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REPORT

FAIR ELECTIONS – INTERACTION BETWEEN AUTHORITIES
AND CIVIL SOCIETY

by

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I. Introduction

This paper will discuss interaction between authorities and civil society, focussing mainly on types of interactions, objectives and methods. Interaction is in its very definition a two-way communication flow and implies activity on both parts. However, there might be difficulties in determining who the different stakeholders are, what actually constitutes civil society and what bodies are seen as authorities. I will in this paper suggest that there is a grey-zone between what the different stakeholders do in line with law and established practice, and what they are perceived, or even expected to do by the different stakeholders when interacting with one another. I will also share some experiences made on methods and results of interaction between the central EMB in Sweden and civil society.

Elections are complex in many respects. They bring together desires to change society with demands for trustworthy and transparent processes carried out in an unbiased manner. This is taking place in a country-specific cultural environment where development is constantly going on – to a larger or lesser extent. These circumstances will place election stakeholders in a vulnerable position where certain borderlines must be drawn - and accepted – to bring legitimacy to the election process. These borderlines must be communicated, and understood in order to be trusted.

Talking about interaction between authorities and civil society will furthermore suggest that it is the authorities that bring about the interaction through their responsibilities to inform on their activities. This is the case with most EMBs, which have as their minimum duty to inform about when, where and how to cast a vote, just to make sure that any abstention is not due to the fact that people do not know how the voting procedure works. However, civil society also interacts with authorities within their boundaries of rights and obligations, and the authorities have to be prepared to meet the demands placed by civil society.

The international covenant on Civil and Political Rights, Article 25, rules that every citizen should have the right and the opportunity to take part in the conduct of public affairs, to vote and be elected and to have access to public service. This implies that the state must make sure that their activities are transparent and accessible for these rights to become a reality to people.

Interaction is thus both a challenge and an obligation for the authorities. A challenge because the expectations may not always be in line with the legal framework at hand or the division of responsibilities, and an obligation because interaction is the only way to make sure that people's rights are understood and made accessible.

II. Definitions

Civil society has many faces. One definition is that civil society constitutes all private persons within the realm (sometimes also including citizens outside the realm). Another is that it can be widened to include certain organisations, for example NGOs. But how about the political parties? They are supposed to represent their supporters both in executing the power, but also in opposition and the party program might want to introduce ideas strengthening civil society's rights and freedoms. The parties could be seen as voicing the will of their supporters vis-à-vis the executive powers. However, this is a problematic approach, since the political parties in themselves are "authorities", especially when in power, but also as general reflectors of their supporters' demands. As representatives of civil society groups, the parties become authorities in making politics. In a worst case scenario, interaction between authorities and civil society could turn out to be interaction in-between political parties only, without any real interaction going on with persons outside the spheres of the political parties. However, a better scenario is that the political parties work side by side with other parts of civil society to form as wide a platform as possible for fruitful interaction.

NGOs sometimes take up the role as authorities, receiving grants from the state to execute certain tasks, for example voter education. This is the case in quite a few countries. It could of course be discussed if certain tasks, which by tradition have been carried out by EMBs, could be conducted in a more efficient manner by NGOs or other organisations. If so, the interaction with civil society will be indirect, but still necessary.

There is also the question of media as scrutinisers of the power and the political game. To what extent, if any, is media part of civil society? Free media is seen as one important “thermometer” of an open and democratic society, and the activities of media have powerful impact on civil society by constituting an important source of information.

But regardless of whether or not political parties or the media are seen as parts of civil society, interaction with them is unavoidable for any EMB throughout the electoral process. Within the rules applicable for media and political parties, interaction with these groups is inevitable – and very important. Media strategies as well as dealing with political parties are regular parts of most EMB activities today. However, since their working methods are to some extent the same as for any private person seeking/needing information it could be discussed also to include them in information strategies planned for civil society in general.

It might not be necessary, or even desired to have clear-cut definitions of what civil society really is at any given time. But it could become a useful asset to be aware of possible grey zones in working out strategies for interaction.

III. Types of interaction, objectives and methods

Information and service

Interaction could take place in a variety of ways. There has to be a strategy worked out on what types of interaction is needed and expected within the framework of responsibilities. A strategy might also be necessary to be able to meet the demands from civil society as regards information and service. For example, in case of new legislation which would directly affect voters it might be seen as necessary both to communicate this to all persons eligible to vote and to establish a service function for questions.

