

Election Dispute Resolution - An EMB Perspective

Preliminary results

25 September 2019
Ljubljana, Slovenia





Aim of the Survey

- Assess the challenges and opportunities faced by EMBs
- Related to EDR

- EMB-perspective: The goal is to capture how EMBs themselves perceive the challenges and opportunities



EMB Perspective

- Anonymous
- Filled out by high-ranking EMB officials from member institutions
- 7 institutions filled out the survey

Overview

▫ Two types of questions

Please rate the following statements on a scale of 1 to 5, with 5 being “strongly agree” and 1 being “strongly disagree”.

...

1.A. The formal requirements of complaints (form, data that need to be indicated, fees, etc.) are reasonable.

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree



Overview

- Two types of questions

Please describe any other factors that pose a challenge or opportunity regarding the accessibility of EDR by relevant actors in your country! (max 150 words)

Your answer



Overview

1. Accessibility of EDR by voters and other actors
2. Substantive legal background of EDR
3. Knowledge to deal with EDR
4. Cooperation and communication
5. Case-law of the Courts
6. Case backlog, deadlines
7. Autonomy and independence of EMBs
8. Trust towards EMBs
9. Specific issues



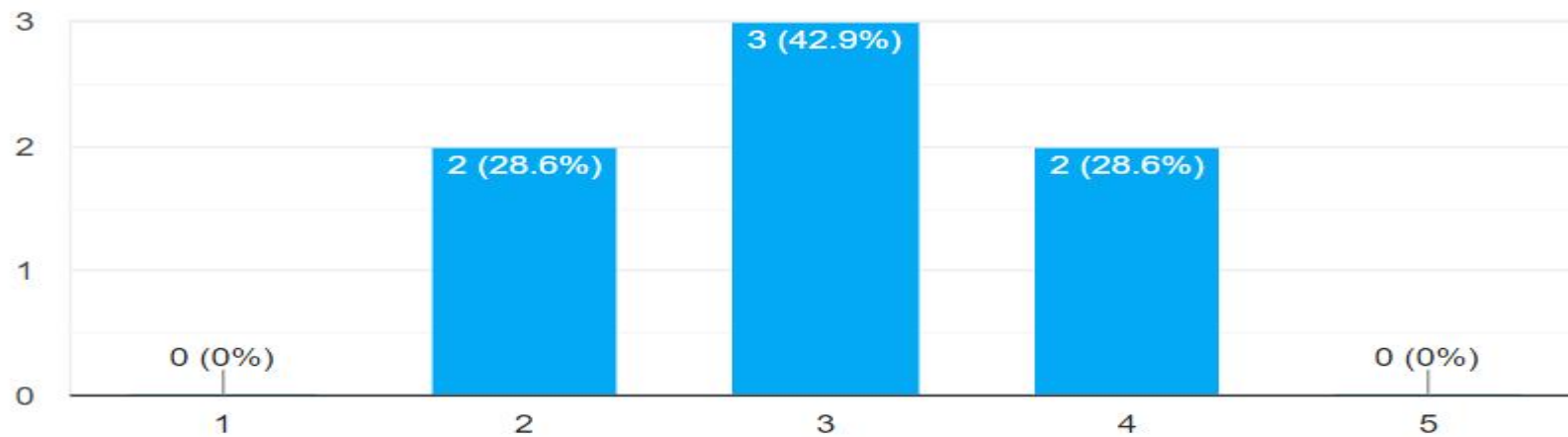
1. Accessibility of EDR by voters and other actors

- Mostly reasonable formal requirements (form, fees, etc.)
- Mostly reasonable deadlines
- Insufficient knowledge of voters

Accessibility of EDR by voters and other actors

1.D. The average voter has sufficient knowledge on the substantive law to argue on the merits of his/her case.

