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**REPORT**

**INTERNATIONAL STANDARDS OF ELECTORAL OBSERVATION**

**By**

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Today's expansion of election observation efforts is directly related to the corresponding global trend toward democratization. Following the wave of democratic change in the world over the past twenty years, an increasing number of countries confronted the need of conferring legitimacy to their electoral process. As a result the practice of conducting election observation emerged as an increasingly common instrument to promote democracy efforts. The situation was conducive to an environment in which the conduct of credible elections became not only an essential element of effective democracy governance, but also a precondition for gaining necessary domestic legitimacy, donor support and international recognition.

The presence of domestic and international election observers in the evolving democracies tends to bring credibility and legitimacy to the election process being observed and serves to deter overt acts of electoral fraud, especially during the polling. However the practice of election observation is much more than a simple evaluation exercise. It forms the analytical basis for validating or challenging the legitimacy of an elected government. It offers a mechanism to professionally, objectively and independently assess and report on the integrity of the various elements of an electoral process; and it provide the essential 'stamp of approval' strongly required by that process.

#### **A DEFINITION FOR ELECTION OBSERVATION:**

Essentially election observation means *the purposeful gathering of information regarding an electoral process, and making informed judgments on the conduct of such process on the basis of information collected, by persons who are not inherently authorized to intervene in the process and whose involvement in mediation and technical assistance activities should not jeopardize their main observation responsibilities*<sup>1</sup>.

#### **ELECTION OBSERVATION, MONITORING AND SUPERVISION**

The most widely accepted distinction between election observation, election monitoring and election supervision refers to the role and the mandate of the different missions in terms of the level of intervention in the electoral process: observers having the smallest mandate, monitors having slightly more extended powers, while supervisors are those with the most extensive mandate.

The mandate of election observers is to gather information and make an informed judgment without interfering in the process.

The mandate of election monitors is to observe the electoral process and to intervene if laws are being violated.

The mandate of election supervisors is to certify the validity of the electoral process.

However different organizations use different definitions of these terms and in some cases the terms observation and monitoring are used interchangeably without any explicit distinction made between the two. The *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers* makes no explicit distinction between observation, monitoring and supervision and provides no definition of the terms.

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<sup>1</sup> International Electoral Standards, guidelines for reviewing the legal framework of elections, IDEA.

## **TYPES OF OBSERVERS:**

Generally there are two types of observers: international observers and domestic observers.

### **International observation:**

International observers are not citizens of the country in which the observation is taking place. They are delegated by their own country or an international/ regional organization to be part of an observation mission.

International election observation is neither a right, nor as yet a recognized international standard. State sovereignty still requires that there should be a formal invitation to foreign election observers, and there may be more stringent requirements for accreditation of international as opposed to domestic election observers. However regional and similar international agreements, for example in the OSCE framework, may require countries to open their elections to international observers. If this is the case the law must make appropriate provisions for observers. The law should also state when and by whom such election observers are to be invited. ➡ **Article 77 of the Ukrainian electoral code**

A well-informed judgment on an election cannot be based solely on the observations made on polling day. The level of preparation of the electoral administration, as well as the conditions surrounding the steps leading to a poll are elements that are crucial to the success of an election. Within this context, the observation of the pre-electoral period and the actual election campaign is crucial. Election is not a one-day event. Observers must take into account the various stages of the election cycle, from the registration of voters and the commencement of the campaign, to the final vote, counting and verification procedures, the processing of complaints and the resolution of disputes.

This explains the importance of ensuring the presence on site a few months ahead of the time of a relatively small group of long-term observers (LTOs). The role of the LTO is to acquire first hand knowledge about the effectiveness and impartiality of the election administration, the implementation of the election law, the nature of the campaign, and the political environment prior to polling day. Incidentally LTOs are responsible for briefing and assisting short-term observers.

Short-term observers (STOs) normally arrive shortly before Election Day and are deployed in teams of two persons to provide a broad presence throughout the country on Election Day. STOs principally observe polling proceedings (opening, voting and counting).

### **Domestic observation:**

Citizens of the country in which the poll is being held may also want to take part in the observation of the electoral process. There is now an increasing trend to facilitate domestic election observation. Election observers from civil society groups, such as various church groups, women's and youth organizations, and NGOs, can play an important role, and should have the right to be accredited to observe. All facilities should be afforded to these domestic observers to carry out their assigned duties. Any law regulating NGOs and public associations should be reviewed to ensure that they do not unreasonably obstruct acquisition of the necessary legal status and accreditation as domestic election observers.

The legal framework should also provide clear and objective criteria for registration and accreditation as an observer and be clear as to the authority accrediting observers, the requirements for obtaining observer status and the circumstances in which observer status can be revoked. ➡ **Article 76 of the Ukrainian electoral code.**

The law should provide clear and precise provisions establishing the rights of observers to inspect documents, attend meetings, observe election activities at all levels and at all times, including counting and tabulation, and to obtain relevant certified copies of documents at all levels. The law should also establish an expedited process for observers to obtain corrective relief when an election management body refuses to accredit an observer or a group of observers.

The legal framework must also be clear and precise concerning what a domestic observer may not do –for instance interfere with voting or attempt to determine how a voter will vote or has voted. It should strike a balance between the rights of observers and the orderly administration of the election process. But in no case should it hinder legitimate observation, ‘muzzle’ observers, or prevent them from reporting or releasing information that has been obtained through their observation.

#### **OBJECTIVES OF ELECTORAL OBSERVATION:**

Electoral observation has become an increasingly common component in the toolkit of democratization efforts while serving multiple objectives.

First of all election observation missions serve to **legitimize the electoral process**. The need for legitimacy might be internal, as in the case of transitional elections or when elections take place after conflicts, after the ending of a one-party system, or in the course of a more comprehensive reform process. On the other hand the need for legitimacy can also be external in order to achieve international recognition of a government’s legitimacy.

Of course **fraud deterrence** is often named as an important goal of election observation. Although this is a valid objective, its significance may be exaggerated. Fraud can be engineered through multiple instruments that observers –in particular short-term observers- might not be able to easily detect.

Another frequent motivation is **confidence building**. Electoral observation missions may encourage voters’ participation, being seen as a deterrent to political violence, hence reassuring voters’ confidence in the peacefulness of the exercise.

