



SADC LAWYERS ASSOCIATION

# **ELECTION OBSERVATION AND MONITORING MANUAL**

July 2013



SADC LAWYERS ASSOCIATION

ELECTION OBSERVATION AND MONITORING MANUAL

**Southern Africa Development Community – Lawyers’ Association (SADC-LA)**

**Governance and Democracy Programme**

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## Foreword/Acknowledgements

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**SADC-LA Observers training workshop participants at Protea Hotel 25-26 March 2013**

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## **Chapter 1: Introduction**

### **1.1 Background; SADC Lawyers Association**

The SADC Lawyers Association (SADC LA) is an independent voluntary association made up of Law Societies and Bar Associations of the Southern African Development Community (SADC) region. It has been in operation since August 1999. The vision of SADC LA is the upholding of human rights, the respect for the rule of law, promoting and supporting independence of the judiciary and the protection of fundamental liberties especially for the underprivileged and minority groups.<sup>1</sup>

SADC LA works closely with other international organisations in the legal profession to help influence politicians and decision makers in Southern Africa to help bring about a just society based on the principles of equal opportunity, the rule of law and the independence of the judiciary as a prerequisite for democracy and good governance. These principles are inextricably linked to economic and social well-being of any society.<sup>2</sup>

This election observation and monitoring manual was developed as part of the strategy of SADC LA's work and contribution towards development of just and democratic societies in the region and the promotion of holding of free, fair and credible elections as a key component of good governance and democracy.

### **1.2 SADC-LA and election observation-The basis of civil society's involvement in election observation**

The field of elections has witnessed many changes over the recent decades. Elections have transformed from being a state or government affair to being a peoples' process anchored in set standards for public participation within a country's borders and outside. Within the whole electoral cycle and its attendant activities, election observation and monitoring is now a common practice among national, regional and international organisations. Election observation and monitoring was uncommon before the Second World War but the practice found ground with the new democratic and human rights dispensation that developed in the international community after the war.<sup>3</sup> More specifically election monitoring and observation flourished post the cold war and an early example of the practice in that period was the elections in Namibia in 1989.<sup>4</sup> Initially states observed each other's elections. Now non-state actors and civil society organisations are an important and permanent part of the process of election observation. Increasingly, organisations working on human rights, governance and democracy realise that election observation is a vital component of their work and mandate and they have incorporated this into their regular activities.

The world over, there is the realisation that the holding of regular elections is no longer the hallmark of democracy and good governance but the holding of free, fair and credible elections is what constitutes democracy and CSO observation of elections contributes to the credibility of an electoral

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<sup>1</sup> SADC-LA Constitution and Strategic Plan

<sup>2</sup> Ibidem

<sup>3</sup> For some history on election observation, see David Padilla and Elizabeth Houppert, "International Election Observing: Enhancing the Principle of Free and Fair Elections," *Emory International Law Review* 7 (Spring 1993): 73-132

<sup>4</sup> For detailed description of history of election observation by the OAU/AU see Shumbana Karume and Eleonora Mura, *Reflections on African Union Electoral Assistance and Observation, The Integrity of elections-the role of regional organisations*, (2012) International IDEA

process. Election observers and monitors coming from civil society can be considered as specialized human rights defenders focused on civil and political rights which are central to achieving genuine elections. With the growth of the practice of election observation, many countries around the world now have provisions in their legislations which give a range of actors including CSOs the right/opportunity to observe elections. For example, the Zimbabwean legislation gives the Zimbabwe Electoral Commission the responsibility to accredit observers. The legal basis for election observation through national legislation has facilitated over the years the increase in the number of CSOs election observation missions. In Swaziland the Electoral Boundaries Commission has the responsibility to accredit observers and has done that in all the past elections.

As a key actor in the field of human rights, democracy, governance and rule of law, the SADC-LA, is well-positioned to make its contribution to this work through election observations. SADC- LA has expertise in these subject areas which can be the focus of its elections observation missions in the region. This is a specific niche of the organisation and a value addition to election observation.

### **1.3 What is election observation and what is the purpose?**

Election observation is the process of information gathering, eye-witnessing and on-site fact-finding and making an informed judgement about the credibility, legitimacy and transparency of an electoral process.<sup>5</sup> Election observers can note, identify or recognise an anomaly in the voting process but they are not authorized to intervene in the process. This means that election observers cannot approach electoral officials to point out an anomaly or seek its rectification. Election observation is made and done against set standards with the aim of identifying whether the elections conform to accepted guarantees of democratic participation, identifying flaws and challenges, and also making recommendations on how the process can be improved in the future. Key four processes are involved in election observation and these are:

1. Observe processes and activities organised before, during and after elections - (the period to be covered depends on the length of the mission)
2. Accurately collate facts and observations
3. Interpret the facts gathered against the laws governing elections as well as basic international and regional democratic standards, in order to see whether or not the elections conform to these standards: and
4. Put the findings and their interpretation into a report.<sup>6</sup>

Election observation is done by accredited observers. The common practice is that observers are sent to polling stations throughout a country to make some determination on whether the election was free and fair and met set standards. Often times, election observers are people who have experience in this area and who can make an objective judgment based on a standard questionnaire that is to be used by all observers. While generally election observers are sent to polling stations on Election Day, some organizations with adequate resources, send Long Term Observers (LTO) weeks or months before an election to ascertain election preparation processes and the prevailing environment. When observing an election, a variety of techniques are used including, analysis of legislations, medias and other relevant documents, holding, meetings, discussions and interviews

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<sup>5</sup> PRINCIPLES FOR ELECTION MANAGEMENT, MONITORING & OBSERVATION IN THE SADC REGION (PEMMO) 2003

<sup>6</sup> INEC Guidelines for Election Observation, 2010



with stakeholders and observing conduct of various stakeholders in an election. Comprehensive observation should include an assessment of how all elements of an election process affect women as well as men.<sup>7</sup>

Election observers issue a preliminary statement immediately after and a full report sometimes weeks after an election to express the findings of its observers.

#### **1.4 What is election monitoring and what is its purpose?**

Monitoring an election is different from election observation in that monitors are an integral part of the election process by ensuring that proper procedures are followed during an election. Unlike observers, monitors can have oversight and enforcement powers and are often sent to specific areas to intervene and correct problems immediately, if necessary. Mostly monitors are domestic and are usually deployed or accredited by the election management body of the country. Though this is rare, international monitors can be sent as part of some institutional agreements with the host country. Domestic monitors also come from the political parties or civil society organisations. Election monitoring has the following purposes

Election monitors when deployed can be given specific mandate to look out for particular irregularities and enforce set standards. For example in instances where an area has a reputation for denying women the right to vote, deployed monitors will be asked to ensure that women voters are not turned away and that they exercise their right to vote freely.

#### **1.5 Why election observation and monitoring?**

Election observation and monitoring has become an integral part of the democratic and electoral processes all around the world. Election observation is a valuable tool for improving the quality of elections. International, regional and national observers have come to play important roles in enhancing the transparency and credibility of elections and democratic governance and the acceptance of election results. Election observation and monitoring has the potential to enhance the integrity of election processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving electoral processes for the future. It can promote public confidence, promote electoral participation and mitigate the potential for election-related conflict. Electoral observation and monitoring missions can also play key roles in diminishing conflicts before, during and after elections.<sup>8</sup> The reasons for election observation and monitoring can thus be summarised as follows:

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<sup>7</sup> Women & Elections: Guide to promoting the participation of women in elections: UN, Chapter 7  
<http://www.un.org/womenwatch/osagi/wps/publication/WomenAndElections.pdf>

<sup>8</sup> African Union Election Observation and Monitoring Guidelines,



Adapted from EISA; BRIDGE Project

### 1.6 Who can observe and monitor elections?

Election observation and monitoring is now common around the world and accepted as an international practice. In all democratic elections, there is an expectation that there will be observers and monitors. Various governmental and non-governmental international, regional and national actors can observe and monitor elections. The national legislation for most countries often gives the right to various groups to observe or monitor an election and gives the criteria for qualification and the procedure to follow for accreditation. Legislation of some countries state that the government can invite observers and monitors. In practice governments invite fellow governments and governmental bodies to come and observe and CSOs have to apply for accreditation to the responsible body which is usually the election management body or electoral commission of the country. The following are the different categories of persons and entities that can observe an election:

- Governments
- International organisations include the UN; AU; EU; Commonwealth; Pan African Parliament
- Regional organisation such as SADC; ECOWAS, EAC; SADC-Parliamentary Forum; SADC-Council of NGOs; SADC-Electoral Support Network; EISA; SADC-Lawyers 'Association
- National/Local organisations such as ZESN in Zimbabwe, Swaziland Coordinating Assembly of Non-governmental organisations (CANGO), Swaziland NGO Electoral Support Network, NGOCC in Zambia, SANGOCO in South Africa
- Political parties contesting in an election also have their own observers and monitors

### 1.6 What is observed?

Election observation is a huge task which should not be taken lightly. It is important for observers to know what to observe and what is important to concentrate on as there are so many issues that can be observed in an election. Observer groups can choose to concentrate on specific issues that relate to their mandate. Depending on whether the observation mission is long or short term, there are a plethora of issues to be observed in an election. These include:

<b>The legal and institutional framework</b>	<b>human right violations and election-related violence;</b>
<b>The electoral/political environment</b>	The role and conduct of security agencies
<b>Security arrangements and measures for election officials, candidates, voters</b>	The integrity of the conduct of the poll, including voting, the count, collation, and declaration of result
<b>Management of electoral logistics and distribution of electoral materials;</b>	The resolution of electoral disputes
<b>The integrity of the electoral preparations, including voter registration and voter education, boundary delimitation</b>	The conduct of the Election management body
<b>Media coverage of contesting candidates and parties</b>	The exercise of various freedoms and rights such as freedom of speech, assembly, association
<b>The role of civil society</b>	Post-election environment including litigation of election petitions

The list is not exhaustive but points to some of the key issues for observation. An election observation mission should observe developments and processes on these issues in all parts of the country, not just in the capital city and other urban centres.

## **Chapter 2: International, regional and national norms and standards on elections**

### **2.1 Introduction**

The standards for elections are drawn mainly from human rights law which is enshrined in international, regional and national legal instruments. These instruments establish legal and political commitments for states to meet specific standards in relation to elections. Election observers are supposed to observe elections to see if the electoral processes meet these standards. The instruments have provisions that relate to various freedoms such as the freedom of expression, association, assembly, movement and freedom from discrimination. Broadly international, regional and national law has provisions that relate to the right and opportunity, without any distinction or unreasonable restrictions, for citizens to participate in government and public affairs of their country through periodic, genuine elections.

### **2.2 Universal Declaration of Human Rights (1948)**

The Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly in 1948. The UDHR was a significant post-second world war instrument in that it became the first universally document with rights of the individual in relation to the state. The UDHR was significant in the development of political participation as a universally accepted human right. Specifically Article 21 of the UDHR states that;

- 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.*
- 2. Everyone has the right of equal access to public service in his country.*
- 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.*

The UDHR clearly sets out the right to political participation in the government of one's country and elections were specifically mentioned as one of the methods of participation. The right to political participation, both as a voter and as a candidate is linked to a number of other substantive human rights without which it cannot meaningfully be exercised. These include the freedoms of assembly, expression, association and movement.

### **2.3 International Covenant on Civil and Political Rights (1968)**

The international human rights associated with political participation were further developed in the International Covenant on Civil and Political Rights (ICCPR), which is binding under international law on all states that have ratified the treaty. Most countries in the SADC region including Zimbabwe, Zambia, Malawi and Swaziland have ratified the ICCPR. The ICCPR builds on the right to political participation in the UDHR, detailing the requirements associated with elections that are a key part of this right.

Article 25 states which reads quite similar to article 12 of the UDHR states that

*Every citizen shall have the right and the opportunity:*

- a) to take part in the conduct of public affairs, directly or through freely chosen representatives;*
- b) to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expressions of the will of the electors; and*
- c) to have access, on general terms of equality, to public service in his country.*

Article 25 of the Covenant recognizes and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service. The Human Rights Committee in General Comment 25 states that Article 25 lies at the core of democratic government based on the consent of the people and in conformity with the principles of the Covenant. Participation through freely chosen representatives is exercised through voting processes which must be established by laws. The law regulating elections and their conduct may be subject only to reasonable restrictions, such as setting a minimum age limit for voting. Further article 25 sets out specific provisions dealing with the right of citizens to take part in the conduct of public affairs as voters or as candidates for election. Genuine periodic elections are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them. Further elections must be held at intervals which are not unduly long and which ensure that the authority of government continues to be based on the free expression of the will of electors.