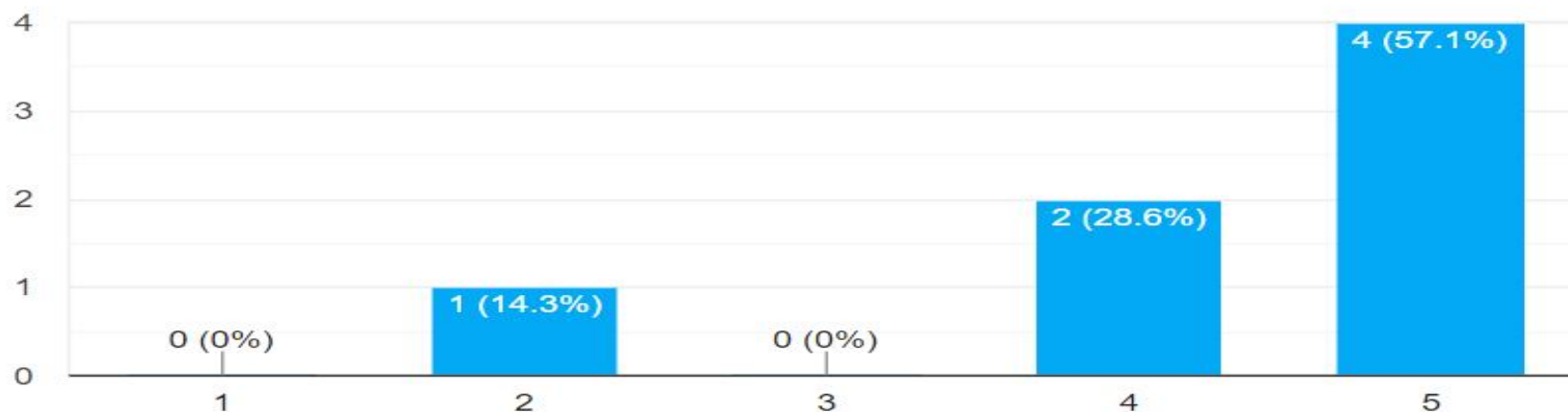
7 responses



Accessibility of EDR by voters and other actors

1.F. Other political actors (parties, candidates, etc.) have sufficient knowledge on the substantive law to argue on the merits of their cases?

7 responses





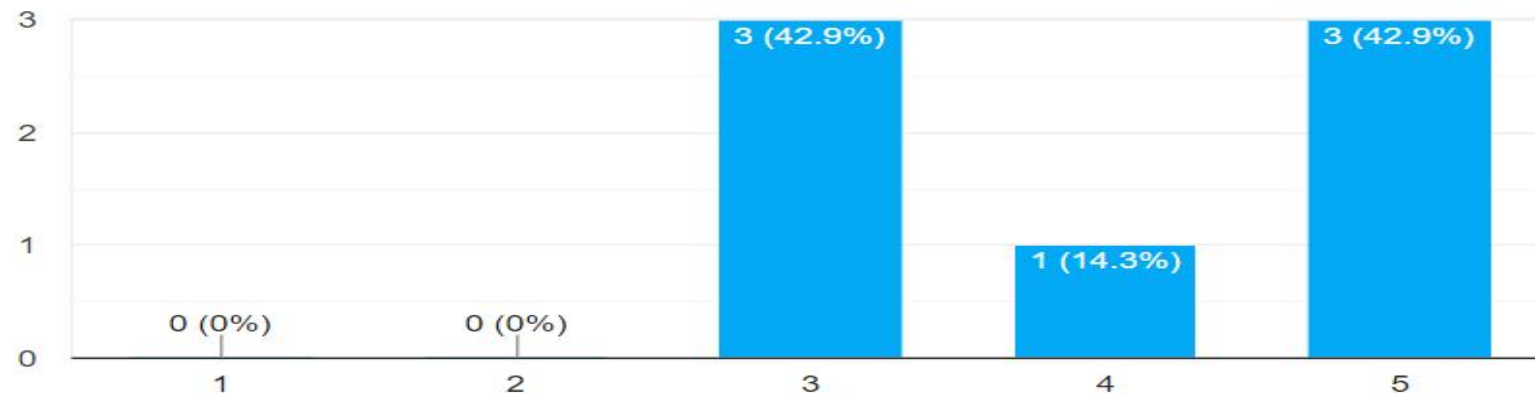
2. Substantive legal background of EDR

- Clear rules on competences and applicable law, applicable law is easy to find
- Diverse views on sufficient remedies
- Right to hearing?

2. Substantive legal background of EDR

2.F. The law provides for sufficient remedies – i.e. remedies that ensure prevention of unlawful conduct and in integrum restitutio.

