

Good Commonwealth Electoral Practice

A Working Document
June 1997



COMMONWEALTH SECRETARIAT

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Foreword



At successive Commonwealth Heads of Government Meetings, leaders have reaffirmed not only their commitment to democracy but also their determination actively to promote the democratic ethic. Most recently, in the Millbrook Commonwealth Action Programme on the Harare Declaration, Heads of Government endorsed a number of measures in support of democratic processes and institutions.

One of the most important aspects of the Commonwealth's work in this context is assistance in the electoral field, as part of which the Secretariat has organised two pan-Commonwealth meetings of Commonwealth Chief Electoral Officers – in Oxford (1993) and Accra (1995) – and three regional meetings, one for the Pacific in 1995, another for the Caribbean in 1996 and a third for Asia and the Indian Ocean in 1997. These meetings agreed that it would be useful to produce a document setting out some of the key elements of good electoral practice.

A draft document was circulated to all election management bodies in the Commonwealth and the text which follows, incorporating many comments and suggestions made during the process, is the outcome. My hope is that this publication will contribute to the continuing effort to promote best practice in election management and thereby assist in the strengthening of democracy in the Commonwealth and beyond.

A handwritten signature in dark ink, reading 'Emeka Anyaoku' in a cursive style.

Emeka Anyaoku
Secretary-General

When Commonwealth Heads of Government met in Harare, Zimbabwe, in 1991 they committed themselves to work "with renewed vigour" for a set of fundamental political values which were set out in the Harare Commonwealth Declaration



Introduction

- 1 The Commonwealth is committed to a set of fundamental political values which were set out in 1991 in a landmark statement, the Harare Commonwealth Declaration. This sought to apply the Commonwealth's principles to the challenges of the modern world. It promised that Heads of Government would work "with renewed vigour" for:

"the protection and promotion of the association's fundamental political values: democracy, democratic practices and institutions which reflect national circumstances, the rule of law and independence of the judiciary, just and honest government and fundamental human rights, including equal rights and opportunities for all citizens regardless of race, creed or political belief".
- 2 As part of its activities to promote these fundamental political values the Commonwealth Secretariat has organised two Workshops for Chief Electoral Officers. The first of these was held in Oxford, Britain, from 4-7 July 1993 and the second was held in Accra, Ghana, from 25-29 June 1995. The purpose of these meetings was to provide an opportunity for Chief Election Officers to discuss current issues in the organisation and management of elections, to exchange experiences and information on key elements in the electoral process and to explore the possibilities for practical co-operation between Commonwealth election management bodies. Taken together the two workshops were attended by participants from 33 Commonwealth countries.
- 3 This Working Document is the product of the discussions held in the course of these two meetings and subsequent consultations with participants concerning good Commonwealth democratic practice. It has been reproduced by the Commonwealth Secretariat in order to assist policy-makers, electoral and other officials in Commonwealth countries in the development and strengthening of their electoral systems.
- 4 Electoral practices throughout the Commonwealth vary in a number of important respects. This document is not prescriptive and does not seek the replacement of particular systems which enjoy the broad support of their electorates.



Women at a political rally in Pakistan

- 5 The following paragraphs are intended to apply to national elections, referenda (where appropriate) and local government elections.
- 6 This document should be seen in the context of the Commonwealth's commitment to equality and equity of outcomes for women and, in particular, positive action both to strengthen the role of women in election management and to promote the participation of women in the democratic process.

Electoral management body

- 7 The status, powers and independence of the election administration and administrators, and the impartiality and transparency with which they act and are seen to be allowed to act, are fundamental to the integrity of an election. The composition, mandate and status of an electoral management body (hereafter referred to as the "electoral body") should be clearly defined to ensure its independence and non-partisan character.
- 8 The legal protection afforded to the independence and status of an electoral body is maximised where it is provided for in a country's Constitution, although some countries make provision for this and other key features of electoral practice in electoral legislation.
- 9 An electoral body, however styled, is responsible for more than the staging of a poll on election day; it is the custodian of the integrity and legitimacy of a key phase in the democratic process. It must therefore act with impartiality and a maximum of transparency, where appropriate consulting in a meaningful way with interested parties before decisions are taken on important matters and being prepared to give reasons for such decisions.
- 10 Although an electoral body should enjoy independence from direction or control, whether from the government or any other quarter, it is accountable to the electorate within the law, and should act accordingly.

