on the use of information and communication technology \(ICT\) in electoral processes](#), CoE, 1424th meeting, 9 February 2022, and 2017 CoE Recommendation [CM/Rec\(2017\)5 on standards for e-voting](#), 1289th meeting of the Ministers' Deputies, 14 June 2017.

EMBs must have the capacity to operate, maintain, and protect their ICT systems. To ensure that ICT failures do not jeopardize the electoral process, EMBs should have in place an **effective** risk management system with contingency planning for all critical systems. For example, EMBs must ensure a functional back-up power source for their data servers and backups of crucial data to mitigate a risk of data loss.

EMBs may outsource some ICT solutions to either state or private entities. Outsourcing may occur when the EMBs do not have the required capacity, but also in case building internal capacity is not cost-**effective** or sustainable. For instance, rather than employing in-house programmers to build and maintain its website, an EMB would typically hire a contractor. However, it is crucial to stress that the EMB should always have the ultimate **accountability** for performing essential election functions. If an EMB engages an external entity to perform an election function, the EMB must retain the control and oversight function and be ready for any contingencies. For example, a company might be contracted to set up and configure electronic voter identification devices for election day, but strict deadlines must be set, the process should be fully documented and auditable, and the systems should be thoroughly tested under EMB oversight. In this respect, stakeholders should be able to assess whether outsourced activities comply with the core principles for election administration.

Points of inquiry:

- Which essential election functions are performed using ICT?
- Are there regulations in place to safeguard the integrity of election results, and what are the ICT solutions in this respect?
- Do ICT systems used in the electoral process comply with the law and EMB regulations?
- Are ICT systems designed to be universally accessible, including to people with visual, hearing, physical and cognitive impairments?
- Are EMBs in full administrative control and accountable for using their systems? Does the central EMB maintain documentation related to its systems' design, management, maintenance and protection?
- If outsourcing, do EMBs have ultimate accountability for performing essential election functions?
- Are EMBs sufficiently aware of the complexities of the ICT systems applied and their possible impact on the electoral process?
- Do EMBs have sufficient resources and IT capacity to perform core functions without undue obstacles and risks? Is the equipment up to date?
- Are comprehensive contingency plans in place?

- Are EMBs discussing all essential aspects of ICT systems in public sessions, along with other relevant election matters? Are there any obstacles to observing essential aspects of the operation of ICT systems (except entry of sensitive data, such as passwords)?
- Is all pertinent, non-sensitive information about ICT systems used in the electoral process readily available in written form? Is the central EMB ready to provide technical information about its underlying ICT systems to electoral stakeholders, such as information about the operating system(s) and software used, access and authentication policies, etc.?
- Is the independence of EMBs protected from government influence, if provided by law, regardless of the EMB's possible dependence on the government's ICT systems?

17. ENSURING CYBER/ICT SECURITY

In recent years, numerous EMBs in the OSCE area have experienced cyberattacks on their ICT systems. Attacks may target a range of stakeholders and activities. Malicious acts may compromise voter registration systems (accessing, deleting, or changing data); manipulate results of voting and counting technologies; interfere with support systems, including results transmission, access and other information systems, to steal, modify, or disseminate sensitive data. The source of such attacks can be internal or external, isolated or complex, foreign or domestic.

As cyberinterference within electoral processes continues to evolve, it is increasingly considered to challenge a state's ability to hold genuine elections. Cyberattacks resulting in significant delays to or disruption of the results aggregation process can undermine the **integrity** of elections. The mere fact of such attacks, even when not successful, can weaken public confidence in the effectiveness of election administration and, more broadly, subvert systems of democratic governance.

Given the potential consequences of such threats, many states are pursuing ways to mitigate and manage these risks. While policies do not in all cases specifically identify elections as a component under threat, the inclusion of digital infrastructure under the umbrella of protection could encompass aspects such as voter registration systems and electronic voting. Furthermore, electoral interference via cyberattacks is increasingly recognized as a form of cybercrime.¹²⁷ Some states have declared their election-related systems as critical infrastructure, thus providing an additional level of protection and support.

¹²⁷ See the [Convention on Cybercrime](#), CoE, Budapest, 23 November 2001.

The legal framework may contain requirements to notify users in the event of a possible breach of access to data.¹²⁸ At the regional level, the EU has raised serious concerns over the increased capability of state and non-state actors to pursue their objectives by engaging in malicious cyberactivities, often integrated with other operations. In response, it has developed guidelines related to the cyber/ICT security of election technology.¹²⁹ In addition, broader policies have been established to enhance the overall level of cyber/ICT security in the EU and to establish a common response mechanism.¹³⁰ Given the nature of such attacks, the available information on possible responses may be limited.

At the national level, there should be a range of tools to enhance resilience to such interference. These could include enhancing government cyber/ICT security practices, raising penalties for cybercrime, establishing task forces, and allocating additional resources for cyber/ICT security initiatives.

If election technologies are compromised, the **integrity** of an entire electoral process can be jeopardized. Therefore, the EMBs need to consider measures to protect their respective systems, through a combination of both proactive and reactive components.¹³¹ Cyber/ICT security measures should encompass policies, security concepts and safeguards, cooperation with security agencies, guidelines, risk management approaches, training, best practices and technologies to protect the cyber/ICT security environment and users' assets.

To enhance the **effectiveness** of measures there should be regular cyberhygiene training for EMB staff and maintenance of the computer systems. Even if an ICT system has been developed using all best practices and protections, it may not be immune to cyberattacks.

ODIHR observation missions should check what security measures have been put in place to protect systems from cyberattacks. Within ODIHR election observation missions, it is necessary to understand the range of cyberthreats, what the EMBs and other authorities are doing to safeguard against threats, the impact of real and perceived interference, and possible responses and outcomes. While most ODIHR observers are not expected to be specialists in cyber/ICT security matters, an enhanced understanding of these issues in the electoral context is beneficial. In general, as in the case of mainstreaming other thematic issues, cyber/ICT security-related issues should be included within the respective sections of ODIHR election observation reports.

128 Various EU laws and regulations, including the 2016 GDPR, contain obligations to inform parties in case of security breaches concerning their personal data.

129 See the [Compendium on Cyber Security of Election Technology](#), European Union, NIS Cooperation Group, July 2018.

130 See the [Directive on Security of Network and Information System](#), European Commission, 2016. Also see the [EU Agency for Network and Information Security](#), that works with EU States and the private sector involved in network and information security.

