PART 4

Monitoring the Election and Post-Election Phases

Voting

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

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

1 Was the voting process administered in compliance with provisions of the election laws and international norms? and,

2 To what degree did any problems materially affect the outcome of the election?

Several principles are relevant to answering these questions.

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

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

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[48] See Article 21, Section 3, *Universal Declaration of Human Rights* in Appendix I.

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

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

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

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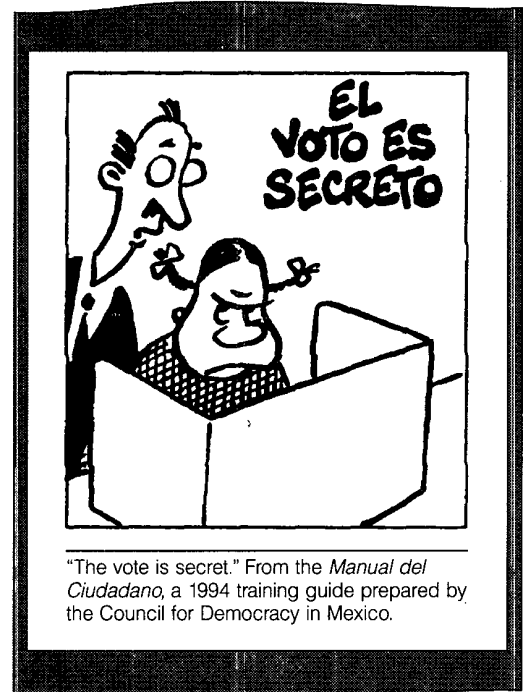
Environment Inside of the Voting Station

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

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

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

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

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

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

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

ar•range•ment

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

Definition 10

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

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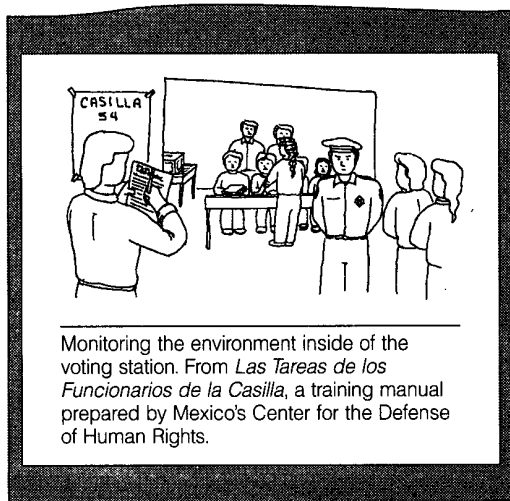
Monitoring the environment inside of the voting station. From *Las Tareas de los Funcionarios de la Casilla*, a training manual prepared by Mexico's Center for the Defense of Human Rights.

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

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

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

Conduct of the Officials

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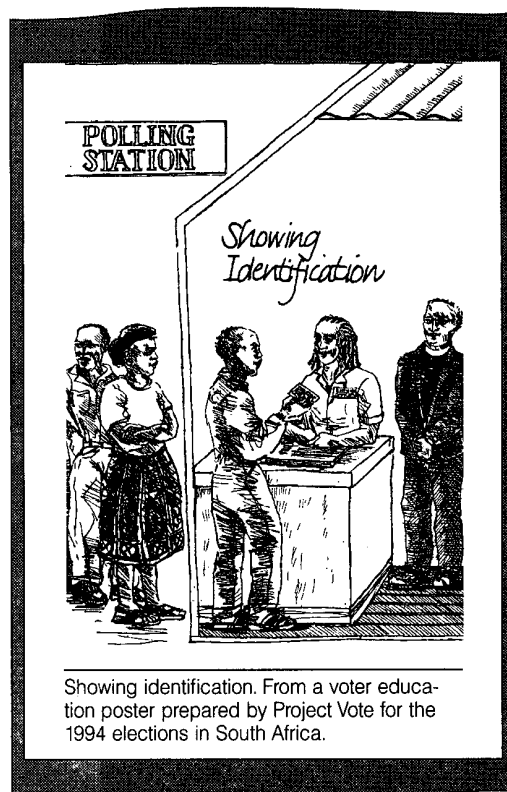
Showing identification. From a voter education poster prepared by Project Vote for the 1994 elections in South Africa.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. the ballot box is empty before it leaves the voting station;

2. election officials keep a careful account of the ballots at every step of the process (*e.g.*, how many were taken, how many were cast and how many were returned); and

3. the number of ballots in the box matches the number of voters who cast ballots.

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

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

Conduct of the Voters

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

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

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

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

Environment Outside of the Voting Station

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

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

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

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

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

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

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

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

Scope of Coverage

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

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

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

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

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

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

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

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

Demeanor and Observation Procedures

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

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

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

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

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

Communications System

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

Monitoring Materials

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

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

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

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[53] See *Section J., Training,* and *Section K., Training Manual.*
[54] See *Section Y., Post-Election Reporting.*
[55] See *Section B., A General Plan, Section L., Public Information* and *Section M., Logistics* for more information on communication systems and developing a communication plan.