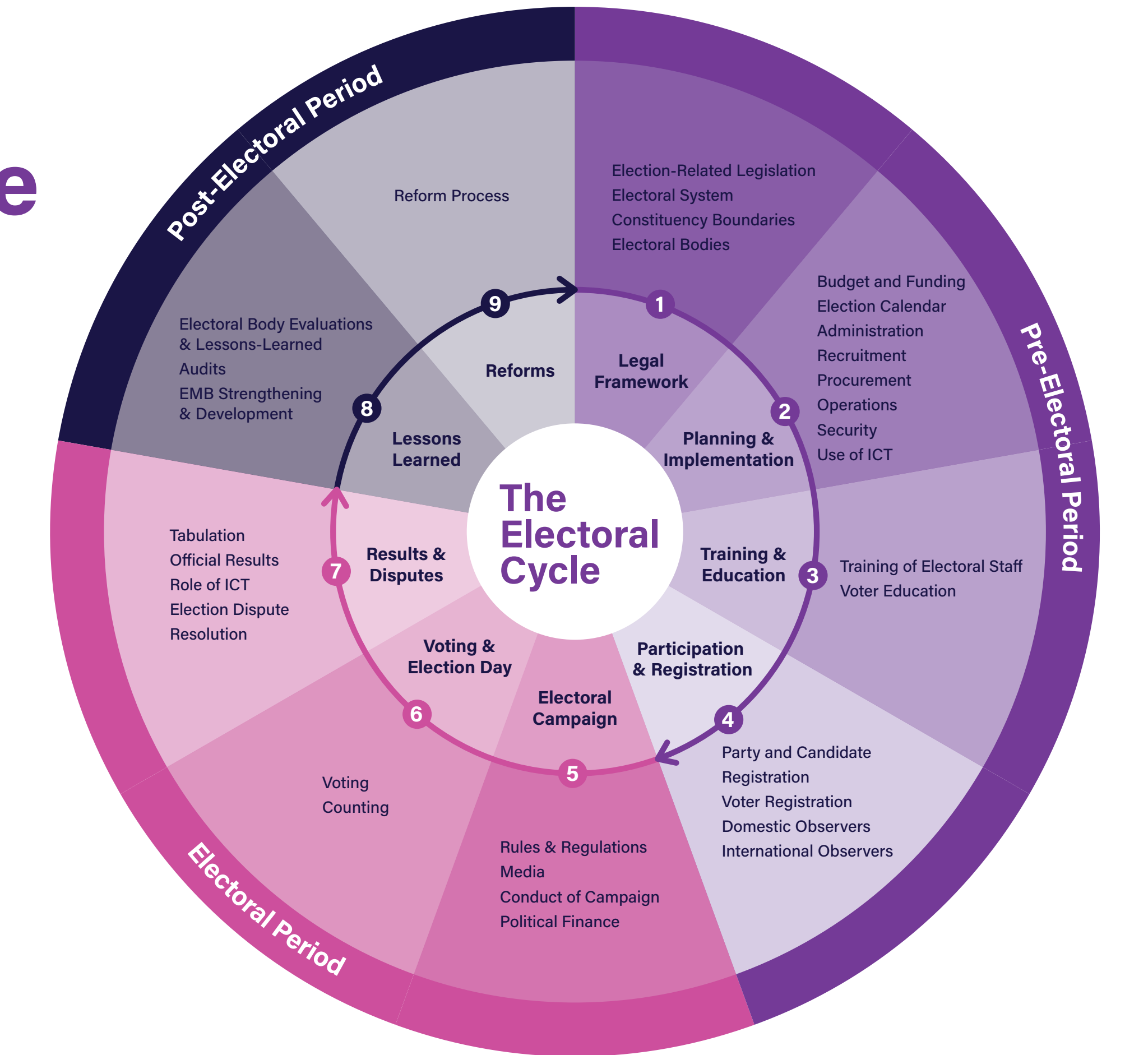# Key Issues and Risks Throughout the Electoral Cycle

The electoral cycle is a way of looking at the electoral process as a continuous cycle of stages. Elections are not a one-off event. As soon as election day is over, in many senses the process towards the next election begins. All steps of the electoral cycle can have a significant impact on the integrity of an election process or the perception of the same.

