PART 3

Monitoring the Pre-Election Phase

P. Election System
Q. Civic and Voter Education
R. Registration of Voters, Political Parties and Candidates
S. Election Campaign
T. Media

Election System

The system used to determine who wins and who loses in an election (*i.e.*, seat allocation methods, including proportional representation, majoritarian, mixed, etc.) is one of the most significant aspects of an election. The seat allocation method influences the political process and the government that will emerge. The structure and rules (sometimes called the *election framework*) by which the election system is implemented, enforced and reviewed have an equally important impact.

With regard to the election system, monitors should consider, early in the process, developing a plan to:

1. assess the election system as it is designed in the abstract (*i.e.*, as it is theoretically supposed to operate according to written laws and regulations);
2. evaluate the election system as it operates, in practice; and
3. advocate improvements, as appropriate, through legislative and/or regulatory amendments to the system.

This section provides a framework for discussing points 1 and 3 above. Suggestions about how to evaluate the election system as it operates in practice are treated in *Sections Q.-X.*

You should begin an assessment of an election system by studying the relevant laws and regulations in your country. These domestic laws can be found in your country's constitution, statutory provisions (*e.g.*, election law, political party law, media law, criminal code and rules of procedure, etc.) and legal judgments. These laws generally contain the rules that govern:

1. seat allocation;
2. designation of election administrators;
3. delimitation of election districts;
4. registration of voters;
5. registration of political parties and their candidates;
6. campaign practices, including use of the media, financing of campaigns and utilization of state resources;
7. balloting and counting procedures;
8. processing and reviewing complaints and appealing judgments; and
9. election monitoring.

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Assign a small team in your organization to read these rules and, if necessary, request further explanation and interpretation from lawyers or responsible government officials.

Once you have analyzed the structure and rules, consider whether the election system, as it is designed in the abstract, is likely to produce a legitimate process. First, evaluate whether the election scheme is reasonable from a logistical standpoint. For example, list all of the deadlines in the election calendar and determine if the voters can be registered, election materials can be printed and delivered, the officials trained, and the campaign completed in the time allowed.

Next, compare the election law provisions with the legal norms of the local jurisdiction. For example, if there is a provision restricting political rallies, does this restriction violate any provisions of the country's constitution?

Also compare these provisions with internationally accepted standards. You can find selected provisions of the major human rights instruments enumerated in Appendix I. International standards may also be found in the official judgments or resolutions made by the international governmental organizations and by domestic courts of various countries.

From your analysis, you may conclude that legal or regulatory reform is appropriate in order to enhance the fairness and transparency of the electoral process. You may also decide to convene a roundtable conference or seminar with government officials and/or political party representatives to discuss potential electoral reforms, discussed further in the sub-section on advocacy, below.

GENERAL PRINCIPLES AND ISSUES Article 21 of the Universal Declaration of Human Rights, a common starting point for discussing international standards for evaluating elections, states in relevant part:

(1) Everyone has the right to take part in the government of his [or her] country directly or through freely chosen representatives . . . .

. . . .

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote . . . .

There is no universal rule defining how these broad international standards apply to individual assessments of a given election. Nonetheless, one commonly used approach identifies, in the abstract, minimum conditions that satisfy the principles of a free, fair and genuine election. The book, *Guidelines for International Election Observing*,[31] offers a concise enumeration of such minimum conditions:

1. no unreasonable restrictions are imposed on parties or voters;
2. participants (representing the government, the military, the political parties and others) respect the rights of free expression, free association, and free assembly for a period adequate to allow political organizing and campaigning, and to inform citizens about the candidates and the issues;
3. adequate guarantees of a secret vote and freedom from intimidation are provided; and
4. the integrity of the balloting and counting processes is secured.

This list can be expanded to include broad principles that are essential to an election's legitimacy. These principles include:

5. *non-discrimination* in the treatment of political contestants, voter eligibility and other political rights;
6. *due process,* including legislative, regulatory and judicial procedures that provide notice, hearings and appeals, that protect against arbitrary or biased rulings and that provide an effective remedy for the abridgement of protected rights; and
7. good faith *efforts to ensure the integrity and credibility* of the electoral process, including

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[31] L. Garber, *Guidelines for International Election Observing* (The International Human Rights Law Group, Washington, D.C.: 1990), at p. 18. See also, G. Goodwin-Gill, *Free and Fair Elections: International Law and Practice* (The Inter-Parliamentary Union, Geneva: 1994); and *Professional Training Series #2: Human Rights and Elections,* (The United Nations Centre for Human Rights, Geneva: 1994).

assurances that there is *transparency* in the process and that voters understand their rights, the choices being presented and the voting procedures.

Election systems should not violate any of these fundamental principles. In particular, the principle of non-discrimination requires that every vote should carry approximately equivalent value. The maxim *"one person, one vote"* should be guaranteed by provisions that recognize the universality of the right to vote and that ensure each vote carries approximately the same value. For example, regarding universality of the franchise you should evaluate whether the election law limits electoral participation on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property ownership, birth or other status.[32]

The framework of the election system should be designed to assure that the election is credibly implemented or administered and that the public has confidence in the system. To achieve this objective, an election system must have a mechanism for appointing election officials that will administer the elections with *impartiality* and *independence*. Where impartiality is in doubt, the system should provide other mechanisms to bolster the credibility of the process.

Allocating *balanced representation* of diverse political interests to election commissions and review bodies is one commonly used remedy where impartiality is in question. Another, complementary solution involves creating a system of *checks and balances* whereby the election commission is subject to review by independent legislative, judicial and/or monitoring bodies. The degree to which an election process is open to review by monitors is called the *level of transparency*. A system that is characterized by a high level of transparency creates strong incentives for election officials to administer the process fairly and, more important, fosters confidence among the voters and contestants. You should review the level of transparency as well as the issues of impartiality, independence, balanced representation and checks and balances when evaluating the design of an election system.

Guarantees of *due process* are also essential to ensuring an election process that is fairly administered. For every significant aspect of an election process, the election system should provide procedures, in the election code, in other laws, or in regulations that offer the ingredients of due process. These include:

1. *notice* of important deadlines, of procedures to register as a candidate or voter, of procedures for voting, of changes in the law, and other important matters;
2. *a hearing*, or opportunity to be heard, in order to present views, arguments or important facts before an administrative ruling or adoption of election regulations;
3. *an opportunity for independent review* of important rulings or decisions, including established criteria, standards and procedures that govern appeals and ensure timely rulings; and
4. *an effective remedy* for redressing any abridgement of political, participatory or electoral rights.

ADVOCACY   Your election monitoring group's contribution to the electoral process will be limited if your country's legal framework is so flawed that it precludes the possibility of competitive, meaningful and transparent elections. Thus, if your scrutiny of the election system identifies significant defects, you should advocate changes with the government, the legislature or the election administrators. For example, laws authorizing domestic monitors to enter voting and counting stations and to be given access to other important stages of the election process are important to your efforts. *(See Illustration 19 and Appendix I.)*

The ability of your monitoring group to influence the design and operation of the election system may require recruiting lawyers, public policy advocates, election experts and others who have access to decisionmakers in the government. Mobilizing public opinion on the subject— through the media, rallies and letter-writing

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[32] See Article 2, *Universal Declaration of Human Rights* and Article 2, *International Covenant on Civil and Political Rights* in Appendix I. See also *Section R., Registration of Voters, Political Parties and Candidates.*

campaigns—is another important means for initiating change.

You should try to list your concerns about the election law in order of priority. Prioritizing your concerns helps you avoid expending resources on insignificant issues and will enable you to develop specific strategies. Draw distinctions between flaws that are so serious they will prevent a meaningful election and other issues where the imperfections will not materially affect the outcome.

In Romania, before the September 1992 national elections, a lobbying campaign by volunteers of several nonpartisan groups, coupled with expressions of concern from the international community, helped convince the legislature to adopt legal provisions enabling domestic monitors to enter voting stations.

By contrast, as noted earlier, nonpartisan monitors in Yemen were effectively barred from most voting stations on election day and instead could only evaluate the elections based on interviews conducted outside of the voting stations.

Illustration 19

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Civic and Voter Education

One measure of an election's legitimacy is the degree to which the electorate is adequately informed about:

1. voter rights and obligations;
2. dates and procedures of the election;
3. the range of options (e.g., policies, parties or candidates, etc.) from which voters can choose; and
4. the significance of these choices.

Voters receive information about their democratic rights and about elections through civic education generally and voter education more specifically. The national election commission, certain government ministries, government-controlled media, the political parties and civic organizations typically assume responsibility for providing voter education.

The cumulative effect of all voter education in an election should be evaluated by the degree to which pertinent information is reasonably available to all eligible voters in a form they can comprehend, and in a timely fashion (i.e., allowing a reasonable time for the audience to make use of the information). You should also attempt to assess whether this information adequately discusses essential facts, procedures, rights and issues.

There are no fast and simple methods by which to make these evaluations. To do so, you need to determine the level of voter understanding about the election. You must also determine whether their lack of understanding is of such a pervasive or profound nature that the election results might not reflect the true will of the people. Lack of voter understanding may be manifested by an unusually low level of voter participation or by a large number of improperly cast ballots (also called *null* or *spoiled ballots*). A *public opinion survey,* which collects information from a representative cross-section of the voting population, is a technique you may use to make these determinations.

You may find that the cumulative impact of existing voter education programs is inadequate. This deficiency often occurs because governments and election commissions lack the resources or commitment to implement impartial voter education programs or because their existing communications about voter education are ineffective or misleading. Another common explanation is that governments fail to allow enough time in the election schedule for the development and execution of voter education programs.

In these circumstances, your domestic monitoring group may conduct its own voter education program. If you consider conducting a
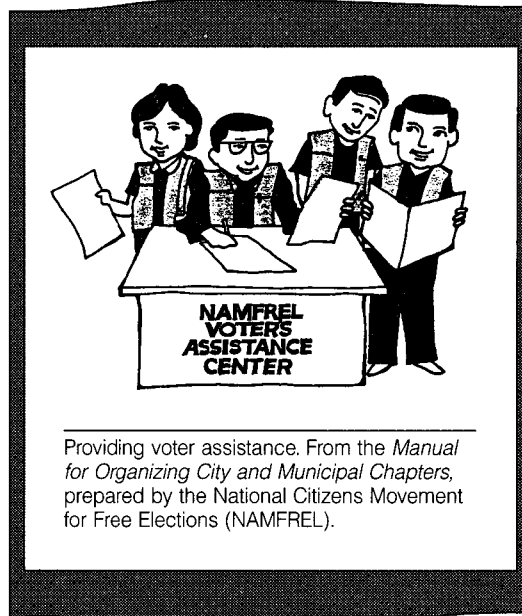
more comprehensive voter education program, you should also consider how it relates to your monitoring objectives. Specifically, to what extent will a voter education program take resources (financial, personnel and time) away from your monitoring efforts? Which activity is more important to the support of the democratic system in your country? For which activity are you better suited? Are other organizations planning to conduct voter education programs, and how will your programs complement or conflict with one another? Will your involvement as a provider of voter education create a *conflict of interest* that diminishes your ability to evaluate the election process objectively?

In a sense, all of your training and information-sharing can and should be considered valuable voter education. The knowledge the electorate gains about voting and monitoring as a result of your nationwide workshops, newsletters, public service announcements and news coverage helps voters to better understand their rights and the election process. Thus, you should not underestimate the value of your contribution, through the development of a monitoring operation, to the civic education of your fellow citizens.

Providing voter assistance. From the *Manual for Organizing City and Municipal Chapters,* prepared by the National Citizens Movement for Free Elections (NAMFREL).

Registration of Voters, Political Parties and Candidates

VOTER REGISTRATION   Election systems require criteria and a mechanism for identifying eligible voters and preventing ineligible persons from voting. The mechanism is also used to guarantee the "one person, one vote" principle by preventing people from voting more than once or from voting in the wrong location.

The universal right "to take part in" government is directly affected by the eligibility/ voter registration process. Specifically, since establishing a potential voter's eligibility is often a prerequisite to voting, you should evaluate the process by which eligibility is determined, paying special attention to whether significant segments

of the population are being *disenfranchised* (prevented from voting) by:

1. *unreasonable criteria* restricting eligibility, such as the use of distinctions based on race, color, gender, religion, nationality, ethnic origin, social group, past political affiliations, literacy, property ownership and ability to pay. Reasonable restrictions have included distinctions based on age, citizenship, residency and mental competence;

2. inadequate *voter education* about how potential voters may establish their eligibility;

3. failure to respect other guarantees of *procedural due process,* especially where there are no provisions for monitoring the process, verifying the registry's accuracy or challenging rulings; and

4. *intimidation* that prevents or inhibits eligible citizens from learning about or engaging in the process.

