
Out-of-Country Voting Study Methodology

Methodology

Objectives

The objective of this methodology is to provide individuals and organizations interested in studying the out-of-country voting (OCV) 2013 presidential elections with a standardized approach for a comparative and consolidated collection of data about its conduct. The value of this exercise is to bring transparency into the OCV process, leverage the scrutiny of the study to promote electoral integrity, and assess the compliance to international standards. While traditional electoral observation methodologies follow the electoral cycle approach and field both short term and long term observers, this methodology focused on Election Day and the tabulation of ballot both critical and steps which can be monitored. Electoral studies can also explore coordinating their activities with representative of candidates expanded depth and coverage.

The activity described here is similar to that of international election observation and defined as follows:

International election observation is the purposeful gathering of information about an electoral process and public assessment of that process against universal standards for democratic elections by responsible foreign or international organization committed to neutrality and to the democratic process for the purpose of building public and international confidence about the election's integrity or documenting and exposing the way in which the process falls short.¹

Election Evaluation Criteria

International electoral standards are embodied in such documents as the International Covenant on Civil and Political Rights (ICCPR); Organization of African Unity's (OAU) 2002 Declaration on Elections; American Convention on Human Rights, Article 23; Protocol 1 European Convention for Protection of Human Rights, Article 3; and the Copenhagen Document from the Committee for Security and Cooperation in Europe (CSCE). These documents generally describe such features as periodic and regular elections; secrecy of the ballot; universal suffrage; and how the right to vote is documented.²

¹ Bjornlund, Eric C., *Beyond Free and Fair: Monitoring Elections and Building Democracy*, Johns Hopkins University Press, 2004, Baltimore, MD, page 40.

² Bjornlund, pages 95 and 96.

For the European Union's (EU's) evaluation criteria, "international standards for elections stem from political rights and fundamental freedoms which are enshrined in universal and regional instruments. These instruments establish legal and political commitments to meet specific standards in relation to elections. EU observers assess an election process in terms of compliance with international standards for elections... These standards relate to the following:

The right and opportunity, without any distinction or unreasonable restrictions, for citizens to participate in government and public affairs through periodic elections, genuine elections, universal suffrage, equal suffrage, the right to stand for election, the right to vote, the right to a secret ballot, the free expression of the will of voters;

The freedom of expression;
The freedom of association;
The freedom of assembly;
The freedom of movement;
The freedom from discrimination; and
The right to an effective legal remedy"³

In another approach, 15 conditional and functional components are defined to comprise any election evaluation framework. These components are:

- Existence of an enabling environment;
- Legal framework of electoral process;
- Delimitation of constituencies;
- Registration of voters;
- Registration of political parties, alliances, and candidates;
- Impartial complaint procedures during the pre-polling period;
- Voter information and education;
- Freedom of assembly and movement;
- Freedom from fear and intimidation;
- Freedom of expression and equitable access to the media;
- Funding of campaigns and use of public resources;
- Electoral preparations;
- Polling;
- Vote counting and compilation of results; and
- Adequate processing of post-electoral complaints and petitions.⁴

'Free and fair' has become a catchphrase of UN officials, journalists, politicians, and political scientists alike."⁵ And, continuing, "The concepts of 'free' and 'fair,' then, must

³ *Handbook for European Union Election Observation*, page 14.

⁴ Boneo/Election Observation

http://www.usip.org/fellows/reports/2004/0527_boneo.html.

be clearly defined and distinguished from other preconditions of democracy. They must also be translated into specific criteria that can be used to evaluate elections. The electoral process itself must be broken down into its component phases, each of which corresponds with certain evaluation criteria.”⁶

Therefore, “Freedom entails the right and the opportunity to choose one thing over another....Fairness means impartiality. The opposite of fairness is the unequal treatment of equals...Thus fairness involves both regularity (the unbiased application of rules) and reasonableness (the not-too-unequal distribution of relevant resources among competitors).⁷

Under this approach, the electoral process is divided into three general periods: 1) before polling day; 2) on polling day; and 3) after polling day. The “Free” evaluation criteria to be considered in each of these periods include freedoms of movement, speech, media, association, assembly, and freedom from fear. Fairness factors include transparency, equality, and independence of EMBs, media access, and political resource regulation. On polling day, the principle freedom is the opportunity to participate; while fairness factors include polling station access, secrecy of the ballot, absence of intimidation, and polling station integrity. After polling day, the freedom factor focuses on electoral justice; while fairness cover the timelines of the count, adjudication of disputes, and acceptance of outcomes.⁸

Election Observation

A Code of Conduct has been developed for international election observers - *Declaration of Principles for International Election Observation* and the *Code of Conduct for International Election Observers*. These documents were “commemorated” on October 27, 2005 at the UN headquarters in New York City. The initiative was funded by the United States Agency for International Development (USAID) and jointly managed by the UN Electoral Assistance Division (EAD), the Carter Center, and the National Democratic Institute (NDI). At the commemoration session, 23 IGOs including the UN Secretariat, international NGOs, and regional NGOs, endorsed the documents.