The aim of this document is to provide an overview of the key elements involved during each stage of the electoral process, providing insight into: (a) the key principles which each element should, ideally, meet; (b) some of the issues and questions which international partners should consider in order to assess each aspect of the process; and (c) what the main risks are to the integrity of an election, including shortcomings related to a specific stage or element in the electoral process.

Electoral systems and laws vary from country to country and it is important for international partners to understand the context in which they operate. The priorities and risk-points will vary between countries as will specific procedures and practices. It is important to understand the specific laws and approach to an election where you are and then apply them to this chart.

Key: | Key Issues | Key Risks

The Electoral Cycle

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- 2 Planning & Implementation — Budget and Funding, Election Calendar, Administration, Recruitment, Procurement, Operations, Security, Use of ICT
- 3 Training & Education — Training of Electoral Staff, Voter Education
- 4 Participation & Registration — Party and Candidate Registration, Voter Registration, Domestic Observers, International Observers

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- 6 Voting & Election Day — Voting, Counting
- 7 Results & Disputes — Tabulation, Official Results, Role of ICT, Election Dispute Resolution

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Pre-Electoral Period

❶ Legal Framework

Election-Related Legislation
- Changes to electoral laws and procedures should not be introduced less than 6 months before the election, and ideally not less than 1 year.
- Legislation must be comprehensive, ensuring clear articulation of electoral rights and responsibilities.

Inconsistencies between election laws, notably if there are multiple laws governing the process or if some laws have been recently amended while related laws have not, can cause confusion and create legal jeopardy. Late changes may also mean confusion among electoral officials, parties and the public as to what the applicable laws are.

Electoral System
- Thresholds for representation must not be an unfair barrier for specific communities/groups.
- The electoral system should not produce an unfair allocation of seats in relation to share of the vote.
- The election must be truly competitive.
- Consideration could be given, where feasible, to special provisions for the participation of women, youth, persons with disabilities and minorities.

If the electoral system creates undue barriers to participation or representation, for instance by having a high threshold to gain a seat or gerrymandered electoral districts, then communities/groups may not be fairly represented and may choose to operate outside of the political system. This may create regional grievances and even conflict.

Constituency Boundaries
- Boundaries must be reviewed regularly to take account of population changes.
- Boundary demarcation must be conducted in an inclusive and transparent manner to ensure consensus on decisions as far as possible.
- Responsibility for demarcation must be clearly attributed, with clear principles established in law.

If electoral boundaries are not fair, for instance if they have been designed to deliberately prevent a group from gaining representation or if there are large discrepancies in District size, then the integrity of the outcome can be undermined.

Electoral Bodies
- Electoral bodies must be established in good time prior to the polls to avoid suspicion and ensure effectiveness.
- Process for appointing senior officers should be transparent and inclusive to avoid the politicisation of selection and a lack of political and public trust.
- Cross-party mechanisms for nomination can be helpful to avoid monopolization of the procedure by the executive.

If the electoral body does not enjoy public and political confidence, due to its composition, the process of appointment or its poor performance, then overall confidence in the outcome can be undermined, which can lead to protests and a lack of confidence in the elected government.

❷ Planning & Implementation

Budget and Funding
- The allocation and distribution of funds to the electoral body must be undertaken in a timely manner to ensure electoral deadlines can be met.
- The process for requesting and receiving funds should not be linked to undue political influence in the legislature/executive.

Failure to adequately fund the electoral process can result in technical failures or failure to meet legal deadlines, for instance if procurement of equipment is delayed, which can jeopardize the integrity of the process.

Election Calendar
- Stakeholders must be informed in good time of electoral deadlines.
- The election calendar helps provide transparency in the process and it must be coherent (in terms of sequencing of electoral stages), compliant (in terms of legal deadlines) and realistic (in terms of timelines and local conditions).

