

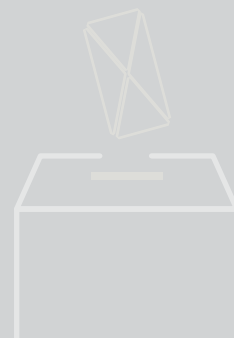
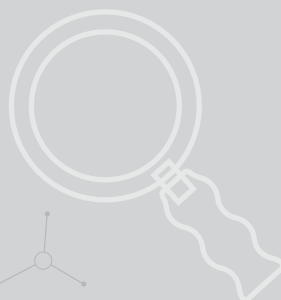


ELECTIONS IN EUROPE

2019 / VOLUME 14

JUDICIAL PROTECTION OF ELECTORAL RIGHTS 

THE TRANSPARENCY OF ELECTIONS 



IN FOCUS: THE REPUBLIC OF SLOVENIA

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**Dear Reader,**

You are reading the 14th annual edition of the Election in Europe (EiE), which is issued by the Association of European Election Officials (ACEEEO).

After a year of silence, our annual edition is first in the hand of the participants of our 28th Annual Conference, which is held in Ljubljana, Slovenia in cooperation with the National Election Commission of Slovenia. You can read about the Slovenian election system in the “in focus” section.

As usual the EiE gives a room for longer articles, which are covering the topics of our Annual Conference. An “extended concept paper” presents the highlights of the judicial protection of electoral rights and the transparency of elections. For the first topic I recommend the excellent article of Nikola

Mugoša about the Montenegro case study.

For transparency Andrii Yevstihnieiev, the Member of the Central Election Commission of Ukraine gives you an overview about the challenges of the new commission, which started to work in September, 2018. It would be also interesting to read the article of Professor Baburkin about Russia’s experience and public opinion.

It is always a great pleasure for the ACEEEO community to express our appreciations for those, who contributed a lot to the work of our Association. Although I’m quite sad that these colleagues are no longer involved in the elections, I’m sure that their long-time experiences will be at the disposal for the new election generation.

Enjoy the reading!

Zsolt Szolnoki
Secretary General

**Dear Readers!**

It is my great pleasure and honor to introduce you the 14th edition of the ‘Election in Europe’ – the annual publication of the Association European Election Officials (ACEEEO). The topic of the issue, similarly to the 28th Annual Conference of the ACEEEO is the ‘Judicial Protection of the

Electoral Rights and Transparency of Elections’.

The right to vote is a fundamental political human right that is embedded in the very essence of a democratic state. It is the right that transforms a citizen from an object into a subject of politics. Without doubt – there is no democracy without the right to vote!

The free exercise of the right to vote presupposes a democratic society in which there is also effective judicial protection of the right to vote and a high degree of transparency of electoral procedures. Effective judicial protection of the right to vote, transparency and related democracy are fundamental postulates of modern democratic social systems. Effective

judicial protection and transparency of the electoral and judicial process guarantees trust in their fairness, as well as confidence in the credibility of election results and the fairness of elections.

The publication touches on the theoretical and practical aspects of ensuring effective judicial protection of the right to vote and the transparency of electoral affairs, as well as the importance of suitable regulation with international standards and recommendations. Articles in the publication present excellent case-studies and underline the importance of continuous improvement of the processes and, thus, contribute to our common goal - ensuring lawful, fair and free elections.

I hope that these writings will be of interest for all readers and through the presented case studies you will enhance your knowledge and expertise on the topics of judicial protection of the electoral rights and transparency of elections.

Dušan Vučko
President of the ACEEEO
Director of the Service of the State Election Commission
of the Republic of Slovenia

ACEEEO Secretariat

Theoretical concepts of the 28th ACEEEO Annual Conference

An extended Concept Paper

1. Introduction

This year the Annual Conference deals with two timely and highly relevant topics; the judicial protection of electoral rights and the transparency of elections. Both of these themes have been in the focus of the work of our organization for a long time. On the one hand, in 2009 the 18th Annual Conference dealt with the topic of judicial protection of electoral rights, covering not just the legal, but the sociological and personal aspects of the question.¹ The current annual conference serves partly to review the topic and also follows a multi-disciplinary approach as we believe that elections can be understood only from putting together the manifold perspectives electoral management bodies (EMBs), courts, voters and other stakeholders have. This way, the current conference is the first one in the line of ACEEEO's newly introduced systemic follow-up procedure that has been introduced as we recognized that the gathered knowledge needs to be systematically reviewed in reasonable intervals, as the rapid evolvement of the electoral field requires so.

On the other hand, transparency has been in the front of our focus on many occasions. Among others the Annual Conference dealing with privacy, security and integrity of elections held last year had many connections to the topic,² as well as our 10th Annual Conference in 2001 that dealt with the transparency of election campaign financing.³

Both protection of electoral rights and transparency of elections are highly relevant in light of preserving the legitimacy of elections. This entails not only that rights should be protected effectively and that the legal background should be observed faithfully, but that it needs to be done in a transparent manner that provides that the perception of legitimacy is also ensured. In this regard our two themes are intertwined.

These themes are broad categories and thus cover a lot of issues that may be brought up during the Conference. We think that it is important not to create water-tight categories in order to channel in a wide variety of issues. This ensures that the Conference gives room to the participants' broad range of interests and expertise. However, we also think that it is important to set some starting notions and considerations that in broad terms define what the Conference is about. The aim of this short article is to highlight some of these notions and considerations.

2. Judicial protection of electoral rights

As elections are of utmost relevance to political stakeholders, it is important that the legal background, in which the political process takes place is observed, and the rights of those involved in this process are protected effectively. Electoral disputes therefore have a 'double character'; they are political issues in the sense having direct political implications, but they are judicial in the sense that they are about the legal boundaries of the political process. This puts the enforcing bodies into a very delicate position, as they deal with politically sensitive disputes, but they are the only ones that have the powers to step up legally if the boundaries of democracy are violated.

The current Annual Conference covers the activities of both EMBs and courts. These judicial institutions play a pivotal role in carrying out tasks related to electoral dispute resolution (EDR), they develop and apply a coherent normative framework that ensures that voters and other agents of the electoral process can exercise their rights in foreseeable and reasonable circumstances enabling the proper exercise of their rights.

EMBs and courts work hand-in-hand to provide sufficient level of protection, and this requires a constant flow of information and knowledge between the two levels.

Moreover, EMBs need to be ready to train their personnel in order to have the sufficient knowledge and experience to handle EDR cases. This, of course, presupposes an environment that provides the sufficient legal, financial and other means. Disputes regarding EDR thus needs to focus on not just the case-law and characteristics of the judicial bodies involved, but also on the wider context, in which these bodies operate. This summer ACEEEO conducted an EMB survey within the project of 'Challenges and Opportunities in Election Dispute Resolution – an EMB Perspective.' The to assess the challenges and opportunities faced by EMBs related to electoral dispute resolution EDR; the goal is to capture how EMBs themselves perceive these challenges and opportunities. There is a presentation on the results of this survey included in the conference-agenda.

Moreover, judicial bodies also have to keep up with not only the domestic but the regional and international jurisprudence and guidelines. In the ACEEEO region this involves the jurisprudence of the Strasbourg Court and the monitoring of the guidelines and good practices assembled and systemized by other organs such as the Venice Commission, or OSCE. Thus, besides the domestic bodies, there

1. Materials of the 2009 Yerevan Conference are available at the following link: <https://aceeeo.org/en/events/18th-annual-conference-aceeeo-yerevan-armenia>

2. Materials of the 2018 Vilnius Conference are available at the following link: <https://aceeeo.org/en/events/27th-annual-conference-and-general-assembly-meeting-5-7-september-2018-vilnius-lithuania-0>

3. The concept paper of the 2001 Brijuni Island Conference are available at the following link: <https://aceeeo.org/en/events/10th-annual-conference-aceeeo-brijuni-islands-croatia>

should be a constant exchange of knowledge and experience on this case-law and set of guidelines as well.

As to the rights involved, the Annual Conference covers the wide variety of activities through which EMBs and courts can step up to protect electoral rights. This involves, on the one hand, the protection of the right to vote itself; both its active and passive aspects. On the other hand, the exercise of the right to vote comes into play as does the disputes resolution systems. Right from the beginning of the electoral process, electoral rights are affected, and the integrity of elections demands a high level of protection. Procedures should be quick and effective; however, at the same time, mistakes may jeopardize the whole electoral process. Moreover, protection involves voters, political parties and other right holders – all such categories of electoral stakeholders need to be properly informed and understand the judicial intricacies.

The conference thus focuses on the role of the EMBs and their dialogue with courts and other stakeholders such as voters and political parties regarding the protection of electoral rights.

As adjudicatory bodies of the first instance, EMBs need to keep an eye on the case-law of the courts and to be ready to adapt its jurisprudence accordingly.

Moreover, EMBs are required to provide information and genuine help for the voters, political parties and other affected right holders in order for them to be able to enforce their rights effectively. Furthermore, it is not enough to decide quickly and with high legal standards; communication to citizens is also needed through mass- and social media to ensure public trust and confidence in the electoral process.

3. Transparency of elections

This leads us to the second theme of the conference, namely, the transparency of elections. EMBs communicate with citizens throughout the electoral process and this plays an important role in maintaining trust in elections. This includes a wide-range of activities from the beginning of the electoral through the publication of results till the end of the electoral period.

Transparency thus involves among others the transparent decision making within the EDR; the transparent operation of the parties, including the financing of electoral campaign; the transparent way votes are counted and aggregated.