#### **2.4 The UN Convention on the Political Rights of Women (1952)**

The UN Convention on the Political Rights of Women (Political Rights Convention) was adopted well before the conclusion of the debates and negotiations on the ICCPR. The Convention was conceived as the first international law instrument to bring equality between men and women in the field of politics. In 1945 at the end of the Second World War, more than half of the original members of the United Nations did not allow women to vote. Informed by these inequalities, the Convention outlaws discrimination and emphasizes women's right to vote and to hold public office. The Convention affirmed the principles of equality between men and women and non-discrimination which were already enshrined in the United Nations Charter and the Universal Declaration of Human Rights. The Convention which was highly influenced by the work of suffragettes and the global network of women from around the world has a strong focus on three aspects which are; women's right to vote in elections; eligibility for elections; and the right to hold public office and to exercise all public functions.

#### **Brief background to the African Union standards on elections and democracy**

Some of the African Union's first commitments to the promotion of democracy and elections in Africa were expressed in the African Charter on Human and Peoples' Rights adopted in 1981. In the 1990s, the adoption of the Declaration of the Assembly of Heads of State and Government of the Organization of African Unity (now AU) on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World further concretised Africa's commitments. In the 2000s more commitments were made through the 2002 Constitutive Act of the African Union, which enshrined the promotion of democracy as part of the core mandate of the AU. Article 3(g) of the Constitutive Act states one of the objectives of the AU as the promotion of democratic principles and institutions, popular participation and good governance. Further the Lomé Declaration of 2000 on the Framework for an OAU response to unconstitutional changes of government was adopted as

well as the Declaration on the Principles Governing Democratic Elections in Africa in 2002 and the African Charter on Democracy, Elections and Governance adopted in 2007.<sup>9</sup>

## **2.5 African Charter on Human and Peoples' rights (1981)**

The African Charter on Human and Peoples' Rights (African Charter) is the leading human rights instrument on the continent with specific provisions on the right to political participation. Article 13(1) of the Charter states that

*1. Every citizen shall have the right to participate freely in the Government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.*

Like the ICCPR, the African Charter is clear that this right can be exercised directly by the people or through freely chosen representatives. The use of the term freely chosen representatives in the African Charter implies voting for such representatives in free and fair elections. It is noteworthy that the African Charter like the ICCPR incorporated direct democracy as a form of participation.

Although Article 13(1) has a claw back clause which makes participation in the government of one's country conditional to the provisions of the law, the African Commission on Human and Peoples' Rights has over the years issued resolutions, statements and decisions through the communications procedure to strengthen this right albeit with a focus on elections and other forms of participation. From the jurisprudence of the African Commission, a government cannot legally limit or curtail the exercise of the right to political participation and claim this claw back clause in defence. Any limitations if at all in the law have to be reasonably justifiable in a democratic state.

## **2.6 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)**

The Protocol has explicit and strong language guaranteeing women the right to political participation. The Protocol in article 2 gives states the obligation to combat all forms of discrimination against women through appropriate legislative, institutional and other measures. Article 13 which is entitled 'Right to participation in political and decision making processes' enjoins state parties to:

*'take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures...'*

The Protocol also requires states to ensure increased and effective representation and participation of women at all levels of decision-making. Key words relevant to this analysis are increasing the participation of women and also ensuring that there is effective participation in processes of decision making. Interpreting this in the context of elections therefore, states have an obligation to ensure that the electoral environment is conducive to women's participation and key factors have to be taken into account including security, information dissemination, elimination of structural and other barriers to women's participation in election as voters and as candidates.

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<sup>9</sup> For a further analysis of AU's commitments to democracy and election see, Shumbana Karume and Eleonora Mura, Reflections on African Union Electoral Assistance and Observation, The Integrity of elections- the role of regional organisations, (2012) International IDEA

## **2.7 African Union’s Declaration on the Principles Governing Democratic Elections in Africa (2002)**

Though not a legally binding instrument, the declaration presents a very comprehensive aspiration of the African Union regarding the standards for holding of free, fair and democratic elections. Article II (4) states that;

*Democratic elections should be conducted:*

- a) freely and fairly;*
- b) under democratic constitutions and in compliance with supportive legal instruments;*
- c) under a system of separation of powers that ensures in particular, the independence of the judiciary;*
- d) at regular intervals, as provided for in National Constitutions; and*
- e) by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics;*

The Declaration has a long list of obligations for AU member states on elections. In accordance with Article III, member states have an obligation to;

- establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel, as well as competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of elections;
- safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes;
- promote civic and voters’ education on the democratic principles and values in close cooperation with the civil society groups and other relevant stakeholders;
- take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process, in order to maintain peace and security,;
- ensure the availability of adequate logistics and resources for carrying out democratic elections, as well as ensure that adequate provision of funding for all registered political parties to enable them organise their work, including participation in electoral process.;
- ensure that adequate security is provided to all parties participating in elections;
- ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/other observers/monitors;
- encourage the participation of African women in all aspects of the electoral process in accordance with the national laws

Although the declaration is not binding on member states, it gives a comprehensive list of commitments by the AU member states on elections and also sets the standards by which member states are expected to abide by.

## **2.8 The African Charter on Democracy, Governance and Elections (2007)**

The Charter is the most recent attempt by the AU to institutionalize principles of good governance and democratic ideals on the continent. Adopted in 2007 and only came in force in February 2012, the Charter provides specific obligations to AU member states on democracy, governance and elections.

In SADC, the majority of states have not yet ratified to the Charter and that includes Zimbabwe and Swaziland. The 3 countries that have ratified are South Africa, Lesotho and Zambia. The Charter covers many issues among them being: upholding the rule of law, democratic principles of governance, regular free and fair elections, and human rights. It recognises gender equality, multi-party pluralism, the independence of the judiciary, access to information and freedom of the press, citizen participation. Specifically on elections, AU member states re-affirm their commitment to regularly holding transparent, free and fair elections in accordance with the Union's Declaration on the Principles Governing Democratic Elections in Africa. Further in accordance with Article 17, state parties to the Charter are obliged to:

- 1. Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections;*
- 2. Establish and strengthen national mechanisms that redress election related disputes in a timely manner.*
- 3. Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.*
- 4. Ensure that there is a binding code of conduct governing legally recognized political stakeholders, government and other political actors prior, during and after elections.*

Unlike the Declaration cited above, the Charter is a legally binding document on member states. To affirm the importance of holding elections and respecting a democratically elected government, the Charter strongly condemns on unconstitutional change of government and proposes punitive measures for such acts.

## **2.9 SADC Principles and Guidelines Governing Democratic Elections (2004)**

On the 17th of August 2004, in Mauritius, the Southern African Development Community (SADC) leaders adopted the "SADC Principles and Guidelines Governing Democratic Elections". This instrument provides for five main issues which are;

- Principles for Conducting Democratic Elections;
- Mandate and Constitution of SADC Observers Mission (SEOMs)
- Guidelines for the Observation of Elections;
- Rights and Responsibilities of SADC Election Observers; and
- Responsibilities of the Member States Holding Elections

The Principles and Guidelines commit SADC member states to the following practices in electoral processes:

- Full participation of the citizens in the political process;
- Freedom of association;
- Political tolerance;
- Regular intervals for elections as provided for by the respective National



- Constitutions;
- Equal opportunity for all political parties to access the state media;
- Equal opportunity to exercise the right to vote and be voted for;
- Independence of the judiciary and impartiality of the electoral institutions;
- Voter education;
- Acceptance and respect of the election results by political parties proclaimed to have been free and fair by competent national authorities in accordance with the law of the land; and
- Challenge to the election results as provided for in the law of the land.

Despite this long list of principles and guidelines, the SADC document is largely devoted to observation by SADC in the elections of its member states. This document has thus been criticised for leaning heavily towards observation and being rather weak on setting the principles.<sup>10</sup> Further the principles do not prescribe specifics and exactly what the duties and obligations of member states are and is rather vague in some aspects. Despite this critique, the above listed principles and guidelines still provide a standard against which member states conduct in elections can be measured. The same can be used in election observation to assess compliance or otherwise by SADC states.

## **2.10 Other International legal instruments on Elections**

Other universal human rights treaties provide additional standards for electoral processes and the wider environment in which they take place. More specifically, these provide for the principle of equality and non-discrimination which should be observed in electoral processes. These include:

- the International Covenant on the Elimination of Racial Discrimination (ICERD) (1966)
- the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)
- the Convention on the Rights of Persons With Disabilities (CRPD) (2006).<sup>23</sup>

## **2.11 National legislation on election**

Many countries around the world have legislation that governs the conduct of elections. In fact broad legal framework and principles on elections are set out in the national constitutions stating how often elections are carried out and at what levels. Other subsidiary legislation then outlines the process of administration of elections and details of setting up the election management bodies or entities and boundary delimitation. However this legislation is not enough when it comes to elections management and regulation. There is other legislation that is related to elections that need to be considered. This includes laws on the following aspects:

1. Justice and conflict resolution
2. Registration of political parties
3. Media laws
4. Political party financing
5. Human rights protection
6. Legislation on acquisition of identity documents

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<sup>10</sup> Kabelo Matlosa, *Managing Democracy: A Review of SADC Principles and Guidelines Governing Democratic Elections*, EISA, 2004

## 7. Rights of women and minority groups

An election observation mission therefore should search in the law books for all these laws for analysis before making conclusion on whether the legal framework and environment provided the space and opportunity for free and fair elections.

## **Chapter 3: Types of election observation missions**

### **3.1 Long terms observer missions**

It is important to view elections as a process and not just a day or a few days event. An examination of the electoral cycle shows the importance of every phase and the importance of being knowledgeable about the whole cycle when it comes to election observation. A long Term Observer Mission (LTO) is meant to analyse and objectively judge electoral processes for a long time before the Election Day and for a long time thereafter.

LTO missions are deployed to analyse election laws, electoral systems and assess voter registration, election preparations, voter education efforts, and the openness of campaigns. Depending on the resources available to the organization, these observer missions are sent weeks or months before an election. Information is collected through various means, including meetings with election officials, members of political parties, civil society organizations, and representatives of the international community.

International observers are typically less knowledgeable about a country they are observing, and a few may bring their own biases to the observation. For this reason, it is important for international observation to deploy long term missions so that they become more familiar with the context of the country.

In some organizations long term observer missions prepare the ground work for short term missions coming from the same organization to observe the Election Day and counting processes.

### **3.2 Short Term Observer Missions (STO)**

Short-term observers are deployed just a few days before the election to observe the last processes leading to the election but more specifically to observe voting, vote tabulation and announcement of results. Most election observer missions are short-term. STO are given a comprehensive briefing about their role, responsibilities, and expectations immediately upon arrival in a country. They then observe the election and leave a day or two after voting and announcement of results. Observers visit, a number of polling stations on Election Day, where they fill out forms. Form contains general questions, as well as questions related to specific issues that are important for that particular election. Because the time for STO is limited, it is important that the briefing they receive is comprehensive, and that the deployment into the field be done as soon as possible after arrival.

### **3.3 International Observation Missions**

International and domestic observation missions have their respective advantages and disadvantages which observers should be aware of. International observation missions are usually more expensive because of the related costs of travel. They usually cover only a short time period and a limited geographical area. The observers are most often not very familiar with the country's culture or local languages. At the same time the international missions have a high level of comparative election expertise and they often attract media attention both internationally and within the country in question.<sup>11</sup>

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<sup>11</sup> ACE Project 2006

### 3.4 Domestic Observation Missions

Domestic observers are drawn from national civil society and derive their mandate from and are accountable to society. Civil society observation should be distinguished from:

- a. Observation by political party agents who seek to ensure that the interests of their party are being protected.
- b. Observation and monitoring by representatives of the election management body who are only accountable to that authority and seek to ensure that the electoral law, regulations and procedures are adhered to and to bring any administrative problems to the attention of the authority.<sup>12</sup>

Domestic observers have several advantages and disadvantages too. They know the language, culture and context of the country better than international observers. Further they also see things internationals cannot see and they hear the media and are aware of perceptions of family, friends and neighbours on the elections. Domestic observers are passionate about reform and improving the democratic freedoms in their country. Furthermore they are able to observe bigger parts of the election cycle and of the country and they are much less costly than international missions.