Failure to produce a timely and comprehensive election calendar can undermine confidence in the electoral body and may also raise suspicion regarding the activities of the electoral body.

Administration
- The electoral body can develop a strategic plan, which can outline its mandate, structure, processes and also aspirations in terms of capacity building etc. This can be a useful reference tool for engagement with stakeholders and partners.
- The electoral body should develop an effective communication strategy to ensure it is able to keep stakeholders well-informed.
- Sharing of information and publication of decisions is critical to ensure transparency and to engender trust.
- Creation/utilisation of platforms for stakeholder engagement throughout the process can be critical to ensure consensus, confidence and reduce misunderstandings and tensions.

The way in which an electoral body conducts itself and its relationships with stakeholders can massively impact the level of confidence in the outcome and reduce risks of tension.

Recruitment
- Key stages in the process, such as voter registration and electoral operations, must not be delayed due to delays in recruitment.
- Recruitment procedures must be transparent to ensure stakeholder confidence, meeting established legal criteria.
- Tenure criteria must also be robust to ensure independence of electoral officials cannot be undermined be through threats or undue dismissal.

Failure to ensure stakeholder confidence in the recruitment of officials, including at senior or polling station level, can undermine confidence in the integrity of the process.

Procurement
- Public procurement processes must be respected and all equipment necessary for the conduct of various stages, such as voter registration and polling, must be secured in good time.

Any failures to secure equipment, or legal challenges to the procurement process, can cause delays, undermine the integrity of the election, and undermine confidence in the electoral body.

Operations
- The operational capacity of the electoral body is reliant on timely and adequate funding, recruitment of personnel and a realistic and compliant election calendar.
- Operational planning, for instance relating to identification of polling sites, must take account of accessibility issues.

The success of an election is heavily dependent upon the success of an electoral body's operational capacity to deliver what is required on time.

Security
- Effective cooperation between responsible agencies (electoral body, police, relevant ministries etc) is critical during planning and implementation stages, including for the campaign, polling and post-election.
- The creation of joint bodies, including relevant actors for the country in question, at the national and local levels to coordinate security, respond to incidents and liaise with stakeholders, can be helpful.
- Specific election/human rights training for security agencies can be helpful to raise sensitivity to the task of protecting electoral rights.
- Local conditions will impact how particular security agencies are perceived and this needs to be taken account of in planning.

While ensuring protection of the process is critical, it must be ensured that rules relating to security do not unduly restrict rights and freedoms necessary for the integrity of the process, including freedoms of assembly and movement.

Use of ICT
- Decisions on the use of ICT need to consider local conditions, human capacity and availability of funding to determine the viability and sustainability of the system.
- Decisions also need to factor in how sustainable the costs are for future electoral cycles. Sustainability also requires local ownership of programmes and data.
- The systems chosen need to be suitable for local conditions and take account of local human capacity.
- Stakeholders need to be fully informed, briefed and trained on the respective technologies to ensure political confidence.
- In the case of results transmission particularly, the electoral body must be fully transparent and inclusive in terms of explaining how the system works to the public and political actors.
- Procurement of expensive ICT systems may be prone to corruption and the involvement of foreign companies carries a risk of accusations of undue interference.

The use of ICT can offer technical advantages but change also carries political risk, particularly if there is an underlying lack of confidence in the process. Use of ICT cannot make up for a lack of trust in the process more generally. The introduction of ICT must be managed through a transparent and inclusive change process.

❸ Training & Education

Training of Electoral Staff
- Training is dependent upon the timely recruitment of staff.
- Development of training materials, including polling manual, is dependent upon the finalisation of all rules and regulations relating to the election and polling.
- It can be helpful for stakeholders to be able to monitor training, to enhance both their confidence and awareness.
- Staff should be supplied with easy-to-understand reference materials to support them in all aspects of their work.

Failure to adequately train staff can inadvertently undermine the integrity of the process, as technical mistakes can be perceived as deliberate.