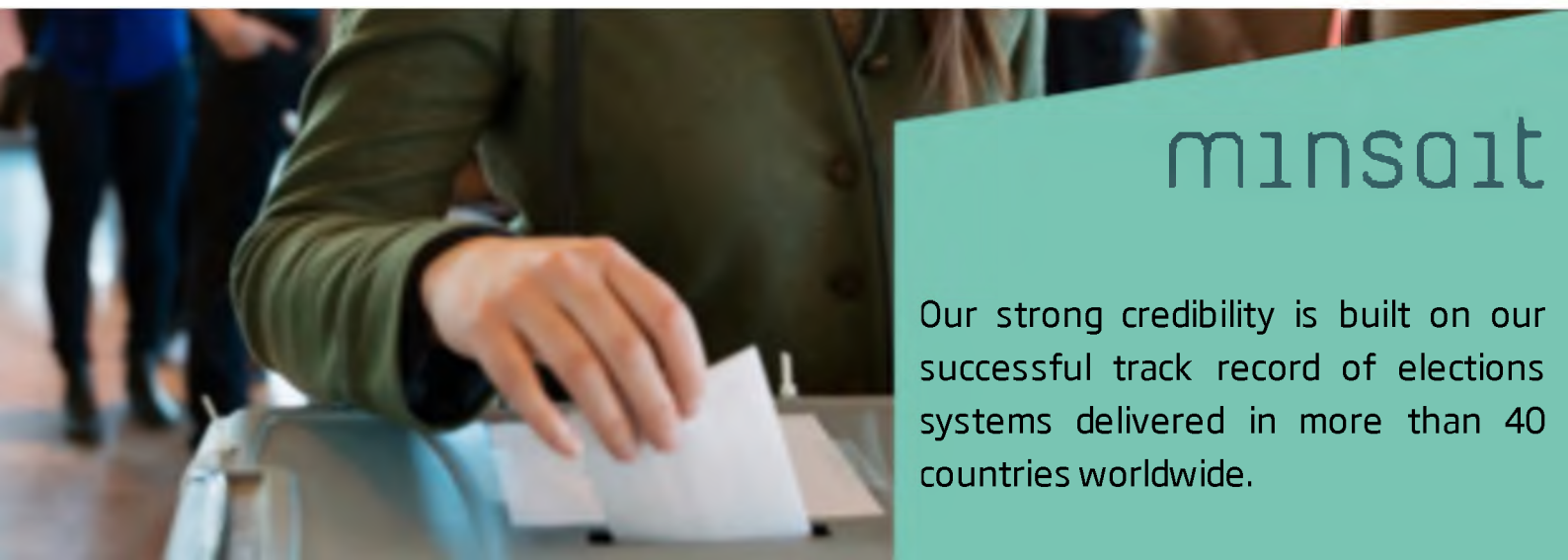
This shows us how broad the scope of transparency is, and therefore widens the scope of the Conference as well. Any meaningful debate on the issue should embrace the whole process to give a real picture on transparency.

Furthermore, there is an overlap between the protection of rights and transparency, as individual rights embrace the access to information. The conference thus covers transparency not just as an objective value but as a goal that can be reached by providing the sufficient protection of individual rights. The focus is on the practical aspect of transparency, namely, the questions related to the effective exercise of rights related to this aim.

This shows how interlocked the two themes are; rights are one of the most efficient means to provide transparency. Consequently, these themes cannot be treated separately, they mutually help each other.

4. Conclusions

It can be seen from the above mentioned that the themes of the Annual Conference are broad and intertwined. From the broadness it follows that when discussing these issues, we should be aware of the variety of issues these themes cover, and we should consider these broad issues as part of a bigger puzzle, all of them serving the aim to provide free and fair elections. From the intertwined nature of these concepts it follows that transparency cannot prevail without proper protection of electoral rights, and the same is true the other way around. As Richard Soudriette emphasized at the last Annual Conference in Lithuania; *'There is no such think as electoral Nirvana.'* We – electoral officials and experts – need to keep an open eye and sharp mind to ensure that proper judicial protection of electoral rights and the transparency of elections prevail.



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Nikola Mugoša

Independent advisor at State Electoral Commission of Montenegro

Judicial protection of electoral rights and the transparency of elections: Montenegro case study



The transparency of elections is one of the key principles that should be applied in order to characterize the elections as free and democratic. The openness of the electoral process, which is achieved through transparent procedures, is the basis of the electoral trust and therefore of the democratic legitimacy of the election. Confidence in the electoral system is an irreplaceable factor in encouraging the participation of citizens or voters in electoral activities.

Transparency should be represented at all stages of the electoral process, from financing campaigns, candidate finances, voter registration process, electoral rolls, ballot papers, media access, etc. However, this paper will focus on the transparency of the work of the Montenegrin electoral administration. One of the aspects of transparency recognizes its two dimensions. Namely, transparency can be achieved through the free access of the citizen to all information requested from the electoral body, as well as the principle of informing the public.¹

The current Montenegrin Law on the election of councillors and deputies prescribes that the work of electoral bodies is public,² which is a fairly wide concept, without specifying further forms of public performance. This issue is further elaborated by the Rules of Procedure of the State Election Commission, which stipulates that public engagement is provided by publishing acts and data of importance for the conduct of elections on the Commission's website and in the "Official Gazette of Montenegro", as well as by issuing a press release and organizing press conferences.³ It is also envisaged that the SEC may have a spokesperson, and it was the case before the parliamentary elections of 2016 and the 2018 presidential elections. The Commission's website publishes general acts of the SEC, reports on election results, information on held sessions of the SEC and press releases, reports and documentation whose publication is mandatory in accordance with the law, as well as other information and documents that arise during or in connection to the work of the Commission.⁴

Given the regular reports of ODIHR observation missions in the last two cycles, it is noted that "...the State Election Commission lacked transparency because decisions and minutes were not published on the website, and the sessions were not open to the media."⁵ Therefore, the recommendation is that: "In order to increase transparency and public confidence, the State Election Commission should facilitate the presence of the media at its sessions. The SEC and Municipal Election Commissions should publish all relevant documents and decisions on their websites in due course."⁶

In order to improve this situation, the SEC, with the technical and financial assistance of the Permanent Mission of the OSCE in Montenegro, created a new site, which has been

significantly improved. New sections, better transparency, search capability, archive, responsive design for all devices are just some of the improvements related to transparency. Also, in accordance with the recommendations, the State Election Commission regularly publishes all relevant information regarding sessions, meetings and all important activities. Also, since the sites of the municipal electoral commissions were the most part of local self-government sites before the realization of this project, they now represent subsections of the State Election Commission. In this way, their presentation was integrated in one place. What needs to be done in the upcoming period is to fill in the archives of the municipal election commissions, as well as to unify the information they publish on the site. Also, there is an open question of opening public sessions of the State Election Commission. Finding the modalities of achieving public work in this part, will be a challenge in the coming period.

The openness of public meetings of central election commissions has been recognized as one of the standards in election cycles, and restrictions can be imposed in case of personal data of citizens, in order to protect them, but citizens should also be informed of the outcome of the procedure in question. The openness of the electoral administration is illustrative for the whole electoral process, so it is necessary to publish the agenda for their sessions, as well as the minutes of the work. The openness of the sessions does not exhaust the implementation of the principle of transparency, and in addition it is necessary that the election administration publishes press releases and forward them to the media on all relevant decisions, regularly organizes meetings with the media or press conference during the preparation of the election, and especially on election day and during the publication of results.⁷ Also the web site should be updated on a daily basis, and the chairperson should not avoid public appearances and interviews, meetings with NGOs, observers, etc.⁸ Electoral officials that adequately apply electoral procedures are key to achieving the transparency of the electoral process, so electoral bodies should be devoted to educate members of polling boards, as well as educate voters in order to have a clear insight into all electoral procedures.

In order to ensure transparency of electoral bodies, special attention should be paid to the inclusion of non-governmental organizations and observers in general in the electoral process.⁹

There is room for these groups to be involved in several election activities, as they have wide knowledge of various aspects of the electoral process. Their involvement would

serve as a bridge with the citizens and as a guarantee that elections were conducted in an open, visible and transparent manner.¹⁰

It comes to the conclusion that transparent elections require participation in a diverse forms, including the political contestants, civil society organizations, as well as representatives of the media and other relevant stakeholders. Followed by direct public participation, through meeting attendance, public comment mechanisms, opportunities to seek and receive government held information and other means, understanding and corresponding confidence in electoral processes is further enhanced.¹¹

In order for the election process to be genuinely legitimate, in addition to transparency, it is also necessary to ensure the protection of electoral rights. The Montenegrin Law on the election of councilors and deputies prescribes that: "The authorities responsible for conducting the elections are obliged to inform voters about their voting rights and the manner of protection of these rights during the election process".¹²

Global Commission on Elections, Democracy and Security noted: "The effort to protect and promote the integrity of elections has to be an ongoing commitment. Legal frameworks need to be reviewed to ensure that: there is a genuine opportunity for political contestants to compete fairly; effective remedies can be applied by administrative bodies and the courts; political competitors can turn to legal redress, rather than violence or other extra-legal measures; and citizens have confidence that they can overcome any I. Rule of law and access to justice as cornerstones of electoral integrity... Civil society organizations can monitor and report on the functioning of state institutions in these respects."¹³ This body further recommends that: "To promote and protect the integrity of elections, governments should: build the rule of law in order to ensure that citizens, including political competitors and opposition, have legal redress to exercise their election-related rights."¹⁴

Most European countries can be divided into two groups when it comes to the fact whether courts or other bodies are empowered to make a final decision in electoral disputes.¹⁵ The first group consists of countries where the same body decides on all electoral disputes, regardless of the type of choice, and the other, where different bodies are the final instance for deciding, depending on the type of choice.¹⁶ Nevertheless, in most European countries, the same judicial body is resolving electoral disputes, regardless of which elections are taking place. Such is the case in Montenegro where the Constitutional Court is the final electoral instance. Namely, when the legal remedies are exhausted at the com-

mission level, a voter who believes that his voting right has been violated, candidate for deputy or councilor and finally the submitter of the list, within 48 hours from the delivery of a decision by the State Election Commission, can apply to the Constitutional Court.¹⁷ An appeal may be submitted to a decision of a competent electoral commission rejecting an objection against a decision, action or omission of a polling board or municipal electoral commission.¹⁸ The Constitutional Court shall submit a copy of the complaint to the competent electoral commission with a request that in a specified period (which can not be longer than 24 hours from the time of receipt of the request) submits the response and the necessary electoral acts or documentation.¹⁹ The Constitutional Court decides on an appeal within 48 hours from the time of receiving the reply. Having in mind the complexity of the election matter, the decision-making deadline of 48 hours seems too short and not in accordance with the Code of Good Practice which recommends a three to five-day deadline, both for lodging complaints and deciding on them.