The registration period offers an excellent opportunity to mobilize volunteers and assign them specific duties. These duties may include initiating a voter education campaign, monitoring the

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conduct of government officials and political party supporters, and implementing a system to process complaints. Also, since the voter registration process is highly decentralized (often administered at local voting stations and municipal offices), it is analogous to the voting and counting processes. Therefore, by monitoring voter registration your staff and volunteers can gain first-hand experience directly relevant to their election-day plans.

First, you must research the system your country uses to determine voter eligibility. Various systems include:

[1] no registration—voters establish their identity and eligibility at the voting site, on election day, by showing officials acceptable forms of identification (*e.g.*, national identity card, driver's license, passport, residence card, military service card, etc.);
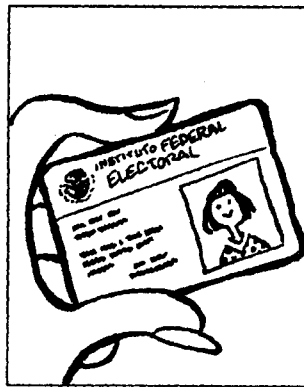
Identification card. From the *Manual del Ciudadano*, 1994 training guide prepared by the Council for Democracy in Mexico.

[2] census registration or other national registry—government officials search birth records and census data (*e.g.*, name, age and address) to generate a voter registry; or

[3] *inscription* (often called "registration")—at a prescribed time and location (usually a municipal government building or the registrant's residence), prospective voters establish their identity and eligibility to designated officials to have their names inscribed on a registration list.
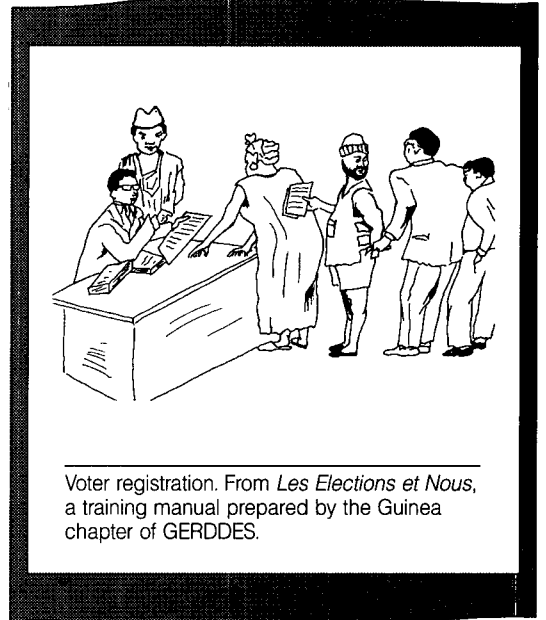
Voter registration. From *Les Elections et Nous*, a training manual prepared by the Guinea chapter of GERDDES.

Next, you should identify problems that occur, or are likely to occur, in the execution of voter registration. Below is a partial checklist of common problems associated with voter registration:

[1] *procedures* that cause unreasonable difficulty for certain sectors of the population to register or obtain the identification card necessary for voting, including: limiting hours or days for registration; placing registration sites at inconvenient locations; levying fees; conducting literacy exams; or subjecting registrants to unfairly burdensome procedures such as presenting multiple identification cards or photographs, making multiple visits to the registration site, etc.;

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2 *inappropriate conduct* of registration officials, committed either intentionally or accidentally, including: intimidating registrants; rejecting or deleting eligible voters; accepting ineligible registrants; fraudulently altering or improperly maintaining the list; failing to distribute *voter's cards* (also called *registration cards* or *identification cards*); etc.;

3 *inaccurate lists,* such as lists: that include the names of individuals who have died or left the constituency, fictitious individuals, or registrants who are listed more than once or are otherwise ineligible; that fail to include the names of eligible individuals who have properly applied to register; or that record registrant's names in ways making it impractical to locate them on the lists; and

4 failure to assure *transparency* in the registration process, as evidenced by restrictive regulations or recalcitrant officials who prevent monitors from analyzing the process in a timely manner.

There are other good reasons to monitor the registration process. In addition to causing problems on election day, inaccurate voter lists may also affect adversely other aspects of the election process. For example, in many countries political parties develop their campaign strategy using registration data. Also, constituency boundaries and the number of seats assigned to each constituency are influenced by census and registration information. The location of polling sites and the distribution plan for ballots are similarly determined by information collected during the registration process.

Below are some techniques you may use to evaluate the registration process:

1 deploy volunteers to monitor the registration activities throughout the country, particularly in areas where your research indicates that there is a high probability of problems;

2 verify the accuracy of the information on the voter lists (*e.g.*, by selecting a statistically significant sample of names and then

determining, through interviews or other research, if the information is correct);

3 compare voter lists from previous elections with the current list to identify statistical anomalies (*e.g.*, extreme changes in the number of registrants for one political party or in one region);

4 review the lists, visually or by computer, to determine duplicate registrations and the registration of ineligible voters; and

5 provide training and civic education to others about how to conduct techniques 1-4, above.

The first, second and the fifth techniques require considerable time and personnel, but they also afford the best opportunity to develop and test a national network. The third and fourth techniques can be accomplished in the central headquarters, without deploying any personnel to the field. In some countries the central election authority provides a computerized registration list to political parties or observers so they can independently verify the accuracy of the lists.

POLITICAL PARTY AND CANDIDATE REGISTRATION
The issues involved in the processes of *registering* (also sometimes referred to as *accrediting* or *determining eligibility of*) political parties and candidates are similar to those for voters. Of paramount concern is the right "to take part in the conduct of public affairs, directly or through freely chosen representatives, and to be elected at genuine, periodic elections."[33] This right lies at the root of determining whether an election provides a meaningful opportunity for candidates to present competing options and for voters to choose among them.

Restrictions on who can form a party and who can compete in elections for government office are considered reasonable if they do not unjustly discriminate.[34] Historically, only certain types of limits have met this test. For example, concerns about *security* are one commonly cited justification for denying participation to specific political parties or candidates.[35] The desire to

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[33] Article 25, *International Covenant on Civil and Political Rights* in Appendix I.
[34] See, *e.g.,* Article 24, *Document of the Copenhagen Meeting of the Conference on the Human Condition* of the OSCE in Appendix I.
[35] The international standard of proportionality, however, generally holds that a ban on a party's electoral participation is justified only against those who espouse violence to overthrow the government or undermine the territorial integrity of a state. See also, Ibid.

assure *effective governance* by inhibiting a proliferation of parties has also been used to justify restricting party registration. This justification, however, must be applied with considerable care in a country emerging from a nondemocratic past, where the establishment of new political parties or independent candidates is a goal of the electoral exercise.

When monitoring party and candidate registration, you should try to identify any arbitrary or discriminatory application of the law; evidence of such administration indicates a violation of international norms. Improper administration includes instances where candidates are not given adequate notice of the deadlines or the procedures required to apply for candidacy or cases where the requirements (such as collecting signatures or paying a deposit) are unreasonably arduous or discriminatory. Also, when applications for candidacy are rejected, you should examine the appeals process to determine whether there are adequate provisions for a hearing and independent review.

Election Campaign

During the election campaign period, partisanship is pervasive as each electoral contestant competes to ensure his or her own victory. Such partisanship often produces robust competition that is typical of a healthy democracy. Sometimes, however, the competition results in abuse and injustice which, in the pre-election period, may have a substantial or even decisive effect on the outcome of an election. A failure to define and enforce the parameters of competition can result in conduct that is contrary to a fair and genuine election. Therefore, you should seriously consider monitoring the campaign period.

This section discusses how to monitor three broad aspects of the election campaign: (1) resources; (2) intimidation; and (3) enforcement and independent review. Media access and media coverage, extremely influential factors in a campaign, are addressed in the following

section.[36] The *General Principles and Issues* subsection identifies major issues and activities inherent in the election campaign as they relate to the internationally recognized freedoms of expression, association, assembly and movement. It also reviews the standards by which these issues should be analyzed. Suggestions on how to collect and analyze information are provided in the following subsection entitled *Specific Monitoring Techniques.*

GENERAL PRINCIPLES AND ISSUES   Often, in order to conduct a comprehensive evaluation of an election process, you must assess whether the process has provided a *"level playing field"* and an opportunity for a *genuine* and/or *meaningful* expression of the will of the electorate.

The level playing field metaphor is used to describe a process that protects equal treatment and fair opportunity. It is evaluated by considering, among other issues:

1. the degree to which competitors are afforded equitable access to resources (*e.g.*, finances and material resources, media access and news coverage); and
2. the effective compliance with, enforcement of and review of the election law (especially in terms of non-discrimination and good-faith application).

The terms "genuine" and "meaningful" are standards used to evaluate other essential components in the campaign period, including:

1. the freedom and capacity candidates have to convey their programs to the voters;
2. the adequacy of the voters' understanding about the process (*e.g.*, how to register, where to vote, how to mark a ballot, etc.) and the substantive issues subject to the vote; and
3. the freedom voters perceive they have to choose and express, independent of anyone else's wishes and in full secrecy, their preference at the ballot box.

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[36] See *Section T, Media.* For further discussion on related pre-election period activities see also *Section P, Election System, Section Q., Civic and Voter Education,* and *Section R., Registration of Voters, Political Parties and Candidates.*

Resources

Both the administrators and the competitors in an election need resources. If certain resources are not available in adequate and equitable proportions, an election's fairness may be called into question.

The most valuable resource during an election is *time*. Election officials need time to: choose an election system; organize logistics; train and deploy officials and security forces; ensure a minimum level of voter education; develop a voter registry or other means of verifying voter eligibility; register candidates; prepare and distribute materials; accept, count and tabulate votes and announce results; and review complaints.

Political contestants (*e.g.*, parties, candidates, competing sides in a referendum or plebiscite) need time in order to: develop an organizational structure and message; nominate and train candidates; collect financial and material resources; train and deploy supporters; conduct campaigns and promote voter education and participation; and organize an effective monitoring operation.[37]

Another valuable election resource is *money*. Often referred to in the election context as *finance* or *campaign finance,* money is needed to: pay salaries; establish offices; purchase media time or space; produce campaign materials; provide transportation, communication and other campaign support; distribute voter education materials; etc.[38] Resources (including labor, commodities or media access) that are contributed, without compensation, to a campaign are equally valuable.

Many election systems regulate campaign finance by dividing it into two categories: *contributions* (money coming in) and *expenditures* (money going out).

The amount and the sources of individual contributions are often restricted. (*See Illustration 20.*)

Campaign expenditures can also be regulated, although with the exception of criminal uses, most countries place fewer restrictions on expenditures than on contributions.

Campaign finance regulations often require candidates or their political parties to maintain

Illustration 20

Under the federal campaign laws of the United States, an individual can contribute no more than $1,000 per candidate per election. No contribution may be made by one individual in the name of another. Also, the amount of contributions allowed from political party campaign committees and other organizations is limited. However, there is no limit on the amount that a candidate may contribute from his or her personal funds to his or her campaign.

and disclose financial records. Where such requirements exist, they commonly seek information about the source of the contribution (or object of the expenditure), and the amount and the date of the transaction. If you intend to monitor campaign finance, you should attempt to determine if the financial reports are complete, accurate and issued according to the prescribed deadlines. You can also monitor how the governing authority is enforcing the campaign finance regulations. On this matter, it is important that you evaluate whether candidates are being treated equally and the degree to which the law is being administered in a timely fashion.

Another possible object of monitoring is the distribution of campaign resources by the government. In some cases, governments automatically grant each registered electoral contestant resources such as offices, telephones and money for use in the election campaign. You might initially consider whether resources are distributed equitably and in a timely manner and whether these resources are adequate to conduct a fair campaign. Funds may be distributed equally to contestants or may be distributed based upon some criteria, such as the amount of money independently collected or the number of signatures the contestant has independently collected. In these situations, you should analyze:

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[37] See *Section P, Election System,* for suggestions of how to assess the election calendar and monitor levels of administrative preparedness.
[38] *Section Q, Civic and Voter Education* offers recommendations about how to monitor the adequacy of voter education.

1. whether the criteria are objective and clearly defined;
2. whether the criteria are reasonable and fair;
3. whether the criteria are administered similarly for all contestants; and
4. whether the resources are distributed in amounts and at times that do not unfairly disadvantage any contestants. (See Illustration 21.)