Voter Education
- Voter education needs to be planned in advance to ensure the timely roll-out of activities/information.
- Development of material is dependent on finalisation of electoral rules and regulations and also funding of the electoral body.
- Special planning for particular groups/communities, including women, youth, persons with disabilities, minorities etc should also be factored in.

Failure to adequately inform the electorate in a timely manner can impact on levels of participation which can impact the integrity of the election.

❹ Participation & Registration

Party and Candidate Registration
- The procedures for registration of parties and candidates must be clearly established in law and all outstanding matters must be resolved in good time so as not to impact on other stages of the process, such as the campaign.
- Decisions to deny registration must only be taken when there is a clear breach or failure to respect the rules – the approach should ideally be one of inclusivity as far as possible.
- Where parties conduct primaries, these must be done on a fair and inclusive basis. Flawed primaries can lead to localised tensions and exclusion of particular groups/communities.
- Administrative procedures and requirements, such as signatures or costs, should not be overly burdensome or a barrier to representation.
- Consideration should be given to special groups who may require specific assistance to facilitate participation, including women, youth, persons with disabilities and minorities.

Failure to ensure an inclusive and participatory approach to registration of parties and candidates can impact on the integrity of the process.

Voter Registration
- There are various models for voter registration, but in case an update is undertaken, or a new register is developed, it must be completed in good time so as not to impact on other parts of the process, such as candidate registration, allocation of polling places etc.
- The process for registration must be inclusive, with parties and civil society able to observe, and transparent, with list posted publicly for verification.
- Documentation required for registration needs to ensure a reasonable balance between protecting the integrity of the process but not excluding parts of the population by requiring documents which many may not have or for which there is a cost.
- The rules on voter eligibility must be fair and reasonable so as to ensure universal suffrage.
- Increasingly electoral bodies are enabling voters to check their registration details online, which can enhance the process.
- Final printed lists must be distributed in good time to polling places for use, or if an electronic list is used then the equipment for these must be fully tested and distributed for use.

Failure to create inclusive and comprehensive voter lists will undermine citizen rights and heavily impact on the integrity of the process.

Domestic Observers
- Accreditation should be provided to domestic observers in good time to enable their effective observation of all stages of the process, including voter registration, election campaign and voting/counting.
- Reasonable rights and responsibilities for observers should be determined by the electoral body, outlining the rights of observers, including access to the process.
- Responsibilities can be outlined in a code of conduct, which groups should sign and respect.

Failure to create conditions for the participation and effective observation of the process by domestic observers will impact on the level of transparency and confidence in the election.

International Observers
- In order to enable relevant international bodies to participate, an invitation is usually required, to be issued by a relevant ministry or the electoral body, as appropriate.
- The electoral body may consider creating a mechanism/officer for coordination with international groups to enhance the relationship and sharing of information and data.
- Reasonable rights and responsibilities for observers should be determined by the electoral body, outlining the rights of observers, including access to the process.
- Responsibilities can be outlined in a code of conduct, which groups should sign and respect.

Failure to create conditions for the participation and effective observation of the process by international observers will impact on the level of transparency and confidence in the election.

Electoral Period

Electoral Campaign

❺ Rules & Regulations (Including Codes of Conduct)
- Rules for the campaign may be articulated in legislation and complemented by codes of conduct developed by an electoral body and agreed to by political stakeholders.
- Rules must determine what is permissible in a campaign and what is prohibited.
- Local practices, such as gifting and handouts from candidates, can be hard to prevent. But rules regulating such practices need to be enforced.
- In terms of monitoring compliance and enforcing regulations, the rules must clearly articulate how this will be done and by whom. Commonly it is the electoral body or an official office such as a party registrar.
- Particular attention should be paid to ensuring state/public resources are not misused to the advantage of the incumbent.

Provision of campaign freedoms and the conditions for a free and fair campaign, are integral to the integrity of the election.

