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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**OSCE/ODIHR HANDBOOK
FOR MONITORING VOTER REGISTRATION
DRAFT – 19 August 2009**

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** The comments by Mr Masters are in bold italic.*

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I. INTRODUCTION

A. ABOUT THIS HANDBOOK

The purpose of this Handbook is to provide guidance to ODIHR election observation activities specifically on how to approach voter registration as part of the overall observation of an election. While the ODIHR has included voter registration in its overall methodology for observing elections, this Handbook aims to provide a more systematic and comprehensive approach to observing this critical part of the election process.¹

While the primary users of this Handbook will include the election and legal analysts in ODIHR Election Observation Missions (EOMs), a better understanding of the legislative and administrative aspects of voter registration can also enhance the work of other core team members of EOMs, as well as long-term observers (LTOs) and short-term observers (STOs), in fulfilling their duties. While this Handbook is aimed at EOMs, members of Election Assessment Missions (EAMs) and other election observation activities could also benefit from referring to the Handbook. The ODIHR hopes that other international and domestic observer groups will also use the Handbook for their observation activities.

The Handbook focus on the following topics:

- An **introduction** including relevant international standards and the OSCE/ODIHR's approach to voter registration;
- **Useful terminology** for understanding voter registration;
- An explanation of **general features** of voter registration systems;
- How to review the **legal framework** related to voter registration;
- How to assess the **transparency** of voter registration;
- How to assess the **accuracy** of voter registration;
- How to assess the **inclusiveness** of voter registration; and
- The use of voter lists and observation on **election day**.

The Handbook combines explanations of technical aspects related to voter registration with practical advice for election observers on how to approach the process. "Points of Inquiry" at the end of Chapters 3-8 highlight practical questions for each topic that observers may find useful in their work.

This Handbook reflects the experience of voter registration practices in OSCE participating States. At the same time, there is a broad range of voter registration practices within the OSCE and issues explored in this Handbook may not be relevant to every election. Observer missions will place emphasis on specific elements of the voter registration process depending on the type of voter registration system, the timeline for the registration process and specific procedures of the participating State. The timing of the mission's deployment and available resources will also affect how comprehensively it can look at these issues. However, on each occasion, voter registration must be taken into account and included in the reporting and, as appropriate, in the recommendations.

¹ See also the OSCE/ODIHR Election Observation Handbook and other ODIHR guidance documents, available at www.osce.org/odihr-elections.

B. IMPORTANCE OF VOTER REGISTRATION

All OSCE participating States have recognized *equal and universal suffrage* to be key principles of a democratic election process, and have committed to guarantee them. These principles are realized in practice through *voter registration*. Voter registration establishes **who** is eligible to vote and **where** eligible voters should cast their ballots through the compilation of voter lists.

Transparency, accuracy and inclusiveness are the three key principles critical to the integrity of a voter registration process and the credibility of the voter lists. Election observers should focus on these variables when assessing the voter registration process. Each of these principles will be considered in detail in this Handbook.

A transparent, accurate and inclusive voter registration process allows eligible voters to exercise their fundamental civil right to vote, while acting as a safeguard against any attempts at manipulation of the process. The voter list informs voters of the specific location where they are able to vote and indicates their eligibility to polling officials. At the same time, a voter list ensures that each voter is only able to vote once, and prevents those ineligible from casting a ballot.

Voter registration also offers opportunities to enhance public confidence in the election process. Voters should have access to the voter register prior to election day to ensure that their information is correct, and should be able to challenge any inaccuracies through a timely process. Copies of the voter register should also be provided to political parties and candidates who can verify that their supporters are included, and use the information to conduct their campaigns. [should this be included?]. (*Venice Commission -Yes*) In some countries civil society groups may also assess the accuracy of the lists using field and computer tests, and report their findings to the public.

Comprehensive voter registration also supports a number of other components of the election process. In some participating States, applications for new political parties or candidates seeking to run for office must be supported by the signatures of a certain number or percentage of registered voters. Inclusion in the voter register may also serve as a basis for determining the eligibility of candidates to run for office, particularly for contests where the system requires residence in the constituency for a specific period of time. Determining the number of eligible voters, by administrative units and by polling stations, is also important for the correct allocation of ballots and other election materials.

C. OSCE COMMITMENTS AND OTHER INTERNATIONAL STANDARDS

ODIHR EOMs are tasked to assess compliance with OSCE commitments and other international standards for democratic elections. The 1990 OSCE Copenhagen Document² details the OSCE commitments and provides the primary basis for an ODIHR EOM's assessment of election processes, including voter registration.

² Document of the Copenhagen Meeting of the Second Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (CSCE), Copenhagen, 5 June - 29 July 1990; see www.osce.org.

Paragraph 6 of the 1990 OSCE Copenhagen Document states that:

“... the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair elections.”

Toward that end, OSCE participating States have committed themselves to a number of principles articulated in Paragraph 7, including to *“guarantee universal and equal suffrage to adult citizens.”* These principles have special relevance to the registration of voters and the preparation of voter lists.

Other international human rights instruments also define international standards related to voter registration and provide a solid basis for its assessment. In particular, Article 25 of the International Covenant for Civil and Political Rights (ICCPR)³ pertains directly to voter registration:

“Every citizen shall have the right and the opportunity, without any distinction and without unreasonable restrictions ... to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage...”

In its General Comment 25, the United Nations Human Rights Committee, the body charged with providing interpretive guidance on the implementation of the ICCPR, provides that:

*“... States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote. Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced. Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community...”*⁴

³ ICCPR, adopted and opened for signature by General Assembly resolution 2200A (XXI) of 16 December 1966; entry into force 23 March 1976; see www.ohchr.org.

⁴ Paragraph 11 of General Comment 25 (*The right to participate in public affairs, voting rights and the right of equal access to public service*), adopted at the UN Human Rights Committee on 12 July 1996; see www.ohchr.org.

Other human rights instruments further affirm guarantees of non-discrimination. Article 5 of the International Covenant on the Elimination of Racial Discrimination (ICERD)⁵ provides:

“States parties undertake to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of . . . the right to participate in elections and to take part in the conduct of public affairs.

Similarly, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁶ Article 7 provides that:

“States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the State and, in particular, shall ensure, on equal terms with men, the right to vote in all elections and to be eligible for election to all publicly elected bodies.”

The Council of Europe Venice Commission's *Code of Good Practice in Electoral Matters*⁷ provides guidance on best practices for voter registration. This Code emphasizes the need to:

- Maintain permanent voter register(s);
- Publish the voter register(s);
- Update regularly the voter register(s); and ***(Preferably the Voter Register should be continuously updated, but at least once every year)***
- Develop administrative procedures, subject to judicial control, to allow for corrections of the voter register(s). ***(which should be effective within a specific timeline prior to an election)***

The main task for an ODIHR EOM is to assess the degree to which an election, including the voter registration process, meets OSCE and other international standards for democratic elections. These principles and best practices define the standards that such a process should meet and should be treated as a baseline for assessing the compliance of participating States. ODIHR EOMs can usefully make reference to these standards in their reports.

D. ODIHR’S APPROACH TO OBSERVATION OF VOTER REGISTRATION

Through its deployment of long-term Election Observation Missions (EOMs), the ODIHR is well-positioned to evaluate whether the principles of universal and equal suffrage are upheld. An important component of such an evaluation is a thorough assessment of how effectively voter registration serves to promote universal, secret, equal, free, fair, accountable and transparent electoral processes trusted by the citizens.

⁵ ICERD, adopted and opened for signature and ratification by GA resolution 2106 (XX) of 21 December 1965; entry into force 4 January 1969; see www.ohchr.org.

⁶ CEDAW, adopted 18 December 1979 (resolution 34/180) and entered into force on 3 September 1981; see www.ohchr.org. Also, General Recommendation No. 23 of the CEDAW Committee (16th session, 1997).

⁷ Code of Good Practice in Electoral Matters, Opinion N 190/2002, CDL-AD (2002) 23 rev, I,2; European Commission for Democracy through Law (Venice Commission), Council of Europe; see www.venice.coe.int.

ODIHR EOMs look specifically at the processes related to voter registration as part of its overall election observation methodology. In particular, EOMs seek to assess the accuracy, inclusiveness and transparency of the voter registration process. While many procedures related to voter registration are conducted either on ongoing basis or prior to an EOM's deployment, core team members together with long-term observers (LTOs) and short-term observers (STOs) can still collect sufficient information to make a well-informed assessment. When observing voter registration, it is important to assess both the process of voter registration and the quality of the resulting voter lists.

Certain EOM members have particular roles to play in assessing the voter registration process:

- The **legal analyst** carefully reviews laws, procedures and regulations related to voter registration to determine whether the legal framework promotes accurate and inclusive voter lists and is in line with international standards.
- The **election analyst** meets with the appropriate administrative officials responsible for compiling the voter lists, whether at the central election administration or at another ministry or institution, to determine how effectively the voter registration process has been implemented.
- The **political analyst** meets with candidates and parties to discuss their level of confidence in the voter registration process and to hear any concerns they might have about the accuracy of the voter lists or the voter registration process.
- The **national minorities analyst** and **gender analyst** focus attention on the question of whether traditionally marginalized groups such as national minorities and women are able to fully participate in the election process, including whether they experience any particular legal or administrative obstacles to registration.
- **LTOs** meet with election administrators at the regional and local levels that are involved in the process of compilation and maintenance of the voter register to identify key aspects of the design and functioning of the voter registration system at this level. LTOs also observe the display of preliminary voter lists, including the processing of any updates or corrections that are requested by voters.
- On election day, the **STOs** collect a variety of data, including about the identification of voters and use of the voter lists, at the polling stations. At this stage, any widespread inaccuracies in the voter lists become apparent during the course of observation, as voters and political party representatives are likely to complain if they or their supporters are left off the voter lists or have inaccurate entries.

In situations where there are particular issues regarding voter registration, the ODIHR may designate a **voter registration expert** to join the core team and provide more comprehensive analysis of the voter registration process. Such an expert would have sufficient technical expertise to understand the relevant computer databases and the procedures for compiling and updating the voter register.

