



# Handbook

For The Observation  
Of Voter Registration

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# Introduction

## A. About This Handbook

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

A better understanding of the legislative and administrative aspects of voter registration will enhance the work of analysts and observers in ODIHR election observation activities. This handbook aims primarily at election and legal analysts, but other core team members of election observation missions (EOM), as well as long-term observers (LTOs) and short-term observers (STOs), will also benefit from this handbook. While this handbook is mainly aimed at EOMs, members of election assessment missions (EAMs) and other ODIHR election observation activities could also benefit from referring to the handbook. ODIHR hopes that other international and domestic observer groups will also use it for their observation activities.

The handbook includes the following:

- ✎ An **introduction**, including relevant international standards and the OSCE/ODIHR approach to voter registration;
- ✎ **Useful terminology** for understanding voter registration;
- ✎ An explanation of **general features** of voter registration systems;
- ✎ Guidance on how to review the **legal framework** related to voter registration;

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<sup>1</sup> This handbook should be read together with the *OSCE/ODIHR Election Observation Handbook*. See also other ODIHR guidance documents, especially the *Handbook for Long-Term Election Observers*, the *Handbook for Monitoring Women's Participation in Elections* and the *Guidelines to Assist National Minority Participation in the Electoral Process*. All are available at <http://www.osce.org/odihr/elections/75352>.

- ✎ Guidance on how to assess the **transparency** of voter registration;
- ✎ Guidance on how to assess the **accuracy** of voter registration;
- ✎ Guidance on 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 of voter registration with practical advice for election observers on how to approach the process. “Points of Inquiry” at the end of several chapters highlight practical questions on each topic that observers may find useful.

This handbook reflects the broad range of voter registration practices in OSCE participating States. Since voter registration practices within the OSCE vary, issues explored in this handbook may not be relevant to every election. Observers will have to assess specific elements of the voter registration process depending on the type of voter registration system, the timeline for the registration process and the procedures of the participating State. The timing of an observation activity and its deployment, as well as available resources, will also affect how comprehensively observers can look at these issues. Still, on each occasion, voter registration must be taken into account and included in the reporting and, as appropriate, in the recommendations.

## **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 they have committed to guarantee them. Voter registration is an important basis to ensure equal and universal participation of eligible voters in a given election. In addition, based on the number of registered voters, important decisions are taken during an election process, such as determining the number of administrative units (precincts) and location of polling stations, the number of ballots and election materials to be printed and allocated to polling stations, and the calculation of voter turnout.

*Transparency, accuracy and inclusiveness* are key aspects to ensure the integrity of a voter registration process and the credibility of voter lists. Election observers should focus on these aspects when assessing the voter registration process. Each of these 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 attempts to manipulate 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 should ensure that every voter is only able to vote once and prevent those who are 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 check that their information is correct, and they should be able to challenge any inaccuracies through a timely process. Copies of the voter register can also be provided to political parties and candidates so they can verify that their supporters are included and use the information to conduct their campaigns. When providing copies of the voter register to political parties and candidates, the following issues should be considered: All parties should have equal access to the voter register, and the information should be provided in line with data protection rules. Providing the register in electronic format to enable electronic search of data in line with data protection legislation could also be considered. In some countries civil society groups may also assess the accuracy of voter lists using field and computer tests and present their findings to the public.

In addition to those mentioned above, 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. In some participating States, public campaign funds are allocated based on certain amounts per eligible voter.

### **C. OSCE Commitments and Other International Standards**

The main task for ODIHR election observers 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, as well as good international 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 election observers make reference to these standards in their reports.

ODIHR election observers assess compliance with OSCE commitments and other international standards for democratic elections. In the 1990 OSCE Copenhagen Document,<sup>2</sup> the OSCE participating States committed to a number of principles for democratic elections. It provides the primary basis for an assessment of election processes, including voter registration.

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

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<sup>2</sup> 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 <http://www.osce.org/odihr/elections/14304>.

governing of their country, either directly or through representatives freely chosen by them through fair elections.”

Toward that end, OSCE participating States have committed 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 standards related to voter registration and provide a basis for its assessment. In particular, Article 25 of the International Covenant for Civil and Political Rights (ICCPR)<sup>3</sup> 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...”<sup>4</sup>

Other human rights instruments affirm guarantees of non-discrimination. Article 5 of the International Covenant on the Elimination of Racial Discrimination (ICERD)<sup>5</sup> 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.”

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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](http://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](http://www.ohchr.org).

5 ICERD, adopted and opened for signature and ratification by General Assembly Resolution 2106 (XX) of 21 December 1965; entry into force 4 January 1969; see [www.ohchr.org](http://www.ohchr.org).



Similarly, Article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>6</sup> 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<sup>7</sup> 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 and continuously the voter register(s); and
- ✎ Develop administrative procedures, subject to judicial control, to allow for corrections of the voter register(s).

#### **D. ODIHR’s Approach to Observation of Voter Registration**

Through its deployment of election observation activities, especially EOMs, 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 citizens.

ODIHR observers look specifically at the processes related to voter registration as part of the 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 an ongoing basis or prior to deployment of an EOM, core team members together with LTOs and STOs can still collect sufficient information to make a well-informed assessment. When observing voter registration, it is important to assess both the inclusiveness and the transparency of the process, as well as the accuracy and quality of the resulting voter lists.

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

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6 CEDAW, adopted 18 December 1979 (Resolution 34/180) and entered into force on 3 September 1981; see [www.ohchr.org](http://www.ohchr.org). Also, General Recommendation No. 23 of the CEDAW Committee (16th session, 1997); see at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom23>.

7 Code of Good Practice on Electoral Matters, Opinion N 190/2002, CDL-AD (2002) 23 rev.; European Commission for Democracy through Law (Venice Commission), Council of Europe; see [http://www.venice.coe.int/docs/2002/CDL-AD\(2002\)023rev-e.pdf](http://www.venice.coe.int/docs/2002/CDL-AD(2002)023rev-e.pdf).

- ✎ 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 OSCE commitments and other international standards;
- ✎ The **election analyst** meets with the appropriate officials responsible for compiling the voter lists, whether at the central election administration or at another ministry or institution, to determine how 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 on the question of whether groups that are often traditionally marginalized, 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;
- ✎ **Long-term Observers** meet with local and regional election administrators involved in the 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; and
- ✎ On election day, **Short-term Observers** collect a variety of data, including about the identification of voters and use of voter lists, at the polling stations. During the course of election day observation, any widespread inaccuracies in the voter lists become apparent, as voters and political party representatives are likely to complain if they or their supporters are missing from voter lists or have inaccurate entries.

