



## Handbook for observers of elections

For over forty years the Council of Europe has defended and promoted the principles of pluralist democracy, requiring of all states wishing to accede to membership that they fully implement these principles in their legislation and practice. Foremost among these principles is the regular holding of free elections.

In the light of this experience, and in view of the increasing number of requests received by the Council of Europe itself and its individual member states to send observers who would be able to attest to the free and fair character of elections at national, regional and local level, it has been decided to prepare the present handbook for the guidance of such observers.

The principles and criteria thus laid down under the auspices of the Council of Europe may also serve as a reference beyond the confines of Europe itself.

This handbook has been prepared by the Steering Committee on Local and Regional Authorities (CDLR), with the assistance of Mr Keith Lomas, Consultant.

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## Introduction

This handbook is intended for the guidance of observers at local, regional or national elections in emerging democracies. It is assumed that their role will be strictly one of observation only, and that they will not be in the position of supervisors having the right to intervene and suggest changes.

The handbook is divided into five parts. First, it sets out general points about the observer team, its formation and basic duties. Secondly, advice is given on the tasks to be undertaken by the observers in the run-up period to the poll. The third and fourth parts discuss what is required of the observers on polling day and at the count. The fifth part concerns the process of reporting after the count. Finally, a concise check list of the items dealt with in parts 1 to 5 is provided at the end of the handbook.

The role of the observers will be to watch what happens during the electoral process and to report publicly afterwards, hopefully being able to say, in the now hallowed phrase, that "the elections have been free and fair and that the result represents the will of the majority of the people."

Three assumptions are made:

i. that the team of observers has been selected from people with the necessary knowledge and skills to observe elections effectively. Ability to speak the local language is useful; otherwise arrangements must be made to engage interpreters who, of course, must not be politically committed;

ii.

that the number of observers is sufficient to cover the election adequately, bearing in mind the size of the country or district and its population;

iii.

that the observer team is recruited and will be used at the invitation, or with the knowledge and consent, of the host country.





# 1. **General points**

The members of the observer team should be briefed upon their duties and responsibilities at the start of their assignment. This should be done by people knowledgeable about the country or area to be observed and its peoples, but independent of all political connections. If possible, the whole team should be briefed at the same time. The briefing should be designed to ensure that all the observers have the same approach to their task. Their independence and impartiality whilst carrying out their duties must be emphasised.

As much background information as possible must be given to the observers about the country or district to be observed, its problems, political and economic, its peoples and about any earlier elections. Where particular problems or difficulties are expected, these should be explained to the observers.

The observers should be given information about the political parties and their orientation, their leaders and sources of support religion, class, ethnic group and their affiliations.

The members of the team should be given advice about the climate and living conditions in the host country. Care must be taken to ensure that they are properly prepared to undertake their tasks effectively and safely, especially in difficult climates.

A general plan of action for the observers should be drawn up so that the most effective use will be made of their time. (The more they can observe, the better. This will add credibility to the final report.)

Meetings of the observers should take place during the tour of duty if time and distance permit. A regular exchange of information and views will be helpful.

The observers must be accredited in a way which is satisfactory to the host government. They must be provided with badges, arm bands, certificates or other means of identification. The observers must be readily recognisable by officials, the media and the public in the host country. All necessary arrangements must be made with the host government to ensure that the observers are in no way restricted or impeded in carrying out their duties.

In very general terms, the observers are responsible for seeing that the elections have been conducted in accordance with the following requirements:

- 1.1. that the administration of the election has been fair and impartial as between all the political parties taking part;
- 1.2. that no unacceptable restriction has been placed on any citizen who wishes to take part in the election process either as a candidate or as a voter;
- 1.3. that freedom of movement, assembly, association and expression has been respected during the election campaign;

- 1.4. that freedom for all the parties to conduct peaceful political activity has existed throughout the election period;
- 1.5. that all parties have conducted their political activities within the law;
- 1.6. that no political parties or other groups taking part in the election have been subjected to unnecessary restriction in enjoying free and unbiased access to the press, radio and television to express their views to the public and that they have all enjoyed freedom to advertise and publish their views;
- 1.7. that all political parties have enjoyed equal security during the election campaign;
- 1.8. that all electors have been able to cast their votes freely and without fear or undue influence;
- 1.9. that the secrecy of the ballot has been maintained;
- 1.10. that the arrangements for the conduct of (a) the poll and (b) the count have followed satisfactory standards to avoid fraud and illegality and to secure a free and fair election.

It is important that the observers should not interfere in any of the electoral processes, even if things are going wrong, though he may be able to comment at the time to those in charge.