131 See Section 40 of the CoE Recommendation CM/Rec(2017)5 on standards for e-voting, *op.cit.*, note 125.

Depending on the aspects under review by various analysts (legal framework, election administration, new voting technologies, voter registration, campaign-related risks), input should be coordinated by the deputy head of the ODIHR observation mission.

Points of inquiry:

- What bodies are responsible for conducting security assessments and preventing cyberattacks on election-related infrastructure? Is there effective cooperation to address possible threats by various authorities, such as the EMBs and security services or other authorities?
- Are there any contingency plans in place? If yes, are they discussed publicly?
- Are any mitigation measures initiated in response to any threats?
- Have there been any changes to electoral legislation/procedures/operations?
- Is there any impact on the use of any election technology?
- Do such measures impact negatively on other aspects of the electoral process, including in relation to the fundamental rights of voters and contestants?
- Is training on cyberhygiene given to election officials and staff?
- Do the EMBs consistently apply necessary cyber/ICT security safeguards for its ICT systems?
- Is equipment certified and tested by an independent body prior to use?
- Does the voting results transmission system allow for the verification of each stage of the tabulation process?
- Do security measures ensure that data cannot be lost or manipulated or subject to unauthorized access?
- Do the authorities engage with contestants or civil society to strengthen cyber/ICT security in elections?
- Do the authorities release any information on possible cyberthreats or responses?
- If there was a previous cyberattack, is detailed information available on the incident? Is information available on follow-up proceedings, such as an investigation or prosecution by the authorities?

18. CONDUCT OF ELECTIONS IN EXTRAORDINARY CIRCUMSTANCES

In certain cases, an EMB will have to prepare elections in extraordinary circumstances. These could include, but not be limited to natural disasters, civil disturbance, terrorist attacks, economic crisis and pandemics.

To be **effective**, a central EMB, jointly with relevant state agencies, should seek to identify potential risks when preparing its strategic and operational plans. These may require quick and considerable adjustment of many aspects of the electoral process, including timelines, procedures for candidate and voter registration, campaign and voting arrangements. Nevertheless, all standards for democratic elections should be kept in place, including the holding of periodic elections, safeguarding universal and equal suffrage on a non-discriminatory basis, the opportunity to campaign freely, secret voting, accurate counting and effective legal remedy. ODIHR observation missions should closely assess how any emergency measures have impacted the process, the work of the EMBs and the ability of the citizens to exercise their democratic rights.

The central EMB should develop detailed plans to address each situation at national, regional and local levels. These should cover all aspects of election administration, including organization and leadership, human and financial resourcing, logistics and security. Plans should be reviewed on a regular basis. These plans may apply to the framework of risk management.

The EMBs should take a **transparent** approach by publishing their plans and decisions. For reasons of security, it may be necessary for some information to remain unpublished, but this should not exceed what is reasonable and responsible given the context in which the EMB is operating.

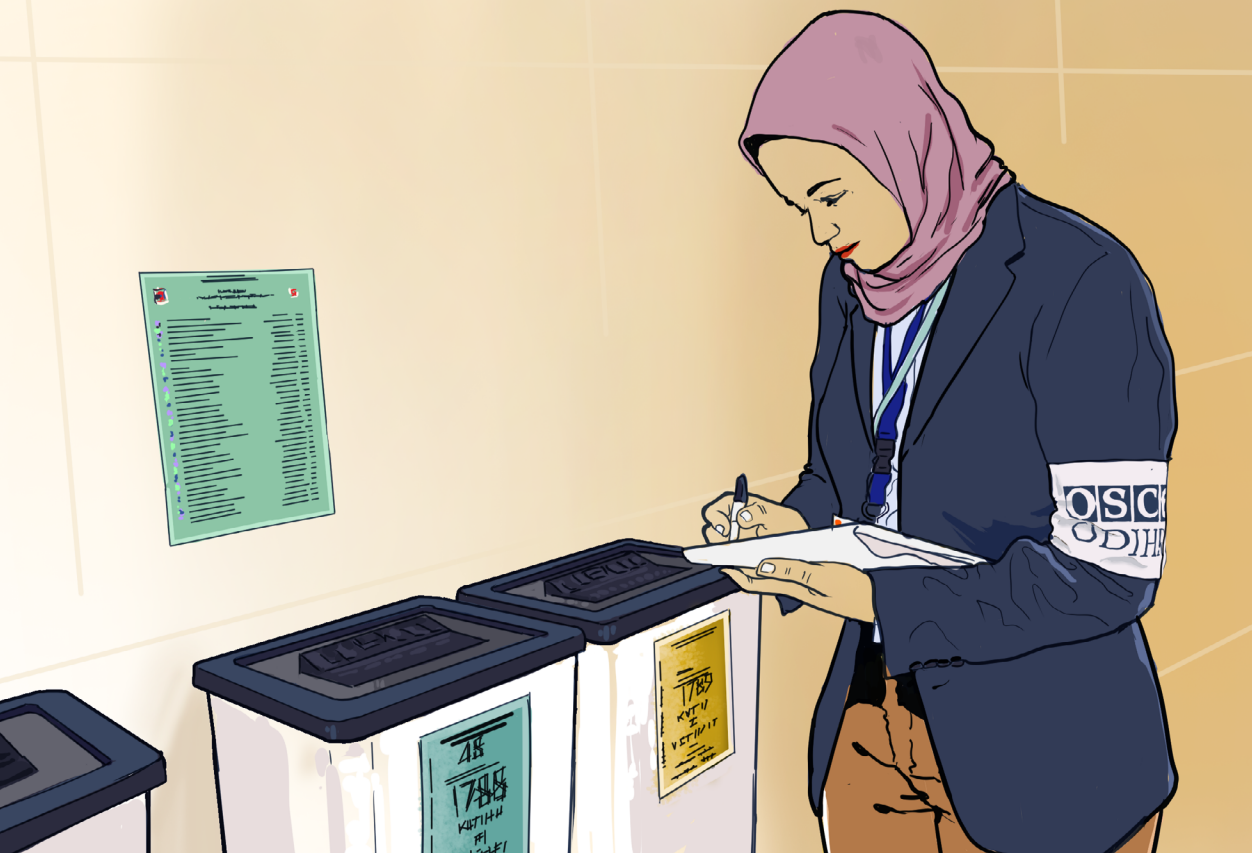
The EMBs should take an **inclusive** approach to developing plans and risk management responses. Decisions to adjust certain aspects of the electoral process should be contemplated carefully, including in extraordinary circumstances, and should follow inclusive consultations with the main institutional and political stakeholders to ensure broad buy-in and public trust. This should include central and local governments, emergency and security services, political parties, civil society organizations and the media. Decisions should be weighed against the principles of necessity and proportionality, the ability to organize the electoral process with respect to other guaranteed rights and freedoms, and ensuring the health and safety of all participants.