In situations where there are particular issues regarding voter registration, ODIHR may designate a **voter registration expert** to 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.

# 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 complex process. The following chapter provides 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 has been observed.

## A. Identity and Residence

An *eligible voter* is a person entitled by the constitution and laws of a country to vote in a specific election. The *identity* of the person will usually be determined by his or her first and last (family) name and date of birth. In addition, other data are often used to determine a person's identity, such as the father's or mother's name and the place of birth. In some participating States, each citizen is assigned a unique personal identification 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 are insufficient, due to missing information (e.g., people not knowing their date of birth), the accuracy of the voter register will be affected. Women, national minorities, internally displaced persons (IDPs) and the homeless often are especially affected by the lack of correct data.

People generally live for a reasonable period of time at one place of their choosing. The place where a person usually lives is referred to as their *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. Sometimes, the choice of residence is conditioned on additional criteria, such as ownership of property, proof of residency in legally recognized locations or consent by the owner to reside in a specific 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 reside at a certain location for a specific period of time in order to vote or to be elected. The time period for such a *residency requirement* is usually from the date of registration of the residence and another reference point related to the schedule of the particular election. Requirements for the duration of residency should be reasonable and proportionate to fulfilling their purpose.<sup>8</sup>

Throughout the OSCE region, it is common practice to further detail the registered permanent and/or temporary residence by including the *address* of the citizen. Usually, 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 people as voters, or people residing in settlements that are not recognized as legal by State authorities.

## **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, last (family) name and birth date of the individual. 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 father's or mother's name, sex, place of birth, 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

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<sup>8</sup> See for example the Venice Commission Code of Good Practice in Electoral Matters, Section I.1.1.c and Explanatory Report Section I.1.1.c, and *P v. France* ECtHR case.

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, many participating States maintain a *population register*, which is the set of records of all citizens or residents, including foreign citizens, of a municipality or the State.<sup>9</sup> Therefore, for those participating States with population register systems, the voter register would usually be a subset of the population register, both in terms of the contents of the respective record and eligibility for inclusion.<sup>10</sup> If a 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 population register as necessary. Nevertheless, the term *voter register* will be used frequently below, as there are States where voter registers exist as separate registers, as well as States where there is no population register.

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 voter lists are extracted from the population 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 population register.

#### **D. Updates of Voter Registers and Voter Lists**

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 a person's identity. When citizens reach voting age, they become voters who must be included in the voter register and the respective voter list. When voters die, their records must be removed from the voter register and the respective voter list. In addition, new citizens enter the pool of entitled voters; therefore agencies that implement changes in naturalization/citizenship records should also be linked to the system.

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

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9 See the OSCE/ODIHR *Guidelines on Population Registration*, available at: <http://www.osce.org/odihr/documents/39496>.

10 For example, minors will be included in the population register but will not be included in the voter register.

When civil status events occur or people change their residence, 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 time frame for updating the registers and informing other relevant institutions of the information that has been updated. 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., turns 18; is granted citizenship; returns 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 address of an eligible voter, when his or her record on the voter register is moved from the voter list of one polling station 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 former polling station and the addition of an entry to the voter list of the new polling station. Similarly, it is possible in a statewide register to transfer records from one local administrative unit, municipality or constituency to another;
- ✎ **Correction** of a record corresponds to changes in the record and the entry other than a change of address or eligibility. 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, rather than deleted from, the register 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; and
- ✎ **Deletion** of a record and the respective entry corresponds to removal of the record and entry of a formerly eligible voter from the voter register and from the respective voter list (e.g., when the voter has died, has become permanently ineligible, or has lost citizenship). Care must be exercised when deleting records and voter list entries, as deletion can lead to permanent disenfranchisement.

## E. Possible Errors When Introducing Updates

Voter registration is not immune to unintentional error. Updating of records and entries requires special and continuous attention to protect registers and lists from errors, regardless of the type of registration system or whether the register is maintained in a paper-based or computerized format. The inadvertent replacement of one character of

an existing record with another, in particular in computerized registers, may result in the accidental creation of an extra record.<sup>11</sup>

Practitioners tend to distinguish between errors of lesser and greater importance, frequently relying on the rational treatment of errors by polling station officials. Such expectations may be reasonable in an environment characterized by overall confidence. However, there are circumstances where a voter could be refused a ballot on election day by a polling station official and thereby is disenfranchised, due to a single typographical error in the voter list entry that creates a discrepancy between the entry and the respective data on the voter's identity document. Small errors, therefore, can undermine the credibility of 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 a possible impact on meeting turnout requirements (if applicable);
- ✎ **Failure to transfer a record**, with a likely consequence that the voter will not find his or her entry on the voter list;
- ✎ **Failure to introduce a correction, suppression or reinstatement**, with similar consequences to the above cases;
- ✎ **Incorrect data introduced during addition or transfer of records** (e.g., misspelling of names, voters registered in the wrong polling station), possibly leading to disenfranchisement if voters cannot be found on the list or to the creation of multiple records (see below);
- ✎ **Selection of wrong record for correction or transfer**, which can also possibly lead to disenfranchisement, in this case even affecting more than one voter; and
- ✎ **Deletion of a valid record** (e.g., during the cleanup of possible multiple records or by selecting the wrong record for deletion), leading to disenfranchisement of voters.

Another possible type of error is a *group of multiple records*, when there is more than one record of 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 voter lists

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11 This happens particularly when translating Cyrillic characters into Latin characters and vice versa. In such cases, a person may have several official versions of his/her name on different documents.

at different polling stations. Similarly, one entry could be in a polling station within one local government unit, while another entry could be in another local government unit.

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

Election observers should be cautious when assessing possible serious errors in 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 missing or multiple entries appear in the course of election observation activities, election observers should attempt to ask authorities how they intend to address this issue, and then report on this issue and how it is being handled.

## **F. Closure of Voter Registers**

Legislation in some OSCE participating States 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*. Changes of records are not permitted after this time. Other OSCE participating States permit changes even on election day, subject to specific conditions.

Once the voter registration is completed, often in parallel with a period for public scrutiny (see below), it is possible to announce the number 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 suggestions by officials and voters 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 enable officials to produce the final voter lists on time. However, such legislation still allows polling station officials to introduce changes in the final voter lists on election day, should an eligible voter appear at a polling station and provide evidence of his or her eligibility to vote at 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 establishing the voter's right to vote.