**Facilitation of democratic practices** and **institution building** are important objectives of electoral observation which usually helps nurture a conducive environment to empower civil society and to build NGOs capacities.

**Capacity building** can also be a useful objective of election observation through the sharing of assessments, experiences, lessons learned among election observation groups and between these groups and the election management bodies.

#### **BENEFITS OF DOMESTIC OBSERVATION:**

If in few cases the presence of international observation is indispensable, for instance elections in countries requiring peacekeeping force or undergoing a difficult transition, or where non-partisan civil society groups are virtually non-existent or non-functional; in the long-term however the forming of domestic groups that are able to monitor their own elections without external assistance is essential part of democratic development.

Although in mature democracies where there is a public trust in the impartiality and neutrality of the election administration, international observation of elections is unlikely to be provided, recent developments have demonstrated that even established democracies are not immune from electoral mismanagement.

In the overall trend toward democratization, monitoring of the electoral process by organized national groups acting as independent observers is becoming an essential tool for promoting election integrity while fostering national ownership and empowering citizens. These groups are increasingly becoming effective guardians of election integrity, especially in countries undergoing a transition. Their activities foster transparency and accountability on the part of the electoral administration. They thus help instill public confidence in the process and mitigate disputes over election results and challenges to the election process.

Domestic election observers have important advantage over international observers. They can more easily turn in large numbers. They know the political culture, language and territory. Consequently they are capable of seeing many things that may pass unnoticed by foreign observers.

Domestic observer groups are often better equipped than international observers to carry out particular types of specialized observation efficiently. Examples include verifying the Voter Roll, monitoring the complaint process, documenting instances of intimidation and human rights abuses, and media monitoring. And unlike international observers, national civic organizations have an important role to play in educating voters and promoting the Rule of Law.

In this regard, domestic observation is vital for the transparency and ownership of the electoral process in addition to the activities of the political party agents. Domestic observers should play a neutral role and report objective findings, which can either highlight shortcomings in the elections or alleviate potential for conflict. At the same time they can be subject to local pressure as they may live in the area and may also be perceived to lack credibility for being associated with civil society organizations and/or political and social activist groups.

The methodology employed, the accuracy of the findings set out in the reports, the presentation of reports, and the holding of press conferences will all influence the credibility of any domestic observation. If handled unprofessionally it can weaken the credibility and importance of their role. It is vitally important that election observation groups enjoy the respect and confidence of the public.

It is important that the work of the election administration and the judiciary is monitored effectively and that observers follow events during the election campaign to assess its fairness and respect of citizens' and candidates' fundamental freedom. The compilation of voter registers is significant, because it can affect citizens' fundamental right to universal and equal suffrage and, where inaccuracies exist, distort the election contest. The tabulation of results after the election is a critically important period, which should be monitored closely.

It is crucial that election observation is based on well-tested methodology. Observers will require training on their tasks and the purpose and objective of election observation. More highly specialized methodology and training is required for certain activities, such as media monitoring, campaign expenditure monitoring and monitoring the adjudication of election disputes. A Code of Conduct should also set out the main rights and duties of observers, based on neutrality and objectivity.

## **THE UNIVERSAL PRINCIPLES**

The conduct of transparent and open election process in accordance with the established legislation is fundamental to a democratic society. Election observation is therefore more than just a technical exercise, as it can contribute directly to the promotion and protection of universal human rights. Elections are a celebration of fundamental human rights. Observation can prevent the violation of human rights associated with the election process through the very presence and visibility of observers, as the correctness of the election process itself is

assessed.

The **Universal Declaration of Human Rights**, adopted in 1948, recognizes the integral role that transparent and open elections play in ensuring the fundamental and universal right to democratic participatory government.

The Universal Declaration of Human Rights, Article 21

1. *Everyone has the right to take part in the government of his/her country, directly or through freely chosen representatives.*
2. *Everyone has the right of equal access to public service in the country.*
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 ballot or by equivalent free voting procedures.*

The role that **periodic, free and genuine elections** play in ensuring respect for political rights is also enshrined the **International Covenant on Civil and Political Rights** which identify elections as a central component of participatory government and define a number of minimal election-related elements to guarantee participation.

The Covenant on Civil and Political Rights, Article 25

*Every citizen shall have the right and opportunity...*

- a. *To take part in the conduct of public affairs, directly or through freely chosen representatives.*
- b. *To vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expressions of the will of the people.*
- c. *To have access, on general terms of equality, to public service in his country.*

This provision formulates a right and an opportunity of every citizen to take part in the conduct of public affairs. The necessary elements of an election are established in general terms. The concept of an electoral cycle, and therefore the continuous right to exercise a vote, is clearly introduced through reference to periodic elections.

However such a formal provision might be of little use in terms of practical application and substantive impact, were it not for the political and campaign rights that are essential for a meaningful election process. The right of political participation presupposes adherence to fundamental human rights, such as **freedom of expression, movement, peaceful assembly and association**.

The Covenant on Civil and Political Rights, Article 19

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.*
3. *The exercise for the rights provided in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but those shall only be such as are provided by law and are necessary:*
  - a. *For respect of the rights or reputations of others;*
  - b. *For the protection of national security or of public order, or for public health or morals.*

The Covenant on Civil and Political Rights, Article 21

*The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of the of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public*

*safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.*

The Covenant on Civil and Political Rights, Article 22

1. *Everyone shall have the right of freedom of association with others, including the right to form and join trade unions for the protection of his interests.*
2. *No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protections of the rights and freedoms of others...*

## **TRANSLATING HUMAN RIGHTS INTO THE DEMOCRATIC PROCESS**

A meaning and genuine election presupposes respect for and adherence to these universal principles, as cited above.

### **Genuine elections:**

The term genuine election refers to the overall environment in which elections are taking place including:

- Transparent and inclusive legislative procedures establishing the legal framework;
- Independent, impartial, transparent and accountable election administration;
- Enforced rights to freedom of expression, association, movement and assembly;
- Timely guaranteed judicial review and accessible dispute resolution mechanisms;
- Applied rules on campaign funding;
- Equal access for all contestants to media;
- Absence of restriction of movement by security forces;

### **The right to stand for elections:**

The right to be elected doesn't mean that all citizens would have a subjective right to become a member of an elected body. Rather, it means that all citizens that qualify under the provisions of the law should not only have the right but also the opportunity to stand as a candidate. Relevant information includes:

- The nomination procedure for candidates;
- The registration procedures for candidates, both independent and party affiliated;
- The right to equal opportunity regardless of gender, race, or national minority, and
- The identification of any unreasonable restrictions.