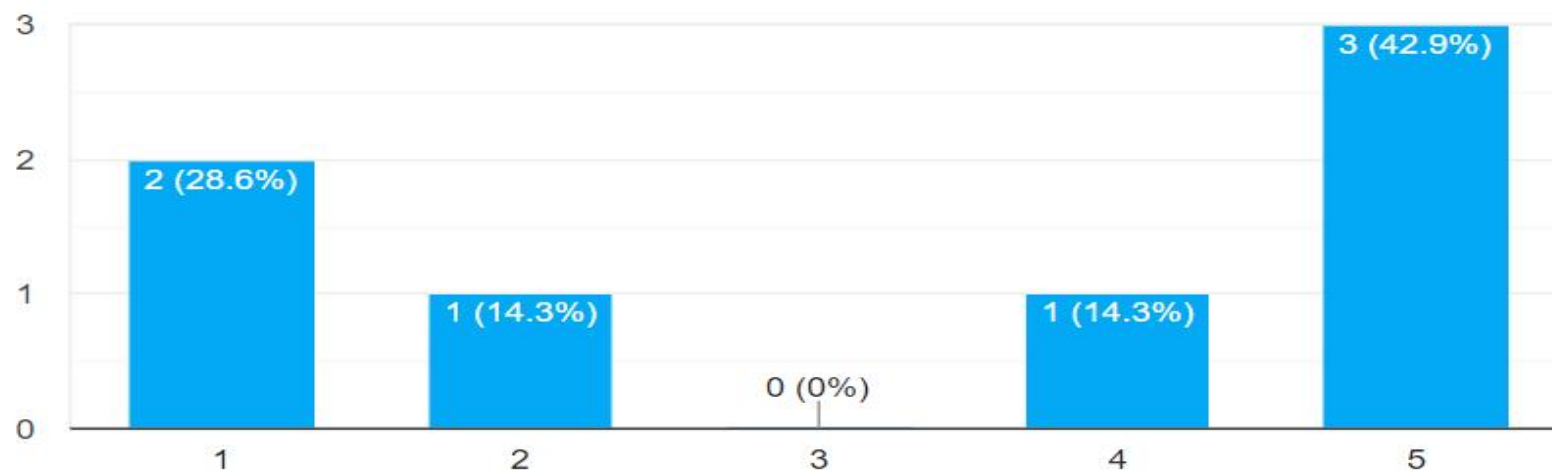
7 responses



2. Substantive legal background of FDR

2.G. It is ensured that the parties involved enjoy the right to hearing.

7 responses





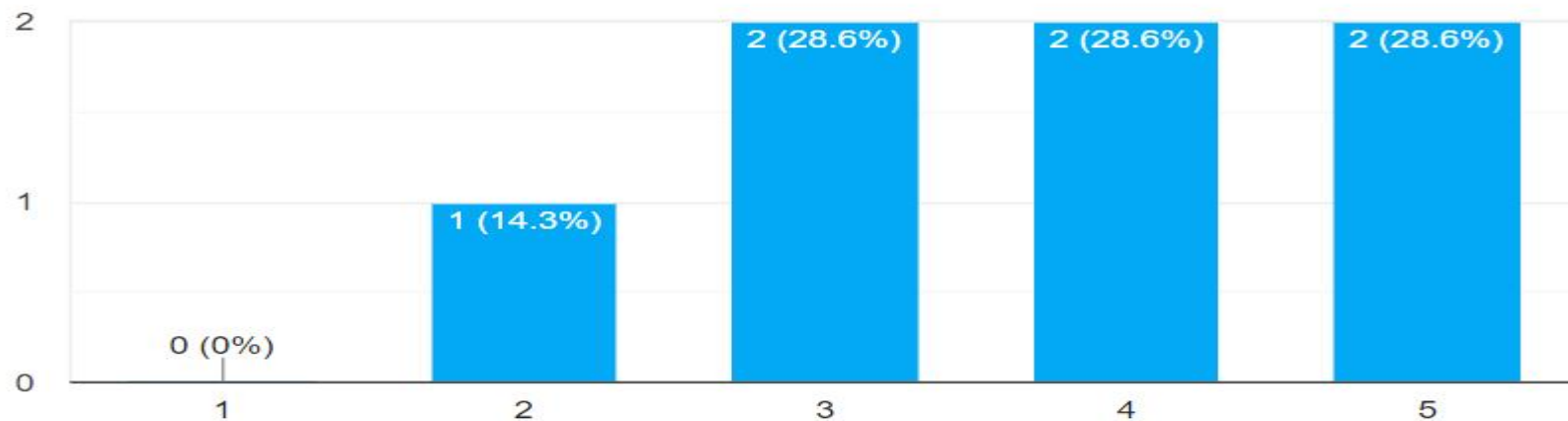
3. Knowledge to deal with EDR

- Personnel have sufficient knowledge
- Diverse views on sufficient trainings and materials

3. Knowledge to deal with EDR

3.B. There are sufficient trainings (workshops, etc.) for EMB personnel to improve their knowledge regarding EDR.