In the Final Report of the ODIHR Monitoring Mission on the last presidential elections, it is noted that, in accordance with the document "Audit of Electoral Legislation and Practice in OSCE participating States", too short legal deadlines can prevent the necessary consideration of complaints and/or complaints. Furthermore, it is stated that during the consideration of the appeals, both by the election administration and by the Constitutional Court, the procedure for resolving complaints was not transparent because the hearings were not announced in advance, the decisions were not published, and there was no comprehensive register of complaints.²⁰ Paragraph 100 of the *Opinion and Report on the Settlement of Election Disputes of the Venice Commission* states that: "The system of complaints and appeals should be transparent, including the publication of objections, responses and decisions in relation to them. Transparency assures complainants and voters that an electoral irregularity has been corrected, and serves as a potential deterrent to future abuse."²¹

Transparency of the election and the judicial control of the election procedure are correlative terms. Namely,

in order to be able to speak about effective judicial protection, the way of its realization should be transparent. This means that all actively legitimized subjects are informed about their

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rights, and that in the court, the procedures of discussion and decision-making are familiar to the interested stakeholder.

In this sense, Montenegrin election system needs harmonization, both with the recommendations of the ODIHR's observation missions, as well as with the relevant international electoral documents that regulate this matter.

(Endnotes)

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ACEEEO Secretariat

ACEEEO contribution to the 'Judicial protection of electoral rights' - Reflections on the 18th ACEEEO Annual Conference



Ten years ago, in September 2009 the Association of European Election Officials (ACEEEO) organized its Annual Conference in Yerevan, Armenia. The more than 150 participants of the two-day conference representing Electoral Management Bodies (EMBs), International and Regional Organizations and Courts, discussed the topic of 'Judicial protections of electoral rights'.¹ The high-level speakers of the conference covered different aspects of the main topic in their presentations, including the perspectives of the EMBs, Courts, Media and voters themselves. In this paper we briefly review the contribution of the experts attending the conference. First, we review the speeches delivered by Zoltán Tóth, Pierre Garrone and Sead Alihodzic to present the international standards in legal remedies and the comparative analysis of the judicial protection of electoral rights as well as possible solutions for resolving electoral disputes. Then, we summarize the article of Richard W. Soudriette published in the 'Elections in Europe'.² In the end of the paper we also review the findings of the 18th ACEEEO Annual Conference.

1. International standards and a comparative approach to dispute resolution

A comprehensive introduction to the international standards in legal remedies and voters' complaints was presented by Zoltán Tóth, Secretary General of the ACEEEO.³ He highlighted that the primary sources for international election standards are international covenants, treaties and other kinds of international legal instruments influencing political issues. Tóth grouped these standards in three broader and sometimes overlapping groups: universal, regional and non-treaty standards, or the so called 'soft law instruments'. Among them, he first introduced the 'Guidelines on Elections: Code of Good Practice in Electoral Matters', issued by the Venice Commission of the Council of Europe in 2002.⁴ Tóth

underlined that the 'Code' is the only valid international document which deals with the judicial protection of electoral rights. He also quoted the 'Draft Convention on Election Standards, Electoral Rights and Freedoms' which had been adopted by the participants of the 11th ACEEEO Annual Conference in Moscow, Russian Federation, on 28 September 2002.⁵

In the line of the speeches, one of the most comprehensive experiences in the field of judicial protection was delivered by Pierre Garrone, Head of the Division of Elections and Referendums, Venice Commission of the Council of Europe.⁶ In the first part of his report Garrone described the main procedural principles concerning the procedure to be followed for electoral disputes, as defined by the 'Code of Good Practice in Electoral Matters'. The 'Code' is the reference document



of the Council of Europe in the electoral field that makes an overview of the judicial bodies in charge of electoral disputes in Europe.⁷ In a second part, he addressed the case-law of European constitutional courts and equivalent bodies in the field of electoral disputes, referring also to the European Court of Human Rights. Garrone touched upon the specialties of three types of suffrage listing cases from all over Europe. First, the universal suffrage, which is 'the most frequent subject at issue, but do not lead to the cancellation of elections'.⁸ Secondly, the equal suffrage, which 'raises the problem of equal voting rights, to the allocation of seats between constituencies (equal voting power), equal opportunities during election campaigns and gender equality'.⁹ And finally, the free suffrage, which problems do not come up very often. He concluded that 'electoral disputes are determined on a case by case basis, even at the level of constitutional courts and equivalent bodies'.¹⁰ Garrone emphasized that "the general rule is that an election will be declared invalid if an irregularity could have influenced the outcome. Such a sanction is

rather rare, due to the highly sensitive nature of the issue. It is even more seldom when the setting aside of important elections is at stake".¹¹

An outstanding resource for effective dispute resolution had been presented by Sead Alihodzic, Expert of the International IDEA. In his presentation titled 'Choosing the Path of Electoral Justice as an Alternative to Violence', he introduced the Handbook-in-preparation on Electoral Justice (since then the Handbook was published and available at the website of the International IDEA).¹² He explained that the book examines electoral justice in the context of five approaches: preventing electoral disputes, resolving electoral disputes, coercive (annul or modify irregular act), repressive (punish perpetrator or those responsible for irregular act), and alternative electoral dispute resolution mechanisms. Alihodzic also quoted the Handbook and emphasized that "Electoral Justice seeks to prevent and, as necessary, appropriately address and resolve electoral conflicts in order to keep greater conflict from ensuing". He continued that "Electoral Justice Systems have a key effect for democratic legitimacy and the credibility of elections".¹³ He underlined that every electoral dispute resolution system (EDRS) 'should establish complete, effective and timely electoral justice' to avoid unfair electoral rules of political competition and disfranchisement of particular social groups, which in turn might lead to violent electoral conflicts. Alihodzic finished his presentation by reminding participants about the specific objective of the handbook which is "to increase knowledge and encourage learning about EJSs, including both conflict-prevention mechanisms and procedures for resolving conflicts when they arise".¹⁴

There were numerous valuable contributions at the conference presenting both the knowhow and the challenges of the judicial protection of electoral rights, but due to the limitation of this review we are not able to present all the speeches in details. Therefore, we selected some of the presentations available at the ACEEEO website which in the end affected the most the recommendations of the 18th ACEEEO Conference.

2. The Role of the Courts in Safeguarding Electoral Rights

In the preparation phase of the conference an outstanding contribution was made by Richard W. Soudriette, Honorary Member of the ACEEEO. In his writing, Soudriette discusses two different cases where the importance of effective courts has been crucial in resolving election disputes. His first case was the U.S. presidential election, held on 7 November 2000, when "it took 32 days to resolve the disputed election between George W. Bush and Al Gore, which went all the way to the U.S. Supreme Court" and "Florida ultimately determined the 43rd President of the United States by a margin of 537 votes".¹⁵ This case led to a comprehensive electoral reform legislation which

"established the U.S. Election Assistance Commission and represented the first major federal intervention in to the conduct of elections in the United States".¹⁶

The other case of Soudriette is the Latin American approach to the cooperation of EMBs and Courts. He lists several countries, among them Costa Rica, Paraguay and Mexico, where specialized electoral courts were established to handle electoral disputes and to protect electoral rights. These two-tiered systems with one body administering and the other one supervising the elections as well as adjudicating electoral disputes are outstanding examples of the distribution of responsibility and power equally, thus, enhancing the transparency and credibility of elections. Soudriette finishes his article with a list of recommendations for election administrators in the field of judicial protection of electoral rights. He underlines among others that 'election laws, rules, and procedures must be clearly written and be in effect in advance of Election Day as well as they should be openly and transparently communicated to all electoral stakeholders'.¹⁷ He puts and emphasize on the proper training of the staff dealing with procedures 'to avoid unjustified election grievances'.¹⁸ Finally, Soudriette suggests the establishment of specialized electoral courts which may offer an 'effective means to resolve election disputes to maintain the credibility and confidence of the voters in the democratic processes'.¹⁹

3. Findings of the ACEEEO annual conference

Following the outstanding comparative analyses and case studies, the 18th ACEEEO Annual Conference came to the following findings. First of all, participants underlined that beside the EMBs, the courts have a significant role in resolving the election disputes, however, the organizers and supervisors of the electoral processes should not compete, but rather to complement each other's work and responsibilities. Thus, they need to have guarantee that the electoral process is correct as well as clear boundaries of responsibilities should be set in the legislation to avoid overlapping issues. Experts agreed on that the sentences include the following levels: Constitutional Court, Supreme Court, Special Electoral Court, and Ordinary (first level) Court, however, the latter one might lack the necessary resources. These sentences should be socially useful and must be efficient to solve any inter- or intra party conflict. While resolving conflicts, they need to possess the capacity to revoke candidacy to support electoral institutions. Participants emphasized that Courts are not resolving political issues, but only jurisdictional. Furthermore, judicial attribution is important to resolve close election results.

When discussing the similarities and differences of the court cases, experts came to conclusion that despite electoral disputes are determined on a case by case basis, there are certain international standards which might

serve as guidance in dispute resolution. Among the internationally accepted standards experts highlighted the importance of the „Guidelines on Elections: Code of Good Practice in Electoral Matters” issued by the Venice Commission of the Council of Europe.²⁰ The ‘Code’⁷ is the only valid international document which deals with the judicial protection of electoral rights. The other important document which contains recommendations on judicial protection of electoral rights is the „Draft Convention on Election Standards, Electoral Rights and Freedoms”, approved at the 11th ACEEEO Annual Conference held in Moscow on 26-28 September 2002.²¹

During the 18th ACEEEO Annual Conference several problems and challenges were identified that hinder the effective electoral dispute resolution. These challenges were grouped in timing issues, problems with the candidate registration, inadequacy of voter registration, improper procedures during the Election Day, as well as inaccuracy during counting and tabulation process.