Domestic missions can have problems of legitimacy as they can be seen as supporting one side in the election. The fact that the observers live in the country can also be problematic as they can be more susceptible to threats and coercion by political actors.<sup>13</sup> In order to capitalise on the strengths and advantages of each, domestic and international missions may cooperate especially in the data gathering stages of the observation when information can be shared between different groups in a formal or informal way to facilitate analysis and avoid duplication.

The advantages and disadvantages of domestic and international election observer missions can be summarised as follows:

NATIONAL OBSERVERS	INTERNATIONAL OBSERVERS
<b>Knowledge</b>	
<p><u>Advantage</u></p> <p>Knowledge of local languages and customs, familiarity with political environment.</p> <p><u>Disadvantage</u></p> <p>Relatively limited knowledge of electoral matters; limited access to specialized expertise.</p>	<p style="text-align: right;"><u>Disadvantage</u></p> <p>Much more limited knowledge of language and customs, particularly if the observing organization employs electoral rather than country experts, as it seems to be the trend.</p> <p style="text-align: right;"><u>Advantage</u></p> <p>Substantial knowledge of electoral matters and access to a much larger pool of specialized expertise.</p>
<b>Cost</b>	
<p><u>Advantage</u></p> <p>Relatively low cost, and possibility of covering most of the polling stations. No requirements for translation</p>	<p style="text-align: right;"><u>Disadvantage</u></p> <p>Quite expensive, as they involve costs related to international travel, per diem, translators and</p>

<sup>12</sup> BRIDGE Project, Election observation module, 2005

<sup>13</sup> ACE Project, 2006

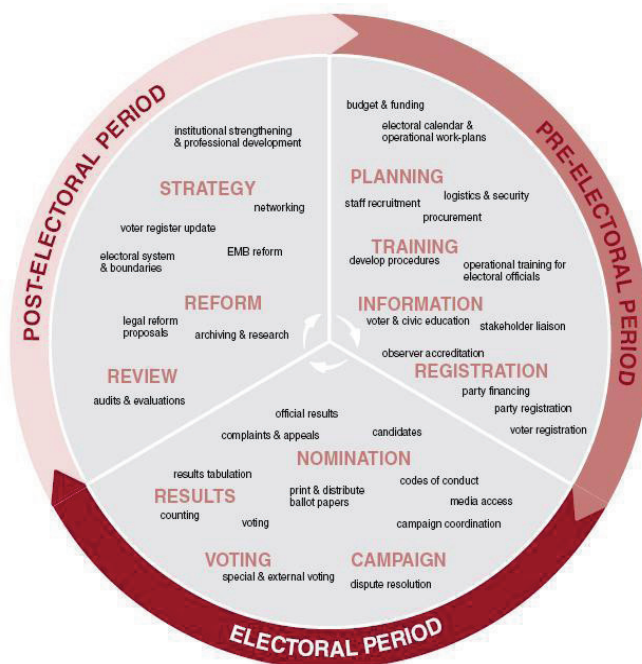
and quite limited requirements for transportation.	transportation. This limits the possibility of deploying significant numbers of observers.
<b>Impartiality</b>	
<u>Advantage</u> Usually quite involved (although not necessarily partisan). <u>Disadvantage</u> Usually strongly anti-incumbent. Frequently, domestic observer’s networks comprise a large number of organizations, and their degree and characteristics of involvement might be quite different.	<u>Advantage</u> Large international organizations like the UN, the AU, the EU or ODIHR tend to be rather impartial in approaches and selection of observers. <u>Disadvantage</u> International observation missions related to parties, unions or special interest groups are frequently biased in the defense of the interests of their sister organizations in the country being observed.
<b>Voice</b>	
<u>Disadvantage</u> Activities almost exclusively reported at local level, depending on freedom and pluralism in the domestic media, and on eventual policies by groups to increase visibility (for instance selecting nationally respected figures for their Boards).	<u>Advantage</u> Groups normally have fluid contacts with their specific constituencies (an international organization, a Parliament, a political party, a special interest group). Media repercussions tend to be related with the visibility of the Mission’s Head or with the reputation of the observers’ group.

Source: BRIDGE-Election observation module, 2006

## Chapter 4: Phases of Election observation

Elections are composed of a number of integrated building blocks, with different stakeholders interacting and influencing each other. Electoral components and stakeholders do not stand in isolation. They are inter-dependent, and therefore the breakdown of one aspect can negatively impact on any other, and ultimately on the credibility of the election itself.

To be effective, observation should cover the entire electoral process (the entire Electoral Cycle), not just some aspects. Electoral observation should be carried out in all three phases of the electoral cycle. The electoral cycle shows and demonstrates elections as continuous processes rather than isolated events. There are three main phases in the electoral cycle which are Pre-electoral, Electoral and Post-Electoral as shown below.



Source: ACE Project

### 4.1 Pre-Election Phase

During the pre-election phase a number of activities should be observed. Long term observers are usually better placed for observation during this phase given their likelihood to be stationed in the country during this phase.

#### **4.1.1 Guide on what to observe**

##### **a) Electoral Legislative and policy framework**

A review and analysis of election laws of a country holding elections is important to undertake before the holding of elections. This enables a comprehensive assessment of the extent to which the law reflects commitments to international and regional legislation. For SADC LA an analysis of the law should be done against the regional and international standards analysed above. Where there are shortcomings in the legislation, these should be noted, and recommendations for relevant amendments should subsequently be included in the observer final report. The range of electoral laws to be reviewed and analysed include constitutional provisions governing the electoral process and relating to political and electoral rights, laws relating to voter registration, political party law including political party financing if any. Of importance is legislation on the various bodies mandated with election administration including the electoral commission. Media laws form part of human rights law and should be analysed. Laws relating to human rights and non-discrimination are also important to the electoral process. One has to look out for whether discrimination is allowed by the law or may happen in the application of the law. A review of other regulations and decrees, like electoral codes of conduct, as well as criminal and administrative laws is also necessary.<sup>14</sup>

Often times, legislation is amended in the run up to elections. This is sometimes done when there is political tension and disagreements among stakeholders in the country or when there is need to correct the law so that it is compatible with international law. For this reason, it is important that analysis of the law also considers how this legislation was drafted and adopted. Election legislation should ideally have the support of all stakeholders especially the political parties and civil society.

In addition to having the law, it is its implementation which is the most important factor and SADC LA observers should spend a significant amount of time analysing the implementation of the law. A key question to address is on whether or not the law is applied in an impartial and consistent manner throughout the electoral process. There are usually different governmental institutions responsible for implementation and enforcement of the law. These include the electoral court or courts in general, the election management body, the prosecutors' office and other government offices like the register general of voters, the media regulatory body, and the police. A SADC-LA observer should examine the extent to which each of these bodies complies with its obligations under the law and meets norms set under international and regional law. Even if the legislation complies fully with international standards, this will be of little value unless it is implemented fully and fairly. Analysis of case law will inform SADC LA observers on how the courts are applying the law. Reports of local NGOs on all the various issues are often very informative of what is transpiring in the country.

Another important element to be considered under legislative framework is the complaints and appeals process. Key issues to note around these are whether procedures exist for complaints and remedying them in the election law. Complaints concerning the election process must be dealt with equitably, transparently, and according to due process of law. It is important that complaints are dealt with timeously. There must be the right to appeal to election bodies and courts. The existence of an electoral court is underscored in this regard. South Africa and Zimbabwe for example have such electoral courts. Observers should pay attention to the independence and impartiality of the

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<sup>14</sup> AU Election observation and monitoring guidelines

designated courts. Electoral observers and in particular the designated legal analyst should keep track of complaints registered during the campaign and how these were resolved.

### Issues to be considered by SADC-LA observers with regards to Electoral Legislation and Policy Framework.

- 1 To what extent does the local legislation fully meet international and regional commitments and other universal principles?
- 2 Is there the existence of laws that enjoy the confidence of major election stakeholders?
- 3 Is the local legislation vague, subject to varying interpretations, and insufficient?
- 4 Are there sufficient guarantees for respect of civil and political rights?
- 5 Are there any legal provisions which directly or indirectly discriminate against particular individuals or groups
- 6 Do the Laws or administrative regulations adequately protect fundamental human rights?
- 7 Is legislation implemented in a non-partisan, consistent, and transparent manner?
- 8 Is the law being enforced in a consistent and impartial manner by relevant authorities?
- 9 Were there any late changes to the laws or regulations and was there adequate publicity on these to ensure electoral stakeholders were aware of these changes?
- 10 Was there a valid reason and general consensus behind the late changes?
- 11 Are the regulations likely to violate the spirit of the law?
- 12 Is there a clear or ambiguous process for filing complaints?
- 13 Is the judiciary independent from the executive?
- 14 Do due process in court proceedings exist and are these followed;
- 15 Are there postponements on rulings on complaints until after the elections?
- 16 Is there transparency in the implementation of the appeals process; and
- 17 Is there a failure to hold accountable those who violated laws?

Adapted from EISA; AU Election Observation and Monitoring Guidelines; Principles for Election Management, Monitoring and Observation in SADC(PEMMO) and OSCE/ODIHR

#### b) Electoral Administration

Elections are usually administered by a national election management body (EMB) or electoral commission. Their presence, composition and their conduct can enhance or impede public confidence in the electoral process hence electoral integrity. The effectiveness and professionalism of the bodies responsible for administering an election is crucial to achieving a genuine electoral process. The EMB should work transparently, efficiently and professionally. Further the administration of the electoral process should be in accordance with national laws and international standards for elections. EMB should execute their mandate without political interference or intimidation. Thus the law setting up the EMB should ensure their impartiality.

The EMB has to plan well to ensure that all foreseeable electoral needs and voter requirements (e.g., the determination of voting and counting procedures, the identification of polling station locations, the printing of materials, etc.). EMBs will need to be adequately resourced to meet these obligations too. It is therefore important to analyse how the EMB receives its budget and if it's adequate. Adequate training should be provided and this should be translated into effective management of the electoral process. For example activities such as production and printing ballot papers and seals, setting up of polling stations, voter registration, voter education and information etc. should all be



done in an efficient and timely manner. The SADC-LA observers should observe the work of all levels of the election administration.<sup>15</sup>

The independence of an EMB is enhanced if it is composed of respected and suitably qualified individuals and nominated by a balance of interests. In some countries, political parties propose candidates and agree on who should sit in the EMB. The balance of party representatives can serve as a check on potential misadministration or abuse of office, particularly if parties are represented at all levels of the election administration. If political-party nominees constitute election commissions, they should be prohibited from campaigning and should be able to act independently without fear of retribution or recall.<sup>16</sup> The EMB should implement the election legislation and regulations without interference, intimidation, or impediments to its duty.

The holding of EMB briefing sessions with accredited party or candidate representatives, observers and members of the media is also important in ensuring the transparency of the electoral management body. This is important in contributing to public confidence in the electoral administration and ultimately the electoral process.

In addition to election management bodies, various government ministries and officials may be required to carry out administrative and logistical operations of preparing for, and conducting, elections including ministries of home affairs, legal affairs, foreign affairs, security amongst others. Their responsibilities may be for the preparation of voter registers as is the case with the Registrar General of Voters in Zimbabwe. The distribution of voter lists, ballot papers, ballot boxes, polling booths, official stamps, and all other required material, including determining the arrangements for storage, distribution, and security may in some cases be the responsibility of government ministries. Local authorities are often required to provide premises for polling stations. Any bodies involved in electoral preparations should conduct their tasks transparently and accountably. Observers should become acquainted with the roles of ministries and local authorities in organizing the election process and the extent to which these contribute to an effective administration of the elections.

#### **Issues to be Considered by SADC-LA observers with regards to electoral administration**

- 1. Does the EMB enjoy broad confidence of election stakeholders?**
- 2. Are the powers of the EMB established in law, including obligations to administer and supervise and election process fairly, impartially and in accordance with the law?**
- 3. How is the EMB composed and how these were chosen?**
- 4. Is the EMB able to work freely and independently from the executive and without political pressure and interference?**
- 5. Does the EMB operate efficiently and does it meet deadlines?**
- 6. Is there a tendency by the EMB to make decisions by voting along political lines rather than by broad agreement or consensus?**
- 7. Does the EMB act in a transparent and inclusive manner?**
- 8. Is the EMB providing access for its work to be scrutinized by accredited representatives, observers and the media?**
- 9. Does the EMB hold their meetings in public and do they fully publicize their decisions?**

<sup>15</sup> BRIDGE Project, Election Administration Module

<sup>16</sup> Electoral Commissions Forum of SADC Countries, Principles and guidelines on independence of election management bodies in SADC, 2007

10. Is the EMB consulting appropriately with political parties, candidates, civil society organizations and other election stakeholders?
11. Any difficulties posed for major election stakeholders to take their seats on commissions?
12. Are there any last-minute changes in election commission membership or unfounded recalls of members?
13. Is the EMB planning effectively for all foreseeable needs within an adequate timeframe?
14. Are sensitive electoral materials produced in a manner that guarantees their integrity?
15. Is the EMB providing adequate training for its personnel?
16. Does the EMB have adequate financial and other resources?
17. Does the EMB have control of its own budget and staffing?
18. Is there effective coordination and clear distinction of roles among the different levels of the EMB?
19. Is there an ambiguity of roles among the various local electoral administrative bodies; and
20. Is there effective co-ordination between election commissions and regional or local officials responsible for supporting elections?

