



O V E R V I E W

***OF ELECTORAL LEGISLATION AND SEGMENTS OF THE
ELECTORAL PROCESS IN 40 OSCE MEMBER STATES***



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Tuzla, 2015.

IMPRESSUM

OVERVIEW OF ELECTORAL LEGISLATION AND SEGMENTS OF THE ELECTORAL PROCESS IN 40 OSCE MEMBER STATES

Publisher: Centers for Civic Initiatives; Coalition for Free and Fair Elections 'Pod Lupom'

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Printing: 50

Special expressions of gratitude to:

M.Sc. Aleksandra Kuratko Pani

Dalida Demirović

Dalida Muhović Džeko

Esma Meškin

Jovana Kljajić

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The data presented in this review were obtained by analyzing the electoral legislations of the below mentioned countries. The data do not reflect the views of the Coalition 'Pod Lupom'. Additionally, the Coalition 'Pod Lupom' limits its responsibility and apologizes for potential mistakes caused by inadequate translations of electoral and other laws used for research purposes.

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FOREWORD

In political science, electoral systems essentially represent a particular model on the basis of which citizens freely express their will and vote based on their preferences for certain political subjects. After, the votes are converted into mandates through different methods.

Because of the complex constitutional arrangement of Bosnia and Herzegovina (BiH) as well as societal divisions primarily along ethnic lines, the country has a dominant proportional system which ensures representativeness of the representative government bodies. At the same time, there is also a majority system for the election of members of the BiH presidency, the president and vice presidents of the Republic of Srpska, as well as the selection of mayors. In addition to these two systems, it can be said that a delegate system is also applied to the House of Peoples of the Parliamentary Assembly of BiH.

These are some of the reasons why the electoral system in BiH is hardly comparable to the electoral systems of other European countries. Additionally, the conduct of a large number of electoral races, a long period for preparation and holding of elections, as well as the announcement of final results along with partially inadequate legislative framework represent an additional challenge to electoral administration officials and all election participants.

It is certain that legal solutions in the election laws of other countries can be applied to the electoral legislation of BiH. Such solutions would apply in particular to polling station committee member methodological selection regulation, protecting electoral rights, effectively preventing the falsification or abuse of voter will, shortening deadlines for certain electoral activities, and technical improvement of the electoral process in BiH which is unacceptably long.

This publication is important because it fragmentally analyzes the electoral legislation of 40 OSCE participating states and can serve to decision-makers as a reference of solutions that can not only contribute to more efficient and economical election conduct, but also guarantee compliance with the electoral will of voters in BiH .

This overview is the result of a group of young researchers, whose work will certainly contribute to the further development of electoral culture in BiH.

Vehid Šehić

President of the Strategic Committee of the Coalition ‘Pod Lupom’

REVIEW

Electoral legislation, organization and the conduct of elections needs to be improved continuously with the aim of producing more adequate electoral processes so that the actual will of voters can be shown in a quality manner. Democratic, clear, and precise rules that are familiar to all electoral actors can contribute to the development of a democratic political culture through respected and accessible electoral laws. .

One of the ways to detect irregularities in electoral processes is through the systematic observation of elections with the highest international standards and methodologies. Local civil society organizations contribute considerably by non-partisan observations of electoral processes through provided expertise encompassing election rules, electoral areas subject to possible manipulation, election organization and implementation and the political context within the achieved level of democratic development of a country.

One of the notable civic initiatives to observe the general elections of 2014 in BiH was the Coalition of Free and Fair Elections “Pod Lupom”, which consisted of six civil society organizations from all throughout BiH . The coalition not only observed the electoral process in BiH , but also defined long-term goals aiming to improve the country’s electoral legislation.

Advocacy-focused civil society organizations serve as ‘watchdogs’ and offer solutions or options for certain problems that exist in a society. For this purpose, the *Overview of the Electoral Legislation and Electoral Process Segments in The 40 OSCE Member States* is very useful since it uses comparative experiences and may serve as an inspiration to improve certain aspects of the electoral process in BiH.

The comparative review of electoral legislation in 40 countries shows numerous ways of regulating particular issues that impede electoral processes, including problems related to polling station committees, technical aspects of the electoral process, and the protection of electoral rights.

As it can be seen from this overview, electoral regulation largely depends on the democratic level of development within individual countries, electoral tradition, a countries' democratic transitions and consolidations from non-democratic to democratic regimes, and the political culture – reflected in its willingness to comply with the prescribed rules as well as

improvement and compliance with (un)written democratic practices and standards in the electoral democratic process.

Merely copying solutions that work well in one country does not mean that such solutions will work well in another country. Therefore, the “importation” of rules from other countries must be viewed critically. This overview analyzes the regulation of electoral legislation of BiH, which demonstrate a number of good solutions, such as lower permanent election commissions, which could be useful and applicable in other countries, such as Croatia.

Coalition ‘Pod Lupom’ is positioned as an indispensable actor in the future improvement of the electoral process and the work of the bodies in charge of election organization and conduct in BiH. This overview will serve not only the civil society organizations engaged in non-partisan election observations, but also experts of the electoral process, political parties and even legislators involved in changes of the legal electoral framework. It is a kind of manual that should always be “at hand” as inspiration with detailed data on the electoral process in 40 states.

The overview of the different regulations offered by Coalition ‘Pod Lupom’ will surely find its place in the regional map of useful electoral materials. It can be an incentive for all neighboring countries to learn more from each other and learn from countries with long-term implementation of democratic, free and multi-party elections. Perhaps in the future, BiH, as well as other countries in the region, will position themselves as champions in the areas of quality and transparency of the electoral processes by constantly invest in the improvement of electoral processes and procedures through which the free will of citizens will be shown in easier and safer way.

Dragan Zelić
Executive Director of Association GONG, Croatia

I - INTRODUCTION

The Coalition for Free and Fair Elections “Pod Lupom”, composed of six civil society organizations¹ from all throughout the country, conducted a long-term election observation in BiH for the general elections of 2014.

The general assessment of the elections observed is that they were held in a democratic and fair atmosphere and were in accordance with the election law as well as related rules and procedures. There were only a small number of irregularities, critical situations and isolated incidents.

However, some irregularities in legal arrangements and the application of existing regulations were observed during fieldwork, which suggests there is a need for improvements in the election law and the implementation of regulations of the BiH Central Election Commission (CEC), field implementation and in narrowing the space for possible abuse. In relation to this, the Coalition made a number of recommendations in its Final Report on the 2014 General Elections 2014² in BiH.

After observing the implementation of the general elections, coalition activities continued in the direction of contributing to the improvement of the electoral process in BiH. In the post-election period, the coalition organized a conference in Sarajevo and three round tables in Mostar, Banja Luka and Tuzla. At the conference and roundtables, relevant stakeholders, especially those who directly participate in the electoral process, discussed the presented recommendations and were asked to give their opinions on problems identified by the Coalition as well as on other issues of election legislation.

Aiming to argument and conduct fruitful discussions on specific topics which are identified as “burning issues”, the Coalition made a decision to form a working group composed of young researchers in April 2015 with the task of analyzing the election laws of OSCE member states. The first analysis is related to the polling station committees, which were characterized as the weakest link of the electoral process in BiH. The next

¹ Cetres for Civic Initiatives (CCI); Center for citizens cooperation (CGS) Livno; Citizens Association Democracy - Organization - Progress "DON" Prijedor; Forum of Tuzla Citizens (FGT); Youth information agency (OIA) Sarajevo; i Center for development of youth and community "Perpetum Mobile" Banja Luka.

² Coalition's Final report can be found on the following link
<http://podlupom.org/userfiles/file/Kona%C4%8Dni%20izvje%C5%A1taj%20-%20Finalna%20verzija%20za%20%C5%A1tampu%20%28BOS%29.pdf>

analysis dealt with election deadlines because one of the coalition's recommendations in its Final Report on the General Elections 2014 in BiH was to shorten existing deadlines from 180 days to 120 days following the day of the election announcement. The third analysis reviews the protection of electoral rights of all election actors as well as the protection of the citizens' electoral will. The fourth and final analysis gives an overview on the technical aspects of the electoral process, with the aim of comparing it with solutions of other analyzed states and emphasizing certain good practices that could be applicable in the case of BiH. All these analyses were presented during round-tables held from May to September 2015.

Following the suggestions of the round table participants, the Coalition has combined all the data from the aforementioned analyses and provided an overview of the key findings and most important characteristics of four separate segments of electoral processes in 40 OSCE Member States. These segments include: polling station committees, election deadlines, the protection of electoral rights and selected technical aspects of the electoral process. All data and key findings for each country are presented separately, so as to simplify the comparison of legal and other solutions.

II - METHODOLOGY

Research methodology is based on a detailed study of election legislation, primarily the election laws of 39 of 57 OSCE member states. Due to limited capacity, as well as consideration of legislation relevance in the context of BiH, the research excluded a certain number of member states, mainly those with Anglo-Saxon legal tradition, countries outside Europe, as well as smaller European countries like San Marino, Andorra, etc.³

The survey includes the following countries: Albania, Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Montenegro, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Netherlands, Croatia, Iceland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Hungary, Macedonia, Moldova, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Serbia, Spain, Sweden, Switzerland, Turkey, Ukraine and Uzbekistan.

The OSCE/ODIHR database of legal regulations of member states of the OSCE was mainly used for this research⁴. It is important to emphasize that most of the translations in this report are unofficial and made for research purposes only. Reports of election monitoring missions by OSCE/ODIHR⁵ were used as additional research sources, along with other available information from organizations dealing with electoral processes⁶.

For this purpose, Coalition “Pod Lupom” formed a working group composed of seven researchers and collaborators from over 200 applicants.

The data presented in this study were obtained by assigning states to members of the working group. After that, the working group received tasks according to topics on which they had to provide adequate answers from the election laws and regulations of the countries they were assigned to research. This was followed by an analysis of the obtained data in a manner that the solutions from electoral legislations of the surveyed states

³ Research did not include the following Member States:

Andorra, BiH, Greece (no available translation of the election law to English), Ireland, Canada, Liechtenstein, Luxembourg, Malta, Monaco, Mongolia, USA, San Marino, Tajikistan, Tunisia, Turkmenistan, United Kingdom and Vatican. The election law of BiH was analyzed separately and used for comparison of electoral solutions.

⁴ <http://legislationline.org/>

⁵ <http://www.osce.org/odihr/elections;>

⁶ [http://www.idea.int/elections/;](http://www.idea.int/elections/) <http://aceproject.org/>

are presented in a quantitative manner in the summary analysis as well as in a detailed and comprehensive way in the part of Lexicon where the OSCE member states are presented individually.

The research points out different legal traditions, emphasizing different levels of political culture development and election awareness, which can be assessed through the level of electoral regulation in certain areas. Therefore, countries that can be characterized with highly developed awareness of election processes and the rules of conduct for elections (e.g. Scandinavian countries) very poorly define a number of questions and give election commissions, and sometimes even citizens, wide powers to organize and conduct elections. On the other hand, countries that have in their recent past gone through a transition of political and economic systems, and even wars, tend to instead have very detailed regulations of all segments related to the electoral process, which points to the efforts of such countries to prevent potential election fraud and manipulation. The variety of regulations was a challenge in making an analysis in regards to recognizing trends and common features within electoral legislation that can possibly serve as examples of good practice for BiH.

III - SUMMARY OF ANALYSES BY AREAS

III.1 Formation and Composition of Polling Station Committees

THE ROLES AND RESPONSIBILITIES OF THE POLLING STATION COMMITTEE MEMBERS

Election administration in BiH is composed of election commissions⁷ and polling station committees (PSC). Election commissions are appointed for a period of seven years, while PSCs are appointed specifically for each election. PSCs have three or five members, depending on the number of registered voters at the polling station, including the president of each PSC. Deputies to the president and all members of the PSC are also appointed. According to the election law, PSCs directly manage the electoral process at their respective polling station, ensure regularity and secrecy of voting and record the election results at each polling station. Each PSC president makes sure that the voting process takes place in the manner prescribed by the election law and implementation regulations. PSCs do not have other duties in addition to the conduction of elections.

In most observed countries, PSC obligations are similar to those prescribed in BiH. In eight of the 39 researched states, the obligations of PSC members are not specified; in 18 their obligations are limited to the election day, while in 13⁸ states PSCs have obligations prior to the election day. These obligations are mainly related to the preparation of polling stations for voting and/or the reception of election materials before the elections. Yet in some countries, PSCs have greater responsibilities. For example, in Georgia PSCs verify the accuracy of voter lists, consider complaints, etc. Also, in Armenia, PSCs adopt individual legal acts (even though the law does not specify the type of these acts), have regular meetings, etc. This can, however, be linked to the length of the PSC mandate as well as the composition (PSC in Armenia, for example, has a secretary) of the PSC. In another country close to Armenia, Azerbaijan, PSCs consider complaints regarding to violations of the law and make decisions with respect thereof. However, from the available legislation, it is also not clear what kind of acts those are.

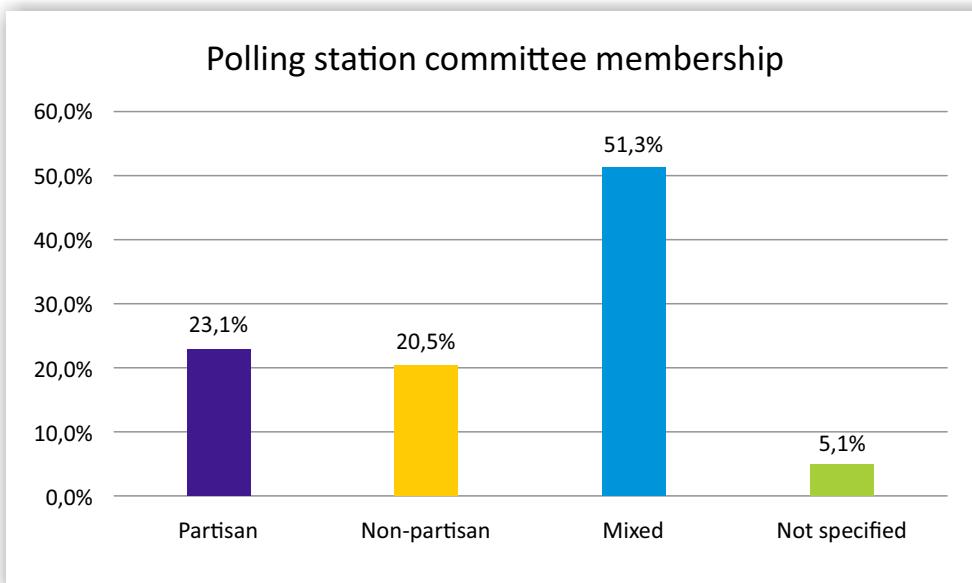
⁷ CEC BiH, Entity Election Commissions (formed only in the Republic of Srpska), city/municipal i.e. Local Election Commissions

⁸ Georgia, Slovenia, Romania, Ukraine, Armenia, Latvia, Belarus, Azerbaijan, Kazakhstan, Moldova, Uzbekistan, Russia, Kyrgyzstan

MEMBERSHIP IN THE POLLING STATION COMMITTEES

Candidates for PSC membership are nominated by political subjects⁹. Membership appointment itself is done by the local election commission or by CEC BiH when the local election commissions fail to do so within the stipulated time. Thus, membership in BiH PSCs is partisan

A comparative analysis of the 39 researched member states of the OSCE and their relevant regulations concerning membership in polling station committees in terms of political appointment showed that membership in the polling station committees is generally mixed. Mixed membership includes membership which is appointed by combining partisan and non-partisan members. Thus, in 20 countries¹⁰, or 51.3% of the researched sample, membership in PSCs is mixed; in nine countries¹¹ (23.1%) it is partisan, in eight countries it is non-partisan (20.5%¹²), while in two countries (5.1%¹³) the membership structure in respect to partisanship is not available in written laws or other available materials.



⁹ Political subject in sense of Election law of BiH and this analysis are: independent candidates, political parties, coalitions

¹⁰ Georgia, Slovenia, Romania, Norway, Denmark, Latvia, Germany, Switzerland (example of Canton Zurich since the polling station committees and their formation is the jurisdiction of the Canton), Azerbaijan, Estonia, Serbia, Lithuania, Belarus, France, Macedonia, Croatia, Russia, Kyrgyzstan, Poland, Armenia

¹¹ Bulgaria, Albania, Montenegro, Finland, Portugal, Czech Republic, Slovakia, Turkey, Ukraine

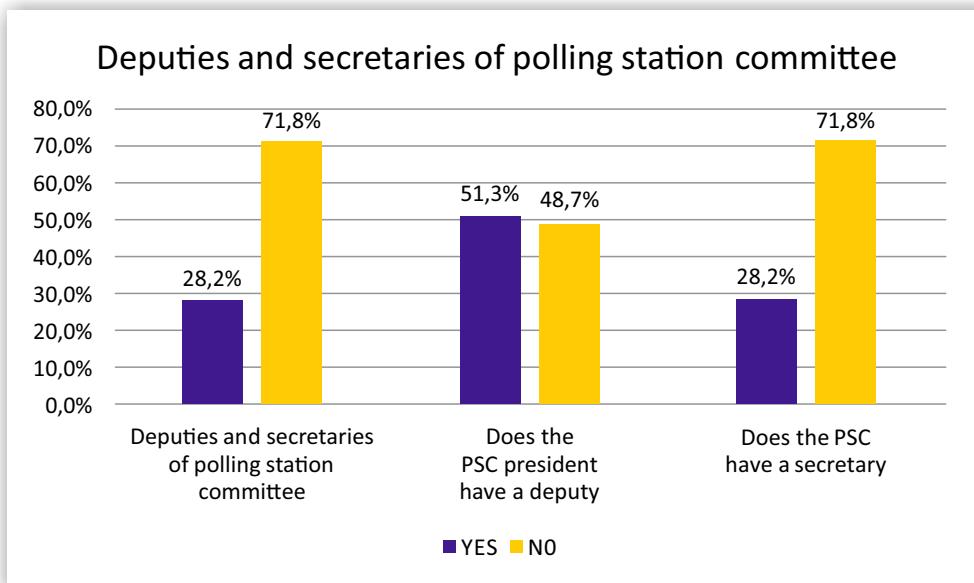
¹² Hungary, Austria, Kazakhstan, Moldova, Spain, Uzbekistan, Italy, Iceland

¹³ Sweden, the Netherlands

NUMBER OF POLLING STATION COMMITTEE MEMBERS

As previously mentioned, the number of PSC members in BiH is 3 or 5, and the same number of alternates are appointed. The number of PSC members is the same regardless of the type of election. On the other hand, the workload of PSC membership is not the same in regards to type election type, considering that general elections implementation requires a maximum of four different races, which results in more complicated procedures and time-consuming activities to count the votes and manage other procedures related to election materials.

The regulations of the states observed in this study vary significantly, even in the solutions they offer in terms of the number of members in PSCs. Thus, in one of the 39 countries, that number is not specified in the outline law but is or will be defined by other laws or regulations. The approximate average number of members, since it is difficult to measure an exact average because most states define either a minimum number of members or a range that depends mainly on polling station size, is 6.6 members per PSC. This number ranges from a minimum of 3 members (e.g. Slovenia, Norway, Iceland, Spain, Netherlands) to a maximum of 24 members (Ukraine 24, Belarus and Uzbekistan 19, Russia 16, Poland 11, etc.).



MEMBERSHIP CRITERIA

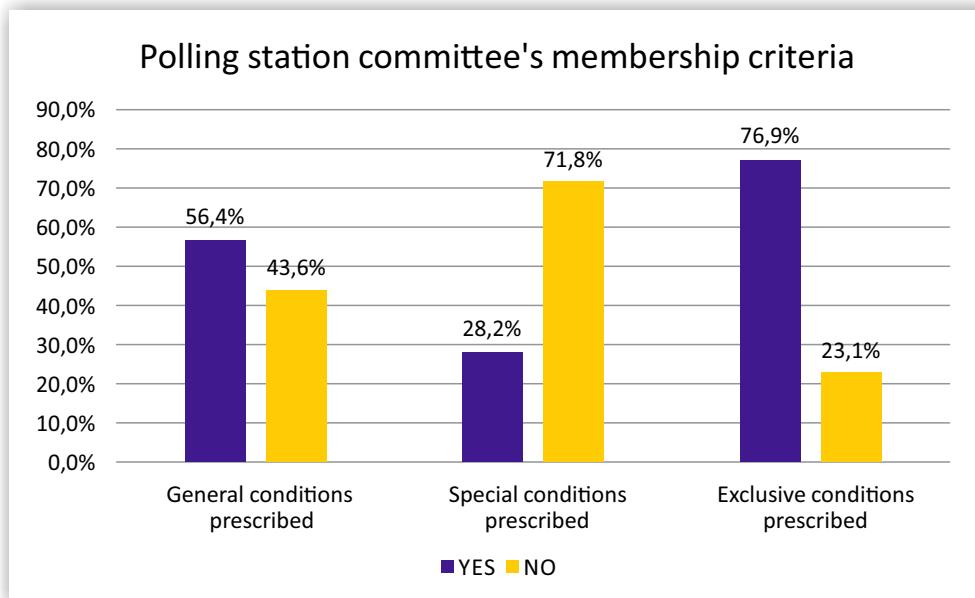
The election law provides the general requirements for membership in polling station committees¹⁴, while the CEC elaborates this area and sets special conditions and guidelines for defining the qualifications and procedures for appointing PSC members.¹⁵ These conditions stipulate that a PSC member can be any person with the right to vote, who has at least secondary education, who is not prosecuted for crimes against humanitarian law by the International Tribunal for the Former Yugoslavia or national courts, who is not a candidate in the election and is a resident in the territory of the local government where the polling station is located.

Membership criteria in the observed countries can be divided into general and specific conditions. For the purpose of this study, the Coalition considers general conditions as those concerning universal suffrage and acquired adulthood. Under specific conditions, the Coalition considers those which establish inclusive or exclusive criteria defined by laws of the observed countries. These include: a certain level of education, that person has not been previously convicted for criminal offenses, crimes related to the election process, owning professional certification in the field of elections, membership of a particular profession or occupation, etc.

The general rule applicable in all countries researched by this study is that the same person cannot be a member of more than one level of electoral administration and that election candidates are banned to participate in the work of PSCs. General conditions are prescribed by 22 of the 39 countries (56.4%). Criteria solely established on the basis of which one cannot be a member of PSC were not found in nine of the 39 countries surveyed (23.1%). In 11 countries (28.2%), specific requirements for participation in the work of PSCs require certain conditions that may be of interest in the context of BiH. For example, in Romania, the PSC president and his deputy are usually magistrates or lawyers. Similarly, in Italy, court officials, state officials and notaries are obliged to serve as members of the PSC. In Croatia, it is prescribed that the PSC president and his deputy may not be members of political parties for the implementation of parliamentary elections and preferably will be lawyers. Further the rule is that no member of the PSCs can be a member of political party for the purpose of presidential election implementation.

¹⁴ BiH election law (Unofficial revised text – with amendments published in the Official Gazette No. 7/14), Article 2.2. and 2.3.

¹⁵ http://izbori.ba/Documents/OpciIzbori2014/Dokumenti/Izbori/Uputstvo_o_utvrdivanju_i_postupku_imenovanja_clanova_birackih_odbora-bos.PDF



APPOINTMENT OF POLLING STATION COMMITTEES

PSCs in BiH are appointed by local election commissions no later than 30 days before the elections. Members of the PSCs are selected on the basis of proposals by political subjects. The law does not define deadlines for replacing the PSC members, does not provide for refusal and/or withdrawal after appointment and envisions appointment of deputies for all members and president. As stated earlier, it often happens that appointed members of PSCs withdraw before the election day, which creates problems for local election commissions to fill such positions with well-trained persons. There is no prescribed obligation to respect previously taken appointment responsibility. If it happens that the local election commission does not appoint the PSC before the given deadline, then it is done by CEC BiH.

Laws of four¹⁶ of the 39 surveyed countries either do not mention the PSC appointment procedure at all or do not enough to be able to draw relevant conclusions. When it comes to other countries, appointment procedures are more or less similar in the sense that the PSCs are usually appointed by the next higher election commission and, as in BiH, if this is not done by the prescribed deadline, the CEC makes the necessary appointments.

The election laws of several other countries in regards to PSCs can provide relevant solutions in the context of BiH. For example, in Ukraine, when

¹⁶ Iceland, the Netherlands, Czech Republic, Slovakia

submitting documents for nomination, one must submit signed statements that nominees will accept membership in a given PSC; in Hungary, the suggestions for the members and deputy members of PSCs cannot be changed; in Germany and Switzerland¹⁷, membership positions in PSCs are positions of “honor” and obligatory, and the performance of such duties can be refused only under the prescribed conditions; in Kazakhstan, nominated candidates must also submit an application in which they agree to work in the PSC. Macedonia also has an interesting solution when it comes to PSC seat allocation, – in which a specially designed software awards PSC seats randomly¹⁸.

Laws regarding the deadlines for appointment to PSCs vary in both their relation to election day. In 10 countries, such terms are either not defined in the election law or the beginning date is not visible within the law; two countries set deadlines in relation to the day of election announcement¹⁹; three countries define a deadline for the nomination of candidates, but not for their appointment²⁰. In other countries observed in this study, the deadline for the formation of a PSC is defined and ranges from a maximum of 45 days to a minimum of three days before the elections. The average of the 24 countries with expressly written deadlines for PSC formation is 25.2 days.

REPLACEMENT OF THE POLLING STATION COMMITTEE MEMBERS

Solutions are flexible when it comes to the replacement of PSC members after their appointment. Only eight of the 39 surveyed countries specify a deadline for the replacement of members and these limits range from one to 15²¹ days before election day.

¹⁷ Switzerland: Federal law regulates the polling station committees in a way that the area is regulated by cantonal regulations. In this study the example used was the canton of Zurich..

¹⁸ The rules governing the appointment procedure do not specify the criteria used in the allocation of places in the PSC. However, in one of the articles is written that the member of PSC can be resident in the municipality for which PSC is formed, which leads to the conclusion that the 'random' allocation is carried out on the territory of a municipality

¹⁹ Spain: between 25 and 29 days since the announcement of elections, Macedonia 21 day.

²⁰ Slovenia, Armenia, Montenegro: the average deadline for nomination is 16.6 days

²¹ The example of Georgia where the deadline for the PSC member is 15 days before the election day, after which there is no further replacement..

TRAINING AND CERTIFICATION OF POLLING STATION COMMITTEES

The training of polling station committees in BiH is the responsibility of local election commissions. CEC BiH provides the materials and methodology for training, while the organization and preparation for training is the obligation of local. PSC member training was improved through the use of videos that show the total process of the Election Day, making election implementation simple and self-explanatory for PSC members. Observation during the last election showed that although all commissions organize member training, the length of training, quality of the trainers, etc., varied. This later became a problem during the vote counting and packing of voting materials. In BiH, PSC member certification is issued after participants complete training and pass a test.

Institutionalized training of persons involved in electoral processes of the 39 countries observed in this research varied. In 18 countries, training of polling station committee members is not regulated by law. Certification is provided within the election laws of five countries (Georgia, Armenia, Macedonia, Italy). In most countries, the election commissions provide training, either local or national/regional, depending on the administrative organization of each state.

Special centers that, among other things, carry out the training of PSC members exist in Georgia, Moldova and Italy.

III.2 Election Deadlines

ELECTION ANNOUNCEMENT AND CERTIFICATION OF POLITICAL PARTIES

The Central Election Commission (CEC BiH), as written in BiH election law²², announces elections at all levels. All elections are held on the first Sunday in October of the election year²³. CEC BiH announces elections no later than 150 days before Election Day. The election law provides for different deadlines concerning repeated, delayed and early elections (Chapter 14).

Applications for electoral political certification in BiH must be submitted to the CEC 135 days before elections (political parties and independent candidates), or 110 days (coalitions and lists of independent candidates). The deadlines for response by the CEC are 15 and seven days respectively. After verification of political subjects, candidate lists must be submitted 90 days before the elections. The CEC must respond within 25 days, and the approved final candidate lists are published in official gazettes at least 45 days before the election.

Laws and regulations concerning election announcement are not clearly defined in 23.1 percent²⁴ of them the observed OSCE states. Three countries call for elections in relation to the termination of the current mandate (Slovenia, Albania and Lithuania), with elections published 4.5 to 9 months before the mandate ends. In the other 27 observed states, or 69.2 percent, elections are held on average 81.2 days ahead of Election Day. The minimum number of days that must elapse from the date of the announcement until elections is recorded in Croatia (30 days), while the maximum is recorded in Germany (6 months or 180 days).

During analysis of the provisions concerning the registration and certification of political subjects in elections, it was noted that the two procedures are explicitly separated in regulation of 10²⁵ of the 39 states

²² Articles 1.14. and 2.9. of the election law of BiH

²³ Except when that date conflicts with a religious holiday of one of the constituent peoples of BiH ; in this case the CEC BiH schedules Elections for the Sunday after the first Sunday in October, which does not coincide with religious holidays.