The presentations delivered at the 18th ACEEEO Annual Conference together with the recommendations of the experts are available on the website of the Association.²²

(Endnotes)

¹ 18th Annual Conference of the ACEEEO in Yerevan, Armenia, 3-5 September 2009. www.aceeeo.org/en/events/18th-annual-conference-aceeeo-yerevan-armenia

² Richard W. Soudriette. 'The Role of the Courts in Safeguarding Electoral Rights'. *Elections in Europe*, Vol.5.(July 2009), pp. 12-14. https://aceeeo.org/sites/default/files/PDF/elections/ElectionsInEurope_5_2008.pdf

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⁴ CDL-AD(2002)023rev, at [www.venice.coe.int/webforms/](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e)

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⁵ 11th ACEEEO Annual Conference held in Moscow on 26-28 September 2002. <https://aceeeo.org/en/events/11th-annual-conference-aceeeo-moscow-russia>

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⁷ CDL-AD(2002)023rev, at [www.venice.coe.int/webforms/](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e)

⁸ 18th Annual Conference of the ACEEEO in Yerevan, Armenia, 3-5 September 2009. <https://aceeeo.org/en/events/18th-annual-conference-aceeeo-yerevan-armenia>

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² Jesús Orozco-Henríquez at al. *Electoral Justice - The International IDEA Handbook*. Stockholm, 2010.

¹³ 18th Annual Conference of the ACEEEO in Yerevan, Armenia, 3-5 September 2009. <https://aceeeo.org/en/events/18th-annual-conference-aceeeo-yerevan-armenia>

¹⁴ *Ibid.*

¹⁵ Richard W. Soudriette. 'The Role of the Courts in Safeguarding Electoral Rights'. *Elections in Europe*, Vol.5.(July 2009), pp. 12-14. https://aceeeo.org/sites/default/files/PDF/elections/ElectionsInEurope_5_2008.pdf p. 12.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ CDL-AD(2002)023rev, at [www.venice.coe.int/webforms/](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e)

²¹ 11th ACEEEO Annual Conference held in Moscow on 26-28 September 2002. <https://aceeeo.org/en/events/11th-annual-conference-aceeeo-moscow-russia>

²² 18th Annual Conference of the ACEEEO in Yerevan, Armenia, 3-5 September 2009. <https://aceeeo.org/en/events/18th-annual-conference-aceeeo-yerevan-armenia>



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Commission Member, Central Election Commission of Ukraine, Doctor of Law

Transparency of Elections in Ukraine: Key Achievements and Challenges Ahead



Transparency of elections is pivotal for free, fair and genuine elections and effective exercise of the right to vote and to seek election to public office, which are enshrined in the Universal Declaration of Human Rights and a number of other international instruments. Transparency of elections, which also includes transparency of the bodies that are in charge of organizing and holding the elections, is one of the key pre-conditions for identifying and combating electoral fraud and credibility of the elections in general.

The Central Election Commission (CEC), the Ukraine's electoral management body, was significantly renewed in September 2018 to replace the members of the CEC whose terms in office expired in 2014. The key challenges ahead of the renewed CEC were to organize two nationwide election campaigns scheduled for 2019, namely the presidential election in March 2019 (which was to be held in just 6 months following the renewal of the CEC), and parliamentary elections initially scheduled for October 2019. Despite significant renewal of the CEC and short terms for preparations to presidential election, the CEC managed to organize this electoral event effectively and in line with Ukrainian law and international standards for free and fair elections, that was confirmed by both domestic and international observation missions. The same conclusion was made by the observers with respect to the recent early parliamentary elections held in July 2019 due to dissolution of the parliament by the new president.

While international observation missions confirmed that both elections were held in line with the international standards, they, however, raised few concerns about transparency

in operations of electoral administration. The new parliament and the current CEC should take steps to effectively address these concerns well in advance of the next major electoral event, namely local elections which would be held throughout Ukraine in fall 2020.

The legal framework governing the elections in Ukraine overall ensures transparency of the electoral processes in the country. All the election commissions – starting from the CEC and ending with the Precinct Election Commissions which are in charge of organizing voting and vote counting – under the law must operate in transparent manner. The meetings of the commissions can be freely attended by journalists, domestic and international observers and representatives of the parties and candidates registered for election. All the key documents related to operations of the election commissions, such as vote counting and tabulation protocols, decisions of the election commissions must be placed at the premises of the election commissions; the copies of the vote counting and tabulation protocols are also provided to the observers. The decisions of the CEC and District Election Commissions (DECs) are subject to publication on the CEC website. The CEC website presents comprehensive information on parliamentary and presidential elections, including information on the key electoral procedures, party election programs, various statistical election-related data (voter turnout, number of candidates/parties registered for election, number of registered voters, voting results per each polling station etc.). In terms of election results, the information presented on the CEC website is even more detailed than in many other countries in the region.

However, there is still a room for improvement, both in terms of election transparency in general, and in terms of electoral administration, in particular.

The CEC plays a limited role in organizing local election in the country. Local elections are organized mainly through the system of more than 10,000 Territorial Election Commissions (TECs), which are in charge of particular local election in the respective administrative unit. The TECs provide the CEC with limited information on the respective local elections, such as number of election districts in each election, composition of the TECs, general information on the registered parties and candidates, election results, and composition of the elected local councils. Many important data related to local elections are not transmitted to the CEC, including TEC decisions, party/candidate financial reports, candidate biographies, voting results in each polling station etc. While such information can be obtained from the respective TECs, making it public on the CEC website would contribute to enhancing transparency of



Voters study their ballots behind the curtain of voting booths in Ukraine's parliamentary election in Kyiv on July 21, 2019.



Before the parliamentary elections in Ukraine the CEC organized a training for about 33,000 members of PECs from all over Ukraine on electoral procedures.

the local elections. This would require not only changes to the legal framework governing local elections to provide for mandatory delivery of the respective data from the TECs to the CEC, but also more extensive use of IT to deliver the respective data in electronic format, providing the TECs with necessary equipment, training of the TEC/PEC staff, and allocation of the budget resources.

While observers are granted broad rights in terms of monitoring the election processes in both national and local elections, they cannot effectively observe the earliest stages of the election processes (for instance, candidate nomination and registration, early stages of campaigning, establishment of some election commissions etc.). One of the reasons for that is that accreditation of NGOs to observe the elections starts not immediately after the start of the election process (for instance, in 60 days prior to election day in parliamentary elections), while NGO observers are registered by the DEC only after the DEC is formed by the CEC. The procedures for accreditation and registration of observers should therefore ensure that observers are able to observe the electoral process once it has started.

Another issue is that NGOs often abuse their right to observe the elections. For instance, in the most recent parliamentary elections the CEC accredited 163 NGOs to observe the elections. Only 87 of the 163 accredited NGOs registered observers for elections with DEC. This is the highest number of NGOs accredited to observe in the country's history (even higher compared to the 2019 presidential election for which the CEC accredited 139 NGO, the highest number since 1991). According to international election observation missions, many of the accredited NGOs, were directly or indirectly affiliated with specific parties and candidates or were created just before the start of the election process. ENEMO reported that 105 accredited NGOs did not have any web site or social media page. ENEMO also raised concerns on the existing of clone NGOs, on previously accredited NGOs running as parties in 2019 parliamentary elections, as well as on the heads of accredited NGOs appearing on party lists in addition to being also donors for the same party. Such a practice undermines independent nature of election observation and discredits the overall idea of observation. A large number of observers can have a negative impact on DEC and PEC operations, especially if they appear in huge numbers

in the premises of the election commissions or interfere in election day processes. Therefore the right to observe the elections and transparency of elections should be counter-weighted by the need to limit the number of politically affiliated, biased and frivolous "independent" observers who at times do not have any serious intent to observe the elections or even registered to obstruct the election process should any electoral contestant is dissatisfied with the election outcome.

While the CEC operations are transparent in general, more still has to be done to enhance transparency of electoral administration in Ukraine.

It is considered a good international practice when EMBs at each level of administration regularly conduct public consultations in which citizens are allowed to make comments and suggestions on important election-related or transparency issues, including ways to make election-related information available, and EMBs must receive public comments and provide regular reports analyzing those comments. While some government agencies hold public consultations on the issues falling within the scope of their respective mandates, the CEC is not legally required to hold such consultations. Even if the CEC has held them in absence of the legal framework, it could have been easily attacked by the stakeholders due to allegedly arbitrary approach to setting the scope of consultations or consultation process itself. It is therefore important that the legal framework clearly specifies the subject to public consultations and consultation process. Public consultation procedures should also respect the narrow timeframes of the election process in the nationwide and local elections.

In many countries EMBs establish independent expert panels to discuss draft key election procedures, to review the boundaries of the election districts and to suggest recommendations for improvement of the overall process of electoral administration. In Ukraine, some government agencies established expert boards in the past, but they proved to be ineffective for a number of reasons, primarily because the composition of the boards was approved by the agency in question through arbitrary selection process to rubber-stamp



Observers monitor the voting process at a polling station in Kyiv, Ukraine during the first round of presidential elections on April 21, 2019.

the agency's decisions, the boards were not properly funded, many recommendations they proposed were impossible to implement, while the agencies in question were reluctant to support the boards and seriously consider their recommendations. Many election experts in Ukraine advocate for establishing the expert panel at the CEC to enhance the CEC transparency and credibility. While the CEC supports this idea, the status, the scope of mandate, sources of funding, selection procedure and other issues related to establishment of the panel and its interaction with the CEC should be specified in the law. The composition of the panel should be manageable to ensure its effective performance, while the procedures for operation should take into account short timeframes of the elections, similarly to the public consultations should they be introduced.

In many countries the EMBs are required to publish comprehensive reports on their performance and elections administered by the EMB. In Ukraine, the CEC started to publish post-election reports since March 2019 presidential election, even though the publication of such reports is not required by the electoral legal framework. The previous Commissions generally have not issued any post-election reports or general reports on their performance, except for financial reports. The post-elections reports cover the key aspects of elections and



Announcement of final results of March 31, 2019 presidential elections in Ukraine

presented in a more user-friendly format. The scope of use of open data should be significantly expanded. The CEC's role in designing and implementing the voter outreach programs remains limited due to limited state budget funding available to the CEC. The Commission currently works on a new design of its website and implements some voter outreach programs, but these efforts are made possible through funding of the international donors. A better accessibility of the CEC website and implementation of the voter outreach

programs requires appropriate and regular public funding and more close cooperation with domestic and international stakeholders while deciding on the respective issues.