Adapted from EISA; AU Election Observation and Monitoring Guidelines; BRIDGE Project; Principles and Guidelines on Independence of Election management Bodies in SADC and OSCE/ODIHR,

### c) Voter Registration

All citizens of a country must have the right to vote, provided they have reached a qualifying age. Responsibility for voter registration lies with the EMB or a designated electoral administration body. Voter registration is intended to ensure that all citizens can exercise this right within a system that also facilitates the administration of elections and guards against multiple voting. Establishing and maintaining an accurate national voter register can be one of the most difficult elements of an election process. Assessing the adequacy of the voter register can be a challenge for observers particularly if the observer team is deployed after this process. However observation can focus on the legal requirements and implications surrounding voter registration. An efficient voter-registration system requires an active citizen that reports changes of permanent residence and other relevant aspects of their civil status.

Clear legal provisions governing the method of registration are important including the existence of a registration timetable; clearly articulated qualification and disqualification criteria with respect to citizenship, age, and residence; temporary absence; means of identification (evidence of eligibility); the registration form; the format of the register; publication of a draft register; availability and right to inspect registers; the procedure for claims and appeals; and publication of a final register. Registration procedures and facilities should be as simple as possible and should be readily accessible to the electorate. The voter lists should be posted well in advance of the election to allow for complaints about incorrect inclusions or exclusions or other inaccuracies to be dealt with. Voter lists should protect, personal data beyond that required to identify a voter and establish his or her eligibility to vote. In assessing the voters roll it is important for observers to understand the system of registration used by the country in question i.e. whether an active or passive system is used and whether a supplementary voters list is legally provided for.

The credibility of a voters list is dependent on its accuracy. It thus requires constant updating particularly with regards to such issues like the removal of deceased people from the register, emigration and immigration challenges, change in status and in particular for women who have changed their surnames due to marital status and addition of those who have attained the legal status to vote through age.

Observers should check that no unreasonable restrictions are placed on voter registration based on race, sex, religion, ethnic origin, past political affiliations, language, literacy, property, or ability to pay a registration fee. Reasonable restrictions may include factors such as residence, citizenship, and mental incapacity as determined by a court.

#### Issues to be considered by the SADC-LA observers with regards to voter registration

1. Is there a central voter register?
2. Are voter registration procedures detailed in law?
3. Are the registers and/or lists open to public inspection or not easily accessible?
4. Are there clear rules for registration or for contesting mistakes on registers and/or lists?
5. Is the appeals process effective?
6. Are the restrictions of registration reasonable?
7. Are there suitable measures to include newly-eligible voters, prevent multiple entries, and remove the names of ineligible or deceased persons?
8. Is voter education being conducted to inform citizens of their electoral rights and opportunity to participate in the electoral process? Is this effective, especially in providing voter education to groups or individuals who may face exclusion or restriction from the political processes, e.g., women, first-time voters (usually young people) and minority groups?
9. Does voter education include voter registration and encourage citizens to ensure they are registered to vote?
10. Is data on the number of registered voters published? Is data broken down regionally, and if so, to what level?
11. Is there public confidence in the accuracy and reliability of the voter register in advance of election day?
12. Are voters aware of the election and familiar with candidates, parties, and issues as well as registration and voting requirements?
13. Are there discriminatory practices that deter other citizen groups from registration?
14. Where applicable, are effective measures in place to ensure the registration of internally displaced persons?
15. Is the registration processes easily accessible for all citizens?
16. Is there adequate voter education on registration?
17. Where applicable, are effective out-of-country registration procedures in place to ensure registration of expatriate citizens, including refugees?
18. Are there widespread inaccuracies in the register and/or lists?
19. Do the registers and/or lists contain unnecessary data such as ethnicity; and
20. Are voting rights being automatically restored after having served restrictions like a prison sentence?

Adapted from EISA; AU election observation and monitoring Guidelines, BRIDGE Project; Principles for Election Management, Monitoring and Observation in SADC(PEMMO) and OSCE/ODIHR

#### d) Registration of Candidates and Political Parties

Registration of candidates and political parties is a key part of any election process that has a direct impact on the competitive nature and quality of the process. The registration of candidates and political parties is carried out by the electoral administration. The right to be elected into office is provided for through the various electoral related principles and legislation. All political parties should nominate and field candidates freely and on equal terms. In accordance with international and regional law, there should be no restrictions on candidates on the basis of race, sex, religion, political affiliation, ethnic origin, or economic status. There may be certain reasonable restrictions that may be applied to individuals wishing to run for office and these must be clearly articulated in

the local legislation. Civil servants, military or security personnel, or judges may for example be reasonably restricted from running for office unless they resign from their positions.

The provisions regarding candidate registration must be applied equally to all candidates and parties. The registration requirements for candidates and parties should be clear and predictable and should not involve potentially discriminatory demands such as excessive deposits and unreasonable number of names on registration petitions. For women, minorities and other vulnerable members of society, the observers must assess if their circumstances are taken into account in the registration process. Further observers should try to assess the fairness and effectiveness of the registration process through discussions with officials, party representatives, and candidates, including any candidates denied registration.

#### **Issues to be considered by SADC-LA observers with regards to the Registration of candidates and political parties**

1. Is the right to form or join a political party guaranteed in law?
2. Are all political groups equally able to form political parties and are all citizens equally able to join the party of their choice?
3. Banning, suspension, or deregistration of parties or candidates – is any political movement or candidate refused registration – is refusal reasonable?
4. Restrictive or discriminatory policies with regard to the formation or operation of political parties or civil society groups – are requirements for the registration of parties reasonable?
5. Is there the selective implementation of the law with respect to the registration of parties or candidates?
6. Is there the requirement for excessive deposits, mandatory regional representation, or excessive numbers of signatures to qualify for registration?
7. Is there disqualification of candidates for previous violations of the administrative code or administrative regulations?
8. Is there disqualification of candidates or parties due to technical problems with their applications - If a party or candidate is denied registration on technical grounds, is it given the opportunity to correct the error before the denial becomes final? and
9. Are there undue delays or administrative obstacles to the registration of political parties?

Adapted from EISA; AU election observation and monitoring Guidelines, BRIDGE Project; Principles for Election Management, Monitoring and Observation in SADC (PEMМО) and OSCE/ODIHR

#### **e) Voter and Civic Education**

Sufficient voter and civic information and education are needed to ensure that participants in the electoral process are fully informed of their rights and responsibilities as voters. These efforts can also generate knowledge and interest about the election process and build a climate for open debate.

Voter education should inform voters of when, how, and where to register to vote or to check that they are already properly registered. It should also explain when, how, and where to vote on election day. It is essential that this information is provided in a timely manner, allowing voters sufficient opportunity to make use of the information. Information should be freely available to all voters. While political parties and civic organizations may contribute to voter and civic education efforts, it is ultimately the responsibility of the authorities, including the election management body to ensure that voters receive objective, impartial, and timely information. Publicly funded or state

media also have a special responsibility to ensure that voters receive sufficient, balanced information on the candidates and issues in order to enable them to make a well-informed choice. As best practice voter education should be provided in major minority languages, as well as in the country's predominant language.

Observers should assess the extent and effectiveness of voter and civic information and education.

#### **Issues to be considered by SADC-LA observers with regards to voter and civic education**

1. Is voter education provided in an impartial manner? Is civic education being provided, and if so, is it conducted in an impartial manner?
2. What methods are being used to reach the non-literate part of the population?
3. Is information about the election process being received early enough?
4. Is voter education provided in an impartial manner?
5. Information issued by central or local authorities could be biased, e.g., showing a ballot paper filled in in favour of a certain contestant;
6. How is civil society involved in voter education? Is civil society being facilitated in this work by the EMB?
7. Are changes in the election procedures adequately publicized?
8. Are citizens reaching voting age for the first time aware of voter registration and voting procedures?

Adapted from Adapted from EISA; AU Election observation and monitoring Guidelines; BRIDGE Project; Principles for Election Management, Monitoring and Observation in SADC(PEMMO) and OSCE/ODIHR

#### **f) Election campaigns**

Political campaigning must be conducted in a fair and free atmosphere. There must be no action, violence, or intimidation that prevents parties and candidates from freely campaigning. Campaigning requires that fundamental freedoms such as the rights to freedom of expression, assembly, and association must be respected at all times. It is important to analyse the country's legislation on these aspects and how it is implemented. There should be no arbitrary or unreasonable restrictions on campaign activities, meetings, or rallies. If permits are required for public rallies or demonstrations, these should be freely and equally available to all contestants. There should be no disruptions of campaign meetings. Citizens should not fear retribution, such as loss of employment, withdrawal of social services or any form of aid for their campaign activities. All persons should be free from coercion by the authorities; special attention in this regard may be focused on such groups as students, soldiers, or local leaders. There should be no harassment of political activists.

While the authorities are responsible for providing a safe and secure environment for campaign activities, security concerns should not be misused as a reason to abridge fundamental freedoms. Throughout the campaign and voting processes, security forces have a duty to refrain from intimidation and to prevent intimidation by others. There must be timely and effective judicial remedies available in case candidate or party rights are violated during a campaign, or in case unreasonable restrictions are imposed on campaigning.

Knowledge of the political context and issues surrounding a particular election is particularly important for election observers. Observers should therefore meet with candidates and parties, observe rallies, and review campaign material in order to gain an understanding of the political

processes and issues dominating the campaign. Observers should assess the extent to which the population— including minority groups and women — are active in the political process and seek to understand any reasons for a lack of active involvement. Other good sources of information on the campaign can be non-governmental organizations, domestic observer groups, political analysts, and media representatives.

Other important issues with regards to campaigning are the rules regarding campaign financing, the existence of these, their clarity and fairness with regards to all political parties; rules governing the use of public resources to campaign and the adherence to these; equal media access by all political parties; and the time legally allocated to campaigning and the timely availing of an electoral calendar that clearly defines when the campaign period commences.

#### Issues to be considered by SADC-LA observers with regards to political campaigns

1. Are the freedoms of expression, assembly, association and movement provided for by law without discrimination?
2. Are all candidates and political parties able to enjoy the exercise of these rights equally so that they are able to present their views to the electorate in an open and fairly contested campaign?
3. Are campaign regulations being implemented and enforced in a consistent, impartial and effective manner?
4. What are the forms of campaign violence – are there verifiable instances of violence, intimidation or harassment or the incitement of such acts?
5. Are these incidences dealt with promptly and impartially by the security forces?
6. Are there cases of detentions of candidates or activists?
7. Are there cases of the disruption of, or placing restrictions on, campaign meetings or rallies, including refusals to grant permits?
8. Are there any reports of intimidation or harassment?
9. Are there direct or indirect restrictions on the ability of women candidates and their supporters to campaign?
10. Are there widespread incidences of systematic efforts to remove or deface campaign posters?
11. Are there incidences of placing of unattributed and offensive campaign material?
12. Are there clear and unambiguous rules on campaign financing?
13. Are public campaign funds received in a timely manner?
14. Are the fund-raising or spending limits that are too low to allow for effective campaigning?
15. Is there lack of transparency in campaign funding or spending?
16. Is the use of state resources permitted and are state resources being used to the advantage of one or more of the political contestants?
17. Are regulations on campaign financing, including limits on spending, being implemented and enforced in a consistent, impartial and effective manner?
18. Are there incidences of campaigning by civil servants or military leaders and are there clear regulations preventing public servants from participating in a campaign in their official capacity?
19. Have contestants agreed to abide by a code of conduct for campaigning and if so, is the code being adhered to?
20. Is the campaign period too short to enable parties to organize and to convey their message; and
21. Is there a clear commencement date for the campaign and/or staggered registration of candidates, resulting in unequal periods of time available to campaign?