**Supplemental Voter List:** The list compiled from the additions of entries of voters after the closure of the register in the run-up to or on election day is often called a *supplemental (or additional) 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 may have been abused for multiple voting. Possible inclusion, after the election, of entries from the supplemental voter lists in the voter or population registers requires particular attention by the relevant officials, as outright inclusion may impact negatively on the accuracy of the voter register.

## G. Census and Population Registration

A *census* takes a picture of the demographic situation in a country, including population, households, economy, etc., at a particular point in time. Although a census can provide useful information on developing trends if compared to previous censuses, such a picture is accurate only at the time it is produced. 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 with information from civil status records or the continuously updated population registers.

On the other hand, the *registration* of the population should be regarded as the result of ongoing efforts to regularly collect and update personal data on the population for future use. Population registration is based on official documents and regular updating of the accumulated personal information whenever an individual civil status event, such as birth, death, acquisition or loss of citizenship, marriage, divorce or change of residence, takes place. Any registration exercise requires 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 *population registration* should be noted:

### Census:

- ✎ Enumerates all people found by interviewers during the days of the exercise, but potentially omits those absent from their place of residence;
- ✎ Is usually devoid of personal identification; and
- ✎ Is based on the current place of residence.

### Population Registration:

- ✎ Is conducted over an extended time frame and does not register non-citizens residing in the country on a short-term basis;
- ✎ Collects accurate personal information, ideally about all citizens of a country and under strict data protection rules; and

- ✎ Operates with rigorous terms, such as the registered (permanent or temporary) address and/or residence, as formally defined in the country's legislation.

Census data can help election observers create an approximate demographic image of the State. It is possible, by statistical calculations based on census data, to produce an estimate for the proportion of 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 of the exercises and methodologies applied for a census and for population registration.

# General Features of Voter Registration Systems

Election observers 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 observers on the voter registration process will depend largely on the format of a voter registration system, as well as the time frame 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. This terminology 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 out specific registration forms and submit them to the respective authorities within a given time frame, or otherwise take affirmative steps to ensure 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 be included on voter lists. This terminology emphasizes that the voter is registered automatically and would be included in voter lists without taking any individual action. Rather, 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 registers that are usually maintained by local government authorities. In such cases, the type of source data (e.g., population register, civil status records, passport register, ID database) affects the quality of the voter 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, because it is critical in these systems that citizens inform the authorities of any changes in their personal data or residency 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. Voters may inform the authorities about changes in their voter information at any time, usually by contacting an administrative office. It is important that the notification system functions efficiently between the different public authorities involved. Passive systems are often continuous.

In a *periodic system*, records are updated on a periodic basis or prepared anew, either prior to an electoral event or once every certain number of years. In exceptional circumstances, such as in post-conflict situations, *periodic* can also denote the fresh start of a registration exercise where eligible voters are added to a new register. In a number of OSCE participating States, legislation determines a specific time interval in the course of each year during which citizens are invited to report changes in their voter status, particularly changes of residence and acquisition or loss of eligibility. While active systems are most often periodic, they may sometimes be continuous, in countries where administrative offices are always 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 establishment of specific registration sites 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.

## **C. Paper-Based and Computerized Registers**

Civil and voter registers can be either paper-based or in a computerized format. Although an accurate voter registration process can be best ensured with a comprehensive, computerized register, this may not be possible in some countries. Paper-based 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 a 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 compatible.

In passive voter registration systems, it is possible to extract from a computerized population register the respective voter register and/or 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. Internet access by voters to their own records further facilitates accurate voter registration but needs to be regulated to ensure sufficient data protection and safeguards. 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 are a subset of another State-maintained database. It is critical 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.

Compilation and maintenance of population 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 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 review of voter registers and 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 centres 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 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, that body may also have responsibility for the state-wide population or voter register. Other central institutions that may be significantly involved in the compilation of voter registers include: the Ministry of Justice, the 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 can include: the Ministry of Foreign Affairs (for embassy staff and/or voters residing abroad), the Ministry of Defence (for military personnel); the Ministry of Interior (for police forces maintaining order on election day); the Ministry of Justice (for prisoners and detainees); the Ministry of Health (for patients in hospitals and/or persons in social institutions); and marine authorities (for ship crews).

### 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 paper-based or computerized format;
- The computerized records are maintained in stand-alone local government systems or in a statewide networked database;
- The voter register is a separate, stand-alone register or is extracted from another register, such as a population register;
- The voter register is prepared anew for each election or is a permanent register that is updated on a regular basis;
- The various responsibilities are clearly defined and officials understand "who is doing what"; and
- Voter registration data are compiled and maintained by the local government authorities, election administration, other State agencies or a combination of institutions.

# The Legal Framework for Voter Registration

A first step for election observers and analysts to understanding 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.<sup>12</sup> 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 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 acquire a full understanding of their implications for voter registration. She or he should identify which administrative bodies are responsible for compiling voter registers and 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 voter lists and the provisions for protection of personal data, as defined in the legal framework.

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<sup>12</sup> See also *ODIHR Handbook on Reviewing Legal Frameworks for Elections*, available at: <http://www.osce.org/odihr/elections/13960>.

A minimum standard the legal framework must meet is the guarantee of *universal* and *equal* suffrage. *Universal* means that every eligible citizen should be guaranteed the right of suffrage, while *equal* means that the votes of all eligible citizens have the same value. 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;
- ✎ Specific laws on voter registration;
- ✎ Population or 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. Article 25 of the ICCPR sets the standard for respect of universality, stating that "every citizen shall have the right and the opportunity ... to take part in the conduct of public affairs, directly or through freely chosen representatives" and "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors". 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 electoral laws. 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 legislation of federal states or local administrative units. In some OSCE participating States, voter registers and voter lists are directly linked to the population 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 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 generally is the key requirement to be entitled to vote or to run for State office in an OSCE participating State. In some participating States, naturalized citizens are granted the right to vote but are prohibited from being elected to the highest State offices. 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 sovereign right of each OSCE participating State to define citizenship.<sup>13</sup>

Citizenship issues are rarely considered in detail within the scope of ODIHR election observation activities. Nonetheless, because citizenship and naturalization laws affect the right to vote or stand for office, it is important to understand how this legislation encourages or inhibits opportunities for people, including members of national minorities, to become citizens and full participants in public life.