²⁴ Sweden, Ukraine, Norway, Denmark, Iceland, Latvia, Kazakhstan, Uzbekistan and the Netherlands

²⁵ Deadlines are stated in relation to the election day. Slovenia: registration 25 days before the election, certification 18; Romania: 40 days, decision within 48 hours; Ukraine: 75 days, decision within 5 days; Norway: the application within 150 days, decision within 60 days; Armenia: 45 days, certification to 35 days; Latvia: registration 40 days,

(25.6 percent). In the other 29 countries, or 74.4 percent of those observed, the specific deadlines for certification and/or decision of the competent authority for the elections are not stated, but the deadlines by which political subjects apply for participation are defined. These terms are set quite differently and range from 25 to 180 days before Election Day. For example, in Sweden, party registration must take place 180 days before the election, and in Slovakia and Belarus, the deadline for registration is 90 days beforehand. Other countries define this period between 20 and 65 days before Election Day²⁶.

VOTERS

For the elections in BiH, whether they be general or local, only those who are registered in the Central Voters Register (CVR) have the right to vote. CEC BiH is in charge of the CVR. Since 2006, the passive registration of voters is present. In order to be entered in the CVR, a person must possess an IDEEA BiH ID card or apply for it. CVR registration is concluded 45 days before Election Day. The election law provides voting outside BiH for refugees from BiH and people temporarily living abroad²⁷. For this category of voters, there is an active registration and the CEC prescribes all deadlines and means of registration. The deadline for the announcement of the final list of voters is defined by the election law and the implementing regulations of the CEC. The Central Electoral Commission is obliged to deliver an excerpt of the CVR to each constituency that includes all eligible voters in each given constituency no less than 20 days before elections.

In the analyzed countries, deadlines for the announcement of final voter lists vary from 7 days in Estonia, Lithuania, and the Czech Republic to 25 days in Azerbaijan. Passive registration is present in 11 of the 39 observed states (28.2 percent), while active or passive registration cannot be determined in the other 28 states (71.8 percent). This is because these regulations generally define the terms or ways to change voter lists, but not the original drafting responsibility or composition.

announcement 10 days before the election; Azerbaijan application 30 days a decision within 5 days; Estonia: registration 45 days, decision within 5; Serbia: registration 15 days, decision within 24 hours; Kazakhstan: the application within 30 days, decision up to 20 days before the election

²⁶ Exceptions are Spain and Croatia that define the deadline in relation to the date of announcement of the elections, Spain 15 days after the announcement and Croatia no later than 14 days from the date of the announcement.

²⁷ Under the following conditions: they are citizens of BiH, they are at least 18 years old or will be 18 by election day, and that they have a permanent residence in BiH.

Voter lists for the voting of displaced persons, such as in BiH, was only mentioned in two other observed countries, Turkey and Russia. The deadline for the registration of such voters in Turkey is 15 days before the election and in Russia is three days. In other countries, special categories are generally separated persons in military or similar services and missions, persons with disabilities, persons serving prison sentences, patients, etc. The longest recorded deadline for registration of those voters is 82 days in Austria, while in other countries which explicitly provide such categories and deadlines, the average deadline is 19.8 days²⁸. For an interesting comparative solution in regard to special categorizations of voters in the case of BiH, one can point to the following examples: in Switzerland²⁹, a person who cannot vote in person on election day for health reasons gives his or her personal identification and medical certificate to another person that can then vote for him or her; France has provided a similar provision by proxy; in Sweden, a voter can choose to vote by a so-called messenger. When it comes to voting via mobile teams, such voting solutions are provided to eligible voters who can demand it on the election day in: Estonia, Serbia, Belarus, Moldova and Russia. These solutions usually have a limit until what time on election day a person can apply for this type of voting.

DETERMINING THE NUMBER AND LOCATION OF POLLING STATIONS

The determination of the number and location of polling stations (PS) in BiH is defined by the BiH election law and implementing act of the CEC (i.e. Instruction on the types, method and deadlines for determination of PSs). The latter specifies this procedure. The number of PSs is determined by local election commissions (city/ municipal/ Brčko District Election Commission) no later than 65 days before the election, and the locations of these are determined immediately afterwards. No later than 15 days before

²⁸ Note: in order to obtain this percentage we used the longest given deadline by country as often different categories have defined different deadlines. In 46% of the analyzed countries, specific categories are either not covered by the analyzed regulations or it can be concluded that general provisions for voters are related to them. These are: Romania, Norway, Denmark, Iceland, Germany, Switzerland (Canton Zurich), Albania, Azerbaijan, Estonia, Montenegro, Ukraine, Kazakhstan, Belarus, Finland, France, Spain, Czech Republic, Croatia

²⁹ Note: When analyzing Switzerland the focus is placed on one canton, namely Canton Zurich, considering that these regulations differ greatly from one canton to another, and federal law does not define these issues or defines them very vaguely, leaving cantons the freedom of detailed planning.

election day, local election commissions announce which PS were selected for voting and their exact locations.

While analyzing the available laws and regulations of the observed states this study, it was noted that only eight of the 39 (20.5 percent) states do not explicitly regulate this area with deadlines or similar provisions. Typically, they state that the PS will be determined “timely” or the determination thereof is not mentioned. The average deadline to determine the number of polling stations, which in many countries also applies to the announcement of polling station locations, is 41.1 days before election day. The longest recorded period is in Ukraine (175 days before elections), while the shortest recorded periods are in Austria and Germany (only five or six) days before the election.

ELECTION CAMPAIGN

The election campaign in BiH is defined by the BiH election law. The Law, therefore, provides that the election campaign lasts 30 days before election day.³⁰ The Law provides a number of rules regarding the conduct of political subjects; however it is often evident that there are violations of these somewhat general provisions by political subjects. This applies especially to campaigning prior to the scheduled period, especially by political subjects already in the government. Media silence, a period when political advertising and agitating is prohibited, begins 24 hours before the opening of polling stations and lasts until polling closure.

In about 64 percent of the analyzed states, media silence is defined in a way similar to that in BiH, however, regulations on election campaigns and their duration are very different. Twelve³¹ of the 39 observed states (30.7 percent) do not define the election campaign, its duration or election silence. Most of these countries, though not all, belong to the European countries that have a developed democracy and strongly established conventional norms regarding political actions and behaviors. Estonia, Montenegro, Kazakhstan, Moldova and Croatia election regulations permit the start of election campaigns from the date candidates are certified to participate in the elections (i.e. from the time of the announcement of

³⁰Election law of BiH, Chapter 16,

http://www.izbori.ba/Documents/documents/ZAKONI/Izborni_zakon_PRECISCENI_TE_KST-srp.pdf

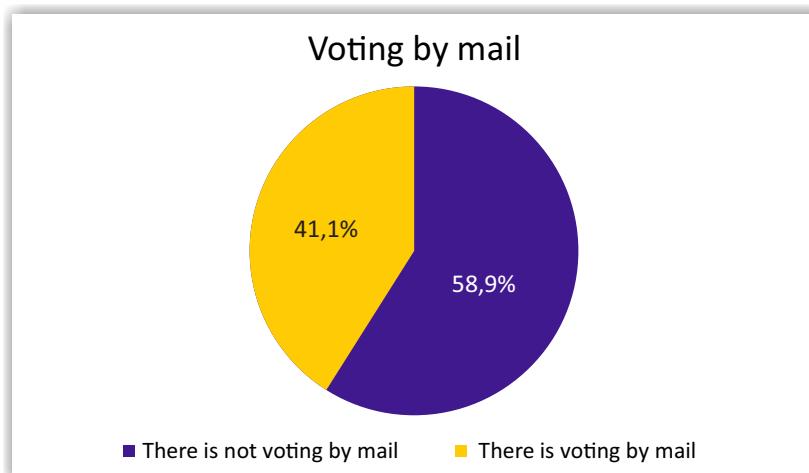
³¹ Norway, Denmark, Sweden, Iceland, Austria, Germany, Switzerland, Serbia (which defines the election silence 48 hours before the election, but not the duration of the campaign), Lithuania (30h election silence before the election), the Netherlands, Belarus (prohibited political activities on election day) and Finland

election lists). On the other hand, Georgia allows campaigns from the date of the announcement of elections, Uzbekistan three months before the expiration of the current mandate of representatives, while the remaining countries specify the duration of the campaign in relation to the election day.

VOTING BY MAIL

The election law also foresees voting by mail. BiH citizens abroad who are entitled to vote may choose to vote by mail. Also, citizens who have status as a displaced person³² have the right to vote in person or by post for the municipality in which they had their residency according to the last census. CEC BiH, for the last elections held in October 2014, distributed a voter package to these voters about six weeks before election day (from August 23 to 28). Return ballot envelopes are accepted for counting if they arrive no later than two days after the election with a postmark no later than the date of the election.

Comparative analysis of the observed states of the OSCE showed that 23³³ of the 39 states (58.9 percent) either do not provide for voting by mail or do not specify in available legislation how and in what way the postal voting is regulated. For these countries, voting by mail also means postal voting from abroad and within the country.



³² Article 1.1.a., paragraph 1, item 10 of the election law, "displaced person/refugee" means a citizen of BiH who has the right to vote and has a residency abroad in the status of a refugee from BiH .

³³ Georgia, Romania, Ukraine, Norway, Armenia, Denmark, Bulgaria, Albania, Azerbaijan, Montenegro, Serbia, Kazakhstan, Belarus, Finland, Macedonia, Moldova, Portugal, Czech Republic, Uzbekistan, Croatia, Turkey, Kyrgyzstan, Russia.

Of the countries that provide for voting by mail or available regulations specify the postal voting, the following was recorded: only eight out of 16 states precisely specify when voting material must be sent to the voter, and the average deadlines of which is 17.6 days before election day. The longest deadline is in Slovakia (35 days) and the shortest is in France, where the material will be delivered four days before the election.

Concerning the return of completed ballots to the appropriate election commissions in home countries, provided regulations of only 11³⁴ states specify deadlines for sending or receiving (i.e. procedures for counting votes). These deadlines are set so differently that it is not possible to draw parallels or find a common denominator for the majority. For example, Latvia election law determines that ballot material must be returned “immediately” after reception, Spain that the material has to be sent at least three days before the election, and in Switzerland by the end of election day. Other countries generally define the deadline in a way that defines when the material must be received in order to take such ballots into account while counting. In Hungary, ballots must be received by the authorized commission by midnight on the day before election day, in the Netherlands until 3:00 pm on election day, and in Germany until 6:00 pm on election day. Ballots are accepted for counting after election day in Poland (24 hours), Austria (8 days) and Slovenia (8 days).

ANNOUNCEMENT AND DETERMINATION OF RESULTS

The announcement of preliminary and confirmed election results is the responsibility of the CEC BiH. The CEC determines the results of direct and indirect elections upon expiration of the deadline for filing complaints and appeals, as required by the election law. The election law defines the deadlines for determining election results, while the regulations of the CEC determine the order of determination, informing of the public and announcement of the results. It is a legal obligation in BiH to announce the final results of the election within 30 days of the election day. The first preliminary results are announced by the CEC 24 hours after election day, and the rest of the preliminary results are announced by dynamics outlined by deadline and sequence guidelines that the CEC adopts for each election.

³⁴ Hungary, Latvia, Switzerland (Canton Zurich), Romania, Spain, Slovakia, Poland, Germany, Austria..

By analyzing the regulation of the 39 observed states, 23³⁵ (58.9 percent) do not specify the announcement of preliminary election results. In the other 16 countries, these deadlines vary from the required announcement of results being the “morning after the election” in Georgia, no later than 24 hours after the elections in Armenia, Azerbaijan, Montenegro and France, to – eight days after the elections for all cantons – the longest deadline recorded - in Switzerland.

When it comes to the announcement of final election results, a number of countries do not define a deadline or the available legislation does not clearly indicate one. In particular, such information cannot be confirmed for 20 of the 39 states (51.28 percent), with definitions of the announcement written in an ambiguous way such as “as soon as possible” in Germany and the Netherlands. In the states that define a deadline for the announcement of the final results, 19 of them (48.7 percent), have an average of 16.2 days from election day to announce the results. The maximum number of days is allowed after elections to announce results is recorded in Bulgaria and Spain (40 days), and the minimum number of days recorded in Poland (3 days), Russia (5 days), and Armenia and Lithuania (7 days).

OBSERVERS

The election law provides for domestic and international participation of observers in the election process in accordance with the election law and implementing regulations of the CEC BiH. During the accreditation of observers, the Coalition observed a relatively complicated procedure of accreditation, particularly taking into account the observation of more constituencies where is necessary to have an accreditation for each constituency separately. At the same time, this is valid only for domestic observers, not for international observers. Also, when it comes to deadlines for observer accreditation, international observers are in a more favorable position compared to local observers in the sense that accrediting international observers can register up to seven days before election day, while local associations must submit the application 15 days before the election.

³⁵ Slovenia, Sweden, Romania, Ukraine, Norway, Denmark, Iceland, Latvia, Austria, Germany, Albania, Estonia, Serbia, Lithuania, Belarus, Portugal, Spain, Czech Republic, Slovakia, Uzbekistan, Croatia, Turkey, Russia.

The analysis of available regulations of the countries involved in this study showed that in 16³⁶ / 39 states, (41%) observers are not foreseen or particularly emphasized in the election law. Of these countries, it is interesting to note that Hungarian provisions mention international, but not domestic observers; the Swiss framework law does not provide nor prohibit observers, so only some cantons provide observers; in the Netherlands, although observers are not mentioned as such, there is a provision which says that “every person has the right to be at every polling station,” indicating a particular type of permitted civil observation.

For example, Iceland foresees party observers, but the OSCE/ODIHR recommends that the non-partisan and international observers are also given right to participate in the electoral process. It is interesting to highlight the example of Germany, where citizens who want to observe elections can apply via the Internet. Macedonia has the greatest difference in terms of partisan and non-partisan observers, where partisan observers can apply for accreditation two days before the elections but non-partisan observers must apply 10 days before the election. In Bulgaria, domestic and international observers can be registered up to the day of elections. On the other hand, the average period for the application of international observers is 16 days, with the longest deadline provided in Austria - 60 days. In other countries this deadline ranges mostly between seven and 15 days.

AFTER THE ELECTIONS

After election results are determined under the jurisdiction of CEC BiH, the government must be formed. The election law of BiH defines the deadlines for the formation of the legislative government, representative government and the BiH Presidency³⁷. These deadlines vary depending on the level of government being formed, but the maximum deadline is 30 days from the date that the electoral results were announced by the CEC. It should be noted that there is no responsibility (or criminal provisions) for failure to constitute the government on any level. Also, contrary to some other countries, early elections are not legally foreseen, which is particularly relevant for situations when it is not possible to form a government within a specified period.

³⁶ Slovenia, Sweden, Norway, Denmark, Hungary, Switzerland, Estonia, Serbia, Lithuania, Netherlands, Belarus, Czech Republic, Slovakia, Italy, Turkey, Poland.

³⁷ The deadline for the constitution of the Cantonal Assembly is no later than 10 days from the announcement of the final results; for the National Assembly of the Republic of Srpska

When comparing the states covered by this analysis, early elections are foreseen in 19³⁸ countries, or 48.7 percent, while early elections were either not foreseen or cannot be found in the available legislation, including constitutions, of the other 20 countries. The same applies to sanctions leveled for failure to constitute a government, which is not visible in available legislations, except within the institution of early elections in cases of the dissolution of legislative bodies.

Regarding deadlines for the formation of the executive government, the data obtained primarily focus on the appointment of the President of the future government. Such data were reported in a small number of analyzed countries, namely: Ukraine, Armenia, Hungary, Germany, Albania, Azerbaijan, Montenegro, Finland, Macedonia and Moldova. The deadline for the appointment of the future executive varies from a maximum of 30 days from the first session of parliament in Ukraine and Macedonia to 14 days in Germany, where the federal chancellor must be elected after nomination by the federal president.

The deadlines for formation of the legislative bodies in the analyzed countries are not recorded or identifiable within the available provisions of 16³⁹, or 41 percent, of states. In 18⁴⁰ of 39, or 46.1 percent, of the other analyzed countries, the deadline for the formation of a legislative government is on average 25.7 days after elections, ranging from the longest recorded period of 70 days in Iceland to 12 days in Denmark.

- 15 days; the House of Representatives of the Federation of BiH - 20 days; the BiH Parliament House of Representatives - 30 days. Delegates in the House of Peoples of FBiH and the House of Peoples of Parliamentary Assembly of BiH are elected within 30 days of the certification of the election. The constitution of the municipal and city councils after the local elections shall be made not later than 30 days after the announcement of the certified, final election results.

³⁸ Georgia, Slovenia, Sweden, Switzerland, Ukraine, Armenia, Denmark, Germany, Azerbaijan, Estonia, Serbia, Lithuania, Belarus, Slovakia, Uzbekistan, Turkey, Russia, Kyrgyzstan, Poland.

³⁹ Switzerland, Azerbaijan, Estonia, Lithuania, the Netherlands, Belarus, France, Spain, Czech Republic, Slovakia, Uzbekistan, Croatia, Turkey, Russia, Kyrgyzstan, Poland.

⁴⁰ The deadlines for the formation of the legislative government after the elections. Note that we mainly observed general elections ie deadlines for the formation of the highest legislative body: Georgia 20 days; Sweden 15; Romania, 20; Ukraine 30; Norway about 21 days; Armenia about 21 days; Denmark, 12 days; Iceland 70; Hungary 30; Bulgaria 30; Austria 30; Albania 20; Montenegro 15; Kazakhstan 30; Germany 30; Macedonia 20;

III.3 Electoral Rights Protection Segments

PROTECTION OF ELECTORAL RIGHTS IN BiH LEGISLATION

According to BiH election law⁴¹, the protection of electoral rights is ensured by election commissions (i.e. local election commissions at the municipality/city level and the Election Commission of Brčko District) CEC BiH and the Appellate Division of the BiH Court. Regulations related to the system of electoral complaints and claims are set out in the election law and particularly the Law on Administrative Procedure and Implementing Acts of the CEC⁴².

All complaints⁴³ are to be submitted in writing on a form prescribed by the CEC BiH. Any voter or political subject whose right, established by the election law, is violated, may file a complaint with the authorized election commission within 48 hours (or within 24 hours during the election period) of the violation⁴⁴. Local election commissions have original jurisdiction in all matters that are not explicitly assigned to the CEC of BiH and/or the Appellate Division of the Court. CEC BiH has appellate jurisdiction on complaints lodged against decisions of election commissions⁴⁵.

Moldova 30; Italy 20 days. Slovenia defines that term from 2 months to 15 days before the expiry of the mandate of the earlier representatives; Latvia determines it on the first Tuesday in November upon the expiration of the previous mandate; Serbia defines the deadline in relation to the announcement of the final results (deadline is 30 days from the announcement); Portugal does the similar as Serbia, or 3 days after the announcement of the results; Finland - also after the announcement of the results, but the deadlines are not defined.

⁴¹ Election law of BiH, chapter 6.

⁴² Instructions on procedures for adjudicating complaints and appeals submitted to election commissions, Official Gazette, No.. 37/14

⁴³ Report on the General Elections 2014., CEC BiH <https://www.izbori.ba/Default.aspx?CategoryID=552&Lang=3>

⁴⁴ Election law of BiH, Article 6.2. Paragraph 1.

⁴⁵ To illustrate: in the last elections conducted in October 2014, according to the information from the CEC, election commissions have received a total of 705 complaints and appeals. Most of them are related to violations of the laws in the jurisdiction of local election commissions (487) Source: Final Report of the Coalition 'Pod Lupom'. During all phases of the electoral process there have been 67 appeals to the Appellate Division of the Court, of which 66 complaints were rejected or dismissed, while the one was partially

CEC BiH has original jurisdiction on complaints filed against violations of electoral process rules, electoral rights and violations of Chapter 16 of the BiH election law made by a political subject. The Appellate Division of the Court is competent to act on appeals against decisions of the CEC BiH. Complaints are to be submitted to the Appellate Division of the Court within two days of receipt of the decision of the CEC. The appeal is submitted by the CEC, while the Appellate Division of the Court decides upon the appeal within three days of its receipt.

In the protection of electoral rights (i.e. when deciding on complaints and appeals), CEC BiH has the authority to order local election commissions, the Center for Electoral Roll and polling station committees to undertake measures to remove spotted irregularities. CEC BiH also has jurisdiction to impose the following sanctions: a fine not exceeding 10,000.00 BAM; removal of a candidate's name from a candidates list when it is determined that person was responsible for a violation of the election law; annulment of the certification of a political party, coalition, list of independent candidates or independent candidate; and prohibition to hire a certain person at a polling station, Center for Electoral Roll and local election commissions.⁴⁶

Crimes related to the electoral process are defined in the criminal laws of BiH.⁴⁷ Election commissions are legally obligated to report a criminal act to authorized personnel if it is believed that a criminal act related to the electoral process has been committed.

RIGHT TO FILE COMPLAINTS

In the countries covered by this analysis, decisions regarding who has the right to submit electoral complaints are quite diverse. Such legislation encompasses many categorizations of authorized persons, but often restricts the right to file complaints only to certain violations of election law (i.e. providing protection to only certain types of complaints). As for voters, this right is often linked to the voters' register and filing complaints to it before election day and political subjects' complaints regarding registration procedures and/or certification for participation in the elections and so on.

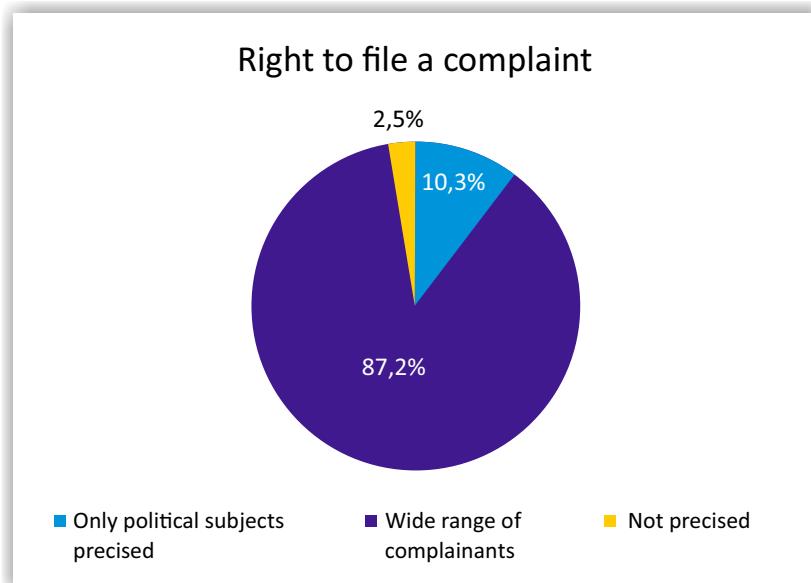
However, from the quantitative data available, it can be concluded that in the vast majority of countries analyzed (34 of 39), the right provided to voters and political subjects to file a complaint varies at different stages of

reversed, in part referring to the punishment of removing candidates from the candidates list. Source: Report on the election of 2014, CEC BiH

⁴⁶ Arapović A., Election system in BiH, p 72, Centers of Civic Initiatives (2012)

⁴⁷ There are four criminal laws in force: Criminal Law of BiH, Criminal Law of FBiH, Criminal Law of RS and Criminal Law of Brčko District.

the electoral process. Seventeen of the 39 states, or 43.6 percent, do so in a way that specifies categories of voters and political subjects but also includes a category of observers that can file complaints related to irregularities observed on election day. An identical number of countries (17⁴⁸) on the other hand, broadly stipulate who can file complaints at different phases of the electoral process, using terms such as “all” and “all interested parties” and (in some countries) specifying in details who such persons are and under what conditions and in which violations of election law they can react. In this respect, Austria stands out, as the country has very few formal procedures for filing complaints, and appeals are considered only after the announcement of the final results. Only four⁴⁹ of the 39 countries (10.3 percent) restrict complaint filing to political subjects only, according to the regulations available for analysis.



Bulgaria, for example, is one of those states. It is also interesting to note that the State Election Commission of Bulgaria considers complaints submitted by NGOs on detected irregularities although the election law does not oblige it to do so. However, the Commission do not make formal decisions on such complaints.

⁴⁸ Georgia, Sweden, Romania, Norway, Denmark, Iceland, Germany, Switzerland, Azerbaijan, Kazakhstan. The Netherlands, Belarus, Finland, Czech Republic, Uzbekistan, Russia, Kyrgyzstan

⁴⁹ Bulgaria, Latvia, Spain, Albania

FILING OF COMPLAINTS BY CANDIDATES WITHIN POLITICAL SUBJECTS

The Coalition attempted to analyze how many of the analyzed countries allow candidates to individually file electoral. Given the availability of regulations, their diversity and the fact that the majority did not have bylaws available, data on the basis of available documents and regulations was limited. In three countries (7.7 percent), candidates cannot file complaints (Macedonia, Turkey, Poland). In 13⁵⁰ of the 39 states (33.3 percent) relevant regulations are not visible, while in the rest (23 or 58.9 percent) of the countries, candidates can file complaints in protection of their electoral right.

THE RESPONSIBLE AUTHORITIES FOR THE SUBMISSION OF COMPLAINTS

When considering the responsible authorities to whom complaints are filed, in the majority of states such persons are determined t on the basis of a complaint's allegation. Typically, lower-level electoral administration is the first authoritative arm of complaint resolution, then complaints go to higher administrations (central or state), after which appeals are usually directed to the courts (Appellate Court, Constitutional Court, Supreme Court, etc.), which have final decision-making authority.

Interesting solutions can be found in Norway, Denmark and Iceland, where the parliaments, as the highest legislative bodies, are involved in the protection of electoral rights by considering complaints on certain issues. In Denmark, the parliament confirms the validity of elections after consideration of all appeals, and in Iceland the parliament decides on appeals on the assigned mandates. The German Bundestag, too, confirms the validity of elections after the completion of electoral procedures, and its decisions can be appealed to the Federal Constitutional Court of Germany.

DEADLINES FOR THE PROTECTION OF ELECTORAL RIGHTS

According to the election law of BiH, all complaints regarding the election must be filed within 48 hours (or 24 hours during the election period) and will be resolved within three days. These decisions can be appealed within

⁵⁰ Georgia, Switzerland, Albania, Serbia, Lithuania, the Netherlands, Spain, Czech Republic, Slovenia, Uzbekistan, Croatia, Belarus, Germany

48 hours. The final authority⁵¹ is the Appellate Division of the Court, which issues decisions on appeals within three days of receipt. During the recent general elections, it was noted that deadlines are not often respected by the CEC nor the Appellate Court, which resulted in the consideration of a certain number of complaints after election day despite being filed before the elections.

The deadlines for filing complaints are not specified or identifiable in only five of the 39 observed states. In the other 34 states, deadlines are significantly different, generally divided into those before election day and after election day and categorized by their basis for submission or the type of electoral right they protect. For example, deadlines in Slovenia range from three to 15 days depending on the type of complaint and the body to which they are filed, in Hungary three to 30 days, France one to 10 days and so on. Regarding deadlines for complaints after result announcements, it was noted that the longest deadlines are set in the following countries: up to 10 days in Sweden and the Czech Republic, 28 days in Iceland and two months in Germany.

In regards to the deadlines for responses to complaints, from the data of analyzed countries it was noted that seven of the 39 countries do not have clear-cut deadlines, using formulations such as “as soon as possible” or “a reasonable time”. In other cases, such terms are not clearly identifiable. Such is the case in Sweden, Norway, Denmark, Iceland, Austria, Finland and Slovakia. Other countries set deadlines that range from “immediately” solving complaints addressed during election day (e.g. Ukraine and Bulgaria within one hour on election day and before polling station closure; Macedonia within four hours regarding voting violations), to one day after receipt (e.g. Georgia, Bulgaria, Spain), to up to six weeks in the Netherlands (with the exception being complaints on electoral roll, with a deadline of seven days).

The analysis of state regulations found that in 13⁵² of the 39 states is not possible to determine the duration of the total time allowed to solve each complaint, including the resolution of appeals when necessary. In the other 26 states, the average deadline is 11 days. Note that to calculate the average, the Coalition used maximum deadlines for dealing with

⁵¹ Except in cases of violations of constitutional rights, ie the Constitutional Court accepts appeals from individuals whose fundamental rights have been violated and when all other domestic remedies have been exhausted.

⁵² Sweden, Norway, Denmark, Iceland, Austria, Germany, Switzerland, Lithuania, the Netherlands, Finland, France, Moldova, Turkey

complaints, as deadlines vary by country depending on the time at which they are submitted, as well as the basis for filing them.

What was interesting to consider during the conduct of the analysis is whether the regulations of the analyzed states standardize the responsibility for non-compliance with deadlines in relation to the protection of the electoral rights. The majority either do not emphasize this responsibility or this responsibility is not visible in the available regulations. Hungary, for example, either does not provide for sanctions or does not explicitly state such responsibilities, but stipulates that higher election commissions will annul the untimely decisions of lower election commissions or make a decision themselves if the lower commissions have not done so. Also, in Albania complaints are defined on the basis of untimely solving so that if lower commissions do not issue a decision by the deadline, the complaint may be brought to the Central Election Commission.

RESPONSIBILITY FOR VIOLATION OF ELECTION LAW

The Penalties Provided for Members of the Election Administration for Inaction Ex Officio

The election law provides penalties for violations of provisions of the Law⁵³. Those penalties are pecuniary, whereas the penalties related to criminal acts of the electoral process are defined by the criminal laws of BiH. Election administration fines in BiH range from 200 to 1000 BAM. In the opinion of the Coalition, this does not represent an amount that will prevent or discourage deliberate attempts to abuse the electoral process.