Adapted from EISA; AU election observation and monitoring Guidelines, BRIDGE Project and OSCE/ODIHR

#### g) Media

For there to be a free, fair and genuine democratic electoral process, it is essential that candidates and political parties have the right to communicate their political opinions and manifestos in the media. The media forms a huge part of campaigning and information dissemination. An independent

and diverse media sector is the best way to ensure that a wide range of opinion and viewpoints are expressed and communicated to the public. During an election period, the media play a central and influential role in providing candidates and parties with a stage to engage voters. Both state-controlled and independent media should give an opportunity to candidates to express themselves. The media is the main platform for debates among contestants and the main source of news. The media is also important in the transmission of information about the election process itself, including preparations, voting and the results, as well as voter education. The media therefore have a great deal of responsibility placed on them during election periods should provide a sufficient level of coverage of the elections that is fair, balanced and impartial, so that the public are informed of the whole spectrum of political opinions and ideas.

Laws and regulations for media coverage of election campaigns should exist for legitimate reasons like the protection of the public interest. Laws governing media should however not be designed to unduly limit freedom of expression, but rather act in a supportive capacity.

#### Issues to be considered by SADC-LA observers with regards to Media

1. Does the legal framework guarantee the freedom of the media?
2. Is media freedom respected in practice?
3. Is the media able to work freely and operate without prior censorship, intimidation, obstruction and interference?
4. Is there defamation of candidates or distortion of candidate messages by the media?
5. Unequal treatment of parties or candidates by public media;
6. Is there unwarranted closure of electronic or print media outlets as a result of government action – what were the circumstances and are these politically motivated?
7. Is there intimidation or harassment of media?
8. Are there incidences of detention or harassment of journalists –how prevalent are these, what are the circumstances surrounding these?
9. Are there libel judgements against media outlets and are these election related?
10. Have media outlets been subject to election-related law suits?
11. Have broadcast licenses been issued impartially, without regard to political affiliation?
12. Is there a pluralistic and independent media environment, which provides access to a broad range of political opinion?
13. Is there interference with distribution networks for print media?
14. Are there unreasonably high charges for paid advertising?
15. Is there free airtime designated only at times of low viewership?
16. Are media regulatory bodies effective in taking appropriate remedial action?
17. Is there clear and consistent regulatory framework for the media’s coverage of elections?
18. Does the regulatory framework provide for the media to work freely without prior censorship during an election campaign?
19. Do the media provide sufficient information to enable voters to make informed choices on the election through new reports, analysis and debates – is this information provided in a fair, balanced and impartial manner?
20. Is there any preferential treatment by the media in favour of a particular candidate or political party?
21. Is there discrimination in reporting based on racial, ethnic, gender or religious background of candidates and parties – are stereotypes of any group reinforced through the media?
22. Does the law provide a prompt corrective remedy in cases where media regulations have been violated- are these remedies effective?
23. With regards to state owned media – do all candidates and political parties receive fair, balanced and impartial coverage in the state media? – if there is a bias, who does this favour?
24. Do all candidates and political parties have equitable access to airtime or print space in state media

– is such access free of charge?

25. Are there any complaints of unfair coverage or interference in free airtime/print space in the state owned or publicly funded media?
26. Do the public media operate independently of the government?
27. For privately owned media outlets, who own these, does this affect their reporting?
28. Is there a media supervisory body? If so, does it act independently and function in an impartial, transparent and professional manner? Is it free to work without undue interference? Does it have the confidence of electoral stakeholders, in particular the media industry? In practice is it independently monitoring the media's coverage of the election? Is it effective in dealing with media related complaints?

Adapted from EISA; AU Election Observation and Monitoring Guidelines; BRIDGE Project; Principles for Election Management, Monitoring and Observation in SADC(PEMMO) and OSCE/ODIHR

## 4.2 Election Day

The Election Day is one of the most intense in terms of activity within the electoral process. Experiences of observation on Election Day are largely personal. Some observers are likely to experience difficulties and are overwhelmed by the voting day processes and for others especially with more experience; it can be a smooth process. This section takes the SADC LA observer through what to expect and observe on the voting day.

### 4.2.1 Guide on what to observe

#### a) Voting Process at the Polling Station

STOs are required to examine the general conditions outside and around the polling station and inside of the polling stations.

All eligible citizens have the right to vote and should be provided with opportunities to exercise that right. In order to exercise the right to vote, electors will need to have access to polling stations. The authorities have a responsibility to facilitate the freedom of movement of voters to polling stations. Location of polling stations is an important factor and voters should not be required to travel unreasonably long distances, or even be required to pay for transport, to reach their designated polling station. Opportunities for access to polling stations may be undermined where there is overcrowding or a failure to inform voters of their designated polling station. Arrangements should be made for persons with disabilities, the old, sick, pregnant and breast-feeding women to have access to their designated polling stations. The number of polling stations should be in proportion to the size of the electorate. The number of voters designated to a polling station is considered reasonable when the total number of votes cast can be processed effectively during the time available, if all voters participated.

The time available for voting should be fixed in law and should be the same for all voters. Delays to the opening of polling stations or early closing undermine the right to vote and should thus be guarded against. Where voters are required to prove their eligibility through showing identification papers, documentation constituting valid proof should be outlined in law and should be the same for all voters. The procedures for voting should be consistent for all voters and allow electors to cast their ballots in an efficient and organised manner. There should be an adequate number of polling staff to ensure that all tasks are undertaken efficiently at all times. Polling staff should be trained to ensure they fully understand their functions, and should be required to act in a fair and impartial



manner. Eligible citizens who are prevented from voting for any reason whatsoever should have an opportunity to seek effective remedy. Accredited agents of political parties and candidates, as well as accredited international and domestic observers, should be permitted to observe all polling activities. No unauthorised person, including members of the security forces, should interfere in the conduct of polling or the exercise of an elector's right to vote.

Adequate ballot papers for all registered voters should be made available. To protect the integrity of the ballot and prevent fraud in the use of ballot papers and other sensitive electoral materials, safeguards should be put in place to ensure that ballot papers are properly recorded, supervised and secured at all times, including during transfer to the polling station and storage. To prevent fraudulent use of ballot papers, safeguards should be applied, such as marking them with an official stamp and/or of the signatures of polling station officials. The design of the ballot box is also important particularly as it pertains to issues of access for all. It is also important that the design of the ballot paper be simple to understand and complete. Issues of campaigning and undue processes are also important to note.

#### Issues to be considered by SADC-LA observers during voting

1. Is the right to vote restricted in any way?
2. Do voters have difficulties with access to their designated polling stations?
3. Are there impediments to freedom of movement? Are there problems with overcrowding, excessive delays or queues?
4. Do arrangements for voting establish equal requirements and opportunities for all voters?
5. Are voting procedures conducive to an efficient and transparent voting process?
6. Is the ballot paper designed as simply as possible and suitable for use by all voters?
7. Are party/candidate agents and observers able to observe all aspects of polling?
8. Is impartial assistance provided to voters who require such support?
9. Do polling officials conduct voting efficiently, impartially and in accordance with the law?
10. Are only authorised people present in the polling station?
11. Is there confusion or disorganization at the polling station?
12. Are appropriate steps taken to guarantee the integrity of the ballot and to prevent fraud?
13. Is there evidence that the integrity of the ballot has been compromised through error and/or fraud? If so, what is the scale of the problem is it isolated or systematic, and what steps are taken to stop it?
14. Are appropriate steps taken to prevent intimidation or coercion of voters and unlawful interference in polling?
15. Is there evidence that intimidation or coercion of voters has taken place? If so, what steps are taken to enforce the law?
16. Is there a peaceful atmosphere on Election Day?
17. Is there campaigning during an electoral-silence period?
18. Is there campaign materials inside the polling stations?
19. Are polling stations opened at the right time and are there excessive delays in administering the voting?
20. Are officials following the right procedures?
21. Are political party representatives conducting themselves in an appropriate manner?
22. Is there no interference with the work of the EMB, observers, polling staff and media?
23. Are voters being offered any inducements to vote in a particular manner?
24. Are voters given more ballot papers than they are entitled to, or are there any other indications of multiple voting?
25. Do ballot papers bear an official stamp specific to the polling station and/or the signature of a polling-station official(s)?

26. Are the boxes properly sealed?
27. Is the right to secrecy of the ballot guaranteed in law and in practice?
28. Are security forces behaving in an appropriate manner?

Adapted from EISA; AU Election Observation and Monitoring Guidelines, BRIDGE Project; Principles for Election Management, Monitoring and Observation in SADC(PEMMO); UN OHCHR, Quick Guide to Election Observation and OSCE/ODIHR

## **b) Counting of votes**

Procedures for closing of polling station and counting of votes should be clearly laid out in the law. Further safeguards must be put in place that guarantee transparent, prompt and accurate counting of votes. Only authorised staff should be involved in the closing of polling and the counting of votes. Vote counting normally takes place at the polling station level. Counting officials will need to record data using standard documentation, often referred to as the results protocol. All stages of the closing and counting process should take place in the presence and in full view of party and candidate representatives, as well as international and domestic observers. Counting should not take place in an atmosphere of intimidation.

Observers are provided with special forms to complete that contain a number of specific questions about polling-station closing procedures and counting procedures. Observing the counting process is important for assessing whether ballots are counted accurately, thereby reflecting the choices expressed by the voters. Experience demonstrates that electoral fraud is more likely to take place during the vote count or the tabulation of results than during the actual balloting. Observers should therefore be particularly vigilant during the vote count and tabulation of results.

The counting process usually begins with the sealing of the ballot-box slot once voting has ended. The ballot box remains sealed while polling officials complete forms accounting for all ballot papers and other polling materials and verify that the number of ballots distributed to voters matches the number of voters recorded as having voted. This material should be sealed separately. Often, unused ballot papers are invalidated before the opening of the ballot box.

The results of voting should be made publicly available at the polling-station level with the results to be posted outside of each polling station. The transparency and integrity of the process are enhanced when all party and candidate representatives are given official copies of the result sheets, or protocol, for the polling station and have the possibility to sign it or register complaints. Non-partisan domestic observers and international observers should also be able to receive a copy of the results in polling stations. If provided, the official protocol or copy of the results should be forwarded promptly to the core team, together with the completed observer form for the count.

### **Issues to be considered by SADC-LA observers during vote counting**

1. Is the count performed by polling-station officials, or are other persons involved?
2. Do election officials appear to understand and adhere to the required procedures?
3. Are ballots counted in an orderly and secure manner?
4. Is the count conducted in a transparent environment, with adequate arrangements for domestic observers?

5. Does the number of registered voters recorded as having voted correspond with the number of ballots cast?
6. Are unused ballots secured, cancelled, or destroyed after being counted?
7. Are invalid ballots properly identified in a uniform manner? Are invalid ballots appropriately segregated and preserved for review?
8. Do the ballots contain any unusual markings intended to violate the secrecy of the vote?
9. Does the number of invalid ballots seem inordinately high?
10. Does the counting adhere to the principle that the ballot is deemed valid if the will of the voter is clear?
11. Are ballots for each party or candidate separated correctly and counted individually?
12. Are any disputes or complaints resolved in a satisfactory manner?
13. Did polling-station officials agree on the end of the count and signed by all authorized persons?
14. Are domestic observers and poll watchers from political parties able to obtain official copies of the protocol for the polling station?
15. Are the results publicly posted at the polling station?
16. Are there inappropriate activities by police and/or security forces, such as taking notes and reporting figures or results by telephone?
17. Did polling-station officials agree on the vote-count procedures and results, and, if not, what action was taken in case of disagreement?

Adapted from EISA; AU Election Observation and Monitoring Guidelines; BRIDGE Project; Principles for Election Management, Monitoring and Observation in SADC(PEMMO); UN OHCHR, Quick Guide to Election Observation and OSCE/ODIHR

### c) Tabulation

It is necessary to assess whether the results were tabulated accurately. After the ballots are counted, the results of the polling-station count are usually transmitted to a regional election commission, where the regional results are tabulated and transmitted to the national level. The tabulation process is another important step in the election process that should be observed. STOs are often asked to accompany the official results and other polling material as they are transported from the polling station to the tabulation centre and then to observe that the results from their polling station are properly included in the tabulation. Observers should assess whether the transport of ballots and other voting material is direct, secure, and transparent (i.e., are STOs and others allowed to accompany the results during transport?). In other cases, special teams of STOs may be assigned to observe procedures at tabulation centres. The goal is for observers to monitor each level of the tabulation process and to be able to follow the results of individual polling stations up to the national level as a spot check that the tabulation process has been properly administered. The tabulation of results should be verifiable and transparent at all levels of the election administration. In the interest of transparency and promoting confidence in the electoral process, results for each level of the tabulation should be made publicly available immediately, at each stage of the tabulation process.