This last example was tried out in Sweden, where a new Elections Act came into force on January 1, 2006 – to be implemented for the first time in the general elections in September 2006. There were two main features in this new act which would have a direct effect on voters' behaviour;

- 1) The premises, and responsibility, for all advance voting within the country were changed from Sweden Post to the local election authorities, i.e. the local election committee in each municipality.
- 2) It became obligatory to actively verify your identity as a voter wherever you chose to cast a vote – previously, this was not necessary at the polling stations on E-Day.

To cast an advance vote at the post office had been in force in Sweden since 1942, and had become an integral part of voters' behaviour in Sweden. Approximately 30 percent of all voters vote in advance and it was a challenge to make sure that information about the new structure would reach all.

Furthermore, verifying who you are by showing an ID-card at the polling station was not included in the previous law and the system of identifying voters at the polling station was based on people knowing their personal identification number – in other words: a system based on trust. This was especially appreciated by many old persons, who did not have any formal ID-card to show. It therefore became crucial to inform about this change, and what to do in case

you did not have an ID-card.

It was decided that the central EMB should send a postcard to every household with information about these new features, and at the same time open up a free-phone service for questions. The free-phone number was printed on the post card and advertised in all Swedish TV-channels and most radio stations, together with information on advance voting and ID-cards. The local election authorities, which were now responsible for the advance voting within the country, advertised both through the central EMB's web site and in local papers what premises were available for advance voting in their respective municipality.

Language as a tool

But interaction could of course have many other objectives, and therefore need other strategies. Interaction with political parties and media may render different types of interaction, such as seminars, training sessions, visits, FAQ-meetings etc. – all depending on the objectives and messages to be conveyed – or expected to be received. And voters, with their needs to know about and become active in registration and casting the vote, require a strategy of its own. There are particularly high demands placed on EMBs in their interaction with voters, in making the processes transparent, accessible and carried out within reasonable time, to make sure that it is possible for the voters to execute their rights – not only to cast his or her vote but also to be able to file a complaint. Language might be considered in this context, not only to present information in many different languages if so needed, but to think about *how* the language is used, conveying information in a non-academic and non-bureaucratic manner both in writing and in speech.

This was a lesson learnt during a national referendum in Sweden in 2003, when voter information was translated into over 20 different languages. The Swedish text had undergone thorough checking, by groups from civil society as well as by linguistic experts, to have a tone and content adequate for all readers. However, when the text was being translated into other languages some of the translators missed out on the tone and translated the text in a formal manner, believing that texts from an authority should be rather formal in its character. By doing so, the text became too difficult for the reader to understand at all. This problem became evident both during the referendum period and in the evaluation carried out after the referendum. Based on that experience all translators are now explicitly requested to use “normal and simple language” and to reflect the tone of voice provided in the original text.

Cooperation and evaluation

Certain methods might also require cooperation from others for the interaction to become fruitful. How do we learn about civil society's needs in terms of communication channels, language, content etc.? To involve civil society in working out communication and information strategies could become a two-folded advantage, since it will teach the EMB what civil society thinks about their ideas, at the same time as the EMB learns alternative methods and special demands that might have been missed otherwise. This type of interaction is frequently used in Sweden, where the general public, youth groups, immigrants and others are asked for their opinions about information products in development. Testing has become a necessary method in interacting with civil society, giving clear indications to the EMB of what works and what does not in a particular environment. At the same time it brings legitimacy to the process by involving civil society in matters of their concern – and it provides a real opportunity for them to have a direct influence.

Evaluations may be another method to use in interacting with election stakeholders, to be able to receive direct feed-back on strategies and products/events. Evaluations have for that reason become an integral part of every information strategy launched by the Swedish EMB, collecting opinions and data from stakeholders in order to find out what must be improved and what could

work a while longer. The results are openly presented in a special report for all to read. Evaluations, together with asking certain groups in advance of their opinions on products in development have created a good foundation for better interaction with civil society. But some of these methods might take time – and cost money. There has to be available funds in good time before the election for some methods to be successful. On the other hand, there are many efficient methods that do not have to cost much at all. A proactive EMB holding regular meetings and giving seminars can do so without considerable cost and when the timing is right – and at that time taking the opportunity to ask for opinions to use as follow-up or in a development process.