II. USEFUL TERMINOLOGY

It is important for election observers to have a clear understanding of the terminology and procedures associated with voter registration, particularly as it is a technical and somewhat complex process. The following chapter gives definitions of commonly used terms associated with voter registration, as well as explanations of typical procedures in a voter registration process. Core team members should adopt consistent terminology in their reporting, to avoid any confusion over what precisely has been observed.

A. IDENTITY AND RESIDENCE

An *eligible voter* is a person entitled by law to vote in a specific election. The *identity* of the person will be determined most often by his or her first name, family name, date of birth and place of birth. The *identity* of the person is established most often with a personal identity document containing a photograph. In some participating States, each citizen is assigned an ID number at birth that may contain personal data, in open or encrypted format. Regardless of what type of information is included in the voter list, it should be adequate to identify a person. If data is insufficient, due to missing information or information not provided (e.g. people not knowing their date of birth), the accuracy of the voter register will be affected.

We can assume that each person lives, for a reasonable period of time, at one and the same place that the person can freely choose. The place where a person usually lives is referred to as his or her *residence*. Most frequently, the residence provides the link between the identity of a person and the geographical location where he or she is entitled to cast his or her vote. In practice, this means that the voter is registered to vote in a polling station, the area of which includes the place of his or her residence.

The concept of residence may also be defined in legal provisions. In certain participating States, while citizens may freely choose their residence, the legal framework requires them to formally announce or *register* their residence with the authorities. In other participating States, the choice of residence is conditioned on additional criteria such as employment or ownership of property. Some participating States provide citizens with the possibility to register both a *permanent residence* and a *temporary residence*.

In some cases, a person may be required to be resident in a location for a specific period of time in order to vote or to be elected. Such a *durational residency requirement* [is this term universal enough? ***In the Code of Good Practice in Electoral Matters, the term “length of residence requirement” is used***] is usually counted between the date of registration of the residence and another reference point of time related to the schedule of the particular election. ***It could be made clear that such a condition is not suitable, at least for national elections (Code of Good Practice in Electoral Matters, I.1.1.c).***

Throughout the OSCE region, it is common practice to further detail the registered permanent and/or temporary residence by introducing the *address* of the citizen. The address is determined by the street name and the building number. Another possible interpretation of the address is a location, freely chosen by the individual, where the authorities can communicate with him or her.

The definition of address should not be used to exclude the registration of homeless persons as voters, or persons residing in illegal settlements.

B. VOTER RECORD AND VOTER LIST ENTRY

A *record* of an eligible voter is a set of data that distinguishes an eligible voter from all other eligible voters. An *entry*, on the other hand, refers to a set of data that is sufficient to identify an eligible voter in a polling station on election day, taking into account data protection issues. Usually the entry is a subset of the record, as the record may include data that are not included in the entry, while all data from the entry are contained in the record. A record and/or an entry are usually composed of data *fields*, while each field is composed of *characters*. Characters include letters, digits or special symbols.

An entry in the voter list often includes, in separate data fields, the first name, family name and birth date. The entry may also include fields for the ID number, street name and building number. The respective voter record, on the other hand, may include additional information such as gender, marital status, etc. Some participating States consider the ID number and address as protected personal information and do not include them in the voter list entries, however they would still be part of the respective record.

C. VOTER REGISTERS AND VOTER LISTS

A *voter register* is the set of records of all voters eligible to vote in a specific election. In the context of this Handbook, the term “register” refers to administrative units that include more than one polling station. Municipal voter registers would ideally include all voters eligible to vote in a municipality, while a State voter register would include all eligible voters throughout the State. If a statewide voter register exists, individual municipal or district voter registers would generally be its subsets.

Similarly, a *civil register* is the set of records of all citizens [*only citizens or residents?*] of a municipality or a State. Therefore, the voter register would usually be a subset of the civil register, both in terms of the contents of the respective record and eligibility for inclusion.⁸ If a civil register or other population register is computerized, the creation and maintenance of a separate voter register may be unnecessary, as the voter register for the respective administrative area can be extracted from the civil register as necessary. Nevertheless, the term “voter register” will be used frequently below, as there are States where voter registers exist as separate registers. ***Some more detailed definition or distinction between civil register/population register would be suitable. The definition given here seems to lead to excessive generalisation. Other paragraphs of this document should be reconsidered on this basis.***

A *voter list*, as opposed to a voter register, means the set of entries of all eligible voters assigned to a specific polling station. An election can be conducted without a voter register, but it is rarely conducted without voter lists. If the voter lists are extracts from the civil or voter register, the total number of entries would be equal to the number of records in the voter register or the number of records of voters in the civil register.

⁸ For example, minors will be included in the civil register but will not be included in the voter register.

D. CIVIL STATUS EVENTS

Changes in people's lives that must be reflected in the voter register are usually known as *civil status events*. A marriage or divorce may result in the change of a family name, thus changing the formal parameters of the person's identity. When a citizen reaches voting age, he or she becomes a voter who has to be included in the voter register and the respective voter list. When a voter passes away, his or her record needs to be removed from the voter register and the respective voter list.

As people change their residence, it is possible that they will need to vote in another polling station. This would imply the need to change the part of their record and/or entry containing the address. Notably, if a voter does not formally announce to the relevant authorities a change of his or her residence, his or her registration will remain unchanged and his or her entry in the voter list of the polling station would correspond to the last officially registered address.

E. UPDATES OF VOTER REGISTERS AND VOTER LISTS

When civil status events occur, the respective fields of the records and entries of voters must be *updated*. A well-organized registration system is characterized by a carefully designed and duly respected timeframe for updating the registers and informing other relevant institutions of the updates introduced. In cases where there are several source databases for the voter register, the institution that maintains the data should be responsible for making any updates.

For the purposes of election observation, the following terminology is used to describe various updates to a voter register:

- **Addition** of a (new) record to the voter register corresponds to inclusion of the record of a new voter in the voter register, when a person becomes eligible to vote (e.g. person turns 18; new citizen; return from abroad). Such an act will introduce a new entry in a specific voter list corresponding to the polling station that includes the address of the new voter.
- **Transfer** of a record corresponds to a change of the address of an eligible voter, when his or her record is on the voter register and has to be moved from one polling station voter list to another. In the context of voter lists, such an act results in the deletion of the respective entry from the voter list of the "old" polling station and the addition of an entry to the voter list of the "new" polling station. Similarly, transfers of records are possible from one local administrative unit or municipality to another, in the context of a statewide register.
- **Correction** of a record corresponds to changes in the record and the entry other than a change of the address and the status of eligibility, and therefore the entry remains in the respective polling station voter list.
- **Suppression** of a record corresponds to temporary loss of eligibility. Such a record is suppressed in, rather than deleted from, the registers and can be reactivated. However, the respective entry is deleted from the voter list for the term of suppression. Similarly,

reinstatement of a record corresponds to restoration of eligibility, rather than the addition of a record.

- **Deletion** of a record and the respective entry corresponds to removal of the record and entry of a formerly eligible voter both from the voter register and from the respective voter list, when the voter has passed away or has permanently lost eligibility.

F. POSSIBLE ERRORS WHEN INTRODUCING UPDATES

Voter registration, as any other human activity, is not protected from unintentional error. Updating of records and entries requires special and continuous care to protect registers and lists from errors, regardless of the type of registration system and whether the register is maintained in a hard copy or computerized format. The inadvertent replacement of one character of an existing record with another, in particular in computerized registers, results in the accidental creation of an extra record.

Practitioners tend to distinguish between errors of lesser and greater importance, frequently relying on the rational treatment of errors by polling stations officials. Such expectations may be reasonable in an environment characterized by confidence overall. However, there are circumstances where a voter could be refused a ballot on election day by the polling station official, and therefore disenfranchised, due to a single typographical error in the voter list entry that creates a difference between the entry and the respective data in the voter's identity document. Small errors are therefore still able to undermine credibility in the voter lists.

At the same time, errors with clear consequences for election day include:

- **Failure to add a record** with a likely consequence that a voter will be disenfranchised;
- **Failure to delete a record** with a possible consequence that there will be allegations of "dead souls" on the voter lists and an impact on meeting possible turnout requirements;
- **Failure to transfer a record** with a likely consequence that the voter will not find his or her entry on the voter list; and
- **Failure to introduce a correction, a suppression or reinstatement**, with similar consequences to the above cases.

Another possible type of error is *a group of multiple records*, when there is more than one record of one and the same voter in a register. If the records are identical, they are *exact multiple records*. More likely are *possible multiple records*, a group of records differing by one or several characters, or even fields, which upon careful inspection appear to pertain to the same voter. Groups of possible multiple entries may appear within a single polling station, where they can be identified by visual inspection, or they may appear on different polling station voter lists. Similarly, one entry could be in a polling station within one local government unit, while another entry could appear in a polling station located in another local government unit.

Even in the simplest case of groups of possible multiple entries visually identified in polling station voter lists, a careful analysis is needed to (1) establish whether the entries within the group pertain to the same voter and (2) identify which record of the group is the correct one. Such analysis requires the involvement of the authorities that maintain the respective civil status archives, as they are responsible for the accuracy of the data.

Election observers should be cautious when assessing possible serious errors in the voter lists. Typically it is not possible on the spot to gain a thorough understanding of the situation or to analyze the cause of a discrepancy. If the issues of missing or multiple entries appear in the course of election observation activities, election observers should attempt to inquire with the authorities how they intend to address this issue, and should report the instance to EOM headquarters.

G CLOSURE OF VOTER REGISTERS

Some OSCE participating States' legislation requires that voter registration be completed by a specific deadline, before election day. After the expiry of such a deadline, the voter register is *closed* and, after the closure, changes of records are not permitted. Other OSCE participating States permit changes even on election day, subject to specific conditions.

Once the voter registration is completed, often in parallel with the period for public scrutiny, it is possible to announce the numbers of registered voters statewide, by local government unit and by polling station. Publicly announcing the voter registration figures ahead of election day is helpful to the electoral contestants, and enhances the overall transparency of the election process. Closure of the voter register allows time for registration officials to analyze officials' and voters' suggestions for changes to the preliminary voter lists. Relevant changes are then introduced into the preliminary voter lists, in order to produce the final voter lists and deliver them to polling stations in a timely manner.