#### Issues to be considered by SADC-LA observers during Tabulation

1. Is there evidence or incidences of ballot-box stuffing?
2. Is there evidence or incidences of ballot-box switching?
3. Is there evidence or incidences of adding of marked ballots after the opening of the box?
4. Is there disorderly counting procedures?
5. Are unauthorized persons, such as local-government officials, uniformed or plain-clothes security personnel or other unidentified individuals, involved in the count?
6. Is there an adequate number of counting staff and supervisors?
7. Is there any exclusion of polling-station officials or observers?

8. Is there arbitrary or inconsistent invalidation of ballots cast?
9. Is there any loss of ballot papers or ballot boxes?
10. Is there evidence or incidences of dishonest counting or reporting of the ballots?
11. Is there secure storage of unused ballots?
12. Is the polling-station results protocol completed in the polling station?
13. Are polling-station results protocol filled in by pencil instead of pen?
14. Is there a failure to post official results at the polling station?
15. Is there refusal to supply official copies of results to candidate representatives or observers?
16. Is there secure transport of polling materials to tabulation centres?
17. Is there evidence or incidences of falsifying or switching result protocols; and
18. Is there lack of transparency or irregular procedures at tabulation centres?

Adapted from EISA; AU Election Observation and Monitoring Guidelines; BRIDGE Project; Principles for Election Management, Monitoring and Observation in SADC(PEMMO) and OSCE/ODIHR

### 4.3 Post Election Phase

#### 4.3.1 Guide on what to observe

##### a) Announcement of results

The mandate of an observation team requires that it does not validate, invalidate, or certify the results of an election. Since the SADC-LA observer mission is non-partisan, it will not comment on the political ramifications of an election result. The SADC-LA observation mission is interested in the election results only in so far that these are reported accurately, honestly, and in a timely manner. An election observation mission's preliminary statement is practically always issued before the final official results of the election are known or, in some instances, even before the preliminary results are known. Nevertheless, the announcement of final results is an important part of any election process and, to the extent possible, it should be observed by the election observation mission.

#### Issues to be considered by SADC-LA observers during announcement of results

1. Are there unreasonable delays in the announcement of results?
2. Is there unbalanced or insufficient supervision of the final result tabulation?
3. Are observers denied access to this process?
4. Is there a denial of access to other authorized persons?
5. Is there a failure to publish detailed results down to district and polling-station levels; and
6. Are there discrepancies between election-day records of results and the final results at any level of the election administration?

Adapted from EISA; AU Election Observation and Monitoring Guidelines; BRIDGE Project; Principles for Election Management, Monitoring and Observation in SADC(PEMMO); UN OHCHR, Quick Guide to Election Observation and OSCE/ODIHR

##### b) Complaints systems and procedures, conflict resolution

Complaints and appeals are an important component of an election process and may arise in relation to any aspect of the process. The resolution of these may take place over a prolonged period of time. In this regard it may not be feasible for the SADC LA observer mission to continue its presence for that duration. Where possible the observer mission can however designate one of their observers based in the country under concern to observe this process.

## Issues to be considered by SADC-LA observers with regards to complaints systems and procedures

1. Are there complex procedures which may make it unclear which body complainants should appeal to?
2. Do the Judicial or administrative bodies refuse to accept complaints or do they appear not to be open to accept complaints?
3. Do extremely short deadlines exist that may make complaints difficult to file?
4. Are complaints likely to be ruled inadmissible or dismissed on technical grounds?
5. Is the competence of the review board or judicial body limited?
6. Is the process of reaching a decision too prolonged that it becomes meaningless?
7. Do public offices refuse to make evidence available?
8. Do Election commissions refuse to undertake recounts?
9. Do court proceedings not provide all guarantees of due process; and
10. Are court decisions unenforced?

Adapted from EISA; AU Election Observation and Monitoring Guidelines; BRIDGE Project; Principles for Election Management, Monitoring and Observation in SADC(PEMMO); UN OHCHR, Quick Guide to Election Observation and OSCE/ODIHR

### 4.4 Preliminary statement

At the end of voting and announcement of results, an observer team may make a preliminary statement of its judgement of the process. A preliminary statement must be based on facts and objective judgement of the process and substantiated enough so as to have credibility. The statement reflects the extent to which the mission considers how the election has so far been conducted in line with international and regional standards for elections. Preliminary statements can be given at a press conference by the team leader or the person designed to make media statements.

### 4.4 Debriefing of observers

At the end of the observation mission, it is important to hold a mission debrief to wind up the process. Observers can share any relevant information and in instances where observation was done in tense and possibly violent situations, an assessment should be done if particular observers may need counselling after suffering or witnessing traumatic situations. Team members also share and discuss their findings on the election process, and the organisation of the mission. Observers may be asked to make possible recommendations for the mission final report and improvements for future missions. During the debriefing, responsibilities such as submission of reports and forms should be discussed.

#### 4.4.1 Writing of final observation report

The final report sets out the overall assessment of the electoral process by the SADC-LA observer mission. It is based on the observation forms, incidents reports and other additional information gathered and put together by the observation mission. The report provides the observation mission's conclusions on the extent to which the process was conducted in accordance with universal principles and other regional and international obligations for democratic elections and the extent to which it complied with domestic law.

The report should also provide recommendations for the host government and other stakeholders on how the process might be improved in the future. The report should be released as soon as

possible but within approximately four weeks after the end of the election process. It should be distributed to key stakeholders of the SADC-LA. The final report draws on findings of the entire observation i.e. from the pre-electoral phase to the post electoral. Various sections will make up the report and some of the key ones are sections on; election's political context; legislative framework; the performance of the election administration; voter and candidate registration; the election campaign; the media; the voting, counting, and tabulation processes; and the complaints and appeals process. The final report also takes into consideration whether any reported irregularities or violations of law are isolated incidents or whether they form a systematic pattern that could pose a threat to the integrity of the election process. It reflects the extent to which the electoral process was carried out in a manner that enjoyed the confidence of the candidates and the electorate, as well the degree of political will demonstrated by the authorities to conduct a genuine democratic election process.

## Chapter 5: Some practical aspects of election observation missions

As the SADC-LA sets out to observe elections in the SADC region, it does this with the expectation that its election observation missions will be able to carry out its duties with as much support as possible from the host government, without interference and within a timely manner. The SADC-LA observer mission is in turn obligated to adhere to specific guidelines as outlined in the host countries laws and regulations regarding observer missions.

Conditions for effective observation that need to be guaranteed by a host government include:

- The discretion of SADC-LA to decide the number of observers that it deems necessary for its observation mission
- To get accreditation for all its observers through a simple, timely and non-discriminatory procedure
- To obtain all necessary information regarding the electoral process from authorities at all levels in a timely manner
- Having the freedom to travel in all regions of the country during the election process and on election day, without any restriction or prior notification
- Having unimpeded access to all polling sites, election commissions, and counting and tabulation centres throughout the country<sup>17</sup>

### 5.1 Needs Assessment

Before setting out on an observation mission, it is in the best interest of the SADC-LA to carry out a needs assessment for the targeted country. This provides information to help the scoping of the observer mission and its scale. Some of the issues that will need to be assessed are the pre-election environment including the general extent to which human rights and fundamental freedoms are being observed by the government in relation to the upcoming election; the legislative framework; the status of the preparations for the election by the EMB and the general extent of public and political confidence in its work; media status; whether the security situation is conducive to an observation mission; trouble areas or constituencies; and any other issues of particular relevance to election like the compilation of voter registers, the candidate/party registration process, the participation of women, the campaign environment and extent of civic and voter education. The needs assessment will also assist SADC-LA in obtaining information that will be used for the logistical arrangements of the observer missions.

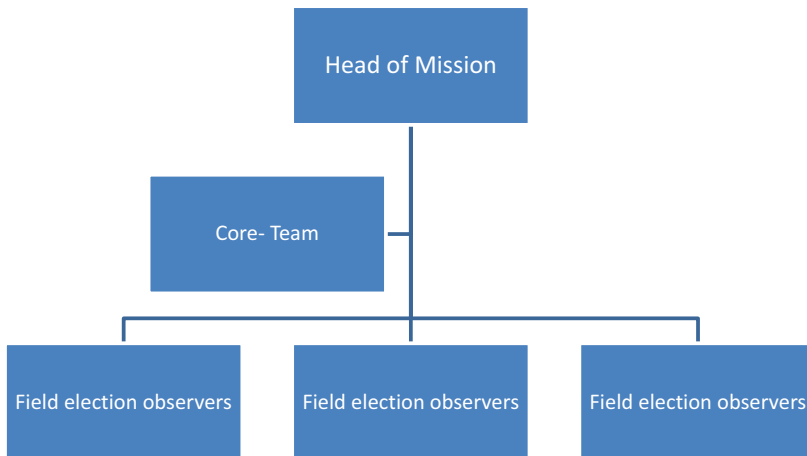
### 5.2 Composition and structure of the SADC-LA Observer Team

Observers shall be deployed through the SADC-LA Observer Mission. Its main focus will be on observing the human rights, rule of law and legal issues within the electoral process. The observer mission will be comprised of a head of mission with a deputy, the core team and field observers. Field support staff for the mission such as drivers and secretaries are not election observers and should receive a special briefing where their specific duties and expected conduct are explained.

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<sup>17</sup> SADC PF, AU Election Observation and Monitoring Guidelines

### Proposed structure of observer mission



#### *Selection and Responsibilities of head of mission*

SADC LA will appoint an individual to be the head of its observation mission in a particular country. The head of mission can be appointed from among SADC LA membership and its governing and management structures. Because of the public nature of observation and the importance of prominence and integrity, heads of missions are usually eminent, credible and respected individuals. This criterion can be used SADC LA in selecting a head of mission from among its membership. SADC LA can appoint an external head of mission- that is someone not from its ranks who is eminent, credible and widely respected. The appointment of such a person should have added value to SADC LA than the appointment of any of its members. Of the two options, the first one is likely to work better and more effectively for SADC LA because the head of mission will be familiar with the organisation, its mandate and what it seeks to achieve with the observation mission

The head of mission is tasked with establishing and maintaining contact with the authorities, the election administration, main political parties, candidates, civil society, and other observer groups in the country. S/he is expected to establish any relations with the media and is the media focal person for the mission. Further s/he oversees the work of the SADC LA Observer Mission and will carry out briefings with the observers. The head of mission has the responsibility of developing a statement of preliminary findings and conclusions and a press release where necessary and preparing a final report of the observation mission with the support of the core team. The head of mission may be supported by a deputy head of mission who will be responsible for supervising the operations of the mission and the preparation of a deployment plan and any briefings. He or she may coordinate the drafting of interim reports.



### *Responsibilities of the core team*

A core team of the secretariat of SADC LA stationed in the capital city of the host country will be responsible for the coordination of the missions, arrangement of necessary logistics, dealing with emergencies, and being the contact point for reports coming from the observers in the field. The core team supports the mandate of the head of mission which includes collating and analysing reports/forms from the field and drafting of the mission reports and statements. Within the core-team, one or two persons can be designated to deal with data collation and analysis as it comes from the field. Another can be designated to work on media issues with the head of mission, while another can deal with the logistics and administration processes of the Mission.

### *Responsibilities of field observers*

Equipped with various forms and checklists, the field observers are responsible for the on-ground observation of the election. Field Observers should submit their reports timeously for collation and analysis by the core-team

## **5.3 Accreditation**

Upon entry into the host country, the observer mission should present itself to the respective electoral authority or election management body. In most countries it is the election management body/electoral commission which have the mandate to accredit election observers. It is the responsibility of the core-team to have applied for accreditation of the whole mission ahead of time in accordance with the laws of the country. The whole observer team must be accredited with every individual observer receiving an accreditation badge. For example in Zimbabwe the authority charged with the accreditation of observers is the Zimbabwe Electoral Commission (ZEC), in South Africa it's the Independent Electoral Commission and in Malawi observers are accredited by the Malawi Electoral Commission. At all times observers must wear their accreditation badge. At accreditation stage, the election management body often issues its code of conduct for observers and gives a package of information that observers should have. In some instances, EMB can give a briefing upon completion of accreditation process.

