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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ELECTION OBSERVATION FORMS

ELECTION EVALUATION GUIDE¹

by

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on the basis of observations by

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¹*These questionnaires are drafted for the purpose of traditional election observation, which means for elections where no voting machines are used.*

EXPLANATORY MEMORANDUM

Introduction

- 1. In response to the request for simplification of the questionnaires contained in the Venice Commission's election evaluation guide (CDL-AD(2003)010), a simplified version is appended, taking users' comments into account.*
- 2. This paper also explains some of the changes made in respect of the previous questionnaires.*

General

3. The variety of questionnaires reflects the differences in the aims of the organisations which observe elections. For example, election observation by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) is part of a very detailed election monitoring procedure (with observers in place several weeks before polling day). It therefore differs from election observation by the Council of Europe's Parliamentary Assembly (PACE) and Congress of Local and Regional Authorities (CLRAE). The use of a single questionnaire therefore raises the question of the nature of the mission assigned to (or taken on by) the Organisation. The use of a similar questionnaire by the different organs of the Council of Europe does seem plausible, however, as the general spirit and methods of observation are very similar.
4. These questionnaires are designed to permit electronic processing of the replies. This means limiting the use of open questions and focusing on the problems most frequently encountered.
5. The questionnaires may be specially adapted to suit a specific election or the electoral laws of a particular country. Here again, we have focused on the situations most frequently encountered in the countries habitually observed by the Council of Europe. They are also designed for both local and national elections. The second questionnaire (appendix II), for example, has a section on the political formations or candidates in the lists, to be filled in before the poll and before the questionnaires are given out to the observation teams, making it possible for observers subsequently to indicate which political formations polling station attendants and observers belong to and how many of these there are for each political formation or candidate. The secretariats responsible for the organisation of a given election observation mission are invited to adapt these observation questionnaires before they are distributed to observers.

Questionnaires

6. Three questionnaires are submitted to the observers: opening of the polls, polling day and closing of the polls. Experience shows that this is not a problem. However, the secretariat of the observer delegation must take care to produce enough copies of these documents, especially the questionnaire concerning the conduct of the poll (appendix II), as the teams of observers visit several polling stations between the opening and closing of the poll.

7. The layout and legibility of the documents are important for the comfort of observers, in view of the often difficult conditions in which they work. The polling station questionnaire (conduct of the poll) has thus been reduced to **one sheet**, to make it easier to use:

- one side contains closed questions;
- on the other, observers can note down any additional comments.

8. Observers in polling stations thus no longer need to turn the questionnaire over. This makes it easier to use. They are invited to fill in the back of the form after leaving the polling station, with the exception, perhaps, of the part of the second questionnaire (appendix II) concerning the political affiliations of members and observers.

9. The questions asked generally coincide with those in other organisations' questionnaires.

10. To avoid going into too much detail, while at the same time catering for a wide variety of situations and laws, reference is often made to "conformity with the law or the electoral code", which naturally presupposes a minimum of familiarity on the part of observers with the legislation in force in the country whose elections they are observing. When preparing election observation missions, therefore, secretariats are advised to send observers copies of the corresponding electoral laws in advance.

11. Observers are also invited to make a simple overall assessment (*very good, quite good, rather poor, and very poor*). This is information the Head of delegation and the secretariat in charge of the observation mission can make use of easily and swiftly. We have intentionally removed the 'average' option, which observers tended to tick too frequently, thereby avoiding the need to take a clear stance.

12. On the back of the questionnaire on observation of the vote counting, there is a space for noting the results, but this is optional. It is up to each delegation to decide whether or not this section should be filled in. It does not unduly complicate the task.

13. For secretariats preparing future election observation missions, it is important to stress the need to respect the layout of the different questionnaires, each of which fits onto one page, with all the compulsory items on the front and space for notes or optional additional comments on the back.

Questionnaire on visit to polling station before opening

Team no. number: _____ ~~Names of Observers:~~ _____

Polling Station: _____ Station No. Number: _____ District Name: _____

Time of arrival ~~at station:~~ _____ Time of leaving ~~station:~~ _____

Number of persons registered on electoral list: _____ (~~on any~~ Additional list: _____)

- Was the electoral commission of the polling station at full strength when you arrived? YES NO
- Is the composition of this commission ~~correct in compliance with the electoral Code/Law?~~ YES NO
- Are party representatives/candidates and observers present in the polling station? YES NO
- Are unauthorised persons present in the polling station? YES NO
- If so, who?