Where changes to voter lists are permitted close to or on election day, OSCE participating States' legislative frameworks also include a deadline for requests for changes in order to allow officials to produce the final voter lists on time. However, such legislation allows polling station officials to introduce changes in the final voter lists on election day, should an eligible voter appear in the polling station and provide evidence of his or her eligibility to vote in that particular polling station. Such evidence may include a personal identity document with the voter's address, an absentee voting certificate or a court decision.

[Text Box: Supplemental Voter List]

The list compiled from the additions of entries on voters on election day is often called a *supplemental voter list*. Transparency requires that the number of entries on the supplemental voter list be recorded in the polling station protocol in a separate line, so that figures for the numbers of registered voters before and on election day are independently available. In a few OSCE participating States, there is a legal requirement to cross-check the voter lists statewide after the election and establish whether supplemental voter lists have been abused by multiple voting.

H. CENSUS AND CIVIL REGISTRATION

A *census* takes a picture of the demographic situation in a country, including population, households, economy, etc., at a particular point in time. Such a picture is accurate only at the time it is produced, although it can provide useful information on developing tendencies if compared to its predecessors. Censuses are conducted periodically, usually every ten years. In the context of this Handbook, the term “census” should be understood as enumeration of the population. In the years between censuses, demographic changes can be accounted for using statistics or, in countries with advanced infrastructure, with information from the continuously updated registers.

On the other hand, the *civil registration* of the population should be regarded as the result of a one-time effort of collecting personal data of the population for future use, which after its initial accumulation will be regularly updated. Civil registration is based on official documents and regular updating of the accumulated personal information whenever an individual civil status event such as birth, death, acquiring or losing citizenship, marriage, divorce and change of residence takes place. A registration exercise is preceded by careful planning of how civil status events will be recorded, where the original documents registering civil status events will be stored and which institutions will be formally informed of any civil status event.

A number of differences between *census* and *civil registration* should be noted:

Census:

- Enumerates all persons found by interviewers during the days of the exercise, but persons absent from their place of residence would be missed (*what does here mean “absent from their place of residence” – this is understood to mean that these people actually left (for long periods?) the place where they were registered;*
- Usually devoid of personal identification;
- Based on the place of usual residence.

Civil Registration:

- Conducted over an extended timeframe and does not register non-citizens residing in the country on a short-term basis;
- Collects accurate personal information, ideally under strict data protection rules;
- Operates with rigorous terms like the place of registered (permanent or temporary) address and/or residence, as formally defined in the country's legislation.

Census data can enable election observers to build up an estimate for the demographic picture of the State. It is possible, by statistical calculations based on census data, to produce an estimate for the proportion of age-eligible citizens among the population for any administrative unit and compare it with the official number of registered voters. This information may be useful for election observers. However, such comparisons should be treated cautiously due to the different natures and methodologies for the conduct of a census and a registration exercise.

III. GENERAL FEATURES OF VOTER REGISTRATION SYSTEMS

EOMs should first identify the main features of the voter registration system in the country, as voter registration systems vary considerably among OSCE participating States. The information available to an EOM on the voter registration process will depend largely on the format of a voter registration system, as well as the timeframe for registration. To assist election observers in designing an approach to assessing voter registration, this chapter explains some key features of various types of voter registration systems and how to differentiate between them.

A. ACTIVE AND PASSIVE VOTER REGISTRATION

In an "active" voter registration system, voters must take action to register with the relevant authority their intention to participate in elections, either prior to each electoral event, or on an ongoing basis. The term emphasizes the fact that the inclusion of the voter's name in the voter list is a result of his or her decision to register. In order to register in such a system, voters must fill in special registration forms and submit them to the respective authorities within a given timeframe, or otherwise take affirmative steps to making sure their names will be included on the respective voter list.

In a "passive" voter registration system, voters are not required to take any specific action of their own in order to get their names on the voter lists. The term emphasizes that the voter is registered automatically and would be included in the voter lists without any individual action. Rather, the voter lists are compiled on the basis of existing data maintained and updated by the relevant state or municipal authorities. In a passive voter registration system, voters' personal data are often extracted from civil records usually maintained by local government authorities. In such cases, the type of source data (e.g. civil register, passport register, ID database) affects the quality of the voter register. In some countries, the previous voter lists are used by local authorities as the basis for a new, register.

Passive systems may create the misleading perception that voter registration is completely automatic and citizens have no role in the exercise. This is not the case, however, as in such systems it is critical that citizens inform the authorities of any changes in their personal data, in particular their address, in a timely manner.

B. CONTINUOUS AND PERIODIC VOTER REGISTRATION

Administrative systems for voter registration are sometimes qualified as "continuous" or "periodic". In a continuous system, registers are updated on a regular and ongoing basis, each time an individual civil status event occurs. ***What is a "civil status event"? This should be made clear.*** Voters may inform the authorities about changes in their voter information at any time, usually by contacting an administrative office. Passive systems are often continuous.

In a periodic system, records are updated on a periodic basis, either prior to an electoral event or once every certain number of years. In a number of OSCE participating States, legislation determines a specific time interval in the course of each year when citizens are invited to report possible changes in their voter status, particularly changes of residence and acquiring or losing

eligibility. While active systems are most often periodic, they may sometimes be continuous, in countries where administrative offices are constantly open to accepting new or updated applications for registration.

In some OSCE participating States, the authorities may choose to update the voter registration using a periodic system in the run-up to an election. Such an effort may rely on “door-to-door” voter registration campaigns or the set-up of registration sites specifically to accept applications from individual voters. In such cases, election observers should assess whether these campaigns ensure sufficient outreach, and ease of access to registration sites and forms. In exceptional circumstances, such as in post-conflict situations, election authorities may have to start afresh with the voter registration process. *(This is a long and laborious process, which will include door to door visitation, and where identity documents are not available, the checking of utility bills to identify the voter, their residence, and previous residences.)*

C. HARD COPY AND COMPUTERIZED REGISTERS

Civil and voter registers can be either in hard copy or in computerized format. Although an accurate voter registration process can be best ensured with a comprehensive, computerized register, this may not be possible to produce in some countries. Hard copy voter registers and voter lists do not offer the same safeguards, as they cannot be easily compared for multiple entries and are more difficult to update.

Computerized civil or voter registers can be centralized and organized by municipality or other administrative unit, or municipal registers can be networked statewide to allow for online services including cross-checks for possible multiple records. In the case of networked databases, it is important to ensure that the software used by different administrative units is fully compatible.

In passive voter registration systems, it is possible to extract from a computerized civil register the respective voter register and/or the polling station voter lists, both preliminary and final, at any time that elections are called. Active systems can also benefit from computerized registers, as they can be easily updated and checked for multiple or missing entries. Access of voters to check their own records via Internet further facilitates accurate voter registration. In some countries, polling station officials check the voter lists on a computer, speeding up the voting process.

D. ADMINISTRATIVE RESPONSIBILITY FOR VOTER REGISTRATION

A voter registration system can also be distinguished by which administrative body is responsible for its oversight and upkeep. Regulations for voter registration in OSCE participating States vary considerably and several different institutions may be involved in different aspects of the process, especially in systems where voter registration data is a subset of another state-maintained database. It is of critical importance that the legal framework provides for a clear division of responsibility among the institutions and individuals involved in voter registration. Such administrative bodies should also have the means for regular data communication and exchange of other information between them.

Compilation and maintenance of civil and/or voter registers and voter lists is generally considered to be an administrative duty and is therefore usually a task for the executive branch, typically carried out by the local government authorities. In passive registration systems, local government officials are generally responsible for compiling and updating the voter lists, which are then provided to the election administration prior to an electoral event. However, the election administration may be able to review the data provided and also may be involved in deciding appeals related to voter lists in the immediate pre-election period.

Some OSCE participating States task the compilation and/or the review of the voter registers and the preliminary voter lists to the election administration. In active registration systems, which are not linked to other government databases or activities, it is more likely that the election administration would take on responsibility for voter registration. In such cases, the law may direct the election administration to establish temporary registration centers at the local level prior to an election, or as a permanent part of the organizational structure. In other cases, the law may require that registration applications be accepted by other government agencies providing services to the public, and then be transferred to the election administration for processing.

In countries where election administration is carried out by a State executive body, such as the Ministry of Interior, it may also have responsibility for the statewide civil or voter register. Other central institutions that may be significantly involved in the compilation of the voter registers include: the Ministry of Justice, State Police or State Statistical Institute. In cases where more than one institution is involved, it is important to determine who is responsible for consolidating, updating and reviewing the data, and at what level. In cases where different institutions may have contradictory information about an individual, it should be clear which institution's records should take precedence.

In countries that provide special voting arrangements for voters away from their places of residence, legislation may involve other agencies in the compilation of voter lists for special polling stations. These often include: the Ministry of Foreign Affairs (for embassy staff and/or civilian voters residing abroad), the Ministry of Defense (for military personnel); the Ministry of Interior (for police forces maintaining order on election day); the Ministry of Justice (for prison inmates); the Ministry of Health (for hospital patients); and marine authorities (for ship crews).

[TEXT BOX:] Points of Inquiry: General Features of Voter Registration Systems

Please determine whether:

- The registration system is active or passive;
- The registration system is periodic or continuous;
- The voter register is maintained in hard copy or it is computerized;
- The computerized records are maintained through a network of local government archives or a statewide database;
- The voter register is a separate, stand-alone register or it is extracted from another register such as a civil register;

- The voter register is prepared anew for each election, or it is a permanent register updated on a regular basis;
- The various responsibilities are clearly defined and officials understand “who is doing what”; and
- Voter registration data is compiled and maintained by the local government authorities, election administration, other state agencies or a combination of institutions.

IV. THE LEGAL FRAMEWORK FOR VOTER REGISTRATION

A first step for core team members to understand the voter registration system is an analysis of the relevant laws and regulations. This chapter provides guidance for how an assessment of the legal framework for voter registration should be approached.⁹ The assessment should be conducted as early as possible, as it will inform the EOM's plans for following the voter registration process.