### **Universal suffrage**

The principle of universality is understood to ensure access to an effective, impartial and non-discriminatory registration procedure for all voters.

While the right is limited to every citizen of the state, with some restriction such as a minimum voting age, it is unreasonable to impose restrictions based on gender, religion, ethnic origin, party affiliation (past or present), language, literacy, property requirements, registration fee and/or physical disability.

The principle of universality can be assessed though the:

- Citizenship process, including the issue of permanent residents with non-citizenship status;
- Voter registration process, including issuance of voter identification documentation / ID card;
- Rights of vulnerable and minority groups.

The focus on citizenship may justify the exclusion of a substantial number of linguistic and/or ethnic minorities that may reside permanently in a given country without citizenship status. Enfranchisement of these groups improves the credibility of the election process.

### **Right to vote**

This element of elections primary deals with issues that arise on the Election Day at the polling station. However pre-election voter education and registration exercise are prerequisites of a sound election process. The right to vote is an individual right defined on the basis of the Voter Roll and is allegedly based on an informed choice. Relevant issues to be assessed include:

- An effective and timely voter education
- An effective and timely voter registration
- A convenient access to polling station
- Effective and transparent voting and counting procedures

### **Equal suffrage**

The element of equal suffrage can in principle be translated into the formula “one person, one vote” This means that each voter who is found on the Voter Roll can cast their vote according to an identical procedure, and that all votes are given equal weight. Relevant issues for observers include:

- Equivalent weighting of vote
- Boundary delimitation
- Secure ballot paper design and distribution

### **Boundary delimitation**

Very much connected with the electoral system's choice is the definition of electoral districts' boundaries. In many countries electoral delineation is fixed by the Constitution or by law. However the periodic revision of electoral boundaries is particularly necessary to match the voting population increase or decrease. If not reviewed periodically, inequities in the distribution of the population might be manipulated to gain or deny adequate representation in a particular district. Delimiting electoral constituencies is a complex, expensive, labor-intensive, time-consuming and politically sensitive process. The social and political context in which the delineation exercise takes place must be fully considered. A boundary authority must consider:

- Geographical feature of the country;
- Existing administrative boundaries voters/candidates identify themselves with;
- Population distribution where constituencies should have as close as possible the same magnitude;
- Contiguity, where constituencies should be unbroken and inter-connected;
- Community of interest
- Protection to avoid dilution of voting strength of minority groups
- In post conflict settings, additional criteria are the distribution of refugees and internally displaced persons.

### **Gerrymandering**

Gerrymandering is a controversial form of modifying electoral constituencies seeking for electoral advantage. The word ‘gerrymander’ is named for the American politician Elbridge Gerry and is a portmanteau of his name and the word ‘salamander’ which was used to describe a tortuous electoral district Democratic-Republican Governor Elbridge Gerry created in 1812 in the attempt to disadvantage his Federalist opponents.

### **Secret Vote**

Each voter should be able to cast his/her vote in the privacy of the polling booth, with a view to freely express his/her choice. Voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they have voted, and from any unlawful



or arbitrary interference with the voting process. A voter has the right to

- Cast his/her vote alone;
- Vote in a secure a private polling booth;
- Personally and privately deposit the ballot paper in the ballot box;
- Vote free of intimidation or coercion and with a free choice.

### **Free expression of the people will**

Votes must be counted and aggregated in a manner that reflects the genuine will of the voters, with those elected duly installed into office while recognizing their accountability to the electorate. In order for the free expression of the voters to be regularly consulted, periodic election are guaranteed to take account of the changing will of the voters. Periodicity requires a recurring election cycle. The legal framework should reflect:

- The right to a correct transmission of votes during the count, aggregation and verification;
- The right to an effective and timely complaints and review process;
- The obligation for periodic elections;
- The procedures for calling an election;
- The provisions for an adequate and responsive election administration framework.
- The right for elected candidates to be duly installed into office.

### **THE SEVEN PILLARS OF ELECTION WISDOM**

The **OSCE commitments** agreed upon in Copenhagen at the second meeting of the Conference on the Human Dimension in 1990, also emphasize the central role of elections in securing citizen's rights to participate in the government of his or her country. The OSCE commitments can be summed up in seven key words central to democratic tradition: Universal, Equal, Fair, Secret, Free, Transparent and Accountable.

The principle of **universality** is understood to secure access to an effective, impartial, and non-discriminatory registration procedure for both voters and candidates, alike. Citizens who have reached a qualifying age and meet the criteria for registration should be given the right to vote.

The principle of **equality** requires that one's vote be given equivalent weight to that of the other voters in order to ensure equal representation. Whatever system is used (majority, proportional or mixed) the number of representatives should be proportional to the size of the electorate. Voters should have equal and effective access to polling stations.

The principle of **fairness** should ideally assure a level playing field for all participants in the election process, but at a minimum it should ensure voter's exposure to basic information about all the contestants in the election and the fundamental issues that they represent.

The principle of **secrecy** can only be assured if the voters cast the ballot alone, in the privacy of a secure voting booth, and in a manner that the marked ballot cannot be viewed before it is deposited in the ballot box.

The principle of **freedom** should ensure a citizen's ability to cast a ballot free from intimidation and secure in the knowledge that rights of freedom of expression, freedom of association, and freedom of assembly will be upheld throughout the entire election process.

The principle of **transparency** requires that the election be carried out according to due process of the law, and according to the legal ground rules that are established in an inclusive and open manner. An open process limits the possibility for election fraud, and thus the vote count should be visible and verifiable from the level of the polling station, to any intermediate levels of the election administration, and finally to the national election authority.

The principle of **accountability** requires that those elected are duly installed in office and recognize their accountability to the electorate.

### THE OBSERVER CODE OF CONDUCT

Independent observation by both domestic and international observers, by its nature must be free of control and interference from the election authorities and the government, except those controls necessary to ensure observers' authenticity, impartiality, and safety and to prevent disruption of the electoral process.