Points of inquiry:

- Do the authorities conduct a risk assessment of emergency situations that may arise?
- Does the central EMB develop detailed plans to address these situations within the electoral process?
- Does the central EMB review its plans on a regular basis? In developing its plans and making decisions, does the central EMB consult with a wide range of actors involved in elections and risk management?



- Does the central EMB publish its plans for activities and decisions taken under extraordinary circumstances?
- Were adjustments, if any, to the electoral process made in a reasonable manner, were they guided by necessity and proportionality?
- Did the emergency measures impact the ability of citizens to exercise effectively their fundamental election-related rights?
- Did any measures/adjustments disproportionately impact any vulnerable groups or particular contestants?
- Did the proposed solutions take into account the needs of vulnerable groups?



VI. Observation and Assessment of Election Administration

The assessment of election administration is one of the core activities of an ODIHR observation mission and is based on OSCE commitments, other international obligations and standards for democratic elections, and national legislation. The assessment should also take into account the adherence of EMBs to the key principles for election administration. This section explains the roles of different members of ODIHR observation missions in assessing the activities of the EMBs, elaborates on how data can be gathered, lists the important benchmarks for assessing election administration, and examines the formulation of recommendations and follow-up to the recommendations during the period between elections.

1. ROLE OF CORE TEAM MEMBERS IN ELECTION ADMINISTRATION ASSESSMENT

The assessment covers the legal framework for election administration and its implementation, the decision-making process of the EMBs, the organization of election administration activities and the effect of the exercise of suffrage rights by citizens, as well as the confidence of key electoral stakeholders in the election administration. The assessment should take into account whether the EMBs adhere to the key principles for election administration. All members of ODIHR observation missions gather information and observe the electoral process to contribute to the overall assessment of election administration as a whole.¹³² The credibility of ODIHR election assessments is based on independence, impartiality, consistency, and the professionalism of observation missions.¹³³ The management of missions therefore should control the consistent application of the observation methodology by analysts, LTOs and all other mission members.

The **Head of Mission** meets the central EMB leadership at the start of the mission along with the deputy head of mission, election analyst and other relevant analysts. As the representative of the mission, the head of mission establishes formal contact and maintains high-level engagement with the central EMB while core team members maintain more detailed engagement with the professional and technical staff of the EMBs.

The **Deputy Head of Mission** may also participate in these meetings or substitute for the head of mission where appropriate. The deputy head of mission reviews the contributions of analysts to the public observation reports from the perspective of their comprehensiveness and consistency with ODIHR methodology and also develops, jointly with the election analyst, the STO observation forms (if applicable).

The **Election Analyst(s)** is the ODIHR observation mission's principal point of contact with the central EMB. The election analyst, together with the head of mission and deputy head of mission, attends the introductory meeting with the central EMB and builds relationships with this EMB and appropriate staff. The election analyst should regularly attend and inform the ODIHR observation mission of all sessions of the central EMB and also meet other national-level state authorities with a role in organizing the election. The election analyst is in charge of the initial development of the STO observation forms based on a standard template, in close coordination with the statistical analyst and deputy head of mission.

The main task of the election analysts is to assess the performance of the host country's election administration in the context of national legislation, OSCE commitments and other international obligations and standards, and good practice. For this, it is necessary to assess the election administration's effectiveness, independence, transparency and

¹³² This Handbook complements and should be read alongside the ODIHR Election Observation Handbook, *op.cit.*, note 2.

¹³³ See also Declaration of Principles for International Election Observation, *op.cit.*, note 101.

impartiality, as well as the inclusivity and integrity of their activities related, among others, to the formation of lower-level EMBs, logistical preparations, voter and contestant' registration, the training of EMB staff, provision of information to electoral stakeholders, organization of election day procedures, and facilitation of domestic election observation.

To fulfil the task, the election analyst has to:

- Contribute to the analysis of the legal framework related to election administration;
 - Evaluate if the system is clearly and adequately regulated;
 - Review the timeline for different components of the electoral process and the impact it has on the effectiveness of the electoral process;
 - Assess how the legislation meets OSCE commitments, other international obligations and standards for administering elections; and
 - Identify inconsistencies and gaps in the legislation that require further elaboration;
- Acquire a broad understanding of the model of election administration in the country, its impact on the independence, impartiality, and effectiveness of election administration and public confidence in it;
- Track all regulations and other decisions adopted by the central EMB;
- Assist other core team members in analysing the legal framework and practice of administering certain aspects of the electoral process in their thematic areas, including voter and candidate registration, campaign facilitation, campaign finance audit and election dispute resolution;
- Observe the formal (and, if applicable, informal) sessions of the central EMB to understand how the EMB is making its decisions, evaluate their independence, impartiality and transparency, assess EMB decisions and the decision-making process for compliance with the principle of legality, and identify any cases of specific or systematic political bias;
- Provide the mission with a detailed description of election day procedures;
- Provide guidance and direct the attention of other core team analysts, LTOs and STOs to specific aspects of election administration for their observation; analyse the information supplied by LTOs and STOs;
- Prepare the draft observation forms based on current procedures and standard templates;
- Analyse the voting results protocols collected by STOs and assess whether their data is similar to the officially published data (if such information is available);
- Inquire into the policies, plans and activities of the central EMB regarding voter education and assess their comprehensiveness, including in light of the principles of inclusivity and effectiveness;

- Assess the inclusiveness, effectiveness and transparency of the election administration, including for under-represented groups, such as women, people with disabilities and national minorities;
- Inquire into the policies and plans of the central EMB about facilitating the participation in elections of women, people with disabilities and other groups, including on election day, and assess their comprehensiveness, including in light of the principles of inclusivity, transparency and effectiveness;
- Assess the confidence of electoral stakeholders in the integrity of the election administration by inquiring with them about specific issues of concern and their trust in the EMBs at different levels, getting the views of different stakeholders on EMBs' competence, impartiality, ability to deal with problems, responsiveness, communication with other agencies in charge of electoral processes and stakeholders, etc.; and
- Jointly with other core team analysts, develop recommendations for improvements to the legal framework and to the practice of administering elections.

In order to provide a comprehensive assessment, the election analyst, in conjunction with other core team analysts, LTOs and STOs, will analyse information about different components of election administration. Depending on the composition of the ODIHR observation mission, the assessment of certain aspects of election administration may also be conducted by the **voter registration analyst, new voting technologies analyst, gender analyst** and/or **national minority analyst**.