By analyzing the regulation of the states in this research, the Coalition found that 56.4 percent (22⁵⁴ of the 39 countries) provide for sanctions of members of election administrations regarding violations of election laws or other laws in connection with official election duties. Approximately 43.6 percent (17) of the states do not have such sanctions or regulations available which clearly specify it. It is interesting to note that in the case of some countries, such as Hungary, fines for persons in violations of the electoral process range from a minimum of five to 15 monthly salaries, though the deadline to pay is within 15 days of issue. If a person does not pay within the given deadline, the election commission then informs the IRS, which takes over the responsibility for charging this debt in

⁵³ Election law of BiH, Chapter 19A

⁵⁴ Georgia, Ukraine, Armenia, Denmark, Iceland, Hungary, Moldova, Bulgaria, Latvia, Switzerland, Albania, Azerbaijan, Estonia, Montenegro, Kazakhstan, the Netherlands, Finland, France, Macedonia, Portugal, Spain, Turkey

accordance with tax regulations. In Portugal, on the other hand, there is a provision which says that a violation of election legislation by a member of the election administration is to be seen as an “aggravating circumstance” in future proceedings against that person.

The Penalties for Political Subjects Related to Violation of the Election Law

Penalty provisions stipulated by the BiH election law for political subjects are pecuniary and range from 1,000 to 10,000 BAM.

This study found that the majority of countries in some way sanction violations of election legislation by political subjects. Approximately 56.4 percent (22) of states define such sanctions in electoral regulations, while 15 do not define them through the election law or other available legislation, but apply other regulations (Law on Minor Offenses, Criminal Laws, etc.) It is interesting to comparatively highlight the solutions some countries implement in regards to the sanctioning of political subjects. For example, in Albania, the penalty for rejecting transparency of election campaign financing ranges from 2,000,000 ALL (approximately 30,000 BAM) to suspension from public funding for a period up to five years. The decision is made by the Central Election Commission. In Belarus, the Central Election Commission may, without prior notice, cancel the registration of candidates for the elections for a similar violation (i.e. exceeding allowed limits on campaign spending). In France, the penalties include suspension of political rights, fines and imprisonment.

III.4 Selected Technical Aspects of Electoral Process

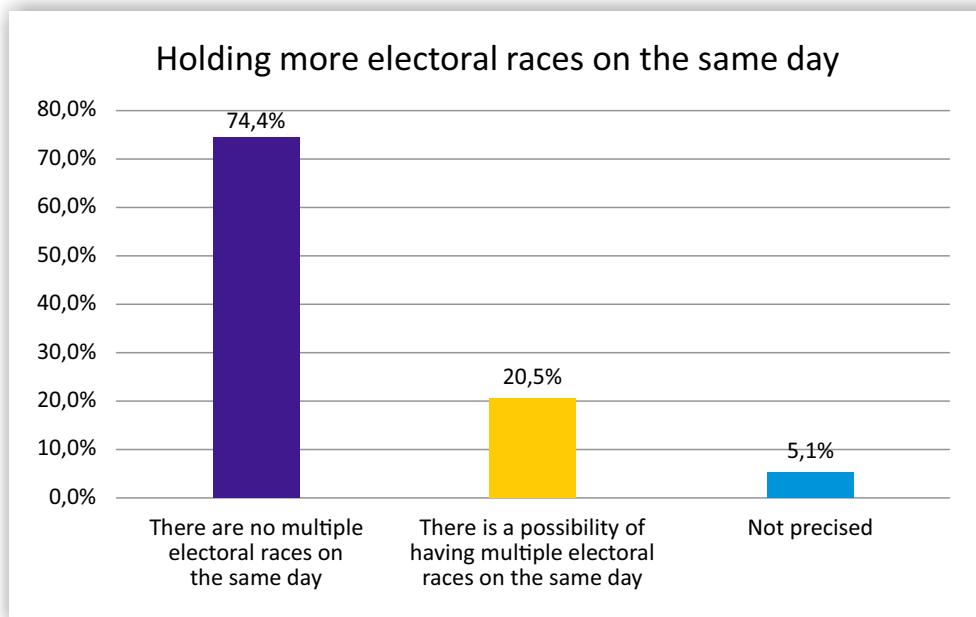
HOLDING MORE ELECTORAL RACES ON THE SAME DAY

BiH election law provides for the maintenance of local and general elections. These elections are held separately and every two years. Local elections are held for the mayors of cities, municipalities and Brčko District as well as representatives in the local assemblies (RS), councils (FBiH) and the assembly of Brčko District. The country's general elections, on the other hand, have a greater number of races (i.e. more levels of government to be elected). Overall there are six electoral races: the presidency of BiH, the House of Representatives of the Parliamentary Assembly of BiH, the House of Representatives of the Federation of BiH, the National Assembly of the Republic of Srpska, as well as the president and vice-presidents of the Assembly of the Republic of Srpska and Cantons.

By analyzing the available laws of the OSCE Member States included in this study, the Coalition found that a large majority of countries do not hold more than one electoral race on the same day. This information applies to as many as 29 of the 39 states, or 74.5 percent⁵⁵. Only two states, or 5.1 percent, do not specify this issue, and eight of the nine countries, or 20.5 percent, allow for the possibility of holding multiple electoral races on the same day.⁵⁶

⁵⁵ Georgia, Slovenia, Romania, Ukraine, Norway, Germany, Latvia, Switzerland, Albania, Azerbaijan, Estonia, Montenegro, Lithuania, Finland, France, Macedonia, Moldova, Portugal, Croatia, Uzbekistan, Slovakia, Czech Republic, Italy, Turkey, Russia, Kyrgyzstan, Poland, the Netherlands, Belarus.

⁵⁶ Iceland and Denmark do not specify the issue, while the following states allow more electoral races on the same day: Sweden, Armenia, Bulgaria, Hungary, Austria, Serbia, Kazakhstan, Spain



THE APPEARANCE AND NUMBER OF BALLOT BOXES AND VOTING BOOTH HEIGHT

In election day conduct, for electoral administration, the more electoral races on the same day mean that elections for four levels of government are held in FBiH and RS, while in Brčko District the electoral administration prepares the elections for five levels where citizens can vote depending on the entity citizenship they had selected. In practice, the current methods of organizing the voting process and vote counting suggest that improvement is needed to prevent possible abuses by voters related to the insertion of ballots in the ballot boxes. Currently, election law provides for only one, non-transparent ballot box at the polling station. Although it is provided that a voter must insert ballots separately, practice shows that this is often not the case and that the voters often insert all ballots together. The use of one ballot box for each election race would contribute highly to the prevention of abuse and facilitate and accelerate the process of vote counting.

When it comes to the analyzed OSCE member states, the general conclusion is that election laws seldom specify such questions, and that often these matters are dealt with by by-laws and regulations of the local election administrations. From the available legislation, only eight

countries⁵⁷ (20.5 percent) clearly precise that the ballot boxes must be made of transparent material, eight say the opposite⁵⁸, and in the other 23 states (58.9 percent) this issue is not clear. Available regulations related to the number of ballot boxes used in states where there are more races on the same day, unfortunately, do not point to concrete solutions. For example, regulations show that more boxes are being used in Austria, and Albania for local elections, though in the majority of the states this conclusion cannot be made. The assumption is that for those countries the issue is defined by by-laws of competent electoral authorities, whose translations are rarely available.

The voting booths used in the elections of BiH provide maximum secrecy to voters, which is their primary purpose. However, practice shows that in some cases there are incidents of abuses carried out by voters during the voting process. For example, in some occasions, voters replace blank ballots for those already completed (i.e. carousel voting or Bulgarian train) or photograph ballots to receive money or other benefits in exchange for their vote, etc. Such abuses are difficult to notice and control with the existing style of voting boots, and often these situations are perceived only within the polling station area or its surrounding.

Unfortunately, of the available state regulations analyzed in this survey, most only roughly mention the height of voting booths or do not cover the topic at all. In fact, the vast majority of states treat this issue in a way that the height and appearance of voting booths should be adjusted to ensure the principle of secrecy during the voting process. The assumption is that the details of voting booth regulations, since they are not provided otherwise, are defined by implementing acts of the election administration.

ANNOUNCING THE RESULTS AT THE POLLING STATION

According to the current electoral legislation in BiH, polling station election results are first publicly disclosed at individual polling stations upon the completion of the vote counting when a copy of the record is visibly posted for those present. During the BiH general elections in October 2014, Coalition “Pod Lupom” recorded that this procedure is respected in most cases⁵⁹. However, at the same time, a large number of

⁵⁷ Georgia, Ukraine, Bulgaria, Montenegro, Serbia, France, Macedonia, Azerbaijan

⁵⁸ Denmark, Hungary, Austria, Germany, Švcarska (eg canton of Valais), Uzbekistan, the Netherlands, Belarus

⁵⁹ Coalition observers have noted that at 7% of polling stations, which were observed by the Coalition, the form with the summary of the results is not visibly displayed (ZR1, yellow copy).

observers noted that the visibility of the information on the provided copy is very poor, and that a photograph or copy of it could not serve as an understandable document of the confirmed election results. For this reason is the Coalition's recommendation that the form and its copy be improved in an appropriate manner.

Similar to the above, the Coalition's research discovered that the technical aspects of electoral processes are often not available in the English language, which would enable more reliable and more detailed analyses. From what is available, it is visible that 13⁶⁰ of the 39 states (or 33.3 percent) announce electoral results in the same or a very similar way to BiH (e.g. with the copy of the minutes or results record). Turkey provides an interesting example of such procedures, where the copy is posted for one week following elections, and official copies must be provided to the observers of all political subjects at their request. In Georgia, a large amount of data from the record including the number of ballots received, voter turnout etc., is displayed at each polling station the entire day. The available regulations of other countries do not allow for clear conclusions to be made about the announcement of election results at polling stations. It is interesting to point out a few examples: in Sweden, the results are provided by phone and entered in the system, after which they are immediately published on the website of the election administration; in Norway, access to election data entered in the system is given to the media, which immediately has access to the results; in Hungary, a copy of the results, which are entered into the IT monitoring system, is available to all interested parties three days after the election.

VOTING PROCESS

Voting

From the available regulations in this analysis, it is visible that the vast majority of voting methods use paper ballots (33 of 39 states). Only five countries provide combined voting, which allows for both paper ballots and also electronic voting or voting by voting machines (Germany, Estonia, Kazakhstan, France, Russia⁶¹). In Switzerland, voting methods are under the jurisdiction of canton and vary. Currently, a number of states are testing different forms of electronic voting. For example, Norway tested electronic

⁶⁰ Georgia, Romania, Ukraine, Armenia, Bulgaria, Azerbaijan, Serbia, Francuska, Moldova, Portugal, Spain, Turkey, Poland

⁶¹ Kazakhstan: electronic system 'Sailau'; in Germany and France there are voting machines; in Russia the CEC provides procedures for this type of voting if there is a decision made to use this kind of voting at the Elections; Estonia: voting via the Internet.

voting in 2013, Austria is in the midst of a pilot project and the Netherlands has used previously voting machines (NEDAP voting machines). However, all three countries kept paper ballots for security. The same machines were used during presidential elections in Germany and parliamentary elections in the European Union, but were later declared unconstitutional in 2009.

The Appearance of Ballots

The Coalition researched the appearance of voting ballots in regards to their order of the political subjects and security labels. In this context, political subjects are marked with ordinal numbers in 17 states⁶² and by alphabetical order in five states⁶³. In the other 17 states, order is determined by combinations of lottery position, previous election results, etc. It is interesting to point out the example of Norway, where voters can change the order of candidates by preference (i.e. by putting the ordinal number next to a candidate's name or deleting the candidate from the list by crossing his or her name from the ballot). In Germany's Bundestag elections, the order of political subjects on the ballot depends on the results of the last elections, while the remaining places are determined alphabetically. France does not use ballots with combined lists of political subjects. Instead, voters receive multiple ballots listing different political subjects and only enter the ballot with the name of their selected candidate. If the ballot of political subjects has more than one candidate, the preference between them is determined by ordinal numbers.

In the context of safety markings on voting ballots, the vast majority (27 of 39 countries) do not offer a clear conclusion from the materials available for analysis. The remaining countries mark the ballots with serial numbers⁶⁴ (eight) or watermarks (four)⁶⁵.

The Counting of Ballots

In almost all of the countries analyzed, manual counting of votes is applied. Combined counting, manual and electronic, is mentioned in the Electoral Laws of Norway, Latvia, Estonia and Kazakhstan. In Norway, for example, a scanner is used for counting. However, in the smallest of the country's municipalities, the counting is still done manually. The vote counting

⁶² Georgia, Slovenia, Sweden, Romania, Bulgaria, Hungary, Austria, Latvia, Switzerland, Estonia, Montenegro, Serbia, Finland, Macedonia, Croatia, Poland, Netherlands

⁶³ Armenia, Iceland, Denmark, Azerbaijan, Slovakia

⁶⁴ Georgia, Slovenia, Armenia, Albania, Macedonia, Moldova, Croatia, Italy

⁶⁵ Serbia, Turkey, Russia (not necessarily a watermark, another form of printing protection can be used – the decision on this is made the latest 60 days before the Elections), Kyrgyzstan

capacity in Oslo was up to 50,000 votes per hour, which enabled the counting process to be completed by the morning after the election day. The vast majority of states also stipulate that the counting process take place immediately following the conclusion of voting and that counting be continued until completion. For example, the available analyzed documents show that only in Latvia are there breaks permitted during counting, while other states either strictly define uninterrupted counting or do not clearly provide for breaks.

The Accessibility of Polling Stations for Persons with Disabilities

From the available state regulations, the vast majority provide that either polling stations be adjusted in order to enable access to persons with disabilities or that voting be enabled otherwise (e.g. voting with assistance). It is interesting to note that in at least four states (Iceland, Hungary, Norway and Poland), ballots in Braille are used to enable visually impaired persons to vote independently. A few interesting examples include Norway, where voters who cannot come to polling stations can either vote from home or if they cannot access the polling station, vote outside polling stations in the presence of members polling station committee- which both are the case in Croatia as well; in Switzerland, persons older than 60 years of age or persons that cannot come to polling stations can send their “vote” via a household member that brings along medical documentation to present to PSC members; in Finland, each polling station has an assigned assistant in charge of providing assistance to voters when needed.

IV - ANALYSIS BY COUNTRIES

1. Albania

Albania is a country of parliamentary democracy, located in South-Eastern Europe with an area of 28,748 km². The president of the state is indirectly elected by the National Assembly for a term of five years. The president chooses the ministers of the Council of Ministers. The Assembly, which consists of 140 members, holds legislative power. One hundred members of the Assembly are elected every four years in national elections, while 40 are elected by the proportional system. Albania applies a system of closed lists and proportional representation. Albania is divided into 36 areas, which are grouped into 12 districts, while the capital of Tirana has a special status. These 12 districts represent the 12 electoral districts during elections. The electoral process is governed by the country's constitution, which was amended in 2008, the election law of 2008, and its 2012 amendments. Political parties, coalitions and independent candidates can participate in elections, with closed lists of candidates submitted by parties to every district. Parties that win at least three percent and coalitions that win at least five percent of valid votes in each district qualify for an allocation of seats. The Central Election Commission (CEC) is the bearer of the electoral process and its subsidiary committees that make the election administration are: Election Commission of Administrative Districts and Polling Station Committees. During the last elections in 2013, there were 5,508 polling stations and 3,271,885 registered voters.

Polling Station Committees

Polling station committees (PSC) consist of seven members, and each member is proposed by a particular political party. The president of the committee has a deputy. Membership is equally distributed between the two leading parties in the parliament and opposition parties. At a minimum, PSC members must have completed high school. None of the members can be convicted of a crime or be a person against whom there are ongoing disciplinary proceedings in relations to previous elections. Members must be selected approximately 25 days before the election. If there is a vacancy for membership in a committee, a new member must be chosen within three days, and if the vacancy occurs within 24 hours of election day or on election day, a new member must be selected within two hours. Such members shall be people who have undergone training in relation to the electoral process and electoral legislation. PSC members have common responsibilities and obligations without special authorization (e.g.

opening/closing of the polling station, maintaining order, etc.) PSC members must undergo training and testing organized by the CEC. In Albania, special teams for the counting of votes are formed 10 days before the election day.

Election Deadlines

The election day date is determined by presidential decree. The law specifies that parliamentary elections must be held 60 to 30 days before the expiration of the Assembly mandate, and no later than 45 days after its dissolution. Elections are held in the period of March 15 to June 30 and from September 15 to November 30. The president's decree must set the election date nine months before they are held. Political parties must register with the CEC 70 days before the election, coalition 60 days, and independent candidates 50 days before the elections. Voter registration is passive. Voters who are unable to come to the polling station or vote independently have the right to register as such. According to the law, election campaigns start 30 days before the election and must end 24 hours before the election. The law defines the deadlines for the registration of local and international observers. Domestic observers must request accreditation from the CEC 15 days before the election, from which the CEC will decide within 5 days; foreign observers can apply for accreditation 72 hours before the election, from which the CEC will decide within 24 hours. The Law recognizes repeated and partial elections, but not early elections. The Coalition could not find provisions on deadlines for the formation of the government within the Law, or provisions on sanctions for non-compliance with the law. The Constitution of the Republic of Albania partially regulates these issues and determines when the president is obliged to convene the first meeting of the newly elected Assembly and what happens if he or she does not. The constitution also regulates when the prime minister is to be appointed and so on.

The Protection of Electoral Rights

The Law provides for pre-election, election and post-election protections of rights. The right to request protection belongs to every political party, independent candidate, candidate whose candidacy or registration was denied and observers whose registration was rejected. Protection is provided by the election commissions of administrative districts, the CEC and the Election Department of Appellate Court. An appeal may be lodged against decisions taken by the election commissions and the election results. Actively legitimated persons have the right to appeal to the Appellate Court if the CEC does not make a decision within the statutory

period. If the election commission of the administrative district does not make a decision within 24 hours, a complaint can be made to the CEC. The Law specifies in which cases persons will be held responsible for the violations of the election law.

Technical Aspects of the Electoral Process

The Law does not specify the appearance of the ballot box. Polling Stations must be arranged in a way that allows secrecy of the voting and provides fast and free movements of voters. There are no specific regulations on the amount of polling booths in the Law. Candidates are sorted on the list in a random order that is determined by lottery. Each ballot has a serial number on the back in addition to a series of technical elements such as a code indicating the electoral zone and other identification data that cannot be seen with the naked eye. The Law does not provide for the determination of the counting. There are no provisions for the adjustment of the polling stations for persons with disabilities, but there are provisions on the assistance provided to disabled and similar persons during voting.

2. Armenia

The Republic of Armenia is a country of parliamentary multiparty democracy with an area of 29,800 square kilometers. The Republic of Armenia recognizes presidential, parliamentary and local elections as well as elections for members of Yerevan Council of Elders. There is a possibility of simultaneous electoral races. Presidential elections are held by a majority, two-round system, while parliamentary elections are held by a parallel mixed system: 90 members of the parliament are elected by closed lists and proportional electoral systems, while 41 members are elected by a majority system in single-member constituencies. The election threshold is five percent for political parties and seven percent for coalitions of political parties. Elections are carried out by the Central Election Commission (CEC) in cooperation with 41 territorial election commissions and 1,982 polling station Committees, such as the case for the parliamentary elections of 2012. During the last elections (presidential elections in 2013) there were 1,988 registered polling stations with a total of 2,529,016 registered voters.

Polling Station Committees

Polling station committees (PSC) consist of at least seven members. Their composition is mixed in terms of partisan and non-partisan representatives. In the available legislation, it is not specified whether deputies for PSC members are appointed. Each PSC has a secretary.

In addition to general criteria for membership, election officials must undergo training on the conduct of elections. Members cannot hold a public or political position and are appointed 25 to 30 days before the elections. PSC members must be replaced within seven days and no later than three days prior to the election day. Their duties are related to the procedures of the elections on election day. Trainings for PSC members are continuous, compulsory and held at least once a year. Training and certification is provided by the CEC.

Election Deadlines

Election law and other regulations specify clearly the available election deadlines. Elections for the president of the Republic, the National Assembly and the Yerevan Council of Elders shall be held at least 70 days before the election day (i.e. 39 days in the case of repeated and early elections). Regular local elections can be held up to four times a year, and date selection are determined each year by the CEC.

Deadlines for the certification of political subjects are specified in a way that political subjects must submit nominations for certification 35 to 55 days ahead of election day. Voter registration is passive. There is a possibility of voting via mobile ballot boxes.

Election campaigns start seven days after the publication of confirmed lists, while election silence begins one day before the elections. Preliminary results are published 24 hours after the conclusion of voting, while final results are published seven days after the elections.

The Law provides for local and international election observers.

Laws provide for deadlines on the formation of government after elections, but do not provide for sanctions and the failure of authorities to do so. Early elections are regulated by the Constitution of the Republic in the case that the president resigns, dies, or is no longer able to perform his or her functions, or if he is removed from the office. There may be early elections for the National Assembly as well.

Protection of Electoral Rights

The election law provides for the protection of electoral rights in pre-election, election and post-election periods. The appeals system is complex and provides for appeals to authorized commissions, which includes the election commissions of constituencies and the CEC, and the Constitutional Court in the case of complaints related to the elections for the National Assembly, with the Administrative Court as the final instance. Laws provide that applicants are entitled to appeal directly to the Administrative Court. The Constitutional Court is the only authority that decides upon appeals filed against election results.

The right to file a complaint belongs to everyone who believes or suspects that his or her electoral rights were in some way violated. The person filing must clearly state his or her request or complaint and attach the necessary evidence with the complaint.

Technical Aspects of the Electoral Process

The CEC makes decisions on the design of the ballot box, and it is not clear from the available legislation whether the ballot box is transparent. If there are more races on the same day, one ballot box is used and the ballots for

different races must be different. The height of the voting booth is determined roughly in a way it should ensure secrecy of voting. As for the ballots, the political subjects are placed in alphabetical order. For increased safety, ballots are marked with serial numbers. Voting is done via paper ballots, and the possibility of electronic voting is available only for representatives of diplomatic missions of the Republic of Armenia and their families who at the time of voting are residing outside the country. The ballots are counted manually in a standard procedure and this job is performed continuously until the work is completed. Polling stations need to be adapted to persons with disabilities and consequently local authorities take the necessary measures to ensure it.

3. Austria

Austria is a federation that is divided into nine autonomous provinces with a total area of 83,879 square kilometers. All political bodies whose formation is required by the constitution are elected through direct or indirect democratic voting elections. Thus, the citizens of Austria determine their representatives for the National Assembly (one of the two Houses of Parliament), the Parliament of the Province, Council of Local Communities and the president of the Federation. Parliamentary elections can be held on the same day as the elections for the president of the Federation. However, elections for the president of the Federation may be held in the form of a referendum if the election has only one candidate who applied. The aim of this provision is to enable a president seeking a second term to run in the election without a political campaign. Parliamentary elections are held by a proportional, though preferred system of voting.

The Ministry of Internal Affairs (Federal), together with the executive provinces, local communities as well as ad-hoc electoral committees (formed at all levels including: federation, provinces, districts, local communities and municipalities) are responsible for the abovementioned elections. During the last elections (parliamentary elections of 2013), a total of 6,384,308 voters were registered with a 4,782,410 voter turnout on election day.

Polling Station Committees

The number of members of polling station committee (PSC) varies depending on the territorial divisions of constituencies. If a local community represents a single constituency, then the PSC has a total of 10 members including the president. If a local community is divided into several smaller constituencies, then the polling station committee consists of four members including the president. In both cases, each member has one deputy, which is explicitly stated by the election law. All members are non-partisan, but it is interesting to note that they are proposed by political parties. Once a citizen has been notified that he or she has become a member of the PSC, they are obliged to accept the position, which cannot be withheld unreasonably. Until the competent authorities, on the basis of proposals, do not determine which citizens become the members of polling station committees, political parties can change their proposals. PSC members cannot be judges, and it is also prohibited for a member to be part of another PSC at the same time. Before assuming duty, each PSC member must give a statement to the PSC president that his or her work will be done conscientiously and impartially. Interestingly, the PSC president does not

participate in PSC voting except in cases when necessary to obtain a majority.

Each PSC performs basic duties related to the maintenance of election day, and also performs other duties needed until the next election. The training of PSC members is the responsibility of the Ministry of Internal Affairs, which publishes appropriate manuals for such.

Election Deadlines

Election laws in Austria very clearly specify election deadlines. The date of the election day must be published 82 days earlier. Political subjects wishing to participate in the elections must submit their nomination for certification to the competent authorities within 37 to 34 days before the election day. The election campaign is regulated, though duration of the election campaign is not specified and there are no restrictions on political advertising. Some provisions regarding campaign financing exist, such as the regulation that the sum of money spent political campaigns must be published in the official gazette no later than three weeks after the elections. The process of voter registration is passive and does not require the active involvement of citizens.

The authorities in local communities keep a register of voters, which is published 61 days before election day in order to allow enough time for comments and error correction. The final list of voters is published two to three days prior to election day. People who want to be visited by the mobile team of PSC members must inform the PSC at least two to three days before the elections. The threshold of age for a citizen to vote is 16 years.

The existence of observers is regulated by law. Partisan observers must be registered 10 days before the elections, while international observers must do so 59 days before. The legal gap exists in regulating the rights of observers that are observing on behalf of civil society organizations/associations of citizens to register for this purpose.

Vote counting is done manually by double-checking of counted materials, and results from smaller constituencies are submitted to higher constituencies and combined to the final result. The preliminary results of vote counting for the president of the Federation are published through the electronic media at 5 pm on the election day, taking into account that some polling stations close at that time. The votes received by mail are counted immediately after the deadline by which they can be received by the

authorized institutions, which is five days after the election day. The newly elected National Council must meet with the president of the Federation within 30 days after the election.

Protection of Electoral Rights

The protection of voter electoral rights is possible only in case of filing a complaint to the list of voters. This complaint may be lodged orally or in writing to the list developed by authorities directly in their office for complaints. In the case there is an obvious and deliberate mistake in data entry, the person responsible can be charged a fine or imprisoned up to two weeks. After the complainant receives a response from the competent authority of the local community, an appeal may be lodged to district electoral authorities who decide upon the appeal within four days. The election law also addresses general administrative and criminal laws for the protection of electoral rights. It should be noted that the other complaints and appeals can be filed only by political parties or candidates, not by voters themselves, and only after the announcement of the final election results. An appeal of the election results of the presidency must be initiated before the Constitutional Court within four weeks after the completion of the electoral process. The decision of the Court is final. The appeal will be adopted only if the violation influenced at the same the election result. This means that it is possible that the complainant's right was violated but he or she remains without adequate protection due to the aforementioned condition.

Technical Aspects of the Electoral Process

There is a possibility of having two electoral races (presidential and parliamentary) on the same day. Ballot boxes are transparent, and there are two types of boxes depending on the rights of voter participation. If a citizen has the right to vote only in the parliamentary elections, then his or her vote must be put in the ballot box marked "votes for the general elections". Other voters place envelopes with their two ballots in the other box. In order to protect the secrecy of voting, voting booths need to ensure the confidentiality of marking ballots, in a way that only the voter has access to his or her ballot. For this purpose, the law provides that voting booths can be improvised by separating the corner of the room by using a wooden frame filled with non-transparent material or in any other way.

Electronic voting was conducted in a number of test attempts, but the Austrian authorities do not find enabling this system a priority. Voting can be done with voting identification cards in person at the polling station, by post or by mobile teams who visit hospitals, nursing homes or individuals not physically able to come to the polling station to vote. The ballots are not marked with safety measures and political subjects are placed in ordinal numbers.

PSCs at each level of local communities and districts are obliged to provide adequate access to at least one polling station to persons with disabilities. It is also stipulated that PSCs provide assistance for persons with hearing difficulties or impaired vision. In some cases, blind people can use special ballots on which they can vote independently without assistance.

4. Azerbaijan

Due to its geographical position, the Republic of Azerbaijan is considered a Eurasian country. Azerbaijan is a democratic republic with a strong presidential system. The country's National Assembly (Milli Majlis) and Supreme National Assembly of the Nakhchivan Autonomous Republic hold legislative power.

Parliamentary elections are held every five years. The president is elected directly with a five-year term as well. The president then forms the Cabinet of Ministers, which is subordinate to him. Elections for the president and the assembly are held at different times. Azerbaijan's electoral process is managed by the Central Election Commission (CEC). Other administrative electoral bodies include the constituency and district election commissions. The electoral process is governed by the Constitution of 1995 (amended in 2009) and the election law of 2003 (amended in 2013). Parliamentary elections are held through application of a majority system. During the last presidential elections, which were held in 2013, there was a total of 5,454 polling stations across the country and 5,016,365 registered voters.