Overall, while the law ensures transparency of elections in Ukraine, still much could and should be done to ensure that elections are conducted in transparent and inclusive manner. The key steps in this direction include, in particular, providing comprehensive information on the local elections through the CEC website, introducing public consultations by the CEC, establishing independent expert panel at the CEC, increasing the CEC's role in public outreach, re-designing of the CEC website to adapt it to the needs



Chairperson of the CEC Tatyana Slipachuk meets with G7 Ambassadors to Ukraine Isabelle Dumont, Judith Gough, Takashi Kurai, Davide La Cecilia, Hugues Mingarelli, Ernst Reichel, Roman Waschuk, Marie Yovanovitch, Head of Council of Europe Office in Ukraine Mårten Ehnberg and IFES staff.

still do not include the information on the overall CEC performance before and after the elections. The legal framework should be amended to make it clear which information must be included into the CEC reporting, when the reports must be published, and how the reports are followed up.

While the CEC website presents a comprehensive information on elections, the information presented should still address the needs of specific groups of voters and should be

of different voter groups, developing new communication strategy, and increasing accountability of the CEC through regular reporting on its performance and on elections. Some of these steps would require changes to the legal framework, while others depend on funding available to the CEC and the CEC's own will to enhance its transparency and transparency of elections in general.

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Transparency and election observation: Russia's experience and public opinion



Video-surveillance and citizen' control are important factors of transparency and public trust in of elections. The experience of Russian electoral system confirms this.

Video surveillance at elections

The idea of massive video-surveillance at elections was put forward by at that time prime-minister V. Putin after parliamentary elections in December 2011 amidst protests against falsifications and growing distrust of elections. The video surveillance was suggested as a means to ensure the transparency of elections and in such a way "to pull the rug out from under those, who are trying to delegitimize elections". V. Putin declared that at the so called "direct line" in December 2011: "I suggest and ask the CEC to establish web-cameras at all polling stations of our country. There are more than 90 thousand of them. At all of them. And let them work on the round o'clock basis, day and night. Put everything on the Internet, so that the country could see what is going on at the specific box, so that to eliminate altogether all falsifications". (1)

This idea was positively received by public opinion. As Foundation Public Opinion (FOM) pointed out in its research in the beginning of 2012 on the eve of the presidential election "Our compatriots are inclined to think that [...] video-cameras will help to do the elections cleaner. And almost a quarter of Russians are going to observe [the voting] by Internet. And among the respondents with university degrees this number is about one third". (2)

While answering the question if the video-cameras at the polling stations will help to reduce the number of falsifications and make the counting of votes more honest 58% answered positively, 25% - negatively and 17% could not answer. The respondents with university degrees were even more optimistic – 63% answered positively. So,

video surveillance was being perceived by the voters as an effective means of preventing falsification and ensuring the honest counting of votes. (3)

The telecommunications company "Rostelecom" was chosen to realize this idea. During a very short time in winter 2012 "Rostelecom" built the necessary infrastructure and installed equipment at all polling stations where the video surveillance had to be organized. On March 4, 2012 3,5 million people observed the voting at the specialized portal. They watched 7,9 million transmissions. On the whole, more than 2,6 PB video-information was recorded by the system

of video surveillance during voting and counting of votes on Much 4, 2012. (4)

This experience got a positive response of the voters. For example, in the Fall 2012 67,3% of respondents in the city of Yaroslavl in Central Russia considered the use of video surveillance at the elections in 2012 necessary and efficient, while only 4,1% answered in the negative. (5)

However, after massive use of video surveillance at the presidential elections of 2012 the slowdown started. Some media even concluded that "Russia gives up on video monitoring of elections". In fact, during the single day of voting in September 2014 video-cameras were installed only in 4 regions of the country. In the next 2015 only 2 regions out of 21 where the gubernatorial elections were appointed planned to use video-surveillance. All elections of the regional parliaments were conducted without video surveillance. (6)

Nonetheless, the video surveillance was still in use, albeit on a modest scale. During elections of deputies of the State Duma, governors and regional parliaments the new system of video surveillance and streaming designed by "Rostelecom" was put in place. The program complexes on the basis of IP-video-cameras Hikvision were used for video monitoring of voting and counting of votes. In the framework of that project video transmission from the polling stations in 15 cities of Russia with the population of more than 1 million inhabitants each was organized. More than 25 thousand web-cameras were used in the course of that transmission. The streaming was being directed to the portal of "Rostelecom" webvyboryedg.ru. Any interested person could monitor the voting on-line. (7)

On September 2017 President V. Putin instructed the government to organize video-transmission on the real-time basis from the polling stations during presidential elections of





2018. (8) The project was implemented by "Rostelecom". The means of video surveillance were installed at 46046 places, including 43271 polling stations according to the list of CEC and for the first time at all territorial election commissions. So, in comparison with the presidential elections of 2012 the system of video surveillance covered only a half of polling stations. But that number included polling stations with big numbers of voters, where could vote about 80% of the Russian voters. For technical reasons the video surveillance was not organized at the polling stations abroad, as well as at the polling stations with special regime of security: in hospitals, jails, military installations, ships and polar stations.(9)

The transmission accessible for any interested person was organized on the portal nashvybor2018.pf and turned out to be in demand. It was viewed by more than 2 million users.

The experts evaluated very highly the video surveillance at the territorial commissions which was organized for the first time. The head of the consulting group under the CEC RF A. Buzin characterized the installation of video-cameras at the territorial commissions as «a big progress». (10)

After presidential elections of 2018 the policy of using video-surveillance was continued. On the combined voting day September 9, 2018 "Rostelecom" provided video surveillance at 12907 polling stations and 718 territorial election commissions. The provider also organized transmission of video-signal from the cameras to Internet and kept video-records from 115 territorial election commissions and 1369 polling stations in 6 regions of the Russian Federation (Kaliningrad, Nizhnyi Novgorod, Saratov, Tver, Samara, and Amur. All in all, the video surveillance was organized in 40 regions of Russia at 14739 polling stations on-line and 370 election commissions off-line. (11)

The experience of video-surveillance got high marks from the organizers of elections as well as from the experts in the field of information and communications technology. As the Chairperson of CEC RF E. Pamfilova pointed out, "The system of video-surveillance which was tested for the first time at the presidential elections of 2012 highly elevates the transparency and trust of the people".(12) And the minister of communications N. Nikiforov stated: "Video-surveillance and video-transmission from the polling stations ensured unprecedented level of transparency of electoral process. The use of information technologies for the organization of elections has become a norm in our country. (13)

The citizen monitoring of elections

An important factor of transparency of elections is citizens' monitoring of electoral process.

This issue also became very popular with the public opinion after the 2011 elections for the State Duma. The survey conducted by the Public Opinion Foundation in January 2012 showed that only a quarter (26%) of the respondents considered that observers manage to prevent falsification at elections while 40% maintained that this is not the case. However, one third of Russians would have advised their friends to go to observe the voting, and every fifth of them would not be against to become an observer. (14)

The movement of citizen observers was on the rise, active citizens were joining it. Against this backdrop of growing activities of observers the tensions and conflicts between them and election commissions emerged. Sometimes these ended up in expelling observers from the polling stations. It is in this context that the new rules were adopted, which changed the order of appointment and accreditation of observers, in particular, from mass media. Now it was necessary that the representatives of mass media sent to the polling stations had to be on the staff of their respective newspapers at least two months before the date of announcing the particular election. In this regard the interest in sending observers was going down. The political parties and NGOs started to put the emphasis on appointing members of election commissions without vote rather than observers.



On the eve of presidential elections of 2018 representatives of nongovernmental organizations working in the sphere of elections pointed out that “starting from 2012 the situation in the country has changed and now more “social apathy” is felt in the society and that “the interest towards the project of observation” has “noticeably waned”. Nevertheless, they forecasted that “at the presidential elections of 2018 there will be more observers than at the election for the State Duma in 2016”. (15)



In effect, on March 2018, according to the CEC RF, at the polling stations there were present 474500 observers, twice as much as at the election for the State Duma in 2011 (260 000 observers) and in 2016 (264000 observers). Almost one third of them were observers appointed by Public Chambers. (16)

This is a new phenomenon in Russian elections. In late 2017 the amendments to the federal law passed which permitted the appointment representatives of Public Chambers as observers at elections. On the basis of this law a new corpus of observers was formed. It represented not the political parties or candidates but the public institutions - Public Chambers. This contingent was formed by citizens appointed by the Public Chamber of the Russian Federation or regional public chambers. These institutions in their turn used the propositions of candidates from municipal public chambers, NGOs and universities. For example, in Yaroslavl oblast, the region in Central Russia with 1 million voters and 869 polling stations at the presidential election in March 2018, 405 observers were appointed by the Public Chamber of the Russian Federation and 1287 observers by the regional public chamber, including 812 from municipal public chambers, 409 from universities and 66 from NGO.

According to electoral commission of the Yaroslavl region on the combined voting day there were 1041 observer from the public chamber of the Yaroslavl region and 246 observers from the Public chamber of Russia monitoring voting at the polling stations.

The creation of this group of observers was important not only in a quantitative but in a quality respect. In essence, the institution of citizens' observation that is not connected with the political parties and candidates was reestablished. As the Chairperson of the CEC RF E. Pamfilova pointed out, “the recent amendments to the law have created the regime of maximum favor for the citizen observation at elections and have broadened the opportunities of observers. [...] This is the real army, which has helped us to conduct elections in the regime of the maximum openness. The independent observers who do not represent parties or candidates defend the interests of society and constitutional rights of the citizens”. (17)

This experience was highly estimated in Public Chamber of Russia as well. As the secretary of the Public Chamber V. Fadeev stated “For us it was a grandiose project. I consider that citizen observers did a serious input in the quality of conducting elections”. (18)

This experience was also positively perceived by Russian society which positively affects the attitude towards the institution of elections and electoral system of Russia.