The **Legal Analyst** reviews the electoral legislation and other regulations related to election administration and, jointly with the election analyst and other analysts, assesses the extent to which the legislation and its implementation by relevant state bodies comply with OSCE commitments and other international obligations and standards for democratic elections.¹³⁴ Assessment should focus on whether the sub-regulations and activities of different EMBs comply with the principles of legality, inclusivity, and impartiality among others. It is also relevant to note and report any positive steps taken by the EMBs to promote adherence to the law. In addition, the legal analyst should attend sessions of the central EMB to follow the consideration of election-related disputes.

The **Political Analyst** may need to meet the central EMB to gather information on party and candidate registration, the regulation of the campaign, and nomination of EMB members by political parties (if applicable). The political analyst should also ask political parties, candidates and civil society representatives about issues of concern related to election administration, as well as about their trust in the EMBs and their confidence in the EMBs' adherence to the key principles for election administration.

¹³⁴ For this, analysts should become familiar with the ODIHR Guidelines for Reviewing the Legal Framework for Election, *op.cit.*, note 2, in particular Section 7 on reviewing the legal framework for the EMBs.

The core team members assigned to assess the electoral participation of national minorities, women and people with disabilities as well as other analysts need to support the election analyst and LTOs in meeting relevant EMBs to acquire information on relevant policies and activities. The core team analysts should inform the election analyst and deputy head of mission about possible issues with the implementation of rules in their thematic areas of observation and provide feedback from their interlocutors about trust in the EMBs at different levels.

As the principal liaison between LTOs and the core team, the **LTO Co-ordinator** will maintain contact with LTOs and summarize their findings on the activities of the EMBs at sub-national level. In conjunction with the LTO Co-ordinator, the election analyst will collate, analyse and synthesize the LTOs' findings concerning the functioning of subsidiary/subordinate EMBs. The LTO Co-ordinator solicits questions from the core team to provide direction to the LTOs and also conveys any questions LTOs may have about the electoral process to the core team. To better guide the work of LTOs, the LTO Co-ordinator should maintain familiarity with both the main rules applicable to election administration and the findings of the election analyst. With this, the LTO Co-ordinator guides the analysis, by prompting LTOs with additional questions from the core team where patterns arise, and verifies LTO observations for clarity and accuracy.

2. ROLE OF LTOS AND STOS IN THE ASSESSMENT OF ELECTION ADMINISTRATION

LTOs are responsible for observing the various stages of the electoral process in the regions, providing the mission with a detailed territorial/regional assessment of events occurring throughout the country. The presence of LTOs allows thorough observation of the pre-election period and the immediate post-election period, enabling ODIHR to report on the electoral process in its entirety based on findings from the regions and capital. The substantive role of the LTOs is to observe and assess the effectiveness and impartiality of the territorial/regional structures of the election administration and the implementation of the election law and regulations in the regions.

Following guidance from the LTO Co-ordinator and election analyst, LTOs should:

- Establish and maintain close contact with the mid-level election administration, such as regional, district, or constituency EMB structures, in their area of observation;
- Meet with election officials and when possible attend meetings of the EMBs, as often as they are able, to assess the efficiency of their technical preparations, how they interact and reach decisions (i.e., collegially or along political lines, or following the lead of the chairperson or a specific member), how they handle possible controversial issues, transparency, impartiality and independence from local authorities;
- Understand whether the EMBs receive the resources they require;

- Assess whether they enjoy the confidence of political parties and candidates and, if not, why not;
- Closely follow election preparations at the regional and local level;
- Observe training events for polling and other election officials;
- Inquire about the preparation and distribution of election materials;
- Inquire and observe (if possible) voter education efforts;
- Enquire with interlocutors about specific issues of concern, as well as trust in the local EMBs;
- Observe key aspects of
 - Candidate registration (receipt and verification of nomination documents, the validation of support signatures); are the decisions perceived as being fair and in accordance with the law?
 - Voter registration (publication of voter lists, information available to voters about verification procedures, registration for change of polling places or alternative voting methods)
 - The control of the campaign rules and adjudication of campaign related disputes
 - Training of polling station officials
 - Election day preparations; and
- Meet and assess the pre-election work of a sample of polling station commissions.¹³⁵

The points of inquiry in Sections IV and V provide indicators to assist the Election Analyst and LTOs make this analysis.

STOs contribute to the observation of election administration through election day observation in polling stations around the country.¹³⁶ STO observation forms are developed by the core team and include key questions that help the team assess the preparedness of the polling officials, the adequacy of their training on procedures, the transparency and accountability of their work and their ability to function free from interference. Forms also include key questions on the inclusiveness of the process and voter's awareness of how to participate.

3. MAIN INTERLOCUTORS

ODIHR observation missions should meet the EMBs and their staff on a regular basis and gather the data necessary to make an assessment of election administration. They should

¹³⁵ A comprehensive overview of LTO's role, duties, and responsibilities in the specific context of election observation can be found in the ODIHR Election Observation Handbook, *op.cit.*, note 2, and the ODIHR Handbook for Long-Term Election Observers, *op.cit.*, note 2.

¹³⁶ An overview of STO's role and responsibilities can be found in Sections 8-10 of the ODIHR Election Observation Handbook, *op.cit.*, note 2.

observe also EMB activities, including, where permitted, attending their sessions at the central and regional levels. The preliminary analysis should be updated periodically to take account of how the legislation is interpreted and implemented; a provision that, at first reading, appears uncontentious and in line with international standards may be interpreted in a restrictive manner by the competent authority.

The central EMB and its secretariat is the core team's primary interlocutor on election administration issues. Other state institutions and non-governmental entities that may be relevant, depending on their specific mandates and points of interest for the ODIHR observation mission, are presented in the table below.