- Voting material** (ballot papers, electoral lists, etc.) Have these ~~completed arrived?~~ YES NO
- Were the quantities sufficient ~~and in compliance with legal requirements?~~ YES NO

Conduct of formal operations

- Checking of ballot box: did the chairman's office get members of the electoral commission and observers to check that it was empty before it was sealed? YES NO
- Is the ballot box properly sealed or closed? YES NO
- Did they deposit a list with commission members' signatures? YES NO

Electoral list

- Does the electoral list pose a problem of conformity ~~with the law?~~ YES NO
- Indicate any problems noted:
- Are the members of the electoral commission familiar with their tasks? YES NO
- Are the other operations ~~required by the electoral law~~ being performed correctly? YES NO
- Comments (if any).....

Opening

- Opening time: ~~Did voting open at the time provided by the law?~~ YES NO
- If not, comments:

General atmosphere (*underline your choice*)

VERY GOOD	QUITE GOOD	RATHER POOR	VERY POOR
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Other comments by observers

Signature of observers:

Questionnaire to be completed for each polling station

Part to be completed in the polling station

Team no. number: _____ ~~Names of Observers:~~ _____

Polling Station: _____ Station No. Number: _____ District Name: _____

Time of arrival at station: _____ Time of leaving station: _____

Number of voters at time of arrival: _____

Number of persons registered on electoral list: _____ (Additional list: _____)

Is the polling station easily accessible (e.g. for persons with disabilities...)? YES NO

~~Is the polling station~~ - clearly signposted? YES NO ~~Is it~~ - of adequate size? YES NO

~~Are the configuration and size of the polling station adequate for the voting process?~~ YES NO

Persons present at the polling station

Is the electoral commission's membership correctly composed in compliance with legal requirements? YES NO

Presence of observers YES NO | ~~Are they~~ - Accredited? YES NO

Do they comply with the need for diversity of candidates/lists? (*Refer to next page for the list of political affiliations, next page*) YES NO

~~Presence of police inside the polling station~~ YES NO (*-> if yes, specify facts overleaf*)

Are unauthorised persons present? YES NO | If yes, who? YES NO

Presence of campaign material (posters, individuals carrying out campaigning activities):

- In the polling station YES NO | - outside and near the polling station YES NO

In favour of which party or candidate?

Intimidation of electors: were there any attempts? YES NO (*-> if yes, specify facts overleaf*)

Conduct of operations (*-> note any additional remarks or precisions overleaf*)

(Optional question according to the legislation in force in the country) YES NO

(Is the check on inking of voters' fingers effective at the entrance of the polling station?) YES NO

Is the check on voters' identity effective? YES NO

Are the ballot papers distributed properly? YES NO

Is ballot box properly sealed? YES NO

Voting booths: are they placed where they can be seen by members of the commission and observers? YES NO | Same question for the ballot box YES NO

Does voting take place in a calm, orderly manner? YES NO

Have you noticed any cases of group voting? (*if yes, complete section 2 on the next page*) YES NO

Voting by sick persons or persons with reduced mobility (Mobile ballot box)

Is the mobile ballot box properly sealed? YES NO

Other procedures – if any – for sick persons

Do they respect voting secrecy? YES NO

Overall assessments after the visit (*underline your choice*)

VERY GOOD	<u>QUITE GOOD</u>	<u>RATHER POOR</u>	VERY POOR
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Signature of observers:

Part to be completed after leaving the polling station

1 – Political affiliations of polling station’s members

(Before the election, prepare forms to be completed below by those political parties/candidates in contest)

<i>Delegates of parties/candidates</i>	<i>Local and international observers</i>

2 – Additional comments by observers

Please note any events out of ordinary (during conduct of operations; disorder or intimidation in and near the polling station; ~~other activities in the polling station~~; unauthorised people – police... –; group voting; level of representation of women among candidates, among polling station members; access of persons with reduced mobility to the polling station...)

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3 - Facts reported to the observers

(Mention identity of person reporting facts if possible)

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4 - Any recommendations to be made in the observation report

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Questionnaire on observation of the vote counting

Team no. number: _____ ~~Names of Observers:~~ _____

Polling Station: _____ Station No. Number: _____ District Name: _____

Time of arrival at station: _____ Closing time: _____ Time of leaving station: _____

~~Did voting finish at the time provided by the law?~~ YES NO

~~If not, why not?~~ YES NO

At the close of voting, were there voters still present ~~allowed~~ ~~unable~~ to vote? YES NO

Persons Present

Did the election commission have a quorum at the close of polling? YES NO

Were any representatives/candidates admitted to the room after the official close of polling? YES NO