A. SCOPE OF THE LEGAL ASSESSMENT

Legislation defining suffrage and voter registration varies considerably throughout the OSCE region. Voter registration procedures are integrally linked to the administrative structure of the State and its cultural traditions regarding (a) the conduct of elections; (b) the identification of citizens; (c) the establishment of an unambiguous and well understood link between personal identity and the location where the voter should cast his or her vote; and (d) the privacy of personal data.

The legal analyst on an EOM has the primary responsibility for analyzing the legal framework, including provisions for voter registration, while the election analyst has responsibility for following its implementation. The legal analyst should be prepared to analyze a number of laws in order to get a full understanding of their implications in voter registration. She or he should identify which administrative bodies are responsible for compiling the voter registers and the voter lists, and request administrative regulations from the respective institutions. In particular, the legal analyst should evaluate the eligibility requirements for voting, the procedures for updating and reviewing the voter lists and provisions for protection of personal data, as defined in the legal framework.

A minimum standard that the legal framework must meet is the guarantee of *universal* and *equal* suffrage. *Universal* means that each eligible citizen should be guaranteed the right of suffrage, while *equal* means that should an eligible citizen choose to cast a vote, this vote will have the same value as all other votes cast. The legal framework must also ensure the principle of non-discrimination in the exercise of suffrage rights.

The overall legal framework defining voter registration may include:

- Constitutional provisions;
- Provisions of the electoral law(s) that regulate voter registration;

⁹ See also ODIHR *Handbook on Reviewing Legal Frameworks* (forthcoming).

- Specific laws on voter registration;
- Civil registration laws, where relevant;
- Other relevant legislation, such as language or citizenship laws; and
- Administrative rules and regulations that detail procedures for the implementation of the legal provisions.

A State's Constitution is the fundamental document that establishes, most often in general terms, the right to vote on the grounds of citizenship and age. General Comment 25 of the ICCPR sets the standard for respect of universality, stating that the rights of “every citizen” to vote and be elected are protected in this regard. General Comment 25 further states that “... No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. ...”

Constitutions may include other elements of the system of representation, general criteria for administrative division of the State and establishment of electoral districts. Some OSCE participating States allow non-citizens to participate in local elections. Such provisions may have an impact on voter registration procedures.

Provisions related to voter registration are often stipulated within the election law. However, in some participating States there are separate laws on voter registration. In federal systems, legal provisions related to voter registration can be part of the local legislation. In some OSCE participating States, voter registers and voter lists are directly linked to the civil registers and the respective legislation. Language laws in some countries may also have an effect on a person's right to obtain citizenship, and on the rights of national minorities to be able to obtain voter information in their own languages.

Administrative regulations issued by the administration responsible for voter registration also form an important part of the legal framework, as ideally they describe registration procedures in all necessary detail. However, administrative requirements should not be allowed to restrict the right to vote.

B. ELIGIBILITY

While universal suffrage implies that every person should be allowed to vote, certain criteria of eligibility are generally accepted under international standards. Generally accepted eligibility conditions for the right to vote include citizenship, voting age, residency, (***Residence requirements in most cases mean habitual residence***) and the absence of disqualifying circumstances, as may be established by law and a court decision. The right of persons to stand for office is usually connected with the right to vote. The legal analyst should identify and carefully consider the criteria for voter eligibility, including any grounds for disqualification.

1. Citizenship

Citizenship by birthright is a key requirement to be entitled to vote or to run for State office in virtually all OSCE participating States. Citizenship by naturalization entitles citizens to vote,

however some participating States limit the right to be elected to highest State offices for naturalized citizens. Dual citizens typically have the right to vote and to stand for office, although some States limit their right to stand for office. Generally, it is considered the right of each OSCE participating State to define citizenship as a sovereign matter. *(However, the European Court of Human Rights has ruled in one case, that when there is a limitation on the opportunity to be elected to High State Office, this is a breach of the right to be elected, under Article 3 of Protocol 1 of the European Convention on Human Rights)*¹⁰

Citizenship issues are rarely considered in detail within the scope of ODIHR election observation activities. Nonetheless, it is important for the legal analyst to understand how citizenship and naturalization laws encourage or inhibit opportunities for persons, including national minorities, to become citizens and full participants in public life, since this also affects the right to vote and stand for office.

As a practical matter, in States where voter registers are extracted from the civil registers, it is helpful for observers to understand the process whereby citizens and non-citizens are distinguished from one another so that only those persons who are eligible to vote are listed in the voter register or the voter lists for a specific election. This becomes important, for example, when eligibility criteria differ from one election to another.

In EU Member States, resident citizens of other EU Member States are entitled to vote and stand for office in elections for the European Parliament¹¹ and in local elections¹², but are usually precluded from participation in national elections. Certain OSCE participating States also allow other legally resident non-citizens to participate in local elections. In some States [**when a reference to “some states” is made, it would be useful to give examples**], the law requires non-citizens who want to vote in such elections to specifically apply so their names can be added to the voter list individually. In others, their inclusion on the voter register for these elections may be “automatic”, based on other state-maintained data.

2. Age Requirements

The imposition of a minimum age limit on the right to vote is universal in OSCE participating States. Typically, the age limit is tied to the country’s prescribed age of majority established by law. For most OSCE participating States the minimum age for voting is set between 18 and 21. Also, there are cases where the voting age may vary for different types of elections.

Laws vary in establishing the date by which voting age must be reached. Most OSCE participating States require the attainment of voting age by the date of the election in which the person wants to vote. Such an approach promotes enfranchisement. However, in other States, a person must have reached voting age by the deadline established for registering to vote.

¹⁰ ECHR *Tanase and Chirtoaca v. Moldova*, application no. 7/08, judgment of 18 November 2008 (the case is now pending before the Grand Chamber).

¹¹ Council Directive 93/109/EC of 6 December 1993; see www.eur-lex.europa.eu.

¹² Charter of Fundamental Rights of the European Union, Title V - Citizen Rights, Art. 40; see www.europarl.europa.eu/charter.

In passive systems of voter registration, first-time voters should automatically be included in the voter registers and voter lists. In active systems, first-time voters must comply with administrative procedures to register to vote. In such cases, political parties often conduct outreach campaigns to encourage them to register to vote. The election analyst should check whether new voters are added to the voter lists in line with the established procedures.

3. Residency Requirements

Durational residency requirements base voter eligibility on having registered residence for a specified period of time ahead of election day or some other reference point in time. Such requirements may introduce an additional degree of complexity, in particular for local government elections or parliamentary elections with majoritarian voting systems that require durational residency in a particular area for eligibility to vote in a certain constituency. The length of the required period of residency may vary for different types of elections. ***(Habitual residency should be the criteria for national elections.)***

Durational residency requirements often affect voters who have changed their residence close to the election date. In a number of participating States, voters that are not eligible to vote in their constituency of “new” residence may still vote in their constituency of “old” residence. Often, requirements to stand for office include longer periods of residency than those related to voting.

There are a few participating States that allow eligible voters to vote in any polling station in the respective constituency. Additional safeguards, such as marking voters’ fingers with ink after casting their ballots, usually accompany such arrangements.

(3A Additional requirement

In Local Government elections, voter eligibility can include those who have business interests, and pay municipal or local taxes, even if their habitual residence is in another municipality.)

4. Suspension of Voting Rights

International standards related to universal suffrage limit deprivation of voting rights to two grounds including (a) determination by a court of law that the person is not mentally competent and (b) conviction for a serious crime. General Comment 25 requires that:

“...grounds for such deprivation should be objective and reasonable. If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence. Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote...”

In addition, paragraph 24 of the 1990 OSCE Copenhagen Document requires that “Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law”.

There are still some OSCE participating States where, in addition to prisoners, former prisoners who have served their sentences as well as detainees are deprived of suffrage. The legal analyst should carefully analyze any procedures for suspension of voting rights in the participating State, including the process for review of such a decision. Furthermore, the election analyst should assess how suspension and reinstatement of records and entries is organized in practice, with a view to identifying any possibilities for undue disenfranchisement.

International best practice suggests that deprivation of voting rights should be subject to certain constraints. These include the requirements that: (a) restrictions on voting rights should be defined in written law; (b) the principle of proportionality of sanction to offence should be respected; and (c) mental incompetence may only be established by a decision of a court of law.¹³

C. REQUESTING UPDATES OF VOTER REGISTERS AND VOTER LISTS

The legal framework should clearly specify who is permitted to request updates of registration records and/or entries, how such requests are made, and during what time period requests may be made. In a continuous voter registration system, voters should be able to request updates of the voter register on a regular basis, in the office of the authorities maintaining registration data. Such requests should not be limited to a time period just before a given election, except where necessary to finalize registers prior to election day.

A person should be permitted to make a request that affects another person, provided the other person is notified of the request and permitted to respond. However, the legal framework should clarify specific procedures for such a request to avoid any possible disenfranchisement of eligible voters.

[TEXT BOX: When updates can be requested by third persons other than the voter, political parties or other stakeholders, the legal framework should clarify:

- Individuals and groups who are entitled to make requests;
- Procedure for making a request;
- Necessary evidence that must be provided to support a request;
- Procedure for notification of the affected voter;
- Rights of the affected voter to be present or to otherwise respond;
- Timeframe for submission and processing of such requests;
- Review process by which the administrative decision will be made to accept or decline the request;
- Manner in which the voter will be notified of the administrative decision;
- Rights of the voter to appeal the administrative decision to a court of law; and
- Institution that will render a final decision.]

¹³ Code of Good Practice in Electoral Matters, Opinion N 190/2002, CDL-AD (2002) 23 rev, **par. I.1.1.d** ; European Commission for Democracy through Law (Venice Commission), Council of Europe; see www.venice.coe.int.

The legal framework should provide that decisions on requests should be made expeditiously, within a time period specifically stated by law. All decisions must be subject to judicial appeal and courts must decide on such appeals expeditiously, within a time period specifically stated by law. The legal framework should also provide for a period of public scrutiny to review any updates that have been made since the previous election.

D. PROTECTION OF PERSONAL DATA

The legal analyst should carefully assess provisions specifying what personal information and data concerning a voter will be publicly listed on registers, and for what purposes it is going to be used by the different election stakeholders. One of the challenges in providing access to the voter registers and preliminary voter lists to political parties, civil groups or individuals, other than the voters themselves, is finding the right balance between reasonable public disclosure and protection of personal data.