Polling Station Committees

Polling station committees (PSC) consist of six members. The composition of each PSC is mixed: two members are non-partisan representatives in the parliament, two members are partisan representatives of the majority party in parliament and two members are representatives of the minority party in parliament. Deputy members are not mentioned in the law, as neither is a provision on PSC secretaries. PSC members are divided by members with decisive voting rights and members with advisory rights. Polling station committees are formed by the constituency commissions. Requisite conditions for future members of PSCs are positive (nationality, place of residence) and negative (if the person was deprived of membership in the committee or violated election law in the previous elections by determination of higher commissions or courts; if the individual is a close relative of another candidate for PSC membership). PSC members are appointed 40 days before the elections. Replacement of PSC members is permitted in situations of illness or other incapacities to fill the position. Substitute members must meet the same requirements of original committee members.

In the case of the resignation or dismissal of a PSC member, a replacement member should be appointed within 30 days. If this happens in a period of preparation for the election day, the replacement should be appointed

within 10 days. The CEC has an obligation to implement training for the overall improvement of the electoral process, including the work of PSCs and other commissions. However, the Law does not particularly emphasize training for PSC members. In addition to usual PSC duties (maintaining order at polling stations, monitoring, etc.), polling station committees in Azerbaijan have the right and duty within their competence to consider complaints regarding violations of the election law and make relevant decisions.

Election Deadlines

The election law specifically defines election deadlines. The constitution stipulates that elections for parliament be announced by the president. The date of the election day must be announced 75 days before. Relevant regulations provide insight into the deadlines for the registration of political subjects, particularly in the way that political subjects must submit the registration documents necessary to the competent election commission between 50 (earliest) 30 (latest) days before the election. The election commission then decides on the registration of applicants within seven or five days. Voter registration is passive. Permanent election list for districts are updated annually and confirmed by May 30.

Protection of Electoral Rights

The election law provides protection of electoral rights in the pre-election, election and post-election periods. The protection of electoral rights in Azerbaijan is guaranteed by the constituency election commissions, the CEC and Appellate Court. Complaints may be filed on all decisions made by election commissions, as well as an appeal to the Appellate Court. Persons who violate the law or abuse their position are subject to sanctions stipulated by criminal laws, laws on administrative offences and civil laws. Each voter has the right to appeal the decisions or actions of commission members regarding the violation of his or her electoral rights. The law does not specify special conditions regarding complaint submissions.

The Law has no provisions on voting by mail. The election campaign begins 23 days before the election and election silence lasts 24 hours prior to election day. Final election results for the president must be announced by the Constitutional Court within 14 days of election day. The CEC announces the final results of municipal (within 25 days) and parliamentary elections. The law provides for local and international observers. Registration of observers must be carried out no later than five days before elections. Early elections are provided by the constitution in the case that

the president ends his or her function early or due to other provided reasons. The deadline for the start of the first session of parliament after the elections is regulated by the constitution.

Technical Aspects of the Electoral Process

The election law does not define the appearance of the ballot box. There cannot be more than one electoral race on the same day, as specifically required by the law. The Law specifies that the parameters related to the ballot box be regulated by the legislation of the CEC. Voting is done by ballots, which are numbered with the names of candidates arranged in alphabetical order. The counting of votes is done continuously until all votes are counted. The law has provisions on helping persons unable to vote without specifying the adjustment of each polling station.

5. Bosnia and Herzegovina

BiH is a country of parliamentary democracy with an area of 51,209 square kilometers and 3,791,662 inhabitants (preliminary results of the Agency for Statistics 2013). The electoral system in BiH is based on Annex III (Agreement on Elections) and Annex IV (Constitution of BiH) to the General Framework Agreement for Peace in BiH and the BiH election law. General elections are separated from local elections. The Central Election Commission (CEC) announces the call for general elections in BiH, which consist of elections at the following levels: the Presidency of BiH (three members), the House of Representatives of the Parliamentary Assembly (42 delegates), the House of Representatives of the Federation of BiH (98 delegates), the president and two vice presidents of the Republic of Srpska, the National Assembly of the Republic of Srpska (83 delegates) and the Assemblies of 10 cantons in the Federation of BiH (289 delegates).

As a reflection of the complex constitutional arrangement of BiH, the election system is a combination of almost all known electoral principles: the principle of majority, one-member and multi-member constituencies for the election of members of the BiH Presidency, the president and the vice Presidents of the Republic of Srpska, as well as the mayors of cities for the election of members of parliaments/assemblies and representative bodies at the local level.

The Parliamentary Assembly consists of two houses – the House of Representatives and the House of Peoples. In the election of delegates for the House of Representatives of the Parliamentary Assembly, 28 of 42 seats are elected in the Federation (from five multi-member constituencies) and 14 in RS (from three multi-member constituencies). From FBiH, 21 representatives are directly elected through a proportional electoral system, and the remaining seven seats are compensation mandates that have the role of compensating for scattered votes caused by the existence of constituencies. Following the same principle, 9 of the 14 RS delegates are elected directly, while the rest are determined from compensation lists. Delegates in the BiH House of Peoples are elected indirectly in entity parliaments. The mandate of each elected candidate in the general elections is four years. The election threshold in BiH is three percent. The election administration in BiH is composed of election commissions (Central Election Commission and local election commissions) and polling station committees. During the last general elections (2014), there were 5,401 polling stations with a total of 3,278,908 registered voters, of which 42,139 reside outside of the country.

Polling Station Committees

Number of members: PSCs consist of three or five members and their deputies, depending on the number of voters at each polling station

Composition: Solely political

Functions: President (deputy), members (deputies)

Secretary: N/A

Criteria for membership include: General rules for the selection of election administration established by the election law

Timetable: No later than 30 days before the election day

Replacement of members: The election law does not stipulate a deadline by which a person may withdraw from the membership in the PSC

Duties: PSCs directly manage the work of the polling station, ensure the regularity and secrecy of voting and record the election results at each polling station.

Training: The training of polling station committees is done by a cascade system in a way that the CEC trains local election commissions, which then train PSC presidents and vice presidents who then train the other members of each PSC. The training for all members of the PSC is performed just before each election. After training, each appointed member of the polling station committee takes a test after which successful candidates (the ones with more than 50 percent of correct answers) are issued a certificate.

Election Deadlines

According to BiH election law, elections are held every four years. Regular elections are held at least 150 days before the election day. Preliminary elections are held within 90 days of the dissolution of the electoral authority (i.e. the termination of the mandate according to the constitution and law). The election law does not recognize the institute of early elections. The deadline for the submission of applications by political parties and independent candidates is 14 days prior to election day and stipulated by law. Due to the lack of centralized records of political parties, political parties are required to submit proof of registration not older than 60 days. Political parties and independent candidates are required to collect signatures for their candidacy barring exceptions provided by law. The

CEC will then, within 14 days, verify signatures and certify political subjects. The deadline for submitting candidate lists is 90 days before election day, while the deadline for the certification of lists is 27 days from the last possible day of submission of the list. The CEC announces candidate lists within 20 days.

Voter registration is passive for those residing within BiH and active for those voting from abroad. There are four cross-sections of voter registers in BiH that provide information on the number of registered voters. Voter lists become final 45 days before the elections. Following the first publication of the cross-section (i.e. the announcement of the temporary excerpts from CVR), the law allows 74 days for the submission of data changes to voter lists.

The election campaign lasts 30 days before election day. The period of election silence starts 24 hours before the opening of polling stations and lasts until their closing. The election law defines timetables for the determination of election results, while CEC regulations determine their order, as well as informing the public and announcements. The Law provides for the publication of election results within 30 days of election day. Polling station committees are responsible to submit the results from their polling stations to the relevant local election commissions within 12 hours of the closing of polling station. Local election commissions are obliged to enter the received results into an information system and announce them within 24 hours following the close of polling stations. Results are published successively, starting from midnight on the election day, and within a specified time. The election law defines the deadline for the formation of the legislative power as well as the deadline for the presidency of BiH (the deadline for the formation of the Cantonal Assemblies is within 10 days of the announcement of the final results, 15 days for NARS, 20 days for the FBiH Parliament and 30 days for the BiH Parliament; the election of delegates to the House of Peoples of FBiH and BiH parliaments is done no later than 30 days after the election certification). The election law does not define deadlines for the formation of the executive government nor penalties in cases of non-compliance with deadlines for the formation of governments at all other levels.

The Central Election Commission issues accreditations to international observers and citizens' associations, while the authorized election commissions accredit registered political parties, coalitions, lists of independent candidates or independent candidates as observers in the constituency in which the political party, coalitions, lists of independent

candidates or independent candidates are running. The Central Election Commission sets the deadline to apply for accreditation to observe elections as well as the deadline for decisions on observer accreditation requests. An observer who was denied accreditation from municipal, cantonal or entity election commissions may, within three days of receipt of the decision, file a complaint to the CEC, which will resolve it within seven days of receipt.

Protection of Electoral Rights

According to the BiH election law, the persons authorized to file a complaint on the protection of the electoral rights are voters and political subjects. A voter, as interpreted by the CEC BiH, can file a complaint only when his or her personal voting right is threatened. Complaints requesting the protection of electoral rights of political subjects can be filed by political subjects, but not by the candidates of these subjects individually without the formal support of their political subject.

According to the election law, the protection of electoral rights is ensured by election commissions, such as: local election commissions (municipal/city and the Election Commission of District Brčko), CEC BiH and the Appellate Division of the BiH Court. Regulations relating to the system of complaints and claims are set out in the election law, the Law on Administrative Procedure and the implementing regulations of the CEC. All complaints must be filed in writing on a form prescribed by the CEC BiH. A voter or political subject whose right established by the election law has been violated may file a complaint with the competent election commission within 48 hours or within 24 hours in the election period after the violation occurred. Local election commissions have jurisdiction in all matters that are not explicitly assigned to the CEC or the Appellate Division of the Court. The Central Election Commission has jurisdiction to decide on objections raised for violation of the rules regarding the electoral process, electoral rights, and violations of the rules of Chapter 16 of the election law, made by a political subject. The Appellate Division of the Court is competent to act upon appeals against decisions of the CEC. Complaints are to be submitted to the Appellate Division of the Court within two days of receipt of the CEC decision. The complaint is submitted by the CEC, while the Appellate Division of the Court is obliged to decide on it within three days of receipt. Regarding crimes related to the electoral process, such acts are defined by criminal laws in force in BiH. According to the election law, all complaints regarding elections must be filed within 48 hours (or within 24 hours during the election period) and will be resolved within three days. The following decisions must be

appealed within 48 hours. The final authority on electoral rights complaints is the Appellative Division of the Court, which makes decisions within three days upon receipt of a complaint.

Technical Aspects of the Electoral Process

The election law does not define how the ballot box should look nor the material of which it should be made. Voting booths must ensure the secrecy of voting. As for the ballots, political subjects are sorted numerically according to a lottery. The election law does not provide for the marking of ballots with serial numbers. Ballot counting is done manually until all the votes are counted. At the request of voters who are blind, illiterate or physically incapacitated, the president of the polling station committee can approve another person selected by the voter is unable to vote to assist in the voter's register signing and voting. The election law provides for penalties for violation of law provisions. Such penalties are monetary in nature, whereas penalties in relation to criminal offenses related to the electoral process are defined by criminal laws in force in BiH .

6. Belarus

Belarus is a presidential republic with an area of 207,295 square kilometers. Citizens elect the president of Belarus for a term of five years. The parliament consists of two houses. The House of Representatives is formed of 110 representatives elected for four years terms and the Council of the Republic consists of 64 members, of which 56 are elected indirectly and eight are appointed by the president himself or herself.

The last elections held in Belarus were the parliamentary elections of September 2012. A total of 7,030,430 voters were registered, of which 19,195 registered on election day. Voter turnout was 74.61 percent of those registered. A total of 110 polling districts were formed.

Polling Station Committees

Members of polling station committees in Belarus are mixed, meaning that there can be members of political parties but also non-partisan observers. PSCs consist of five to 19 members, including the PSC President and his or her deputy. PSC members are elected by regional and city executive bodies. In the case of cities that are divided into districts, PSC members are elected by local authorities. Judges, prosecutors and representatives of the executive administrative bodies cannot become members of the PSC. Civil servants cannot represent more than one third of committee members. An exception to this rule is permitted when PSCs are formed outside of the Belarus territory. PSCs are formed at least 45 days before the elections, 20 days before referendums and 10 days before elections in which the voting is for the recall of representatives.

The right to recall a representative of a PSC belongs to the citizens or bodies that nominated the representative for membership of the PSC. Recall rules and processes are regulated along with the rules governing PSC nominations. There is a possibility to appeal within three days after a decision is made. The appeal is filed to the regional or city court. The appeal is then considered by the court within three days of the receipt of appeal. The decision of the court in this manner is final. The decision to change the composition of the PSC or the decision to form a completely new committee will be made by the same body responsible for its original formation within five days after the members leave the PSC.

In the case that a PSC cannot perform its functions determined by law for a certain period, its obligations are immediately overtaken by a higher commission. The law does not mention any obligations for training PSC

members, but the election law does mention the establishment of working groups and other bodies to provide organizational, legal and technical assistance to the electoral process and referendum. The basic tasks of the PSC are to conduct the electoral process in accordance with the law and regulations, to form a list of citizens who have the right to participate in elections, to inform electoral candidates about the aforementioned list, consider complaints and irregularities observed on the list to address them timely, inform candidates and citizens of the location and time of elections and to prepare the polling station with all necessary equipment for voting and other tasks.

Election Deadlines

Presidential elections are announced five months before election day. The election day must be on Sunday and no later than two months before the expiration of the term of the previous president. If the presidency is vacant, elections must be held between 30 (earliest) and 70 (latest) days following vacancy. Elections for the House of Representatives (new composition) are announced by the president no later than four months before term expiration of the previous composition. Elections for local representative councils must be held no later than 30 days before the expiration of the term of local authorities. If the council is dissolved, elections for new representatives must be held within a month from the date of the dissolution of the previous council. The nomination period for presidential elections begins 80 days before the elections and end 50 days before election day. The nomination of candidates for delegates starts 70 days before the elections and ends 40 days before election day. Registration of candidates for the Council of the Republic begins 60 days before and end 55 days before election day. An independent candidate may be nominated for the presidential elections by the person who nominates him or her for the elections 85 days before election day by submitting a list of at least 100 voters that give their signature for the purpose of the nomination of such candidate.

The right of voters to appeal the work of PSCs extends to election day. Voters who are unable to come to the polling station to vote may submit their written or verbal request to vote in their place of residence at any time, but no later than two hours before the closing of polling stations. The locations of polling stations must be determined two months before

elections and no later than 25 days before referendums. When organizing voting for the recall of representatives, polling station committees must determine voting locations no later than seven days after the announcement of election day. A call to boycott elections or referendums is not allowed on election day. The results of public opinion polls regarding elections, referendums or recalls may not be announced less than five days before election day. The election campaign for parliamentary elections lasts approximately four weeks.

Protection of Electoral Rights

The election law of Belarus provides for the right to file a complaint and appeal only in some cases of violations of electoral rights (e.g. for some cases, the law does not at all provide for the protection of the electoral rights or only for an appeal in the first instance). The law emphasizes different cases when the supervisory bodies of political parties can complain and when candidates can file a complaint himself or herself. In the case that the candidate appeals on the decision of the authorized body that rejects his or her candidacy registration in the upcoming elections, he or she must give reasons for the appeal, point out which body made the decision, and include all relevant documentation on the basis of which he or she believes they should be granted registration as well as a number of other documents that could influence the annulment modification. The supervisory body of a political party is entitled to appeal in case that the competent body refuses the registration of the political party and the supervisory body sees such decision as illegal for certain reasons, or if the authorized body did not decide on the nomination of candidates within the stipulated time. The deadline for an appeal in this case is a month from the day when the decision submitted to the authorized court.

Primary jurisdiction for decisions on complaints belongs mostly to higher commissions, rather than the one that made the decision on which a complaint is filed. For example, the CEC resolves complaints of voters who make complaints on voter registration. The Ministry of Justice manages complaints filed by political parties regarding political party registration. The general rule for the determination of second-instance jurisdiction in the appeal process is that it belongs to the courts. The Supreme Court decides the appeals on decisions made by the Ministry of Justice. The complaint must be filed within three days. The same period is provided to the authorized body to respond to it. The general deadline for initiating the appeal process is 30 days, but the election law provides for a shorter period

or a period of three days in certain cases that need to be addressed urgently. The election law provides that the appeal procedure must be completed and that a decision must be made within three days regarding violations of election legislation of the Republic of Belarus or legal provisions governing referendums or legislative provisions that regulate the process of recalling members or deputy members of the Council of the Republic. This decision must be made on the same day if the appeal is launched on election day, the day of the referendum or the day of voting for recalls. Appeals containing information that require verification will be reviewed within a maximum of 10 days of receipt. The process of deciding on the appeal ranges from two to six weeks.

The CEC has the right to annul decisions on candidate registrations if he or she violated provisions related to financing of their election campaign. The election law of Belarus provides that persons who incorrectly count votes, violate a voter's right to secrecy of voting or violate other provisions defining their responsibilities will be held criminally responsible. Criminal responsibility is envisaged for officials who violate the provisions of the election law as well.

Technical Aspects of the Electoral Process

The reports of the OSCE/ODHIR from 2011 noted that the ballot boxes were made of poor materials, varied in size and that their content was not very often safe. Stamps used to mark sealed boxes with wax were equal for years and identical throughout the state. The position of the ballot box was also not in compliance with regulations aimed at ensuring the transparency of voting. The law does not stipulate that more than one election can be held on the same day, but in the case that this happens, it is provided that the same polling stations be used for all types of elections. District election commissions must announce the election results obtained in their respective district no later than five days after election day. In practice, however, the CEC has not announced the results of elections on the official CEC website nor in any other form.

Belarus is still in the process of enabling electronic voting. Ballots are not marked by any safety signs. Votes are counted by hand, and the legal obligation of the district election commissions is to submit voting results to the CEC no later than the five days after election day. Votes are counted by members of polling station committees without break until final results are known. The election law provides for mobile voting of persons unable to

come to polling station regardless the reason, which is why more than one third of voters choose this voting option. In practice, it was noted that the polling stations are rarely adapted for people with disabilities.

7. Bulgaria

The Republic of Bulgaria is a country of multi-party parliamentary democracy with an area of 110,994 square kilometers. The Republic of Bulgaria has presidential, parliamentary and local elections. There is a possibility of multiple, simultaneous electoral races, however, it is not provided for these races to be held on the same day. Presidential elections are held by a majority, two-round system, while parliamentary elections are held by a mixed system on closed lists with a four percent threshold. Local elections are conducted in a majority, two-round system for mayors and a proportional system for councilors of municipal, city and county assemblies. Elections are carried out by the Central Election Commission (CEC) in partnership with 31 district election commissions and 12,177 polling station committees. During the last elections (early parliamentary elections in 2014), there was a total of 6,858,304 registered voters, of which 3,500,585 voted (51.1 percent).

Polling Station Committees

The number of members in polling station committees varies from five to nine, depending on the size of the polling station. The composition of polling station committee is partisan. Members have deputies and each PSC has a secretary. In addition to the general criteria for membership (citizenship, age, not serving a prison sentence, knowledge of Bulgarian language), polling station members cannot perform any public or political function at the time and cannot be spouses or relatives of other members of that same committee.

Members are appointed at least 25 days before elections. There is a possibility of replacing members on election day. The duties of PSC members are related to the procedures of election day. District election commissions organize the trainings for polling station committee members.

Election Deadlines

The election law and other regulations available in the country clearly define election deadlines.

Elections are announced by the CEC 75 days (general elections) or 90 days (local elections) before election day.

The available regulations regulate the deadlines for certification of political subjects in a way that political subjects must submit nominations for

certification 50 to 60 days before election day. Voter registration is passive, and voting by mail and via mobile ballot boxes is also provided.

The election campaign begins 30 days before election day and election silence starts 24 hours before the election. Preliminary results are published four to seven days after the elections, while final results are published 40 days after.

The Law provides for domestic and international observers. The Law partially sets out deadlines for the formation of the government after the elections, but only for the representative body of government. The law does not provide for sanctions on the failure to form the government. There is no institute of early elections.

Protection of Electoral Rights

The election law provides for the protection of electoral rights in the pre-election, election and post-election periods. Complaints may be filed to regional courts, the executive government or election commissions depending on the subject of the complaint as follows: regional court (complaints regarding the voters list), election commissions of districts or municipalities (complaints regarding polling station committees), the Central Election Commission (complaints regarding polling station committees abroad) and the Constitutional Court (complaints on the results and the legitimacy of elections). The right to file a complaint belongs to political parties and coalitions of political parties participating in elections, as well as candidates for the Parliament of the Republic of Bulgaria and the European Parliament. There are neither official procedural rules nor prescribed conditions for filing a complaint.

Technical Aspects of the Electoral Process

The ballot box is transparent. If there are more races on the same day the ballots must be different. The height of the voting booth should ensure the privacy of voting, but there are no specific conditions. Political subjects are marked on ballots with ordinal numbers. For increased safety, the ballots contain security elements (unspecified). Ballot counting is done manually and continuously until all votes are counted. Polling stations must be adapted to people with disabilities.

8. Czech Republic

The Czech Republic is a parliamentary democracy that occupies an area of 78,866 square kilometers. There are parliamentary, presidential and local elections held in the Czech Republic. The Parliament of the Czech Republic is composed of a lower House of Representatives (200 representatives) and an upper House of Representative (i.e. senate, 81 members). The Law does not provide for multiple electoral races on the same day, so there is therefore only one ballot box at each polling station. The Central Election Commission (CEC) is responsible for conducting elections and does so with the help of provincial election commissions, regional election commissions and polling station committees. During the last elections (presidential elections of 2013), there were a total of 8,435,422 registered voters.

Polling Station Committees

Polling station committees are composed of at least five members. Exceptions are made for polling stations with less than 300 voters, in which case the PSC has three members and a secretary. The composition of each PSC is partisan, all PSC members have deputies and every PSC has a secretary. Everyone, except persons who have been deprived of active electoral rights and electoral candidates, is entitled to be a member of a PSC. The members of PSCs are announced no later than 30 days before election day. The procedure for the replacement of members is not specified, nor is the deadline by which they should be replaced. The duties of PSC members are related to electoral conduct and procedures on election Day. The Law does not stipulate any form of certification or training for PSC members.

Election Deadlines

The election law and other available regulations clearly specify election deadlines. Elections are announced by the president of the Czech Republic at least 90 days before election day. The available regulations also specify deadlines for the certification of political subjects. Political subjects must submit nominations for certification between 15 and 20 days after elections are announced. The method of voter registration is passive and the voter register is updated and changed on a monthly basis. There is a possibility of voting by mail, and all votes by mail must be submitted no later than three days before election day.

The election campaign starts 28 days day before the election and lasts for 15 days. Election silence lasts for the 24 hour period directly before the elections. There is no deadline regarding the announcement of the preliminary election results, so it is concluded that this timeframe is at the discretion of the CEC. Final results must be published at least one month after election day. The Law does not specify any kind of observers on election day.

The Law provides for a 30 day deadline following elections for the formation of the legislative government. Also, the Law does not provide sanctions for failures to form the government. The institute of early elections does not exist in the election law.

Protection of Electoral Rights

Election laws provide for the protection of electoral rights in the pre-election period, election and post-election periods. In the first instance, the protection of rights is managed by the CEC, while in other instances, complaints are filed to the Supreme Court of the Czech Republic. The right to file a complaint is provided to any political party, candidate or citizen.

Technical Aspects of the Electoral Process

The election law does not define the appearance of the ballot box. The law provides for the maintenance of multiple races on the same day, but does not specify if there are separate ballot boxes for each instance. The height of the voting booth is not defined in detail. Political subjects are marked on ballots with ordinal numbers obtained by a lottery. The law does not specify any security measures regarding the appearance or content of the ballots. Vote counting is done manually at each polling station without a break until all votes are counted. The law does not specify whether polling stations need to be adjusted for persons with disabilities, but provides for the possibility of personal assistance for persons needing it.

9. Montenegro

Montenegro is a republican state with an area of 13,812 square kilometers. Every five years there are general, secret elections for the president, who must win more than 50 percent of the total votes. Every four years parliamentary elections are held by a proportional system with closed list system in a single national constituency (81 representatives). Elections are conducted by the Central Election Commission (CEC) in cooperation with municipal election commissions and polling station committees. Elections are regulated by the constitution, the Law on Presidential Elections and the law for elections of representatives and councilors that are supplemented with other regulations (such as the Law on the Voters List). During the last presidential elections held in 2013, there were a total of 1,168 polling stations enabling 511,405 registered voters to vote.

Polling Station Committees

Polling station committees are partisan and consist of five members, each with one deputy. The law states that deputies can perform election work in case of the absence of the members. The law stipulates that an electoral candidate cannot be a president, secretary or member of the election commission. Every person entitled to vote can become a PSC member. It can be concluded from the law that the commissions are formed approximately 15 days before elections. Polling station committees are responsible for counting votes. Municipal election commissions have an obligation to conduct training for the members of polling station committees. The certification of members is not specified in the law.

Election Deadlines

The election law precisely determines election deadlines. No less than 60 days and no more than 100 days can pass between the announcement and conduct of elections for parliament, and not less than 60 days and no more than 90 days can pass for the election of a president. Parliamentary elections are announced by the president, and presidential elections are announced by the president of the Parliament. Lists of candidates are to be submitted for certification and registration to the competent commissions no earlier than 20 days from the announcement of the elections and not later than 25 days before election day (no later than 20 days before election day for the presidential election). Voter registration is passive. The final list of voters is published by the Ministry of Internal Affairs.

Election campaigns begin after the registration of candidates and must end

24 hours before election day. Preliminary results are published 12 hours after receipt of the reports from polling stations, and the final results are announced 12 hours after the expiry of the deadlines for appeals. Domestic observers must submit their registration requests no later than five days before election day, and foreign observers must do so 10 days beforehand. The State Election Commission decides on applications within 48 hours. Early elections are not mentioned in the Law. Some post-election deadlines are defined by the constitution (e.g. the first session of parliament must be held 15 days after the announcement of the final results). The constitution stipulates that the parliament will be dissolved if it fails to approve the government within 90 days from the day the president first proposes a candidate for prime minister.

Protection of Electoral Rights

Election laws provide for the protection of electoral rights in the pre-election period, election and post-election periods. Candidates and those who submit of candidate lists have a right to the protection of electoral rights violated during the electoral process by filing a complaint or appeal. The obligation to protect the electoral right is the responsibility of municipal election commissions, the state election commission and the Constitutional Court. The requirements for filing objections are not specifically mentioned in the sources used. The law provides for which violations of the electoral process receive fines (e.g. obstruction of PSC work, acceptance of candidacy contrary to law provisions, etc.).

Technical Aspects of the Electoral Process

Multiple races cannot be held in Montenegro on the same day. The law prescribes that the ballot box cannot be transparent. Voting is done via voting ballots and candidates are sorted numerically. There are also a serial number and official seal on every ballot. The law does not regulate the adjustment of polling stations for persons with special needs, but provides for help to such persons. Polling station committees must submit a report and all electoral materials to their respective municipal election commission within 12 hours of the closing of polling stations.

10. Denmark

The Kingdom of Denmark is a monarchy with a parliamentary system of government and an area of 42,915 square kilometers, including Greenland and the Faroe Islands. The Kingdom of Denmark implements only parliamentary elections through a proportional system of regional representation via open lists and two percent threshold. Elections are conducted by the electoral section of the Ministry of Economic and Internal Affairs in cooperation with 92 regional election commissions and 1,650 polling station committees. During the last elections (early parliamentary elections in 2015), there were a total of 4,145,105 registered voters, of which 3,560,060 or 85.9 percent voted.

Polling Station Committees

The number of members of polling station committees in Denmark varies between five and nine. PSC membership is mixed, meaning that the members may be both partisan and non-partisan representatives. It is not specified that the members have deputies or secretaries. The polling station supervisor and appointed elector can be a voter who is a candidate of the election. PSC members are appointed on the day of announcement of the elections at the latest. The procedure of PSC member replacement is also not specified.

Election Deadlines

The election law and other available regulations do not clearly define election deadlines. Elections are announced by the prime minister of Denmark 20 days before election day. The available regulations show that the deadlines for certification of political subjects are specified in a way that political subjects must submit nominations for certification 11 days prior to election day. Voter registration is passive and early voting is provided.

The duration of election campaigns and the start of the electoral silence are not regulated by law and regulations. In practice, the election campaign lasts from the day of the announcement of elections. Preliminary results are published four to five days after the elections, while the final results are published 12 working days after the elections. The law does not provide for domestic nor foreign election observers. The law provides for a deadline on the formation of the parliament after the elections are conducted. There are no specified actions for failure to form the government. The institute of

early elections does exist and can be used by the king or the prime minister of Denmark at any time and for any reason (parliamentary, political, strategic or other reasons).

Protection of Electoral Rights

The election law does not provide clear protections of electoral rights in pre-election, election and post-election periods, as it only defines the complainants. Also, appeals to the administrative decisions regarding elections cannot be addressed to the courts. The Danish Parliament confirms elections and the parliamentary election commission receives complaints regarding the validity of elections. The Press Council decides upon appeals related to media and election campaigns. The right to file a complaint belongs to every voter. There are no official procedural rules or prescribed conditions for appeal.