As a practical matter, in participating States where voter registers are extracted from the population registers, it is helpful for observers to understand the process whereby citizens and non-citizens are distinguished from one another so that only those who are eligible to vote are listed in the voter register or 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 Parliament<sup>14</sup> and in local elections,<sup>15</sup>

13 ECtHR judgment *Tanasa and Chirtoaca v. Moldova*. In cases of limitation based on citizenship this is a breach of the right to be elected; see at <http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm-&action=html&highlight=Tanase&sessionId=95467604&skin=hudoc-en>.

14 Council Directive 93/109/EC of 6 December 1993; see at: [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31993L0109&model=guichett](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31993L0109&model=guichett).

15 Council Directive 94/80/EC of 19 December 1994; see at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31994L0080:en:NOT>. See also Charter of Fundamental Rights of the European Union, Title V - Citizen Rights, Article 40, available at: [www.europarl.europa.eu/charter](http://www.europarl.europa.eu/charter).

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, the law requires non-citizens who want to vote in such elections to apply individually to be added to the voter list. In others, 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 the OSCE participating States. Typically, the minimum age is tied to the country’s prescribed age of majority as established by law. For most OSCE participating States the minimum age for voting is between 18 and 21. There are also cases where the voting age may vary for different types of elections.

Legislation varies with regard to 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 end of the voter-registration period.

In passive voter registration systems, first-time voters should automatically be included in 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 voter registration. The election analyst should check whether new voters are added to the voter lists according to the established procedures.

## **3. Residency Requirements**

Residency requirements base voter eligibility on having registered residence for a specific 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 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.

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 the constituency of their new place of residence may still vote in the constituency of their former residence. Often, the residency requirements to stand for office are longer than those related to voting.

There are a few participating States that allow eligible voters to vote in any polling station in their respective constituency. Additional safeguards, such as marking voters’ fingers with ink or stamping voters’ identity documents after they cast their ballots, might

accompany such arrangements. Such safeguards might not be in place if the constituency voter register is computerized and the voter lists from polling stations are networked. In such cases, all polling stations within a constituency can check whether voters have cast their ballots already and, thus, prevent possible attempts at multiple voting.

In some participating States, voters who live and register to vote abroad cast their ballots in the constituency where they were registered before moving abroad.

#### **4. Suspension of Voting Rights**

International standards related to universal suffrage limit deprivation of voting rights to two grounds: determination by a court of law that the person is not mentally competent or conviction for a serious crime. General Comment 25 elaborates on the standards set in Article 25 of the ICCPR as follows:

“...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 and current 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 are organized in practice, with a view to identifying any possibilities for undue disenfranchisement.<sup>16</sup>

International standards and good practice suggest that deprivation of voting rights should be subject to certain constraints. These include the requirements that:

- ✎ restrictions on voting rights should be defined in written law;
- ✎ the principle of proportionality of sanction to offence should be respected; and
- ✎ mental incompetence may only be established by a decision of a court of law.<sup>17</sup>

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<sup>16</sup> See ECtHR judgments on *Hirst v. UK* and *Frodl v. Austria*.

<sup>17</sup> See Paragraph 24 of the 1990 OSCE Copenhagen Document. See also Venice Commission Code of Good Practice in Electoral Matters.

### **C. Requesting Updates of Voter Register Records and Voter List Entries**

The legal framework should clearly specify who is permitted to request updates of registration records and/or entries, the procedure for making such requests, and the time period during which requests can be made. In a continuous voter registration system, voters should be able to request updates 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.

In some States, people are permitted to make a request that affects another person. Such requests should only be allowed 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.

When updates can be requested by third persons other than the voter, such as political parties, candidates 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;
- ✎ Time frame 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;
- ✎ Right of the voter to appeal the administrative decision to a court of law; and
- ✎ Institution that will render a final decision.

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 (see below) 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 will be used by different election stakeholders. One of the challenges in

providing political parties, civil groups or individuals other than the voters themselves access to voter registers and voter lists is finding the right balance between reasonable public disclosure and protection of personal data.<sup>18</sup>

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 population register, which includes more personal data. International standards for protection of personal data provide for special safeguards when data are processed or stored. Information about voters shall be accurate, up-to-date and not excessive in relation to the purposes for which it is stored. There are also obligations to secure such data against destruction or accidental loss, as well as against unauthorized access, alteration or dissemination.<sup>19</sup>

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 may 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.<sup>20</sup>

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18 The OSCE/ODIHR *Existing Commitments for Democratic Elections in OSCE Participating States* indicates that “Voter lists should be current, accurate, complete, easily accessible for inspection by qualified voters and – subject to the protection of personal information – possibly by others (such as election contestants and scientific researchers) with a legitimate reason to access them.... No matter what system is employed for creating and maintaining a voter list, it is necessary for the system to be transparent and open to verification by voters, political contestants, and election observers. While there are important privacy considerations, which may be weighted differently by different countries, access to the voter lists for verification exercises should be provided. In many countries, political contestants and election observers are not only allowed to inspect the voter lists but are provided copies of the list” (see at: <http://www.osce.org/odihr/elections/13957>, page 62).

19 Council of Europe, Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, Strasbourg, 28.01.1981 European Treaty Series – No 108, especially articles 3, 5 and 7 (<http://conventions.coe.int/treaty/en/treaties/html/108.htm>). See also 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 (<http://conventions.coe.int/treaty/en/treaties/html/181.htm>) as well as Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:en:HTML>).

20 See also UN Guidelines for the Regulation of Computerized Personal Data Files, available at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/564/84/IMG/NR056484.pdf?OpenElement>.

## Points of Inquiry: The Legal Framework for Voter Registration

- Which laws have a bearing on voter registration?

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- Which administrative regulations clarify the implementation of the legislative framework, and can these regulations be made available to the EOM?

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- Are decisions made expeditiously within a time period specifically stated by law?

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- Does the overall legal framework uphold the principles of universal and equal suffrage?

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- Does the legislation clearly define eligibility criteria for voting, and are these criteria reasonable and consistent with international standards?

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

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- Does the legislation provide for the registration of detainees, prisoners or former prisoners who have already served their sentences?

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- Are the grounds for deprivation of voting rights reasonable and in accordance with universally held international standards?

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- Does the legal framework clearly define who can request updates of the voter registers and/or voter lists, and for whom such requests can be made?

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- Does the legislation provide protection for the rights of voters whose registration is questioned?

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- Is there a streamlined appeals process with regard to updates of the voter register and/or voter lists?