Just as electoral laws take note of a country's international treaty obligations, so too an election administration powers and functions in relation to election observation need to recognized international standards, such as the United Nations-endorsed **Declaration of Principles for International Observation**, signed in New York on 27 October 2005. attempts to place impediments in the way observation must be carried out may be seen as contrary to international standards.

However just as an observation mission expects assurances from the host government to abide by conditions for effective observation, so the observation mission should reassure the host government that its observers will conduct themselves impartially according to an Observer Code of Conduct.

The Stockholm-based International Institute for Democracy and Electoral Assistance (International IDEA), lists the observer's duties as follows:

- Recognize and respect the sovereignty of the host country
- Be non-partisan and neutral
- Be comprehensive in their review of the election, considering all relevant circumstances,
- Be transparent
- Be accurate in findings

The Organization for Security and Cooperation in Europe (OSCE) recommends that observers adopt the following conduct;

- Observers will maintain strict impartiality in the conduct of their duties and shall at no time express any bias or preference in relation to national authorities, parties, candidates or with reference to any contentious issues in the election process
- Observers will undertake their duties in an unobtrusive manner, and will not interfere with the election process, polling day procedures, or the vote count.
- Observers will carry the prescribed identification issued by the host government or election authorities, and will identify themselves to any interested authority upon request.
- Observers will not display or wear any partisan symbols, colors, or banners.
- Observers may wish to bring irregularities to the attention of the local election officials, but they must never give instructions or countermand decisions of the election officials.
- Observers will base all conclusions on well documented, factual, and verifiable evidence, and should fill out a statistical survey form of polling station visited.
- Observers will refrain from making and personal or premature comments about their observations to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers.
- Observers will participate in post-election debriefings.
- Observers must comply with all national laws and regulations.

The principles of conduct recommended by the Inter-Parliamentary Union are similar to those advocated by the other international agencies active in the democratic rights promotion field. The conduct of election observation, in addition to respecting the national legislation, is governed by the general principles of responsibility, professionalism, honesty and impartiality.

More specifically observers must:

- Act with strict neutrality and without bias towards national authorities, parties and candidates, electors, the press and the media, and the organization of election observers.
- Refrain from engaging in any act that could be prejudicial to the electoral system or to the administration of the election.
- Make known any fact that could give rise to a conflict of interests or to the appearance of a conflict of interest during the observation and the evaluation.
- Refuse gifts from parties or persons taking part in the elections.
- Comply with national laws and regulations, as well as the electoral code.
- Show caution before publishing information gathered during observation, and avoid hasty conclusions.
- Base all their conclusions on verifiable facts and use recognized reference standards.

Beyond the specific characteristics of these codes of conduct, it is important to understand that the conduct of members of election observation mission is a decisive factor for ensuring the credibility of the mission, and consequently of its success. A knowledge of the codes of conduct and the observance of internationally recognized rules of ethics are imperative.

## MAIN STAKEHOLDERS

- **National Authorities:**

Among the authorities of the requesting country, one finds the government of the host country and the structure responsible for managing elections.

- **The government**

The government has the highest political authority in the host country. Responsible for governance, it usually grants members of the election observation mission the accreditations<sup>2</sup> and identification documents necessary for their movements on the territory. The government also assumes responsibility for the security arrangements put in place for voting. In all communications with the government, as in any action or in any statement, observers must respect national sovereignty.

- **The election administration**

There are three broad models or types of electoral management bodies (EMBs)

- Management of electoral operations entrusted to the Government, (Governmental model EMBs) usually the Ministry of the Interior and/or local authorities. These electoral structures operate under the executive branch and are answerable to a Cabinet Minister.
    - Electoral administration entrusted to the Government with which a National Electoral Commission is associated. These mixed model EMBs are defined by a dual structure with a policy, monitoring and/or supervisory component that is independent of the executive branch of the government and an implementation component located within a department of state and/or local government.
    - Management of the entire electoral process by an autonomous and independent National Electoral Commission. Through the independent model, the election authority is institutionally independent from the executive branch. It has its own budget and it is not accountable to a government ministry or department. It may however be accountable to the legislative, the judiciary or the Head of

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<sup>2</sup> Electoral code can provide for the EMB to process the accreditation of observer groups.

State.

An election commission assumes responsibility for the conduct and holding of the poll. This structure, made up of a variable number of members, is composed in certain countries of representatives appointed by the executive power, the legislative power – including opposition parties – civil society, etc. The commission may be a permanent or ad hoc body. In this latter case, it may have only been created a few weeks before the poll. The commission can also issue accreditations to observers.

In some countries, it is the government that takes care of the management of the electoral process by entrusting this responsibility to the Ministry of Interior and Territorial Administration. Elections are then managed by regional and local officials who report to the ministry (prefects, sub-prefects, and governors).

- **Political parties of the requesting country**

Wherever there are elections, there are political parties. Together with the candidates, political parties are the main political stakeholders in an election campaign. The element that distinguishes a political party from an interest group is that a party is seeking to exercise power, or at least to participate in its exercise, for example by forming with other parties a coalition government. Some well-structured parties have a nation-wide organization and present candidates in almost every electoral division. Other parties have a regional or ethnic basis. Still other parties are made up of only a handful of active members. In all cases, the members of the election observation mission will have to ensure that they make contact with the political parties representing the broadest opinion spectrum in the country, without neglecting independent candidates.

- **The organizations of civil society of the requesting country**

The term “civil society” refers to all of the elements of a country that intervene collectively on the political stage, with the exception of the government and political parties. Unions, associations, churches, the media, professional bodies, women’s and youth groups are all examples of organizations that make up civil society. A civil society that is strong and pluralistic is one of the basic prerequisites for a democracy. Within the framework of an election campaign, civil society plays a significant role by mobilizing electors and monitoring the democratic process. Here once again, it is important that the members of the observation mission meet with the greatest possible number of representatives of organizations of civil society.

- **Democracy promotion agencies**

The expansion of democratic values and practices has resulted in the birth and development of numerous groups and agencies dedicated to promoting democracy. These agencies and groups have developed extensive expertise and can contribute to the consolidation of democracy in those countries that solicit their cooperation, in particular by sending observers, publishing reports, etc.