Technical Aspects of the Electoral Process

The ballot box is non-transparent. The height of the voting booth is specified, but only in terms that it should ensure the privacy of voting. As for the ballots, political subjects are placed in alphabetical order. It is not evident if ballots are marked with serial numbers or other trademarks. Voting is done via paper ballots. The ballots are counted manually through standard procedure and continuously until the completion of work. Polling stations must be adapted to persons with disabilities.

11. Estonia

Estonia is a parliamentary republic located in eastern Europe with an area of 45,226 square kilometers. Direct elections for the 101 representatives of Estonian parliament (Riigikogu) are held every four years. The Estonian parliament is unicameral. It elects the president, who then appoints a prime minister to lead the Council of Ministers. Parliamentarians are elected in 12 districts on open lists. The legal framework of elections is provided through the parliamentary election law, law on referendum, law of presidential elections and the constitution. Elections are held according to a system of proportional representation. The Nation Election Committee (equivalent to the Central Election Commission) is the Estonian body responsible for the electoral process. The rest of the Estonian election administration is made of district election committees and polling station committees. Since there is a practice of voting via internet in Estonia, the Electronic Electoral Committee supervises this process. The number of registered voters during the last elections of 2015 was 899,793 and there were 547 polling stations (whose number was significantly reduced due to the wider use of electronic voting).

Polling Station Committees

Polling station committees have up to nine members with a mixed composition. The PSC president has a deputy and there are two alternate PSC members in the case there arises a need to replace one of the original participants. PSC members can be any person who is entitled to vote, who is fluent in the Estonian language and who there has been no CEC decision prohibiting this person to be a member of a PSC in the previous five years. Committee members are appointed 20 days before election day. There are no provisions in the law on the training of the members or their certification. A PSC member can end his or her mandate permanently (death, resignation, CEC decision, etc.), may be suspended or made exempt of their duties by those who appointed them. PSC membership can also be renewed. The scope of duties of polling station committee members is not wider than the usual duties of maintaining order at the polling station.

Election Deadlines

The president of the Republic announces parliamentary elections three months before election day. The nomination of independent candidates and political parties must be made no later than 45 days before the election. The CEC shall, no later than 40 days before the election, register all nominated candidates. Voter registration is passive. Each voter is given an election

card detailed with one's personal data and registration location as well as the time and the place of voting. There is internet voting, voting by mail and ballot voting in Estonia. Election campaigns begin on the last day of candidate registration and lasts until election day. The law specifies that active election campaigning is prohibited on election day. Observers are not mentioned in the sources used in this research. Early elections are provided by constitution and parliamentary election law, and their date is determined by the president. Specific deadlines related to parliamentary sessions, the appointment of ministers and early elections are regulated by constitution. The Republic of Estonia recognizes and applies early voting.

Protection of Electoral Rights

Election legislation provides for the protection of electoral rights before, during and after elections. The protection of electoral rights is the responsibility of district election committees, the CEC and the Supreme Court. Individuals, candidates or political parties have the right to file a complaint if they believe their rights were violated. The law does not specify the specific conditions required for complaints (they are mainly technical requirements).

Technical Aspects of the Electoral Process

There is no provision in the law whether the ballot box is transparent, nor any provision regarding the height of voting booths or other technical aspects of polling stations. Every candidate list is sorted numerically. As a safety measure, an official seal is put on all ballots. Voters who are unable to vote individually can receive help, but there are no special provisions on how polling stations need to be adjusted for this purpose. Although it is not specifically stated, the counting of votes is done continuously without interruption.

12. Finland

The Republic of Finland is a country of parliamentary democracy with an area of 338,424 square kilometers. The Republic of Finland has presidential, parliamentary and local elections. All elections are held separately. Presidential elections are held by a majority, two-circuit system, while parliamentary and local elections are held according to a proportional system of open-list without defined thresholds. Elections are conducted by the Ministry of Justice in cooperation with the committees of electoral districts, municipal election commissions and polling station committees. During the last elections (parliamentary elections in 2015), there were 2,142 polling stations and a total of 4,463,333 registered voters.

Polling Station Committees

Each polling station committee (PSC) has five partisan members. Each PSC consists of a president, deputy and three members who each have their own deputies. PSCs do not have secretaries. Criteria for PSC membership is not defined, except a regulation prohibiting election candidates from membership. The time of PSC appointment is not precisely defined. The procedure for the replacement of PSC members is also not specified. The duties of PSC members are related to the procedures of the elections on election day. The training of the PSC members is not precisely defined.

Election Deadlines

The election law and other available regulations partially specify election deadlines. Parliamentary elections are announced by the president no earlier than 82 days and no later than 51 days before the election. The regulations provide the exact dates for presidential and local elections without additional rules on their announcement. From the available regulations it is visible that the deadlines for the certification of political subjects are defined in a way that they need to be verified 40 days before election day. Voter registration is passive. There is a possibility of voting in advance of elections, which includes voting on fishing boats as well as voting at diplomatic and consular missions.

The durations of election campaigns as well as electoral silence are not precisely defined. Preliminary electoral results are published three days after the elections, while the final results are published depending on the

appeals process. Without a clearly defined deadline, it is possible that the duration of this period can last longer than one month.

The law provides for election observers without any international or local distinctions.

The law does not provide for deadlines on the formation of government following the conclusion of elections. Also, the laws do not provide for sanctions on failures to form the government. Early elections can be implemented, but their application is not clearly defined considering that the only given requirement is that the reasonable request for its announcement be sent by the prime minister.

Protection of Electoral Rights

The election law(s) provide for the protection of electoral rights in the pre-election, election and the post-election periods. The process involves two stages and in most cases is handled exclusively by judicial authorities. In most cases, the first authorities are the provincial administrative courts, while the second authoritative organ is the Supreme Administrative Court. The procedure is different only in cases of the appeal of election lists, when the first authority is the local registration office and the second authoritative body is the provincial administrative court.

The right to file a complaint belongs to every voter, candidate, political party and person who considers his or her right to have been violated. Special provisions for the protection of rights are not clearly defined.

Technical Aspects of Electoral Process

There is no obligation to use transparent ballot boxes and voting booth height is not precisely defined. Political subjects are marked on ballots with an ordinal number. The ballots do not contain any special security mark, but PSC members place a stamp on them prior to insertion into the ballot box after having been filed by the voter. Electronic voting has been tested but has not yet been introduced into regular use. The counting of ballots is done manually and continuously until the end of proceedings. The adaptability of polling stations to persons with disabilities is not precisely defined.

13. France

The French Republic is a semi-presidential parliamentary democracy with two levels and an area of 640,679 square kilometers. France has presidential elections, elections for the lower house of parliament and local elections. All elections are held separately. Presidential elections are held by a majority, two-round system. The same system is used for elections of the lower house of the parliament, in which the country is divided into as many constituencies as the number of seats in the lower house. Members of the upper house are elected from varying levels in the government. Local elections are conducted in three different levels (regions, departments and municipalities), with the use of a combination of majority and proportional systems. This system has a variety of possibilities in regards to electoral lists, which can be closed, open, mixed or sometimes contain only pairs of candidates of different sexes. Election administration is decentralized, with different responsibilities divided between the Constitutional Council, Ministry of Internal Affairs and local authorities. Polling station committees also participate in election administration. During the last elections (2015 departmental elections), there was a total of 42,693,843 voters registered.

Polling Station Committees

Polling station committees (PSC) in France have at least three members and their composition is mixed (partisan and non-partisan representatives). PSC composition is such that each PSC has a president and at least two members, and all of whom have deputies. Also, each PSC has a secretary. The only criterion for membership for PSC membership is that the person be entitled to vote in a department in which the polling station committee is located. The appointment of members is done by political parties or, if they fail to do so, by the local mayor. The presidents of polling station committees can be only the representatives of the local authorities (e.g. the mayor, his deputy or a representative in the local assembly). PSC members are appointed three days before election day.

The subjects responsible for the appointment of PSC members also appoint their deputies. The replacement of members is, under some conditions, possible even on election day. The duties of PSC members are related to the procedures of the elections on election day. PSC member training is not precisely defined in the available laws and regulations.

Election Deadlines

The election law and other available regulations specify election deadlines. Elections are announced by the president 48 days (earliest) to 15 days (latest) before the election day depending on the level of government for which the elections are conducted.

The available regulations precise the deadlines for certification of political subjects in a way that they candidates must submit nominations for certification 37 (earliest) to 16 (latest) days before the election day, depending on the level of government for which elections are conducted. Voter registration is passive. There is a possibility of voting in diplomatic and consular missions, and different categories of voters are allowed to vote through a representative without prior special registration necessary.

Election campaigns lasts a maximum of 20 days and a minimum of 13 days, depending on the level of government for which the elections are being held. Election silence starts at the beginning of election day. Preliminary results are published the day after the elections, except in the case of presidential elections, in which preliminary publication is made three to 10 days after voting. The deadlines for the publication of the final results are not precisely defined.

The Law provides only for domestic, partisan observers of elections and vote counting.

The laws do not provide deadlines for the formation of government after elections are concluded. Also, the laws do not provide for sanctions on the failure to form the government. The institute of early elections is not specified.

Protection of Electoral Rights

The election laws provide for the protection of electoral rights in the pre-election, election and the post-election periods. The electoral protection procedure is one or two-stage, depending on the electoral right violated, and in rare cases, there is a possibility of recourse to a third stage. In most cases, decisions on complaints are carried out exclusively by judicial authorities, administrative and supreme, with participation by the Constitutional Council if necessary. The right to file a complaint belongs to every voter, every candidate and a number of local authorities. Special

provisions for the protection of rights are, in principle, precisely defined for each type of violation.

Technical Aspects of the Electoral Process

The use of transparent ballot boxes is required. The height of each voting booth is not precisely defined. Each candidate is placed on a separate ballot, and voting is done in a way that the voter puts only the ballot of the candidate he or she votes for in the envelopes. Ballots do not contain any special security marks.

Electronic voting, through special machines, was introduced and can be used in all municipalities with over 3,500 inhabitants. Paper ballots counting is done manually and continuously until the completion of proceedings, while electronic voting is done publicly with an automatic summary of the results.

The adaptability of polling stations for persons with disabilities is clearly defined. The number of rules related to suitability of polling station entrances, spaciousness of polling stations, customized voting booths and adequate positioning of ballot boxes are also defined.

14. Georgia

Georgia is a country of parliamentary democracy with an area of 69,700 square kilometers and 4,677,401 inhabitants (2004). Georgian election law regulates the preparation and conduct of elections for the president, parliament, mayor of Tbilisi and local governments as well as referendums. Parliamentary elections are separated from presidential and local elections. The Parliament of Georgia has 150 members. Members of parliament are elected by a combined electoral system so that the 77 members are elected by a proportional system (the whole Georgia as one constituency) and the other half elected by a relative majority system (with 73 constituencies). The electoral threshold in Georgia is five percent. Elections are carried out by the Central Election Commission (CEC) in cooperation with the supreme election commissions of the autonomous republics of Abkhazia and Adjara, 73 district election commissions and 3,648 polling station committees. During the last elections (parliamentary elections in 2012), there were 3,648 polling stations with a total of 3,613,851 registered voters.

Polling Station Committees

Polling station committees have 13 members of mixed composition (partisan and non-partisan representatives). Each PSC has a president and a deputy, while it is not clear whether each has a secretary as well. Georgian election law does not prescribe criteria for membership in electoral committees, but stipulates the prohibition of membership in the following cases: people removed from election administration by the relevant election commission or court for violations of the electoral legislation; individuals whose violation of electoral legislation was confirmed by the court; individuals convicted of a crime regardless of the obsolescence; members of Georgian parliament, heads of parliamentary administration; ministers and deputy ministers of Georgia and its autonomous republics; heads of departments and sub-departments within ministries; heads of local government and executive bodies; mayors and their deputies; military personnel under the responsibility of the Georgian Ministry of Internal Affairs, Ministry of Defense or Ministry of Justice; secret service officers, special security units, the Department of Investigation of the Ministry of Finance; referees and their assistants; employees in the prosecutor's office; electoral subjects or candidates; and observers.

The formation of each PSC is made no later than 20 days before election day, and in the case of early elections it is made no later than nine days before election day. The members of PSCs can be replaced, and there is a

possibility of sanctioning in cases of procedural violations specified in the election law. The duties of PSC members are related to the conduct of elections on the election day. Their task is also to verify voter lists, review complaints related to voters lists and in case of errors or irregularities (no later than on the day of notification) seek higher election authorities to make corrections.

Training of PSC members is carried out by the Center for Development of Electoral Systems, Reform and Training. The CEC stipulates obligatory special training for PSC members. PSC member certification is implemented by regulation. There are clear instructions provided for the certification of electoral administration and rules for the selection of CEC staff and polling station committee members.

Election Deadlines

The election law clearly specifies that elections are to be announced by the president of Georgia no later than 60 days before elections. The available regulations for the certification of political subjects differ. Independent candidates must apply for electoral certification no later than 57 days before election day, political parties must apply for electoral certification no later than 57 days before election day and coalitions must apply for electoral certification no later than 43 days before election day). Voter registration is passive. The deadline for the announcement of the voting list is 14 days before the elections, and the final version of the voting list must be published at least two days before election day. Depending on the category of voters, registration must be completed three, five or six days before the election. In the case that a person cannot come to the polling station, he or she should notify the authorized election commission at least two days before election day, and the commission will enable them to vote via mobile team. The election law does not provide for voting by internet or mail. Voting abroad is possible in consular offices.

Election campaigns last from the day of the announcement of elections until the beginning of election silence, which starts 48 hours before election day. The precise deadline for the publication of preliminary results is not defined, but electoral documentation states that the CEC must publish preliminary results the morning after the election day, while the final results must be published no later than 19 days after the election. The law provides for local and international observers, as well as for procedures and deadlines for their registration in the electoral process. Domestic

organizations must register 10 days before elections with the appropriate election commission, and foreign organizations must register seven days before. The decision on registration requests made by domestic organization must be made five days from its receipt, and within two days of receipt for foreign organizations. The Law provides for the formation of the legislative authority no later than 20 days after the election. If the executive government is not formed after the third nomination in parliament, the president dissolves the parliament and announces the early elections.

Protection of Electoral Right

The election law provides for the protection of electoral rights in the pre-election, election and post-election periods. election day complaints are addressed by voters to the polling station committee and then the district election commission. Complaints related to violations of voting procedures and the vote counting are addressed first by the appeal to the polling station committee, then by the district election commission, or directly to the district election commission and the court. Complaints related to election day should be solved on the same day, while the other complaints should be solved within one to nine days. The right to file a complaint is not specified by the election law, but it can be concluded that it does not exclude anyone's right. Georgian election law prescribes sanctions election law for the members of election commissions as well as all offenders for violations of the election law.

Technical Aspects of the Electoral Process

The election law specifies that the ballot box should be made of transparent material and voting booths should provide privacy in the voting process. Political subjects are sorted numerically on ballots. For increased safety, ballots are marked with serial numbers. The counting of ballots is conducted manually until all votes are counted without interruption. Polling stations can be adapted to persons with disabilities if there is a request for such adjustment made at least 25 days before election day.

15. The Netherlands

The Kingdom of the Netherlands is a constitutional monarchy with an area of 41,543 square kilometers and has a bicameral parliament. The Senate, which is the first house, consists of 75 members who are elected indirectly for a term of four years in 12 provincial assemblies. The House of Representatives, which is the second house, consists of 150 members who are elected in direct elections for a period of 4 years, through an open list and proportional representative system. The Netherlands is divided into 20 electoral districts. Parliamentary elections are not held on the same day as the local elections. In April 2012, the Netherlands Council of Ministers proposed early elections, which had a turnout of 9,462,223 of 12,689,810 registered voters.

Polling Station Committees

The number of members in polling station committees varies according to the needs of the polling station, but cannot be less than three or more than seven members. The president of the polling station committee is appointed by the executive body of the local community. Other members are appointed and elected by the executive authority. A change of polling station committee members and the period in which the change was made must be published in the official report. Other information is not visible from the available translations of the legal framework for elections held in this country.

Election Deadlines

The list of candidates can be submitted to the president of the polling station committee or to a person out of office of assistant of the same local community authorized by him, in a period from 9 am to 3 pm on the day of nominations. Prior to that, political parties must file an application for selection by the Central Election Commission (CEC) so that the House of Representatives can make a decision on it. In this way, the names of candidates proposed by political parties for the forthcoming elections will be entered in the list managed by the CEC. The timeframe in which this must be done is regulated by the law as 43 days before the nominations.

Voters who do not have a valid voter identification list can file a request to the competent institutions to receive a new one, no later than the second business day prior to election day. The mayor of The Hague will send voting materials to persons abroad as soon as possible, and the deadline for

this is determined by the council. Voting material should be received by the mayor of Hague no later than 4 pm on the day of the elections. The mayor will make sure that the sealed envelopes are forwarded to the president of the election commission before 9 pm on election day. The polling station committee will hold a public meeting on the second days after the elections at 10 am on which they will announce the election results from that constituency. The CEC determines the final results of the elections “as soon as possible”. Election observers can be any voter.

Protection of Electoral Rights

Legal provisions allow any interested person to file a complaint, but not to appeal violations of electoral rights regarding: numbering of candidate lists, validity of electoral contracts, the voting process, the counting process and the determination of election results. Complaints must be filed to the election authority that issued the decision annulled by the appeal. The Complaints Department should receive it within four working days from its submission, and relevant institutions should make a decision regarding the appeal as soon as possible and no later than six weeks from the date when it was received.

A person who has been deleted or was never entered into the voter register has the right to file a complaint with the competent executive body in The Hague, which in some cases acts as the CEC. The complaint is submitted to the Department for Administrative Affairs of Council of the State. A decision must be made no later than seven days after the complaint was received. In case it is a matter of urgency, the competent authority may decide that the general terms, which apply to the procedure of complaints and appeals, are shortened.

Some of the criminal provisions provided for the violation of electoral rights are provided in the election law. The election law stipulates imprisonment and fines (e.g. a person who possesses ballots, voting identification cards, a certificate enabling voting by mail, with the intention to use them or to allow other to use these documents illegally will be punished by imprisonment up to two years or a fine of fourth category, etc.)

Technical Aspects of the Electoral Process

The ballot box is not transparent, its translucent use is guaranteed in the election law which provides that it must be made according to the

regulations set by the Council, and has to be set within sight of the polling station committee members. The President of the CEC will announce the election results in the shortest period possible by publishing a copy of the official report in the official gazette. Voting in the Netherlands can be done via ballots, representatives or mail.

It is worth mentioning that the Netherlands produced voting machines with the help of the company Nedap, but their use was soon abandoned for safety reasons. The machine was supposed to enable the counting of votes for each candidate individually, for candidates list and the total number of votes. The German Constitutional Court issued a decision prohibiting their further use during the election process. After all the difficulties that have arisen from the use of voting machines, the Netherlands returned to the classical way of using the ballots. Voting identity cards are marked with safety marks must be in possession in order to vote. Immediately after voting, each polling station committee begins their counting process. The results are to be announced to the voters present who observe the voting process by the committee's president. The polling station committee will then send these results to the mayor. The CEC, after receiving a copy of the official report from the competent authorities, will determine the final results of the vote.

If in the course of the election day polling station committee members notice that a voter is not able to vote by himself due to physical condition, he or she is allowed to receive. The executive committee of the local community will provide at least one suitable polling station in every district where people with special needs can vote. In any case, the executive committee will try to qualify as many polling stations as possible for easier access for people with special needs. The mayor himself or herself will publish the addresses of such polling stations.

16. Croatia

The Republic of Croatia is a parliamentary democracy with an area of 56,594 square kilometers. The Republic of Croatia has presidential, parliamentary, and local elections as well as elections for council members and representatives of national minorities in regional and local governments. All elections are held separately. Presidential elections are held by the majority, two-circuit system, while parliamentary elections are held according to the proportional system of open-lists with one preferred vote and a five percent threshold. Local elections are conducted by majority (mayors) or proportional (municipal, city and county councilors) systems, while the elections for representatives of national minorities are conducted by a majority system. Elections are conducted by the Central Election Commission in cooperation with the election commissions of constituencies (parliamentary elections) or counties/cantons (local elections), as well as cities, municipalities, and polling station committees. During the last election (2015 presidential election), there was a total of 6,352 polling stations and 3,825,242 registered voters.

Polling Station Committees

Polling Station Committees have five members (president and four members). The composition of PSCs is mixed (partisan and non-partisan representatives) for parliamentary elections, but non-partisan during presidential. There are also deputies of each PSC, though no secretaries. PSC membership criteria related to parliamentary elections state that the PSC president and his deputy should be non-partisan representatives, and if possible, lawyers by profession, while other members should be representatives of political subjects. In regards to presidential elections, no member can be from a political party. PSC members are appointed no later than five days before the elections. The procedure or deadline for the replacement of PSC members is not specified. On election day, the duties of PSC members are related to election conduction procedures.

The law does not provide any form of certification or training for PSC members.

Election Deadlines

The election law and other regulations available clearly specify election deadlines. Parliamentary elections are announced by the president, and the government announces all other elections at least 30 days before election day. The available regulations specify deadlines for the certification of

political subjects which have to submit nominations for certification up to 14 days after the elections are announced. The method of voter registration is regulated by a special law on voter registration which provides for passive registration. There is voting outside of the residency.

The election campaign lasts from the day confirmed lists are announced and election silence takes place the final 24 hours before election day. Preliminary results may be released after the closing of polling stations at the discretion of the State Election Commission, and the final results are published after all legal remedies to protect the rights of voters who complained are exhausted.

The law provides for domestic election observers. The mandate for government formation is given by the president of the Republic. The deadline for the formation of the government is 60 days (30 + 30) as defined by the constitution. If within this deadline the government is not formed, a mandate is given to another mandatary who then has an additional 30 days for the formation of government. If the other mandatary does not manage to form the government, new elections are announced. The final deadline to form the parliament is 20 days after elections.

Protection of Electoral Rights

The election laws provide for the protection of electoral rights in the pre-election, election, and post-election periods as follows: in the first instance, the protection of rights is done by the State Election Commission, while in the election and post-election periods, the complaint is filed with the Constitutional Court of the Republic of Croatia. Every political party, independent list holder, parliamentary candidates, and a minimum of 100 voters or five percent of a given constituency have the right to file a complaint.

Technical Aspects of Electoral Process

The law does not define the appearance of the ballot box and does not provide for elections of different levels on the same day. The height of the voting booth is not clearly determined. As for the ballots, political subjects are sorted numerically. For increased safety, the ballots are marked with serial numbers that are printed in the printing house owned by the state. Vote counting is done manually, directly at the polling station until all the

votes are counted. The law does not provide for the adjustment of the polling stations for persons with disabilities.

17. Iceland

The Republic of Iceland is a parliamentary democracy with an area of 103,000 square kilometers. The Republic of Iceland has presidential, parliamentary and local elections. All elections are held separately. Presidential elections are held by the majority system, while parliamentary elections are held according to the proportional system with open-lists and a five percent threshold. The elections are implemented by the National Election Commission (NEC), in collaboration with higher election commissions and local election commissions. During the last election (2013 parliamentary elections), there was a total of 237,957 registered voters.

Polling Station Committees

Local election commissions (LEC), each with three members, hold the lowest level of election administration. All the other available regulations are extremely thin and general, and neither LEC composition rules nor other details are clear. A civic duty of all citizens is to accept their offered place in the commission, regardless of party affiliation or nonaffiliation. If a committee member or a close family member of a committee member is a parliamentary candidate, he or she must resign as member of the local election commission.

LECs are constituted during the first meeting of every newly elected municipal government for a term of 4 years. Training for LEC membership is continuous and implemented by municipalities, although often the majority of LEC members already have experience in election administration.

Election Deadlines

Election law and other available regulations do not clearly define election deadlines. Elections are announced by the Iceland Ministry of Justice, though it is not clear how many days before the elections the announcement must be made. The available regulations specify the certification of political parties in a way that political subjects have to submit their nominations for verification 15 days before each election day. Voter registration is passive, and early voting (part of election tradition), voting abroad, and voting from home is allowed.

The duration of election campaigning is not defined by laws and regulations, but campaigns usually start at the start of early voting and last until election day. Full official results of the elections are announced

usually eight days after the election. The law provides for partisan election observers, but not for local and international election observers. The law stipulates that the deadline for the first parliamentary session be no later than 10 weeks after election day. The law does not provide for sanctions regarding failure of government formation. There is no institute of early elections.

Protection of Electoral Right

The election law provides for the protection of electoral rights in the pre-election, election and post-election periods as follows: high election commission, NEC, and parliament. All complaints concerning violations of the election law are addressed by the police and potentially subject of criminal proceedings. The right to file a complaint belongs to every voter and the agent of each election list, though the requirements for filing complaints and appeals are not clearly defined.

Technical Aspects of Electoral Process

The Ministry of Justice makes a decision on the appearance of the ballot box. The height of the voting booth is not written in detail, but that it should protect the secrecy of voting. As for the ballots, the political subjects on them are marked with ordinal numbers. The Ministry of Justice decides upon the appearance of the ballots as well as on the security features on them. The counting of ballots is done manually in standard procedure and it done continuously until the work is done. Polling stations must be adjusted for people with disabilities.

18. Italy

The Republic of Italy is a parliamentary democracy made up of 21 regions with an area of 301,230 square kilometers. In Italy, there are presidential, parliamentary, regional, and local elections. Each election should be held separately. Presidential elections are conducted through voting by parliamentary and regional representatives, which is unique for the electoral system of Italy. The voting rights for presidential elections have 1,009 representatives. In order to be elected as president, a candidate must have more than a half of the 1,009 votes. Parliamentary elections are held according to a proportional system with closed lists and a threshold of 10 percent for coalitions with the application of the Hare-Niemeyer formula. According to the new election law, the party that wins 40 percent of the seats gets the additional seats to make the formation of the government easier. This standard was introduced in the election law due to instability of the Italian government during the last period.

Local elections are conducted by a majority two-round (mayors) system or by a proportional voting system with the possibility of preferential voting (municipal, city, and regional assembly members). Elections are conducted by the Ministry of Internal Affairs. During the last elections (2015 regional elections), there were more than 60,000 polling stations and a total of 50,511,812 registered voters.

Polling Station Committees

Polling Station Committees (PSC) are non-partisan and composed of five members. The election law does not define deputies of president and 4 members of the PSC and the existence of the PSC Secretary. The members of the polling station committees may only be: court officials, notaries, and employees of local and national administration. The election law of Italy specifies that the polling station committee must be formed eight days before elections. Polling station committees in Italy are professional bodies and the law does not provide for the replacement polling station committee members.

The duties of PSC members are, according to the Italian election law, related exclusively to election day. Outside of the election day, PSC members do not have any duties. The election law does provide information regarding who is responsible for the training of PSC members, and this task is the responsibility of the Central Directorate for the Electoral Service. This body performs the certification process of PSC members.

Election Deadlines

The election law and other regulations available are quite precise and clear regarding election deadlines. Elections are announced by the president of Italy 70 days before the election day. Deadlines for certification of political subjects are specified in a way that political subjects have to submit nominations for certification at least 50 days before election day. This nomination deadline is valid for all political subjects including political parties, coalitions and independent candidates. Voter registration is passive. It is evident from the law that there is voting by mail and voting via the internet in Italy. Election campaigns begin 60 days before election day and election silence lasts for the 24 hours prior to elections. Preliminary results are published at 12 o'clock on the afternoon the day after election day, while the final results are published no later than 10 days after elections. The law provides for domestic and international election observers. The election law does not specify the exact deadline in which political subjects should register their observers. The Law does not provide for a deadline on the formation of the government nor sanctions if the government is not formed. The law only highlights a deadline of 20 days after the day of determination of the elections for formation of the new assembly. There is an institute of early elections in the Italian electoral legislation.

Protection of Electoral Rights

The election law provides for the protection of electoral rights in the pre-election, election and post-election periods. Subjects eligible to file a complaint or an appeal include: every voter, every observer, groups of observers, political parties, lower election commissions (collectively); and representatives of higher election commissions (individually). Institutions that decide on appeals and complaints are: polling station committees; administrative courts; the Court of Cassation; and the Senate (as a political body, i.e. discussing the legitimacy and the validity of the election). The election law of Italy does not provide for sanctions for persons violating the electoral process.

Technical Aspects of the Electoral Process

The election law does not specify whether the ballot box is transparent. Italy does not recognize electoral races held on the same day, so there is no need for more than one ballot box. The height of the voting booth is

determined in a way that it guarantees the confidentiality and the security of the voting process. The box is located behind a screen in order to ensure security. The election law says that candidates are arranged in numerical order on the ballot lists. For increased safety, ballots are marked with the protocol of the Republic of Italy, and it is possible to protect ballots and mark them otherwise. This job is done by the Central Election Commission. Ballot counting is done manually, publically, and continuously until all ballots are counted. Since there is voting via the internet, electronic votes are counted via the election database. Election laws in Italy do not specify the existence of technical equipment in the electoral process that would facilitate voting for people with disabilities.