The amount of work which a team of observers is able to undertake in connection with any particular election will depend upon the size of the team, the geographical area to be covered and the time available. In recent examples the time available has varied from three months to as little as a few days. The work which observers can undertake must, therefore, be carefully prescribed in order to make the best possible use of the time available. It will, however, be desirable to cover as many as possible of the points which are listed below.

If time is very short, the items marked with an asterisk should be given priority. Failure to cover these points adequately due to lack of time or to a shortage of observers may cast doubt upon the quality and accuracy of the report which will be made by the observers after the election. It is essential that the observers stay on duty until the whole process of polling and counting has been completed.

Every attempt should be made to verify the points made above. If time is short and it is not possible for the observers to carry out all the verifications themselves, they will have to rely upon interviews with representatives of the political parties and of the media.

The observer team should meet the media as soon as possible at the start of their

work to explain their presence and outline their duties. They should urge the media to report publicly upon the presence and responsibilities of the observers. This should be a source of encouragement to the electorate, especially if any of them are concerned about the fairness of the electoral procedures.



## 2.

# The run-up period to the poll

Observers must acquaint themselves with the legislation under which the elections are to be held. Hopefully this can be done before the observers leave their own countries, which will save time on the spot. The host government should be asked to supply copies of statutes and regulations in good time. In the case of an emerging democracy the legislation might have been specially prepared for the current election. It is clear that the observers will have no right to seek any amendments to this legislation. This should be a matter for the government or organisation sponsoring the observer team and should be taken into account before agreeing to send the observers. However, the observers should be free to comment on the legislation after the poll if they feel that the provisions are insufficient to ensure a free and fair election with a secret ballot. Such comments should not be made before the poll, for fear that they may be construed as an unjustified intervention in the campaign.

With a view to informing themselves about the organisation of elections, the observers should seek meetings with the local and national electoral commissions and could also make contact with ambassadors of member states of the Council of Europe. They should have freedom to discuss the election arrangements with those in charge of its administration. They will wish to know how these officials have been appointed and by whom, and what authority they have. A check should be made to ensure that all the officials are completely independent in carrying out their duties and that junior officials are adequately trained and supervised.

The observers should ensure that all political parties have access to equal publicity and that no one is hindered in presenting their case legally to the voters.

Observers will wish to satisfy themselves that the voting public are fully aware of the choices open to them in casting a vote and that they will be voting freely and without fear. Observers will also wish to be satisfied that electors are convinced that the ballot is secret and that they have no fear of reprisals, no matter how they vote. It will be important to consider what steps have been taken by the host government to explain to the public their right to vote and the fact that they may do so secretly and without fear of reprisal. This will be a vital factor especially in the case of peoples who have never before experienced a democratic election. Particular note should be taken of the way in which illiterate people are informed about election procedure.

The duties of observers in the period before the poll may be set out as follows:

### 2.1.

#### Background information

2.1.1. familiarisation with electoral legislation;

2.1.2. familiarisation with the area under observation;

2.1.3. becoming conversant with the arrangements for the elections in order

to report adequately after the event, without relying unquestioningly on what he is told by local officials; however, in making enquiries the observer must be sensitive to the officials' position;

2.1.4. becoming acquainted with the procedure for the registration of candidates and verifying how candidates are accepted or rejected; checking the number of seats and the distribution of candidates in the different parties;

## 2.2. Electoral system and right to vote

2.2.1 \* seeing that in the area under observation every elector has the opportunity to record his or her vote freely and without fear; ensuring that there are no abnormal limitations upon the franchise or obstacles to registration or to voting; checking how eligibility to vote is determined;

2.2.2. if a voter registration system is in use, checking upon its organisation and ensuring it is fair and does not make unlawful exclusions; checking that the whole population been included in any registration exercise;

2.2.3. for local elections, verifying any different voting systems as well as the registration of candidates in urban and rural areas; in emerging democracies the choice of candidates in rural areas may be very poor;

2.2.4. \* looking out for evidence of manipulation of the electoral system which might discriminate against any section of the population, for example ethnic or religious minorities; ensuring that there is no discrimination against women candidates;

## 2.3. Political parties and groups

2.3.1. checking the formalities for registering political parties, and making sure that no party has been excluded;

2.3.2. becoming acquainted with the members of the political parties involved in the election and being aware of their locations;

2.3.3. if time permits, meeting with these members and making sure they are knowledgeable about the election arrangements and also listening to any queries and complaints from them;