Interlocutors	Indicative information to be gathered/ points of interest	Mission member
Parliamentary committees engaged in refining legislation	Legislation (discussion of the process and rationale of recent (if any) legal amendments related to election administration, relevant public consultations, parliamentary support, plans for upcoming reforms)	head of mission, deputy head of mission, legal analyst
A state agency responsible for a civil registry and agency of statistics	Procedures related to citizen and voter registration, statistical data on voter registration (cross-checking the data, updating data, exchange of data between agencies involved)	election analyst, voter registration analyst
Ministry of Justice	Political party registration, registration and regulation of activities of NGOs, discussion of recent and potential legal reforms (inclusivity simplicity or difficulty of procedures, impact on candidate registration)	head of mission, legal analyst, political analyst
Ministry in charge of local government/ local government structures	The role of local authorities in administering elections, including setting up polling stations, logistics, raising public awareness, seconding personnel to serve as polling officials, delivery/ storage of election materials (independence of EMBs, transparency of the process, legality and effectiveness of activities, inclusivity of procedures, including access to polling stations)	deputy head of mission, election analyst, LTOs
Ministry of Finance	Funding of election administration (independence of EMBs, impact on electoral process)	head of mission, election analyst
Boundary delimitation commission or equivalent	Process and regularity of delimitation of constituency boundaries (impact on equality of the vote, inclusivity, transparency, and impartiality of the process)	legal analyst, election analyst

Security providers	Security of voting on election day, security arrangements in extraordinary situations, delivery of sensitive election materials, cyber/ ICT security of election infrastructure	deputy head of mission, election analyst, new voting technologies analyst, security expert
Agencies with responsibility for the advancement of participation of women, minorities, and people with disabilities	Accessibility of procedures and information, electoral quotas, employment in EMBs, voter education in specific formats, use of minority languages	election analyst, gender analyst, national minority analyst
Civil society organizations representing specific groups	Issues of inclusivity, voter education, citizen observation, participation in recent and upcoming legal reforms, public trust (transparency of election administration, trust in the EMBs and the electoral process)	political analyst, election analyst, gender analyst, national minority analyst, LTOs
Candidates and political parties, regional branches	Procedures for nomination, access of disadvantaged groups, inclusiveness of registration, impartiality, transparency and support from EMBs, confidence in election administration	political analyst, election analyst, gender analyst, national minority analyst, LTOs
Citizen observer organizations	Accreditation rules, inclusive accreditation, meaningful access to observation, public trust in the electoral process and the results, participation in recent and upcoming legal reforms, follow-up activities with the EMBs	election analyst, political analyst, LTOs
Regional, provincial and district-level EMBs	Organization of voting process, voter and candidate registration, appointment of lower-level EMBs, training of election officials, election dispute resolution	LTOs
Polling station commissions	Election day procedures	STOs

4. WORKING WITH INFORMATION

A. Gathering information

Most information relevant to the assessment of election administration is gathered in four ways:

- Documentary (laws, regulations, decisions, policies, plans, numerical data, reports, etc.)
- Meetings with election officials (information briefings and responses to questions)
- Direct observations (sessions of the EMBs, processes and events)

- Meetings with electoral stakeholders (discussion of their concerns, confidence in the process)

ODIHR observation missions should gather and scrutinize all laws and regulations relevant to election administration, ensuring that they have the most up-to-date texts and that they are translated correctly. The central EMB is likely to post regulations and other decisions on its website, and it is good practice to publish all materials in user-friendly formats. Where they are not published online, copies of decisions can be requested from the EMBs at the central (by the election analyst) and subsidiary levels (by LTOs). ODIHR observation missions should maintain a well organized file of such documents.

The central EMB or the secretariat may also have other documents, such as Rules of Procedures, policies on voter information, on decision-making, training and operational plans and materials. The central EMB may also hold other useful data that may be needed for an ODIHR observation mission, including addresses and contact details of the lower-level EMBs and polling stations. Other materials that can be gathered include:

- Information on the structure of the EMB and its secretariat (and contacts)
- Electoral timetables or calendars
- Constituency/election district maps
- Lists of registered candidates and/or party lists
- EMB's schedule of meetings, meeting agendas and minutes, media releases
- Codes of conduct (for election officials and staff, contestants, observers and the media, as applicable)
- The EMB's strategic plan
- Copies of lessons-learnt reports or other evaluations prepared by the EMB on previous elections
- Civic and voter education materials, and public information notices
- Gender-disaggregated data related to election administration, including on the composition of EMBs
- Census and population data
- Reports by citizen observer groups

Meetings

During ODIHR observation missions, a number of formal meetings with the central EMB, attended by the head of mission and other core team members, are likely to be held. However, the election analyst and other core team members should meet with individual members of the EMB and its secretariat on a more regular basis to discuss specific issues that fall within the mandate of EMBs. Through the LTO Co-ordinator, the core team should

be in contact with the LTOs to follow up on their meetings on election administration issues at sub-national level and to receive and provide information. In addition, ODIHR observation mission members should regularly meet representatives of other institutions engaged in administering elections as well as other electoral stakeholders to clarify certain issues and the degree of public confidence in the integrity of the election administration. The indicative list of potential interlocutors identified in Section VI.3 of this Handbook can help the core team and LTOs plan their meetings.

Direct Observations

The election analyst and LTOs should attend events organized by the EMBs, including formal sessions, media conferences, and training events; these will allow them to assess the decision-making process at different levels (transparency, effectiveness). They should also observe processes, such as the scrutinizing of candidates' documentation, drawing of different lots (legality, impartiality, effectiveness), verification of voter lists (inclusiveness, accountability), printing of ballots (effectiveness, inclusivity), testing and demonstration of equipment (effectiveness, transparency).

STOs will observe the procedures on election day and night, the consistency of their implementation according to the rules and across the country, including with regards to the secrecy of the vote, the integrity of the process, whether the atmosphere is conducive to the free expression of voters' will, and the accurate and transparent counting and tabulation of voting results, etc.

B. Verifying

The ODIHR Observer Code of Conduct requires that all observation mission members base their conclusions on their personal observations or on clear and convincing facts or evidence. In forming an assessment of any aspect of election administration, it is vital that an ODIHR observation mission is certain of the reliability of the information upon which it is basing its findings and conclusions.¹³⁷

In reporting, ODIHR observation missions should distinguish between allegations and proven facts. When deciding whether to report on allegations, mission members should first make additional efforts to substantiate the information, for example, meeting with the key actors relevant to the issue, obtaining and reviewing documentation, such as filed complaints. ODIHR observation mission members may indicate how widespread and reliable the allegation is and justify this with clear or convincing facts or evidence.

Certain types of follow-up actions may be needed to ensure that the ODIHR observation mission is certain of the facts. This may include the need to conduct a follow-up meeting

137 See the [Code of Conduct for ODIHR Election Observers](#), OSCE/ODIHR, 14 June 2017.

with officials to clarify any points of uncertainty or to gather and double-check additional information from other sources. In case of any observed potential irregularities, it is advisable to verify with the election officials what the correct procedure should be in order to evaluate whether the observed action was in line with the procedures (or legal provisions).