Many election systems attempt to limit the use of government property and the activity of government employees. Monitoring how these *perquisites of government* are used represents yet another important task. In a democracy, it is the generally accepted rule that government property and civil servants' salaries are paid for, and belong to, all the inhabitants of the country on an equal basis.[39] Thus, government vehicles, office space
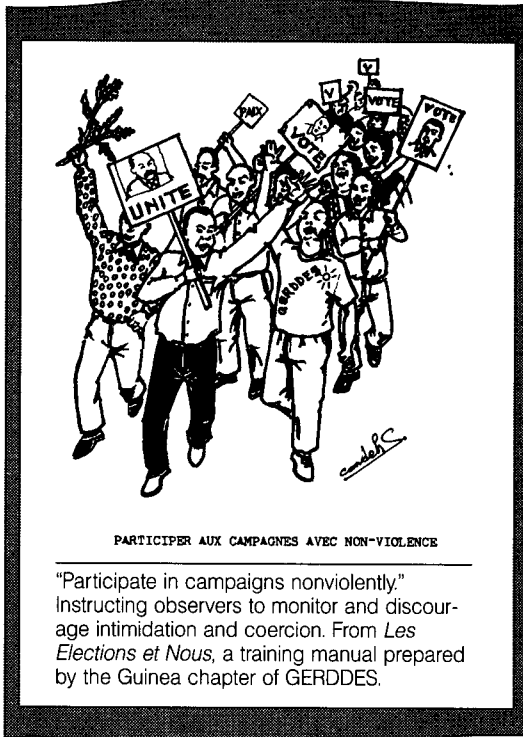

Illustration 21

During the March 1994 elections in Kazakhstan, the law provided that all campaigns would receive financing, in equal portions, exclusively from the government. The law prohibited candidates from supplementing the state allotment by raising funds from other sources.

While this arrangement initially appeared fair, in practice it gave a significant advantage to incumbent and other well-known candidates since the amount of funds each candidate received, while equally distributed, was very small and was entirely controlled by the government. Candidates who were not previously well-known to the voters were unable to achieve the level of recognition already enjoyed by their incumbent competitors.

The 1990 Bulgarian elections provide another example of problems arising from unfair government distribution of resources. In that instance, the incumbent Bulgarian Socialist Party (BSP) began a vigorous campaign using resources it inherited from its predecessor, the Communist Party. Meanwhile, the newly formed opposition parties had to rely on resources provided by the government. These parties lost precious time before they could begin campaigning because of the government's long delays in providing offices, telephones and other vital resources.

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and telecommunications should not be used for partisan purposes unless equitable access is provided to other contestants. Similarly, guidelines should strive to ensure that government-controlled media only provides news coverage of government activities and government officials that are truly newsworthy.[40]

Moreover, government officials directly involved in administering elections (*e.g.*, election commissioners, voting station officials, judges and security forces) have a special obligation to maintain *impartiality.* In light of the actual and the psychological impact of their conduct on the electorate, these officials should conduct their activities in such a way that their impartiality cannot reasonably be doubted. Other government employees, those who are not directly involved in election administration, should not use their official authority or influence to interfere with the election process. No government official should participate in partisan activity while on duty. If these standards are not established by domestic law or regulation, you may want to consider advocating their adoption in an electoral reform program.

The use of patronage, public works and similar programs for electoral advantage represents another area of potentially improper governmental action. While it is difficult to identify and measure the effects of manipulating job creation, anti-poverty and similar programs to create an electoral advantage, you might consider documenting whether government officials who administer such programs are providing benefits in the name of a political party rather than in the name of the government. It is also possible to document the initiation of public works projects in exchange for support at the ballot box, particularly where such projects are awarded during or just prior to the election period. Accurate and objective documentation and analysis of such actions can illustrate their potential or even likely effects on election results.

Intimidation and Coercion

The importance of impartial behavior increases in situations where the ruling party or the military has played a dominant role in government and might unfairly influence

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[39] See Article 21, Paragraph (2), *Universal Declaration of Human Rights* in Appendix I.
[40] See *Section T., Media,* for a discussion of how to monitor the media.

PARTICIPER AUX CAMPAGNES AVEC NON-VIOLENCE

"Participate in campaigns nonviolently."
Instructing observers to monitor and discourage intimidation and coercion. From *Les Elections et Nous*, a training manual prepared by the Guinea chapter of GERDDES.

1. candidates from campaigning;
2. voters from registering;
3. voters from casting their ballots;
4. voters from casting their ballots according to their personal preference; or
5. election officials from enforcing the electoral law.

There are several manifestations of intimidation and coercion that are relevant for your monitoring, including:

1. *physical violence*, which includes murder, kidnapping, torture, drive-by shootings, bombings, beatings, assaults and damage to property;
2. *threats of physical violence*, including the mere presence of security or paramilitary forces in sensitive environments (*e.g.*, political rallies, registration tables, voting stations, counting centers, etc.) that unreasonably intimidate sectors of the population;
3. *cultural or social pressures* that the election system addresses inadequately (such as those felt by women or minority groups in certain societies);
4. *threats of financial hardship*, including loss of employment, loss of land or housing subsidies or other financial benefits for failing to vote in accordance with the wishes of their employer or a government functionary;
5. *other abuses of authority*, such as acts designed to demonstrate a candidate's inability to protect the well-being of his or her supporters or secure basic infrastructural amenities (*e.g.*, cutting telephone or electricity lines); and
6. *deliberate failure to protect* political contestants, campaigners and/or prospective voters against any of the foregoing.

participation in the election by means of intimidation or coercion. Intimidation and coercion—whether perpetrated by the armed forces, government officials, paramilitary groups or supporters of a political party—produce psychological and sociological effects constituting a deterrent to free voting. Where such a phenomenon exists, only the most aggressive reassurances coupled with direct protective measures by a government can overcome the fear people feel.

Since the presence and reports of impartial domestic and international observers can be an effective deterrent against intimidation, coercion and breaches of impartiality, you should consider monitoring the activities of those who might potentially cause intimidation during the pre-election period. Where problems have already occurred, monitors should request or initiate administrative and/or judicial remedies.

The effects of intimidation and coercion are not easy to measure. If you systematically investigate, measure and record allegations, however, it is possible to ascertain who has perpetrated such acts and whether they have deterred or prevented:

For purposes of evaluating intimidation, you should attempt to measure the relative impact of any irregularity or abuse to determine its magnitude and its potential effect. You may find it helpful to classify irregularities or abuses in varying degrees of seriousness, such as: (a) minor; (b) significant, but not likely to affect the outcome of the vote; or

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(c) serious, materially affecting the outcome of the election. You might also try to determine whether the problem was the product of an innocent mistake or an intentional, willful act. Consideration should also be given as to whether the problems disproportionately affected a particular party. Remember that your findings should be objective, accurate and, to the extent possible, verifiable.

Sometimes the effects of intimidation or coercion can be quantified (*e.g.*, where a number of individuals testify their votes were coerced) or can be clearly defined (*e.g.*, where certain political contestants are prevented from campaigning in a

Enforcing the election law. From *Manual del Ciudadano,* 1994 training guide prepared by the Council for Democracy in Mexico.

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re•view proc•ess

The *review process* is the process for filing complaints and appeals to the central election authority or to other independent bodies (*e.g.*, courts of law).

Definition 9

particular geographic area). In other cases, quantifying the effect is difficult, such as when hundreds of voters, whose preferences are unknown, are scared away from the polls, or when certain candidates are prevented generally from campaigning as much as they would like.

Enforcement and The Review Process

An important issue in the campaign period is the effectiveness of government officials, security forces and the judicial system in the *enforcement* of election laws. Law enforcement institutions have an affirmative obligation to take steps to prevent violations of the guiding principles of free expression, free association, free assembly, non-discrimination and due process and the attendant election laws.

Whenever there is reason to believe that these rights or laws have been violated, authorities should investigate and, where appropriate, prosecute. This obligation is heightened during an election period. Any omission, unequal treatment or abuse of authority by the body whose duty it is to enforce election laws poses a serious threat to an election's legitimacy and may cause voters to doubt that the system will protect their rights.

You should attempt to determine whether enforcement problems materially affect the election campaign and the election outcome. Your evaluation should attempt to determine if these problems have had a disproportionate effect on certain political contestants and, if so, whether the effect is significant. When evaluating the cause of enforcement problems you may find that ineffective enforcement is the result of unintentional oversights, inadequate resources or inexperience. While these factors do not excuse ineffective enforcement, your conclusions regarding fraudulent actions and your recommendations should take such findings into account.

The *review process* is designed to protect the integrity of the election system from improper administration and ineffective enforcement. The review process serves as an essential factor in guaranteeing fairness. It is often the final peaceful arbiter of disputes. It therefore should be monitored like all other major components of an election system. (*See Definition 9.*)

You should assess, as a preliminary issue, whether the authorities engaged in the review process are *independent*. Rule of law standards suggest that a credible review mechanism should be independent from the influence or control of the authority whose initial decision is being challenged. Therefore, after complaints are decided by an election commission or election official, in the first instance, a higher authority should be available to review appeals from that decision. The higher reviewing authority should be an appellate level court or similarly independent commission where fundamental rights and other significant issues are considered. Rulings should also be reviewable in a timely fashion, and in the first instance, as well as upon appeal, the reviewing body must be endowed with the power to order effective remedies. Useful indicators as to the level of independence in the review process include: the terms of tenure for members of the review authority; the degree of autonomy of the institution; and the supreme authority of its decisions.

A second issue is whether the review mechanism is *impartial*. Evidence of the following may suggest that impartiality is in question, and should therefore be a potential object of your monitoring:

1. the authority to select members of the review body does not provide for multiparty input and/or is not subject to checks and balances by independent institutions;
2. the ultimate composition of review bodies results in voting majorities loyal to one political party;
3. individual members who purport to be independent have ties to partisan interests (*i.e.*, a review body drawn from members of the judiciary might be considered partisan if they were all appointed to their judicial positions by the same party or if the judiciary suffers from a reputation of not being independent); or
4. a significant number of members of the review body have conflicts of interest, either partisan or economic.

Third, the review process should provide the same guarantees of due process discussed above concerning administration of elections.[41] Procedures for complaints, challenges and appeals should be expressly enumerated in the election law. In particular:

1. deadlines for filing complaints should be reasonable;
2. the opportunity to file should be available to interested political contestants and prospective voters;
3. the right to appeal important decisions should be available according to reasonable criteria and standards of review that are applied equally and consistently;
4. this appeal should be available in an independent court of law or other competent independent body with jurisdiction to hand down effective remedies;
5. decisions should be made in a timely manner so as to provide an effective remedy; and
6. decisions should be recorded and made public.

SPECIFIC MONITORING TECHNIQUES To meet the goals of detecting and deterring campaign problems, your strategy for monitoring should consider pursuing some or all of the following activities:

1. deploying monitors to sites where problems are likely to occur (*e.g.*, campaign rallies);
2. preparing and distributing written materials and organizing workshops or similar programs for voters, party workers and candidates so they know their rights and obligations as well as how to seek remedies if their rights are violated;
3. offering your organization as a focal point to which citizens and political contestants may report electoral abuse;
4. submitting complaints concerning campaign abuses and/or assisting citizens in filing complaints, where appropriate;
5. monitoring the response of law enforcement or other authorities in preventing violence,

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[41] See also *Section P, Election System.*

intimidation and coercion, investigating and prosecuting such abuses and providing effective remedies to those affected by such abuses; and

[6] preparing and publishing reports describing the different types of campaign problems.

Monitors should be instructed to complete a standardized form in order to make the evaluation process more objective and to expedite compilation of information.[42] Emphasis must be placed on compiling accurate and verifiable information. The form should record the following:

[1] the name, address and telephone number of the complaining person;

[2] the name and/or position of the person responsible for the alleged abuse;

[3] a brief description setting forth the nature of the complaint (e.g., intimidating candidates, misusing government resources, disrupting campaign meetings, etc.) and a summary of the circumstances surrounding the complaint (e.g., the date, time and location of relevant events);

[4] the names of any witnesses and information about how they can be contacted; and

[5] the status of the complaint or appeal, including the official response of responsible government authorities.

In addition, the form should provide space for the monitor to indicate the nature of the investigation conducted in response to the complaint and the date(s) of further contact with the complainant to gather more information or to report on the status of the investigation. Where an individual fears retribution for having filed the complaint, the complainant's identity should be kept confidential.

In situations where you decide to conduct your own investigation into a matter, you must exercise care. Fairness dictates that individuals accused of wrongdoing be offered the opportunity to explain their perspective on the controversy. The inquiry should be undertaken without prejudice. In many instances, placing emphasis on resolving the problem rather than assigning blame may be appropriate.

Often, the nature of an allegation will require you to consider whether official representatives—police, prosecutors, election or government officials—have responded to a specific complaint. In these circumstances, you should contact the appropriate officials, determine whether a complaint was filed, whether action was taken in response to the complaint, and other relevant information. Sometimes, the fact that you are making an inquiry will suffice to stimulate a more aggressive investigation by the government authorities. On the other hand, an official's failure to respond to a properly filed complaint may be an indication of the government's lack of commitment to prevent similar incidents.

You may decide to establish a team of lawyers and others to specialize in monitoring the complaint process. You may also ask such a team to assist citizens in filing complaints or even to file complaints, where appropriate, in the name of your organization. Again, care must be exercised if you choose to assist citizens in filing complaints or if you decide to file complaints in the name of your organization. Keep in mind that the process of pursuing complaints may be time consuming and resource intensive, and, in some countries, the courts are either too corrupt or too slow to provide effective remedies for election-related problems. In these situations reliance on the courts may divert your resources from other, more fruitful, activities.