As the Declaration of Principles states, “International election observation expresses the interest of the international community in the achievement of democratic elections, as part of democratic development, including respect for human rights and rule of law. International election observation, which focuses on civil and political rights, is part of international human rights monitoring and must be conducted on the basis of the high standards for impartiality concerning national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality.”⁹

⁵ Elklit, Jørgen and Palle Svensson, *What Makes Election Free and Fair?*, Journal of Democracy, page 32.

⁶ Ibid, page 35.

⁷ Ibid, page 35.

⁸ Elklit and Svensson, page 37.

⁹ Declaration of Principles for International Election Observation, NY, page 1.

The Declaration of 24 Principles affirms the value of elections in choosing governance, defines the scope of observation activities, imposes standards on the impartiality required of observers, provides guidelines on establishing international to national channels of communication and respect, and commits the endorsing organization to follow these Principles.

Where the Declaration of Principles coalesced institutional commitments, the Code of Conduct requires individual commitments to these Principles. The Code is intended to define acceptable behavioral and attitudinal actions given the electoral context. The Code requires respect for sovereignty, human rights, EMBs, and local laws. It admonishes the observer not to obstruct the electoral process, to provide appropriate identification, to maintain impartiality, to cooperate with other election observers; however, and to refrain from making comments to the public or news media.

Do No Harm

Electoral study or observation mandates may be defined by the source and/or host countries, establishing the parameters of the observation mission access and activities; or the mandate can be open with a generally understood approach to the privileges and limitations of an election observer. As described by one analyst,

International observers generally have no juridical role. Unless they are something more than observers, they have no rights or responsibilities under national or international to referee disputes or intervene in the election process...the role of observers is limited to reporting on their findings and seeking to persuade national and international decision-makers or to influence national or international public opinion.¹⁰

Individuals or organizations seeking to study OCV should contact the relevant government representatives in their country to understand their policy on permitting access to polling stations by interested individual and organizations. Any OCV study would also have to comply with the laws of the conduct where it is being conducted. The access may also be affected by whether the voting is conducted in private facilities or in embassies or consulate. If documentation is require to be credentialed to enter a polling station, then it should be obtained..

¹⁰ Bjornlund, page 37.

Note – the checklist should be set up as a downloadable electronic form

Electoral Study Checklist

General Information

Location of Polling Station _____

Time Visited _____

Number of Voters in Line _____

Number of Poll Workers Present _____

If Present at the Polling Station Opening

Yes No

Did the polling stations open on time? _____

If in a private facility, is the polling stations clearly identified? _____

If at an embassy or consulate, have special entrance arrangement been made to facilitate voters? _____

Were the campaign materials outside of the polling station? _____

Does the polling station appear adequately supplied with equipment and voting materials? _____

Were the ballot boxes empty of ballot upon opening? _____

Are ballot boxes sealed by tamper-evident seals? _____

If Present During the Course of Voting

Yes No

Were candidate representatives present in the polling station other than voters and poll workers? _____

Are there campaign materials inside the polling station? _____

Are voters being required to show identity documents in order to receive a ballot? _____

Do the voting booths allow for secrecy by the voter in casting their ballot? _____

Is there any evidence of chain voting? _____

If Present at the Close of the Polling Stations and the Count

Yes No

Did the polling station close on time?

Were there party representatives present during the ballot tabulation?

Were the ballots accurately counted and recorded?

Procedural Descriptions

How were the poll workers recruited?

What identity documents are accepted as proof of identity?

How are the results of the ballot tabulation recorded and consolidated on a national basis?

Where are the voted ballots stored and for how long are they stored?

Describe the process by which a voter can file a complaint about the voting process.

Election Results

Number

%

Total Number of Voters

Total Invalid Ballots

Presidential Candidate 1

Presidential Candidate 2

Presidential Candidate 3

Presidential Candidate 4
Presidential Candidate 5
Presidential Candidate 6
Presidential Candidate 7

_____	_____
_____	_____
_____	_____
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