Notes

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- 16 Pamfilova announced the number of observers at the presidential elections, <https://iz.ru/721686/2018-03-19/pamfilova-obiavila-predvaritelnye-itogi-prezidentskikh-vyborov> (04.08.2019); The hype around elections, <https://www.rbc.ru/politics/16/03/2018/5aaa73da9a7947ba80a8016b> (04.08.2019).
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In Focus: Slovenia

Introduction

Slovenia (official name: Republic of Slovenia) is a European state at the far north of the Mediterranean and the far south of Central Europe. It borders on Italy to the west, Austria to the north, Hungary to the north-east, and Croatia to the south. It is located at the contact points of the Alpine, Mediterranean, Pannonian and Dinaric worlds. The total area spans 20,273km², which places Slovenia among the mid-large European states. The state border is 1,382km long, of which 921km runs on land, 413km on rivers and 48km on the coast. The Slovenian coast on the Adriatic Sea is 46.6km long. The capital city is Ljubljana, which is the economic, cultural and political centre. The highest mountain is Triglav (2864m).

Slovenia established its statehood with the Plebiscite in the Declaration of Independence on 23 December 1990, which is defended by fighting an independence war after declaring independence on 25 June 1991. In political terms, Slovenia is a parliamentary democracy. It gained membership in the United Nations on 22 May 1992. Slovenia is a member of the European Council, the World Trade Organisation, the Organisation for Security and Cooperation in Europe, NATO, and other global organisations. In 2004, it acceded to the European Union. In 2007, Slovenia became a member of the monetary union and assumed the common European currency, the euro.

Throughout Slovenian history, significant cultural influences came from the central European and the Apennine cultural space. Based on the population census in 2011, Slovenia has 2,050,189 inhabitants. Slovenians represent 83% of citizens, whereas the largest share of ethnic minorities as prescribed by the constitution is represented by Hungarians (0.32%), Italians (0.11%) and Roma (0.17%). The official and state language in Slovenia is Slovenian, while Italian and Hungarian are also official languages in those parts of the country where there is a dense population of the Italian and Hungarian minorities, respectively.

The President of the Republic of Slovenia is the highest political figure in Slovenia, who represents the Republic of Slovenia and is the supreme commander of its defence forces. The first president was Milan Kučan, while the current president is the former prime minister Borut Pahor.

The National Assembly of the Republic of Slovenia is the central and highest representative and legislation institution of the Republic of Slovenia. It began functioning after the 1992 elections (held on 6 December 1992), when the mandate of the Assembly of the Republic of Slovenia expired. The first inaugural session was held on 23 December 1992. Based on the provisions of the Constitution and the decision of the constitutional court, it is the major part of an incomplete bicameral Slovenian parliament.

It comprises 90 members of the parliament, who are gener-



ally elected for the mandate period of four years. 88 of those are elected at the proposals of political parties on the national level, whereas two parliamentary members are voted for by members of the Italian or Hungarian national communities in Slovenia. 88 “national” members are elected under the proportional voting system, whereas two members of minorities are elected based on the ranking system (the so-called Borda system).

The Government of the Republic of Slovenia is the executive authority and the highest body of the state administration. It performs the political executive and administrative function. A political executive function means that the Government carries out politics as determined by the National Assembly, as well as the implementation of laws and other regulations adopted by the NA. Thus, the Government harmonises, directs and determines the realisation of the state's politics in accordance with the Constitution, laws and other general acts of the National Assembly. In accordance with the function of the highest state administration body, it issues regulations and adopts legal, economic, political, organisational, financial and other measures necessary for the development of countries and arranging conditions in areas that fall under the jurisdiction of the state.

The Government submits the laws, national programmes, the state budget and other general acts with which fundamental and long-term political directions for individual areas in the competency of the state are determined to the National Assembly for adoption. In EU affairs, the Government represents the Republic of Slovenia and promotes its positions in EU institutions.

Administrative division

Slovenia has no regional levels of division, even though the Constitution requires it. The sole form of local self-government is municipalities with relatively wide-ranging public powers, the main roles of which are to ensure pre-school education and primary health care, key public services (including public transport and library services) and spatial planning. Slovenia is divided into 212 municipalities, of which

11 are urban municipalities. Based on international comparisons, the local self-government is very fragmented, which has only been increasing ever since independence despite legal restrictions regarding the formation of new municipalities. There were no actions taken despite the occasional government proposals to reduce the number of municipalities, and now more than half of the Slovenian municipalities have less than 5000 inhabitants.



National Assembly elections

Elections into the National Assembly are general regular elections or general pre-elections (if the National Assembly is dissolved before the expiry of the 4-year mandate period). If irregularities occur during the elections, leading to the annulment of the elections, then the elections may be repeated. When elections were not performed on the set date at a particular polling station or at a particular electoral unit, then special elections may be called.

Elections are held in units into which an entire voting area is divided prior to the elections. The law states that electoral units must be formed in such a way that each unit has at least the same number of mandates based on the number of inhabitants.

8 electoral units are formed for the National Assembly elections, each of which has 11 electoral districts. Special electoral units are formed in areas where there are Italian and Hungarian national communities.

Political parties or groups of voters may propose candidates for members of parliament. Political parties may propose candidates in two ways:

- in any electoral unit with the support of at least 3 members of parliament,
- in an individual electoral unit - if the list of candidates is determined by the members of a party with the voting right and permanent residence in that specific electoral unit and if the list of candidates is signed by at least 50 voters with permanent residence in this electoral unit, but also if the list of candidates is signed by at least 100 voters with permanent residence in this electoral unit.



Voters decide the list of candidates with their signatures. A group of at least 1000 voters with permanent residence in an electoral unit may decide on a list of candidates in that particular electoral unit by signing it.

Candidates for the Italian or Hungarian national communities are determined on the basis of the signatures of at least 30 voters who are members of the Italian or Hungarian national communities respectively.

No gender must be represented with less than 35 percent of the total actual number of candidates on the list on each candidate list.

90 members of the NA are elected in two ways: 88 are elected under the proportional voting system in eight electoral units, each electing 11 members of parliament. Seats in the first phase are allocated to parties by using the so-called Droop coefficient on the level of the electoral units. Elected members of parliament are chosen in such a way that, within each electoral unit, all members of the same list are arranged based on the percentage of votes received in their electoral district. Seats that are allocated to parties in the first phase, are allocated to parties in the second phase on the national level using the so-called d'Hondt system. The electoral threshold is 4% of votes on the national level. Even though the state is divided into 88 electoral districts, members are not elected in all 88 districts. More members are elected in some districts compared to others, due to which certain districts are left with no elected members of parliament. In 2014, 21 out of 88 electoral districts were left without an MEP. When forming the list of candidates, the parties must consider the gender quota, which is 35% of candidates of each gender on the list. Two additional members of parliament, who are representatives of the Italian or Hungarian minorities, are elected using the single-ballot majority voting system.

Presidential elections

Based on the Constitution, the President of the Republic of Slovenia represents the Republic of Slovenia and is the supreme commander of its defence forces. The president is elected in direct, general and secret elections,

on the basis of the general and equal voting right for the period of five years, but no more than twice in a row. This means that the president may be elected by all who have voting rights when electing members of the National Assembly. As opposed to some other countries, Slovenia does not have a restricted passive voting right and thus the higher compulsory age for the active voting right is not prescribed.

Based on the Constitution, the President has the following authority:

- calls for elections into the National Assembly,
- promulgates laws,
- appoints state officials when such is determined by law,
- appoints and recalls ambassadors and representatives of the republic and accepts letters of credence from foreign diplomatic representatives,
- issues instruments of ratification,
- decides on pardons,
- awards decorations and honorary titles,
- performs other matters as defined by the Constitution.

The President must, at the request of the National Assembly, issue their opinion on each individual issue. **The President** is also given other powers as governed by specific laws that do not stem directly from the Constitution. These include, for example, making decisions on the opening or closing of missions abroad (Foreign Affairs Act), proposals for electing an ombudsman, proposals to the National Assembly to appoint judges to the Court of Audit (Court of Auditors Act), proposals for appointing judges to the European Court of Human Rights (Constitutional Court Act).

Based on the Constitution, the function of the **President** is incompatible with the performance of any other public function or profession.

Candidates are determined by the National Assembly members, political parties and voters, where the conditions for determining candidates are stricter compared to the National Assembly elections.

A candidate may only be elected as President if they are at least eighteen years old on the day of the elections and providing that their legal capacity has not been revoked. The elections are called by the President of the National Assembly and must be carried out within 15 days prior to the expiry of the previous president's mandate. If the mandate period of the President is extended due to foreseen legal reasons, then the elections must be made at least fifteen days prior to the expiry of the so-called extended mandate period of the previous president.

The call for elections is possible between 135 and 75 days prior to the expiry of the five-year or extended mandate period of the previous President of the republic. If the President's mandate expires before the mandate period, then the elections must be called 15 days following the expiry of the President's mandate at the latest. Presidential elections are managed and carried out by the electoral authorities, appointed as per the National Assembly Election Act.

Because the presidential elections do not differ much from the elections into the National Assembly, with the exception of certain peculiarities, the organisation and technique of the elections are governed by the National Assembly Election Act, which is also used subsidiarily, i.e. reasonable usage of the National Assembly Election Act in matters when the par-

ent law does not govern a specific issue. As opposed to the parliamentary elections, the entire state is organised as one sole electoral unit in this case. The same legal provisions apply for such elections as they do in the National Assembly elections, but with the difference that voters may only choose one candidate. The candidate who receives the most votes from voters who submitted valid voting ballots (the so-called absolute majority) wins. If no candidate receives a majority of votes, then the elections are repeated between the two candidates with the most votes.

The Constitution governs the impeachment of the President. If the President violates the Constitution or gravely infringes the law in the performance of their function, then the National Assembly may indict them before the Constitutional Court. The Constitutional Court either confirms or waives the allegations and may also withdraw the President's function with a two-thirds majority of all judges. When the Constitutional Court receives the resolution from the National Assembly regarding the allegations, the Court may temporarily withdraw, on the basis of a two-thirds majority of all judges, the President's power to perform their function until a decision is made (Art. 109 of the Constitution of RS). The process is defined in detail in the Constitutional Court Act.

Elections of the Republic of Slovenia Members of the European Parliament



Elections to the **European Parliament** are carried out in the member states of the European Union (hereinafter: EU). With the entry into the EU, Slovenia has gained the right and obligation to participate in part of the EU bodies.