Appointees to an electoral body and their independence

- 11 Whatever the legal basis for the establishment of an electoral body, its members should be appointed in a manner which ensures that they enjoy

*A training session for polling officials
prior to Sierra Leone's Presidential and
Parliamentary Elections in
February 1996*



the confidence of both public and political parties alike. The electoral body and its members should be subject only to the Constitution and the law of the land; they should be removable only for cause; and ideally they should not be persons whose further career advancement may be dependent on their performance on the electoral body. They should be served by a secretariat accountable entirely to the electoral body. Accountability of the electoral body directly to Parliament is preferable to accountability through the executive government.

Participation by political parties

- 12 Political parties, especially through their candidates, election agents and polling and counting agents, play a vital role in ensuring the fairness and integrity of an election and in building confidence. Representatives of the parties should therefore be consulted in a meaningful fashion before important decisions are taken, including the appointment of members of an electoral body. They should also be entitled, in appropriate ways, to participate in major election processes, e.g. registration.
- 13 An electoral body should ensure that political parties are kept informed of all relevant matters and understand the reasoning behind decisions.

Resources for electoral bodies

- 14 It is essential that an electoral body be adequately funded and have access to the human and material resources required for it to fulfill its important tasks, including continuous training and development, and modern equipment. It is also incumbent on an electoral body to manage its affairs in a cost-effective manner. Due attention should therefore be paid to staff development and the introduction of modern methods of resource management.
- 15 In some countries it is possible for the electoral body to set its own budget as a charge against the consolidated fund. Where financial arrangements do not permit this approach, care should be taken to ensure that the electoral body does not appear to become subservient to, or under the control of, the executive which is providing it with its funds and which could make pliability a prerequisite for adequate funding. This end may be achieved by providing funding directly by the Parliament.



Election materials being transported to a polling station under police escort during Bangladesh's parliamentary elections in June 1996

Registration of voters

- 16 An electoral body should have responsibility for all phases of the election process, including the registration of voters, the issuing of any voters' identification and the compilation of the voters' roll. It should be responsible for the selection, appointment, training and disciplining of all registration personnel and where a national registration card is used as, or along with, a voter's card, it may be desirable for the national registration process to take place under the aegis of the electoral body.
- 17 Criteria for eligibility to be registered as a voter should be clearly stated and the registration system should be designed to enable every eligible voter to cast a ballot. In particular, any definition of the expression "ordinary resident" should be spelt out in clear and unambiguous terms. Claimants and objectors should be afforded a reasonable opportunity to be heard after the timely publication of the register and there must be adequate safeguards against the forging of the register.
- 18 Electoral bodies should be charged with the responsibility for continuously revising the voters' roll to ensure that it is as reliable as possible and has been adequately subjected to public inspection in good time and well in advance of any poll. They should be provided with adequate resources to this end (which may include computerisation where it is judged that this will increase accuracy or save time).
- 19 Where practicable, political party agents should be encouraged to be involved in the registration process, to aid transparency and to assist by authenticating the process. At least one copy of the voters' roll (at the constituency level) should be given free of charge to each party and each independent candidate for the constituency.

Delimitation of constituencies

- 20 The delimitation of constituency boundaries is a function occasionally performed by an election commission or otherwise by an independent boundaries commission, and in some cases after a population census.



Despite the pouring rain, voters wait patiently during the elections Tanzania in October 1995

- 21 General principles guiding the drawing of constituency boundaries include community of interest, convenience, natural boundaries, existing administrative boundaries and population distribution, including minority groups. There should be no scope for any "gerrymandering", and each vote should, to the extent possible, be afforded equal value or weight, in recognition of the democratic principle that all those of voting age participate equally in the ballot.
- 22 It is important that the general public play a part in the whole process and that the political parties also have an opportunity to respond to proposals before they are finalised. Where the size of a particular constituency is markedly out of line with the target "quota" of voters per seat, the reasons should be capable of being readily understood by both the parties and the general public.