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- Does the legal framework specify what personal information is subject to public disclosure, the purposes for which it may be used and the penalties for its misuse?

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- Is a public scrutiny period established and defined by law?

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# Assessing Transparency

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

## A. About Transparency

A transparent voter registration process is key to ensuring public confidence and is, therefore, an important issue for consideration by observers. A transparent voter registration process allows public access to the voter register and voter lists for review prior to election day. It also allows 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 manipulation of voter 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 voter 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 if and what kind of 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 population 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 an 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 population register are made (in a passive voter registration system), observers can still gather information and observe important stages of voter registration that reflect the transparency of the overall process.

## **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 for public scrutiny for a prescribed period in locations that are convenient to voters. During this time, 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 revisions. A minimum period for public scrutiny before an election should be defined by law. Whatever time period is chosen, it should accommodate the implementation of changes before the final voter list is published.

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 allow enough time for the public to respond;
- ✎ The public scrutiny period is long enough to allow voters and others to review voter lists and to request changes;
- ✎ There is enough time between the end of the public scrutiny period and the publication of the final voter lists to accommodate the processing of changes; and
- ✎ Sufficient time is given for judicial appeals regarding requests for changes that have been declined, 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 this process contributes to enhanced public confidence and improves the quality of the final voter lists. As such, the public should be well-informed about the timing and location of public scrutiny sites. These sites should be as local as possible so that voters do not have to travel long distances, and opening hours should allow a broad cross section of voters to participate, including those who work during the day.



Political parties and civil society groups should also have the opportunity to check the lists and challenge particular entries during the public scrutiny period. A good practice is to provide the voter register to election stakeholders in a computerized format, with respect for privacy concerns and in line with data-protection regulations, so that the information can be easily searched. Authorities could consider posting a downloadable version of the voter list, with a search function, on the Internet. 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. LTOs 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 about 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 is also important to meet with political party and candidate representatives, as well as 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.

Even if there are limited resources to observe the public scrutiny process, it is still useful for LTOs to conduct a number of visits to public scrutiny sites in their area of observation, to ask questions provided by the EOM about the conduct of the process, and to report their findings back to the EOM on a regular basis. Such visits can provide an overview of how the process of public scrutiny is conducted, whether procedures are implemented consistently around the country and whether there are any obvious problems in the 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 process, the responsible administration must also take measures to provide the public with timely and complete information about the procedures involved.

An EOM should determine what steps the local and central administrative bodies have taken 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 for public officials to prepare and broadly advertise voter education materials and announce the deadlines by which voter registration activities are to be accomplished. Sometimes, legal provisions may prescribe that information materials and forms be provided in additional languages in regions where other languages are broadly in use.

Voter education materials should include information about:

- ✎ Eligibility criteria;
- ✎ Registration procedures;
- ✎ Identification documents needed for registration;
- ✎ Location 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 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.

### Points of Inquiry: Transparency and Public Scrutiny

- Is there overall transparency in the voter registration process?

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- Are the preliminary voter lists published and/or displayed for a period of public scrutiny?

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- Is the timeline for public scrutiny sufficient to allow election stakeholders to review lists and to request changes?

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- Is the timeline for public scrutiny sufficient to allow processing of any requested changes and for any appeals?

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- 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?

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- Are the final voter lists made available to political parties and civil society groups?

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- Have election administrators and other officials made efforts to inform voters and stakeholders about the public scrutiny period and other voter registration activities?

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- Are there any allegations about inaccuracies in voter lists that could affect overall confidence in the electoral process? If so, are such accusations substantiated?

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# 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 important 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 changes to civil status or residency as well as life events;
- ✎ The list should be complete, including all eligible voters; and
- ✎ 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 changes in civil status or residency occur, the snapshot changes, 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 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 there is little public confidence, a few inaccuracies could form the basis for widespread speculation about possible election day manipulation.

The electoral legislation of some OSCE participating States includes specific turnout requirements in order for the respective election to be valid. If these turnout requirements are not met, legislation often requires that the election be repeated. Turnout generally is determined based on the number of registered voters by counting voters' signatures on the voter lists at the end of election day. 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 tasks. As international election observers are unlikely to observe the initial stages of voter registration, or to have the time and resources necessary to conduct comprehensive evaluations of the voter register, they will largely rely on 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 assessing the accuracy of the voter register, such information should be treated cautiously. As mentioned above, census data in particular are based on a different methodology than population registration. 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 accumulating, updating and processing 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 co-operative 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 voter lists on election day, particularly in passive voter registration systems. However, updating of records requires special care to protect the registers against 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 local institutions are responsible for maintaining data for civic status and residency, good communication between them is of key importance, in particular in large urban areas that are usually characterized by intensive migration. Likewise, local institutions must also have the means for an ongoing exchange of information with State-level institutions, so that any updates made at the local level will be reflected at the central level. When responsibility for maintenance of voter registers is shared between several different institutions, regular and timely exchange of data and

information is particularly necessary, as is an adequate level of competency and uniformity in procedures.

Voter registers will only be accurate if citizens inform registration officials in a timely manner about any updates to their civic status, residency or 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 time frame 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.

The process of transferring data from paper records to a unified voter register in electronic format may give rise to questions concerning data integrity. For example, data can include citizens who appear to be older than is probable (explained by non-registered deaths, particularly in isolated rural areas) or with different or multiple family names (due to change of marital status, local custom, etc.). In such circumstances, it may be necessary to correct outdated or duplicate entries.<sup>21</sup>

Another method of updating the voter register involves 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. Some States send such notices simply as a way of inviting voters to confirm or update information, while others do not send any notices.

All methods of updating or removing entries from a voter register should be carried out with considerable caution, to avoid disenfranchising eligible voters.

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 to 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 and within institutions;
- ✎ Sustainability of the system;
- ✎ Initial collection of personal data; and
- ✎ Clean-up and streamlining of data.

Long-term, co-ordinated work statewide may be needed in order for a new registration system to start functioning efficiently.

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21 Some OSCE participating States attempt to do this by visiting physical addresses on the preliminary voter list. This is usually organized by the local administration.

## 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 questions about the integrity of the vote and accusations of fraud, such as multiple voting. In cases where people are believed to be missing from the lists, there may be charges of disenfranchisement.

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

- ✎ **“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; and
- ✎ **External migration** – people have moved abroad but have not had their names removed or are entitled to remain on the voter list to retain their voting rights.