Moreover, you should remember that elections are a political process. Thus, pursuing solutions through political channels may be the most appropriate and effective approach to correcting the problems you encounter. Therefore, you may want to consider taking your case to audiences such as the media, the political parties or the international community rather than turning solely to the legal complaint process.

Media

The media play an essential role in contributing to a fair election. In a transition setting, the

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[42] See Appendix III for a sample incident report form.

situation is often complicated by the fact that the mass media outlets have been, or remain, government-controlled. Public broadcast media, where they exist, may not be truly independent, and even private media may be biased in favor of particular contestants.

Your monitoring group can play an important role in pressing for the elimination of censorship, more equitable distribution of media access for political contestants, fair news coverage of contestants and election issues, and adequate voter education through the media.[43] Equally important, once the legal framework has been set, you should scrutinize the implementation of the sanctioned rules. For this purpose, you should assign a special team to assess media fairness.

Media monitoring has become a significant activity for domestic election monitors. The Mexican Academy for Human Rights, a member of Civic Alliance/Observation '94 (a coalition of more than 400 Mexican citizen organizations), issued a series of influential reports on media coverage of the 1994 Mexican elections. The Media Monitoring Project of South Africa not only reported on media behavior during the 1994 elections, but published a journal on the subject entitled *Media Mask*. NGOs in many other countries have added media monitoring to their election activities, while government oversight bodies and political parties also have begun to monitor media behavior during the election period. The discussion in this section is intended to be useful to media monitoring by any of these actors.

GENERAL CONSIDERATIONS There are four principal aspects to media monitoring. The first aspect concerns monitoring how the government acts to ensure the news media's right to gather and impart information and ideas. The second concerns how the government and the news media act to provide access to political contestants so that they may effectively communicate with the public during election campaign periods. The third concerns how the government and the media act to ensure fair and objective coverage of

political contestants in news and information reporting. The fourth aspect concerns how the government and news media act to educate the electorate on how and why to vote.[44]

The Media's Right to Gather and Impart Information

Media monitoring should begin with an analysis of government actions to ensure the media's right to gather and impart information. This analysis should focus upon the media's ability to criticize activities or inaction of the government and governing party, to investigate corruption and to operate independently of political pressures.[45] A number of factors that may inhibit the media from performing these functions can be identified and documented by media monitors. Among such factors are the following.

Direct government censorship and intervention, including:

1. enforcing prior restraints, usually pursuant to law, on publication of material concerning certain subjects (often on grounds of national security and sometimes touching topics like redrawing national or internal boundaries);
2. banning media access for certain political parties and/or candidates;
3. refusing, by government-controlled media, to run stories about or advertisements by certain political contestants;
4. confiscating publications for political reasons;
5. closing media outlets for political reasons;
6. prosecuting journalists and/or publishers for sedition or other charges (such as libel) for carrying out legitimate professional activities;
7. imposing martial law or states of siege to curtail media activity in order to gain electoral advantage; and
8. using threats of any of these actions to gain electoral advantage.

Indirect forms of censorship, including:

1. government action or inaction that places journalists and/or publishers in fear for their

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[43] See *Section P., Election System,* for more information on advocating changes in media rules. See Sandra Coliver and Patrick Merloe, *Guidelines for Election Broadcasting in Transitional Democracies* (ARTICLE 19; London: 1994), for a comparative analysis of problems with radio and television access and news coverage in transition elections as well as international standards for avoiding such problems.

[44] See also *Section Q., Civic and Voter Education,* for suggestions on monitoring voter and civic education activities.

[45] The analysis should also consider significant developments affecting press freedoms in the country's recent history. This is necessary where such developments are likely to be reflected in the media's approach to election campaign reporting.

safety or for the security of their property; and

2 manipulating: (a) licensing of media outlets; (b) import licensing of equipment and/or supplies necessary to effectively run media outlets; and/or (c) government-controlled resources (such as newsprint or electricity), in order to gain electoral advantage.

Intimidation and attacks on the news media aimed at preventing the media from fulfilling their legitimate role in the electoral process, including:

1 government attacks on journalists, such as security forces physically beating them or firing on them, their vehicles or premises; and

2 arbitrary detention of journalists and publishers in order to interfere with their reporting on events pertinent to the election.

Failure of the government to provide adequate protection for journalists and publishers against intimidation and attacks by supporters of political parties or candidates and/or from political extremists, as well as failure to investigate such acts and to prosecute vigorously those responsible for such acts.

Self-censorship that is a consequence of attempts to avoid government censorship and intervention, indirect censorship or intimidation and attacks by nongovernmental forces aimed at preventing the media from fulfilling their legitimate role in the electoral process; self-censorship may also entail publishers or editors suppressing accurate information in order to favor a political contestant they support or to harm one they oppose.

In addition, media monitoring should evaluate the availability and function of complaint mechanisms accessible to the media for seeking redress against abuses as well as complaint mechanisms available to political contestants to redress media mistreatment. These mechanisms could include procedures before a government election commission, a government body charged with media oversight, and/or the judicial system.[46]

Direct Access Messages (Political Advertisements)

Monitoring "direct access programs" or messages (sometimes called "political advertisements") for political contestants should include the following considerations.

The types of access time provided, including: whether the broadcast time is live or taped; whether all political contestants must use the same formats (*i.e.*, whether they use the same print layouts and space, one person must deliver a broadcast message or a variety of sources can be employed, music and images may or may not be used, etc.); and whether all contestants are given the same opportunity to present high quality productions.

Whether the amounts of access to printed space or broadcast time are allocated equitably, including: whether equal space or time is given to all political contestants; or, in the case where a division is made between major political contestants and more numerous minor contestants, whether equal amounts of space or time are given to contestants in each category and whether the minimum amount given is sufficient to present meaningful messages to the public.

Whether there are impartial criteria for qualifying political contenders for direct access print space or broadcast time and for the allocation of that space or time, including provisions for new parties and independent candidates.

Whether an impartial system is used to ensure that no political contestant is favored by receiving premium (more desirable) access space or times, while others are consistently aired at less desirable times (*e.g.*, late at night) or given less prominent printed space.

Whether financing of direct access messages is equitable, including: whether adequate print space or broadcast time for meaningful messages is provided free of charge to the political contestants or at a nominal rate; whether additional commercial space or time is available; and whether there are limitations to ensure that one party or candidate cannot monopolize that space or time or otherwise take undue advantage of such time or benefit from political favoritism of media owners.

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[46] See *Section 5., Election Campaign,* for suggestions on monitoring the enforcement and review of complaints.

News and Information Coverage

You should also consider monitoring news and information coverage relevant to the election. Among the factors to evaluate in this area are the following.

Whether there is balance or imbalance in the quantity of coverage given to the contending political parties and/or candidates. To gauge this factor, monitors will need to review news stories and information broadcast coverage with a stopwatch and note the number of seconds devoted to each party and candidate and printed stories with rulers to determine the amount of coverage.

Whether there is balance or imbalance in the quality of coverage. A number of elements must be evaluated, including:

[1] whether certain political contestants are disproportionately presented in a positive (or negative) light;

[2] whether certain parties or candidates appear disproportionately as the first political contestant covered;

[3] whether the actual voice of the speaker is used in reports about certain political contestants, while no quotations are used by the print media or the voice of the announcer is used in broadcast reports about other political contestants; and

[4] whether photographs or film footage of certain political contestants or their events is used in reports, while no photographs of film footage is used in reports on others.

Whether standards of accurate reporting are violated to a degree reaching manipulation of coverage. Examples of this in broadcast media include: consistent use of camera angles that make the crowds at political rallies of certain contestants appear larger than the crowds were in reality, while using angles at rallies of other contestants that make them seem smaller than they actually were; broadcasting film footage that does not correspond with the events reported in order to favor certain political contestants; broadcasting unsubstantiated reports that favor one contestant or that damage another in the eyes of the electorate.

Whether reporting fails to distinguish between coverage of government officials conducting newsworthy government business and such officials conducting election campaign activities.

Whether reporting on opinion polls is given undue prominence, which could favor one political contestant over others. Factors to consider in this regard include whether: the polls come from reputable sources; the source of the poll was revealed in the report; the margin of error, the time the poll was conducted, the size of the sample, the location of the sample, the actual questions asked and other contextual material was reported; the media reported that gaps between political contestants were within the margin of error; the results of other reputable polls on the same subject at about the same time were included in the report; and polling trends over time were included in the report.

Information programming by radio and television includes activities such as individual and panel interviews, debates, forums, so-called "talk-back" programs with party representatives and/or candidates, and roundtable discussions concerning topics of import to the election. Among the factors to consider in this area are the following:

[1] whether there is interviewer or moderator bias toward certain parties or candidates;

[2] whether parties and candidates receive equitable and sufficient time to present their ideas; and

[3] whether all participating parties or candidates were provided the same amount of time to prepare for the program.

When the print media covers such events, general considerations discussed above apply.

Voter Education Programming

The last type of coverage to monitor is voter education programming. Factors to consider in this area include:

[1] what time of day such programs or announcements were aired or what prominence they were given in the print media;

2 how frequently they were published or aired;

3 did the messages adequately inform voters about how to vote and why to vote;

4 did the messages use minority languages and/or were they especially aimed to reach any group that traditionally has low voter participation; and

5 did the messages favor any party or candidate.

MONITORING THE RADIO AND TELEVISION

Radio and television are often the media through which most of the population acquires information regarding political developments. In developing your plan to monitor access for political contestants, as well as fairness and objectivity in news and information programming, you should consider a number of practical issues, including the following.

First, the number of radio and television stations to be monitored must be decided. National radio and TV channels are obvious monitoring choices. Local stations may also be important. This is particularly true where the topography of a country makes it difficult to receive stations and channels transmitted from distant locations and/or in countries where there are important language differences among various regions. Also, the relative importance of monitoring electronic media is affected by the literacy rate and the distribution systems for the print media, as well as the number of and access to radios and television sets.

Second, the number of monitors that will be needed depends on: (1) the number of factors to be monitored; (2) the number of stations and channels included in the project; (3) the number of hours of relevant programming to be monitored; (4) whether a comprehensive review of all programming is to be undertaken; (5) whether relevant programming is aired at the same time on different outlets; and (6) whether tapes are available for each relevant program. More than one person (perhaps two or three) should evaluate each program to eliminate potential monitor bias.

Third, the types of programming to be monitored may include: direct access programs that allow the political contestants to communicate campaign messages directly to the population through free time slots and/or paid advertisements; news coverage; special information programs that cover topics of import to the elections, such as debates, candidate interviews and panel discussions; voter education messages developed by the government or nonpartisan citizens' organizations. General programming can be reviewed for subtle forms of manipulation, such as using candidates or party representatives, symbols, slogans and/or songs in entertainment programs.

Fourth, the number of factors evaluated will depend in part on the type of programs monitored, as described above in the sections on direct access, news coverage and other topics.

Fifth, once data is collected, it can be evaluated according to how a particular media outlet treats each political contestant. It can also be evaluated to determine how each contestant is treated over a range of outlets.

Sixth, the number of parties and candidates to track in the monitoring project will depend on the number contesting the election. Resources may necessitate limiting the number of political contestants tracked to those that have a realistic chance of winning seats.

Seventh, the duration of the project must be determined. It must start sufficiently in advance of election day to evaluate radio's and television's likely effect on voter behavior. In some countries this question arises a considerable time before the election, while in others it only becomes an important issue several weeks before election day.

Eighth, a budget must be developed to cover the costs for: (1) obtaining radios and televisions (although they usually can be made available by volunteers); (2) audio and video tapes and taping equipment (in some instances, radio and television stations may make tapes available for monitoring free of charge); (3) stopwatches; (4) developing and producing evaluation forms; (5) paying monitors for their time, if necessary; and (6) developing and distributing reports concerning results of the monitoring project. Because

extensive commitments of time may not be needed to monitor news, information, political advertisements and voter education programs, it may be possible to recruit volunteer monitors. On the other hand, continuity of monitors is important for removing bias and producing comprehensive results; therefore, it may be necessary to pay monitors.

MONITORING THE PRINT MEDIA   There often are a large number of newspapers and magazines published in a country, and it is usually not possible to monitor all of them. Typically, only newspapers with national circulations and papers with large circulations in major cities or regions can be monitored.

Monitoring the print media is a resource-intensive endeavor. The benefit of monitoring the potential impact on the electoral process of problems in the print media must be carefully compared to the human resources available in your monitoring effort in order to determine whether and how to monitor this media. When there is a diversity of political opinions reflected in the national press, you also should consider the degree to which such pluralism may mitigate the effects of bias as part of your decision about monitoring.

Several interrelated considerations must be evaluated before deciding whether and how to monitor the print media.

First, you must decide upon the number of newspapers to be monitored. Papers that influence large or particularly important segments of the population should be given first priority for monitoring. The actual number of papers to be monitored will ultimately depend on an evaluation of other considerations, discussed below.