Other forms of cooperation could also be discussed; the EMBs have no monopoly of information about the electoral process, even though this is their foremost information undertaking. All other stakeholders in elections; political parties, media, associations, organisations, projects etc. all constitute bearers of information. A recent survey in Sweden among five large immigrant groups showed that the question how to vote and why they should vote were seen as strongly linked together. This would imply that all political parties, in their work to create the necessary incentives for people to want to vote, also need to have accurate and updated information about the voting procedure. And the papers and TV programs discussing political issues might want to present facts about the voting procedure as well as commenting on party politics. The EMBs may actively seek methods to interact with other stakeholders to make sure that their communication with civil society depicts the EMB's areas of responsibility accurately.

Patterns of behaviour and recurrent activities

Internationally seen, the methods used in interacting with civil society are diverse and reflect the different circumstances of each society. There are no “best” solution in this field, but we might learn from each other in widening our perspectives of what has worked in other countries. Most EMBs develop over the years a “sixth sense” in trying to find the best possible methods to use for each objective – as well as for each target group at that particular time. Know-how of civil society patterns of behaviour, media habits and sources of information becomes essential for a successful strategy.

But these methods must not necessarily pop up only in election times, they could be continuously alive. The free-phone service in Sweden, as mentioned above, is accessible also in-between elections, and at that time the line is connected directly to the staff of the central EMB. The service is extended and outsourced to a service company whenever there is an election coming up and the demand from civil society is increasing. This has proved to be cost-effective since the service does not have to be purchased over and over again. And it has been possible for the EMBs to be in charge of the content of information and to make sure that it is correct.

One might also dwell upon whether or not interaction with civil society will only involve those who are entitled to vote, or belonging to the groups of persons to obtain voting age at the next-coming election. Do elections concern everyone - at all ages? Many countries are now facing a decreasing voter turnout within some groups in society, among them young people. Research has shown that if you start voting from early age you are more inclined to continue to do so later on in life. Should the EMBs get involved in fostering, for example, students in how to vote? Many countries arrange real, but non-sharp elections in schools during the period of general national elections. This will make it possible for the students to learn how to cast a vote – and to take part in the political game if they so wish, as well as to connect to the election event going on at the moment. Many EMBs have good cooperation and close interaction with schools and students during election times. But it could also be possible to imagine that these types of elections take place on an annual basis – for every 8th-grader and every 2nd.year high school

student. By doing this, most young people would have voting experience from two school elections before actually casting their first “sharp” vote. To have elections as part of the curriculum would have many advantages, for example, to teach the voting procedure to young people, to make it possible for each school to show their political preferences among young people and to open the door for young persons to participate and be engaged in society.

Open EMBs in appeals interaction

Methods of interaction do not only refer to information and communication about voting and registration. A most crucial moment of interaction is when appeals and complaints are handed in from the various stakeholders. The system of appeal is complex in many respects; it requires a forum which can process what is believed to be wrong as well as providing reasonable possibilities for rectification. It is evident that appeals and complaints deal with possible shortcomings of the administration or the electoral system as such. Through the various appeals, the election administration will be graded as trustworthy implementers of the electoral system. A transparent appeals procedure both towards what types of appeals and complaints are being handed in as well as their response to them might assist in making interaction with stakeholders more reliable since the administration thereby publicly shows that it is open to rectification if proven necessary.

IV. Conclusion

Interaction will be a constant challenge to EMBs, both in terms of practical arrangements and in terms of trust. Depending on how successful the EMB is to interact with civil society, regardless on how it is defined, the EMB will enjoy more or less trust from the various stakeholders. It might be possible for an EMB to enjoy full confidence of, for example, the political parties and because of that will be deeply questioned for their supposed bias by parts of civil society. Choices of interaction could therefore become a balance between different interests, and this needs to be taken into consideration when structuring interaction.

But interaction is not always something that can be planned for. There has to be some kind of basic structure in place at all times to be able to manage unexpected interaction, initiated either by the EMB itself or by others. An EMB might want to convey a message, or respond to an unforeseen event and therefore needs a channel or a forum to do that. Furthermore, different elections require different strategies, since the needs vary from one time to the other depending on the circumstances at hand. Evaluations and follow-ups from previous elections could therefore be useful to pin-point what has worked, what has not worked and what requests seem to be constant over time.

As a conclusion, types of interaction, objectives and methods must always be seen in the light of each respective country, but the fundamental idea with all interaction is that the objectives, methods and timing will together create an environment which can be relied upon by all parties. The information processed must be trusted, and complaints must be met in a reasonable manner – as well as within the legal framework. How to interact and communicate become as important as where to interacting and what to communicate. I believe that it is the “how” that might make a difference!