C. Aggregating

While most LTO reporting takes the form of weekly narrative reports, data can also be gathered using checklists/questionnaires completed by LTOs, preferably through online surveys. This approach can be particularly useful on larger ODIHR observation missions with a high number of electoral districts. Checklists/questionnaires/online surveys should be designed to obtain uniform 'Yes', 'No' or numerical answers from LTOs about certain aspects of election administration to ensure consistency in LTO reporting, support qualitative findings with quantitative data and ease the process of aggregating the data. The election analyst should work with the LTO Co-ordinator to develop relevant questions at the start of the mission and introduce necessary updates or additional questions in a manageable way in order to gather information effectively through these questionnaires. The systematic gathering of quantitative data, if it is reliable, enables the ODIHR observation mission to build an accurate countrywide picture of the EMBs' activities.

STOs will report their findings using observation forms and, where necessary, elaborate on details and incidents on special forms. The forms seek to gather information on the degree of respect for international election standards, such as the secrecy of voting, or whether the atmosphere was conducive to the free expression of voters' will, whether the counting and tabulation of voting results was honest, etc.

The core team will produce statistical data from the responses to the questions on the forms, which, together with synthesis of this data and the narrative reports filed by LTOs and STOs, will form the main data source for the assessment of the electoral process and its separate aspects.

D. Analysing

The key reference point for analysis and subsequent assessment is whether the provision, decision or action conforms to OSCE commitments, international obligations and standards for democratic elections, as well as national legislation. The analysis should identify whether the issue relates to the legal framework or its application/implementation.

The points of inquiry contained in Parts III, IV and V of this Handbook provide indicators to assist ODIHR observation missions in forming their assessments of election administration.

Qualitative analysis of different aspects of election administration by the core teams and LTOs should take into account the principles for election administration, while assessing, for instance:

- Adherence to established procedures (**legality and integrity**);
- The **effectiveness** of the organization of different components of electoral process;
- The **inclusivity** of the electoral process, including whether the manner in which EMBs implemented the procedures enabled the participation in the process of all eligible people wishing to do so, either as candidates, voters, or election official;
- The ability of election officials to work **independently**, without interference;
- The **impartiality** of the EMBs' decision-making;
- The **transparency** of administering elections, including decision-making, logistical preparations, handling disputes, organization of election day proceedings;
- The accuracy and transparency of the counting and tabulation processes (**integrity**); and
- How the EMBs dealt with procedural irregularities or responded to electoral offences (**accountability**).

ODIHR observation missions should provide an assessment of the degree of adherence to these principles and the significance and impact of any departures from them on the quality of election administration. Was an observed problem a widespread phenomenon, not frequently observed or an isolated occurrence? The analysis should consider what effect the issue had on the electoral process. For example, an unreasonably restrictive approach to candidate registration may not only infringe the passive suffrage right of the nominees concerned but also reduce the field of candidates and lessen the choice available to voters. Similarly, if votes are not counted or reported honestly, the integrity of the election may be damaged as a whole and, as a consequence, weaken public confidence in the electoral process. Conversely, there may have been several procedural irregularities observed, but the ODIHR observation mission may conclude that they did not significantly affect the trustworthiness of the process.

While the official reporting (needs assessment reports, interim reports, statements of preliminary findings and conclusions, and final reports) is structured to examine specific components of the electoral process, assessment of each aspect should take into account the adherence of the EMBs to the key principles for election administration. These principles relate both to the activities of the EMBs and the outcome of their work. It is important that the election analyst joins forces with other analysts in assessing relevant aspects of the electoral process, such as the campaign environment, election dispute resolution, media coverage of elections or the participation of different groups in elections, under the guidance of the deputy head of mission.

E. Reporting

According to ODIHR election observation methodology, ODIHR observation missions, depending on the type of their activities, release interim report(s), statement(s) of preliminary findings and conclusions and a final report on the observation of an election.¹³⁸ While assessing the election administration, ODIHR observation missions report on the formation and composition of the election administration at all levels, trust in the election administration, regulation of the administration of different aspects of the elections, including alternative voting methods, the decision-making process, the transparency of the work of the EMB, training of EMB members, voter education, and facilitation of electoral participation by disadvantaged groups of voters. In addition to a dedicated section entitled “Election Administration” in each of the ODIHR observation reports, the issue of administering elections by the EMBs is usually touched upon in other thematic sections of the reports, such as Voter Registration, Candidate Registration, Election Dispute Resolution, Election Observation, Election Day and Post-Election Developments (if applicable).

Throughout the observation reports, election administration is assessed through the lenses of its adherence to the OSCE commitments, other international obligations and standards for democratic elections and good electoral practices. Qualitative conclusions about compliance are drawn through findings on whether the EMBs respected the key principles for election administration such as integrity, legality, effectiveness, independence, impartiality, transparency, accountability and inclusivity. The reports should refer to stakeholders’ opinions on the degree of confidence in the integrity of the election administration in general and/or in administering specific components of the electoral process.

5. ELECTORAL RECOMMENDATIONS AND FOLLOW-UP

A. Aims and Formulation of Recommendations

The purpose of an ODIHR election observation activity is to assess the extent to which an electoral process complies with OSCE commitments and other international obligations, standards for democratic elections, whether national legislation reflects these commitments, and how the legislation is implemented. Recommendations are formulated to make a constructive contribution to support the efforts of OSCE participating States to further improve the conduct of their elections.

Recommendations may cover improvements to the legal framework, the implementation of the rules and the functioning of the EMBs. Implementation of the recommendations should enhance both procedural and substantive aspects of the administration of elections.

¹³⁸ The detailed methodology for preparing these reports can be found in the ODIHR Election Observation Handbook, *op.cit.*, note 2.

Recommendations should clearly relate to election administration issues that are detailed in the main text of ODIHR election observation report and concern a recognized principle for election administration. The most important recommendations, such as those that concern the exercise of electoral rights or could have the main positive impact on future elections, should be presented as priority recommendations.

All recommendations should aim to address the underlying cause of issues, be based on a clear understanding of the desired outcome as well as the possible means of achieving this. Recommendations should be accurate, concrete, and targeted (the **“ACT” rule**).

- **Accurate** recommendations are mindful of the main shortcomings of the electoral process and seek to remedy their underlying causes. They also require listening to the prevalent concerns expressed by the local actors;
- **Concrete** recommendations should be specific about the end goal, as well as possible ways to achieve this result. The development of a concrete recommendation could include a discussion of ways by which the next ODIHR mission might be able to determine whether it had been addressed; and
- **Targeted** recommendations make it clear to which stakeholder they are addressed, enabling ODIHR and other actors to undertake follow-up activities with these addressees.