Second, the number of monitors that will be needed should be calculated. This will in part depend upon the number of factors to be evaluated for each monitored publication, discussed below. If seven factors are evaluated for each publication, for example, then the amount of time will include that needed: (1) to review a publication to identify pertinent articles; (2) to separate those

articles for record keeping, if that is to be done; (3) to evaluate each article according to the seven factors and to record the evaluation on monitoring forms; and (4) to tabulate and report on the results. This easily could amount to two or more hours per monitored publication. One person, therefore, could probably monitor three to five publications in an eight-hour period.

In addition, it is important to identify and eliminate potential monitor bias. This means that more than one person should evaluate each monitored publication. While several persons might monitor each publication in an ideal circumstance, two or three persons per publication is likely to be the most possible. This means that if three persons evaluate each monitored publication, only three to five publications could be effectively monitored each day, while six to 10 could be monitored by six persons.

Third, the number of factors to be monitored must be determined. The number of factors monitored will depend upon the number of monitors and the financial resources available to the project. Typically, most of the following factors are evaluated:

1. the number of column inches given to each political party and/or candidate;
2. the number of times a party's or candidate's name is mentioned;
3. the page number of the article and the article's location on the page;
4. whether a photo appeared with the article;
5. who was depicted in the photo;
6. whether the article was about election campaign activity or something else (such as a governmental function or personal action); and
7. whether the tone of the article and/or photo was positive or negative.

If a political advertisement appears for a political contestant, an evaluation should be made to determine whether it was given adequate space, whether its layout was treated equitably and its location was equitable compared to advertisements by other constants. Positive and negative weights can be assigned to such factors

to arrive at an overall score for each article or advertisement.

Fourth, the data collected can be evaluated according to how a particular publication treats each political contestant over specified time intervals. The data can also be evaluated to determine how each contestant is treated over a range of publications.

Fifth, the number of political contestants to track in the monitored publications will depend on the number in the election and the resources available to the monitoring project. When there is a large number of contestants, it might be necessary to monitor only those contestants that have a realistic chance of winning the election. In proportional elections with party lists, it may be necessary to limit monitoring to candidates who are actually likely to take seats.

Sixth, the duration of the monitoring project must be determined. The project should start sufficiently in advance of election day to measure the effect of the print coverage on voter behavior. While voters may not pay considerable attention to the treatment of political contestants far before election day, it is not sufficient to monitor the media simply for the few days before the election. In some countries, media manipulation may be a particularly important issue well in advance of the election.

Also, at least a week should be planned at the beginning of the project to test monitoring methodology in order to make necessary adjustments. Limiting the number of political contestants covered, the number of factors evaluated and/or the number of publications monitored may be necessary, given the amount of financial and human resources available for the project.

Seventh, a budget must be developed to cover the costs of: (1) subscribing to the monitored publications; (2) developing and producing evaluation forms; (3) paying monitors for their time, if necessary; and (4) developing and distributing reports concerning results of the monitoring project. It may be possible to obtain free subscriptions and to use volunteer monitors. Maintaining continuity of the monitors, however, is very important in limiting monitor bias, which may mean that they should be paid for the substantial amounts of time required.

REPORTING RESULTS   The results of your media monitoring should be seen as part of your overall election monitoring effort. (*See Appendix IV.*) Results may be used to seek changes in government behavior towards the media and to seek changes in media behavior toward parties and/or candidates. A plan, therefore, should be developed for disseminating reports on media monitoring.[47]

Monitoring results may be used, where necessary, as part of efforts to secure the rights of parties, candidates and voters to impart and receive information needed to make informed choices in a fair electoral process. This use may include presenting your findings in complaint procedures before the national election commission, the governmental body responsible for media oversight and/or before the courts. The results of media monitoring also can be provided to the international news media and to international election observers that are monitoring the electoral processes of the country.

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[47] See also *Section Y, Post-Election Reporting.*

U. Voting
V. Counting
W. Tabulation
X. Post-Election Developments

Voting

Voting is the process by which eligible individuals express their political preferences. Although voting throughout the world is accomplished by many different methods, perhaps the most common technique in use is casting a ballot into a ballot box. This section discusses the basic principles, issues to monitor and specific monitoring techniques related to the voting process.

GENERAL PRINCIPLES   A thorough analysis of the voting process should attempt to answer two broad questions:

1. Was the voting process administered in compliance with provisions of the election laws and international norms? and,
2. To what degree did any problems materially affect the outcome of the election?

Several principles are relevant to answering these questions.

Principle One: All eligible individuals must be given a fair opportunity to vote (or "exercise the franchise") in periodic elections. This principle derives from the internationally recognized right of universal suffrage.[48] When eligible voters are improperly prevented from voting it can be said that they are unfairly *disenfranchised* and that their fundamental rights have, therefore, been abridged.[49] Where disenfranchisement occurs on a large enough scale it may alter the outcome of an election, which raises serious questions about the election's legitimacy. Likewise, when ineligible individuals are allowed to vote or when invalid votes are counted as valid (through double voting or ballot box stuffing), an election's legitimacy is equally damaged. In either case, it is important to determine the magnitude of the problems and whether it disproportionately affects a particular class of voters in order to decide if it materially affects an election.

Principle Two: The voting process should protect fundamental freedoms of assembly, association and expression. When evaluating the general

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[48] See Article 21, Section 3, *Universal Declaration of Human Rights* in Appendix I.
[49] See also *Section R., Registration of Voters, Political Parties and Candidates.*

degree of freedom, keep in mind that your determination must be made in relative terms—taking into consideration the prevailing circumstances surrounding the elections (e.g., a recent civil war, significant ethnic tension or a peaceful and relatively stable environment, etc.). Voting can only be considered free if voters perceive that they are uninhibited from casting their vote according to their individual will. Intimidation, bribery and a failure to guarantee the *secrecy* of the vote (either real or perceived) pose serious threats to a free voting environment. Unequal or arbitrary treatment by responsible government authorities represents another potential violation of the principle.

Principle Three: Voters should have an adequate understanding of the procedures for, and significance of, expressing their choice.[50]

ISSUES TO MONITOR   In the course of developing your general plan, and especially during the pre-election period, you should have identified potential issues that need to be monitored during the voting. You should concentrate your observations on the following four general components of the voting.

Environment Inside of the Voting Station

Location and Arrangement: Upon arriving at any *voting station* (variously called the *voting site* or *polling place*) a monitor should initially verify that the station is properly identified and located. Renaming or moving voting stations is one way in which voters can be disenfranchised.

Next, a monitor should assess the environment inside of the voting station. The first step in

this process is to observe how the station is *arranged. (See Definition 10.)*

The physical structure and design of the voting station should guarantee secrecy of the ballot. The voting booth(s) should be structured and positioned so that the voter can cast a ballot in privacy. Ideally, the voting station should not be located in a place that may intimidate voters, such as a police station or a political party headquarters.

"The vote is secret." From the *Manual del Ciudadano,* a 1994 training guide prepared by the Council for Democracy in Mexico.

The voting station's design, and the system by which voters proceed through the steps of voting, should be adequate to maintain a process that is orderly and efficient. Although a voting station is a busy environment, a degree of order is necessary to prevent voters and officials from becoming confused or intimidated. Order tends to reduce the possibility of mistakes or fraud.

The flow of the voters through the voting system should be as simple and speedy as possible. A good system should assure that voters do not have to wait so long that they become frustrated and leave the station before they have voted. Thus, it is important that you monitor how efficiently and

ar•range•ment

The *arrangement* of the voting station refers to: (1) its physical structure and design; (2) the availability and display of relevant election materials; and (3) the presence of officials and other individuals.

Definition 10

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[50] See *Section Q, Civic and Voter Education,* and the discussion on *Conduct of Voters,* below, for more information on this issue.

orderly voters move through the process of entering the voting station, verifying eligibility, receiving ballot(s) (and envelopes in a "multiple-ballot" system), proceeding to the voting booth, casting the ballot in the box, receiving proof of voting and exiting. Remember, one of your goals is to determine whether inefficient or improper procedures are causing eligible voters to be disenfranchised or are allowing ineligible voters to cast ballots.
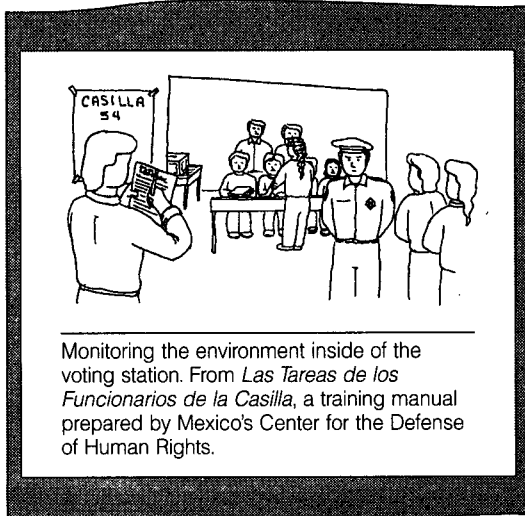
Monitoring the environment inside of the voting station. From *Las Tareas de los Funcionarios de la Casilla*, a training manual prepared by Mexico's Center for the Defense of Human Rights.

Staffing: Monitors should take note of who is present inside of the voting station. Typically, only authorized individuals and people in the act of voting should be present inside of a voting station. First, you should determine if any election officials are absent or have been replaced, and the consequence of this development on the voting. Often, the absence of an official delays voting until the proper officials are present. Second, you should determine which political parties and other domestic and international organizations are represented by observers. Third, you should note whether there are unauthorized people inside the voting station and the effect of their presence.

Materials: Finally, examine the availability and positioning of election materials. Election materials—including registration lists, ballots, envelopes, indelible ink, ballot boxes, seals, tally sheets, voting booths, tables, etc.—should be present in adequate quantities to enable the voting to proceed

quickly. In a single-ballot system, you should review the ballot to ensure that all parties or candidates are properly listed. In a multiple-ballot system, you should verify whether ballots for each party or candidate are available in approximately equal quantities and are displayed in non-discriminatory locations.

Conduct of the Officials

Election officials are responsible for administering the voting process in accordance with prescribed laws and regulations. As a monitor of the voting process, you should observe and record the conduct of election officials in order to deter fraud, to help correct inadvertent mistakes, as well as to detect and record actual irregularities.
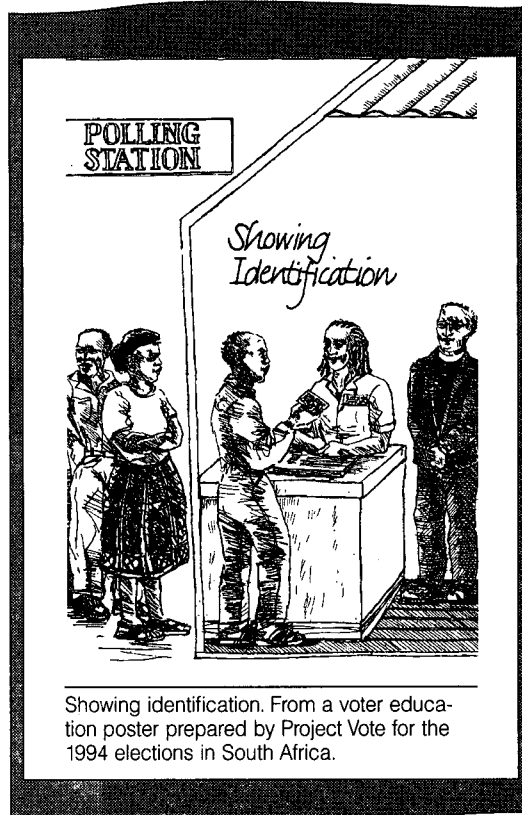
Showing identification. From a voter education poster prepared by Project Vote for the 1994 elections in South Africa.

The first step in most voting processes involves verifying the eligibility of the prospective voters.[51] In determining eligibility, officials typically compare the voters identity card with the registration list to certify that the voter is qualified and

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[51] See also *Section R., Registration of Voters, Political Parties and Candidates*

is voting at the proper location. In some cases a part of the prospective voter's hand (*e.g.*, the thumb or finger) is examined for the presence of indelible ink, which helps to indicate whether the person has already voted.

One common problem for you to monitor occurs when officials improperly reject prospective voters. A second, frequently experienced problem occurs when officials allow ineligible voters to vote. In either case, where officials improperly reject (or admit) a significant number of voters in the voting process, monitors should request an explanation from the officials and should ask to verify the voter's registration and identification information (or lack thereof) if it is permissible.

You should also monitor problems related to the ballot. Many voting systems allow voters whose names do not appear on the registration list to vote by using a *tendered ballot*. In addition, many systems permit political party representatives to challenge the voter's identity or some other basis of eligibility. In these circumstances, the officials may authorize the vote to be cast and counted as a *challenged ballot*.