It is not unusual for large numbers of people within a community to either move within the country or to leave the country temporarily or permanently due to economic or other circumstances. In such cases, there may be surplus names on voter lists.

There are also several reasons why people may not be included on voter lists, including:

- ✎ **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 voter lists; and
- ✎ **Obstacles to participation** – certain marginalized groups, such as women, national minorities, or the homeless or displaced persons, may be underrepresented in 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. Election observers should ask for evidence regarding any allegations of inaccuracies or manipulation of 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 may complicate the task of voter registration and may affect the accuracy of 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 removed from voter lists. In other countries, a separate list of “special voters” is issued to polling station officials to communicate that these voters will vote elsewhere. Such measures are safeguards against double-voting or impersonation of absent voters.

Election observers may encounter the following types of special voting arrangements:

### *1. In-Country Voters, Away from Their Place of Residence*

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

**Absentee Voting Certificate:** An absentee voting certificate (AVC) is usually issued by 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 cast his or her ballot.

Voters who are unavoidably away from their place of residence usually include career military and conscripts, police officers, university students, hospitalized patients, people in welfare or social institutions, 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 Defence may provide lists of conscripts and their location to the registration authorities, to allow them to be included in voter lists for civilian polling stations in the localities where they serve.

In other participating States, special polling stations are set up for military personnel in military bases, although best practice suggests that such arrangements be organized only as exceptions. In still other participating States, conscripts vote by mail and their votes are delivered to the constituencies of their 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, people in welfare or social institutions, prisoners and detainees. Election observers should ask about these arrangements and assess how the principle of universal and equal suffrage has been implemented with regard to in-country voters away from their place of residence. Election observers should also find out about the system for restoring voters' names on voter lists once they return to their place of residence.

## 2. Voters Abroad

Measures to allow citizens who are temporarily abroad to vote have been implemented in a number of OSCE participating States, but modalities vary, as there are no explicit international standards. Arrangements for voting abroad must 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 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 generally outside the scope of an EOM, 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 in-country voter lists.

A number of participating States do not provide for voting by eligible voters who reside abroad. In passive registration systems, the entries of voters residing abroad generally remain on voter lists because they maintain the right to vote in-country. 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.

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 potential for abuse. Other OSCE participating States allow for *ad hoc* registration of voters when they come to polling stations in 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 cases of 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. Sometimes early voting starts as early as 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 co-ordination might be necessary to indicate early voters on the voter lists at polling stations. This would create safeguards against possible abuse, such as multiple voting.

### ***4. Mobile or Homebound Voting***

A number of OSCE participating States allow voters who are immobile to cast their ballots at home. Homebound voters are visited by a mobile team of members of the polling station commission, which should reflect the composition of the commission. Voting may take place before or on election day. Usually, regulations stipulate that mobile voting teams must return cast ballots to polling stations before the closure of polls.

For this exercise, mobile voter lists are created based on specific requests from homebound voters. These voters should be removed from the regular voter lists of the polling station (the lists could also be annotated). The polling station commissions will have to undertake additional procedural efforts to safeguard against possible abuse, such as violations to the secrecy of the vote (during voting as well as during counting), influencing of voters, and attempts of multiple voting.

### ***5. Electronic Voting and the Use of New Voting Technologies***

Participating States continue to explore the possibilities of new voting technologies (NVT) in the conduct of elections, especially to facilitate election administration and voter participation.

In recent years, awareness about the possible limitations and risks associated with the use of these technologies or their overly rapid introduction has increased. While NVT can make the electoral process easier for both voters and the election administration, they also introduce new issues with regard to perceptions of transparency and accountability in the election process. For NVT to be effective, it is vital that they enjoy public confidence, by meeting the same OSCE commitments and international standards as

traditional means of voting, such as ensuring secrecy of the vote, as well as accountability and transparency of the voting and counting process.

Challenges arise when a participating State offers multiple voting options to its voters, including voting via the Internet. In these situations it is especially difficult to ensure that double voting does not occur. This can be achieved either through voting certificates that require a secret password or by requiring an application to vote via the Internet. Such alternatives may provide for a specific time period during advance voting when eligible voters can vote via the Internet. Authorities must protect against possible multiple voting, i.e., Internet voters should be identified in the voter register. If a voter who has registered to vote via the Internet arrives at a polling station wishing to vote with a paper ballot, the electronic vote should be cancelled.

The use of NVT also raises two other sets of questions. The first is concerning the principles of data protection, namely if and how personal data are protected during the automatic processing of voter registers. The second issue is how the same data, along with the secrecy of the vote, are protected after the casting of ballots.

Special attention needs to be given to how data are disposed of once they are no longer needed and whether procedures for data disposal are foreseen in the electoral legislation.

## **E. Voter Registration Audits**

There are different ways to assess the accuracy of a voter register. While it is generally not possible for EOMs to conduct tests of the voter register, election observers should inquire whether such tests have been done, either by the authorities or by other election stakeholders. Election analysts may also be allowed by the respective administration or authority to run simple tests on a computerized database, such as searching for duplicate entries or incomplete records.

### **1. 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, in particular to identify possible errors or multiple records. If the voter register is made available in 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 improvements in an inaccurate register.

The legal framework should stipulate the frequency with which the 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 regular cross-checks with public

databases maintained by other agencies and application of internal software 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.

## 2. 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 correspond to voters and whether all voters who should be on the voter lists are recorded accurately.<sup>22</sup> 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 results.

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

- ✎ **List-to-people tests** assess the currency of voter lists. They are meant to capture people who are on the list but should not be, such as the deceased, or identify information that may be out-of-date because of changes to civic status or residency. Volunteers try to locate a sample of people who have been randomly selected from the voter list to determine if their personal information is up-to-date and still accurate.
- ✎ **People-to-list tests** assess the comprehensiveness of voter lists. They are meant to capture people who should be on the lists but are not. Volunteers use a method for randomly selecting eligible voters in public places and then check whether the voter is included in the voter register and their personal information is correct.
- ✎ In order for such tests to be reliable tools to assess the accuracy of voter lists, they should be conducted on representative samples of the entries in the voter list and the population.

### Points of Inquiry: Assessing Accuracy

- Determine which institutions in practice and according to legal provisions are involved in updating the civil and/or the voter register and assess how data from various sources are shared and integrated.
- Request copies of registration forms or forms required to request 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.

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<sup>22</sup> 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](http://www.ndi.org).