7 responses





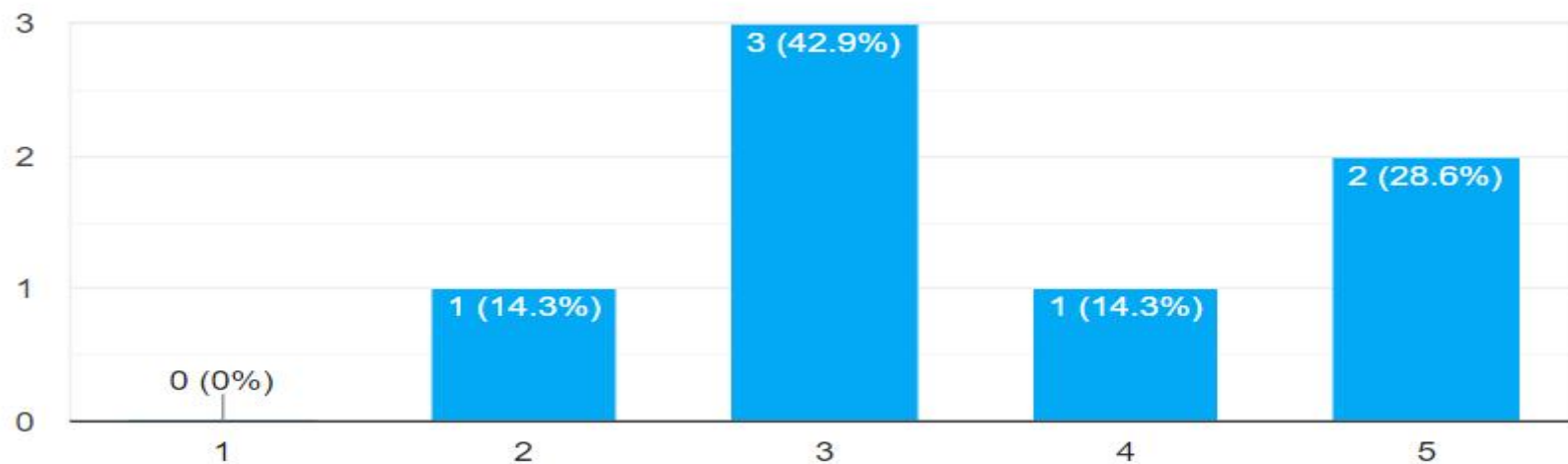
4. Cooperation and communication

- Good communication within the EMB system
- Good communication with the legislative
- Good communication towards the society
- Diverse views on sufficient communication with courts
 - Courts case law compilations
 - Lack of forums where mutual exchange is possible

4. Cooperation and communication

4.A. There is sufficient cooperation and communication with the Courts – there is a constant exchange of knowledge on matters of EDR.