19. Kazakhstan

Kazakhstan is a presidential republic with an area of 2,727,300 square kilometers. The electoral process is legally regulated by the constitution, the constitutional law on elections and other documents related to specific parts of the electoral process (e.g. laws on political parties). The Republic of Kazakhstan has parliamentary elections (electing the representatives of a lower house), with a system of proportional representation. Presidential and local elections are conducted by an absolute majority for mandates of five years. Elections are carried out by the Central Election Commission in cooperation with territorial election commissions (on a regional level), district election commissions and county election commissions (in charge of polling stations, the equivalent to PSC). During the last presidential elections of 2015, there were 9.5 million registered voters and 1,071 polling stations.

Polling Station Committees

Polling station committees have seven members and their composition is non-partisan. The law provides the existence of a deputy to the PSC president as well as a secretary. Members of PSCs must have permanent residence in the administrative constituency where the respective commission is located. The law also specifies negative conditions for membership, such as the absence of a court judgment, non-membership in any political party, etc. Members are appointed no later than three days prior to the expiration of the PSC mandate, but not earlier than two months from the expiration of the mandate. The law also mentions situations in which a member must be replaced, such as his death, loss of citizenship, resignation, etc. The obligations of members are reduced to pre-elections obligations (preparation of polling stations, informing citizens about the time and place of voting, etc.) and election obligations. The law provides that the CEC conducts training for committee members, but there is no provision on certification.

Election Deadlines

Presidential elections are called by the lower house of the Parliament no later than the second Sunday in September. Parliamentary elections are announced by the president in the period from 4 months before the expiry of the mandate of representatives but no later than 2 months before the end of their mandates. The registration of candidates for president begins two months before and ends 40 days before the elections. Nomination for members of the lower house begins a month before and ends 20 days before

the election day. Voters' registration is passive. The election campaign starts with the ending of the registration for candidates and lasts until midnight of the day before the election day. Final results are published by the CEC 10 days after the election day. The deadline for registration of domestic observers is not specified, and the accreditation of foreign observers must be completed five days before the elections. Specific deadlines regarding the formation of government after the elections (holding the first session of Parliament, the Prime Minister's proposal regarding the new composition of the government) are determined by the Constitution of the Republic.

Protection of Electoral Rights

Candidates, observers, citizens, political parties, representatives of registered public organizations and members of election commissions have a right to the protection of their electoral rights and file complaints against such. Special conditions for filing complaints are not specified by the law. The protection of electoral right is provided by all election commissions and the court.

Technical Aspects of the Electoral Process

The election law does not provide for more than one electoral race on the same day. The provisions regarding the appearance of the ballot boxes are not specified in the law. Voting is done via paper and electronic ballots. Candidates on the ballots are sorted in alphabetical order. Counting takes place continuously, manually and electronically. There are no provisions for adjustments of polling stations for persons with disabilities, but there are provisions that provide help to such voters.

20. Kyrgyzstan

The Republic of Kyrgyzstan, also known as the Kyrgyz Republic, is a parliamentary democracy with an area of 198,500 square kilometers. Kyrgyzstan has presidential, parliamentary (the Kyrgyz parliament, Jogorku Kenes, is unicameral) and local elections. All elections are held separately. Presidential elections are held by a majority, two-circuit system (in the past, a presidential candidate would win in the first round by winning over 50% of votes), while parliamentary elections are held by a proportional system with closed lists and an electoral threshold of five percent. Local elections are conducted with majority (mayors) and proportional (representatives of municipal and city councils) systems. Elections are conducted by the Central Election Commission in cooperation with territorial election commissions and local election commissions. During the last elections (presidential elections in 2011), there were 2,281 polling stations with a total of 2,328,068 registered voters.

Polling Station Committees

Polling station committees (PSC) have at least seven members. At least one third of the members have to be representatives of political parties, while the remaining two thirds are representatives of city councils. Each polling station committee has a president and secretary. There are no particularly emphasized criteria for membership in PSCs. The law only provides that the local and national executive officials cannot be presidents or secretaries of polling station committees. PSC members are appointed 30 days before the election. If any of the PSC members are not able to perform their duties on the election day, they will be replaced with a person from a list of alternate members.

Polling station committees in Kyrgyzstan have broad jurisdiction regarding the pre-election, election, and post-election period processes. PSCs inform citizens about the time and place of elections, follow the campaign in the territory of their polling station, familiarize voters with the voter register, conduct elections and manage the transport of electoral materials from the polling station to the offices of senior electorate bodies. Training for PSC membership is mandatory and conducted by the Kyrgyz State Election Commission and training center (formed ad-hoc for all elections).

Election Deadlines

Election laws and other regulations available quite clearly and precisely determine election deadlines. Elections are announced by the president of

the Republic of Kyrgyzstan at least 60 days before the election day. The available regulations specify the deadlines for certification of political subjects in a way that stipulates political subjects must apply for nominations and certification 45 days before the election. This deadline is the same for all political subjects, including: political parties, coalitions and lists of independent candidates. Voter registration is passive. The electoral legislation does not provide for voting via the internet or by mail. Election campaigns begins 45 days before the election and election silence occurs during the before election day. Preliminary results are announced at 12 o'clock the day after the election, and the final results are announced 15 days after. The law provides for domestic and international observers. Domestic and international election observers must be determined at least 30 days before election day. The laws and other accompanying regulations do not stipulate deadlines for the formation of the government after elections are conducted. Also, the law does not stipulate sanctions for failure to form the government. The institute of early elections exists only in the following situations: if the assembly dissolves itself or if the president of the Republic dissolves the parliament.

Protection of Electoral Rights

Election laws provide for the protection of electoral right in the pre-election, election and post-election periods. The right to file a complaint belongs to every voter, every candidate, political party and non-profit organization that participates in the elections, their legal representatives as well as election observers. The institutions that manage complaints and appeals are the Kyrgyz Territorial Election Commission, State Election Commission and Supreme Court. Complaints may be submitted on violations of provisions of electoral legislation and violations of provisions of criminal law related to the conduct of honest and fair elections. Police and the Kyrgyz Ministry of Internal Affairs have a very important role in the administration of elections and protection of voting rights.

Technical Aspects of the Electoral Process

The ballot box is non-transparent. Electoral legislation does not provide for the maintenance of multiple electoral races on the same day. The height of ballot box is specified only in a way that it should ensure secrecy of the voting process. Political subjects are not placed in a numerical order on ballots. For increased safety, ballots are marked according to the decisions

of the State Election Commission, by watermarks, color or similar markings. Vote counting is done manually as there is no possibility of electronic counting. The counting lasts continuously until the last vote is counted. The electoral legislation provides for the adjustment of polling stations for persons with disabilities, including: access ramps, elevators and other technical equipment.

21. Latvia

The Republic of Latvia is a country of parliamentary democracy with an area of 64,480 square kilometers. Latvia has parliamentary elections for its unicameral parliament, which consists of 100 representatives, as well as local elections through which representatives of city and municipal councils are elected. Local elections are held a year and four months before parliamentary elections. Parliamentary representatives are elected in five constituencies through a proportional system and open lists with a five percent threshold. Elections are carried out by the Central Election Commission (CEC) in cooperation with the election commissions of other constituencies and polling station committees. During the last elections (2014 parliamentary elections) there was a 913,491 person voter turnout.

Polling Station Committees

Regional election commissions are composed of seven to 15 members who also perform the work of the polling station committee if in their region only one polling station exists. If the region is divided into two polling stations, then the each polling station will have a polling station committee, of which one is composed of members of aforementioned regional election commission and the other is formed in a way proposed by the law. The law does not specify procedures for appointing PSC deputies, but provides for the possibility of calling helpers. Regional election commission members are elected in the same way as members of PSCs and can take over the function of any member of a PSC apart from the president or secretary.

A person can be selected for membership in a PSC if they know the Latvian language, have a high school degree, are not candidate for the upcoming elections, nor the person authorized to submit the list of candidates for the elections, nor a member of European Parliament, Parliament of Latvia, a representative of city or municipal council and are not a member of another election commission or polling station committee.

PSC members can be proposed by registered political parties or coalitions of political parties, at least 10 voters and each member of authorized city or local election commission, so the composition of the PSC is mixed. All three groups may propose up to seven people for PSC membership. The city or municipal election commission will determine who serves as the PSC president and secretary among the elected members. The President then decides which functions the other members will perform, and he or she takes responsibility for PSC training so that the other members can perform their assigned duties. The CEC also publishes online training courses for

members of polling station committees and potential observers on its website.

PSCs must be formed no later than 40 days before the election day, about which the CEC will be informed at least 35 days before the elections. PSC members manage duties regarding the preparation of each polling station for the election (which must be done 10 days before the election day), voter registration and other operations as well as the implementation of the elections on election day.

Voter complaints regarding the electoral process go directly to the PSC president, but there are no further regulations in terms of the course of this process.

Election Deadlines

The election law does not provide a specific period during which parliamentary elections must be announced, but it can be indirectly concluded that elections must be announced 120 days prior to the election day because this is the date that political campaigns begin. Local elections must be announced at least three months before the election day. Political campaigns are allowed up to the day before the election, after which election silence begins. For local elections, political subjects have to file applications for election candidacy 40 to 50 days before elections so the final list can be published in daily papers 10 days before the election. Political subjects seeking to run in the general elections must do so 60 to 80 days before the election. Voter registration is passive and is done 90 days before the election day by competent institutions. The Law also provides for a final check of the system before election day in case some voters lost their voting rights in the meantime. Voting can be done by email if the voter filed a request for this type of voting to the authorities.

The election results for city council representatives have to be published no later than seven days after the election, while the results for cantonal, local and municipal councils must be visibly announced on buildings near their headquarters within three days of the elections. Final results, which represent the total number of voters who vote in the elections, the exact number of votes won by each political party and candidate individually, are announced up to six months after elections. The law provides for the registration of local and international observers. Observers need to apply to the responsible authorities two weeks before election day. The CEC then conducts the process of their accreditation. The newly elected

representatives of parliament have to meet no later than one month after their election, which is also the date that the previous parliament finishes its mandate. Early elections are regulated in legal provisions by regulations stipulating local elections. In the case that the Latvian Constitutional Court decides upon an election law appeal that influenced the allocation of seats of political subjects who participated in the elections, the elections will be annulled and the CEC will order that they be held again.

Protection of Electoral Right

The election law does not provide a precise process for filing complaints or appeals on violations of electoral rights. In some cases, there is an option of filing complaints directly to the president of PSCs, though without further explanation of the procedure and the possibility of lodging appeals.

The process of protecting electoral rights through authorized bodies is precisely explained in the case of appealing election results. Applicants of candidate lists have the right to file a reasonable complaint to the CEC on their decision, to which the CEC will respond within three days. Further appeals on the decision of the CEC may be filed to the Administrative Division of the Supreme Court within three days after the final election results are published. The decision on the appeal will be issued within three working days after its acceptance by the competent authority. The appeal procedure can also be initiated in relation to observed irregularities regarding candidate registration to the aforementioned department of the Supreme Court.

In order to protect other electoral rights, a party whose rights have been violated may use the laws on general administrative procedure. However general administrative deadlines are not complied with specificity.

Technical Aspects of the Electoral Process

The law states that polling stations have to have a separate room or adequate place within a polling station where voters can vote in secrecy without being disturbed. Voting is done via ballots, on which the political subjects are sorted numerically.

Votes are counted publically by the PSC members. The law provides for the electronic counting of votes, which is managed by a person trained to use a program previously approved by the CEC. However, the process to introduce of this method of voting is very slow in practice. After the PSC

members determine the results in their respective polling stations, they announce them to all observers and media present. The final results are also available on the official website of the CEC.

In 2009, Latvia adopted a plan of implementation from the UN Convention on the Rights of Persons with Disabilities, which emphasizes that the process of voting for such persons must be improved. This is especially in regards to such persons electoral material informal, which needs to be adapted to their need (Braille letter, audio information, sign language, etc.), to enable them to vote in person at the polling station and similar provisions, which have not yet been implemented in practice.

22. Lithuania

The Republic of Lithuania is a country of parliamentary democracy with an area of 65,300 square kilometers. It has presidential, parliamentary and local elections. All elections are held separately. Presidential elections are conducted using a majority, two-round system, and there are two situations through which a candidate can be elected in the first round. The first instance is if the turnout is more than a half and one candidate receives a majority votes, and the other is in if turnout is less than half, but the winning candidate receives at least one third of votes of the total number of registered voters. Parliamentary elections are conducted with a mixed system of open lists, during which 71 parliamentary representatives are elected according to a proportional system with five percent for parties and seven percent threshold for coalitions and preferential voting in one constituency.

Local elections for city assemblies and municipalities are implemented by a proportional system, without threshold. Since 2015, mayors are elected directly by a majority, two-round system. Elections are conducted by the Central Election Commission in cooperation with the municipal election commissions and polling station committees. During the last elections (local, 2015) there were approximately 2.54 million registered voters.

Polling Station Committees

The number of members of polling station committees (PSC) is not specified. Municipal election commissions determine the exact number of members for all elections depending on the number of registered political subjects who have the right to appoint members. The composition is mixed in terms of partisan and non-partisan representatives. It is not specified whether members have deputies, though it is defined that each PSC has a secretary. Members must be persons with a good reputation and who are not criminally punished, dismissed from their jobs due to unethical behavior, members of banned organizations or banned from the election administration for violations of election law. Also, members cannot be candidates in the elections, their representatives or observers. PSC members are appointed 42 (presidential) and 45 (parliamentary and local) days before the election day. The procedural replacement for committee members is not precisely defined. In addition to duties related to electoral procedures on the election day, PSC members perform tasks related to managing voter lists, reviewing complaints related to voter lists and conducting voting by mail.

Training for PSC members is provided by the law and regulated in details provided by CEC provisions.

Election Deadlines

Election laws and other regulations available do not specify election deadlines in detail.

Elections for the parliament are announced by the president no later than six months before the end of the current parliamentary term, while local elections are announced by the parliament no later than five months before the end of the current mandate. This issue is not precisely defined with regard to presidential elections. The available regulations regarding deadlines for the certification of political subjects are specified in a way that the political subject must submit their nominations for certification 45 (presidential), 65 (parliamentary) and 34 (local) days before the election day. Voter registration is passive. There is a possibility of voting in diplomatic and consular missions.

The duration of election campaigns is not precisely defined, though election silence begins 30 hours before the election day. The deadline for the publication of preliminary election results is not clearly defined. The deadline for the publication of final electoral results is seven days. The law mentions only political party observers. The regulations do not provide precise deadlines for the formation of government after the elections are conducted. Also, the regulations do not provide for sanctions on the failure to form the government. There is an institute of early elections.

Protection of Electoral Rights

The election laws provide for the protection of electoral rights in the pre-election, election and post-election periods. The electoral rights protection procedure is usually three-step, but there are also single-stage and two-stage procedures depending on the electoral right violated. In most cases, complaints are addressed to election administration bodies, and the courts are the final authorities. Single-stage procedures are taken directly to the courts.

The right to file a complaint, depending on the type of violation, belongs to voters, political parties, candidates, party representatives and observers. In some cases, procedures can be taken to the courts directly by the president

or parliament. Special provisions for the protection of rights are, in principle, precisely defined for each type of violation.

Technical Aspects of the Electoral Process

There is no obligation to use transparent ballot boxes. The height of the voting booth is not precisely defined. Political subjects are sorted numerically on ballots depending on the type of the elections and the type of list used. Such numbering is not used for presidential elections, though it is used for local elections. A combined approach is used for parliamentary elections due to the existence of a dual voting system. Ballot counting is done manually and continuously until the end of proceedings. The adaptability of polling stations for persons with disabilities is not precisely defined.

23. Hungary

The Republic of Hungary is a country of parliamentary democracy with an area of 93,030 square kilometers. The Republic of Hungary has parliamentary and local elections, while the president is elected by the Hungarian National Assembly or the Parliament of Hungary. The Republic of Hungary also has elections for representatives of national minorities. Parliamentary elections are held by a mixed system with a five percent threshold (in the case of a coalition of two parties, the threshold is 10 percent, and if the coalition is made up of three or more parties the threshold is 15 percent). Elections are implemented by the National Election Commission in cooperation with the election commissions of constituencies and polling station committees. During the last elections (parliamentary elections of 2014), there were 10,386 polling stations enabling 8,241,488 registered voters to vote.

Polling Station Committees

Polling station committees are composed of at least five members. Their composition is non-partisan, though it is not visible from the available regulations if they have deputies or a secretary. Only voters who are registered in the constituency in which the polling station operates and who are included in the central voter register can become members of the PSC. Public officials cannot be members of polling station committees.

The elected members of each PSC are elected no later than 20 days before elections, and the appointed members are appointed no later than 16 days before elections. The procedure of replacing PSC members is partially prescribed, while the deadline for such a procedure is not defined. PSC member duties are related to the procedures of the elections on election day. Election offices conduct trainings for members of the polling station committees.

Election Deadlines

Election laws and other regulations available clearly specify election deadlines.

Elections are announced by the National Election Commission (NEC) 70 to 100 days before the election day depending on election. Parliamentary elections are announced 70 to 90 days before election day, local elections are announced 80 to 100 days before election day and the elections for national minorities are announced at least 75 days before election day.

The available resources precise the deadlines for the certification of political subjects in a way that political subjects must submit nominations for certification 33 to 34 (parliamentary), 26 to 27 (local) or 34 (national minority representatives) days before election day. Voter registration is passive. There is voting from abroad by mail or by mobile ballot boxes.

Election campaigns begin 50 days before the election, while a period on election silence is not provided for. However, advertising in public media is not allowed 48 hours before the elections, nor is the printing of political advertisements. Preliminary results are published six days after the election day, while the final results are published no later than 19 days after the elections. The law does not provide for local or international election observers. The constitution provides that the National Assembly must be formed within 30 days after the election. The law does not provide for sanctions on the failure to form the government. There is no institute of early elections.

Protection of Electoral Rights

The election law and constitution provide for the protection of electoral rights in the pre-election, election and post-election periods in the following order: election commissions and election offices – regional appeal court – 'Curia' (Supreme Court of Hungary) + Constitutional Court. Everyone has the right to file a complaint. Complaints must have a description of the legal violation, evidence of legal violation and the name of complainant.

Technical Aspects of the Electoral Process

The ballot box is non-transparent. The height of voting booth is not specified and its use is not mandatory. Political subjects are sorted numerically on ballots. For increased safety, ballots have safety marks, although the type of marking is not specified. Ballot counting is done manually and in standard procedure continuously until all ballots are counted. Polling stations have to be adapted to people with disabilities.

24. Macedonia

Macedonia is a parliamentary democracy with an area of 25,713 square kilometers. Macedonia has presidential, parliamentary and local elections. All elections are held separately. Presidential elections are held by a majority, two-circuit system. Parliamentary elections are conducted according to a proportional system with closed lists and without a threshold, with the exception of the election of three representatives from abroad who are elected by a majority system. Local elections are conducted by majority (mayors and mayor of Skopje) and proportional systems (councilors of the municipal assembly). Elections are conducted by the Macedonian State Election Commission in cooperation with municipal election commissions, the commission of the city of Skopje and polling station committees. During the last elections (presidential and early parliamentary of 2014), there were 3,514 polling stations enabling 1,779,572 registered voters for the presidential and 1,780,128 registered voters for parliamentary elections to vote.

Polling Station Committees

Polling station committees have five members. Their composition is mixed in terms of partisan and non-partisan members. One of the PSC members is a president, and all members have deputies. Macedonian PSCs do not have secretaries. The president and two PSC members are appointed employees from state, public and municipal administrations, while the other two members are appointed by the ruling and opposition parties. The criteria for membership are stipulated only for non-partisan members. In addition to employment within the administration, there non-partisan requisites regarding citizenship, residence, education level and no conviction for a conflict of interest. Members are appointed no later than 21 days before the announcement of the elections. The appointed members can refuse this role only for health or family reasons no later than 48 hours upon the date of appointment. Their duties are related to the procedures of elections on the election day. Trainings for members of polling station committees are organized by the State Election Commission on ad hoc basis. Training is mandatory participants are issued a certificate upon completion.

Election Deadlines

The election law and other regulations available specify election deadlines. Elections are announced by the president of parliament 90 (earliest) to 70 (latest) days before the election. The available regulations do not precise

deadlines for the certification of political subjects. Voter registration is passive. There is a possibility of voting in diplomatic and consular missions.

Election campaigns lasts 20 days, while the election silence begins one day before the elections. Preliminary results are announced 12 hours after voting is finished in the case of presidential or parliamentary elections and seven to 10 hours after voting in the case of local elections. The deadline for the announcement of final electoral results is, depending on the appeal process, between nine and 19 days.

The law provides for partisan, local and international observers. Procedures for the accreditation of partisan observers are shorter and simpler. Regulations provide for a period of 20 days after the election day for maintenance of the first constituent session of the new parliament, as well as a 30-day deadline after this session for the formation of the government. However, the regulations do not provide clear sanctions for the failure to form the government. There is no institute of early elections.

Protection of Electoral Rights

The election laws provide for the protection of the electoral rights in the pre-election, election and post-election periods. According to the electoral right violated, the complaint procedure is one or two staged. Complaints are to be taken to the second electoral bodies, state election commissions, basic courts or administrative courts depending on the violated right.

The right to file a complaint belongs to every voter, party and partisan observer. Special provisions for the protection of rights are, in principle, precisely defined for each type of violation.

Technical Aspects of the Electoral Process

Transparent ballot boxes are mandatory. The height of the voting booth is not precisely defined. Political subjects are sorted numerically on ballots. Ballots contain serial numbers as security marks. The counting of ballots is done manually and continuously until the end of proceedings. The adjustment of polling stations for persons with disabilities is not precisely defined.

25. Moldova

The Republic of Moldova is a parliamentary democracy with an area of 33,846 square kilometers. Moldova has parliamentary and local elections, while parliament elects the president. All elections are held separately. Parliamentary elections are conducted according to a proportional system via closed lists with a threshold of six percent, while local elections are held by majority (mayors) and proportional (councilors of city assemblies) systems with no threshold. Elections are conducted by the Central Election Commission (CEC) in cooperation with the two stage election commissions and district polling station committees. During the last elections (local, 2014), there were a total of 1,977 polling stations and 2,821,657 registered voters.

Polling Station Committees

Polling station committees have an odd number of members ranging from five to 11 people. The composition of membership is non-partisan and composed of the president, vice-president, secretary and members (without deputies). Criteria for membership include the ban of membership to persons who are representatives in the assemblies of local government and persons who are members of political parties. Also, members of polling station committees cannot support or in any way be connected to candidates in the elections. PSC members are appointed no later than 25 days before the election day. The replacement of PSC members is possible only in case of resignation or dismissal. The standard procedure for member selection is applied in such a case. PSC member duties are mainly related to the procedures of the elections on election day, with obligations to inform the public of the time and place of voting. Training of PSC members is organized by the CEC as part of a specialized center for continuous training (a permanent body). Training is mandatory each participant is issued a certificate upon completion.

Election Deadlines

Election laws and other regulations available specify election deadlines. Parliamentary elections are announced no later than 60 days before they are held.

The available regulations precise the deadlines for certification of political subjects in a way that political entities must submit nominations for

verification 30 days before the election day. Voter registration is passive. There is a possibility of voting in diplomatic and consular missions.

Each candidate can start their election campaign immediately after registration verification. Election silence starts a day before the election. Preliminary results are announced no later than seven days after voting. The deadline for the announcement of final results is, depending on appeals, to be no more than 20 days after the election day.

The law provides for partisan, local and international observers. Partisan observers have shorter and simpler procedures of accreditation.

Regulations do not provide precise deadlines for the formation of government after the elections are conducted. Although there is no specific deadline for the appointment of mandates, there is a sanction of the dissolution of parliament if at least two mandates are appointed and neither receive the support of parliament within 45 days of the date of first appointment. The institute of early elections is not specified.

Protection of Electoral Rights

The election laws provide for the protection of electoral rights in pre-election, election and post-election periods. The protection of rights is a three-step procedure. In the first instance, the electoral administration has jurisdiction, while in the remaining two stages the jurisdiction is judicial. The right to file a complaint belongs to every voter and every candidate. Special provisions for the protection of rights are not precisely defined.

Technical Aspects of the Electoral Process

There is no obligation to use transparent ballot boxes. The height of the voting booth is not precisely defined. Political subjects are not numerically sorted on ballots. The ballots contain serial numbers as security marks. Ballot counting is done manually and continuously until the end of proceedings. The adjustment of polling stations for persons with disabilities is not precisely defined.

26. Germany

Germany is a federal republic consisting of 16 states with an area of 357,021 square kilometers. Germany has parliamentary elections at the state level and separate elections in all 16 states (regulated with internal laws). In addition, elections are held for representatives of local governments at the district, city, village and other regional administrative organizations that each state is divided into. The electoral system for parliamentary elections is a combination of majority and proportional systems, called a “personalized proportional system”. There is also a five percent threshold for federal and provincial parliamentary elections. Elections are carried out by the Central Election Commission of the Federation in cooperation with the state electoral commissions and electoral committees. During the last elections (parliamentary elections in 2013), there was 44,309,925 voter turnout of 61,946,900 registered voters.

Polling Station Committees

Polling station committees (PSCs) consist of five to nine members. Within each PSC there is a president, his or her deputy and three to seven assistants. Members are nominated on the basis of proposals by the political parties that won mandates in the parliament during the previous elections, then from among ordinary citizens who can apply for the position via internet or be selected by the local governments. Local governments can choose any citizen who has the right to vote to be a member of a polling station committee. This function is recommended by the government and also mandatory. Candidates for elections cannot be members of PSCs, and no person may simultaneously be a member of two electoral bodies. Legal provisions underline that each PSC must be established as soon as possible after the announcement of elections. The duties of PSC members are related to the procedures of organizing and conducting elections on election day.

Election Deadlines

The election law stipulates that elections must be held every 46 to 48 months. The announcement of elections is usually six months before the election day. Political parties that do not have at least five representatives in the Parliament of Germany or the parliament of federal states elected during the previous elections must submit nominations 97 days before elections. A political party can participate in elections if it is recognized by the Federal Election Commission. The lists of candidates for elections at the local level are to be submitted to the community’s electorate president, and the lists of

candidates who want to participate in state-level elections are to be submitted to the state's electorate president 69 days before the election day. The authorized election commission decides whether nominations are accepted or declined within 58 days of the elections, and the list of those who accepted will be announced at least 48 days prior to election day.

Voters register passively and actively. Authorities at the local level automatically create lists of voters on the basis of available data for constituencies that are in its scope. Voters have the right to personally submit a written request for registration no later than 21 days before the election. Voter registration cannot be made later than one day before the elections. There is a possibility to vote via mobile teams.

The duration of political campaigns is not regulated by law, nor is it clear whether the authorities of the Federation are competent to regulate this issue at a federal level or whether such a decision is to be left to the states. Some states limit the possibility of political billboard advertising through their local laws for a few weeks before the election day.

There is a possibility of voting by mail. Voters who are outside of the country receive voting material a month before the election day and should send it to their respective local authorities no later than 6 pm on the day of elections. Federal law stipulates that the final results be published by the day after elections.

The newly elected parliament should have its first session within a month of the conclusion of elections. The German chancellor is elected by members of the German Parliament by a majority vote, and he or she is appointed by the president of the Federation. If a person who is proposed by the president of the Federation is not selected by parliamentary majority, the parliament must choose a chancellor within 14 days. If a chancellor is not selected, there must be re-elections within the shortest period possible to vote for the two people who received the most votes in the previous attempts to select the chancellor. If within seven days after this period the chancellor is not selected, then the president of the Federation will within the next seven days either appoint the person who did not receive the required majority of votes in the parliament or dissolve the parliament.

In the case of dissolution of parliament, new elections have to be announced within six days.

Protection of Electoral Right

The right of voters to file complaints is particularly emphasized within provisions regarding the protections of voter list electoral rights. The complainant must file a complaint on the decision within two days of its receipt to local authorities who have to, without delay, send it to the president of authorized electorate with all supporting documents. He or she has to make a decision upon the complaint no less than four days before the election day. The right to complain in the case of identity card non-issuance is regulated similarly to the previous right. A complainant must file a complaint within 12 days of the election to the local authorities that refused to issue him or her an electoral identity card. Then, the respective authorities must respond no later than 10 days before the election. The process of filing complaints is the same as in the aforementioned case.

In the case that the CEC of one of the federal states of Germany does not approve the proposed list of candidates, political subjects have the right to initiate proceedings before the federal CEC within three days of the decision. The entire process takes only five days.

Provisions for the protection of electoral rights lack in their inability to allow appeals before the election day on certain decisions. The possibility of complaining by both voters and individual governmental representatives to the irregularities of the electoral process does exist and is filed directly to the parliament after elections. However, the parliament estimates that the resolution of appeals in this way would last approximately two years. Decisions of the parliament can be appealed to the Constitutional Court.

Technical Aspects of the Electoral Process

Ballot boxes should ensure the secrecy of voting, and are not transparent despite talk of the introduction of transparent boxes. Election results and statistical overviews are available on the internet for elections held in every federal state as well as those at the federal level. In some countries, there is a combination of electronic voting with ballots voting. However, the Federation's Constitutional Court determined that electronic voting is banned for safety and the protection of voting.

The law stipulates that local authorities must provide at least one polling station for each constituency with adjusted access to people with disabilities. Local authorities have to inform these persons within the

provided time of these locations. There are also special provisions regarding the printing of ballots for persons who have difficulties with vision, which is organized by the federal government in collaboration with the Association of Blind Persons. Political subjects are sorted numerically on ballots. Votes are counted manually since electronic voting is banned. The law does not specify whether this process is done continuously or not. The law does not provide for specific safety measures on how to mark the ballots.