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- 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.
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- Assess the effectiveness of the approach to identify, analyze and clean up potential errors in the voter lists, such as groups of possible multiple records, entries of deceased people, missing entries, etc.
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- Ask whether any complaints have been filed about the process of voter registration or the voter register as such and whether these complaints have been acted upon. Ask political parties and civil society representatives their opinions regarding the accuracy of the voter lists.
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- If allegations about serious flaws in the voter register are supported by evidence, enquire about them with officials and ask how they intend to follow up.
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- Identify any special voting arrangements and consider how they might affect the accuracy of the voter lists.
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- Find out whether the registration authorities conduct regular audits of the voter register, and if so, the results of the previous audit. Ask how they follow up on audit results.
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- 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.
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- In the case of inaccuracies in voter lists, assess whether they affect any particular group or groups of voters (i.e., supporters of a particular party, residents of a particular area, or voters belonging to a national minority).
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# Assessing Inclusiveness and Non-Discrimination

An important aspect of equality and universality of suffrage is that voter lists are inclusive and compiled on the basis of non-discrimination. Special attention should focus on the inclusion of national minorities, women and the homeless in the voter register and voter lists. In post-conflict situations, specific attention should be paid to inclusion of IDPs and refugees. The following chapter looks at how EOMs can consider these issues and assess the inclusiveness of the voter registration process.

## A. Participation of National Minorities

The OSCE participating States have committed themselves to protecting the rights of national minorities to participate in public life, including in elections. The Council of Europe has also addressed the political rights of those belonging to national minorities in its Framework Convention for the Protection of National Minorities.<sup>23</sup> 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 result in discrimination, especially in terms of political participation.

Election observers 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. ODIHR has published specific guidelines on the participation of

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<sup>23</sup> Council of Europe, Framework Convention for the Protection of National Minorities, Strasbourg, 1 February 1995, Section III, Article 20.

national minorities in elections that provide further guidance on how EOMs can address these issues.<sup>24</sup>

Minority populations that use non-official languages may be inhibited from participating in population and/or voter registration. Ideally, registration forms, information and outreach materials for voter registration should be made available in minority languages, 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 lists in the official language, to make it easier for voters to find their names.<sup>25</sup> In cases where multiple languages are in use, translation or transliteration errors in 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 system for registration of voters abroad. Minority populations often 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 by minority citizens. If a State decides to exclude from the voter lists citizens who have crossed the border after an election calendar deadline and have not been registered upon their return, then such exclusions may disproportionately affect the minority population.

It is critical for election observers to be aware of challenges that may prevent a specific minority group from registering or being registered to vote. For example, Roma (Roma, Ashkali and Egyptian communities) often live in informal settlements and, as such, do not have an official address and may not be registered as legal residents. In some participating States, Roma might be affected by a lack of personal documents or identification, and, as such, could remain excluded from the voter register.

The OSCE participating States have adopted various approaches to enumerate national minority populations. As a result, some States may be in a position to provide estimates for the number of respective minorities, while others may not. However, it is generally considered that including personal information about ethnicity in voter lists diverges from good practice.<sup>26</sup> 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 be registered on a special voter list or may have to identify themselves as members of a minority community on election day.

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24 OSCE/ODIHR, *Guidelines to Assist National Minority Participation in the Electoral Process*, available at <http://www.osce.org/odihr/elections/13963>.

25 According to Paragraph 32.5 of the Copenhagen Document, national minorities have the right “to disseminate, have access to and exchange information in their mother tongue”. See also the Framework Convention (Article 9, Paragraph 1), and the Venice Commission Code of Good Practice in Electoral Matters (Paragraph I.3).

26 Venice Commission Code of Good Practice in Electoral Matters, p.12; see also Section 2.4.c on p.30. See also Framework Convention (Article 15), which provides that neither candidates nor voters should be required to indicate their affiliation with a national minority.

## B. Participation of Women

Entitlement to equal rights, including to political participation regardless of gender, has been recognized by human rights documents since the Universal Declaration of Human Rights from 1948.<sup>27</sup> More recent documents, such as CEDAW, oblige States to ensure rights of equal participation for women and men as voters and candidates. Nevertheless, women frequently face barriers to fair and effective representation due to gender-based discrimination, often rooted in traditional cultural practices and stereotypes, including with respect to their participation in public life.

In this context, election observers should assess the degree to which voter registration procedures and provisions either facilitate or discourage political participation by women. ODIHR has published a handbook to assist observers with this task.<sup>28</sup> Although some EOMs might include a gender analyst, it is the responsibility of all core team members 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 to improve their ability to assess the process.

In the framework of voter registration, States should strive to establish registration systems that facilitate full equality of participation for men and women. Practices in some participating States that still tend to vest decision-making authority on behalf of female relatives with the male head of a family should be continuously addressed. Election observers should be especially watchful of how such underlying customs may affect voter registration and voting processes, including access to legal remedies. General information about illiteracy rates among men and women can be useful in determining whether awareness-raising campaigns on voter registration are adequate, and if there are any special campaigns targeting women voters. It may be useful to determine how the institutions responsible for the voter register address changes to women's names upon marriage, and whether women, in particular, face any difficulties in obtaining necessary documents, e.g., after changes in residency. While constitutional provisions and election laws may specifically proclaim gender equality and protect the rights of women, in practice women may still remain at the periphery of public life, especially in terms of political participation and voting.

In cases where the voter register indicates sex, 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 sex in the individual records. While it may be difficult to find similar disaggregated information for active registration systems, such data are of particular interest, as it shows whether women and men have taken equal initiative to participate. Different factors (e.g., accessibility and location of registration offices, ability to travel

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<sup>27</sup> See at: <http://www.un.org/en/documents/udhr/index.shtml>.

<sup>28</sup> OSCE/ODIHR *Handbook for Monitoring Women's Participation in Elections*, available at <http://www.osce.org/odihr/elections/13938>.

unaccompanied, domestic responsibilities, opening times, literacy issues, etc.), which are often beyond women's control, can affect whether they are able to apply to be registered as voters. Election observers could note whether the voter registration office is accessible for women (and men) voters, especially in rural areas.

### **C. Participation of Displaced Persons**

Displacement of considerable numbers of people from their places of residence may occur during and after armed conflicts, social upheavals or natural disasters. In such circumstances, the affected State must 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.

People displaced within the borders of their own State of citizenship are generally referred to as *internally displaced persons* (IDPs), while those displaced outside the borders of their State of citizenship are generally referred to as *refugees*. Participation of displaced people in elections should be in compliance with the legislation of the State of citizenship of the people 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 or has made special arrangements to enable refugees to vote.