Monitors should be familiar with the definitions given to these or related terms under the prevailing election law and with how these ballots are processed. Tendered and challenged ballots are usually cast and counted separately from the regular ballots. Some form of documentation typically accompanies these ballots to the counting stage of the process where a higher level authority rules on whether the ballots should be added to the official results. The use of tendered and challenged ballots can reduce tension at the polling station by postponing, temporarily, isolated disputes while allowing the business of regular voting to continue. They also allow for an analysis and quantification of related problems and provide a basis for including a number of votes that otherwise might have been disqualified. It is especially important that you urge monitors to analyze and, if possible, record the pertinent information contained in these documents.

In many countries the name and/or number of the voter on the registration list as well as the

voter's identification card or finger are marked to indicate that the person has voted. These steps ensure that voters do not vote more than once. Monitors should carefully observe whether the voting officials conduct these procedures properly. Also, it is a good idea for some monitors (*after* they have voted) to test the ink in order to determine whether it can be washed off.

Election systems often require officials to stamp and/or sign ballots before giving them to a voter. Any ballot lacking the required mark may be subject to invalidation during the counting process. Monitors must determine whether election officials are properly marking the ballots.

A critical step in the voting process occurs when the voter physically indicates his or her preference, either by selecting a particular ballot or by marking a ballot in a prescribed manner. Since voting is intended to be secret, you might expect that officials would have minimal involvement during this time. However, in the process of handing voters their ballots, directing voters to the voting booth, assisting those needing special treatment (*i.e.*, those unable to read, walk or see) and maintaining order, officials have many opportunities to control the voting environment and influence voters.

For these reasons, monitors should carefully evaluate whether the officials:

1. understand the prescribed procedures;
2. effectively apply and enforce the procedures;
3. maintain strict impartiality and, when providing assistance, demonstrate appropriate discretion and respect for the secrecy of the vote;
4. establish an orderly environment in which all eligible voters have a reasonable opportunity to vote and feel free from undue influence; and
5. respect the rights of observers and political party representatives.

Voting station officials are also accorded broad authority to make decisions regarding complaints, disputes or challenges. You should monitor

the pattern of their responses, if any, and note their willingness to record details of the issue.

In some countries, election officials transport a *mobile voting station* to hospitals, homes of incapacitated or elderly voters, or remote villages. In this situation, monitors must try to verify that:

1. the ballot box is empty before it leaves the voting station;
2. election officials keep a careful account of the ballots at every step of the process (*e.g.*, how many were taken, how many were cast and how many were returned); and
3. the number of ballots in the box matches the number of voters who cast ballots.

A voter's right to cast a secret ballot is particularly vulnerable in mobile voting stations. Therefore, you should consider paying extra attention to the conduct discussed earlier in this sub-section.

Maintaining continuous scrutiny on the activities of a mobile voting station presents a serious challenge for monitors. You may find that there is no announced schedule or itinerary for the mobile stations or that you cannot find transportation for your observers. One option you should consider is asking officials if a place will be reserved for your monitors in the same vehicles that transport the ballot boxes. If there is no place for your observers, you may have to rely on your own transportation or the observations of other observers (*e.g.*, political party agents or representatives of other nonpartisan groups).

Conduct of the Voters

A third category of activities you should monitor is the conduct of the voters. As discussed in *Section Q., Civic and Voter Education,* above, a genuine, meaningful election presumes that voters understand both the voting procedures and the policies of the candidates or the substance of the issue(s) being voted upon. Since a voter's level of comprehension about these two issues affects the amount of time he or she requires to complete the voting process, a low level of understanding may

cause serious delays in the voting process. Therefore, you should try to determine whether voters understand the process for voting and the options from which they may choose. You should also evaluate the degree to which problems in the voting, if any, are the result of inadequate voter education and are the cause of disenfranchisement due to unreasonably long delays or improperly cast ballots.

Often, voters who do not understand the process or their options seek (or are offered) assistance from election officials or others in the voting station. As suggested above, you should monitor the potential problem that arises when election officials or others fail to maintain strict impartiality as they provide the assistance.

Voters' conduct may also be the cause of intimidation during the voting process. Such intimidation typically occurs in the line (or *queue*) in which prospective voters wait before entering the station to vote. Monitors should attempt to identify these incidents of intimidation and to determine their effect on other voters.

Environment Outside of the Voting Station

Although most election-day monitors concentrate on assessing the voting procedures (inside of the voting station) you should devote some of your attention to analyzing the environment outside of the voting station.

As noted above, conduct of the voters can be evaluated, in part, outside of the voting station. Obviously, other people may be active in this arena as well, and their activities can have a significant impact on voting. You should look for incidents of undue influence or intimidation outside of the voting station. In so doing, try to identify the target, the source, the form and the impact of the intimidation.

These problems, which at a minimum violate the principle of the secrecy of the vote, may be directed at the voters in the queue or at the election officials inside. Potential sources of intimidation include election officials, political partisans who behave in an overzealous manner or members of the security forces. In this environment, intimidation is exhibited in many forms

and intensities. One example is the relatively insignificant problem of improper campaigning (*e.g.*, exhibiting posters and t-shirts or shouting slogans in restricted areas). Bribery is another, more serious illustration of the problem. Violence or threats of violence represent intimidation at its most extreme form.[52]

As discussed at the end of Chapter One, you should assess the impact of intimidation. Attempt to document relevant events and measure the magnitude of any incident. Important questions to address in your election-day reports include the following:

1. Did voters disregard the attempted intimidation; were they influenced by it; or were they ultimately prevented from voting?
2. How many voters were affected?
3. What are the identities (or descriptions) and associations of people involved (*e.g.*, the perpetrators, the victims, the witnesses, etc.) in the incident?
4. How was the situation resolved?

(See Appendix III for a sample incident report form.)

SPECIFIC MONITORING TECHNIQUES Having reviewed the various issues you may encounter during the voting, you should consider several specific monitoring techniques that will help you to assess the events of election day.

Scope of Coverage

Your monitoring group must make a preliminary decision about *coverage* (*i.e.*, the scope of your monitoring activities measured in terms of geography, demographics, time, quantity of voting stations, quantity of registered voters, etc.). If you are fortunate enough to recruit more volunteers than there are voting stations, you may decide to place at least one monitor in each voting station in order to provide *full coverage* or *comprehensive coverage*. If full coverage is not possible or desirable, you may opt to conduct some form of *partial coverage*.

Deploying *stationary teams* to a select portion of the voting sites represents one partial-coverage approach. In this model, each team, comprised of one or more observers, is assigned to monitor a single, predetermined voting station for the entire period of the voting process.

This approach guarantees that your monitoring effort will witness 100 percent of the activities wherever a team is present, but it provides you with little or no information about what transpires in the stations where your teams are absent. Such a method also limits the impact of your capacity to deter fraud. For example, anyone planning to commit fraud who learns of the presence of stationary monitors at certain voting stations can easily direct their activities to other, unmonitored sites.

Deploying *mobile teams* that move from one voting station to another throughout the course of voting is a second approach. From a logistical perspective, use of mobile teams is more complicated and expensive (typically requiring vehicles in order to be effective) than the stationary team approach. Mobile teams cannot provide a comprehensive assessment of the process at individual stations since they typically do not remain in any one place for the full voting period.

However, the mobile approach has the advantage of maximizing the geography, the quantity of voting stations and the quantity of registered voters monitored. Also, since teams pursue a spontaneous and unannounced itinerary, this approach often provides a potent deterrent to fraud. Mobile teams may also return to a voting station more than once. In fact, you should always remind election officials that you may return later in the day. Furthermore, unlike their stationary counterparts, teams possessing transportation have a valuable capacity to independently investigate serious problems, transmit urgent reports or pursue official discussions beyond the confines of the voting site.

Even with the help of mobile teams, you may not be capable of observing every voting station. Therefore, you should develop clear priorities about which stations you will visit. For example, you may attempt to achieve broadly representative coverage from around the country or constituency

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[52] See also *Section S., Election Campaign*, subsection on Intimidation and Coercion.

in order to report on the overall character of the election. On the other hand, you may prefer to concentrate your efforts in those places where there have been election problems in the past, where election contests are expected to be very close, or where certain residents (*e.g.*, an ethnic group or strong supporters of a candidate) are likely to be the targets of abuse.

Demeanor and Observation Procedures

Regardless of the approach or combination of approaches that you adopt, you should provide detailed instructions to the volunteers about their responsibilities, code of conduct (*i.e.*, their general demeanor) and specific techniques for monitoring.[53]

You should instruct monitors to preserve, above all else, the operation's reputation for impartiality and competence. To begin with, monitors should employ an open and cooperative approach to their work. Upon arrival at the polling site, monitors should introduce themselves to the election officials and political party representatives and should find a place from which they can, unobtrusively, observe the proceedings. At the same time, monitors must be diligent in pursuit of monitoring and recording all relevant events. Therefore monitors should not easily be dissuaded from seeking access to information.

You should train monitors about the proper procedures to follow in the event of irregularities. For the purposes of maintaining safety and credibility, they should be instructed to exercise discretion and moderation in these situations. Several possible responses are listed below, which may be utilized in various combinations as appropriate.

1. Advise the presiding election official, political party representatives or other observers about any irregularity or other concerns.
2. Record details of the event on personal checklists or other paper (include all relevant quantities, times and places, names, affiliations, resolutions) and report the information to supervisors in your monitoring organization.

3. As with 2., above, seek to have the event recorded on the official tally sheet.
4. Lodge a formal complaint, where permissible.
5. Appeal preliminary rulings to higher officials, where appropriate.
6. Report your observations.[54]

Communications System

A good communications plan is crucial when you monitor the voting.[55] Before election day, try to locate a telephone in or near the voting site that observers can use to report problems to a central location and through which they can receive urgent instructions. Possible telephone locations include a supporter's home, a local business or an election office, other government offices (such as the post office) or media outlets. If telephones are not available, other communication relays should be set up wherever possible. Your ability to receive reliable, periodic reports is essential to monitoring election-day developments in order to be aware of and respond to significant problems.

Monitoring Materials

Before voting begins and monitors are deployed, you should review the status of your preparations. Attempt to ensure that all of your monitors have received:

1. voting day assignments (*e.g.*, to monitor a voting station or to complete another task);
2. a badge, certificate or letter accrediting the bearer's observer status and authorizing entry into the voting station;
3. monitoring guides, (ideally contained in a monitor's manual), including:

   (a) a copy or summary of the election code;
   (b) a reporting form or checklist (*See Appendix III*);
   (c) a list of important names and telephone numbers as well as any communication or reporting plan you have developed;

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[53] See *Section J., Training*, and *Section K., Training Manual.*

[54] See *Section Y., Post-Election Reporting.*

[55] See *Section B., A General Plan, Section L., Public Information* and *Section M., Logistics* for more information on communication systems and developing a communication plan.

(d) instructions (*e.g.*, about where and when to begin monitoring, how to implement the communication and/or reporting plan, etc.); and

(e) a code of conduct.

4 supplies for the day (*e.g.*, food and water, paper and pens, flashlights, etc.).

Counting

GENERAL PRINCIPLES AND ISSUES   In assessing the counting process, your evaluation should be based upon the degree to which:

1 ballots are counted accurately, reflecting the choices expressed by the voters;

2 ballots that are ruled invalid (*spoiled, void* or *null*) or irregular (sometimes called *challenged* or *tendered*) are properly identified and, ideally, preserved for review;

3 the results of the count (also called *the returns*) are transmitted to the appropriate authorities, who tabulate the results accurately and are reported to the political contestants, the election observers and the public as provided by law and in a timely manner; and

4 the processes of counting ballots and transmitting and tabulating the results are conducted in a transparent environment such that they are accepted by all competitors and the electorate.

ISSUES TO MONITOR   Most of the issues that you monitor during the voting also merit scrutiny during the counting. You should pay attention to the *environment inside of the counting station*, the *conduct of the officials*, the *conduct of the party agents* (i.e., pollwatchers) and the *environment outside of the counting station.* (*See generally Section U, Voting for further discussion.*) For example, inside of the voting station,

you should determine whether the appropriate *arrangement, staffing* and *materials* are in place.

SPECIFIC MONITORING TECHNIQUES   As a preliminary matter, you must adapt your approach to reflect the particular vote counting system in use. In some elections, the votes are counted in the same location where they were cast, while in others the votes are transported to a centralized counting place. Also, some systems count the votes immediately after voting is terminated, but others wait to count votes on the following day(s).

Where voting and counting are conducted in the same location, monitors should remain at the site until the count is completed and record the results on a form prepared by the monitoring group or, if possible, obtain a copy of the official *tally sheet.* Where ballots are counted centrally, monitors should accompany the ballot box from the polling site to the counting center, at which point monitors assigned to the counting center may assume responsibility for ensuring that the count is conducted properly. Where there is a delay between the voting and counting processes, monitors should take special precautions to ensure the integrity of the votes inside of the ballot box. In some countries, monitors have stayed beside ballot boxes throughout the night so they could be sure nobody tampered with the contents.