27. Norway

The Kingdom of Norway is a constitutional monarchy with a parliamentary system of government. The territory of Norway is 385,252 square kilometers and has 4,998,100 inhabitants (2011). The election law defines the rules for elections of the Norwegian Parliament (Storting). Elections for parliament are separated from county and local elections. The head of state is a king or queen who has ceremonial duties and functions with certain constitutional powers typical of constitutional monarchies. The king or queen nominates the prime minister after consulting with the outgoing prime minister, parliament and political party leaders. The Norwegian Parliament is a unicameral body consisting of 169 members elected for terms of four years. Members of the parliament are directly elected through a system of proportional representation at the national level. Of its 169 members, 150 are elected from 19 constituencies, while the remaining 19 compensatory seats are distributed so they can reflect the national proportion of votes among political parties that won at least four percent of votes at the national level. Each constituency is allocated one seat, and the number of seats per constituency is determined every eight years by the Ministry of Local Government and Regional Development using a formula provided in the constitution. The electoral threshold in Norway is not defined.

Elections are implemented by the National Election Committee, 19 regional/district election commissions, 430 local election commissions and 3,200 polling station committees. A hierarchical structure acts only in case of vote counting, while the major responsibility for the election implementation lies with local-level administrations that perform the majority of organizational tasks. The Ministry of Local Government and Regional Development has an advisory and coordinating role in the electoral process. It is responsible for the interpretation of the electoral legislation and the issuance of rules and manuals for election officials including the election manual and all other instructions. During the last elections (parliamentary elections in 2009), there were around 3,200 polling stations with a total of 3,530,785 registered voters.

Polling Station Committees

Polling station committees (PSC) are composed of at least three members. The composition of PSCs is mixed. PSC members are composed of representatives of parties and local governments. The leader of each PSC and the chief of local electoral officers share the responsibility for the

management of the polling station committee. It is not clear whether PSCs have a secretary. The election law of Norway does not define the criteria for membership of polling station committees or the timeframe regarding their membership. Also, the law does not define procedures for the responsibilities and duties of members or their replacement.

Training for officials of the local government is done by the Ministry of Local Government and Regional Development, who are then obliged to organize training for the members of polling station committees.

Most of the election regulations for elections conduct in Norway is not defined by the election law but by the recommendations and manuals of the Ministry of Local Government and Regional Development.

Election Deadlines

The election law of Norway provides for elections to be held every four years on the same day in September of the last year of parliamentary mandate. All political entities wishing to participate in the elections are obliged to inform the regional/district commission by March 31 of the election year. The National Election Commission is obliged to provide the requested decision by June 1. Voter registration is passive. Voting lists are regularly updated by the tax administration. Voter lists are finalized by June 30 in the election year. The lists are available to the public in each local government, and voters can use their right to vote even in the case of an error on the voting list if they ask for a correction before the election day. The Norwegian system allows a wide range of possibilities for voters to vote out of state, from home, at polling stations and in advance during a “prolonged” period. In 2009 elections, almost half of the local governments held the two-day elections. Each voter is responsible to make sure that his or her vote is received by the election commission no later than 8 pm on the election day. The election law does not define a timetable for election campaigns, though the majority of political parties begin their campaigns in July. The election law also does not recognize electoral silence. The precise deadline for the announcement of preliminary results is not defined.

The election law provides that PSC members publicly count the votes immediately after the end of voting and that the results of the counting process are the preliminary results of the elections. The deadline for the announcement of the official results is the last day of September in the election year. The election law does not recognize the institution of local

and international observers. The constitution prescribes the deadline for the formation of the new parliament to be the first week of October in the election year. The deadline for the formation of the executive government is not specified. In case of a failure in the formation of parliament, a constitutional article allows the king or queen to form the parliament if he or she finds it necessary. The institute of early elections is not known in Norway as it is in neither the constitution nor in the election law.

Protection of Electoral Rights

The election law provides for the protection of electoral rights in the pre-election, election and post-election periods. In practice, the need for complaints and appeals are rare in the electoral process in Norway. Any person entitled to vote has the right to file a complaint or appeal on all electoral matters. Responsibility for the protection of the electoral rights in Norway lies with the electoral administration and the newly elected parliament. The electoral administration is given advice on issues of resolving complaints and appeals by the Ministry of Local Government and Regional Development. The National Election Commission is obliged by law to forward its decisions to the newly elected parliament in the case of complaints. The parliament is the final authority for the interpretation of appeals. According to the constitution and the election law, the newly elected parliament is obliged to rule on the legality of elections and verify the mandate of elected parliamentarians. The electoral administration does not have a strict deadline under which it has to review and respond to objections. Instead, the electoral law only specifies that the administration take “as long as the practical enforceability of the decision” or “as soon as possible”.

Complaints to the lists of candidates must be submitted within seven days of their publication. Complaints to the National Election Commission regarding the conduct and preparation of elections have to be filed no later than seven days from election. Complaints on the election result must be filed within seven days of announcement of final results. The election law does not define a deadline for response to these complaints. The election law of Norway also does not provide for penalties in cases of violations of electoral law.

Technical Aspects of the Electoral Process

In Norway, district and local elections are held on the same day, while parliamentary elections are held separately. Based on the election law there is no specification regarding the form or material of which the ballot box should be made. Ballots are different colors depending on the level of government. The voting booths are made to ensure the secrecy of voting. Political subjects on the ballots are not sorted numerically, but the voter is entitled to add a number next to their names. The counting of ballots is conducted manually, electronically (via a scanner) and continuously until all the votes are counted. In Oslo, electronic scanners retrieve 50,000 ballots per hour, and the entire counting process is completed by the next morning. Polling stations are usually adjusted for persons with special needs. However, the electoral process in Norway allows anyone to vote from home, so civil rights can be fulfilled regardless of the suitability of the polling stations for persons with special needs.

What stands out in the electoral process of Norway compared to other countries is that it allows blind people to vote independently because the ballots are printed also in Braille. It should also be noted that it is possible to vote in Norway for two days. In 2013, there was a test vote via the internet. For that purpose, a special electorate for voting via the internet was established as well as the Commission for regulation of voting via the Internet.

28. Poland

The Republic of Poland is a parliamentary democracy with an area of 312,679 square kilometers and approximately 38.5 million inhabitants. The Republic of Poland has presidential, parliamentary (the lower house House of Citizens, Sejm, and the upper House of Senators), local (municipalities and provinces) and European Parliament elections. All elections are held separately, except for elections to the Sejm and Senate, which are held together. There is a possibility of holding presidential and parliamentary elections together in case that the expiry of presidential mandate coincides with the year of parliamentary elections. Presidential elections are held by a majority two-circuit system, while parliamentary elections are held by a proportional system of open lists and five percent threshold. The electoral formula used is the Donte formula, and Poland is divided into multi-member constituencies. Local elections are held in two terms. In the first term the provincial president and members of the provincial assemblies are elected, and in the second term the city and municipal councils are elected along with mayors.

Elections are carried out by the Central Election Commission (CEC) in cooperation with district election commissions (51 districts) and local election commissions. During the last elections (presidential and parliamentary elections in 2015), there was a total of 26,000 polling stations enabling 30,532,995 voters to vote.

Polling Station Committees

Polling station committees have seven to 11 members. Their composition is mixed. Members are elected in a way that one person is elected by local authorities (usually by the mayor's proposal), who acts as the president of the PSC, and six to 10 persons are nominated by political parties. PSC members have deputies and Polish PSCs do not have secretaries. Criteria for membership in PSCs stipulate only that the person is registered in the territory of the municipality. PSC members are appointed at least 21 day before elections. In the case of a resignation from the a polling station committee member, the relevant political party will nominate a new member to be a substitute . The law does not set a deadline by when the replacement must be made. Duties of the members of polling station committee are related only to election day. Upon completion of the elections and the counting of votes, all duties of polling station committee members end.

The CEC manages the training of polling station committee members through the National Election Office. All members of polling station committees must be trained by the National Election Commission.

Election Deadlines

The election law and other regulations available clearly define election deadlines. Elections are announced by the president of the Republic 90 days before the expiry of the earlier mandate. The available regulations specify deadlines for the certification of political subjects in a way that they have to submit nominations for certification 40 days ahead of the election day. This deadline is valid for all political subjects including political parties, coalitions and independent candidates. Voter registration is passive and there is voting via the internet as well by mail. Election campaigns begin 15 days before the elections and lasts 13 days, while election silence lasts for the 48 hours before elections. Preliminary results are published at 12 am on the first day after the elections, while the final results are published no later than three days after the elections. The law mentions local and international observers, but neither the law nor other supporting documents specify deadlines for their accreditation and registration.

The laws do not provide for deadlines on the formation of the government after elections are concluded. Also, the law does not provide for sanctions on the failure to form the government. The institute of early elections exists in the electoral legislation of Poland in the case that the lower house of the Polish Parliament (Sejm) either dissolves itself or is dissolved the president of the Republic.

Protection of Electoral Right

Election laws provide for the protection of electoral right in the pre-election, election and post-election periods. The right to complain on the shortcomings of the electoral process belongs to every voter, the presidents of all electoral bodies (election commissions and polling station committees) as well as political parties through their authorized representatives. Institutions participating in the elimination and resolution of complaints and appeals are: the polling station committee – territorial election commission – the regional election commission – Central Election Commission – the Supreme Court. The complaint can be filed on two cases: if the action of a subject led to a violation of the norms of the criminal law of the Republic of Poland relating to the protection of voters rights, or in

the case that a subject's action led to a violation of the norms of the election laws regarding the conduct of elections and determination of election results.

Technical Aspects of the Electoral Process

The election law and its supporting documents do not emphasize whether the ballot box is transparent or not. Poland never holds elections for multiple levels of the government in the same day, so the polling station has only one ballot box used for that election race. If it happens that the presidential elections and the parliamentary elections are held on the same day, then for rational reasons there are two races in a same day and thus two ballot boxes. This case is rare, though it occurred most recently in 2015. The law and other available regulations do not explicitly state the norms regarding the height of the ballot box. As for the ballots, political subjects are sorted numerically. For safety reasons, ballots are marked with a waterproof stamp whose size and shape is prescribed by the CEC. Ballot counting is done manually and votes are counted continuously until all are counted. Polling stations are not adapted for persons with disabilities, which is often a subject of criticism for Poland in the ODHIR reports. What is new in Polish election law is the existence of papers in Braille that help blind people and people with vision problems vote without difficulty.

29. Portugal

The Republic of Portugal is semi-presidential democracy with an area of 92,212 square kilometers. Portugal has presidential, parliamentary and local elections. All elections are held separately. Presidential elections are conducted using a majority, two-circuit system, while parliamentary elections are conducted according to a proportional system with closed lists and no threshold. Local elections are conducted by majority (mayors) and proportional systems without threshold (assembly councilors and members of executive bodies of cities and municipalities as well as councilors in local communities). Elections are conducted by the Ministry of Internal Affairs and the National Election Commission (NEC) in cooperation with local authorities, commissions of centers for counting the voters and polling station committees. During the last elections (local elections of 2013), there were 3,000 polling stations enabling 4,998,005 registered voters to vote.

Polling Station Committees

Polling station committees have five members. PSCs are partisan and they are composed of a president, vice-president, secretary and two members (without deputies). Membership criteria include knowledge and literacy of the official language, an age 65 or less, adequate health conditions and residency in the territory where the PSC is located. There is a possibility of absence in the election period and the existence of business obligations which are also reasons for exemption of membership, while in the case of local elections certain local government officials are banned to partake in PSC membership. PSC members are appointed between 15 and 18 days before the election day depending on the electoral level they are appointed for.

The request for replacement of PSC members must be completed three days before the election day and is submitted to the competent mayor. PSC member duties are mainly related to the procedures of the elections on the election day.

The training of PSC members is not precisely defined.

Election Deadlines

The election law and other regulations available partially specify election deadlines. The elections for president and parliament are announced by the president no later than 60 days before elections. Local elections are announced by the government, at least 80 days before election day.

The available regulations precise the deadlines for certification of political subjects in a way that political subjects must submit their nominations for certification 30 (presidential elections), 41 (parliamentary elections) and 55 (local elections) days before election day. Voter registration is passive. There is a possibility of voting in diplomatic and consular missions as well as the opportunity to vote in advance for categories of voters under certain conditions.

Election campaigns last 14 (presidential and parliamentary elections) and 12 days (local elections), while the period of election silence begins on the day before the election. The deadline for the announcement of preliminary electoral results is not precisely defined, but it is mentioned in regulations that the deadline should be done “as soon as the counting is finished”. The deadline for the announcement of the final electoral results, in principle, is 10 days for presidential and parliamentary elections and four days for local elections.

The law provides only for partisan observers.

The regulations do not provide precise deadlines for the formation of the government after elections are conducted. Also, the regulations do not provide sanctions for the failure to form the government. The institute of early elections is not explicitly provided.

Protection of Electoral Rights

Election laws provide for the protection of electoral rights in the pre-election, election and post-election periods. The complaint procedure is a one or two stage procedure, depending on the electoral right being violated. In most cases, complaints are taken to court, but in some cases the election administration and local government bodies have jurisdiction.

The right to file a complaint, depending on the type of violation, belongs to voters, political parties, candidates, party observers and local government bodies. Special provisions for the protection of rights are, in principle, precisely defined for each type of violation.

Technical Aspects of the Electoral Process

There is no obligation to use transparent ballot boxes. The height of the voting booth is not precisely defined. As for the ballots, political parties are

not numerically sorted. The ballots do not contain any security marks. Ballot counting is done manually and continuously until the end of proceedings. The adaptability of polling stations for people with disabilities is defined in a way that polling stations must be located in places that meet the highest standards in term of access.

30. Romania

The Republic of Romania is a country of parliamentary democracy with an area of 238,392 square kilometers and 19,599,506 inhabitants (2002.) The election law regulates the preparation and conduct of elections for the Romanian House of Representatives and Senate. Parliamentary elections are separated from presidential and local elections. The Parliament of Romania is bicameral, the House of Representatives has 412 members and the Senate has 176 members. Parliament's mandate is 4 years. Members of the parliament are elected by a combined electoral system by winning an absolute majority of votes in the district where the candidates are or by allocation of mandates that ensures proportional representation at the national and local level. The electoral threshold in Romania is five percent. Elections are carried out by the Central Election Commission (CEC), 43 constituency commissions (including one constituency for voters abroad), six electoral services in Bucharest and 18,762 polling station committees (305 abroad). During the last elections (parliamentary elections in 2012), there was a total of 18,762 polling stations with 18,423,006 registered voters.

Polling Station Committees

Polling station committees have a minimum of five and a maximum of nine members. Their composition is mixed, consisting of a chairman and deputy (usually lawyers or judges) and other members. It is not specified in the electoral law whether PSCs in Romania have secretaries. Membership criteria for PSC presidents and vice-presidents stipulate that such positions are held by judges or lawyers with a “good reputation”. Additionally, the president and his or her deputy cannot belong to any political party or organization of citizens belonging to national minorities participating in the elections and they cannot be related within fourth generations to the electoral candidates. Other members are assigned by the political subjects. The election law does not define specific criteria for membership, and the general criterion is that members of polling station committees must have the right to vote. Prohibition of membership extends to candidates in the elections, their spouses and relatives extending two generations.

The formation of the each PSC is done no later than 15 days before the election day. Polling station committee members can be replaced at the request of those who nominated him or her to the position with the approval of the superior electoral body until the day before the elections in case of death, illness or accident. The duties of PSC members are related to the

conduct of elections on the election day and the three days prior to elections. PSC members receive the ballots from authorized election commission and receive election materials from the mayor. The president of each PSC must ensure the security of all election materials. On the day of elections, each PSC implements all the necessary measures for elections conduct and all promotional materials are removed from the polling station and surrounding area . Training for PSC members is required only for the president and vice President and implemented just before the elections. The training is organized by a permanent electoral administration.

Election Deadlines

The election law clearly specifies that elections are to be carried out within 90 days of the announcement of elections. From the available regulations it is visible that the deadline for the certification of political subjects is 40 days before the elections and that the response from the competent election commission should arrive within 48 hours. Voter registration is passive. The deadline for the publication of the voter lists must not be earlier than 45 days before the elections, and the final version needs to be published 10 days before election day. Voter registration is conducted on the basis of residence within the country or abroad,. The registration database is in possession of the department for issuing passports in the Ministry of Internal Affairs. Election campaigns start 30 days before the elections and ends 48 hours before the election day. Preliminary results are published 24 hours after the election day and are announced by the commissions of constituencies. Final results are published by the CEC within a “foreseeable time”. The election law allows non-partisan and international observers to observe the electoral process. According to the election law, domestic civil organizations wishing to participate in the electoral process are required to register no later than six months before the elections and the subject of their interest has to be within the framework of human rights and democratization. The deadline for the registration of international observers is not defined by the law. The law provides for the formation of the legislative authority no later than 20 days after the elections. If the government is not formed within 60 days after the first request or after the rejection of two requests, the president dissolves the parliament and announces early elections. Parliament can be dissolved only once within a year. Parliament cannot be dissolved six months before the end of its term, nor in the period of mobilization, war siege or emergency.

Protection of Electoral Rights

The election law provides for the protection of electoral rights in the pre-election, election and post-election periods. Procedures and mechanisms for the protection of the electoral law are well explained, but the law lacks explicit deadlines for the resolve of electoral disputes. Appeals against decisions and (in)actions of electoral bodies are to be filed to the senior electorate. Complaint procedures flow through a hierarchical jurisdiction of electoral bodies. Jurisdiction over all decisions and (in)actions of the electoral body that are not explicitly delegated by the election law to specific courts is the responsibility of the administrative department of the Appellate Court. Complaints regarding the ballots are to be filed to the mayor, who has three days to make a decision. This decision may be appealed within five days to the local court, which then has three days to make a decision. Complaints regarding violations of the rules of campaigns are to be filed to the commissions of constituencies or to the police. The election law does not specify responsibilities regarding this issue, nor does it give authority to the commissions of constituencies to sanction persons who violate campaign regulations. The violations of electoral rules of criminal nature are defined in the election law. The violations are investigated under supervision of the prosecution. Although certain provisions of the election law sanction violations with the up to five years in prison, in most cases the verdict is penalty provisions. In practice, the most common procedure for filing complaints and appeals flows from applicant, to the polling station committee, to the relevant commissions of constituencies, to the Central Election Commission and finally to the hierarchical and competent court.

Technical Aspects of the Electoral Process

The Romanian election law does not prescribe the material of which the ballot box should be made. election laws do not prescribe the appearance of the voting booth. As for the ballots, political subjects are sorted numerically on the basis of a lottery. For increased safety, ballots are marked with an electoral seal. The counting of ballots is done manually and continuously until all the votes are counted. The legal framework does not prescribe methods for the inclusion of persons with special needs, and according to the OSCE/ODHIR report, polling stations are rarely adapted for persons with special needs.

31. Russian Federation

The Russian Federation is a parliamentary democracy with an area of 17,125,187 square kilometers. The Russian Federation has presidential, parliamentary and local (which include city and municipal authorities) elections as well as the assemblies for territorial districts. It is a very complex and ramified state structure, composed of parts varying in their level of autonomy. All elections are held separately. Presidential elections are held by a majority two-circuit system, while parliamentary elections are held by a proportional system with closed-lists and an electoral threshold of five percent. The formula used for elections is the Donteï formula. Elections are conducted by the State Election Commission in cooperation with the electoral commissions of the federal units. During the last elections (presidential elections in 2012), there were 36,500 polling stations with a total of 109,860,331 registered voters. The electoral legislation of Russia is divided into multiple documents according to functional and territorial jurisdictions.

Polling Station Committees

Polling station committees have three to 16 members depending on the size of the polling station. Their composition is mixed, as half of the members are nominated by political parties and half of the members are from the voter list. Each PSC has a president and deputy but not a secretary. There are no special criteria for PSC membership. The election law in Russia specifies that judges and prosecutors, as well as representatives of the legislative power cannot be members of a PSC. PSC members are appointed 45 days before the elections. The procedure for the replacement of members is not specified, but the deadline of their replacement is at least 10 days before the elections. The duties of the PSC members are quite broadly defined. PSCs are responsible for performing tasks before the elections, during the election day and after the elections conclude. Some specific competences that PSC members do not have in other countries but have in the Russian federation are: managing the voter register, informing the citizens of time, place and way of voting, familiarizing voters with candidates and deciding upon complaints.

Training for PSC members is mandatory, continuous and carried out by territorial election commissions. The election law does not reveal whether there is a certification process.

Election Deadlines

Election laws and other regulations available quite clearly and precisely determine election deadlines. Elections are announced by the president of the Russian Federation at least 65 days before the expiry of the mandate of the parliament or president. The available regulations for the certification of political subjects emphasize that the political subjects have to submit their nominations for certification 35 days before the election day. This deadline applies to all political subjects including political parties, coalitions and lists of independent candidates. Voter registration is passive. There is no electronic voting, voting via internet or other way of distance voting. Election campaigns start 28 days before the election day and end the day before the elections, when election silence then starts and lasts for 24 hours. Preliminary results are announced the day after elections, while final results are announced five days after the elections. The law provides for local and international observers. The deadline for application of local and international observers is 20 days before the election day. Laws do not provide deadlines for the formation of the government after the conclusion of elections. Also, there are no sanctions if the government is not formed. The institute of early elections does exist in case of early dissolution of the Duma or the resignation of Russian president.

Protection of Electoral Rights

The election laws provide for the protection of electoral rights in the pre-election, election and post-election periods. There are a number of subjects who can file a complaint regarding election irregularities, including: every voter, candidates or their representatives, members of the electoral administration, political parties, members of civil organizations, and observers. There are four authorities that decide on complaints and act upon the appeals addressed by the abovementioned subjects in the Russian Federation, namely: polling station committees, territorial election commissions, the State Election Commissions and the Supreme Court of the Russian Federation. Complaints and appeals are to be submitted only for violations of norms contained in the electoral legislation of the Russian Federation.

Technical Aspects of the Electoral Process

The electoral legislation does not contain information detailing whether the ballot box is transparent. Elections are held separately so there is no need for multiple ballot boxes for one election. The height of the voting booth is determined in a way it should guarantee the secrecy of voting and allow all voters to vote without major distraction. Political subjects are sorted numerically on ballots. For increased safety, ballots are marked with watermarks and other ways (which the State Election Commission decides on in secrecy). Ballot counting is done manually and continuously until all ballots are counted. The election law states that the polling station committee will enable persons with disabilities to vote, but it does not specify in which way such voting takes place.

32. Slovak Republic

The Slovak Republic is a parliamentary democracy that occupies an area of 49,036 square kilometers. The Slovak Republic has parliamentary, presidential and local elections. Presidential elections are held by a two-round majority system. The parliament (National Council) is composed of 150 representatives elected on the basis of proportional representation. The law does not provide for multiple electoral races on the same day. The Central Election Commission (CEC) is responsible for the conduct of elections, and it does its job in cooperation with 50 district election commissions and 5,956 polling station committees. During the last elections (early parliamentary elections, 2012), there were approximately 4,300,000 registered voters.

Polling Station Committees

Polling station committees have at least five members. Their composition is partisan and every PSC member has a deputy. Each PSC has an election official who performs the tasks of a secretary. Everyone has the right to be a member of polling station committee except persons who have been deprived of their active voting right, are representatives or candidates on the lists or members of election commissions. PSC members are appointed no later than 55 days before the election day. There is no specified procedure for their replacement or the deadline by which they need to be replaced. The duties of PSC members are related to the procedures of the elections on election day. The law does not provide for any form of certification or training of polling station committee members.

Election Deadlines

Election laws and other regulations in the Slovak Republic clearly specify election deadlines. The parliament of the Slovak Republic announces elections a minimum of 100 days before election day. Political subjects must submit nominations for certification 90 days before the election. Voter registration is passive. There is voting by mail, and all votes by such means have to be sent no later than one business day before election day.

The election campaign starts 17 days before the election day, while election silence lasts for the 48 hour period before elections. There is no limit regarding the publication of preliminary election results. The law states that the CEC may announce preliminary election results, while final results are announced when the CEC receives all signed summary forms.

The law does not explicitly mention any kind of observers.

The law does not stipulate deadlines for the formation of the government after elections are conducted. Also, the law does not provide for sanctions if the government is not formed. There is an institute of early elections in the election law.

Protection of Electoral Right

Election laws provide for the protection of electoral rights in the pre-election, election and post- election periods. First, the protection of rights is managed by higher election commissions. The final authority on complaints is the Constitutional Court of the Slovak Republic. The right to file a complaint is provided to all political parties and candidates on the lists.

Technical Aspects of the Electoral Process

The law does not define the appearance of the ballot box and does not provide for multiple elections on the same day. The height of the voting booth is not defined in detail and there is no data on whether the ballot boxes are transparent. Political subjects on the ballots are marked with an ordinal number received by alphabetical arrangement. The law does not explicitly detail any security aspects of electoral ballots. Vote counting is done manually and continuously until all votes are counted. The law does not provide for the preparation of polling stations in a way that is adjusted to persons with disabilities, but it provides for the possibility of personal assistance to those who need it.

33. Slovenia

The Republic of Slovenia is a parliamentary democracy with an area of 20,273 square kilometers and 2,053,014 inhabitants. The Law on the Election of Parliament defines the rules for the conduct of parliamentary elections. The Slovenian parliament is composed of 90 members, including 88 elected on the basis of proportional representation and two elected by Italian and Hungarian minorities through a majority preferential system. The Republic of Slovenia is divided into eight constituencies that each have approximately the same number of voters. Each constituency elects 11 members of parliament. The constituencies are divided into 11 districts, each of which can vary greatly in terms of their total number of voters. Two members of the minority are elected from two special constituencies. Parliament is elected for a period of four years. Elections are announced by the president of Slovenia whose mandate is five years.

The electoral threshold in Slovenia is four percent at the national level. Elections are conducted by the National Election Commission, eight commissions of constituencies (plus two commissions of constituencies for the election of members of parliament representing national minorities), 88 district election commissions, 3,649 polling station committees in Slovenia and 34 polling station committees abroad. During the last elections (early parliamentary elections in 2011), there were 3,502 polling stations with a total of 1,709,692 registered voters of which 56,000 were outside of the country.

Polling Station Committee

The precise number of members in each PSC is not defined in the law. Polling station committees are made up of an even number of members, and the exact number is defined on the basis of instructions from the National Election Commission (NEC). The composition of PSC membership is mixed in terms of partisan and non-partisan representative appointments. The president and members of each PSC have deputies. There is no defined function of the PSC secretary. The law defines only the general characteristics of membership in polling station committees, such as: only persons eligible to vote, citizens of Slovenia, no one can obtain functions in more than one electoral body and any member of election administration cannot be a candidate in the elections.

Political parties are required to submit the candidates for PSC membership within 10 days of the announcement of elections. In the case of member

vacancies, officials employed in state or local government fill the empty spaces. The law does not specify a procedure for the replacement of PSC members. The law also does not specify the responsibilities of PSC members, but provides an option to repeat elections in places where election irregularities of law implementation are noted. Also, the law prescribes penalties for violations of the election law. The National Election Commission organizes training for members of election administration.

Election Deadlines

The law on parliamentary elections prescribes that regular elections are held every four years. Regular elections are held no earlier than 175 and no later than 75 days before the expiry of the four-year term of the current parliament. The period between the announcement of the elections and the election day cannot be longer than 90 nor shorter than 60 days. Early elections are held within 40 days after elections are announced. All political subjects wishing to participate in elections should submit their lists to the authorized election commission no later than 25 days before the election day, and they should receive feedback no later than 18 days before the elections. After verifying the registration of political subjects, the NEC publishes the candidate list in the media 15 days before election day. Voter registration is passive. Preliminary voter lists are available to the public 20 days before the election day. Changes to voting lists can be made up to nine days before the elections (10 days for voters abroad) and the final voting list is determined six days before the election day.

There are several methods to vote in Slovenia, including: early voting (between two and five days before the election day), voting by mail (registered no later than 30 days before the election) and voting through consular offices. Persons with special needs can also vote by mail if they inform the competent election commission 10 days before the election day. The election campaign in Slovenia starts 30 days before and ends no later than 24 prior to election day. The precise deadline for the publication of preliminary results is not defined, but the election law makes it clear that the preliminary results are to be released relatively quickly. Laws on parliamentary elections do not define the period provided for the determination of final election results.

The law allows the representatives of candidate lists to be present at the meetings of election commissions and commissioners to be present at polling stations. The law does not explicitly define the possibility of having

local and international observers who are not the delegates of political candidates, neither during the meetings of election commissions nor in the process of voting and counting.

The new parliament should be chosen two months (earliest) to 15 days (latest) before the expiry of the four-year mandate. In the case of the dissolution of parliament, the new parliament should be formed no later than two months from the date of dissolution. The term of the previous parliament ends with the first session of the new parliament, scheduled by the president no later than 20 days after the elections. The law does not define a deadline for the formation of the executive government, but the president can announce early elections in the absence of support for its formation.