Were they present in order to be able to see the votes being counted? YES NO

~~Is public (electors) admitted?~~ YES NO

Counting Operations

Are the members of the polling station familiar with the procedures? YES NO

Are unused ballots invalidated before counting? YES NO

Are the seals on the ballot box intact prior to opening? YES NO

Does counting take place calmly? YES NO

Are the procedures stipulated by the electoral law followed? YES NO

Spoilt ballot papers

~~Is the decision to invalidate a ballot paper taken in accordance with the electoral law?~~ YES NO

Is it made transparently (paper shown to delegates, observers...)? YES NO

Does the number of spoilt papers seem to you to be excessive normal

Do you consider principal grounds for invalidating justified? YES NO

Are spoilt ballots kept? YES NO

Declaration of results

Are the results of voting declared ~~correctly~~ ~~clearly according to the electoral law?~~ YES NO

Are the ~~detailed~~ results posted at the door of the polling station ~~in accordance with the electoral law?~~ YES NO

Functioning of the electoral commission centralising the results

Transport of documents: is the security assured ~~including during the whole transfer and carried out in compliance with the electoral law?~~ YES NO

Are observers and party representatives allowed to be present? YES NO

Do you notice any distortion of results between the polling station and the central electoral commission? YES NO

Overall assessment of the quality of counting at the polling station

VERY GOOD	QUITE GOOD	RATHER POOR	VERY POOR
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General comments by the observers

Signature of observers:

Overleaf: statement of the results of the polling station (optional)

Results of the Polling Station (Optional)

Polling Station: ~~Town~~: _____

No. ~~Name of Station~~: _____

District ~~Station Number~~: _____

Numbers of registered voters at the station: _____

Numbers of persons entered on the supplementary list: _____

Voters: _____

Spoilt ballots: _____

Votes Cast: _____

Comparison of the results between the Central electoral commission and the territorial electoral commission:

Results per list or per candidate:

Comments by the observers

- I ___ I
- I ___ I
- I ___ I
- I ___ I
- I ___ I
- I ___ I
- I ___ I
- I ___ I
- I ___ I
- I ___ I
- I ___ I
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- I ___ I
- I ___ I
- I ___ I

ANNEX - To the attention of members of secretariats and new observers

Election Evaluation Guide

INTRODUCTION

A – General principles

Monitoring and evaluating elections is a hard, demanding task for observers who bear considerable responsibility vis-à-vis both the organisation they represent and the country which invites them to perform an observation mission.

The national authorities invite them to monitor an election as foreign observers, non-nationals of the country where the election is taking place, with the aim of proving that the electoral process is bona fide and in compliance with international standards, in particular those laid down in the Code of Good Practice in Electoral Matters. An observer must therefore show a positive commitment to these European standards, which it is his or her task to uphold in the field.

There must be no shadow of doubt as to an observation mission's objectivity. The bodies appointing the delegation should consequently ensure that the credibility of the mission's findings is not undermined by any potential ground for disqualifying a member or distrusting his or her judgment. Care should therefore be taken not to include nationals of a country with which the host country has an ongoing dispute (territorial, political or other).

As a general rule, several international organisations are present to observe elections. It is necessary to enter into contact with the other organisations in particular regarding:

- deployment of teams (assignment of responsibility for given polling stations and/or regions) so as to ensure the broadest possible coverage
- comparison of observations so as to ensure consistency of findings.

A fundamental principle is **non-interference** in the election process. The observers' task is not to make an immediate decision on any possible conflicts but to establish a report of the electoral process as a whole.

This means that observers must carry out their duties in accordance with the **laws and regulations of the country concerned and not their own national practices**. These laws and regulations must therefore be familiar to all observers.

To that end the body responsible for the mission will ensure that the observers are provided with accurate, concise documents on the country's political circumstances, its electoral law(s), the reports of earlier observation missions, the most recent recommendations addressed to the country and, more generally, any information needed to understand the situation in all its complexity.

The observation of elections is therefore not simply a matter of being present and observing how things go at the polling stations on election day, but should begin at least two days earlier.

The body responsible for the mission must take this significant preparatory work into account not only in the time-table and budget, but also in the choice of observers.

That body should also avoid accepting late invitations by national authorities:

- firstly, because a late invitation makes it difficult to set up a mission complying with the criteria set out here, and
- secondly, because it usually indicates a desire for international approval without any genuine will to co-operate.

The success of the observation mission also depends on the capabilities of local staff (normally chauffeurs and interpreters). The organisation dispatching the observation mission must take special care to recruit suitably qualified individuals and interpreters in particular should be given certain basic knowledge of the electoral procedures.