When observing the count, monitors should be vigilant for the following possible irregularities:

1 violation of the integrity of the ballot box (*e.g.*, broken locks or seals, prematurely opened boxes, etc.);

2 improper counting procedures (*e.g.*, tearing or marking ballots to invalidate them; failing to record valid ballots according to the clearly expressed intention of the voters; adding pre-marked or invalid ballots to the contents of the ballot box; substituting, stealing or destroying ballots or entire ballot boxes; etc.)

3 intimidation of counting officials or observers;

announcement of results and the investiture of winning contestants is discussed below in *Section X., Post Election Developments.* First, however, this section addresses the issue of monitoring the vote count *tabulation.* (*See Definition 11.*)

This section also provides a detailed, though not exhaustive, discussion on a particularly useful monitoring technique called a *parallel vote tabulation* or *PVT.*

GENERAL PRINCIPLES AND ISSUES   The tabulation process is susceptible to problems. Unscrupulous or careless election officials (or interlopers) can significantly alter the true results simply by changing a few digits with a pen or by reprogramming computer calculations. Therefore, a rapid and thorough independent assessment of the election results may deter election officials or others from attempting to alter the vote counts and enhance the voters' confidence that the official results can be trusted.

Accuracy and *speed* of reporting are two major concerns for the tabulation of election results. Therefore, you should compare election results reported by election officials to those of political party representatives and other observers and attempt to identify improper calculations, inconsistencies or *anomalies.* (*See Definition 12.*)

Whenever you identify a serious potential irregularity in the tabulation process, or when the tabulation is finished at the location you are monitoring, you should investigate any questions you have about the process and record your

Opening the ballot box to begin counting. From *Voter Education Manual for Trainers*, prepared by Project Vote for the 1994 elections in South Africa.

[4] errors or omissions in computing or completing official tally sheets;

[5] improper refusal to allow monitors or others to observe the process or record complaints on the official tally sheet; and

[6] failure to report results according to prescribed procedures or time periods.

Once the ballots from individual polling sites are counted, the process of collecting and computing (*tabulating*) results from the various sites begins.

Tabulation

The monitor's job is rarely complete when the vote counting is finished. Rather, there remain several extremely important parts of the process to be monitored. Monitoring events such as the resolution of complaints and appeals, the

Definition 11

tab•u•la•tion

Tabulation is used here to describe the processes of: (a) transmitting voting results from the point where they are counted to a central collection point where they are combined with results from other locations; and (b) calculating the overall election results.

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a•nom•a•ly

Definition 12

An *anomaly* is a deviation or departure from the normal order, form or rule. You may find anomalies by comparing election results (*e.g.*, rates of voter participation, numbers of spoiled ballots, margins of victory, etc.) from a current election with election data from other years or other regions. You can also analyze the results in light of information from other sources, including a census or other demographic study, voter registration list and political party lists.

For example, suppose you analyze voting results and find that approximately 40 percent of the votes were nullified in Election District A. If the results from rest of the country indicate that the average rate of spoiled ballots is 10 percent, then you have identified an anomaly in District A that may deserve further investigation.

observations. These observations should be transmitted to your monitoring headquarters as soon as possible so the organization's leaders may determine what action should be taken, if any, and so they can begin the process of preparing a comprehensive evaluating of the election. If you wait too long to report important findings, you may miss the opportunity to influence the process.[56]

PARALLEL VOTE TABULATION (PVT) A parallel vote tabulation (PVT) is a method for monitoring the tabulation of votes whereby election monitors record results obtained from individual voting stations and compare these findings with official results.[57] It is a tool for use in monitoring the vote count. PVTs collect actual results that are reported by election officials; they do not rely on the techniques of *exit polling*.[58]

The general purpose of a PVT is to verify the accuracy of the results reported by the electoral authorities as these results are transmitted from the local to central levels of the election's administration (*e.g.*, from the voting station, to the district level, to the regional capital, to the national headquarters). Properly implemented PVT's can help to:

1. deter fraud by increasing the prospect that manipulation during the tabulation process will be discovered;
2. suggest a "true" vote count when fraud is attempted; and
3. enhance confidence in, and acceptance of, official results if they are consistent with the PVT.

The chart of four successful domestic monitoring efforts on the following page illustrates the degree of precision that can be achieved by a well designed and carefully implemented parallel vote tabulation.

Implementing a PVT requires that you establish a special team dedicated to this purpose and create a special training program and manual for volunteers in the field. You must also appreciate the weight of responsibility that will be upon you once you embark on a PVT. If improperly executed or inexpertly interpreted, the information from your PVT can cause considerable confusion. Thus, it is extremely important that you conduct the PVT with professionalism and care and that, without revealing the exact sites you plan to monitor, you disclose and explain the methodology of your efforts.

In designing a PVT, the advantages and disadvantages of speed and accuracy should be considered at the outset. This usually involves choosing between a *quick count* that relies on random sampling and statistics to project the outcome based on results from a limited number of voting sites, versus a *comprehensive* effort that collects and tabulates the results from all or nearly all of the voting sites.

The strategic choice between speed and comprehensiveness is relatively simple: if it is necessary to obtain accurate, credible election returns quickly, a random sampling is more appropriate. On the other hand, if only a comprehensive voting-site

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[56] See also *Section Y, Post-Election Reporting.*

[57] See, L. Garber and G. Cowan, "The Virtues of Parallel Vote Tabulations," *Journal of Democracy, Vol 4, No. 2,* (Washington, DC: April 1993), at p95. Reprinted by permission of the Johns Hopkins University Press.

[58] The technique of surveying voters' preferences, after they vote and as they as they leave the voting area, is referred to as "exit polling."

count will suffice to convince the electorate of the true results, then a more complete, and necessarily slower, system should be employed.

In most circumstances, a quick count will meet the criteria of accuracy, credibility and speed, and can be accomplished by tabulating results from several hundred randomly selected voting sites. The first step in initiating a quick count is to determine the size of the sample. Because relevant electoral history is often limited in transition situations, the tendency has been to use rather large samples (often constituting at least 10 percent of the voting sites) and to rely on a high degree of randomness. Where the demographic data is extensive, the voting population is very high, or the society is relatively homogeneous, a smaller sample may be adequate. In the United States, for example, where all three of these factors are in effect, public opinion polls require fewer than 2,000 randomly selected respondents for an accurate projection of what the other 250 million residents believe.

Stratification is an advanced technique that you can use in order to further reduce a sample's overall margin of error and to permit early projections where only some of the sample points have reported. Voting sites may be stratified according to administrative region, demographic characteristics (*e.g.*, urban, semiurban, rural, etc.), socio-economic status and gender, for example.

A monitoring group should subdivide the PVT operation into the following tasks:

1. general administration and organization;
2. sample design and computer programming;
3. data processing;
4. statistical analysis;
5. volunteer recruitment, training and deployment;
6. communications and logistics; and
7. public relations.

Recruiting volunteers with expertise in specialized areas such as demographics, statistics,

computer programming and communications will contribute enormously to the success of the operation.

The following information is important in order to plan the operation:

1. a list of all the voting sites and their locations;
2. the total number of people on the registration list at each voting site;
3. the total number of registered voters in each district or constituency; and
4. demographic information useful for sampling and stratification purposes.

Do not underestimate the potential difficulty of obtaining basic information needed for your PVT. National election commissions in several countries have been unable or unwilling to relate with precision the authorized number of voting sites or the total number of registered voters prior to election day.

In the case of a quick count, you will also need a computer and trained computer operator.

COMPARISON OF PVT RESULTS TO OFFICIAL RESULTS

Election	Contestant	PVT (%)	Official Results (%)
1988 Chile	Yes	43.01	44.00
	No	54.71	53.30
1990 Bulgaria	Party A	46.99	47.15
	Party B	36.13	36.20
	Party C	8.19	8.19
	Party D	6.31	6.31
1991 Zambia	Party A	74.10	76.00
	Party B	23.00	24.00
1993 Paraguay	Party A	40.14	40.90
	Party B	32.83	32.83
	Party C	24.97	23.40

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Computer capabilities can be used to draw (*extract*) the sample, to record the results and to calculate the projected outcome, particularly in cases where all sampling points have not reported. You will also need a statistician and perhaps a person familiar with the demographics of the region in the likely event that you do not receive results from 100 percent of your sample. In very well supplied organizations, computers can be distributed to different locations throughout the country to expedite collecting the results. From the field, information can then be transmitted to the central headquarters by modem or computer disk. In the alternative, you can use traditional, albeit slower, methods of communication and transportation.

Before election day, the following data fields should be entered on the base record:

1. name of the voting station;
2. location of the voting station;
3. identifying numerical code of the voting station (either as denominated by the central authorities or as established by the monitoring group);
4. name of the district or constituency in which the voting station is located; and
5. number of registered voters in the voting station.

Each monitor assigned to retrieve actual results should be at the site where counting occurs before the ballot box is opened. The monitor should follow the counting process, observe and record any irregularities, and collect the results of the count. The monitor should complete a checklist (*see Appendix III*) that includes the following information:

1. name of the reporting monitor;
2. time of reporting;
3. total votes cast;
4. votes received by contestants (*e.g.*, candidates, political parties or referendum issues); and

5. the reporting monitor's subjective evaluation of the integrity of the process at his or her individual voting/counting site.

Monitors should attempt to communicate their findings to the PVT headquarters as soon as possible.

The statistics team should take responsibility for designing the sample and analyzing data as it becomes available on election night. The sample design and the size of the sample are affected by the choice of sample points (*e.g.*, voting stations or individual voters), the desired degree of accuracy and confidence interval, and the vote counting methodology adopted by the government. The statistics team also will need to formulate a strategy for dealing with replacement sample points where personnel or logistics problems prevent the use of the original sample points.

An important part of the PVT effort includes running *simulation* exercises prior to election day. A partial or full-scale simulation may help you to train staff, generate publicity, work out problems in the system or demonstrate the credibility of the operation.

You should emphasize the issue of communications in the development of your PVT plan.[59] The availability of a large and secure nationwide telephone network is ideal. Alternatives to reliance on the telephone include radios or the physical delivery of results to regional and national headquarters. Always develop contingency plans to report PVT information in case of communication problems resulting from such impediments as sabotaged telephone lines or bad weather.

You should also make sure the PVT plan is adequately explained, at the earliest opportunity, to the government and election officials, the news media and political party leaders. The cooperation of election officials is often necessary to ensure that a PVT is feasible. For example, a special regulation may be required to permit PVT volunteers access to the vote-counting process or to obtain an official tally sheet. If such

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[59] See also *Section M., Logistics.*

permission is not forthcoming, alternative arrangements may have to be made with one or more political parties whose agents have access to the voting sites.

Do not expect the idea of a PVT to receive immediate support. Election officials may view such an effort as an infringement of their responsibilities and as a potential source of confusion to voters. A serious attempt must be made to convince election officials, and in most instances the ruling party, that implementation of a credible PVT is in everyone's interest.

Announcing the findings of your PVT is an important component of a credible PVT. You should take care to issue your report in a manner that ensures maximum trust from all interested parties. Thus it would be wise to select a neutral site for the announcement, to maintain any publicized schedule (in order to avoid the appearance that you are falsifying calculations) and to be prepared to explain or defend every aspect of your operation. You must be prepared to resist pressures to rush your report in a race with other sources or to delay your report if its results seem unpopular. (See Illustration 22.)

It is important to remember that a PVT only addresses problems that may take place in the tabulation process. Correct tabulations of the counts may mean little if there are basic flaws in the voting process or there are other serious problems on election day. The PVT, therefore, should be treated as part of a larger election monitoring effort. One way to reinforce this is to include assessment of *qualitative* aspects of the process within the PVT operation.[61] A first report can be made by PVT monitors from polling stations several hours after the polls are scheduled to open. This report can address several central questions for the voting process.[62] The report of the vote count can also include answers to several qualitative questions relevant to the voting and counting processes. These reports can be calculated by computer and can augment the ballot count aspect of the PVT. Moreover, the PVT itself should

be supplemented by reports from observers at polling stations that were not part of the PVT sample to produce an overall evaluation of election day events. (See Illustration 23.)

Following a possible press conference in the middle of the election day on qualitative issues and a press conference to release the PVT's calcu-

Illustration 22

The importance of the quick-count was demonstrated on the night of the October 1988 Chilean plebiscite when the Interior Ministry delayed announcement of the official vote tabulation, despite promises that results would be released immediately upon receipt. Some feared wholesale manipulation or even nullification of the results. The release of two separate PVT results by opposition parties and a nonpartisan group helped convince key Pinochet supporters, including pro-regime party leaders and members of the ruling *junta*, to acknowledge that the "No" campaign was victorious. The Interior Ministry ultimately released the results at 2 a.m., six hours after the polls closed.[60]

Illustration 23

In Peru's April 1995 elections, Transparencia mobilized a monitoring effort for thousands of voting stations. Within the overall effort, a number of stations were included in the PVT. All PVT monitors made three reports. The first report, transmitted in the late morning, covered questions about the voting station arrangements, such as whether the stations were in the proper location, had adequate staff and materials, provided secret voting facilities, etc. Transparencia conducted an early afternoon press conference to report on these matters, which helped to establish the organization's visibility and to distinguish it from exit polling efforts. A second report was made upon conclusion of the count and a third, more comprehensive report, was made the day after the election.