Generally only such information as necessary to identify a voter as eligible for a particular election should be made publicly available, in particular when the voter register is extracted from the civil register in which more data on an individual are maintained. International standards for protection of personal data include the 1981 Convention of the Council of Europe¹⁴ and an Additional Protocol to the Convention.¹⁵ *The Convention provides for special safeguards for data subjects (i.e. an identified or identifiable individual) when their data are processed either in the private or public sectors (Article 3). When the information about voters is stored it shall be, in accordance with Article 5 of the Convention, accurate, kept up to date and not excessive in relation to the purposes for which it is stored. Moreover, Article 7 of the Convention provides for general obligation to secure such data against destruction or accidental loss as well as against unauthorised access, alternations or dissemination.* The legal framework should clearly state the permitted uses of information obtained from inspection of the voter registers and whether the information can be used for purposes other than requesting corrections or making challenges to the registration of a voter. In particular, the law should state whether the information might be used for the campaign activities of political parties and candidates. The law should also state the sanctions for misuse of information obtained from voter registers.

[TEXT BOX] Points of Inquiry: The Legal Framework for Voter Registration

- Which laws have a bearing on voter registration?
- Which administrative regulations clarify the implementation of the legislative framework and can copies be made available to the EOM?
- Does the overall legal framework uphold the principles of universal and equal suffrage?
- Does the legislation clearly define eligibility criteria for voting, and are these criteria reasonable and consistent with international standards?

¹⁴ Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, Strasbourg, 28.01.1981, European Treaty Series – No 108.

¹⁵ Additional Protocol to the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, Regarding Supervisory Authorities and Trans-border Data Flows, 08.11.2001, European Treaty Series – No 181.

- Are there provisions that could challenge the voter registration of specific groups such as minorities, women, the poor or illiterate, or displaced persons?

- Does the legislation provide for the registration of detainees, prisoners or former prisoners who have already served their sentences?
- Are any grounds for deprivation of voting rights reasonable and in accordance with universally-held international standards?
- Does the legal framework clearly define who can request updates of the voter registers and/or voter lists, and for whom such requests can refer?
- Does the legislation provide protection for the rights of voters whose registration is questioned?
- Does a streamlined appeals process exist with regard to updates of the voter register and/or voter lists?
- Does the legal framework specify what personal information is subject to public disclosure, for what purposes it may be used and penalties for its misuse?

V. ASSESSING TRANSPARENCY

Equally important to the quality of the legal framework for voter registration is the effectiveness of its implementation. EOMs should assess the implementation of a voter registration process on the basis of its transparency, accuracy and inclusiveness. This chapter looks at how an EOM can assess the transparency of the voter registration process.

A. ABOUT TRANSPARENCY

Providing for a transparent voter registration process is key to ensuring public confidence, and is therefore an important issue for consideration by an EOM. A transparent voter registration process allows public access to the voter register and the voter lists for review prior to election day. It also allows access for political parties and civil society groups to observe the different stages of the voter registration process.

In countries where public access to the voter register and voter lists is not allowed or is obstructed, allegations about inaccuracies or attempted manipulations of the lists may decrease public confidence in the integrity of the voter register as well as the election process as a whole. On the other hand, countries that allow voters and election stakeholders to check and verify the lists prior to election day will generally enhance the level of public confidence in their integrity and improve the quality of the final voter register.

Political parties and civil society groups generally have a strong interest in observing the different stages of voter registration, as this is a sensitive aspect of the election process and can be the source of mistrust among election stakeholders. Such observation efforts can enhance public confidence in the voter register or highlight areas of concern that should be addressed. The legal analyst should verify that access to the voter registration process, including to the voter

register and other relevant documents, is provided for political parties and civil society groups, and identify any areas where access is not permitted. Access should be permitted both during the regular maintenance of the voter or civil register, as well as during any pre-election registration and updating activities.

While verifying that legal provisions allow access to the voter registration process for voters and election stakeholders is a task for the legal analyst, the implementation of a transparent process is a much broader issue for the EOM to follow and assess. Although an EOM is unlikely to be present in-country when the voter register is initially compiled (in an active voter registration system) or when ongoing updates to a civil register are made (in a passive voter registration system), observers can still gather information and observe important stages of voter registration that give indicators of the transparency of the process overall.

B. PUBLIC SCRUTINY PERIOD

In the run-up to an election, it is good practice for authorities to publish preliminary voter lists and display them in locations conveniently accessible to voters for a prescribed period for public scrutiny. During the period for public scrutiny, each voter who has noted inaccuracies or errors in the preliminary voter lists has the opportunity to inform the responsible authority and request changes. The responsible authorities review the requests and, provided they are supported by evidence as required by law, process the changes for inclusion in the final voter lists. *(A minimum period should be defined, such as 21 day period in the month preceding an election. Whatever period is chosen, it should be in accordance with the ability to implement changes before the Final Voters List is published.)*

[TEXT BOX:] The timetable established by law for the public scrutiny period should reflect the following considerations:

- Announcements regarding the public scrutiny period and the deadline for registering or requesting changes are published with enough lead time for the public to respond;
- The public scrutiny period is sufficiently long to allow voters and others to review lists and to request changes;
- There is enough time between the end of the public scrutiny period and the publication of the final registers for the processing of changes; and
- Sufficient time is given for judicial appeals regarding requests for changes that have been declined by the local authorities, before publication of the final voter lists.

It is important that the public scrutiny process be accessible for voters, as it is the main opportunity for them to familiarize themselves with the voter lists and identify any problems. Broad participation in the public scrutiny process contributes to enhanced public confidence and improved quality of the final voter lists. As such, the public should be well-informed about the timing and location of public scrutiny sites. Sites should be as local as possible, so that voters do not have to travel long distances, and opening hours should allow a broad section of voters to participate, including those working during the day.

Political parties and civil society groups should also have the opportunity to check the lists and request corrections during the public scrutiny period. A good practice is to provide the voter

register to election stakeholders in a computerized format, so that the information can be easily searched. Following the processing of corrections, authorities should also provide the final voter lists to political parties and civil society groups as a measure of transparency.

Because the public scrutiny period takes place just prior to election day, it often coincides with the period of deployment of an EOM. The LTOs, as instructed by the election analyst and LTO co-ordinator, can collect important information about the transparency of the voter registration process during the public scrutiny period by speaking with the responsible local authorities and election stakeholders, as well as by observing the process firsthand, where possible.

When meeting local authorities, LTOs should inquire how many changes have been requested, how many have been granted, whether there were any complaints or appeals, as well as how active the public has been in checking the preliminary voter lists. It will also be important to meet with political party and candidate representatives, as well as any domestic observers, to find out their views on the public scrutiny process. If there have been any appeals, LTOs should inquire about the nature of the appeals, the review process and the outcome of the cases.

While the EOM would be unlikely to have the resources to observe the public scrutiny process in a comprehensive manner, it still may be useful to ask LTOs to conduct a limited number of visits to public scrutiny sites. As directed by the LTO Co-ordinator, LTOs might visit a few sites per week in their area of observation, ask questions provided by the EOM about the conduct of the process and report their findings back to the EOM on a regular basis. Such visits can give the EOM a picture of how the process of public scrutiny is generally conducted, whether procedures are implemented consistently around the country and whether there are any obvious problems in the limited number of sites visited. Such visits also allow LTOs to better understand the process so as to inform their discussions with local authorities and election stakeholders.

C. VOTER EDUCATION

In order to exercise their civil and political rights and meet their responsibilities, interested election stakeholders must have a full understanding of the steps that are necessary to confirm eligibility of voters and candidates, and to ensure voters' inclusion in the voter lists. In a transparent voter registration system, the responsible administration must also take measures to provide the public with timely and complete information about the procedures involved. ***(This can be achieved through information broadcast by all types of media, and always through the public media)***

An EOM should determine what steps the local and central administrative bodies have taken to meet their responsibility to inform voters and stakeholders about the voter registration process and assess whether voters have adequate information about public scrutiny and other voter registration activities. While it is difficult to determine whether the public is adequately informed, election observers can ask interlocutors such as civil society representatives, journalists and academics about their views.

It is good practice that public officials prepare and broadly advertise voter education materials and announce the deadlines by which voter registration activities are to be accomplished.

Provisions may also proscribe that information materials and forms be provided in additional languages (*and alphabets in regions where such languages/alphabets*) are broadly in use.

Voter education materials should include information about:

- Eligibility criteria;
- Registration procedures;
- Identification documents needed for registration;
- Locations and working hours of registration officials; and
- Deadlines for submission of requests for registration or changes to the voter lists.

Political parties can enhance the efforts of the public authorities with regard to voter education by disseminating this information through their networks of supporters. An active civil society can also play an important role in conducting voter education campaigns, although such efforts should supplement rather than replace the role of the election administration in educating voters.

[TEXT BOX] Points of Inquiry: Transparency and Public Scrutiny

- Is there overall transparency in the voter registration process?
- Are the preliminary voter lists published and/or displayed for a period of public scrutiny?
- Is the timeline for public scrutiny sufficient to allow election stakeholders to review lists and to request changes where necessary?
- Is the timeline for public scrutiny sufficient to allow processing of any requested changes and for any appeals?
- Are the voter registers and/or voter lists made available to political parties and civil society groups prior to the deadline for the closure of the lists?
- Are the final voter lists made available to political parties and civil society groups?
- Have election administrators and other officials carried out sufficient efforts to inform voters and stakeholders about the public scrutiny period and other voter registration activities?

VI. ASSESSING ACCURACY

Only an accurate voter register can ensure universal and equal suffrage. At the same time, keeping a voter register properly updated presents significant challenges for registration officials. It is important that observers are aware of these issues and are prepared to make an assessment of the accuracy of a voter register and the performance of relevant administrators in ensuring it. The following chapter looks at the central issue of accuracy and how observers can approach it.

A. ABOUT ACCURACY

There are several aspects of accuracy that election observers should consider when assessing

voter registers:

- Each record should be attached to an eligible voter;
- The information should be current, reflecting recent civil status events;
- The list should be complete, including all eligible voters;
- There should be no spelling or other data errors.