The mission's credibility indeed depends on

- the skills of the interpreters, who must be given strict instructions regarding the professional conduct required of them (adherence to what is actually said without nuancing statements with any personal opinion or "interpretation")
- the reliability of the chauffeurs (instances in which a driver phoned a polling station to give advance warning that the observers were on their way and lack of prudent driving have been reported).

Mention must also be made of a last consideration - relations with the media. In countries where democracy is only recent the media are very eager for information about the conduct of elections. There are also many local radio stations, who may wish to interview the observers.

The delegation's information policy must be determined from the outset, and all members must abide by it. Where it seems appropriate to organise a press conference, this should be held only once the team has a sufficiently complete picture of how the elections have been conducted to be able to draw valid conclusions.

At all events, the observers should not make personal statements to the press, even less on polling day itself.

B – Election evaluation guide

From a practical standpoint, with the above principles in mind, this document is divided into three parts:

- before polling day
- polling day
- after polling day.

For polling day itself, we propose dividing the questionnaire into three parts:

- before voting starts: observation of the polling station visited by the observers in order to monitor the start of voting (1 questionnaire per team);
- during the day: observation of the polling stations in operation (1 copy of the questionnaire per station visited);
- close of polling and counting of the votes: observation of the close and of the count at a polling station (1 questionnaire per team).

The BEFORE and AFTER questionnaires are intended to be used for the preliminary meetings between all (or part) of the observer delegation and leading national political figures, representatives of the political parties, the central electoral commission etc.

In some cases the list of matters to be taken into consideration may not cover all local particularities and it therefore does not claim to include all the questions that should be put. What it does contain is the essential points that constitute **universal, equal, free, secret and direct** suffrage as defined by the “Code of Good Practice in Electoral Matters”.

Lastly, it must be pointed out that the mission’s observations cannot be of any statistical or scientific significance, since the number of polling stations visited will always be small compared with the scale of the entire election exercise country-wide.

1. BEFORE POLLING DAY

Knowledge of the political context, electoral law and practical arrangements laid down for the conduct of elections is a pre-condition for a strict and impartial observation that will respect national sovereignty.

One factor that can prevent errors or misplaced interference is a thorough acquaintance with electoral law. Knowing the political issues at stake in the election can help to reveal possible irregularities and any exertion of pressure and so to ensure the most relevant observations.

The questions in this chapter are designed to help the observer group do its job properly by getting a basic idea of how the voting is being organised.

Whilst it is imperative that observers participate in the “Before Polling Day” meetings, should it not be possible due to organisational restraints or other justified reasons for all observers to take part in the meetings and thus in collecting the information mentioned? If the observation is so organised that not all observers can take part in the meetings and thus in collecting the information mentioned, observers will be briefed about the points raised in the questionnaire (either orally or by means of a summary document).

A. Knowing the political backdrop to the elections

The aim of the questions below is to help observers understand the general and political context of the elections and so prepare themselves for observation targeted according to the risks.

- Are the elections being held on the normal date?
- If not, why are they being held?
- Is there any particular issue at stake other than renewal of mandates on expiry of the normal term of office? (E.g. a planned amendment or reform of the constitution, a national issue in the case of local elections, special situation of a minority, etc)
- What political forces are contending?

In this connection, note must be taken of the list of competing political parties, movements and coalitions and of the place occupied by each of them in national political life. This is essential in order to assess pluralism in the composition of the electoral commissions and to monitor the

conduct of the voting. Observers must pay attention to certain small parties or movements which may be fronts for large governing parties and which are only there to provide an illusion of pluralism.

- Was it possible to meet them?

Meeting the national leaders of political parties is useful for understanding the issues and assessing the risks of tension and fraud at the polling stations.

After arrival of the observers on site, meetings can be organised in addition with local officials of the political parties or with candidates in the case of local elections. By publicising the presence of observers, such meetings can help polling to proceed smoothly. However, during such meetings an eye must be kept on the risks of manipulation and exploitation of the observers, who must strictly observe attention to neutrality.²

B. Knowledge of electoral law

The electoral law (or sometimes laws) sets the legal framework and procedures for the poll. A thorough acquaintance with all the relevant legislation is necessary if the voting process is to be judged according to national conditions and not from the viewpoint of observers' experience in their own countries.

1. Electoral rolls (registers)

Information about electoral rolls enables the universality of the poll to be measured.