- **The authorities of the observer’s country of origin**

The authorities of the observer’s country of origin or of his government may be concerned at two points in time: when the members of the observation mission are chosen and when consideration is given to the follow-up on the report. Between these two points in time, these authorities do not intervene directly with the members of the mission but may express their comments to the agency that is sponsoring the observation mission.

- **The institution or the employer that delegates the observer**

The institution or the employer that delegates one of its members as a participant in an

observation mission intervenes when observers are chosen. Although the employment relationship is maintained, it is the conditions of secondment that are proof of the relationship established between the person who becomes a member of the observation mission and his institution or employer. Observers, within the framework of their mission, report to the agency that is sponsoring the election observation mission.

▪ **Parliamentarians**

Election observation missions are generally made up of experts and parliamentarians. It is important to underscore the specific qualities and unique expertise of parliamentarians, which make them vital participants, in partnership with election management experts, in election monitoring missions. A parliamentarian is first and foremost an elected official, namely someone who has experience in the field and who has successfully managed or run in one or more election campaigns. He/she has tangible and practical knowledge of the main workings of an election. His/her knowledge of political life and the work of grassroots activists represents a clear advantage. Parliamentarians also enjoy another asset - their knowledge of parliamentary life: participation in the deliberations of the Assembly, committee work, representation of the interests of their constituents, oversight of the actions of government. Their political experience, in particular in the management of political crises and the holding of negotiations, gives parliamentarians an undeniable expertise, in which their analysis and assessment skills were put to good use. Finally, by reason of their status, parliamentarians have a moral authority that can be very useful within the context of an observation mission. All these qualities make parliamentarians key players in supporting the implementation and strengthening of the constitutional state and, in particular, parliamentary and electoral institutions in countries moving towards democracy.

▪ **Experts**

As for experts, the election observation mission benefits from their contribution in a number of respects. When the experts are election administration specialists, they are familiar with all aspects of the management of electoral operations: drawing up of lists of electors, establishment of the electoral map, training of election officers, organization of polling stations, logistics and security, financing of political parties and candidates, control of election expenses, media relations, election fraud prevention, election disputes, and management of complaints. Moreover, experts have a very good knowledge of electoral operations in the field. Finally, they generally have first-hand experience with several electoral events in their own country and often have taken part in election monitoring missions, analysis or technical support missions abroad. These experts have an operational knowledge that enables them to evaluate the quality of the preparation and organization of electoral activities, while being aware of the political realities inherent to the electoral context.

As for those specialists who are neither parliamentarians nor election management experts, they come from a variety of backgrounds: university professors, magistrates or presidents of jurists' associations, etc. Some of them have a knowledge of the different voting systems and electoral procedures and can make a significant contribution within the context of an observation mission.

**Observation of the pre-electoral period**

An observation mission generally deals with the poll. However, it may cover the entire electoral process. That is why will be examined, in addition to the actual poll, the stages surrounding an electoral event. Moreover, the mandating agency generally provides an observation checklist, which is determined according to the election legislation or which serves in its place. However, the observers may be called upon to establish a framework themselves

- **The election legislation and electoral administration**

The election legislation, the cornerstone of the electoral process, must ensure fairness for all stakeholders in the electoral process (electors, candidates, political parties). Among the minimum conditions for the holding of free elections, the adoption of the electoral code should be based on the broadest possible consensus of parliamentarians. As for the administrative aspects, meetings should be organized with central authorities in charge of electoral administration. The observations should be structured around the following elements:

- the competence of election officials;
- accessibility to the authorities and to personnel;
- the organization and efficiency of action of the agency;
- the training and supervising of the personnel;
- the existence of electoral procedures;
- the regional structure (authority, powers);
- the existence of monitoring commissions.

In terms of the preparation and planning of the election, it would be important to check if the forms, manuals or documents for the poll are available and appropriate. Special attention should be paid to the design of ballots (type of ballots used) and the security measures surrounding printing and quality control.

- **Delimiting of electoral boundaries**

The establishment of a fair delimitation is linked to respecting certain concepts including the equal value of an elector's vote (one person, one vote). Ideally, this delimitation should be made by an independent organization and, if this is not the case, the opposition should be able to take part in the delimitation process.

- **Registration of electors**

*The elector registration period is a major phase in the electoral process. The various stages related to the registration of electors are very important as they can promote or undermine the elector's confidence in the electoral authorities. The presence of observers contributes to the transparency of the process. Observers must be familiar with:*

- the standards and procedures related to registration;
- the material employed;
- the steps in the registration process;
- lists of electors (drawing up, publication and correction);
- identity cards or voter I.D. card.

- **Political parties and candidates**

Before leaving for the host country, the observer will have prepared a file containing basic data on the political parties. At this stage, he will have to focus his attention on the formalities for registering parties, their participation in the electoral process, the nomination period, the method of designating candidates, and the posting of lists of candidates. Fair access to state resources for all political parties is undoubtedly one of the elements making it possible to certify that the poll is free, honest and democratic. Indeed, failure to respect this principle will cause serious prejudice to the election campaign of the opposition political parties. When it comes to financing, various aspects must be monitored, including:

- the amounts that the State grants to parties or that come from the exterior;
- election expenses;
- the use of various state resources (public buildings, transportation, etc.).

- **The climate surrounding the election campaign**

Any element that is liable to disrupt the electoral climate and, in so doing, participation in

the electoral process, must be reported, in particular:

- boycott of the election;
- violation of rules of law;
- economic conditions;
- activities that risk interfering with the conduct of the campaign;
- possibility of violence and intimidation.
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- **Access to the media**  
In some countries, an authority oversees access to the media. This authority makes sure that the air time is distributed evenly between the political parties during the election campaign and that the journalistic treatment is impartial. Special attention must be paid to all of the media. In this respect, it would be useful to record, for the written press and the electronic media (television and radio), the following elements:
  - Written media**
    - names of the main newspapers;
    - affiliation (independent media, government press);
    - distribution.
  - Electronic media**
    - permit required;
    - affiliation;
    - percentage of the population having access to these media.

The observer will have to monitor three elements in particular, namely: censorship, access to the media and coverage. If censorship exists, the observer will determine who exercises it, the legal bases underlying censorship and what type of information is subject to censorship. In the case of access to the media, the observer must find out if the media have given their support to all of the candidates and parties or to a limited number. He should also check if the various parties benefited fairly from the available air time. As for the coverage of the election campaign, it is important to determine if the media gave a balanced treatment to the campaign. It should be noted that in countries on the road to democracy, posting remains a widely used means for disseminating information. As a result, it is necessary to monitor the following points: the users, the extent of use and respect for posted materials.