## **5.4 Arrival in the country and deployment of SADC-LA STOs**

The SADC-LA STOs should arrive in the host country at least four days before an election (availability of funding often determines how well ahead of an election a mission arrives in the country). The core team arrives in the country first to work on the necessary logistics and preparatory processes for the mission. The next arrival is that of the head mission who will hold meetings with core-team and continue with preparatory processes. The head of mission can start meeting with stakeholders. The last to arrive is the rest of the observation team. SADC LA should have a clear time-line for the latest arrival in the country by an observer. Once the whole mission is in the country, the head of mission will provide a briefing. Depending on the duration of travel by observers, briefing can be done the day after the scheduled arrival of observers. Attendance at the pre-election briefing is mandatory for all observers. Individuals who are unable to arrive in the country to be observed in time for the briefing should not be accepted as members of the SADC-LA observer mission.

The briefing by the head of mission will cover:

- The SADC-LA Observer Code of Conduct;
- Schedule of meetings with stakeholders and briefings with EMB and other observer missions

- A political overview;
- The electoral system;
- The election law and its practical implementation;
- The election administration;
- Polling and counting procedures;
- Gender and minority issues;
- A media overview;
- How to respond to media enquiries;
- Any special issues or procedures to be observed;
- How to fill out and submit reporting forms;
- Logistical, deployment, and financial information; and
- Security issues
- Dealing with emergencies (phone numbers for ambulances, hospital, police, doctor, fire brigade etc)

During the briefing, SADC-LA observers are provided with accreditation badges and identities if that has already been done by the core team and with written briefing materials. The materials will include the SADC-LA code of conduct and the code of conduct from the host country, information on security and how to deal with emergencies. Background information on the country is should also form part of the materials. General logistical information and a map of the country or area of responsibility, the SADC-LA Election Observation Handbook, and reporting forms are also given to the observers. Thereafter the observers will be deployed to their regions where they will have a day to familiarize themselves with their assigned areas of responsibility before Election Day.

### **5.5 Serving as a SADC-LA Observer**

As an observer there a number of responsibilities that comes with the role. These include:

- On Election Day, observers begin work early by observing the opening of polling stations. Observers are required to arrive at the polling station at least an hour before the opening time of the polling station
- Observers must take with them the following items: accreditation badge, valid identity document; appointment letter, observation manual, observers forms; incident forms; pen and notebook; charged cellular phone and other supplies such as umbrella, torch and something to eat and drink for the day.
- Upon arrival at the designated polling station, the observer must greet the presiding officer and introduce themselves as a SADC-LA observer
- In the course of the day, the observer will be required to remain at a single polling station where they must observe the setting up of the polling station, the voting, the closing of the polling station and vote counting and tabulation. In cases where SADC-LA wants to cover a bigger geographical area but has limited observers, an observer may be designated to observe two polling stations in a day.
- The observer must complete the reporting forms given including the incident form.
- The observer is expected to be non-partisan; vigilant, dedicated and honest. She/he is required to abide by the SADC-LA observer mission code of conduct and that of the host country where one exists (refer to annex A).

## 5.6 Overview of Election Day Processes

STOs are deployed around the country on Election Day to assess the voting process itself at the polling stations, the counting of votes and their tabulation. The objective of the SADC-LA observation mission is specifically to observe human rights, legal and rule of law issues. The methodology employed by SADC-LA is a case study approach that employs more of a qualitative approach for observation of the Election Day. This requires the completion of forms on key processes in polling stations. The completed forms provide a basis for a statistical analysis of the implementation of key election-day procedures. The forms ensure that the important aspects of the election-day process are properly focused on and reported and that key tendencies pertaining to human rights, legal issues and rule of law are identified correctly. The SADC-LA data analyst will then prepare an analysis of the results of observation.

In addition to filling out forms, STOs are required to provide comments on noteworthy observations or impressions, both on their forms and in oral debriefings. They will be asked to prepare separate written reports on particular incidents or observations. Careful and professional commentary from STOs is particularly important in establishing whether specific election-day violations took place and in discerning trends within the country or in particular regions. It is extremely important for STOs to specify in their forms and reports whether they themselves witnessed any reported irregularities or whether these were reported to them by others. STOs must specify who they got the reports from and explain the extent to which they consider the information to be accurate. It is not possible to gather some of the required information purely by observation. Observers will need to engage with polling station officials, other observers and in particular domestic observers on issues that may warrant an appreciation of the local environment. Observers should also try to engage some voters in discussion in order to assess their understanding of and confidence in the process and any issues that may warrant follow up like refusal to vote. Observers should strictly refrain from asking questions regarding who the voters voted for. They should also refrain from interaction with voters as they approach the station or as they are voting as this may be misconstrued. In all their interaction with various stakeholders, observers should be wary that some people may try and manipulate information for their own purposes and interests. Observers should therefore use their critical judgements in making an assessment of the relevance of the information they receive from the various sources. Ultimately Observers should exhibit the highest levels of personal discretion and professional behaviour at all times during the conduct of their observation duties.

### 5.6.1 Setting up or installation of the Polling station: Issues to Note

- In countries like Zimbabwe, the law mandates that there should not be any campaign material inside the polling station and within 100metres of the polling station. Be advised that this provision may differ from country to country. In some countries like Swaziland and Zambia all campaigning activities should cease 48hours before the elections.
- The voting booth should be set up so that voters can mark their ballots in secret.
- There should be one ballot box in use at a time.
- The ballot box should be shown to be empty before being closed and sealed
- The ballot box should be placed in full view of officials.

- The number of ballot papers should be counted before voting commences. This should be in full view of the authorized personal and accredited observers.
- Only authorized persons should be present during the setting up, voting and counting procedures. These are: the presiding officer; polling/counting officials; accredited electoral agents; accredited media persons, accredited domestic, regional and international observers and police officer(s).

Polling stations must have the following material:

- Voters register/list(s)
- Ballot papers
- Ballot box
- Indelible ink
- Various protocol forms like results protocol, procedures manual, and complaints ledger
- Voting booth
- Stationary – pens and rulers
- Identification bibs for electoral officials

#### **5.6.2 Voting: Issues to note**

- When approaching the polling officer, the voters should present a valid form of identification.
- Every potential voters name must be checked on the voter list and their names must be crossed out
- Before the ballot is issued, every potential voter’s finger must be checked for indelible ink. Voters with fingers that are not marked should be the ones permitted to vote
- Every eligible voter should have their finger marked with indelible ink
- Every voter must be given one ballot paper
- Each ballot paper will be officially marked and stamped by the polling officers usually at the back of the paper
- If a voter spoils a ballot before dropping in the box they may surrender the spoilt ballot to the presiding officer and be given a new one. The spoilt ballot should not be mixed with any other ballots but go into their own appropriately marked box. (a spoilt ballot is different from a rejected ballot. A rejected ballot is one that is deposited in the ballot box but is unmarked, the voters choice is unclear or the voter could be traced).
- Every voter must mark their ballot in secret.
- Assisted voters shall be aided by a person of their choice who may not be a minor, a party agent, electoral candidate, electoral officer or chief electoral agent. The person assisting cannot assist more than one voter in any election
- Every voter shall leave the polling station immediately upon casting their vote

#### **5.6.3 Counting: Issues to note**

- Counting will begin after the closure of the polling station.
- It is best practices that counting takes place at the polling station
- The ballot box should neither be moved nor should counting take place at a different location
- All pens should be removed from counting officers

- There should be a determination of the voters who cast their vote based on the voters lists
- The number of unused ballots should be determined
- The number of spoiled ballots should be determined (these are the ones where mistakes were made and were not put in the ballot box)
- Ballot boxes should be opened one at a time
- The number of ballot papers in a box should be determined
- The number of invalid ballots should be determined (those not marked, or where more than one choice was marked)
- The number of valid votes should be determined
- If there are postal votes, these should be counted.
- The number of votes for each candidate should be determined
- A recount should be done where there is a mismatch between ballot papers and votes cast
- Any complaints by party agents should be noted and possibly addressed where possible
- Results must be posted outside the polling station
- Party agents and observers must be given an official results slip

### **5.7 Working and cooperating with other observer missions**

The SADC-LA observer mission is small in size and cannot observe the elections in all regions of any given country. For that reason, it is important for the SADC-LA observer missions to work and cooperate with like-minded missions to share information and compare observations. SADC-LA will therefore prior to an observation mission identify other credible observer groups and networks to work with. As much as possible a formal relationship should be established and processes and systems of cooperating agreed upon before the election so that once on the ground the observer mission is simply following the set plan for meetings and sharing of information. Further because SADC-LA membership in all the countries in the region, such membership will be utilised to strengthen the observer mission through sharing of background information and current analysis. Local members of SADC-LA who are part of other domestic observer missions can be incorporated into the network that observer missions that SADC-LA will cooperate with.

## **Annex A: Code of Conduct for SADC-LA election observers**

### **Introduction**

A code of conduct is important for election observers. This sets the standards on how observers should conduct themselves as they carry out this important undertaking. A code of conduct ensures that observers conduct themselves according to the highest professional and personal standards and behave in a manner consistent with the role of an independent and impartial observer. As one the key electoral stakeholders adherence to a strict code of conduct ensures for a confidence in the role of observers in contributing towards the ensuring of electoral integrity. The SADC-LA code of conduct is guided by best practice in election observation as espoused through various international and regional electoral guidelines.

### **Substantive provisions**

- 1 SADC-LA Observers are supposed to be non-partisan. In this regard they will maintain strict impartiality in the conduct of their duties and should, at no time, publicly express or exhibit any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process. They should not at any time fraternize with any of the political parties or candidates.
- 2 Observers will undertake their duties in an unobtrusive manner and will not interfere in the electoral process. They may not question voters as they approach the polling station, nor whilst the voters are in the polling station. Limited interaction with voters after voting and outside the polling station may be done only in cases where there are incidents in respect of the voter that may warrant further explanation. In talking to voters, SADC LA shall exercise safety precautions for themselves and the voter.
- 3 SADC-LA Observers will remain on duty throughout the designated election period as decided by the organisation, including observation of the installation of the polling station, the voting, the vote count and the next stage of tabulation and if requested by the head team, the announcement of results.
- 4 Observers must declare any issue of conflict of interest that may compromise their and the missions professional outlook.
- 5 Observers will base most of their conclusions on their personal observations and on clear and convincing facts or evidence. Where the accounts of third parties are used, observers must try to ascertain the credibility of the information provided.
- 6 SADC-LA observers will not make any comments to the media on the electoral process or on the substance of their observations. Observers should refer any media questions to the designated head of mission. If forced into making a comment, this should be limited only to general information about the observation mission and the role of the observers. If an observer is forced into a situation to make give any general comments to the media without authorisation from the head of mission, he or she should make a record of who interviewed

them and what media outlet or outlets they represented and inform the head of mission immediately.

- 7 SADC LA Observers will not take any unnecessary or undue risks. Each observer's personal safety overrides all other considerations. An observer shall not expose fellow observers to any risks or danger.
- 8 Observers will carry any prescribed identification issued by the host government or election commission and will identify themselves to any authority upon request.
- 9 Observers will comply with all national laws and regulations.
- 10 Observers will exhibit the highest levels of personal discretion and professional behaviour at all times.
- 11 Observers will attend all required mission briefings and debriefings and adhere to the deployment plan and all other instructions provided by the SADC-LA Election Observation Mission. Observers shall not move away or change their polling stations without prior permission.
- 12 Observers will at all times behave in a manner that respectful to each other and work as a team
- 13 Observers will respect the protocol set up by SADC LA for the management of the observation mission
- 14 Observers will take instructions and orders from the SADC LA head of mission, the core team or other designated persons
- 15 Observers shall report to the SADC LA head of mission, the core team or other designated persons as expected on time. This includes submission of observation forms or other reports as requested
- 16 Where any circumstances arise that prevent, hinder or inhibit an observer's execution of his/her duties, the head of mission should be notified immediately
- 17 SADC LA observers should also abide by the code of conduct of the EMB of the host country.
- 18 In case of violation of the SADC LA Code of Conduct which prevents professional execution of the mandate of the mission and puts the mission into disrepute, the head of mission, shall summon the observer to discuss the matter and seek a remedy. If no workable remedy or solution is available, the head of mission has the right to send the offending observer back home. Upon completion of the election observation mission, SADC LA can convene a hearing into the matter to resolve the matter.