Recommendations should not:

- Lack a clear basis in commitments, obligations and standards or international good practices;
- Go beyond the mandate of ODIHR observation missions;
- Be overly prescriptive;
- Refer to multiple issues (unless leading to a single course of action);
- Relate to minor procedural or implementation issues; nor
- Use long and complex sentences.

In general, recommendations should avoid an overly detailed or prescriptive formulation, as there may be more than one way of achieving the objective. Before finalizing the text of a recommendation, ODIHR analysts should have considered how the recommendation could be implemented. The analysts should discuss, where possible, the rationale behind the draft recommendations with the EMBs, citizen observer groups and other stakeholders that are supposed to implement a given recommendation. The development of a recommendation may define criteria that can be used by subsequent ODIHR observation missions and other actors to assess whether the recommendation has been addressed (see Section VI.5.C below).

Recommendations can be formulated to:

- Highlight the objective (With the **aim** of ...);
- Reference the standard or principle (To enhance the **transparency** of ...);
- Use the language and terms found in the text of the commitment or standard; and
- Refer to the method of change (The election law should be amended to ...).

B. Follow-up

OSCE participating States have committed themselves to following up on recommendations and emphasized ODIHR's role in assisting them.¹³⁹ Recommendations made by an ODIHR observation mission have a wide audience. In addition to the stakeholders of the host country, to whom they are addressed, these recommendations are often used by other international organizations to chart their programmes and gauge progress on electoral reform. Findings and recommendations can, and have been used by national courts and the ECtHR when dealing with complaints related to electoral processes. National institutions and citizen observer groups may rely on recommendations to advocate for changes in electoral legislation and practice. Researchers may use them to identify shortcomings of the electoral process.

ODIHR has responded to OSCE participating States' requests for support in addressing electoral recommendations through a variety of follow-up activities. These have included: providing legal reviews and expert opinions on electoral frameworks; organizing roundtables and expert meetings; and providing technical advice. A number of OSCE participating States have also established the good practice of voluntarily reporting on their follow-up on electoral recommendations at different OSCE forums and events.

It is highly likely that many recommendations contained in an ODIHR Election Observation Final Report will directly or indirectly relate to the work of the EMBs. In general, recommendations related to election administration relate to three types of changes required:

- **Legal** amendments (to laws regarding the formation and scope of activities of the EMBs);
- **Sub-legal** amendments (regulations and policies to be adopted by the EMBs); and
- Changes in **Practice** (implementation of existing rules where no legal/sub-legal changes are required).

¹³⁹ In the *OSCE Istanbul Document*, OSCE, 29 June 1990, Paragraph 25, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". For detailed approach to follow-up activities, see *Handbook on the Follow-up of Electoral Recommendations*, OSCE/ODIHR, 6 June 2016.

It is helpful if the recommendations can be filtered into the three categories listed above.¹⁴⁰ This enables discussions to focus on 'how' and 'who' can implement the recommendations.

C. Role of EMBs and ODIHR in Following up Recommendations

Many of the recommendations are likely to concern issues that are within the EMBs' mandate to address, in particular those issues that do not require any legal amendments, but rather changes to sub-legal regulations, policies, plans and procedures, and implementation.

Some EMBs have the legal right to propose legislative changes to the parliament. In countries where they are not afforded this right, they are, nevertheless, well placed to advise the executive and/or legislature on measures to enhance the legal framework for elections. Therefore, together with the legislature and the government, the central EMB is a key institution in advancing electoral reforms.

Some central EMBs prepare reports on electoral processes, which may include a review of lessons learned. Therefore, it is helpful if ODIHR election observation final reports are issued promptly as this will allow recommendations to be considered before the finalization of the central EMB's report. Based on these reports, some EMBs develop multi-year strategic plans that include reviews of the legal and regulatory framework and consideration and implementation of election observers' recommendations.

ODIHR draws on principles for international aid and assistance contained in agreements signed by a large number of OSCE participating States that are relevant to following up on recommendations and which can influence the design of activities.¹⁴¹ These principles include:

- National ownership of the reforms undertaken in line with the recommendations;
- Assistance that develops the capacity of national counterparts;
- Results-oriented processes that promote accountability;
- Inclusive partnerships between the state and international stakeholders; and
- Ensuring the complementarity of the assistance provided with other support programmes.

National ownership is important because the authorities and citizens of the country should understand why the recommendation was made, take the lead on discussions regarding measures that can be taken to achieve the objective, and freely decide whether

¹⁴⁰ In 2019, ODIHR launched a public [electoral recommendations database](#) that supports national institutions and civil society in their efforts to follow up on ODIHR electoral recommendations, as well as to track their implementation.

¹⁴¹ See also [Paris Declaration on Aid Effectiveness](#), the Second High-Level Forum, 28 February – 2 March 2005, and the [Accra Agenda for Action](#), OECD, 4 September 2008.

to implement the recommendation. Dialogue between ODIHR, the host authorities and civil society, including at the stage of formulating the recommendations, can increase domestic support for proposed changes.

The agendas for discussions with the authorities on reforms should relate to the institution's specific mandate. For example, recommendations that are legislative in nature should be discussed with the government department that drafts legislation and the legislator. Nevertheless, recommendations proposing amendments to legislation on issues that fall within the mandate of the election administration should also be discussed with the EMBs. Follow-up events can, where needed, provide a forum for any clarification on the meaning of recommendations, their rationale or possible methods of implementation.

As always, ODIHR stands ready to assist OSCE participating States in their consideration of recommendations and their implementation, upon their request, including in the form of legal reviews of current and draft legislation, legal expertise in drafting legislation, in-depth assessments of specific electoral components, technical advice on implementation of recommendations and other forms.



ANNEXES

International Documents Applied to Election Administration

1. THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

OSCE participating States have committed to fulfilling their obligations as set out in universal human rights instruments and other conventions and treaties.¹⁴²

¹⁴² Helsinki Final Act, Declaration of Principles, Part VII, *op.cit.*, note 8.

THE 1989 OSCE VIENNA DOCUMENT

(12) [OSCE participating States] express their determination to guarantee the effective exercise of human rights and fundamental freedoms, all of which derive from the inherent dignity of the human person and are essential for his free and full development. They recognize that civil, political, economic, social, cultural and other rights and freedoms are all of paramount importance and must be fully realized by all appropriate means.