### **Observation on polling day**

The poll observation period extends from the time polling stations open to the addition of the votes. In other words, the observer must prepare for long hours of work and anticipate certain needs, in particular food needs. During this exercise, the observer is expected to take note in an unbiased manner of all shortcomings or discrepancies liable to interfere with voting, and to evaluate the quality of the electoral process as a whole.

A **work plan** must be prepared to properly plan a day of observation. This plan will include the following points:

- team composition;
- itinerary, schedule and point of departure;
- list of polling stations to visit (location, persons to meet);
- logistical support (human and material resources);
- mandate and task.

A serious evaluation of the poll requires that a sufficient number of polling stations be visited. Upon arrival, the observer must introduce himself to the election officers and the representatives of the political parties, and present his accreditation and/or identity card issued by the authorities. If there are no problems, it is estimated that a minimum of 20 to 30 minutes per polling station are necessary to allow the observer to make his presence known and to record the information required.

- **The opening and location of polling stations**

The layout, location and accessibility of the premises as well as the hours of operation of the polling station should be noted. On the subject of the layout, everything must be done to preserve the secrecy of voting.

- **Availability of ballot boxes, ballots, lists of electors and election material**

Special attention must be paid to the material put at the disposal of election officers and electors: list of electors, poll book, minutes, ballots, ballot box, polling booth, lighting, etc. It is important to note if the material is available in sufficient quantity, as soon as the polling stations open and throughout the day.

- **Voting**

*It is necessary to identify all of the election officers and to evaluate their proficiency, in particular regarding the knowledge and application of election standards and procedures. A specific number of electors per polling station should be specified in the electoral procedures. Moreover, to avoid confusion, there should be no last-minute change in procedure. When observing voting, the following points should be noted:*

- arrangement of the premises;
- accessibility;
- presence of representatives of political parties or candidates;
- quality of polling station personnel;
- waiting time and voting time;
- elector identification procedures;
- voting procedures;
- secrecy of voting;
- refusal to allow an elector to vote;
- number of registered electors who did not vote;
- number of electors who requested assistance to vote;
- complaints;
- potential acts of intimidation (nearby or inside the polling station);
- security of persons and election material (ballot boxes in particular);
- satisfaction or dissatisfaction of the various stakeholders (political parties, electors).

- **Counting of votes and announcement of the results**

*In addition to being present at this stage, the observer will have to make sure that the standards and guidelines related to the counting of votes are known and applied by the election officers assigned to this task. The various elements that should be monitored are:*

- the stakeholders;
- the vote counting and compilation methods;
- the transportation of the minutes and the material.

When the counting of votes occurs in a place other than the voting centre, observers must make sure that all the security procedures are in place and more specifically, concerning the transportation of ballots.

As for the addition of the votes, it is an important activity that follows the counting of votes. To avoid any possibility of fraud, the observer must be present at this stage of the electoral process. Various documents must be completed, signed and sent by the authorized election officers. Check to see that these formalities are duly completed. As for the dissemination of the results, it must be done by the electoral authorities within a reasonable time period so as not to undermine the process.



- **Progress report for polling day**

The progress report for polling day should summarize all of the activities of the day and be structured according to the following elements: the general climate on polling day, the territory covered and the polling stations visited; the organization of polling stations; the conduct of the poll; the counting of votes; the addition of votes; the disclosure and the publication of the results; complaints and the follow-up; the conclusions and recommendations.

## **POST-ELECTION OBSERVATION**

Official **announcement of complete results** by polling stations in a set period of time after Election Day enables a detailed **verification process** and can enhance public confidence in the outcome of the election. Any undue delay or discrepancies concerning the aggregation, verification and announcement of the results should be noted.

Observers should also follow all judicial and other processes regarding **complaints** filed about the election process and any possible reviews specifically called for. The right to appeal to an independent, impartial national legal body must be ensured for all parties involved in the electoral process. A transparent complaints procedure should be established as a review mechanism, which should serve as the final arbiter of disputes.

Finally observers should also monitor the **installation of elected candidates into office**. A mission should indeed be able to monitor the post-election environment, the main point being to check whether the results of the elections are respected and that the duly elected members are allowed to take up their positions. Observers should particularly look out for legal proceedings against individuals in order to de-register the elected candidates and intimidation of elected members intended to exert pressure to stand down.

## **PRESS RELEASES**

Press releases are an efficient and simple means to make essential information public. As the mission report is generally only made public after the members of the mission left, the mission must make known the main elements of its conclusions by way of press releases as soon as possible after the poll is held.

## **ELECTION OBSERVATION REPORT:**

As several members of an election monitoring mission must prepare a written mission report, it is important to begin writing the report and, if possible, to complete it before dismantling the observation group. The progress reports prepared by observer teams will serve as a basis for writing this report. This work may be divided between the members of an observation mission who will have agreed beforehand on the content of the report and who will designate a person to ensure the coordination of the drafting, publishing and distribution.

As for the content of the mission report, it should summarize in a narrative and descriptive style all of the activities and the mandate entrusted. The content should include the following elements: global and **electoral context**; importance of the elections; **observation mission mandate**; list of observers; composition, mandate and distribution of teams; work plan and timetable; itinerary of the observers observation; observation methods used; terms of cooperation with the other missions; **findings of the observation conclusions of the mission**; **recommendations** intended to consolidate democratic institutions; appendices (press releases, instructions, newsletters, calendars of meetings, communications, etc.); and a summary of the report.

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### Extracts of the electoral code

## **LAW ON MAKING AMENDMENTS TO THE LAW ON ELECTIONS OF PEOPLE'S DEPUTIES OF UKRAINE (7 July 2005)**

### **CHAPTER IX - GUARANTIES OF ACTIVITIES OF PARTIES (BLOCS), CANDIDATES FOR DEPUTIES, AND OFFICIAL OBSERVERS**

#### **Article 12. Subjects of the Election Process**

Subjects of the election process include:

- 1) a voter;
- 2) an election commission established in accordance with this Law or the Law of Ukraine on the Central Election Commission;
- 3) a party (bloc) that nominated candidates for deputies;
- 4) a candidate for deputy registered according to the procedure stipulated by this Law;
- 5) an official observer from a party (bloc) that is a subject of the election process.