2.3.4. checking the financing of political parties to ensure that they have fair and equal access to the media, in practice as well as in theory, and are able to make their candidates known;

2.3.5. checking the composition of any electoral commissions and bureaux to ensure that all political parties are fairly represented;

2.3.6. ensuring that in countries with minority populations the latter's rights are respected with regard to the presence of candidates and the composition of electoral bureaux (especially the use of minority languages in these bureaux);

## 2.4. Practical organisation and information of the electorate

2.4.1. . liaising closely with the officials who are running the election in order to be satisfied that all stages of the election campaign, the poll and the count are conducted in accordance with the election law, and that the officials are acting independently;

2.4.2. if time permits, reporting any infringements which are discovered to a higher authority; this may not be strictly part of the observer's duty, however, it may give an opportunity for those in charge to put things right;

2.4.3. \* visiting as many polling stations in the area under observation as possible before the poll to ensure that an adequate number of stations has been provided (in some areas these might be of a mobile

nature), so that polling can be carried out reasonably speedily, especially in areas of high population; polling stations must be easily identifiable;

24.4. \* checking that an adequate information campaign has been undertaken to ensure that the electors know when, where and how to vote; this should be done by official sources, not left to the political parties; the campaign should be conducted through the press, radio and television and by means of posters and leaflets and should reach the entire population;

24.5. ensuring that adequate provision has been made for voting at all polling stations and ensuring that all stations are adequately provided with competent, trained, reliable and independent Staff; if language problems exist amongst the electorate, the polling staff should have the ability to converse with all voters;

2.4.6.\* ensuring that all official election literature and the ballot papers are comprehensible to all electors; if there is a problem with illiteracy, symbols as well as party and candidates' names should be used: every elector must be able to identify the candidate of his or her choice when alone in the voting booth.

## 2.5. Security arrangements and safeguards against fraud

25.1. \* ensuring that ballot papers, ballot boxes and all equipment used at the polling station are secure and that no possibility for fraud exists; special care should be exercised with respect to the authentication of ballot papers to make sure there is no chance of forgery; enquiries should be made about the production of ballot papers and whether security printers and water-marked paper have been used;

25.2. verifying that information received during preliminary contacts corresponds to that appearing on the ballot papers;

25.3. ensuring that security arrangements exist to ensure that the ballot papers issued to the electors are those actually placed in the ballot box, and that no opportunity for substitution arises;

2.5.4. \* ensuring that proper arrangements have been made for the security of the polling stations and the ballot boxes/papers during and after the poll and during and after the count;

2.5.5. where systems of proxy or postal voting are used, and where sick people are allowed to vote at home or in hospital, ensuring that these arrangements can withstand attempts at fraud or coercion and do not offend the secrecy of the ballot;

2.5.6. where a system of sending ballot papers to the homes of all electors is in use, checking what measures have been taken to ensure that the secrecy of the ballot is not placed in jeopardy;

2.5.7. generally to ensuring that adequate precautions exist to prevent the use of any methods of manipulating the voting process, the count or the result; for example, persons if voting twice will be detected, impersonation will be discovered or if there is any opportunity to introduce fraudulent ballot papers or to lose or substitute ballot boxes;

## 2.6. The electoral climate and the nature of the campaign

2.6.1. \* speaking to as many local people as possible in the area under observation, especially those who are knowledgeable about local public opinions, but also to the "man in the street"; this exercise will provide a vital source of information and its importance cannot be exaggerated; observers should ask: will they be voting? are they well informed as to candidates and policies? have they an adequate choice of candidates? do they understand the voting process? do they believe the vote is secret? are they enthusiastic or are they in fear? do they have the opportunity to complain if they are not satisfied with the

electoral procedures? an exchange of views on this exercise between observers will be helpful especially if a large area is being studied;

2.6.2. investigating the reason for any marked lack of interest or participation by identifiable segments of the population;

2.6.3. assessing the atmosphere generally, especially if the election follows a period of war, civil war, martial law, denial of human rights, intimidation, or severe economic depression; Finding out whether the electorate are pleased that an election has been called, or worried or fearful;

2.6.4. checking the media: their affiliations, their availability to political parties and the ease of access of the public to them; are they "weighted" in favour of any particular cause or are they truly independent? are they controlled by one political party?

2.6.5. ensuring that public advertising is freely available and that advertising material is not removed or defaced;

2.6.6. if possible, attending political meetings (especially those of the rally type) in order to be satisfied that no bribery or undue influence is being exerted upon the voters; checking that rallies and meetings are not subject to attack or disturbance by supporters of other parties;

2.6.7. if possible, monitoring the overall campaigns of the parties in order to ensure an absence of intimidation.