Formation of political parties

- 23 There should be general freedom to form and belong to political parties within the confines of any law which can be reasonably justified in a democratic society. Such parties, and independent candidates, should be free to campaign on an equal basis under the law, exercising rights of free speech and assembly and fair access to any media.

Nomination of candidates

- 24 The procedures, requirements and the time allowed for the nomination of candidates should be acceptable to the political parties and the public at large as being fair and reasonable in a democratic society.
- 25 Where a country wishes to reduce the number of candidates to manageable proportions any thresholds imposed (whether in terms of monetary deposits or numbers of voters required to support nominations) should be reasonably achievable and be supported by the political parties and the public at large. The process should not be such as to undermine democratic principles. Independent candidates should be treated as valid participants in elections.



Indelible ink is applied as a safeguard against multiple voting: Presidential and Parliamentary Elections, Ghana 1996

- 26 Where procedures do not allow for a preliminary examination of nomination papers and the disposal of objections ahead of the formal nomination day, the time between nominations and the poll should wherever possible be such as to permit any legal challenge to the nominations procedures to be disposed of in time for a successful complainant to contest the poll. This implies a readiness on the part of the courts to deal with such challenges with the utmost expedition. Where such arrangements cannot be made, for Constitutional or other reasons, the challenge should be dealt with in a proper way as soon as possible following the election.

Disclosure of party/candidate's income and expenditure

- 27 Requirements should exist for the disclosure of the income and gifts received by parties and individual candidates and expenditure incurred. These should be strictly enforced by the appropriate authorities. Where appropriate, an electoral body should provide training materials to instruct party officials and candidates of their obligations in relation to the rules of disclosure.

Conduct of the campaign

- 28 There is a clear role for an electoral body in helping to create an atmosphere conducive to the holding of a peaceful, impartial and valid poll.
- 29 One approach which has commended itself to a number of electoral bodies is the development, together with representatives of the political parties, of a written "Code of Conduct" to which all of the parties, their candidates and agents, as well as all independent candidates and their agents subscribe by formally undertaking to abide by its terms. Such a "Code" (which in most respects will restate existing legal provisions) can cover such matters as campaigning peacefully, exercising control of supporters, non-interference with opponents' posters, cooperating with the electoral body and respecting the outcome of the poll. Equipped with such a "Code", an electoral body may be better placed to exert moral and legal authority over parties which may be in breach of its provisions. The "Code" is also a valuable tool in promoting a public atmosphere of political tolerance.



A Commonwealth Observer examines arrangements for sealing the ballot box prior to voting in the St Kitts and Nevis General Election, July 1995

- 30 Where an electoral body does not have responsibility for the issuing of permits for the holding of political rallies and marches (a requirement which can be justified only where essential for the maintenance of public order), it should nonetheless monitor the performance of the relevant authorities. If necessary, the electoral body should make representations to the authorities where the electoral body is of the view that permits may be withheld or issued for political considerations, as this would constitute a denial of freedom of association and expression. An independent authority to deal with the issuance of permits for holding meetings may be a possible solution to the search for even-handedness in this area.
- 31 It is highly desirable that there be an independent body charged with monitoring the performance of the media and responding, if necessary, to any obvious partiality. This function might be performed by the electoral body, or by a specially constituted body.

Arrangements for the poll

- 32 An electoral body should be responsible for the selection, appointment, training and disciplining of all polling personnel, the procurement of all election materials, planning the number and positioning of polling stations and, where security may be an issue, the provision of security over the period of the campaign and the poll. The goal should be to enable every eligible voter to vote. Where practicable, special steps should be taken to resolve problems such as incorrect spelling of names on the list or missing names from the list.
- 33 Polling stations should be sited so as to avoid unnecessarily lengthy journeys by voters and, where possible, should avoid their having to walk through areas in which they may be subjected to harassment or in or near a police station or a military barracks. Wherever possible there should be a postal ballot facility for those living outside their place of registration.



