



## Findings of the ACEEEO annual conference

### *“Judicial Protection of Electoral Rights”*

#### 1. Findings

- Beside the EMBs, the courts have a significant role in resolving the election disputes
- Not to compete, but to complement
- Clear responsibilities – clear and coherent legislation
- Guarantee, that the electoral process is correct

#### Court levels – Sentences

- Constitutional court
- Supreme courts
- Ordinary (first level) court – lack of resource
- Special electoral court
  
- **Sentences**
- Socially useful sentences
- Sentences must be efficient to solve any inter- or intra party conflict

#### Court 2

- Conflict resolution – Capacity to revoke candidacy to support electoral institutions
- Judicial attribution is important to resolve close election results
- Courts are not resolving political issues, but only jurisdictional.

## 2. International Standards

- Venice Commission of the Council of Europe (2002)

### **„Guidelines on Elections: Code of Good Practice in Electoral Matters”**

the only valid international document which deals with the judicial protection of electoral rights

-ACEEEO annual conference held in Moscow on September 26 – 28, 2002 approved the

### **„Draft Convention On Election Standards, Electoral Rights and Freedoms”**

that contains recommendations on judicial protection of electoral rights

## **List of the Problems and Challenges**

- **Timing issues:** hundreds of complaints should be resolved during a short period (1-3-5 days) – resources, legislation
- **Candidate registration:**
- falsification of the signature -
- insufficient number of signatures
- unregistered political parties
- ineligibility of nomination
- irregular documentation
- missed deadlines

## List 2

- **Voters registration**
- incomplete voters list – information to the voters – period of time – only permanent address - ID card
- Specific persons
- active voter can choose which address to vote
- addressess by the municipality

- Change the addressees

#### List 3

- **Election day**
- electoral silence – campaign ban
- inaccurate voters list
- ballot box stuffing
- illegal proxy voting
- missing ballots
- partisan observers influencing the voters in/around the polling station
- local polling station staff

#### List 4

- counting irregularities
- polling station staff
- voting in the other polling station

#### List 5

- **Counting and tabulation**
- wrong methodology (different)
- auditing process (computers)
- valid/invalid
- consillations problems
- interfering non-authorized persons
- change of custody (transportation, logistics, security)
- arbitrary appeal process (some polling stations excluded from the aggregation)

- transparency of the tabulation