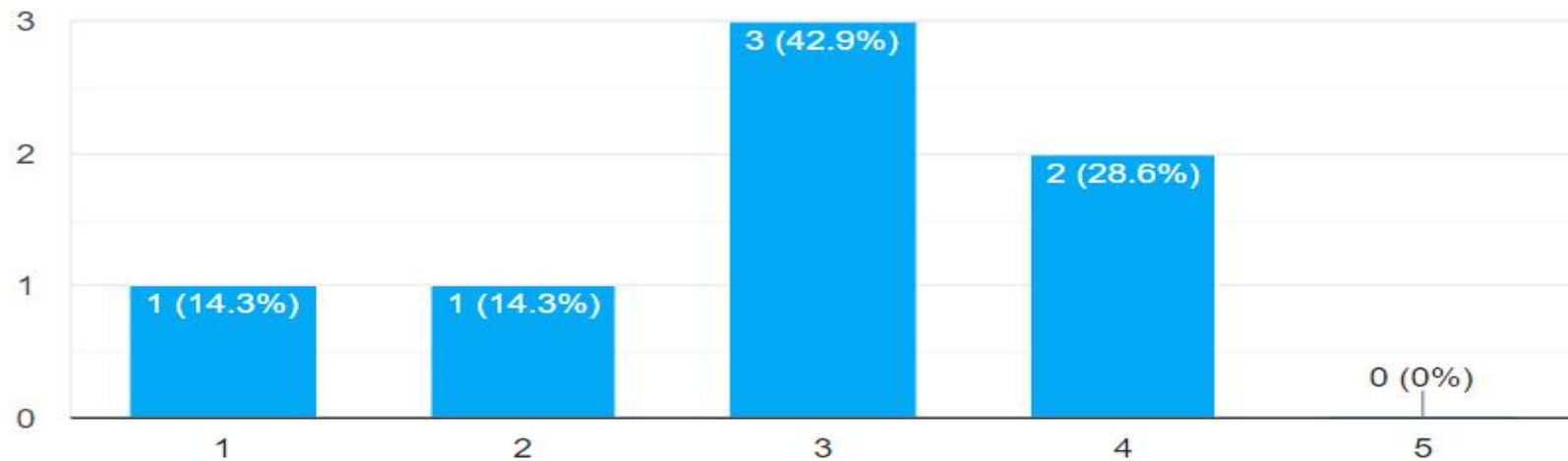
7 responses



4. Cooperation and communication

4.C. There are forums where mutual exchange of experiences, knowledges and skills regarding EDR is possible between EMBs and the Courts.

7 responses





5. Case-law of the Courts

- Courts do not overstep their powers
- Court decisions are
 - consistent in time
 - mostly consistent across the country
 - clear and easy to follow



6. Case backlog, deadlines

- EMBs are able to keep up
- Deadlines for deciding are mostly reasonable
- Diverse views on sufficient number of personnel



7. Autonomy and independence of EMBs

- EMBs are mostly independent of political pressures
- All things considered, EMBs are sufficiently autonomous and independent.



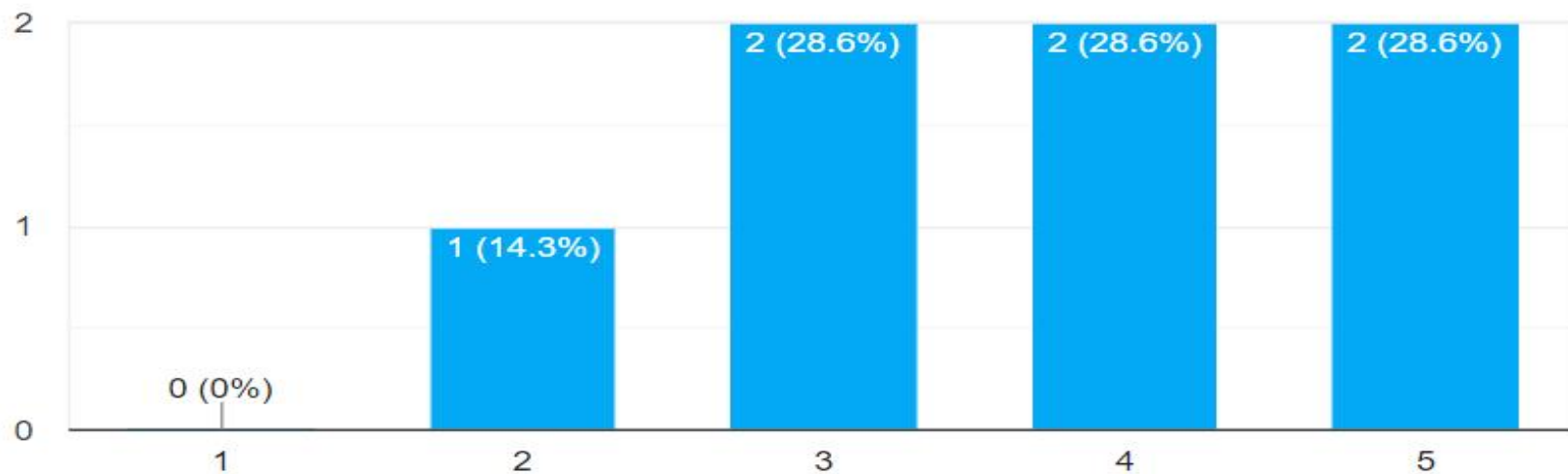
8. Trust towards EMBs

- EMBs are trusted by society
- EMBs are mostly trusted by political actors
- Diverse view on media

8. Trust towards EMBs

8.C. The way media display EMBs is sufficient – they are presented in an objective way.

7 responses





9. Specific issues

- Voter registration
 - Mostly sufficient legal background
- Candidate registration
 - Sufficient legal background
- Election-day complaints
 - Sufficient legal background
- Vote-counting
 - Sufficient legal background



Issues to be examined further

- Voters' knowledge
- Right to hearing
- Cooperation with courts
- Trainings and materials
- Number of personnel
- Media



Thank you very much!

(fill the survey, please! J)