- Procedures for drawing up the rolls:
 - Are the rolls permanent?
 - Who is responsible for preparing them?
 - How are voters distributed among the polling stations according to their place of residence?
 - How and where does the electorate living abroad vote?
 - What checks are made to prevent multiple entries?
- Any discrimination (social, racial etc) in drawing up the rolls, particularly with respect to minorities (conditions as to nationality, period of presence, residence, ...)
- Publication of electoral rolls:
 - Are the rolls made available to voters to check that they are included?
 - Have the political parties and/or candidates access to the rolls?
- Procedures for making corrections to the rolls (including on polling day?)
 - Can a voter who has been omitted from the roll get the roll corrected?
 - How and within what period? Is this period adequate?
 - Are there supplementary electoral rolls at the polling stations?
 - Who prepares them?
 - What documents are necessary to make corrections to the rolls ?

²*Experience teaches us that some local politicians may be tempted, for example, to have themselves photographed with the observers in order subsequently to claim the support of the observers and, over and above them, of the Organisation observing the elections!*

- Are there any reports of problems concerning these matters? If so, what problems³ (nature of problem, source⁴, ...).

2. Candidatures

This point allows voters' **equality of access** to elective office to be measured.

- Who can stand for election?
- What are the conditions for standing for election?
 - Sponsorship (who can act as a sponsor?)
 - Right to put forward candidates (only recognised political parties or coalitions, for example, may put forward candidates)
 - Is candidature subject to the deposit of a guarantee? If so, what is the amount? Is this amount not excessive in the light of the country's economic conditions and the poll?⁵
- In the event of a second round of voting, what are the conditions for a candidate to continue to stand in that round? Do these seem reasonable and compatible with the Code of Good Practice in Electoral Matters?
- Have any problems been reported regarding these questions? If so, what problems? (nature of problem, ...).

3. Organisation of the poll

The questions in this paragraph enable **on-the-spot observations to be prepared** on polling day.

- What voting system is used for the elections?
- How are the electoral commissions for the polling stations composed? Is pluralism respected?
- Does electoral legislation provide for the presence of representatives of the political parties and/or of candidates qualified to monitor the process as a whole?
- Are other observers (e.g. NGOs) authorised to monitor the process? What are the procedures for approving them (and are these procedures transparent)?
- Ballot papers:
 - Are they simple and easy to understand?
 - Are they printed in the various minority languages?
 - Can they be understood by persons unable to read? (eg presence of a logo)⁶

³Knowledge of the problems that arose during previous elections is rich in lessons for the observers in that it enables them to "target" their observations and possibly to note progress made at national level.

⁴Knowledge of the sources is important because it enables the quality of the evidence to be assessed in the final report and the fairly frequent attempts to manipulate the observers to be frustrated!

⁵We are aware of certain countries where, in order to stand as a town councillor at local elections, the guarantee represented several months of an average salary! This is clearly a disguised form of suffrage based on property/wealth qualifications.

⁶This is a very sensitive question in certain countries where several languages are in daily use and/or where many people are unable to read. Difficulties in reading/understanding ballot papers may lead to a not always disinterested offer of assistance with voting!

- Voting by the military:
 - Do the military have the right to vote?
 - How is voting organised? (electoral rolls, practical arrangements)
 - Where do the military vote? In town? In their barracks? In their home municipality?
 - In the case of voting in barracks:
 - What is the membership of the electoral commission? Civilians? Military?
 - Is it possible for civilian observers and representatives of the parties/candidates to be present?
 - For local elections, is the municipality military vote liable to sway the result or to reach the percentage required for elections to be deemed valid?⁷

- Voting by sick and infirm persons: voting arrangements:
 - Who decides on the procedure to be used? What are the time limits for applications?
 - “Mobile” ballot box⁸? Who collects the votes?
 - Proxy vote, postal vote, other methods?
 - How is the secrecy and genuineness of personal voting ensured in such cases?
 - Do the arrangements prevent fraud?

- Voting arrangements for those living in fear

- Counting the votes
 - Who counts the votes?
 - Are the votes counted in public?
 - Who decides whether a ballot paper is valid or spoilt and are there any regulations to determine whether a vote is valid or not?
 - Foreign votes?
 - In what cases does the law provide that a ballot paper is spoilt?
 - Are these cases not too strict and/or categorical?⁹

- Declaring the results:
 - Who is responsible for declaring the results of the polling station?
 - Where does the declaration take place?
 - Does the law require the results to be posted at the door of the polling station?
 - What results are officially announced? The number of votes scored by each list or candidate? In each constituency? Or merely those elected without any details of the scores obtained?

- Have problems with these questions been reported? If so, what problems? (nature, source, ...).

4. Bodies monitoring the election procedure

⁷The “soldiers’ vote” is liable to influence the results in large garrison towns.

⁸This procedure is frequently employed in the CIS countries and former Yugoslavia. The box in question is transported by members of the electoral commission to the homes of housebound persons in order to collect their votes.