Voters marking their ballot papers during the Presidential and National Assembly Elections, Seychelles, 1993

- 34 Appropriate steps should be taken to ensure the secrecy of the ballot, which is one of the most important single features in the democratic process. Particular attention should be given to meeting the needs of disabled and illiterate voters in this regard, to ensure that they are enabled to exercise their franchise freely, with confidence and in secrecy, to the fullest extent possible.
- 35 Appropriate steps should also be taken to ensure the security of the ballot papers, the ballot boxes and other polling equipment at all stages. Whenever ballot boxes are open they should be in full view of any party polling agents present and whenever they are sealed any party agents present should have the opportunity to inspect the official seals and, where appropriate, affix their own. When boxes are transported to counting centres provision should be made where possible to enable party agents to travel on the same vehicles as the boxes and to accompany them throughout. When it is necessary to store boxes containing uncounted ballots overnight an opportunity should be afforded to party agents to be present in the immediate vicinity of the boxes, together with appropriate security guards.
- 36 Wherever possible, counting should take place at the polling stations and immediately after the conclusion of voting. Different arrangements may however be required if there are serious practical difficulties in ensuring the security of counts conducted at a multiplicity of polling stations, or if it is thought necessary to combine ballots from different polling stations, before counting, to preserve the secrecy of the ballot or to minimise the risk of intimidation. Results should be verified by party counting agents, who should be asked formally to sign the result they have witnessed and be given a copy of the form signed by the presiding officer and the party counting agents. Party counting agents have a responsibility to remain until the end of a count, to observe the count by personnel appointed by the management body and to sign any correct tally, or else given reasons in writing for their objecting so to do. The result of the count should be announced immediately at the polling station or counting centre in question.

*All smiles from a voter in South Africa's
National and Provincial Elections,
April 1994*



Relations with the political parties

- 37 Cordial relations should be cultivated between the electoral body and the political parties, particularly in the run up to an election, but not so as to appear to favour any particular party or candidate and not at the expense of any independent candidates. In developing this relationship of trust, a special onus lies on the electoral body. It should therefore organise regular briefings of all the participating political parties, seek their views on important issues and maintain an "open door" policy for the receipt of suggestions and/or complaints. As and when new technology is introduced to improve electoral processes it is important that parties and public alike have confidence in the changes and are fully consulted before final decisions are made. There is also a clear onus on political parties to support the integrity of the electoral body and the processes it oversees.
- 38 As party polling agents play a pivotal role in authenticating the process of the poll and have the potential to impede a smooth poll, an electoral body should ensure to the extent possible that the political parties are enabled to provide proper and sufficient instruction to their agents, and that they are adequately equipped by their parties to perform their functions. If they are not, an electoral body should provide training for party agents itself. Training manuals should be made available to parties and candidates, and where practicable the electoral body should prepare manuals for use by candidates and political party agents.
- 39 An opportunity should be afforded to the political parties to object (if required, giving reasons) to the appointment of particular polling and registration officials, with appropriate safeguards as necessary to prevent abuse of such an arrangement. Political party representatives should be invited to observe training sessions for election officials, and where practicable party officials should themselves be offered training in polling matters by the electoral body.
- 40 Copies of the voters' roll should be made available to the parties contesting the election. This should be done at a reasonable charge, if any, and where practicable a stipulated number of copies should be available free of charge.



Party agents observe a count following the Presidential and National Assembly Elections in Namibia, December 1994

- 41 The order in which candidates and/or party names and symbols appear on the ballot papers should, if possible, be determined in a manner acceptable to those contesting the poll and where practicable should be alphabetical by candidate. If agreement cannot be reached the matter can be determined, in public, by lot in each constituency or polling district.
- 42 Appropriate and effective, non-partisan public education programmes, though not always the responsibility of an electoral body, are an essential feature both in countries where a voting "culture" is being developed as well as in established democracies. As such they should be adequately funded and professionally organised, targeting particular groups (e.g. women, minority groups, the disadvantaged and school children). Where practicable, national election practices can be built in to school elections procedures and election education centres can be established in appropriate locations.
- 43 The encouragement, in particular, of participation by women in all facets of the democratic process warrants special attention.
- 44 The cost of public education programmes should be minimised by public service broadcasting facilities being made available at little or no charge.