At the same time, election observers should bear in mind that no voter register is perfect. Voter lists represent a “snapshot” of a particular segment of the population, at a given moment in time. As new civil status events occur, the snapshot of today will differ from the snapshot of yesterday, and time is needed to reflect these events in the registers.

There are no international standards that provide for a numerical expression of the accuracy, or for the acceptable margin of error, of the voter lists. In a society where elections are characterized by a high degree of public confidence, there may be little concern about inaccuracies in the voter lists. At the same time, in a context where little public confidence exists, a few inaccuracies could form the basis for widespread speculation about possible election day manipulation.

Some OSCE participating States’ electoral legislation includes specific turnout requirements in order for the respective election to be valid. If such turnout requirements are not met, legislation often requires that the election be repeated, opening the possibility of endless cycles of failed elections. *This makes such a rule unsuitable.* Often the turnout is determined on the basis of the voters’ signatures on the voter lists, so the accuracy of the compilation of the voter lists therefore acquires additional significance.

While assessing the accuracy of the voter register and voter lists is a central issue for an EOM, it is also one of the most difficult to determine. As international observers are unlikely to observe initial stages of voter registration, or to have the time and resources necessary to conduct comprehensive tests of the voter register, they will largely rely on second-hand information from election officials, political parties, civil society groups and other sources.

While some types of statistical data may be useful to election observers when considering the accuracy of the voter register, such information should be treated cautiously. As mentioned above, census data in particular is based on a different methodology than civil registration, and this should be taken into consideration. Voter registration figures can be compared to those of previous elections, to check for any considerable fluctuation.

B. ENSURING ACCURATE REGISTERS

Accurate voter lists are the product of a long and, at times, complicated process of accumulation, updating and processing of voters’ personal data. Accurate voter lists can only be achieved when officials responsible for their compilation exercise their duty conscientiously and in a timely manner, and when citizens provide their personal data within legal deadlines. Proper registration requires the cooperative efforts of officials and voters alike, but errors can always occur.

The regular and accurate updating of voter records is key to the accuracy of the voter lists on election day, particularly in passive voter registration systems. However, updating of records requires special care to protect the registers from creating multiple records. The quality of this process will depend on the effectiveness of the registration officials in carrying out their responsibilities. The election analyst should meet with registration officials and ask how they ensure that updates to the voter register are accurate and what specific challenges they face.

In cases where different institutions at the local level are responsible for the maintenance of the data for personal identity and for residency, good communication between such institutions is of key importance, in particular in large urban areas usually characterized by intensive migration. Likewise, local-level institutions must also have the means for a continuous exchange of information with State-level institutions, so that any updates made at the local level will be reflected at the central level. Regular and timely exchange of data and information is particularly necessary when responsibility for maintenance of voter registers is shared between several different institutions. ***(In addition, there must be an adequate level of competence and uniformity in all the institutions involved in the process, particularly at the local level)***

Voter registers will only be accurate if citizens inform registration officials in a timely manner about any updates to their voter records. Election observers should watch for any factors that could inhibit participation and adversely affect the accuracy of the voter register. For instance, a compressed timeframe for voter registration may not allow voters adequate time to register or update their records. In rural areas, citizens may have to travel long distances in order to register, which may constitute an inhibiting factor.

Routine difficulties for accurate voter registration are likely to increase during periods of fundamental political transition or in a post-conflict situation. There could be limits in institutional capacity, as well as funding. In some cases, a new registration system will have to be created. When a new civil or voter registration system is being initiated, major challenges include:

- Careful design of the system, including information and communication flows both between institutions and within each institution involved;
 - Initial collection of personal data usually conducted door-to-door; and
 - Cleaning-up and streamlining of the data.
- * ***Examination of utility accounts, when personal identity documents are not available, where it is then necessary to confirm the voters identity and residence***

A decade or more of hard and coordinated work statewide may be needed in order for the new registration system to start functioning as designed.

C. COMMON PROBLEMS

Election observers should be aware of several common problems with voter lists, so that they are prepared to evaluate any political allegations. In cases where there are believed to be too many

voters on the lists, there may be charges of multiple voting. In cases where there are believed to be people missing from the lists, there may be charges of disenfranchisement.

There are several reasons why there may be too many people on the voter lists:

- **“Dead souls”** – names of deceased persons have not been removed from the lists.
- **Internal migration** – people have moved within the country, but have not removed themselves or been removed from the voter lists in their previous place of residence.
- **Emigration** – people have moved abroad, but have either not had their names removed, or are entitled to remain on the voter list to retain their voting rights.

It is not unusual for a large number of people within a community to either move within their country or to emigrate at one time due to economic or other circumstances. In such cases, there may be a large number of surplus names on the voter lists.

There are also several reasons why there may be people excluded from the voter lists:

- **Lack of proper documentation** – updated documents have been issued and are necessary for voting, but certain segments of the population such as older people may not have claimed them.
- **New voters** – voters reaching voting age may not have requested inclusion or may not have been added to the voter lists.
- **Obstacles to participation** – certain marginalized groups such as women or national minorities may be underrepresented in the voter lists due to social conventions, administrative barriers or discriminatory practices.

Election observers should treat with caution any allegations about inaccuracies in the voter lists, as well as any official statements about the accuracy of the voter register, including numerical data. It is common for such allegations to become political issues during an election period, and often they are unfounded. Election observers should ask for evidence for any allegations of inaccuracies or manipulations of the voter lists. They should also find out whether any official complaints have been filed, while reminding stakeholders that the EOM is not part of the legal adjudication process.

D. CHALLENGES OF SPECIAL VOTING ARRANGEMENTS

Many OSCE participating States allow special voting arrangements to accommodate certain groups of voters who may be away from their place of residence on election day. Some participating States also make arrangements to allow voters abroad to vote, or to allow voters to vote early. Election observers should be aware that such special arrangements might complicate the task of voter registration, and may affect the accuracy of the voter lists on election day.

The election analyst should find out what special voting arrangements are permitted by law, and how the voter lists are affected. In some countries, such "special voter" entries are deleted from

the voter lists with a line crossed through them. In other countries, a separate list of "special voters" is issued to polling station officials to communicate that these voters will vote elsewhere. In other cases, administrators might be able to remove "special voters" from the voting lists before they are finalized. Such measures are safeguards to prevent any opportunities for "double-voting" or impersonation of absent voters.

The following types of special voting arrangements may be encountered by election observers:

1. In-Country Voters, away from Their Places of Residence

Registration of voters who are away from their places of residence during the period of registration should distinguish between such voters who choose to be away, and those who are unavoidably away, because of duty or confinement. For those who choose to be away, it may be possible in some participating States for such voters to register temporary residence and then register to vote there or be provided with an absentee voting certificate. In other participating States, the only choice may be to return to the place of residence for election day and vote there. Alternatively, some OSCE participating States provide the possibility for such voters to vote by mail.

[**TEXT BOX - Absentee Voting Certificate:** An absentee voting certificate (AVC) is issued usually by the authorities to allow voters to vote in a polling station other than the one to which they are assigned. Good practice suggests that a voter provided with an AVC is included in the "new" polling station voter list upon exclusion from the "old" one, and that the AVC is attached to the voter list after the voter has voted.]

Voters who are unavoidably away from their places of residence usually include career military and conscripts, police officers, university students, hospitalized patients, ship crews, prisoners and detainees. Voter registration of such categories of voters is generally the responsibility of the respective institutions and the central election administration bodies.

Voter registration of military personnel varies in individual OSCE participating States, particularly for conscripts. In some participating States, the Ministry of Defense may provide lists of conscripts and their locations to the registration authorities, to allow them to be included in the voter lists for civilian polling stations at the localities where they serve. In other participating States, "special" polling stations are set up for military personnel located in military bases, although best practice suggests that such arrangements be organized only as exceptions.¹⁶ In still other participating States, conscripts vote by mail and their votes are delivered to their locations of permanent residence. Finally, a few participating States prohibit voting by military personnel, in contravention of the principle for universal and equal suffrage.

Similar arrangements for voter registration may be in place for police officers, ship crews, university students, hospitalized patients, prisoners and detainees. Election observers should ask about such specific arrangements and assess how the principle of universal and equal suffrage has been implemented with regard to in-country voters away from their places of residence. Election observers should also find out what is the system for restoring voters' names on voter lists once they return to their place of residence.

¹⁶ Code of Good Practice in Electoral Matters, par. I.3.2.xi.

2. Voters Abroad

Measures for allowing citizens temporarily abroad to vote have been implemented in a number of OSCE participating States, but modalities vary, as there are no explicit international standards addressing this question. Arrangements for voting abroad have to strike a balance between extending the franchise to eligible voters and ensuring the integrity and transparency of the vote. In States where there are concerns with regard to the accuracy of the voter lists, voting abroad has sometimes been a compounding factor, regardless of whether or not this is justified.

While direct observation of voting abroad is outside the scope of most EOMs, it is still important for election observers to understand the provisions and system for registering voters abroad, as it impacts directly on the accuracy of the voter lists. In particular it is important to find out whether the entries of voters abroad remain on the in-country voter lists.

A number of participating States do not provide for voting of eligible voters who reside abroad. In passive registration systems, the entries of voters abroad generally remain on the voter lists because they maintain the right to vote in-country, in particular if legal provisions condition the right to vote on being included in the voter list. However, this may give rise to allegations of abuse on the assumption that in-country voters who know the personal details of those abroad could vote more than once. *(Provision of methods such as inking of fingers could be introduced to prevent double voting)*

Among those OSCE participating States that allow voting abroad, some require voters to register in the diplomatic representations in advance and then suppress their records and/or entries at home in order to avoid possible inflation of the total number of registered voters and possibilities for abuse. Other OSCE participating States allow for *ad hoc* registration of voters when they come to the polling stations in the diplomatic representations to vote on election day. In such cases, voters voting abroad who may be regularly registered in their home voter lists create a new, possibly second, entry leading to inflation of the total number of registered voters. In such cases, the relevant authority should check after the elections whether there have been attempts for abuse by comparing the in-country voter lists with the out-of-country ones.