⁹Our attention has been drawn to cases where the fact that the cross indicating the chosen candidate extends a few millimetres outside the box provided on the ballot paper has invalidated the vote. It is clear that this punctiliousness has nothing to do with any difficulty in interpreting the voter’s intention! It is useful in these cases to know the rule in order to judge the conduct of the vote count at the polling stations and later, in the final report on the election, to call the national authorities’ attention to this difficulty if necessary.

The monitoring bodies play an essential role in the conduct of the poll, particularly in safeguarding the poll's **pluralism, equality and legality**. A meeting between the observer delegation and the central electoral commission is indispensable.

For local elections, it is also essential to have a meeting with the local electoral commission before polling day.

- Central electoral commission:
 - How is it composed? Who appoints the members?
 - Is it permanent? Ad hoc?
 - What is its members' political allegiance?
 - Is its membership based on the principle of pluralism?
 - What are its powers? Particularly regarding appeals?
 - On what basis does it take decisions (majority, unanimity, consensus, etc.)?
 - Do you consider the commission to be competent and impartial?
- Local electoral commissions:
 - How are they composed? Who appoints the members?
 - Is the membership of these commissions based on the principle of pluralism?
 - Do you consider the commissions to be impartial?
 - In the case of local elections, are these commissions competent to hear appeals?
 - Have the members received a basic grounding in electoral legislation?
- Electoral commissions of the polling stations:
 - How are these commissions composed? Who appoints the members?
 - Is the membership of these commissions based on the principle of pluralism?
 - Do you consider the commission to be impartial?
 - Have members received a basic grounding in electoral legislation?
- Appeals:
 - Who may lodge an appeal?
 - What is the competent body?
 - What are the conditions for appeals?
 - What are the consequences of an appeal?
- Have problems regarding these questions been reported during previous polls? If so, what problems? (nature, ...).

5. Election campaign

For understandable material reasons (impossibility of being present several weeks before the elections unless long term observers are appointed, inability to follow the campaign on the radio and TV or in the press through ignorance of the language), observers seldom have a chance to observe the election campaign.

Nevertheless, the modalities of the election campaign are an important element in assessing whether the contest between the candidates is **fair, honest and equal**.

Observers can obtain a useful idea of the campaign:

- by getting to know the rules in force (do they ensure that the competing candidates/parties are on an equal footing?);

- by collecting statements from candidates and party officials and interviewing voters, as well as observers already present in the country (embassies, international organisations etc).
 - by observing the published electoral propaganda material (e.g. posters etc) of individual candidates or political parties.
- What are the rules governing the election campaign?
 - What is the duration of the campaign?
 - What is allowed or forbidden?
 - Is it permissible to put up posters in public places? On what conditions?
 - Are public meetings permitted? On what conditions?
 - Is the campaign publicly funded? Is such funding equitable?
 - Are the cost and funding of the campaign regulated and supervised? (ceiling on expenditure, origin of funds, ...)
 - What are the guarantees to ensure freedom of expression and assembly for parties and candidates?
 - Is there any check that access to the media (press, radio, TV), especially the publicly-owned media, is equitable? Who performs this check? How impartial is the supervisory body?
 - Have any problems been reported:
 - regarding the conduct of the campaign?
 - regarding the use of unauthorised public resources?
 - other problems ...
 - Sources.

2. POLLING DAY

Observation on polling day represents the high point of the observation process. It is in the field that observers will see the legislation being actually applied and be able to measure the gap between theory (the law) and practice (the law's implementation).

Observers must bear in mind that the purpose of observation is to **establish that local law is properly applied** and not to enforce the law of some other country. If local law proves inadequate or inappropriate, the final report to the national authorities will indicate proposals for improving the quality of the poll. In no case will any "adaptation" of that law be suggested by the on-site teams.

Observers must likewise be aware that their job is to **observe** and in no circumstances to intervene in the process at any level, even at a polling station. At the very most, they may suggest discreetly to the returning officer that he refer to the electoral law on some point which it appears is not being applied (sometimes through ignorance).

The observer teams will go to a polling station before polling starts in order to check the layout of the station selected and monitor the procedures for starting the poll.

They will do the same for the close of voting, for which they will select a station (perhaps one of those observed during the day and judged sensitive) in order to be present at the formal close of voting and at

the counting of the votes until the declaration of the results (if this is provided for by law) or at the arrival of the ballot papers and results at the local electoral commission.

Observers have three different questionnaires:

- one for the operations that precede opening of the polling station
- one for the counting operations
- as necessary for observations at polling stations during the day.

When voting is spread over several days, **a specific report will be drawn up** concerning the provisional-closure operations carried out and the security measures taken to protect the previous day's ballot papers from interference.