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

- ✎ Displaced populations are often transient, whether they move independently from one location to another, are housed in a camp or temporary housing and/or are subsequently moved to another location by relevant authorities;
- ✎ Displaced people may have lost their 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; and
- ✎ Displaced people may be reluctant to register for fear of intimidation or retribution.

In some instances, displaced people accommodated in a specific community may be eligible to register to vote in the administrative unit where they lived 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 as a displaced person. 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 people. If there are temporary accommodations for IDPs, the EOM should attempt to visit them and to observe voter registration exercises.

#### **D. Participation of the Homeless**

Homeless people also require special attention, as they may not be registered in the voter register due to the lack of a registered residence. Good practice provides that residence or address should not be defined in such a way as to exclude from voting people without a registered residence or address who would otherwise be eligible to vote. Observers should assess whether and what kind of provisions are made to enable the homeless to vote.

##### **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.

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- 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 these documents or limit a person's ability to obtain them.

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- Determine if there are any literacy requirements or costs that may prevent certain voters from participating.

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- In the case of national minority populations, ask if registration information and forms are available in their language(s).

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- Ask authorities whether statistics are available for the number of women registered to vote, as compared with men.

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- Where it is perceived that women or national minority populations are underrepresented on voter lists, determine if local authorities or civil society conduct special programmes to encourage and facilitate their registration.

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- 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, in particular voters who may have recently moved or whose traditional culture involves a more transient lifestyle.

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- Determine if there are special camps or other temporary accommodation established for displaced people, or if there are specific regions where there may be higher concentrations of displaced populations.

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- Try to obtain information about the actual number of displaced people, including IDPs and refugees. Determine their residency and citizenship status.

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- Ask about any measures that have been taken to provide displaced people with official identity documents or other documents reflecting their status. Determine if efforts have been made (and by whom) to assist them in registering to vote.

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- Determine whether legal provisions or regulations allow IDPs to vote in their current location or prior residence and whether IDPs are able to exercise their franchise accordingly.
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- Enquire about provisions to enable homeless people to exercise their right to vote.
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# 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 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 the personal data required for an individual entry in the voter list 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, last (family) name and date of birth. Other methods used to identify voters are their address, the number of an identification document such as passport, an individual voter registration number or a unique personal identification number. When publishing the voter register or voter lists, authorities should consider privacy concerns and data protection regulations, as described in Chapter IV.D.

If population and/or voter registers are organized as databases, 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 alphabetical order by last (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 generally 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 last (family) names in alphabetical 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 an 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 addresses 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 last (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 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 voting. Its use throughout the day, including the possible use of a 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, and voters must be informed about which polling station they have been assigned to.

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*. Voter identification generally is defined by law, including which types of documentation, if any, are necessary for a voter to be allowed to vote. In most cases, the voter presents an identity document to a polling station official, whose task is to find the voter's name on the voter list. In some 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, the voter is either asked to sign the voter list, or the polling station official countersigns or makes a mark against the voter's entry, in order to indicate that the person has received a ballot.

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 polling stations.

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

- ✎ The voter requested a correction or a transfer of his or her record. 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; and
- ✎ 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, the voter's 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 local government authorities, police or courts. In such circumstances, the election law usually obliges these institutions to remain open during voting hours. In a few participating States, the voter may be allowed to vote with a *provisional* or tendered ballot.

### Provisional Ballot

In some States, a provisional or tendered 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. The votes of eligible voters will be counted. Good practice in such cases suggests that voters are provided a ballot, a secrecy envelope, and an outer envelope, on which they can provide personal details for later verification.

In some participating States, polling station officials are provided computer equipment permitting access to 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.

## C. Counting

The voter list, including a possible supplemental voter list or mobile/homebound voter 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 cast ballots 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 voters who voted with a provisional ballot. 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 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 ODIHR's 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 to the system in place in the participating State. As the number of STOs is considerable, their findings can be systematized in an attempt to determine broader trends related to the implementation of the voter registration system.

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.

STOs should observe voter registration on election day, wherever applicable.<sup>29</sup> STOs can also 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 provide 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 the full co-operation of the host authorities. Any complaints or allegations about voter lists on election day can be followed up by the LTOs and the core team in order to make a conclusive assessment.

#### **Points of Inquiry: Voter Lists and Election Day**

- What personal data appear on voter lists and how are they organized? Do they allow for smooth processing of voters?

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- Were voter lists posted in or around the polling station?

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

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<sup>29</sup> Voter registration on election day is provided by national legislation of some participating States. Providing this procedure remains a partisan issue, pitting enfranchisement against the integrity of the vote. The Venice Commission Code of Good Practice in Electoral Matters, part 1.2.iv states that: "there should be an administrative procedure – subject to judicial control – or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day."

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- What does the legal framework prescribe if 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?
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- 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?
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- Did STOs find any indications of large numbers of voters being refused ballots because they were not on voter lists or cases of multiple voting? How were these cases handled?
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- Were there groups of possible multiple entries within the same polling station?
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- Were supplementary voter lists used, and how many entries were already included in the supplemental voter lists at the time of the visit?
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- Were there any complaints or allegations made by election stakeholders about the voter lists on election day, and how have these been resolved? Were complainants satisfied with the resolution of the dispute?
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- Was voter participation properly determined during the counting on the basis of voter entries marked as voted in the voter list?
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## **E. Post-Election Day**

After election day and following the announcement of preliminary and final results, election observers should assess the results with a particular view to the number of registered voters, turnout and issues that may have arisen on election day in relation to voter registration, such as voters not being allowed to vote or not finding their names on voter lists. Election observers should also follow the handling of any complaints. The core team may also be able to compare data from the STOs with the official results data on registered voters, increases in voter registration (particularly on election day), voters who voted during the day and final announcement of turnout figures.

One issue that may arise during an electoral process is parties requiring access to the signed voter list (i.e., the voter lists used on election day, which include the signatures of those who voted). The national legislation of some participating States provides for the publication of these lists.<sup>30</sup> The issues to take into account when considering publication are secrecy of the vote, data protection, access of observers and the overall confidence in the electoral process and the election results. At the same time, the complaints and appeals system should provide effective legal remedies whenever suspicions of manipulation of voter turnout are expressed by election stakeholders.

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<sup>30</sup> The Venice Commission Code of Good Practice in Electoral Matters, part I.4.c states that: "the list of persons actually voting should not be published."