Transitional elections

- 45 Transitional elections from one-party to multi-party systems pose special challenges to the integrity of election processes, particularly where all or most election officials may have been members of the former single party. In such circumstances maximum transparency on the part of an electoral body is imperative. Participation of all the parties contesting the election in all relevant aspects of the planning and preparations for the poll is also of the highest importance.

Post-poll appraisal

- 46 The planning for an election should provide for the conduct of a post-poll appraisal to determine the quality and cost-effectiveness of the polling services provided to the electorate, and to draw any lessons for future elections. The political parties should be invited to make inputs into this process and encouraged to appraise their own participation in it.

Participants from the election management bodies of 33 Commonwealth countries attended the Commonwealth Workshop for Chief Electoral Officers, held in two parts – in Oxford, Britain, in 1993 and (as shown) in Accra, Ghana, in June 1995. A further such meeting is to be held in 1988 and several regional meetings have been convened in the interim.



A continuing process

- 47 The task of developing a viable democratic culture is a continuing one. All electoral bodies can and should strive continuously to improve the quality of the services they offer to the electorate and promote public understanding of the democratic process. In these ways they can strengthen democratic institutions in the interests not only of today's citizens but also of future generations.

Observers

- 48 The practice of permitting local and international observers to observe elections helps to inspire confidence in the electoral process, and should be encouraged. All observers should operate within the laws of the host country and liaise with the electoral body. Any complaints received by observers from political parties, candidates or individuals should be brought to the attention of the electoral body.

Other Commonwealth Secretariat publications

Other Commonwealth Secretariat publications which may also be of interest are listed below. A comprehensive list of publications is on the Commonwealth World Wide Web at <http://www.thecommonwealth.org>

On the Commonwealth:

Report of the Commonwealth Secretary-General, 1997
ISBN 0-85092-499-5. Price: £10

Booklets:

The Commonwealth Today – A Force for Good in the World; The Auckland Communiqué 1995 (issued by Commonwealth Heads of Government) ISBN 0-85092-457-X. Price: £1;
The Cypriot Communiqué, 1993

Leaflets:

The Commonwealth Secretariat; The Declaration of Commonwealth Principles 1971; The Harare Commonwealth Declaration, 1991; The Millbrook Commonwealth Action Programme on the Harare Declaration

Recent Reports by Commonwealth Election Observer Groups:

The General Election in Pakistan, 1997
ISBN 0-85092-2. Price: £5.95

The Presidential and Parliamentary Election in Ghana, 1996
ISBN 0-85092-497-9. Price: £5.95

The Parliamentary Elections in Bangladesh, 1996
ISBN 0-85092-492-8. Price: £5.95

The Presidential and Parliamentary Elections in Sierra Leone, 1996
ISBN 0-85092-462-6. Price: £5.95

The Union Presidential and Parliamentary Elections in Tanzania, 1995
ISBN 0-85092-467-7. Price: £5.95

The General Elections in St Kitts and Nevis, 1995
ISBN 0-85092-466-9. Price: £5.95

The End of Apartheid: The Report of the Commonwealth Observer Group to the South Africa Elections, 1994
ISBN 0-85092-410-3. Price: £9.95

Parliamentary and Presidential Elections in Malawi, 1994
ISBN 0-85092-409-X. Price: £6.95

The Presidential and National Assembly Elections in Namibia, 1994
ISBN 0-85092-417-0. Price: £5.95

Reports of meetings of Commonwealth Chief Election Officers:

Asia & the Indian Ocean region, Dhaka, 1997

Caribbean region, held in Castries, 1996

Pacific region, held in Honiara, 1995

Pan-Commonwealth meeting, held in Accra, 1995

Pan-Commonwealth meeting, held in Oxford, 1993

Other publications:

Compendium of Election Laws, Practices and Cases of Selected Commonwealth Countries, Volume 1, Part 1, 1996.
ISBN 0-85092-463-4. Price: £55

Dimensions of Free and Fair Elections, 1994

Organising Free and Fair Elections at Cost-Effective Levels, 1993

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