Media (Including Digital Communication)
- There should be fair and unhindered access to media for all contestants.
- Public/state media should provide fair and balanced coverage, without undue coverage of the incumbent.
- Whereas private media may charge for advertising, this should be done on a transparent and equal basis.
- Media must refrain from promoting hate speech or incitement.
- Commentary on social/digital media should be equally bound to the need to avoid hate speech or incitement.
- The authorities should ensure that social media providers act responsibly during the campaign to try to prevent misinformation and have mechanisms for monitoring potential abuse and misuse.
- Responses to infringements need to be appropriate, and widescale closure of media or shut down of digital communications is likely unwarranted.

A vibrant and active media is integral to a free and fair election campaign, but it should also be a fair and responsible media cognisant of relevant rules and regulations governing the role of media in an election.

Conduct of Campaign
- Mechanisms for monitoring and enforcing campaign regulations must be established, including the possible use of political party liaison committees.
- Where public resources are provided for campaign events or police permission is required for gatherings, these should be made available on an fair and equal basis.
- Failure to enforce campaign regulations can create a climate of impunity and undermine the integrity of the campaign.

Unaddressed violence and infringement of regulations can lead to tension and impact on the integrity of the process.

Political Finance
- Regulations for political finance should be based on the principles of enhancing accountability and transparency in the process and can include reporting of party and campaign contributions as well as details of campaign expenditure.
- Responsibility for monitoring and enforcing compliance needs to be clearly assigned to a relevant body, which is adequately equipped and resourced for the task.
- Countries may consider campaign spending limits to create a more level playing field.

Failure to regulate political finance, for example by requiring declarations of funding and expenditure, can unduly impact on the integrity of political life and impact also on the fairness of the election campaign.

❻ Voting & Election Day

Voting
- The electoral body must make arrangements for materials and staff to be available at polling sites so that polling can commence on time.
- Polling stations must be accessible for persons with disabilities.
- Voters should be able to find their names on their respective register.
- Integrity checks, such as checking for ID and indelible ink, where appropriate, should be in place.
- Voters should cast their vote in secret, which will require adequate booths and polling site layout.
- Special provisions for assisting persons in need are appropriate.
- There should be adequate security for polling sites and materials.
- Party agents from all parties/candidates and observers should be present to provide accountability and transparency.
- Agents and observers must be free to undertake their duties without intimidation or undue attempts to influence them.

Failure to manage the voting arrangements, in terms of providing materials and following procedures, can have a major impact on the integrity of the process.

Counting
- Observers and candidates' agents should be present for the count.
- Counting must be done transparently so those present can follow the process.
- It is best practice if copies of the result can be shared with those present and also posted publicly at the polling site.
- Materials must be secured prior to transmittal to the next level.

Failure to ensure an orderly, transparent and honest count will seriously impact on the integrity of the process.

❼ Results & Disputes

Tabulation
- As results are tabulated at higher levels, access for stakeholders must be maintained.
- Copies of final results, ideally including breakdown by polling station, must be shared with stakeholders to ensure checks can be undertaken.
- Material must be secured in case of any later dispute.

The tabulation of results is critical for the overall integrity of the outcome, with deadlines respected and accurate, verifiable and traceable figures provided. Transparency and stakeholder engagement must be assured throughout. Results documentation must be secured, as lost or stolen results sheets may undermine the result.

Official Results
- The electoral body must be able to present final results in a coherent manner, ensuring all stakeholders understand how the final result was attained.
- Disputes must be dealt with in an appropriate manner.
- The electoral body should consider mechanisms for sharing the result with the public to ensure full transparency and awareness in a timely manner, including press briefings, online and use of media/social media, as well as formal official processes and announcements.

The manner in which final results are presented is critical for stakeholder confidence. The process must not only be credible and reliable, but it must be seen to be credible and reliable, with fully traceability and verifiability of the final outcome.