#### **Article 74. Official Observers**

1. Official observers from parties (blocs) that are subjects of the election process may take part in the election process. An official observer of a party (bloc) shall be an independent subject of the election process.
2. Official observers from non-governmental organizations shall observe the election process under the procedure stipulated by this Law.
3. Official observers from foreign states and international organizations may observe the election process.
4. Authority of official observers shall start on the day of their registration by a respective election commission under the procedure stipulated by this Law and shall terminate after the Central Election Commission establishes results of the elections of deputies.
5. An election commission which registered an official observer may early terminate his or her authority if he or she violates the laws of Ukraine. A motivated decision shall be passed about the early termination of authority of an official observer.

#### **Article 75. Official Observers from Parties (Blocs)**

1. A citizen of Ukraine who has the right of vote may be an official observer of a party (bloc) that is a subject of the election process. The following individuals may not be representatives of a party (bloc): member of an election commission; an official of executive bodies or courts, law-enforcement bodies or bodies of local self-government; a military serviceman; an individual that serve the alternative (non-military) service.

2. An official observer from a party (bloc) in a territorial election district shall be registered by a district election commission at the application of the authorized representative of the party (bloc) in the respective election district or all-national constituency.

3. The application for registration of official observers shall contain their last name, first name and patronymic, citizenship, date of birth, place of residence and address of residence, place of work and position, and telephone contact numbers. A written consent of such individuals to be official observers from the respective party (bloc) shall be attached to the application.

4. The application for registration of official observers of a party (bloc) signed by the authorized representative of the party (bloc) shall be submitted to the respective district election commission no later than five days before Election Day. Only violation of paragraphs 1 through 3 of this Article may be a ground for rejection of registration of official observers from a party (bloc).

5. A respective district election commission shall carry out registration of official observers and provides official observers from parties (blocs) with certificates in line with the form established by the Central Election Commission no later than on the next day after submission of the application.

6. Registration of official observers from parties (blocs) in the foreign election district shall be done by the Central Election Commission under the procedure stipulated by this Article.

7. An official observer from a party (bloc) shall have the right to:

1) stay at polling stations during voting, observe acts of commission members from any distance, including during ballot papers issuance to voters and tabulation of votes, without physically impeding on commission members' activities;

2) take photos and film, take video and audio records without violation of the secrecy of voting;

3) be present during issuance of ballot papers to polling station commission members, including issuance for organization and conduct of mobile voting;

4) be present, in line with requirements of this Law, at meetings of polling station commissions and district election commissions while taking into

account provisions stipulated by paragraph 3 of Article 34 of this Law, including during the vote counting at a polling station, and of voting tabulation in a territorial election district;

5) complain to the respective election commission or to court demanding to eliminate infringements upon this Law in the event of their discovery;

6) draw up acts on discovery of infringements of this Law to be signed by the observer and at least two voters who certify the fact of infringement with indication of their last names, first names and patronymics, places of residence and addresses, and submit this act with a respective complaint to an election commission or to court within the time period stipulated by Article 106 of this Law;

7) take necessary measures to stop illegal acts during voting and vote tabulation at a polling station;

8) receive copies of protocols about transfer of ballot papers, about vote tabulation and determination of voting results and other documents in cases stipulated by this Law;

9) carry out other rights stipulated by this Law to official observers from parties (blocs).

8. An official observer from a party (bloc) shall not have the right to:

1) interfere in work of an election commission without valid grounds, perform acts impeding the legal flow of the election process or illegally prevent commission members from execution of their authority;

2) fill in a ballot paper instead of a voter (including at the request of the voter);

3) be present during filling in a ballot paper by a voter in a booth (room) for secret voting or violate the secret of voting in any other way.

9. If an official observer of a party (bloc) infringes upon requirements of paragraph 8 of this Article, an election commission may reprimand him or her. In the event of the repeat or gross violation of the requirements of paragraph 8 of this Article, the election commission may deprive him or her of the right to be present at its meeting. Such a decision may be appealed against by an official observer of a party (bloc) with a superior election commission or court under the procedure stipulated by this Law.

10. An authorized representative of a party (bloc) shall have the right to recall an official observer of a party (bloc) by filing a written petition to a respective district election commission (and concerning an official observer in a foreign election district – to the Central Election Commission) requesting termination of his or her authority, and submitting documents for registration of another individual as an official observer under the procedure stipulated by this Article.

11. An official observer shall have the right to address to a district election commission (and an official observer in a foreign election district – the Central Election Commission) at any time with a petition on laying down his or her authority. Based on this petition, an election commission shall pass a decision on cancellation of registration of the official observer, and a copy of this decision shall be given to the authorized representative of a party (bloc) in the respective election district.

#### **Article 76. Official Observers from Non-Governmental Organizations**

1. Non-governmental organizations, which statutory activities include the election process and observation thereof and are **registered under the established procedure at least two years before Election Day**, shall have the right to have official observers observing the election process, including the voting, vote calculation and voting tabulation at any polling station and in any territorial election district upon permission of the Central Election Commission.

2. Non-governmental organization that meets the requirements stipulated by paragraph 1 of this Article may apply to the Central Election Commission with request to have official observers during the elections of deputies **no later than 90 days prior to Election Day**. This application signed by the head of the public organization and sealed with its seal shall have as an attachment a notarized copy of the public organization's statute as well as a copy of the certificate of state registration of the public organization certified by the issuing body or duly notarized.

3. The Central Election Commission shall pass a decision about granting permission to a public organization to have official observers or about rejection to grant such a permission no later than on the tenth day of the receipt of the application and informs about this the public organization on the next day after passage of the respective decision. **The only grounds for refusal may be violation by a non-governmental organization of requirements stipulated by paragraphs 1 and 2 of this Article.** A copy of the decision on granting permission to a non-governmental organization to have official observers or on rejection to grant such permission shall be given to the authorized representative of the public organization no later than on the next day after passage of the respective decision. A non-governmental organization shall have the right to appeal in a court the decision on rejection to grant it the permission to have official observers.