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[60] See L. Garber and G. Cowan, "The Virtues of Parallel Vote Tabulations," *Journal of Democracy, Vol 4, No. 2,* (Washington, DC: April 1993). Reprinted by permission of the Johns Hopkins University Press.
[61] See below, *Section Y, Post-Election Reporting,* for further definition and explanation of qualitative assessments.
[62] See Appendix III for a sample reporting form on qualitative issues.

lation of election results, your organization may choose to turn to developing a post-election statement, perhaps an interim statement, and then a final report of the election. These activities are discussed below in *Section Y, Post-Election Reporting*.

Post-Election Developments

The days following an election are often filled with uncertainty, which may be caused by delays in the release of election results, incomplete information about election results, unresolved challenges pending in the complaint system, rumors about what will happen after the results are announced (*i.e.*, riots or oppression), etc. In a post-election environment, uncertainty raises the level of tension and in severe situations can result in serious breaches of election procedures or even violence.

You can minimize uncertainty and levels of tension by monitoring post-election developments in addition to the tabulation process. As indicated above, specific activities that deserve monitors' attention include:

1. the process of filing and resolving complaints or other disputes;
2. the announcement of provisional and final results;
3. the general reaction to the results by key institutions such as the government, the military, the media and the defeated political parties/candidates; and
4. the installation of elected officials and the implementation of successful referendum issues.

You should be vigilant for various specific threats to a fair process, including:

1. failure to comply with laws and procedures that control reviewing complaints, tabulating results, announcing results and installing elected officials (*e.g.*, by missing deadlines, by

employing irregular decisionmaking procedures, or by improperly excluding or including individuals from monitoring or participating in hearings or rulings, etc.);
2. reprisals or threats directed at citizens for having participated in the election or for having voted for a particular electoral contestant;
3. pressure placed on the election officials to alter the true election results; and
4. media bias that tends to indicate the media is producing news coverage that facilitates public acceptance of a fraudulent result.

You should concentrate on problems (whether merely rumored, reported in the media, or officially filed through a complaint mechanism) that appear to be "significant" (*i.e.*, those that indicate a systematic pattern of intentional manipulation or that are likely to materially affect the outcome of the election). Your plan for monitoring the post-election period should include making a list of priority issues you wish to investigate and preparing special teams to conduct the investigations.[63]

You should pay close attention to the *conduct of election officials* during this period. As with the functions of the pre-election period, election officials that are engaged in reviewing complaints and disputes, announcing provisional and official results, and installing victorious candidates have a duty to comply with the election law. This means they must treat all complaints fairly and objectively. They must also exercise diligence in completing their duties in a timely manner. For example, allegations of serious voting irregularities should not be allowed to languish in the complaints process until the election results have already been determined. Complying with the laws also means these officials must certify and announce the official results and install the winning candidates into office, notwithstanding any personal preferences to the contrary.

Official rulings may also deserve special monitoring. Evaluate any nullification of results, alterations to preliminary results, major delays in making rulings and, in extreme cases, a call for new or complementary elections.

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[63] See *Section S., Election Campaign* on Enforcement and the Review Process and on Specific Monitoring Techniques, for discussions relevant to such investigations.

Finally, keep a close watch on the level of transparency afforded by election officials. During this extremely sensitive phase of the election process, you should note whether officials have changed or restricted, without justification, the access of monitors to various activities.

You should also consider monitoring the *conduct of other institutions,* including political parties, military and paramilitary factions, and the media. You should actively seek information from these institutions regarding the election. It is useful to know how they viewed the process and how they intend to react to expected results. For example, you might ask representatives of the military whether they would accept election results that declared an opposition candidate the winner.

Also, these institutions probably recorded events during the process that would complement your own findings. For example, they may possess information about an alleged irregularity that occurred in an area where you had no monitors. You should ask them for any documentation they may have, the names of individuals who were involved or witnesses and relevant the dates and places.

During the post-election period, your monitoring organization may find itself in a position to *mediate disputes.* By virtue of having collected credible information about the quality of the election and the election results, and/or because you are perceived by contesting parties as impartial, professional and fair, you may be in a position to help resolve disputes and reduce the incidence of violence. You should be aware that anyone involved in mediation begins to cross the line between independent, detached observing and active participation in the process. On the other hand, you may decide that mediating disputes is an appropriate use of your organization's information and position, and that it will not impede your ability to achieve your future goals.[64]

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[64] See *Section Z., Final Considerations.*

PART 5

Post-Election Activities

Post-Election Reporting

Sharing information is a practice common to any successful monitoring activity in the post-election period. As noted in the previous section, a major source of tension in the post-election period is *uncertainty*, which is largely the result of incomplete or inaccurate information. Therefore, your efforts to collect and report accurate, balanced information can serve an important first step to combat uncertainty and enhance prospects for a peaceful and legitimate election. Your reporting may also contribute to the acceptance of legitimate election results or, in the case of a significantly flawed process, discourage approval of the results.

Your methodology for collecting information should include interviewing officials, political party representatives, independent observers and witnesses who are related to the issue or event in any way. It is particularly important that you seek to establish evidence or testimony that substantiates or discredits reports. If you fail to scrutinize your own observations or other reports on which you plan to base your analysis, you may find that your reports and future activities (discussed in the following section) are given little credence.

Sharing information is a two-way process. Whereas the previous sections have described collecting and analyzing information, this section concerns whether and how the information should be disseminated.[65]

TYPES OF REPORTS   After the voting and counting processes, you can distribute information that you have collected in a variety of forms and at different times. (*See sample reports in Appendix IV.*)

A *post-election statement* is a short (no more than a few pages) written summary of your activities and, if you choose to include them, your findings and evaluations. In some cases, recommendations about how to remedy disputes or reform the process may be added. You should issue a post-election statement soon after the votes have been counted (usually within 48 hours) in order to help the voters and political parties evaluate the process and to ensure that your information does not lose its newsworthy

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[65] See also *Section L., Public Information.*

quality by the passing of too much time. It is especially useful in order to make an immediate and forceful point about a particular electoral event or issue. Monitoring groups commonly issue the preliminary statement before official results have been certified.

An *interim statement,* which is generally longer than the post-election statement, serves to provide more detailed explanations about your findings or conclusions or about continuing events (*e.g.,* unsettled disputes, resolution of certain problems, fears of impending improprieties, etc.). It typically is published after the post-election statement but before the more comprehensive (and time consuming) final report.

When issuing either a post-election or interim statement, you should emphasize that the contents are preliminary. By expressly acknowledging that these reports are not definitive or complete, you can release valuable information in a timely manner while preserving your right to amend your findings at a later date, if necessary. This practice helps protect your credibility in the event your findings prove to be premature or inaccurate.

You can correct any initial inaccuracies and provide further details regarding previously incomplete information in your *final report* (or *comprehensive report*). This report, which you may release weeks or even months after an election, should provide all information that is relevant to understanding the election and your activities, including any final reflections or recommendations you believe appropriate.

Verbal reports[66] typically provide a strong complement to written reports, although they need not be delivered together. Verbal reports, which can be prepared in less time than their written counterparts, are particularly useful when you need to convey an immediate message or reaction to current events. Also, the immediacy and interactive nature of verbal reports enable you to emphasize important points and answer questions from your audience.

ANALYZING INFORMATION AND ISSUING REPORTS

A post-election report represents a high-profile opportunity to enhance the credibility and influence of your organization but only if the information you present is accurate, objective and verifiable. Therefore you should take precautions to distinguish between facts and impressions based on impartial judgments. This does not mean, however, that impressions cannot influence your overall evaluation of an election.

The *quantitative indicators* such as vote tallies, preliminary vote counts and participation rates do not, by themselves, provide enough information to evaluate the process or assure the integrity of the election results. Therefore, you should try to provide a qualitative component to your reports.

To make a *qualitative assessment,* first you must attempt to evaluate, somewhat subjectively, the nature of a given process. *(See Definition 13.)* For example, at the end of an election-day checklist for a particular voting station, monitors often record their overall assessment of the voting process. To do so, they might be asked to characterize the process as having: (a) no problems; (b) minor, insignificant problems; (c) significant problems of indeterminate effect; or (d) serious problems that invalidate the local voting.

Second, and more important, you must try to determine the cumulative effect of your quantitative and qualitative analyses when considered together. This determination requires that you evaluate the effect of individual findings or analy-

qual•i•ta•tive as•sess•ment

Definition 13

A *qualitative assessment* results from an analysis that uses both subjective and relative considerations.

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ses relative to each other as well as to the overall political context in which the election transpired. (See Illustration 24.)

You must also decide to whom you will distribute your reports.[67] Potential recipients include government officials, members of independent review authorities (such as judges), political party leaders, other election observers and the media. Next you must determine what medium you will employ to communicate your message.

You might choose to send a letter to responsible authorities and provide a copy to interested individuals and the media. This method may be used for all three types of reports described above. The publicity you receive may be enhanced if you release the information at a press conference. A press conference underscores your findings in a very public venue and provides an opportunity for the media to take photographs or videotape and to ask specific questions.

If you choose to issue a public statement, the timing is a critical issue. For example, if you release a premature statement on election day that identifies procedural irregularities, you may discourage citizens from voting. On the other hand, if you make no statement, despite your knowledge of serious irregularities, you may encourage election officials or partisans to continue acting with impunity.

Once the polls close, you may receive pressure to make a definitive statement as quickly as possible, regardless of whether you have completed your data collection and analysis. If you issue a statement based on incomplete information, you must emphasize the preliminary nature of the report and you should announce your intention to release subsequent statements. The better practice is to collect information from a significant portion of the country, however long this may take, before issuing a statement evaluating election-day activities.

Final Considerations

Once a successful monitoring operation has been conducted, you may want to consider whether to continue functioning, perhaps with a different mandate, or whether to disband, having accomplished the purpose for which the group or coalition was established.

Illustration 24

Suppose that intimidation marred election day proceedings in one town where you monitored the voting. How will you analyze this problem?

1. Attempt to *quantify*, objectively, how many votes were affected. Was it 10 votes or 1,000 votes that were affected?

2. Note the degree to which the intimidation affected the election relative to (or compared to) any other problems you observed (such as fraud or voter confusion). Did voters disregard the intimidation so that it had no effect, or were they completely terrified such that the effect (*e.g.*, voters refrained from voting) was significant?

3. Consider how important the problem is in the context of the prevailing political, historical and economic environment. Was this intimidation extremely unusual (as it might be in a long-established and peaceful democracy) or commonplace (as might be the case in a country that recently concluded a civil war)?

4. Determine the degree to which this problem may have affected the results within the constituency. Did this intimidation *materially affect the outcome of the election?* If the voters had not been intimidated, might a different candidate have won?

The following factors may be relevant to your decision:

1. An election does not, by itself, guarantee the conditions required to secure a democratic political system or to establish the processes of a free society in the consciousness and behavior of the citizenry; nor does it end the transition period;

2. Nonpartisan groups are necessary to invigorate civil society, to establish mediating institutions that mobilize and articulate the people's will and to promote good government and respect for human rights; and

3. The networks of people that were established to monitor an election can be transformed to accomplish other goals essential to strengthening the democratic system.

The challenges also are significant. Without an election on the horizon, funds to pay for support staff and office space may disappear. The willingness of individuals to volunteer their time and energy also may dissipate. Thus, to survive, an organization must choose a mandate that will respond to an established need, take advantage of available resources and inspire the continued association of volunteers with the effort.

To find a focus for post-election activities your organization may look to other activities, such as:

1. analyzing or advocating reform of the election law or other laws and policies, including those concerning citizen participation and transparency in government;

2. conducting education programs on civic responsibility and democratic processes;

3. furnishing technical assistance to legislators (and their staff) and government officials;

4. evaluating the performance of legislators;

5. monitoring civil and human rights matters;

6. enhancing the participation of under-represented or minority sectors, such as women or ethnic groups, in the political process;

7. monitoring media fairness concerning treatment of political parties and contemporary policy issues;

8. promoting responsible and honest government; or

9. promoting dialogue between citizens at the local and national levels.

There remains to be discussed the question about what monitoring personnel do when election monitoring is finished. Some may want to participate in government. All countries need talented and honest public servants, particularly during a period of major transition. Members of your monitoring group who have demonstrated these virtues in the course of their monitoring efforts may be welcomed in official government positions and in public life. In order to protect your organization's reputation for impartiality, it is prudent to develop a policy that determines whether these personnel should relinquish their official connections to the organization.

On the other hand, as noted above, you should not forget that independent, impartial civic organizations can and should play an important role in the life of a democracy. Therefore, while some leaders and members of your organization contemplate working directly for the government or political parties, they should remember that assistance will also be needed to support newly elected democratic institutions and to prepare for future elections.

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