A. Before polling starts (preparatory operations) at the chosen polling station

1 questionnaire per observer team

(A specimen questionnaire appears in Annex I)

The aim of this questionnaire is to evaluate:

- Compliance with the law (membership of the electoral commission, observers, ...)
- Electoral commission members' familiarity with electoral law
- The state of preparation (equipment, electoral rolls, voting material) including a check on the number of ballot papers delivered to the polling station (the quantity must be sufficient in the light of the number of people registered to vote but not excessive, which might facilitate fraud)
- Fair distribution of tasks among members of the commission: representatives of the authorities/party in power must not monopolise all tasks
- Whether the polling station opened on time (reasons for any delay should be noted)
- The atmosphere among members of the electoral commission inside the polling station (choose only one reply):
 - other activities taking place on election day in the building where the polling station was located,
 - atmosphere in the vicinity of the polling station,
 - tense: the members of the commission exercised excessively close, even aggressive, surveillance over each other,
 - serious: the atmosphere was calm and courteous
 - lacking in seriousness: members of the commission failed to take their tasks as seriously as required.

This appraisal, albeit subjective, makes it possible to assess the risk of difficulties - and hence incidents - in the course of the day (tension grows as time goes by and weariness increases).

The observers should be careful to complete all sections of the questionnaire, including those that are a matter of form or intended for identification purposes, such as the team's name (or number), the number of the polling station, their arrival and departure times, the number of ballot papers, the number of people registered on the electoral roll, etc. The quality of the results of any subsequent processing of the information depend on this.

B. Observation of polling stations during voting

*As many questionnaires as polling stations visited
(A specimen questionnaire can be found in Annex II)*

The purpose of this questionnaire is to place observations on a formal footing (with a view to on-the-spot or subsequent statistical processing). The questionnaire is broken down as follows:

Page 1 (first side) (to be completed at the polling station)

This contains:

1. Identification details: of the observers and polling station - number of registered voters and number of voters at the time of the visit.¹⁰
2. Physical assessment of the polling station: accessibility, signposting, size, etc
3. Persons present at the station (excluding voters) so as to obtain an idea of the representativeness of the electoral commission and observers.
4. The risk of voters' being influenced or intimidated:
 - Presence of the police, military personnel, suspect individuals, propaganda, ...
 - Agitation, confusion ...
5. Conduct of operations and compliance with electoral law:
 - Checking voters' identity, distribution of ballot papers
 - Confidentiality of voting (booths, effectiveness ...)
 - Family voting
6. Sick persons or persons with reduced mobility: check on the confidentiality of voting and pluralism
7. Summary assessment table

Page 2 (second side): to be completed on leaving the polling station

1. Remarks by observers on the conduct of the voting

Eg: "*Voting took place on the tables and not in the booths*"

It will be recalled that this occurs in numerous places in the CIS and former Yugoslavia. The weight of habit and tradition ensures that electoral-law provisions will not come into force immediately. According to the Soviet tradition, everything was done in public. This also applied to family voting which, though forbidden, is still found in many of those countries, sometimes for reasons of illiteracy.

- Observers will endeavour to assess the facts noted on the basis of the local situation and of the **real influence of these facts on the honesty and secrecy of the voting, together with their influence on the voter.**
- This, however, should not prevent the observer team from drawing attention to these points as requiring improvement in the future.

Observers will also indicate other elements which may influence or put pressure on voters : other activities taking place in the same building as the polling station, the general atmosphere around the polling station and on the approaches to the polling station.

2. Facts or points reported to the observers

The facts alleged may be open to doubt and should be treated with the appropriate caution.

- Observers will check the identity of an individual who reports "facts".

¹⁰This point is an important one: it enables the accuracy of the figure for voter participation declared by the authorities to be checked at the end of the day.

3. A summary assessment of the visit to the station concerned, which is completed at the very end and represents a summary of the observers' views regarding the general situation at the polling station: four positions (no intermediate position): Very Good, Good, Poor, Very Poor.

C. Post-voting operations: counting of the votes; declaration of results

1 questionnaire per observer team

(A specimen questionnaire appears in Annex III)

The aim of this questionnaire is to evaluate:

- Compliance with the law when counting the votes
- Electoral commission members' familiarity with electoral law
- Fair distribution of tasks among members of the commission: representatives of the authorities/party in power must not monopolise all tasks
- Calm and concentration shown during the count¹¹
- Problems encountered with regard to the validity of ballot papers¹²,
- Compliance with the rules on publicising the results
- The possibility of dealing with subsequent disputes (keeping of ballot papers and reconciliation of the number of ballot papers).