The European Parliament is the only body that is formed on the basis of direct elections. Because the major part of the legal basis for the elections falls on the member states, we in Slovenia have adopted a special law for the realisation of such elections - the Election of Members of the European Parliament from the Republic of Slovenia Act, which mostly governs the voting rights, electoral system, candidacies, voting and determining the results of elections.

Members from the Republic of Slovenia are elected to the European Parliament directly on the basis of the general and equal voting rights on the basis of secret ballots for the period of five years. Elections of members from the Republic of Slovenia to the European Parliament (hereinafter: elections)

are called by the President of the republic.

The electoral system is proportional to preferential voting – the personalisation of elections where the voters have the option to influence the selection of candidates and not just the political parties.

The country as a whole represents one electoral unit. The division of mandates is performed on the basis of the entire country, where the vacant positions of members are given to candidate lists under the d'Hont system. Due to the established preferential voting, mandates are not given in the order as listed on the candidate list, but rather candidates who have received the highest number of preferential votes are elected from each list, where they are only considered if the number of the preferential votes of specific candidates surpasses the quotient which is calculated by dividing the number of all votes submitted for the list with the multiplier of two of the total number of candidates on that list.

Not only Slovenian citizens, but even citizens of other EU member states who have a permanent residency (on the last date when the candidature may still be submitted) in the Republic of Slovenia have voting rights under the same terms, unless the residency has been withdrawn. Foreign citizens must be entered into the electoral records. The voting rights of RS citizens and foreign citizens of other member states are completely equal and include both active and passive voting rights. Citizens of other member states thus have the same voting right as Slovenian citizens.

The electoral process is not significantly different to the National Assembly elections. The same applies for candidacies, where only eight members may be given votes and who are proposed by the political parties and voters. Regarding the organisation at polling stations, the voting itself and the determination of the voting results, the provisions of the National Assembly Election Act are used unless determined otherwise with this law.

The mandates of members are divided by the National Electoral Commission because Slovenia is only one electoral unit for these elections. The confirmation of a member's mandate is carried out within the country and also in the European Parliament. The National Assembly confirms the elected members just like the mandates of its own members. Following verification, the President of the National Assembly informs the President of the European Parliament about the election results. The European Parliament must be notified of each status change and also of the expiry of the mandate of the members.

National Council Elections

The National Council of the Republic of Slovenia is the representation of the carriers of social, economic, professional and local interests. It comprises 40 members, namely:

- four representatives of employers,
- four representatives of employees,
- four representatives of farmers, craftsmen and independent professions,
- six representatives of non-economic activities,
- twenty-two representatives of local interests.

The organisation of the **National Council** is governed by law, its powers laid down by the Constitution.

The National Council may:

- propose to the National Assembly the adoption of laws
- give the National Assembly its opinion on all matters in its power
- demand that the National Assembly decides again on any law prior to its promulgation
- demand the review of matters of public interest as per Article 93

At the request of the National Assembly, the National Council must issue an opinion on each individual issue.

As opposed to the National Assembly, elections to the National Council are held indirectly. Only co-members of interest groups who are guaranteed representation in the National Council have the voting right. A peculiarity also lies in the fact that the active voting right is also given to foreign citizens to a certain degree who are carrying out the respective activity in Slovenia in one of the interest areas or are employed there. Elections are performed by special electoral bodies. The law fully leaves the candidacies for members of the National Council to the interest organisations and local communities. These appoint candidates in accordance with their rules.

In determining the voting results, the system of relative majority is used, which means that candidates who received the most votes are elected as members of the electoral bodies.

Elections to the National Council are called by the President of the National Assembly.

Local Elections

The central body of the local self-government is the representative body, which adopts the core decisions in the local community and that is generally elected directly by the inhabitants of the local community. The Local Elections Act also specifically governs the issues of mayoral elections, elections to municipal councils and elections to councils of local, village or district communities. In municipalities with Italian and Hungarian minorities, as well as the Roma community, representatives of such communities are also elected to the municipal council.

In local elections, voters only have voting rights in their municipality. The voting rights are linked to inhabitants of the local community. Citizens of other EU member states who are permitted to have a permanent residency and with a registered permanent residency in the Republic of Slovenia or a certificate of residence and registered temporary residency in the Republic of Slovenia also have voting rights in local elections, as well as foreigners with a permit for permanent residency and registered permanent residency in the Republic of Slovenia.

For municipalities with a lesser number of members in the municipal council (from 7 up to and including 11), the majority electoral system is statutorily prescribed. The proportional electoral system is used for municipalities with larger numbers of members in the municipal council. The majority system is used for electing members of the municipal council who are representatives of the Italian and Hungarian ethnicities and representatives of the Roma community. In such cases, votes are cast for individual candidates, whereas votes in the proportional system are given to the list of candidates.

Based on the electoral system, the law assumes candida-

cies that are adjusted to the electoral system. Thus, candidates and candidate lists may be determined by political parties in a municipality and voters in an electoral unit. Voters may decide on the candidates and lists of candidates by means of signatures.

Electoral Bodies

Various bodies are responsible for the appropriate organisation and performance of elections.

The **National Electoral Commission** is appointed by the National Assembly.

The National Electoral Commission is comprised of the president and five members and their deputies. Judges of the high court are appointed as president and deputy president of the National Electoral Commission. Two members and their deputies are appointed among the legal professionals. Three members and their deputies are appointed on the proposals of parliamentary groups, where the proportional representation of the political parties is considered.

The National Electoral Commission is the highest electoral body responsible for the performance of tasks as laid down by the National Assembly Election Act and other laws in the area of electoral legislation. The National Electoral Commission is specifically responsible for the following:

1. taking care of the legality of elections and the uniform usage of the provisions of electoral laws relating to electoral processes,
2. appointing members of the electoral commissions of electoral units and local electoral commissions,
3. harmonising the work of the electoral commissions of electoral units and the local electoral commissions and giving professional instructions regarding the performance of the electoral legislation and supervising their work,
4. prescribing forms for executing electoral laws,
5. determining uniform standards for electoral materials and determining other material requirements for the performance of electoral activities,
6. publishing election results,
7. issuing certificates on elections,
8. taking care of the execution of voting at diplomatic or consular representations of the Republic of Slovenia,
9. organising education sessions for members of other electoral bodies,
10. appointing the director of the commission service.

The National Electoral Commission currently includes the following members (mandate 2016-2020):

- Peter Golob, *president*
- Brigita Domjan Pavlin, *deputy president*
- Franc Grad, PhD, *member*
- Milena Pečovnik, MSc, *member*
- Mitja Šuligoj, *deputy member*
- Saša Zagorc, PhD, *deputy member*



- Nina Brumen, MSc, *member*
- Ksenija Vencelj, *member*
- Drago Zadergaj, *member*
- Iztok Majhenič, *deputy member*
- Janez Pogorelec, PhD, *deputy member*
- Miroslav Pretnar, *deputy member*

Electoral commissions of electoral units are appointed by the National Electoral Commission.

Electoral commissions of electoral units include the president and three members and their deputies. The president and deputy president of the electoral commission of the electoral unit are appointed from the pool of judges. One member and one deputy member of the electoral commission of the electoral unit are appointed from the pool of legal professionals. Two members and two deputy mem-



bers of the electoral commission of the electoral unit are appointed on the proposals of parliamentary groups, where the proportional representation of the political parties is considered. At least one member of the national community must be present in the electoral commission of the special electoral unit for the election of a member of the national community.

The electoral committee of the electoral unit:

1. takes care of the legality of the elections of members elected in the respective electoral unit,
2. determines whether individual candidacies or lists of candidates are compliant with the law,
3. determines the voting results and promulgates which members have been elected in electoral units,
4. manages the direct technical work regarding the elections,
5. performs other tasks as determined by law.

Local electoral commissions are appointed by the National Electoral Commission.

The local electoral commission is appointed for the area of the electoral district. The local electoral commission includes the president and three members and their deputies. The president of the local electoral commission is appoint-

ed from among the judges, and their deputy is appointed from among the other law graduates. The other members of the local electoral commission and their deputies are appointed as per the proposals of political parties, where their proportional representation is considered. Proposals for the appointment of members of the local electoral commissions and their deputies may also be given by representative bodies of the local communities in the area of the electoral district. When appointing members of the local electoral commissions and their deputies as per the previous paragraph, proposals of political parties whose members were elected to the National Assembly in the last elections are considered first, namely in the order based on the number of elected candidates. A draw is made in the event of a tie. Proposals of other political parties and local communities are next, thus ensuring the politically plural structure of the electoral commissions. If there are no or too few proposals, the missing members and their deputies are appointed by the officials employed in the state administration bodies or in the local community administration.

The local electoral commission:

1. determines the polling station and areas of such stations,
2. appoints the electoral committees,
3. determines the voting results in the electoral district,
4. manages the direct technical work regarding the elections,
5. performs other tasks as determined by law.

The electoral committees are appointed by local electoral commissions

Voting at polling stations is led by electoral committees. At least one electoral committee is determined for each polling station. The electoral committee includes the president and an even number of members and their deputies. The president and members of the electoral committee and their deputies are appointed from among the citizens who have a registered permanent residency in the area of the electoral district. Political parties may, within ten days following the call for elections, give their proposals for the appointment of the president and members of the electoral committee and their deputies to the local electoral commission. When appointing members of the electoral committees, the proposals of politi-

cal parties whose members were elected to the National Assembly in the last elections are considered first, namely under the order based on the number of elected candidates. A draw occurs in the event of a tie. Proposals of other political parties and local communities and their parts are next, thus ensuring the politically plural structure of electoral committees. If there are no or too few proposals, the missing members are appointed by officials employed in the state administration bodies or in the local community administration.

Electoral commissions for regular elections are appointed for a 4-year mandate period or for the same times as is the mandate of the regularly elected members of the National Assembly. Electoral committees, named for each election separately, manage the elections directly at the polling stations.