## **3. Polling day**

During the poll, a series of matters will have to be observed, though these will very much depend upon the form of legislation applicable to the country where the election is taking place. Is everything being done which the law requires to be done? Many checks will have been made in the run-up to the election, but on polling day as many visits to as many polling stations as possible should be made. The possibility of confirming that satisfactory arrangements have been made in respect of some of the items already referred to in the previous section still exists. A check-list of the most important points for observers is as follows:

### 3.1. The polling stations

3.1.1. \* visiting, if possible, all polling stations in the area during polling hours and ensuring that procedures are being correctly followed by the staff and that those duties are carried out impartially; such visits should, wherever possible, be spontaneous and unannounced;

3.1.2. studying the layout of the stations; this must be designed to ensure secrecy for the voter but to allow adequate arrangements for the staff and the electors to see what is happening and to ensure peaceful conduct of the poll;

3.1.3. checking that an adequate number of booths is available to guarantee that the elector can vote in complete privacy;

3.1.4. checking the official election material (especially the arrangements for storing ballot papers before they are used), and checking whether the papers are readily understandable by all the electors, including the illiterate;

3.1.5. checking any equipment used during the ballot, for example stamping instruments, ultra-violet equipment and so on, to see whether it is working properly and whether replacements are available;

3.1.6. checking the information and publicity displayed at the polling stations; this must be official material only and not of a type which could influence the elector in casting his vote; no party-political material should be in evidence.

### 3.2. The staff of the polling stations and other persons present

3.2.1. checking the presence of and observing the activities of polling agents at the polling stations;

3.2.2. observing the maintenance of order and general security at the polling station and watching out for any evidence of intimidation;

3.2.3. observing the activities of people inside and outside the polling stations,

for example police, members of the armed forces and noting whether their presence is harmful or oppressive;

3.2.4. checking that the various political parties are represented in the polling stations as long as voting is permitted;

3.25. \* checking that party workers are not exercising undue influence upon the voters either at or near the polling stations;

3.2.6. observing the general conduct of the agents of the political parties, their supporters, and those in charge of the polling stations, so as to detect any possibility of intimidation or of bribery.

### 3.3. The voting process

3.3.1. noting commencement of polling staff in position, distribution of ballot papers, observance of the correct time for opening the poll and so on;

3.3.2. verifying the process of determining a person's right to vote; how is the voter identified and his right to vote checked? are many electors rejected? if so, ascertaining the reasons;

3.3.3. observing the process of issuing ballot papers and the marking of the register to indicate that the elector has voted; if there is no register, checking that whatever process is in use to prevent voting twice (for example finger marking) is properly applied;

3.3.4. \* observing the marking of votes by the voter; does the voter know what to do to vote and to place his paper in the ballot box? are there adequate arrangements to prevent the voter leaving the polling station with his ballot paper?

3.35. ensuring that electors are alone when voting and not accompanied by friends or family; if electors are confused and require assistance with voting, this should be given only by an accredited companion or by a member of the polling station staff;

3.3.6. checking the provision of assistance to blind, illiterate or disabled voters; this assistance should be available from the polling station staff or from an accredited companion of the voter;

3.3.7. observing the length of time electors have to wait to vote (is it excessive?); also checking the length of time an elector takes to vote (is he confused?); much can be learned from the general spirit, attitude and behaviour of the electors on polling day; their demeanour will indicate whether they believe all is fair;

3.3.8. checking that arrangements exist for suspension of polling if necessary; in what circumstances may this be done?

3.3.9. checking the arrangements for closing the poll; is anyone prevented from voting at the close of the poll? the local rules relating to the closing of the poll, or

permitting those still waiting to cast their vote, should be noted.

### 3.4. Security arrangements

3.4.1. checking the sealing of ballot boxes and packages of election material; are they adequately protected against attempts at tampering?

3.4.2. checking how staff deal with spoiled ballot papers; are they sufficiently "destroyed" to prevent them being used illegally?

3.4.3. \* checking that no opportunity exists to manipulate the voting process in the polling station, for example by switching boxes, introducing fraudulent ballot papers, voting more than once, impersonation of another elector;

3.4.4. \* verifying the arrangements for the transfer of ballot boxes and papers to the count and their security; who accompanies the boxes to the count? if ballot boxes are lodged somewhere after the poll

OBSM.htm

<http://stars.coe.fr/act/file/alb/OBSE4.htm>

and before the count, do adequate security arrangements exist?