4. The Central Election Commission shall promulgate the list of non-governmental organizations that are permitted to have official observers at the elections of deputies in the *Holos Ukrainy* and *Uryadovyi Kuryer* newspapers no later than 70 days before the elections of deputies.

5. Official observers of non-governmental

organizations shall be subject to restrictions stipulated by paragraph 1 of Article 75 of this Law.

6. An official observer of a non-governmental organization shall be registered by a district election commission (by the Central Election Commission to observe elections in a foreign election district) upon an application of a non-governmental organization that is permitted to have official observers at the elections signed by the head of the organization and sealed with the organization's seal.

7. An application for registration of official observers from a non-governmental organization should indicate their last names, first names, and patronymics, citizenship, dates of birth, citizenship, place of residence and address, place of work and position, and contact phone numbers. An application of such an individual with consent to be an official observer on behalf of this non-governmental organization shall be attached to the application.

8. Applications for registration of an observer from a non-governmental organization stipulated by paragraphs 6 and 7 of this Article shall be submitted to a respective district election commission (in case of official observers in a foreign election district – to the Central Election Commission) no later than 5 days before Election Day.

9. A respective district election commission (in case of official observers in an election district abroad – the Central Election Commission) shall issue certificates to official observers in a form stipulated by the Central Election Commission no later than on the next day after the application is submitted.

10. **No more than three official observers from different non-governmental organizations may be present at one time at a meeting of an election commission, at its final meeting, or at a polling station during voting.** In the event there are more registered official observers from non-governmental organizations, a district election commission recommends that representatives of non-governmental organizations agree upon division of polling stations between non-governmental organizations to observe.

11. An official observer of non-governmental organizations shall have the right to:

1) **stay at polling stations during voting**, observe actions of commission members at any distance, including during issuance of ballot papers to voters and during vote calculation, without physically impeding on commission members' activities;

2) take photos and film, take video and audio records without violation of the secrecy of voting;

3) be present during issuance of ballot papers to district election commission members, including issuance of ballot papers for mobile voting, and during conduct of such voting;

4) **be present at meetings of polling station commissions and district election commissions** of the respective territorial election district in accordance with requirements stipulated by paragraph 10 of this Article and paragraph 3 of Article 34 of this Law, including **during the vote counting at any polling station, and during voting tabulation in a territorial election district**;

5) receive copies of protocols on transferring ballot papers, on vote calculation and voting tabulation and of other documents in cases stipulated by this Law.

12. An official observer of a non-governmental organization shall be obliged to adhere **to restrictions provided by paragraph 8 of Article 75 of this Law.**

13. An official observer of non-governmental organization **shall not be the subject of the election process** and shall not have the rights of the subject of the election process.

14. In case of gross or repeated violation of requirements of paragraph 12 of this Article by an official observer of a non-governmental organization, a polling station commission may deprive him or her of the right to be present at its meeting. Such a decision may be appealed by an official observer of a non-governmental organization in a superior election commission or in a court under the procedure stipulated by this Law.

15. A non-governmental organization shall have the right to recall its official observer filing a petition signed by its head and sealed with the seal of the non-governmental organization to a respective district election commission (and concerning an official observer in a foreign election district – to the Central Election Commission) requesting termination of his or her authority, and submitting documents for registration of another individual as an official observer from the non-governmental organization under the procedure stipulated by this Law.

16. An official observer of a non-governmental organization shall have the right to complain to a district election commission (and an official observer in a foreign election district – to the Central Election Commission) at any time with an application on laying down his or her authority. Based on this application, an election commission shall pass a decision on cancellation of registration of the official observer from the non-governmental organization, and a copy of this decision shall be forwarded to the non-governmental organization.

#### **Article 77. Official Observers from Foreign States and International Organizations**

1. Official observers from foreign states and international organizations shall **be registered by the Central Election Commission**. Submissions on registration of official observers shall be made by the foreign states and international organizations directly

or through the Ministry of Foreign Affairs of Ukraine to the Central Election Commission no later than 10 days before Election Day.

2. A decision on registration of the official observers from the foreign states and international organizations shall be passed by the Central Election Commission no later than 5 days before Election Day.

3. Citizens of Ukraine may not be registered as official observers from foreign states or international organizations. Citizens of Ukraine or foreign citizens or persons without citizenship that have command of the Ukrainian language may accompany the registered official observers from foreign states and international organizations on the territory of polling stations and during meetings of election commissions exclusively in order to perform functions of an interpreter.

4. The Central Election Commission shall issue certificates to the official observers from foreign states and international organizations in a form established by the Central Election Commission.

5. Official observers from foreign states and international organizations shall execute their authority on the territory of Ukraine as well as in the foreign election district.

6. Official observers from foreign states and international organizations shall have the right to:

1) **be present at meetings of candidates** for deputies and authorized representatives of parties (blocs) with voters, at pre-election gatherings, meetings, and meetings of election commissions;

2) **get familiarized with election campaign materials;**

3) **be present at polling stations during voting**, and at meetings of polling station commissions **during counting** of votes and at meetings of district election commissions **during vote tabulation**;

4) take photos and film, take video and audio records without violation of the secrecy of voting;

5) make public suggestions regarding organization of elections of deputies and improvement of the legislation of Ukraine taking into account international experience, and hold press conferences in compliance with requirements of the legislation of Ukraine;

6) establish together with other observers from foreign states and international organizations and upon agreement of the Central Election Commission, temporary groups of official observers in order to coordinate their activities within their authority stipulated by this Law.

7. Official observers from foreign states

and international institutions shall **perform observation independently and autonomously**.

8. The Ministry of Foreign Affairs of Ukraine and other executive bodies, bodies of local self-government and election commissions shall assist official observers from foreign states and international organizations in execution of their authority.

9. Financial and logistic support of activities of the official observers from foreign states and international organizations shall be rendered at the expense of states and organizations that sent these observers to Ukraine, or at their own expense.

10. Official observers from foreign states and international organizations may **not interfere into work of an election commission, perform actions that break the legal flow of the election process or illegally impede members of the election commission to execute their authority**; fill in a ballot paper instead of a voter (including upon request of the voter) or in any other way violate the secret of voting and to use his or her status in activities not related to observation of the election process. This restriction shall be also extended over individuals who according to paragraph 3 of this Article accompany official observers, during the work with an official observer from a foreign state and/or international organization.

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