3. Early Voting

A number of OSCE participating States allow voters to cast their ballots in special polling stations in advance of an election, in order to enhance participation and accommodate voters who may not be able to vote in their respective polling stations on election day. In some jurisdictions, early voting starts a few weeks before election day. A specific challenge related to early voting is the possible conflict of schedules for voter registration and early voting, as early voting may have already started before the expiry of the period for voter registration.

In States that allow early voting, special coordination might be necessary to reflect voters who

have cast votes early in the regular polling station voter lists. This would create safeguards against possible abuse, such as attempts of multiple voting.

E. COMPUTER TESTS

One method for assessing the accuracy of the voter register is a computer test, which is most easily conducted on a centralized (or networked) registration database. It is good electoral practice for the relevant administration to carry out regular audits of its voter registration database, and in particular to identify possible errors or multiple records. If the voter register is made available in a digital format to political parties and civil society groups, they may also conduct tests of the voter register and publicize results in order to build public confidence in an accurate register or to advocate for improvements in an inaccurate register.

While it is generally not possible for EOMs to conduct tests of the voter register, the core team should inquire whether such tests have been done, either by the authorities or by other election stakeholders. Election analysts may also be able to run simple tests on a computerized database, such as searching for duplicate entries or incomplete records.

The legal framework should provide the frequency with which registration authorities are to audit the registers or the voter lists, regardless of whether the system for registration is active or passive. Such audits may also involve scheduled cross-checks with public databases maintained by other agencies and application of internal programs designed to expose questionable entries. Following the audit, any possible updates to the voter register should be introduced in accordance with established procedures and by the authority that maintains the voter register.

In some OSCE participating States, such audits also involve a scheduled mailing of notices to each voter regarding the information on his or her voter record. The legal framework should provide guidelines about how officials should process mail that is returned as undeliverable. Removing entries from the lists should be done with considerable caution as this may cause disenfranchisement of eligible voters. Other States send such notices simply as a way of inviting voters to confirm or update information, while still others do not send any notices.

F. FIELD TESTS

Civil society groups or political parties may also conduct a series of random checks of the voter register or voter lists to determine whether the data corresponds to voters, and whether all voters who should be on the voter lists are recorded accurately.¹⁷ Such a survey can be an extensive activity and requires a large nationwide network of volunteers. Election observers should be aware of the basic methodology for conducting such tests to be able to evaluate the reliability of the results.

There are two main types of field tests that can be conducted to assess the accuracy of the voter lists:

¹⁷ For more information, see *Building Confidence in the Voter Registration Process: An NDI Monitoring Guide for Political Parties and Civic Organizations* (2001) at www.ndi.org.

List-to-people tests assess the currency of the voter lists. They are meant to capture people who are on the list, but should not be. Volunteers try to locate a series of people who have been randomly selected from the voter list to determine if their personal information is still accurate.

People-to-list tests assess the comprehensiveness of the voter lists. They are meant to capture people who should be on the lists, but have been excluded. Volunteers use a method for randomly selecting people in public places and then check whether their personal information is correctly included on the voter lists.

[Text box] Points of Inquiry: Assessing Accuracy

- Determine which institutions are involved in updating the civil and/or the voter register and assess how data from various sources is shared and integrated.
- Request copies of registration forms, or forms required to suggest an update, depending on the type of voter registration system. Assess whether forms comply with the legal framework for registration.
- Request numbers of registered voters, if possible per electoral constituency. If the system is active, attempt to produce an estimate for the percentage of registered voters.
- Compare numbers of registered voters with similar data from the last election. If there are considerable fluctuations, inquire about possible circumstances that may have caused them.
- Assess the methodology for identification, analysis and clean-up of potential errors in the voter lists, such as groups of possible multiple records, entries of deceased persons, missing entries, etc.
- Ask whether any complaints have been filed about voter registration. Ask political parties and civil society representatives for their impressions regarding the accuracy of the voter lists.
- If allegations about serious flaws in the voter registers are supported by evidence, review them with officials and ask how they intend to follow up.
- Identify any special voting arrangements and consider how they might affect the accuracy of the voter lists.
- Find out whether the registration authorities conduct regular audits of the voter register, and if so, what were the results of the previous audit.
- Ask domestic observers if they have carried out any computer or field tests of the voter lists to determine their accuracy. If so, attempt to evaluate their methodology and review their findings.

VII. INCLUSIVENESS AND NON-DISCRIMINATION

An important aspect of equality and universality of suffrage is that voter lists are inclusive, and are compiled on the basis of non-discrimination. Special attention should focus on the inclusion in the voter register and voter lists of national minorities and women. In post-conflict situations, specific attention should be paid to inclusion of internally displaced persons (IDPs) and refugees.

The following chapter looks at how EOMs can consider these issues and assess the inclusiveness of the voter registration process.

A. NATIONAL MINORITIES

OSCE participating States have committed themselves to protect the rights of national minorities to participate in public life, including in elections. The Council of Europe has also addressed the political rights of national minorities in its Framework Convention for the Protection of National Minorities.¹⁸ While such international instruments, as well as constitutional provisions and election laws, specifically protect the rights of national minorities to participate, in practice they may still remain in a discriminated position, especially in terms of political participation.

EOMs should evaluate how voter registration provisions and procedures either facilitate or discourage political participation by minority groups. While an EOM may include a national minorities analyst, all core team members should follow these issues as part of their responsibilities. At the same time, LTOs and STOs should also be made aware of any particular issues affecting minority participation, to strengthen their ability to observe. The ODIHR has published specific guidelines on the participation of national minorities in elections, which gives more guidance on how EOMs can address these issues.¹⁹

Minority populations that use non-official languages may be inhibited from participation in civil and/or voter registration. Ideally, registration forms, information and outreach materials for voter registration should be made available in minority languages (*and/or alphabets*), especially in areas where such languages are broadly used. Consideration could also be given to displaying voter lists in the minority language, in parallel to the lists displayed in the official language, to make it easier for voters to find their names. In cases where multiple languages are in use, translation or transliteration errors in the voter lists may affect the ability of minority voters to locate their names.

Another potential issue that may have a disproportionate effect on voter registration of minority populations is the set-up for registration of voters abroad. Often, minority populations inhabit areas close to State borders and may have family members on the “other” side of the border. In such areas there may be frequent border crossings of minority citizens at checkpoints that may be not equipped with sophisticated equipment. If the State of citizenship of the minority population decides to exclude citizens from the voter lists that have crossed the border after a cut-off date related to the election calendar and have not been registered upon their return, it is possible that exclusions may disproportionately affect the minority population.

It is critical for election observers to understand cultural patterns that may impede a specific minority group from registering or being registered to vote. For example, Roma may traditionally avoid registering permanent residency or enrolling for any civilian entitlements. Thus, in the context of civil and/or voter registration, they could remain excluded from the voter list. Similarly, in a few OSCE participating States, there are indigenous populations of Travellers

¹⁸ Council of Europe, Framework Convention for the Protection of National Minorities, Strasbourg, 1 February 1995, Section III, Article 20.

¹⁹ OSCE/ODIHR, *Guidelines to Assist National Minority Participation in the Electoral Process*, 1 January 2001. [revised version available?]

who traditionally do not settle. As most participating States require residency to be eligible to vote, Travellers experience difficulties to register as voters and could be disenfranchised.

OSCE participating States have adopted varying approaches towards enumeration of national minority populations. As a result, some States may be in a position to provide numerical estimates for the size of respective minority(ies), while others may not. However, it is generally considered that inclusion in voter lists of personal information about ethnicity diverges from good practice.²⁰ At the same time, in some OSCE participating States seats are allocated to national minority candidates, who are elected by members of that minority. In such cases, voters may have to register themselves on a special voter list as part of the minority or may have to identify themselves as such on election day. ***(In accordance with the ‘Framework Convention for the Protection of National Minorities’ (Article 15), neither candidates or electors, should be required to indicate their affiliation with any national minority.)***

B. WOMEN

Entitlement to equal rights, including to political participation regardless of gender, has been recognized by human rights documents since the early 1950s. More recent documents, such as CEDAW, oblige States to ensure equal participation for women as voters and candidates. Nevertheless, women frequently face barriers to fair and effective representation due to generalized discrimination, often remnants of past tradition and practice, including with respect to their participation in public life.

In this context, EOMs should assess the degree to which voter registration procedures and provisions either facilitate or discourage political participation by women. The ODIHR has published a handbook²¹ to assist observers with this task. Although some EOMs might include a gender analyst, it is the responsibility of every core team member to follow these issues as part of their overall responsibilities. Any particular issues impeding women's participation should be brought to the attention of all observers during the pre-deployment briefings, to improve their ability to observe.

In the context of voter registration, States should strive to establish registration systems that facilitate full equality of men and women. On a more general note, remnants of past practices that tend to vest decision-making authority on behalf of female relatives with the male family head should be continuously addressed. Election observers should be especially watchful of how such underlying customs may affect the voter registration and voting processes, including access to a legal remedy. While constitutional provisions and election laws may specifically protect the rights of women, in practice they may still remain at the periphery of public life, especially in terms of political participation and voting. ***(This is of concern when Postal Voting procedures are in place, and a woman’s vote is stolen by another family member)***

In cases where the voter register indicate gender, it is useful to compare it with census data to determine whether women register to vote with the same frequency as men. This is generally easier with passive registration systems, as they usually include information about gender in the

²⁰ Code of Good Practice in Electoral Matters, **I.2.4.c.**

²¹ OSCE/ODIHR, *Handbook for Monitoring Women's Participation in Elections*, 2004.

individual records. While it may be difficult to find similar disaggregated information for active registration systems, such data is of particular interest as it shows whether women have taken the initiative to participate.

C. DISPLACED PERSONS

Displacement of considerable numbers of persons from their places of residence may occur during and after armed conflicts, social upheavals, or natural disasters. In such circumstances, the affected State has to exercise special care to ensure registration of displaced persons, including as voters, and to facilitate their participation in elections. International organizations such as the UN, the OSCE or the International Organization for Migration (IOM) may take an active role in voter registration of displaced persons.