Elections to municipal councils are managed and performed by the municipal electoral commissions, appointed by the municipal councils of municipalities. Certain tasks in carrying out local elections are also performed by the National Electoral Commission. The municipal electoral com-

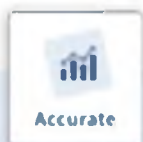


mission includes the president and three members and their deputies. The president of the electoral commission and their deputy are appointed among the judges or among the other law graduates. The other members of the electoral commission and their deputies are appointed as per the proposals of the political parties, other organisations of citizens in the municipality and citizens.



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ACEEEO Secretariat

Facts about the 2019 European Parliament elections

Facts and figures

1. Introduction

In the spring of 2019 European Parliament elections were held across Europe. Since 1979 the EP has been elected directly; in every five years citizens of the EU elect their representatives to one of the most important bodies of the supranational organization. Thus, this is the most important democratic event of the EU.

The EU legislation gives only the framework that is filled by national authorities. Moreover, the elections are organized and conducted by the domestic authorities as well. There is thus a great emphasis put on EMBs of the member states. Nine ACEEEO members were involved, Bulgaria, Croatia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. It is our pleasure that representatives from many of these countries share their experiences at the roundtable discussion of the Annual Conference, on 26 September, from 13.30 to 14.30.

The aim of this short article is to review briefly the most important facts of EP elections in general and related to the 2019 elections in particular.

2. EP elections in general

As it was mentioned above, the EU only gives a framework legislation¹, that proscribes that the elections are to be held in a proportional (either list- or STV) system, and that the threshold may not exceed 5 percent. Due to the newest changes² member states may provide for the possibilities of advance voting, postal voting, and electronic and internet voting.

Thresholds in EU Members* (ACEEEO Members are highlighted)	
Threshold	Member State
5 %	France, Belgium, Lithuania, Poland, Slovakia, the Czech Republic, Romania, Croatia, Latvia, Hungary
4 %	Austria, Italy, Sweden
3 %	Greece
1.8 %	Cyprus
No threshold	Bulgaria, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovenia, Spain, United Kingdom

* - Source: <https://www.europarl.europa.eu/factsheets/en/sheet/21/the-european-parliament-electoral-procedures> (last download: 2019.09.12.).

- See: The 1976 Electoral Act as amended by Council Decision 2002/772/EC, Euratom of 25 June and 23 September 2002], available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002D0772&qid=1537865035321&from=EN> (last download: 2019.09.12.).
- See Council Decision (EU, Euratom) 2018/994 of 13 July 2018 amending the 1976 Electoral Act, available at: <https://eur-lex.europa.eu/eli/dec/2018/994/oj> (last download: 2019.09.12.).

In most of the countries, the whole territory of the country is a single electoral district (an exception is among others an ACEEEO member, Poland), and in most members voters can cast a preferential vote; nevertheless, in seven members the lists are closed, and in Malta, Ireland and Northern Ireland STV system is in operation.³ Under Article 10 and 11 of the Electoral Act the elections are held at the same time-period between Thursday and Sunday, within which period the exact date is set by the member states themselves.

The voting age is 18, except Austria, Malta (16) and Greece (17). In most of the countries voting is not compulsory, however there are exceptions, among them is an ACEEEO Member, Buglaria.

3. 2019 EP elections

In 2019 citizens of EU voted on 751 mandates of the European Parliament. As mentioned above, nine ACEEEO members were involved in the 2019 EP elections; Bulgaria, Croatia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. ACEEEO Members in total have 172 seats in the EP, that is 23 percent of the 751 mandates.

Europe-wide the election turnout was 50.5 percent, exceeding by almost 8 percent the 2014 turnout, which was 42.61 percent. This is the highest turnout since the 1994 EP elections.

The distribution of mandates among political groups is shown by the following picture:⁴



3. Ibid.

4. Source: <https://www.bloomberg.com/graphics/2019-european-parliament-elections/> (last download: 2019.09.12.).

Biographies of Honorary Members

According to the Charter of the Association of European Election Officials, Honorary Membership is proposed to those individuals, who have made an extraordinary service to the Association in support of free and fair elections.

In this section we present the biographies of six officials recently offered by Honorary Membership.



CSABA TIBERIU KOVACS

Former Secretary General of the Permanent Electoral Authority

Mr. Kovacs has been the Secretary General of the Permanent Electoral Authority since November 2004 and before he was a Deputy for a period of 8 years in the Chamber of Deputies of the Romanian Parliament, also following a career as lawyer for the same period of time.

His early career started with positions in the public administration and law, as a counselor in the County Counsel, as a Secretary for the Chamber of Deputies, also holding several other positions in the local administration or at the Parliament. His studies are based mainly on law and public administration, with several courses at prestigious institutions abroad, such as the Royal Institute of Public Administration – London, the Faculty of Law of the University of Cincinnati USA, but Mr. Kovacs also has a PhD in Electoral systems, from University of Bucharest, Faculty of Sociology.



WILLIAM (BILL) SWEENEY

Former President and CEO of the IFES

William "Bill" Sweeney has been the president and CEO of the International Foundation for Electoral Systems (IFES), bringing decades of experience to the organization in election-assistance and democracy support.

He was appointed president in June 2009 by the IFES Board of Directors. Prior to his appointment as president, Sweeney served on the Board of Directors at IFES from 1993 to 2001, and as chairman from 1999 to 2000. He has observed elections in the Philippines (1986), Russia (1994), Nicaragua (1996), Jamaica (1997), Mexico (2012), Kenya (2013), Pakistan (2013), Ukraine (2014), Indonesia (2014), Myanmar (2015), Nigeria (2015), Guatemala (2015), Jordan (2016), Georgia (2016), Liberia (2017), Mexico (2018), Zimbabwe (2018) and Tunisia (2014, 2018).

Sweeney was vice president for global government affairs for EDS from 2000 to 2009 and managed relations with governments and policy organizations around the world. He was the founding president of Washington Resources & Strategy, Inc., a public affairs management company, from 1985 until 1991. From 1981 until 1985, Bill was deputy chairman of the Democratic National Committee and served as executive director of the Democratic Congressional Campaign Committee from 1977 until 1981.

In 2009, Sweeney was awarded an honorary Order of the British Empire for his service to the British Embassy. In 2007, Sweeney was awarded the Issac Hull Medal in honor of his service to the Smithsonian Environmental Research Center from 2000 to 2007.

Sweeney has been a member of the Advisory Committee for International IDEA's Global Commission on Elections, Democracy and Security. He also served on the Board of Directors of the National Foreign Trade Council Foundation.

Sweeney holds a bachelor's degree in political science from American University's School of Government and Public Administration. He was a founder and director of the Campaign Management Institute at American University where he received awards for service and teaching. He has been serving as a member of the Board of Directors for the Center for Congressional and Presidential Studies.



IVILINA ALEKSIEVA-ROBINSON

Former Chairperson of the Central Electoral Commission of Bulgaria

Mrs. Robinson has been a Chair of the Central Election Commission between March 2014 and March 2019. Before that she was Executive Director of the Institute of Modern Politics – a non-profit organization, which works in the field of monitoring the legislation according to the principles of transparency, publicity, accountability and civil participation in decision making. She was an advisor to the Minister of Emergency Situations; a lawyer; a member of the CEC (2005). Her professional experience includes advising NGOs working in the field of human rights protection and good governance. Mrs. Robinson is an author of analyzes and proposals for new/ amendments of the electoral legislation. She participated in Civil Councils to the Parliament Committees for the preparation of the Election Code now in force; in round tables and discussions on electoral matters; in preparation of statements on conducting of the presidential elections 2011 for Constitutional Court cases and others.



MYKHAILO OKHENDOVSKIY

Former Chairman of the Central Election Commission of Ukraine

He was born October 27, 1973 in Dubossary, Moldova. In 1997 graduated with honors from the Institute of International Relations of Kyiv Taras Shevchenko University. Master in International Law. His work began in 1991 at the Norilsk Mining and Metallurgical Plant. Since 1993 he had been working with Proxen Law Firm at positions of paralegal, lawyer and deputy director. Since 2002 – Head of Legal Department, later – Vice-President of

the National Television Company of Ukraine. Since June 2003 till appointment as a member of the Central Election Commission in February 2004 – Deputy Director at Proxen Law Firm. Member of the Ukrainian Association of International Law. On February 17, 2004 the Ukrainian Parliament appointed Mr. Okhendovskyi a member of the Central Election Commission. On June 25, 2010 Mr. Okhendovskyi was awarded the title Merited Jurist of Ukraine. Between 6 July 2013 and 20 September 2018 Chairman of the Commission.

ARNIS CIMDARS

Former Chairman of the Central Election Commission of Latvia



Arnis Cimdars has been the Chairman of the Central Election Commission of Latvia between December 1997 and March 2019. During his 21 years of service Mr. Cimdars has managed and administrated six parliamentary elections, five local government elections, three European Parliament elections and several referenda, observed various types of election in around 20 countries, actively participated in numerous international conferences and seminars as participant, moderator and speaker. Mr. Cimdars has also contributed as lecturer, consultant and expert in the fields of voter registration, voter education, election commission training, election observation and IT solutions for elections. He has worked as the election expert of the Venice Commission of the Council of Europe several times. He is the Executive Board Member of the ACEEEO since 2000,

former President of the ACEEEO from 2005 to 2007. In 2014 Arnis Cimdars received the highest award in the Republic of Latvia for special merits to the country – The Order of the Three Stars.



IURIE CIOCAN

Former Chairman of the Central Electoral Commission of the Republic of Moldova

He was born on 19 may 1971, married, has 2 children.

Studies

1994 - Technical University of Moldova, Urbanism and Architecture

1999 - Master's Academy of Public Administration

2007 - Ph.D. in Political Science

2008 - State University of Moldova, licensed the low

Professional experience

from 1999 - university lecturer

2003 -2019 - member of the Central Election Commission of Moldova

2005 - 2011 - the Secretary of CEC

from 2006 - Member of Coordination Committee of the joint European Commission and the Council of Europe to combat corruption

from 2007 - member of Coordination Committee Project of the Government of the Republic of Moldova and UNDP 'Building Electronic Governance in Moldova'

2011 - 2016 - President of Central Electoral Commission of Republic of Moldova

from January 2017 - Government, Office of Prime Minister, Head of the Center for Reform Implementation



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