## 4. The count

Observers must attend the counting of the votes and observe that all procedures are correctly applied and that the secrecy rules are obeyed. Their duties should extend to observing the arrangements for dealing with spoilt ballot papers and also the arrangements for disposal of valid papers at the end of the count. Where the count takes place at several venues, the observers must visit as many of these locations as possible.

If the local law prevents observers from attending the count, this is a matter upon which they will wish to comment in their final report.

At the count observers should pay particular attention to the following points:

- 4.1. that there is an adequate number of counting staff and supervisors with the right abilities;
- 4.2.\* the verification of the contents of the ballot boxes; according to the provisions of local law, the number of papers in each box should be checked against the number given by the polling station before the true count begins;
- 4.3. the rejection of spoilt or invalid papers; it is important to see how papers are deemed to be invalid; they should not be rejected for a minor breach of the rules for example using a tick or underlining instead of a cross; if the voter's intention is clear his vote should be allowed;
- 4.4. the mixing of the contents of each ballot box with ballot papers from other boxes to prevent the detection of local voting patterns;
- 4.5. the sorting of the ballot papers into parties and finally the counting of the votes for each party; ensuring that ballot papers are placed in correct bundles during the count;
- 4.6. the security of the papers at all stages of the count; checking that there is no opportunity to falsify or substitute papers;
- 4.7. the existence of adequate and impartial arrangements for representatives of all political parties to watch the count; those representatives should not interfere with the count, but should be able to comment if they are dissatisfied;
- 4.8. the existence of a right to demand a recount;
- 4.9. the arrangements for the secret disposal of ballot papers after the result has been determined; also arrangements should be made for the confidential disposal of all other papers and material used at the polls;
- 4.10. the means by which the result is reported to higher authority; is there any opportunity for falsification here?
- 4.11. the way in which the result is announced: is there any undue delay and if so, what is the reason? can the results be challenged by judicial review or other means?



## **5.** **After the count: the report**

The members of the observer team should meet to discuss their findings and to prepare and publish a report on those findings as quickly as possible after the count. If there is a period of time between the end of the count and the declaration of the results, it may be sensible to publish a preliminary report or a summary of findings to prevent any suggestion that the result has influenced the report.

In any case, if the report is likely to be lengthy or to be delayed in its publication, it might be advisable to publish an interim report giving the overall findings. Delays in publication are always likely to cast doubts upon the validity of the report.

The report will be addressed to the organisation sponsoring the observer team, but will be a public document available to the media and to the government of the host country.

The report must be clear and succinct and, of course, fearless in its comments.

No formal procedure alone can ensure that an election is free and fair. Account must therefore be taken of the type of country and its peoples, their background, experience and standard of education. Observers must make their assessments with this context in mind when deciding whether any particular feature of the election is fair or unfair, and whether it is likely to have an effect on the outcome of the election or upon the expression of the will of the people.

The report should give details of the number of observers involved and the time spent on the exercise.

In preparing their report, observers must be as factual as possible and record their own findings. Where statements from the reports of third parties are quoted, this fact should be recorded. Care should be exercised in recording uncorroborated complaints made by those doing badly during the election campaign or by the eventual losers: such complaints may not be objective.

The observers' own observations and comments from unbiased sources are usually of the greatest value.

It is strongly recommended that the report (and any interim report) be presented in public and in the presence of the media, with the observers present to answer questions. The observers may be subjected to difficult questions by the media, especially if reports from other observer teams are divergent. However, the observers must be frank in giving their views and not be seen to be in doubt or waver in their opinions. The willingness of the observers to be questioned publicly is an important feature in gaining support for the validity of their findings.

If, as a result of what they have seen, observers feel there were faults in the electoral

system or that improvements could be made to any part of it at a future election, they should make this clear at the end of their report.





## **Conclusion**

The task to be performed by observers is an important one in helping a country in its transition towards democracy. They will, however, be strangers in a foreign land and must exercise great care and tact if their mission is to be successful.

It is to be hoped that they will have been well briefed and be aware of any particular problems or difficulties. They must adopt a friendly and co-operative approach and strive to win the confidence of everyone with whom they come into contact officials, media and the public. From their attitude and approach they should encourage everyone to accept that they are there to help and to assist in the emergence of democracy.

Observers may question and comment but should not give the impression of criticising or being a hindrance; nor should they be officious in making suggestions.

In some situations observers should be prepared for a less than friendly reception. There may be those who do not welcome, or are positively opposed to their presence. A friendly demeanour will help observers to secure acceptance. In all circumstances, complete impartiality is an unwavering requirement.