Persons displaced within the borders of their own State of citizenship are generally referred to as *internally displaced persons* (IDPs), while persons displaced outside the borders of their State of citizenship are generally referred to as *refugees*. Participation in elections of displaced persons should be in compliance with the legislation of the State of citizenship of the persons in question. While authorities should take necessary measures to ensure that IDPs can vote, refugee voting depends on whether the State provides for out-of-country voting.

Several issues may hinder inclusion of displaced persons in the voter lists:

- Displaced populations are often transient, whether they move independently from one location to another, or whether they are housed in a camp or temporary housing and subsequently moved to another location by relevant authorities.
- Displaced persons may have lost identity documents, and may have limited access to agencies that can replace them. This is especially significant in areas where civil records were stolen or destroyed.
- Displaced persons may be reluctant to register for fear of intimidation or retribution.

In some instances, displaced persons accommodated in a specific community may be eligible to register to vote in the administrative unit where they resided prior to displacement. However, they may be reluctant to register there because of personal safety issues, or for fear that registering in their former community might result in the loss of entitlements associated with their status of displaced person in their current location. Some majoritarian electoral systems may also contribute to restriction of the franchise to IDPs, since participation is tied to registration in a specific constituency.

In countries with displaced populations, election observers should meet with the relevant authorities and find out what measures have been taken to carry out voter registration for these persons. If there are temporary accommodations for IDPs, the EOM should attempt to visit them and to observe possible voter registration exercises.

[Text box] Points of Inquiry: Inclusiveness of Voter Registration

- Identify any groups that may be excluded, even in part, from voter registration by bureaucratic or systemic shortcomings in the process. Assess whether traditional local

culture may have an impact on the inclusiveness of voter registration, in specific regions or statewide.

- Ask what documents are required to prove eligibility to register. Determine whether circumstances might exist that would result in a person not having possession of those documents or limit a person's ability to obtain them.
- Determine if there are any literacy requirements or costs that may prevent certain voters from participating.
- In the case of national minority populations, ask if registration information and forms are available in their language(s). *(and alphabets)*
- Ask authorities whether statistics are available for the number of women registered to vote, as compared to men.
- Where it is perceived that women or national minority populations are underrepresented on the voter lists, determine if special programs are conducted by local authorities or civil society to encourage and facilitate their registration.
- Ask about the length of residency required to be eligible to vote in the election and the deadline for registering, and assess whether these factors may negatively impact any group of voters, and in particular, voters who may have recently moved or whose traditional culture involves a more transient lifestyle.
- Determine if there are special camps or other temporary accommodation established for displaced persons, or if there are specific regions where there may be higher concentrations of displaced persons.
- Try to obtain information about the actual number of any displaced persons, including IDPs and refugees. Determine their residence and citizenship status.
- Ask about any measures that have been taken to provide displaced persons with official identity documents or other documents reflecting their status. Determine if any efforts have been made to assist them in registering to vote.
- Determine whether legal provisions or regulations allow IDPs to vote in their current location or prior residence.

VIII. VOTER LISTS AND ELECTION DAY

The quality of voter lists is put to the test in the polling stations on election day. The identification and processing of voters in polling stations can give clear indications of the integrity of the voter registration process as a whole. The following chapter explains issues related to the use of the voter lists on election day, as well as providing guidance on how EOMs can most effectively observe the process.

A. STRUCTURE OF VOTER LISTS

It is best practice for legislation to clearly indicate what personal data an individual entry in the voter list should comprise to be used in polling stations on election day. This ensures the transparency and uniformity of the voter lists for any given election. It is broadly considered that a person can be identified by his or her first name, family name and date of birth.

Civil and/or voter registers are usually organized as databases and most database software allows for data to be sorted by a number of fields. Thus a single register can allow representation of the data in lists of various formats. In most cases, polling station voter lists are organized with the entries sorted in alphabetic order by family names, or by addresses, if addresses have been assigned uniformly for all urban and rural areas. The choice of how to sort the data is made taking into account the information included in the personal identity documents most commonly used for identification of voters, with a view to ensuring the efficient and smooth processing of voters by polling station officials.

Sorting voter list entries by family names in alphabetic order appears to be the most frequent practice in OSCE participating States. It allows for voter identification on election day with personal identity documents that do not include the address. Such voter lists are also useful in areas where addresses are not uniformly assigned, as well as in participating States where data protection legislation considers the address as protected data. It is also possible to produce the preliminary voter lists with entries sorted by addresses for the period of public scrutiny, and the voter lists for election day sorted by family names in alphabetic order. In some participating States, voter lists are posted in or around the polling station so that voters can check that their names are on the list, and that they are in the correct polling station, prior to voting.

B. VOTING

All the efforts undertaken to compile, update, scrutinize, publish and distribute the voter lists come together on election day. The voter list is one of the most important documents on hand during the conduct of the voting. Its use throughout the day, including a possible supplemental voter list, serves as the basis for determining how many people voted, comparing that number to the number of ballots issued, the number of ballots found in the ballot box, and the number of votes cast.

The most important issue for voters is to find their names on the voter lists when they go to vote, and this will likely influence their confidence in the election process as a whole. In order for this to happen, voters must go to the “right” polling station; therefore polling station voter lists must reflect correctly the personal data of all voters assigned to the respective polling station.

Although procedures vary in individual participating States, in the vast majority of cases the key step involving the voter list in processing of voters on election day is *voter identification*. In most cases, the voter presents an identity document to a polling station official, whose task is to find the voter’s name in the voter list. In some participating States, a person without any identity document may be considered as identified if one or two witnesses attest to the person’s identity. Once the voter’s name is found, either the voter is asked to sign the voter list, or the polling station official makes a mark against his or her entry in order to indicate that the person has received a ballot. In the latter case, the voter may be required to sign the voter list after voting.

Well-trained polling station officials, accurate voter lists and voters who are informed about their rights and responsibilities on election day contribute to an environment of public confidence and

a smooth voting process. Under such conditions, problems at polling stations are generally isolated. However, lapses in any of these areas can result in delays, frustration, disruption or even unrest at the polling station.

There are a number of reasons why an eligible voter's entry might not be found on the voter list:

- The voter requested a correction or a transfer of his or her record after the deadline. In the case of request of a transfer, he or she may be registered in a different polling station.
- The representation of the voter's name on the voter list differs from that on the identification document he or she has presented.
- The voter's name was omitted in error.
- The voter is assigned to another polling station.
- In an active registration system, the voter never registered or registered after the deadline for the particular election.

Depending on the legislative framework, when a voter's entry cannot be found on the polling station voter list, the voter is refused a ballot or, if eligibility can be established, his or her name is included in the supplemental voter list and the voter is given a ballot. In some participating States, establishment of eligibility on election day may involve the local government authorities, the police or the court. Usually in such circumstances, the election law obliges these institutions to remain open during voting hours. In a few participating States, the voter may be allowed to vote with a "provisional" ballot.

In some participating States, polling station officials are provided with computer equipment permitting access to the voter lists for the entire constituency. In such a case, polling station officials are able to advise voters whether they appear in the voter lists, and if so, in which polling station.

[TEXT BOX: Provisional Ballot

A provisional ballot is issued to voters who do not appear on the voter list, so that their eligibility can be verified by the local registration authorities or a higher election commission after voting is completed and their vote can be counted, should they be eligible. Voters are provided with a ballot, a secrecy envelope, and an outer envelope, on which they can provide personal details for later verification.] *Is such a procedure common in many states? This should be made clear.*

C. COUNTING

The voter list, including a possible supplemental list, becomes an integral part of the counting of votes after the polls close. Regardless of whether votes are counted at the polling station or in some other location such as a constituency counting centre, polling station officials are generally required to complete a protocol in which they document the voting activity for their polling station.

In most cases, the first stage of the count comprises the determination of the number of voters who voted by counting the number of signatures on the voter list, or the number of entries marked as voted by polling station officials, as well as any names of voters on the supplemental

voter list or provisional voters. This number should match the entries on the protocol for the number of ballots issued and the number of ballots in the ballot box, notwithstanding any ballots that may have been spoiled and replaced.

D. ELECTION-DAY OBSERVATION

Short-term observers (STOs) arrive in the OSCE participating State holding an election a few days before election day and leave a few days after election day, in line with the ODIHR methodology for election observation. The core team can direct the STOs to collect useful information about the use and quality of the voter lists in the polling station on election day. Standard observer checklists for observation of voting generally include several questions related to voter lists that can be tailored for the system in place in the participating State. As the number of STOs is sizeable overall, their findings can be systematized in an attempt to determine broader trends related to the implementation of the system for voter registration.

A consolidated summary of STO findings should provide some indications of the overall accuracy of the voter lists, and how efficiently the stage of the voting process involving voter lists was organized during election day. In particular, STOs can observe whether the voter identification process was carried out smoothly and in line with regulations, whether there were any voters on a supplemental voter list, whether any voters were refused ballots because their names were not on the list and whether there were any allegations of multiple voting.

At the same time, it is important for the core team to remember that while STOs can give an indication of problems, they are not in a position to determine the reason for any problems with the voter lists or who may be responsible. A detailed analysis of such issues is time consuming and requires full cooperation of the host authorities. Any complaints or allegations about the voter lists on election day can be followed up by the LTOs and the core team in order to make a conclusive assessment.

[Text box] Points of Inquiry: Voter Lists and Election Day

What personal data appears on voter lists and how is it organized? Does it allow for smooth processing of voters?

Were voter lists posted in or around the polling station?

What procedures are used to identify a voter, and can a voter without any identity document be identified by witnesses?

What does the legal framework prescribe in case a voter's name cannot be found on the voter list? Is the voter refused a ballot or is there a way to determine eligibility on election day? Is there an option of a provisional ballot?

Does the legal framework provide for a tally of voters marked as voted on the voter list to be compared with the number of ballots issued, and the number of ballots in the ballot box?

Did STOs find any indications of large numbers of voters refused ballots because they were not

on the voter lists, or cases of multiple voting? How were these cases handled?

Were there groups of possible multiple entries within the same polling station?

Were supplemental voter lists used, how many entries were already included in the supplemental voter lists at the time of the visit?

Were there any complaints or allegations made by election stakeholders about the voter lists on election day and how have these been resolved?

Was voter participation properly determined during the counting on the basis of voter entries marked as voted in the voter list?