Role of ICT
- The electoral body must ensure that its plans for the use of ICT for the transmission and presentation of results enhance rather than limit transparency and confidence.
- Systems must be adequately checked and backed-up and any technical problems fully explained to stakeholders and the public.
- Systems must be secure and auditable.
- In case of a system failure, manual systems, such as the use of paper copies of results, should be available for use.

Failure to meet expectations in the use of ICT in presentation of results can reduce stakeholder confidence in the outcome, notably if there are delays, system failures or poor presentation of the outcome. Contingency planning is vital as is stakeholder engagement and communications.

Election Dispute Resolution
- A procedure for the timely, effective and transparent management of complaints and disputes relating to all aspects of the process, and notably results, is critical.
- The electoral body must have in place a process for receiving and dealing with complaints in a timeline commensurate with the timeline for finalisation of the announcement of results and in accordance with the law.
- It can be helpful to work with stakeholders prior to the election to raise awareness of how complaints should be submitted and how they will be managed.
- In instances where disputes go to the courts then it is critical that there is a coherent process, so complainants cannot go "decision-shopping" and a clear and timely point of final instance.
- In cases where the judiciary is not perceived as independent and is not trusted by a particular political group, then this can cause tension if they do not believe they can receive a fair and just hearing.

Failure to ensure complaints and appeals are managed appropriately, for instance by ensuring complaints are received, considered and determined in a timely and transparent manner, can create serious legal jeopardy for the process, undermine confidence in the outcome and create tension, as can the lack of an independent judiciary to determine petitions.

Post-Electoral Period

❽ Lessons Learned

Electoral Body Evaluations & Lessons-Learned
- Rapid staff turnover is a common feature for electoral bodies, so conducting immediate lessons-learned reviews after an election can be helpful.
- Feedback can then be incorporated into administrative procedures and management processes, and, where appropriate, feedback to parliament on legal prospective legal change.
- Such feedback should encompass national, regional and district level officials, and as far as is practicable polling staff.
- Electoral bodies can also review international and domestic observer reports and recommendations.

If lessons from an election are not identified and acknowledged, then they are destined to be repeated. This can increase frustration among stakeholders and decrease confidence and participation.

Audits
- For instance, the voter register can be audited to ascertain its accuracy.
- ICT arrangements for voter registration, such as biometric registration, can be audited to check for efficiency and reliability based on feedback from polling for example.
- Procurement processes can be audited to assess compliance and effectiveness and cost-effectiveness
- The electoral body's ICT arrangements for results transmission should be audited in terms of the speed and effectiveness of the system and also the extent of public and stakeholder satisfaction with the presentations.

Technical systems evolve rapidly and the electoral body needs to be on top of its needs, identifying where systems worked, where they did not and what new administrative and/or ICT solutions can offer the electoral process.

EMB Strengthening & Development
- The national level body should maintain contact with regional and international bodies in order to benefit from experiences elsewhere.
- Staff should have access to professional development programmes, notably, but not limited to, technical areas of the electoral body's work.
- Honest awareness of the lessons learned from the previous election can be helpful to identify areas of institutional weakness.

Mistakes made in one election may be understandable to some extent, but if they are repeated in the next election then this will be far harder to manage and explain, so it is critical that the electoral body constantly strengthens and develops.

❾ Reforms

Reform Process
- Suggestions for reform can emanate from various places, including recommendations of the EMB, civil society and political parties.
- Many countries face a blockage in not having an identified mechanism to manage reform, or from suggestions being blocked by political interests (for instance in changes to the electoral system or political finance regulations).
- Electoral bodies can take a leading role regarding some reforms, but many require legislative change and so will need to get through a parliamentary process.
- The creation of a national reform dialogue forum, including electoral political and civil society actors, may be helpful. Alternately, creation of a cross-party reform committee in the parliament may be helpful.
- It is important to note that in reality the window for reform is quite small before the spectre of the next elections starts to loom. Also, the process for reform is time consuming. So, time is of the essence, hence the need for an established procedure and timely process.

Failure to reform known issues and problems in the electoral process can lead to frustration and tension at the next poll and repeating past mistakes can reduce public confidence in the democratic process.