Protection of Electoral Rights

The laws on parliamentary elections of Slovenia provide for the protection of electoral rights in the pre-election, election and post-election periods.

Complaints flow from the applicant, to the commissions of constituencies, to the National Election Commission, to the parliament and finally to the Supreme and Constitutional Court. Anyone who thinks that there was an irregularity that may have influenced the outcome of the elections has the right to appeal. Most complaints are resolved within 48 hours to 5 days. The election law of Slovenia stipulates sanctions in case of violations of the election law.

Technical Aspects of the Electoral Process

The election law does not prescribe the form or material of which ballot boxes should be made. Voting booths are designed to provide privacy while voting. Political subjects are numerically sorted on ballots. For increased safety, ballots are marked with serial numbers. Ballot counting is conducted manually and continuously until all votes are counted. Polling stations can be adjusted for voters with special needs if there is a request made to the authorized election commission no later than three days before the election day.

34. Spain

The Kingdom of Spain is a parliamentary monarchy that occupies an area of 504,030 square kilometers. The Kingdom of Spain has parliamentary elections, European parliament elections, local elections and elections for local councils of the Canary Islands. The parliament of the Kingdom of Spain is bicameral, with a lower House of Representatives and upper Senate. Multiple electoral races can take place on the same day with a clearly defined sequence of voting. The Central Election Commission is responsible for the conduct of elections and performs its work with the help of provincial election commissions, regional election commissions and polling station committees. During the last elections (parliamentary elections in 2014), there was a total of 56,000 polling stations with approximately 34.6 million registered voters.

Polling Station Committee

Polling station committees (PSC) have at least three members, of which one is the president. There are two deputies for each member of the PSC, but no secretaries. PSC composition in Spain is non-partisan . The criteria for membership in polling station committees stipulate that a person be no older than 70 and that the PSC president has at least a college degree or a certificate of professional training in the field. Candidates on the lists for elections cannot be members of the polling station committees. PSC members are appointed between 25 and 29 day after elections are announced. There is no specified procedure for the replacement of members, though it must be done is 72 hours before the election day. The duties of PSC members are related to the procedures of elections on election day. The law does not provide any form of certification or training for the members of polling station committees.

Election Deadlines

Election law and other regulations clearly specify election deadlines. Elections are announced by the State Election Commission at least 54 days before the election day. The available regulations precise deadlines for the certification of political subjects in a way that they have to submit nominations for certification between 12 and 15 days after the elections are announced. Voter registration is passive. There is voting by mail.

The election campaign begins 38 days before the election day, and lasts until the start of election silence 24 hours before. There is no deadline on

the announcement of preliminary election results. Thus, it can be concluded that this is the discretionary right of the CEC. The law provides for local election observers.

The law does not provide for deadlines on the formation of the government after the elections are conducted. Also, it does not provide sanctions for failure to form the government. There is no institute of early elections in the election law.

Protection of Electoral Rights

Election laws provide for the protection of electoral rights in the pre-election, election and post-election periods. First, the protection of rights is managed by the Central Election Commission. Other instances of appeal the complaint can be filed with the Supreme Court of Spain. The right to file a complaint belongs to political parties, candidates on the lists, their representatives and proxies and, of course, voters.

Technical Aspects of the Electoral Process

The law does not define the appearance of the ballot box. The law provides for multiple electoral races on the same day but not whether there is a separate ballot box for each instance. The height of the voting booth is not defined in details. The law does not specify whether political subjects are numerically sorted on ballots. The law also does not explicitly specify any types of safety measures regarding the appearance or content of ballots. Vote counting is done manually at the polling station. This process is continuous and lasts until all ballots are counted. The law does not provide for the adjustment of polling stations to persons with disabilities, but it provides for the possibility of personal assistance for persons need it.

35. Serbia

Serbia is a parliamentary democracy with an area of 88,361 square kilometers. The country has parliamentary, presidential and local elections. Presidential elections are held by a two-round majority system. The parliament of Serbia has 250 representatives who are elected on the basis of proportional representation using closed lists. The election threshold is five percent, but this does not apply to minority lists. The law provides for parliamentary and presidential elections to be held on the same day in special situations. The Republic Election Commission (REC) is responsible for the conduct of elections and it does so with the help of 26 regional coordinators and 8,387 polling station committees. During the last elections (early parliamentary, 2014), there were over 6,700,000 registered voters.

Polling Station Committees

Polling station committees have at least three members during parliamentary and presidential elections and at least five members during local elections. PSC member composition is mixed, and each PSC has a president as well as an electoral official who performs the role of secretary. Everyone has the right to be a member of PSC except: persons who have lost their active voting right and persons closely related to candidates by blood or law. PSC members are appointed at least 10 days before election day. The procedure of their replacement is not specified in the electoral law and neither is the deadline by which this must be done. PSC member duties are related to the procedures of election day. The law does not mention any form of certification for members training.

Election Deadlines

The election law and other regulations available clearly specify election deadlines. Elections are announced by the president of Serbia a minimum of 45 days and a maximum of 90 days before election day. The available regulations do not precise the certification of political subjects. Voter registration is passive. An exception to passive voter registration occurs during the 15 days before elections when all changes must be made by active registration. The law does not provide for voting by mail.

Media silence lasts for 48 hours including the day of elections, while the exact date permitting the beginning of election campaigns is not specified. There is no deadline regarding the announcement of preliminary election

results. The REC must publish the final electoral results within 96 hours of polling station closure.

The law does not specifically provide for election observers.

The law does not stipulate deadlines for the formation of the executive government. The deadline for the formation of legislative government is within 30 days of the announcement of the final election results. Also, the law does not provide for sanctions on the failure to form the government. There is an institute of early elections provided in the election law.

Protection of Electoral Rights

Election laws provide for the protection of electoral right in the pre-election, election and post-election periods . Complaints are first managed by the Republic Electoral Commission and the final electoral right authority is the Administrative Court. The right to file a complaint applies to each voter, candidates and political party.

Technical Aspects of the Electoral Process

The law stipulates that the ballot box must be made of transparent material. The law does not specify the number of ballot boxes required cases of multiple elections on the same day. The height of the voting booth is not defined in detail. Political subjects are numerically sorted on ballots. The law provides that the ballots are to be printed with a watermark by a printing company selected in advance. Vote counting is done manually and continuously at each polling station until all votes are counted. The law does not provide for the adjustment of polling stations to persons with disabilities, but it provides for the possibility of personal assistance for persons who need it.

36. Sweden

The Kingdom of Sweden is a constitutional monarchy with an area of 449,964 square kilometers and 9,415,295 inhabitants (2009). The election law defines the rules for the conduct of elections for parliament (Riksdag), counties, and municipalities as well as for the election of members of the European Parliament. All elections, except European Parliament elections, are conducted on the same day. The head of state is a king or a queen who has ceremonial duties and functions without executive power. The Swedish parliament is a unicameral body consisting of 349 members elected for 4 year terms. Out of 349 seats, 310 are fixed (open lists) while the remaining 39 are adjusted to ensure the greater proportionality with regard to the distribution of seats at the national level. The election threshold in Sweden is four percent at the national level and 12 percent at the constituency level. Elections are carried out by the Central Election Commission (CEC), 21 regional/district administrative committees and 290 municipal election commissions. There is no hierarchy between these levels and each has special authority. Complaints regarding election results are reviewed by an eight-member commission on election monitoring that is appointed by the newly elected parliament. The chairman of this commission must be a qualified judge, not a member of parliament. The decisions of this commission are final and cannot be appealed. During the last elections (parliamentary elections in 2014), there were about 6,000 polling stations and a total of 7,330,431 registered voters.

Polling Station Committees

The election law stipulates that the number of members of polling station committees (PSC) should be sufficient enough to enable smooth election implementation. At least four PSC members are appointed. The election law in Sweden does not clarify the composition of polling station committees. Each PSC has a president and deputy, though the function of a secretary is not defined. The election law of Sweden does not define criteria for membership in polling station committees nor timeframes on PSC membership selection. Also, the election law does not define procedures to replace polling station committee members nor their responsibilities or duties.

Municipal election commissions are responsible for the recruitment and training of polling station committee members as well the set-up and preparation of the polling location.

Election Deadlines

The election law of Sweden provides for elections to be held every four years in the third week of September. In the case of early parliamentary elections, the government decides on the election date. All political subjects wishing to participate in elections are obliged to inform the CEC by the last day of February in the election year. Voter registration is passive. Voting lists are regularly updated by the tax administration. Voting lists are available to the public 30 days before the election and the deadline for submission of requests for changes is 12 days before election day. All people on the list will receive ballots within 18 days. Voting by mail is possible if the person registered 45 days before the elections. Voting via mobile election commission is done at the earliest 24 days before the election Day. All votes by mail must be delivered before the voting period expires.

The election law does not define the lengths of election campaigns or election silence. The precise deadline for the publication of preliminary results is not defined. The election law stipulates that PSC members publicly count the votes immediately after the end of voting, and that such results function as the preliminary election results. Election commission members meet to examine and count the ballots that were not counted by PSC members on the first Wednesday after election day. Final vote counting is conducted by regional/district election commissions on the Monday after elections. Final electoral results can be announced 10 days after the end of voting. The election law does not recognize local or international observers. Counting procedures are public and available to anyone upon request. The new parliament should be chosen within 15 days of the elections. The executive government is formed by the prime minister and if the new parliament does not receive four times the support for the formation of the government, early elections for the parliament will be announced.

Protection of Electoral Rights

The election law provides for the protection of electoral rights in the pre-election, election and post-election periods. Complaints flow from the applicant, to the respective regional/district administrative commission to the Commission for Election Monitoring. Anyone who thinks that there was an electoral irregularity that may have influenced the outcome of the elections has the right to appeal. Complaints are typically settled

immediately upon receipt. The final authority for complaints is the Commission for Election Monitoring, which is composed of judges and appointed by the parliament. Its decisions are final cannot be appealed. The election law does not provide for penalties in cases election law violations.

Technical Aspects of the Electoral Process

Sweden holds parliamentary, district and local elections on the same day. The election law does not define the shape or material of ballot boxes. Ballots are different colors depending on the level of government. Voting booths provide privacy during the voting. Political subjects are sorted numerically on ballots. Ballot counting is conducted manually and continuously until all the votes are counted. Polling stations are usually adjusted for persons with special needs. In the case that there is no adjusted access, members of the respective polling station committee can collect such votes outside the polling station.

37. Switzerland

Switzerland is a country of parliamentary democracy with an area of 41,293 square kilometers. The Swiss Confederation has parliamentary and local elections in its 26 cantons and 2,516 communes. The Federation Parliament consists of two chambers, the National Council and the Council of State. Parliamentary elections are held every four years. Federal election laws apply only to the elections of representatives elected to the National Council. Cantons pass laws governing the elections of representatives elected to the National Council. Cantons also pass laws governing the elections of representatives to the Council of States. The National Council is composed of 200 representatives who are elected using a proportional system (in most cantons). The number of representatives elected by each canton depends on the population within the canton. The Council of State is composed of 46 members, and election conduct for members of this house is totally dependent on the legislation passed by the individual cantons. Cantons generally use a majority voting system during which there is a second round if no candidate in the first round wins 50 percent of votes.

The Federation Council, which is the representative body of the Swiss Confederation, is composed of seven members/ministers elected by the members of both parliamentary houses. Furthermore, each canton separately sets rules regarding how the governing will be divided between cantons and communes within each canton. Communes can choose their own parliament or make decisions via direct through local councils and town meetings. Federal law does not provide for different elections organized on the same day even though it can happen in practice. During the last elections (parliamentary elections in 2011), a total of 2,485,403 of 5,124,034 registered voters voted.

Polling Station Committees

Each polling station committee (PSC) should consist of a minimum five members. This number can be increased in accordance with the requirements of the electoral area and the volume of work that the PSC manages depending on the number of voters in a particular polling station. In some cantons, PSC members are elected from political parties while in other cantons they are elected randomly as a member of the PSC.

PSCs in Switzerland have secretaries. The law expressly prohibits spouses and their children, their respective spouses, siblings and their respective spouses to be at the same polling stations as members of the PSC. In the

cantons in which members are elected randomly, persons who have reached 60 years of age or persons who are ill or injured have the right to complain on such a decision and be excluded from their obligation. The general provision is that the person who is elected to act as a member of PSC is required to accept the position. The law does not precise when PSCs must be formed in relation to elections. PSC member duties are mainly related to the implementation process of election day, without interference on other issues, which also depends on cantonal election laws.

Election Deadlines

According to federal election law, cantons are obliged to announce elections at least seven days before the election day. Election dates can be announced between August 1 and September 30 in the election year. Cantons are obliged to inform the federal government on the day chosen by March 1 of the election year. It is desirable that the date of election day is agreed upon by the cantons, but it is not mandatory. The cantons are also responsible for the publication of election day and other details regarding the day that are a part of their responsibility.

As for the nomination of political subjects in Switzerland, it is interesting that there are no formal lists of candidates. Ballots are filled by manually entering the data of the person to whom the voter wants to give his or her vote. This means that every citizen in the election area is also a candidate for the election although he or she did not register before. However, in practice there are usually a few well-known candidates who people vote for. In other cantons, candidates must submit their registration to the government within a month of August 1 to September 30 of the election year. The exact date until applications are accepted is determined by each canton. Voter registration is passive.

Switzerland allows voting by ballots, mail and the internet. Additionally a traditional way of voting by showing hands at the square is used in two cantons. Voting by mail is very popular and a total of 85 percent of voters cast their votes this way. The relevant authorities give instructions to post offices for this type of voting and make special plans to send voting so that they are delivered to citizens in time. Citizens living abroad can vote via the internet for national elections. For local elections this system of voting is provided in 11 of the 26 cantons. Electronic voting was conducted in two cantons, but most cantons returned to the system of voting by ballot for safety reasons.

Federal election law does not regulate the durations of the election campaigns, so such rules depend on the canton. Thus, there are big differences in the durations of the campaigns between cantons.

Federal election law does not expressly provide for the existence of observers, but it also does not prohibit it. Some cantonal electoral laws provide for the existence of observers who are members of political parties or non-partisan. Overall, elections are rarely or entirely not observed by local non-partisan observers. It is assumed that such a practice exists because there is a great confidence in the electoral bodies.

Cantons announce the results of local elections in the official gazette no later than eight days after election day. The results are also sent to the federal government, which responds to complaints filed. After settling all complaints, the government announces the final election result. There are no general deadlines for the formation of the government or any penalty for such conduct. The formation of the government typically runs without any major problems. Early elections are announced by the Council of the Federation in accordance with the provisions of the constitution of the Federation in case of a decision to revise the constitution. The proposal to initiate early elections may be filed by the people, either of the two parliamentary houses or the assembly of the parliament by decree.

Protection of Electoral Rights

The general deadline for an appeal is 20 days from the date when the party whose right was violated discovered such violation. Specific deadlines set for certain violations of individual rights can vary, so the deadline for filing a complaint regarding the register of voters is three days. The relevant authority should resolve all complaints before the end of elections. The total framework for resolving complaints lasts 10 days. The appeals process is taken to Supreme Court of the Federation for decisions made by cantonal authorities. Other provisions concerning the protection of electoral rights of voters are, apart from the election laws, also in criminal laws and the law that regulates the conduct of the Supreme Court of the Federation. For example, in the canton of Zurich, the right to appeal a violation of electoral rights belongs to voters, members of local government and persons who have legal interest in resolving a concrete case. The complaint must contain the facts that made the complainant believe that his or her rights have been violated. The complaint is submitted to the relevant cantonal council in the

case of smaller noted irregularities and to the State Council in the case of violations to the right to vote.

Technical Aspects of the Electoral Process

The implementation of multiple elections on the same day is not explicitly provided by the law. However, due to the large number of elections held in Switzerland, it can happen that multiple elections are held on the same day. In this case (in the example of the canton Wallis), the same ballot box is used and votes are divided and classified during the counting process. Most of the ballot boxes in cantons are non-transparent and grey, except in the two cantons where voting is done by raising one's hand publicly in the square. In this case, ballot boxes are not needed.

Details regarding the appearance of the voting booth are not strictly defined. Simply, what is important is that the voting booths need to provide secrecy and be equipped with everything necessary for voting. Cantons have the authority to regulate the way ballots look and whether political subjects are sorted numerically or there are certain security marks. For example, canton Zurich sorts candidates numerically. In any case, it is interesting to note that Switzerland has a very specific system of voting which provides voters with the option to change proposed names on candidate lists for political parties or a coalition. This means that voters can form their own list of proposed candidates from different political parties, which they can write on the blank piece of paper given to them with the rest of electoral material.

During federal elections Switzerland conducted two pilot projects regarding electronic voting which. Even though such voting passed without major problems, it was shown that there are both legal and technical shortcomings. Thus, most cantons returned to voting by ballots. Election turnout is very high. In the Schaffhausen canton, the election law provides for fines for persons who do not vote.

Vote counting is done manually after polling stations are closed. Votes received by mail are counted the day after the elections. Counting centers are formed for vote counting at the municipal levels. After voting is done and the polling stations are closed, election material is sent to a counting centre. The degree of vote counting security is different depending on the canton. For example, in the canton of Bern, envelopes are passed from the hands of one voting team to the hands of another voting team that has to

sign it. In the canton of Geneva, votes are counted separately by two teams that enter the results into a computer. The results are compared during the final determination.

Persons with disabilities are obliged to inform local authorities on their needs before the elections in order for PSC members to adjust the polling station or find another way that will allow the respective individual to vote. An interesting option of voting is voting by other persons. A voter who, for health reasons, is not able to come to the polling station can fill in the ballot, give it to another person with his or her medical documentation confirming their inability to go to the polling station along with his or her voting identification card so the person can cast the ballot into the ballot box on election day.

38. Turkey

The Republic of Turkey is a parliamentary democracy with an area of 780,580 square kilometers. Turkey has presidential, parliamentary and local elections. All elections are held separately. Presidential elections are held by a majority, two-circuit system, while parliamentary elections are held by a proportional system through closed lists with a 10 percent electoral threshold (the Dontei formula is applied). Local elections are conducted by a majority system for mayors and by a proportional system for representatives of municipal, city and regional assemblies. Elections are conducted by the Central Election Commission in cooperation with territorial and local election commissions. During the last elections (parliamentary elections in 2015), there were more than 31,000 polling stations and a total of 53,741,838 registered voters.

Polling Station Committees

Polling station committees (PSC) have 13 members who are representatives of political parties and political subjects. There is no function of a secretary in Turkish PSCs. There are no special exclusive norms regarding criteria for membership in PSC. The election law of Turkey explicitly stipulates that soldiers, members of the parliament and electoral candidates cannot be members of a PSC. The law does not specify deadlines by which the PSC should be formed. Every PSC has six substitute members in addition to its six regular members. If any of the regular members are prevented from performing their duties, this role is then overtaken by a replacement PSC member.

According to the Turkish election law, the duties of members of polling station committees are exclusively related to the election day. Outside of election day, PSC members they do not have any duties.

The election law of Turkey does not provide information on the training of polling station committee members or whether there is a certification procedure for such.

Election Deadlines

Election laws and other regulations available precisely and clearly define election deadlines. Elections are announced by the president of Turkey 90 days before the election day. The available regulations show that the deadlines for certification of political parties are specified in a way that

political subjects must submit nominations for certification at least 55 days before election day. This deadline applies to all political subjects including political parties, coalitions and independent candidates. Voter registration is passive. The law does not specify whether there is voting by mail or other forms of distance voting, but there is voting by mail according to ODHIR reports. Election campaigns lasts 10 days before elections and election silence lasts 13 hours (from 6 pm on the day before the election until the opening of polling stations). Preliminary results are published the morning following election day, while the final results are published no later than 15 days after the elections. The election law provides for local observers but does not provide for international or foreign electoral observers. The election law does not precise the exact deadline by which political subjects should file applications for their observers. The law does not provide any deadlines on the formation of the government nor sanctions if the government is not formed. There is an institute of early elections in Turkish legislation.

Protection of Electoral Rights

The election laws provide for the protection of electoral right in the pre-election, election and post-election periods. Voters, authorized representatives of political parties, candidates, observers, and members of the senate and assembly can file an objection or complaint to the election administration. Polling station committees, district election administrations, provincial election commissions and the Supreme Court decide upon such objections and complaints depending on their scope. The electoral legislation of Turkey is extremely rigid regarding sanctions for violations of voting rights. The election law recognizes more than 25 different offenses on violations of electoral will that are prescribed in criminal laws. Penalties for such offenses range from fines to prison sentences.

Technical Aspects of the Electoral Process

The election law does not specify whether ballot boxes are transparent. Turkey does not hold multiple electoral races on the same day, so there is no need for the existence of several ballot boxes. The height of the voting booth is determined in a manner that guarantees confidentiality and security of the voting process. The election law of Turkey does not provide information on whether political subjects are sorted numerically on the ballots. For increased safety, ballots are marked with a watermark of the

Republic of Turkey. It is also possible for the authorities to protect ballots in other secret ways. Ballot counting is done manually and continuously in public until all of the votes are counted. The election law of Turkey does not provide for the existence of technical equipment that would facilitate voting for people with disabilities, but the law states that people with disabilities can use the help of their relatives during the voting.

39. Ukraine

The Republic of Ukraine is a country of parliamentary democracy with an area of 603,700 square kilometers and 46,710,816 inhabitants (2006). The law on the election of Ukraine representatives regulates the preparation and conduct of parliamentary elections. Parliamentary elections are separated from presidential and local elections. The Ukrainian parliament is unicameral and has 450 members. Members of the parliament are elected by a combined electoral system in a way that half of the members are elected by a proportional system of closed lists in one unique national constituency and the other half of members are elected within their districts with a plural system and single round of voting. The mandate of the parliament is five years. The electoral threshold in Ukraine is five percent. Elections are conducted by the Central Election Commission (CEC), 225 district election commissions and 33,762 polling station committees (of which 116 are abroad). During the last elections (parliamentary elections in 2012), there were 33,762 polling stations with a total of 36,163,839 registered voters.

Polling Station Committees

Polling station committees can vary in size from 10 to 18 members, 14 to 20 members or 18 to 24 members depending on the size of a given polling station. If a polling station has less than 50 voters, the polling station committee can be composed of only a president, secretary and two to four committee members. Membership in polling station committees is reserved for political parties and members appointed by election candidates. PSCs in Ukraine have secretaries. Members of polling station committees can be persons appointed by parliamentary political parties, political parties that have candidates on the electoral lists and members appointed by independent candidates at the elections. PSC members must be persons entitled to vote. Regulations prohibit the following categories of persons from PSC membership: : election candidates, persons authorized on behalf of political organizations, persons authorized by candidates, officials of executive authorities, court staff or political institution staff or criminally responsible persons. PSCs are formed at least 31 day before the election day. In the case of early elections, the deadline for the formation of a PSC is no later than 15 days before the election day.

The duties of PSC members are related to the conduct of elections on election day and voter invitation delivery to all constituent members. In the case that a voter is unable to vote on the set date at the polling station, he or she should inform the PSC in order to vote from home at least 15 days

before the elections,. The training of PSC members is organized and implemented by district election commissions.

Election Deadlines

Regular elections for the Ukrainian parliament are conducted every five years on the last Sunday in October. Early elections are held on the last Sunday after 60 days from the presidential decree announcing early elections expires. The deadline for the certification of political subjects is 75 days before elections, and the response by the competent election commission should arrive within five days of receipt of such request. Voter registration is passive. The deadline for the announcement of the preliminary voter list is no later than 20 days before elections, and a final version of the voting list must be made at least two days prior to election day. Special categories of voters are required to notify the commission no later than five days prior to election day of their voting. request In the cases of voters who are not able to go to the polling station, a request for the deployment of the mobile polling station committee should be submitted no later than noon on the Saturday before election day.

Election campaigns begin no later than 91 days before elections and end 24 hours before the election day. The election law does not define the publications of preliminary results. Final results are announced by the CEC no later than 15 days after the elections. The election law provides for non-partisan local and international observers to observe the electoral process. Local civil society organizations that wish to participate in the electoral process are required to register no later than 60 days before the election day, and the CEC is obliged to respond to this request within 10 days. International observers are to apply for election observation registration no later than seven days before elections, while a decision on the request must be made no later than five days before election day.

The law provides for the formation of legislative government no later than 30 days after the announcement of the official election results. The parliamentary majority, shall, within a month of the first session, file the candidacy for prime minister to the state's president. The president has the power to dissolve the parliament in the following cases: inability to form a parliamentary majority within 30 days of the parliament formation, resignation of the government and the inability to form a new cabinet within 60 days or if the parliament is unable to start sessions within 30 days

of the elections. Parliament cannot be dissolved six months before the end of its term.

Protection of Electoral Rights

The election law provides for the protection of electoral right in the pre-election, election and post-election periods. The election law provides for two ways of addressing election-related disputes: through election commissions and through the court. In accordance with the law, appeals against decisions, actions or failures to act by the election commission or its members may be submitted to the relevant district election commission or the Central Election Commission. Political subjects and their representatives or formal observers may also file a complaint regarding violations of electoral laws by polling station committees. Also, all political subjects may contact their district election commission and polling station committees before going to the authorized court. CEC decisions can be disputed through an appeal to the High Court of Appeal. Appeals then move to the Kiev Court of Appeal. Appeals against political subjects and official observers can be made in district administrative courts. As a general rule, complaints may be filed no later than five days from the incident and their respective decisions are to be made within two days of receipt. Law enforcement agencies also play an important process in Ukrainian election legislation. If a violation of the election law concerns the criminal procedure code of Ukraine, Ukraine election laws prescribe a series of articles regulating penalties, both for members of election administration as well as all others.

Technical Aspects of the Electoral Process

Based on the election law, a ballot box should be transparent and its size should be approved by the CEC. The election law also prescribes that the voting booth should ensure privacy during voting. Political subjects are sorted numerically on ballots on the basis of a lottery. Additional security issues concerning ballots are defined by the CEC. Ballot counting is conducted manually without interruption until all the votes are counted. The legal framework says that there can be special polling stations for persons with special needs and that these people can also ask for help.

40. Uzbekistan

The Republic of Uzbekistan is a unitary, constitutional, presidential republic composed of 12 provinces, an autonomous republic and capital with a total area of 448,978 square kilometers.

The Republic of Uzbekistan has presidential, parliamentary and local elections. Each election is held separately. Parliamentary elections are conducted in the lower house (Oliy Majlis) and upper house (Senate). Members of the lower house are elected in a way that each constituency elects one member, 84 of 100 members are elected by the 12 regional councils and 16 members are directly elected by the president of the Republic of Uzbekistan. Elections are carried out by the Central Election Commission (CEC) in cooperation with 135 district constituencies and over 9,000 polling station committees. During the last elections (parliamentary elections in 2014), there were 9,035 polling station committees in the country, 44 polling stations in 36 countries abroad and a total of 20,789,572 registered voters.

Polling Station Committees

Polling station committees have between five and 17 members consisting of a president, vice president, secretary and additional members. The polling station committees that have less than seven members have a president and secretary, though no vice president. The PSC composition is non-partisan and each PSC has appointed deputies.

Membership criteria for PSC membership is not clearly stated. The election law only defines the procedure by which the choice between the proposed candidates are made and states that the PSC members will be respected members of the community from which they arrive. PSC members are appointed no later than 40 days before elections. The replacement procedure is not listed in the available regulations nor is the deadline by which PSC members can be replaced. PSC member duties are related to the procedure of election day and include: making voters register in a certain area, announcing the voter register, receiving envelopes with the votes of voters who are not able to come to the polling station and informing the public of the election day and polling station locations.

The law does not provide for any form of certification or training modes of polling station committee members.

Election Deadlines

The election law and other regulations available clearly define election deadlines. Elections are announced by the CEC at least three months prior to the expiry of the term of the previously elected representatives.

The available regulations for certification of political subjects specify that candidates have to file nominations for certification at least 65 days and no later than 45 days before the election day. The method of voter registration is not elaborated in detail in the law. However, the law states that the deadline for the registration of voters in foreign missions, hospitals and inaccessible places is seven days before the election day. The law does not explicitly mention voting by mail. Election campaigns last from the day of the electoral announcement. There cannot be any kind of campaign on the election day. There are no deadlines specified for the publication of any preliminary or final results.

The law provides for domestic election observers. Deadlines for the formation of the government after the elections are conducted are not visible from the available regulations. Also, the law does not provide sanctions for failure to form the government. There is an institute of early elections and it is elaborated in the election law.

Protection of Electoral Rights

The election laws provide for the protection of electoral rights in the pre-election, election and post-election periods. Protections in the first instance are provided by the higher election commission while in the second instance complaints or appeals (if possible) are brought to the higher election commission or in extreme cases are taken to court. The right to file a complaint refers to any political party, candidate on the list, candidate's representative, observer and voter.

Technical Aspects of the Electoral Process

The law does not define the appearance of the ballot box and does not provide elections of different levels on the same day. The height of the voting booth is not defined in detail. As for the ballots, political subjects are not marked numerically. The law does not clearly provide for any kind of additional ballot protection (for example watermark, special paper, etc.) Vote counting is done manually and continuously at each polling station

until all votes are counted. The law does not contain any special provisions that oblige the election administration to prepare polling stations in a way that is adjusted for persons with disabilities.



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