This questionnaire includes the same general identification and appraisal elements as the previous questionnaires.

3. THE NEXT DAY AND THE DAYS FOLLOWING THE POLL

The observation mission must schedule a meeting with the other international and domestic organisations other international organisations that observed the elections for the day following the poll. This will make it possible to compare and crosscheck observations in such a way as to bolster up (or tone down) the mission's initial findings.

One of the problems frequently encountered during the observations of elections is the delay in declaring the results.

This delay may be due to material factors (no reliable telephone or facsimile links, no interlinked data system etc).

It may, however, hide other reasons (of a political nature), such as the governing party's difficulty in admitting a defeat in the elections, or even an attempt to rig the results.

A reading of the press on the day after the elections will also help the observers to supplement their impressions, particularly regarding the development of the situation in the country after the elections.

¹¹*Hurried counting may be a sign of a desire to conceal "tampering" with ballot papers from the observers.*

¹²*See footnote 8 above (§ B 3: Organisation of the poll) concerning sometimes excessive punctiliousness on this point. The observers' findings in the field and the number of spoiled papers can serve as arguments for a recommendation to the authorities in the final observation report.*

A. Centralisation and declaration of the results

- Forwarding of the results to the central electoral commission:
 - How was the centralisation of results conducted?
 - Is the process reliable?
- Declaration of the final results:
 - Who declared the final results?
 - How long after the polling stations closed?
 - Does this time frame appear reasonable (bearing in mind the local communication and transport situation)?

B. Possible appeals

- Are the observers aware of any appeals?
- Who originated the appeals?
- What grounds were put forward?

C. Factors that may have influenced voting on polling day

- Were “exit polls” published on the day of the elections?
- Does the delegation have the impression that this may have influenced voting?

D. General atmosphere the day after voting

- What is the view of the different political parties and the government about the conduct of the elections?
- What is the general feeling of the observers about the conduct of the elections?

E. Conclusions

- Do the observers consider that the elections were held in accordance with the democratic criteria laid down in the “Code of Good Practice in Electoral Matters”?
- What recommendations does the observer body wish to make to the national authorities for improving the conduct of the next elections?
 - In the legislative field
 - As regards practical arrangements
 - As regards training of members of electoral commissions
 - And, at a more general level, to increase compliance with the “Code of Good Practice in Electoral Matters”.

PRACTICAL NOTE CONCERNING THE QUESTIONNAIRES

The questionnaires were drawn up in conformity with point 11.ii.c of Resolution 1320 (2003) of the Parliamentary Assembly which requested the Venice Commission to draft “as soon as possible, a computerized questionnaire, setting out in a practical form the general principles of the Code of Good Practice in Electoral Matters, which would give the observer delegations a better overview of the electoral situation”. Recommendation 124 (2003) of the Congress of Local and Regional Authorities of Europe (point 8.b.ii) adopts a similar approach.

The questionnaires are organised in the following way:

QUESTIONNAIRE 1: Before polling day

This questionnaire does not need a more rigid form: it is an operating guide for use by the observer body for its interviews prior to observation as such on polling day.

The replies will not be the subject of data processing but will be used for the final observation report and enable the delegation to propose possible adaptations to the electoral law or its implementation through recommendations to the national authorities.

QUESTIONNAIRE 2a: Opening of the polling stations

One copy of this questionnaire will be handed to each team, which must complete it.

A specimen of this questionnaire in operational form is given in the Appendix (1 page). Technical modifications in the layout may be made to facilitate data processing.

QUESTIONNAIRE 2b: Observation of polling stations

This questionnaire is made available in as many copies as are needed (10 to 20 per team according to local polling conditions and each team's geographical coverage).

It must be returned not later than the same evening (or, when conditions require, not later than the next morning) to the secretariat of the observation body for statistical processing.

A specimen questionnaire in operational form is given in the appendix (1 page but with 2 sides).

Technical modifications to the layout may be made to facilitate data processing.

QUESTIONNAIRE 2c: Closure of polling stations

One copy of this questionnaire is given to each team, which must complete it.

A specimen of this questionnaire in operational form appears in the appendix (1 page, 2 sides).

Technical modifications in the layout may be made to facilitate data processing.

QUESTIONNAIRE 3: After polling

This too (see Questionnaire 1) is simply a guide to assist observation of the follow-up to the poll.

Questionnaires 2 (a, b and c) will be treated by data processing immediately or later. This processing will concern the election itself (highlighting strong and weak points). It will also enable global statistical data to be put at the disposal of the Council for Democratic Elections and other Council of Europe bodies and provide for future work.