(13) In this context they will

- (13.7) ensure human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind such as 'race', colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;
- (13.9) ensure that effective remedies as well as full information about them are available to those who claim that their human rights and fundamental freedoms have been violated.

(15) The participating States confirm their determination to ensure equal rights of men and women. Accordingly, they will take all measures necessary, including legislative measures, to promote equally effective participation of men and women in political, economic, social and cultural life.

The 1990 OSCE COPENHAGEN DOCUMENT

The participating States express their conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and cooperation that they seek to establish in Europe. They therefore reaffirm their commitment to implement fully all provisions of the Final Act and of the other CSCE documents relating to the human dimension and undertake to build on the progress they have made.

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

(1) The participating States express their conviction that the protection and promotion of human rights and fundamental freedoms is one of the basic purposes of government, and reaffirm that the recognition of these rights and freedoms constitutes the foundation of freedom, justice and peace.

(2) They are determined to support and advance those principles of justice which form the basis of the rule of law. They consider that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.

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

(5) [The participating States] 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;
- (5.5) the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law. Respect for that system must be ensured;
- (5.8) legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone;
- (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 ground;
- (5.10) everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity;
- (5.11) administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available;

(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 recognize 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 organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of 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;
- (7.3) guarantee universal and equal suffrage to adult citizens;
- (7.4) ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;
- (7.5) respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;
- (7.7) 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;

(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.

(24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms [...] 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.

(26) The OSCE participating States [...] will therefore encourage, facilitate and, where appropriate, support [...] the development of an impartial and effective public service where recruitment and advancement are based on a merit system.

(31) Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law. The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms.

(32) To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice. Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. In particular, they have the right

(32.1) — to use freely their mother tongue in private as well as in public;

(32.5) — to disseminate, have access to and exchange information in their mother tongue.

The 1991 OSCE MOSCOW DOCUMENT

(18) The participating States recall their commitment to the rule of law in the Document of the Copenhagen Meeting and affirm their dedication to supporting and advancing those principles of justice which form the basis of the rule of law. In particular, they again reaffirm that democracy is an inherent element in the rule of law and that pluralism is important in regard to political organizations.

(18.1) Legislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives.

(18.3) [...] there will be effective means to redress against administrative regulations for individuals affected thereby.

(41) The participating States decide

(41.1) to ensure protection of the human rights of persons with disabilities.

(41.2) to take steps to ensure the equal opportunity of such persons to participate fully in the life of their society.

The 1999 OSCE ISTANBUL DOCUMENT

25. We [OSCE participating States] reaffirm our obligation to conduct free and fair elections in accordance with OSCE commitments, in particular the Copenhagen Document 1990.

We recognize the assistance the ODIHR can provide to participating States in developing and implementing electoral legislation [...]. We agree to follow up promptly the ODIHR's election assessment and recommendations.

2. THE UNITED NATIONS

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 2

3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 21

- 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- 2. Everyone has the right to equal access to public service in his country.
- 3. 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 held by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Article 2.1

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as 'race', colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) to take part in the conduct of public affairs, directly or through freely chosen representatives;

- (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) to have access, on general terms of equality, to public service in his country.

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Article 5

[...]States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (c) Political rights, in particular the right to participate in elections to vote and to stand for election on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.

INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Article 41

1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.
2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

CONVENTION AGAINST CORRUPTION

Article 8

1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials [...].
2. In particular, each State Party shall endeavour to apply [...] codes or standards of conduct for the correct, honourable and proper performance of public functions.

Article 10

[...]Each State Party shall [...] take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate.

Article 13

Each State Party shall take appropriate measures [...] to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Article 29: Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- A. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
 - I. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
 - II. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
 - III. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- B. Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs.

Article 31: Statistics and Data Collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:
 - a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
 - b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.
3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

HUMAN RIGHTS COMMITTEE - GENERAL COMMENT 16

Paragraph 10: The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law. Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to receive, process and use it, and is never used for purposes incompatible with the Covenant. In order to have the most effective protection of his private life, every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files and for what purpose.

HUMAN RIGHTS COMMITTEE GENERAL COMMENT 25

Paragraph 11: Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community;

Paragraph 12: Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected. Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively. Information and materials about voting should be available in minority languages.

Paragraph 15. The effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates. Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for

election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation. No person should suffer discrimination or disadvantage of any kind because of that person's candidacy. States parties should indicate and explain the legislative provisions which exclude any group or category of persons from elective office.

Paragraph 16. Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory.

Paragraph 17. The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties. If a candidate is required to have a minimum number of supporters for nomination this requirement should be reasonable and not act as a barrier to candidacy.

Paragraph 20: An independent EMB should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant. States should take measures to guarantee the requirement of the secrecy of the vote during elections [...]. This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process [...]. The security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents. There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes. Assistance provided to the disabled, blind or illiterate should be independent. Electors should be fully informed of these guarantees.

HUMAN RIGHTS COMMITTEE - GENERAL COMMENT 34

Paragraph 19: To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information. States parties should also enact the necessary procedures, whereby one may gain access to information, such as by means of freedom of information legislation.

3. REGIONAL CONVENTIONS AND INTERNATIONAL GOOD ELECTORAL PRACTICE

- European Convention on Human Rights
- European Convention on Human Rights, Protocol No. 1
- American Convention on Human Rights

- CIS Convention on standards of democratic elections, the voting rights and freedoms
- Human Rights Committee 2018 Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs
- 2002 CoE's Venice Commission Code of Good Practice in Electoral Matters
- 2022 CoE's Venice Commission Code of Good Practice on Referendums
- 2018 UN ECOSOC Principles of Effective Governance for Sustainable Development
- 2007 CoE's Recommendation of the Committee of Ministers to member states on good administration
- 2016 EU General Data Protection Regulation
- 2018 CoE's Modernised Convention for the Protection of Individuals with Regard to the Processing of Personal Data
- 2017 CoE Recommendation on standards for e-voting
- 2022 CoE Guidelines on the use of ICT in electoral processes.

It is important for international observers to assess whether the national legislation and its implementation by the election administration comply with international election standards and good electoral practices. This Handbook defines the key principles that are integral to the proper work of election management bodies and should form a basis for international observers to thoroughly assess the election administration and its work, specifically principles of:

- Integrity
- Legality
- Effectiveness
- Independence
- Impartiality
- Transparency
- Accountability
- Inclusivity

In addition to explaining these key principles, this Handbook gives practical guidance on how international observers should assess whether election management bodies adhere to them while implementing the electoral legislation.