SUMMARY OF DO'S AND DON'TS

Do's	Don'ts
<ul style="list-style-type: none"> <li>• Be neutral, impartial, objective and unbiased.</li> <li>• Wear the EMB accreditation badge.</li> <li>• Respect national laws and the authority of the EMB.</li> <li>• Maintain a respectful attitude toward electoral officials and other national authorities.</li> <li>• Introduce yourself to the Presiding Officer, and present your accreditation upon request.</li> <li>• Do not interfere with the electoral process in any way.</li> <li>• Respect the secrecy of the ballot, including by not entering the voting booth.</li> <li>• Maintain accuracy of observations and professionalism.</li> <li>• Base all conclusions on factual and verifiable evidence.</li> <li>• Interview several witnesses should an incident occur.</li> <li>• Keep a well-documented record of where you observed, the observations made and other relevant information.</li> <li>• Keep confidentiality.</li> <li>• Report all significant incidences to your supervisor and record all irregularities and violations when they occur.</li> </ul>	<ul style="list-style-type: none"> <li>• Indicate, or be seen as indicating partisan support for a candidate, political party, or political actor.</li> <li>• Wear, carry or display any party symbols, names, banners, colours or symbols.</li> <li>• Obstruct the election processes.</li> <li>• Accept any gift or favours.</li> <li>• Express an opinion that can affect the outcome of the election.</li> <li>• Express a view on a subject that is likely to be an issue in the election.</li> <li>• Show observation notes to polling station officials, or other parties.</li> <li>• Carry any weapons.</li> <li>• Take over the role of the police if there is an emergency.</li> <li>• Transport electoral material.</li> <li>• Make personal comments about observations or conclusions to the news media or members of the public.</li> <li>• Ask people who they voted for or stand beside people when they are voting.</li> <li>• Communicate with voters with a view to influencing how they vote.</li> <li>• Interfere on polling day with the secrecy or orderly conduct of the voting.</li> <li>• Celebrate the outcome of the elections.</li> </ul>



## **Annex B: Security Tips**

- Display your accreditation badge and other required ID at all times
- Maintain regular contact with the core team and call at stipulated times agreed upon
- Always be conscious of events around you
- Remove yourself with immediate effect from a potentially dangerous environment
- If you are subjected to any threats, intimidation or violence move away from the situation immediately and call your supervisor as well as the emergency number provided
- Do not get in any disputes. In case where you are forced to, remain impartial at all times
- Do not carry weapons
- Do not get overly emotional or excited
- Do not display any links with a specific party or wear any party regalia or use party symbols on yourself, your offices, your documents or your car. In some instance do not wear clothes predominately with a colour associated with political parties
- Do not endanger the lives of others or expose yourself to dangerous situations
- Take every threat seriously and seek safety as well as informing your supervisor of the threat
- Move in your pairs
- Always carry your identity documents or copies thereof
- If you suspect you are being followed immediately inform your supervisor or call the given emergency numbers
- Always conduct yourself in a sober manner
- Work and coordinate with local election observer groups with experience on the country's security situation and behaviour of security agents
- Ensure that you fully charge your phone everyday
- Be aware of the nearest emergency services in your area including the police and health services

## Annex C Check list for logistical arrangements

1. Securing and Setting up office for core team
2. Application for accreditation submitted to EMB in line with the country's legislation
3. Flight bookings
4. Hotel/accommodation bookings in the capital and areas for observation
5. Transport booked for in country travel
6. Observer kits with briefing materials and forms prepared and printed in sufficient quantities
7. Information on geographical location of polling stations obtained for planning of deployments
8. Nearest emergency services in areas of deployment identified
9. Setting up of field communication network- purchase of sim cards (observers should have sim cards from different service providers as back up
10. Emergency evacuation plan in case of serious illness, threat of war or conflict
11. IT equipment and systems
12. Allowances and petty cash
13. Schedule of in-country meetings with relevant stakeholders
14. Medical insurance
15. Hiring of drivers and proper briefing of drivers and schedules for picking and dropping
16. Each team should have a medical kit
17. Ensure that observers stock on supplies such as food and water as businesses in most countries are closed on election day
18. Establish a clear security check in and check out system for each day

## Annex D: Gender Check list- Focus- participation of women in the electoral process

Issues for observation by SADC-LA observers

1.	To what degree do women participate in public life?
2.	What societal attitudes are there to women's involvement in politics?
3.	What barriers are there to women's equal participation?
4.	What measures are in place to promote equality of participation?
5.	How many women are registered as voters? Is this an improvement over previous elections? Are women disadvantaged by factors such as registration locations, literacy requirements, the language used, and documentation requirements?
6.	What is the attitude of political parties towards women in politics?
7.	How many women are standing as candidates? Are there any special provisions for female candidates?
8.	Does the EMB employ equal numbers of men and women at all levels?
9.	Do domestic observer groups include equal numbers of men and women, and at what levels?
10.	Are issues of special interest to women addressed by the contestants?
11.	Are women attending and speaking at rallies?
12.	Is voter and civic education reaching women?
13.	Are there signs that violence during the campaign has had a stronger disengaging effect on women?
14.	What time and space is given in the media to female candidates and to issues of special interest to women?
15.	Are there segregated male and female polling stations? If so, are the women's stations staffed by women, and are there sufficient female observers and party agents to provide effective coverage?
16.	Is a culture of family or group voting resulting in women having less opportunity to mark their ballot in secret?
17.	What proportion of women vote in relation to those who were registered, and in relation to men who voted?
18.	How many female candidates were elected? Is this an improvement over previous elections?
19.	Is there a quota for female seats? If so what is the attitude to this, and is this a productive way of promoting effective female representation and participation?

## Annex E: Human rights check list

1.	Have any candidates or their supporters been detained or arrested?
2.	Are any candidates, or persons who were likely to be candidates, in exile?
3.	Have any prospective candidates been prevented from running because, for example, they are held in custody or are subject to administrative sanctions or a criminal investigation?
4.	Have any candidates, party activists, political activists, civil society representatives, electoral officials, observers, media representatives or voters been the victim of election-related violence?
5.	Have any campaign rallies, demonstrations, political gatherings or other activities been prohibited or obstructed by the authorities or security forces?
6.	Have any individuals or groups been subject to threats or intimidation, in particular by state authorities?
7.	Have any journalists been harassed or have any media outlets been closed or otherwise obstructed?
8.	Have government workers, students or others been forced or instructed to participate in campaign activities in support of ruling parties or incumbents?
9.	Are there any state-of-emergency laws or regulations in place? If so, how do these affect the electoral process?
10.	Are the military involved in politics?
11.	Are polling stations accessible to people with disabilities?
12.	What procedures are in place for assisted voting for the disabled?
13.	Is there any provision for absentee voting, including for people confined to institutions (hospitals, old person's homes)?

**Annex F      Observation form - setting up of polling station**

<b>Form 1: Setting up of the Polling Station</b>												
Polling station Name	Electoral district	Polling station Number										
Name	Team Number	Date										
<p>1. What time did the polling station start operating? (tick)</p> <table style="width: 100%; text-align: center; border: none;"> <tr> <td style="width: 20%;"><input style="width: 60px; height: 40px;" type="checkbox"/></td> <td style="width: 20%;"><input style="width: 60px; height: 40px;" type="checkbox"/></td> <td style="width: 20%;"><input style="width: 60px; height: 40px;" type="checkbox"/></td> <td style="width: 20%;"><input style="width: 60px; height: 40px;" type="checkbox"/></td> <td style="width: 20%;"><input style="width: 60px; height: 40px;" type="checkbox"/></td> </tr> <tr> <td>Before 6am</td> <td>6am-7am</td> <td>8am – 9am</td> <td>After 9am</td> <td>It did not open</td> </tr> </table>			<input style="width: 60px; height: 40px;" type="checkbox"/>	<input style="width: 60px; height: 40px;" type="checkbox"/>	<input style="width: 60px; height: 40px;" type="checkbox"/>	<input style="width: 60px; height: 40px;" type="checkbox"/>	<input style="width: 60px; height: 40px;" type="checkbox"/>	Before 6am	6am-7am	8am – 9am	After 9am	It did not open
<input style="width: 60px; height: 40px;" type="checkbox"/>	<input style="width: 60px; height: 40px;" type="checkbox"/>	<input style="width: 60px; height: 40px;" type="checkbox"/>	<input style="width: 60px; height: 40px;" type="checkbox"/>	<input style="width: 60px; height: 40px;" type="checkbox"/>								
Before 6am	6am-7am	8am – 9am	After 9am	It did not open								
<p>2. Who was present to administer the polling station?</p> <table style="width: 100%; text-align: center; border: none;"> <tr> <td style="width: 50%;"><input style="width: 60px; height: 40px;" type="checkbox"/></td> <td style="width: 50%;"><input style="width: 60px; height: 40px;" type="checkbox"/></td> </tr> <tr> <td>2(a) Presiding Officer</td> <td>2(b) Other (specify)</td> </tr> </table>			<input style="width: 60px; height: 40px;" type="checkbox"/>	<input style="width: 60px; height: 40px;" type="checkbox"/>	2(a) Presiding Officer	2(b) Other (specify)						
<input style="width: 60px; height: 40px;" type="checkbox"/>	<input style="width: 60px; height: 40px;" type="checkbox"/>											
2(a) Presiding Officer	2(b) Other (specify)											
<b>PROPER MATERIALS</b>												
<p>3. Were these materials present in the polling station? (Tick)</p> <p>3(a) <input style="width: 40px; height: 20px;" type="checkbox"/> Voter list</p> <p>3(b) <input style="width: 40px; height: 20px;" type="checkbox"/> tally sheets</p> <p>3 (c) <input style="width: 40px; height: 20px;" type="checkbox"/> Results protocols</p> <p>3 (d) <input style="width: 40px; height: 20px;" type="checkbox"/> Complaints ledger</p> <p>3(e) <input style="width: 40px; height: 20px;" type="checkbox"/> Ballot boxes</p> <p>3(f) <input style="width: 40px; height: 20px;" type="checkbox"/> Ballot papers simply designed and easy to understand</p> <p>3(g) <input style="width: 40px; height: 20px;" type="checkbox"/> Ballots marked and stamped</p> <p>3(h) <input style="width: 40px; height: 20px;" type="checkbox"/> Ballot papers for the blind in braille</p> <p>3(i) <input style="width: 40px; height: 20px;" type="checkbox"/> Voting booth</p> <p>3(j) <input style="width: 40px; height: 20px;" type="checkbox"/> Indelible ink</p>												
<b>PROPER PROCEDURES</b>												
<p>4. Which procedures were followed? (Tick)</p>												

- 4(a)  Ballots were counted before voting began
- 4(b)  Ballot boxes were confirmed empty before voting began
- 4(c)  The voting booth was set up to ensure secrecy
- 4(d)  The ballot box was visible to commissioners
- 4(e)  The ballot boxes were sealed properly
- 4(f)  The voting booth was set up to enable access to physically challenged voters
- 4(g)  The polling station was set up to provide access to the physically challenged
- 4(h)  There were clearly articulated guidelines and arrangements for people with disabilities to be assisted in accessing the polling station & booth
- 4 (i)  There were clearly outlined directions & processes to enable easy access by voters to the polling station

**EQUAL ACCESS** by stakeholders to the polling station in accordance with the law?

5. Which **ACCREDITED** electoral stakeholders were allowed access to the polling station? (tick)

- 5(a)  Member (s) of the EMB
- 5(b)  Party Agents (specify on incident form party agents present)
- 5(c)  Security Forces
- 5(d)  Media
- 5(e)  Domestic Observers
- 5(f)  International & regional observers
- 5(g)  Others (specify their identity if known)

6. General Impression of the Polling station arrangements in accordance with observance of the legal framework, human rights and rule of law.

**Annex G Observation form- Voting process**

<b>Form 2: Observation of the Voting Process</b>		
Polling station Name	Electoral district	Polling station Number
Name	Team Number	Date
<p>1. Was the voting process stopped at any time at this polling station? (tick Yes or No)</p> <p> <input type="checkbox"/> <input type="checkbox"/> </p> <p>Yes No</p> <p>If yes record the details and time of this occurrence on the incident form.</p>		
<b>PROPER PROCEDURES</b>		
<p>2. Which procedures were followed? (tick)</p> <p>2(a) <input type="checkbox"/> Officials explained the voting procedure to voters</p> <p>2(b) <input type="checkbox"/> Each voter was provided with and only cast one vote</p> <p>2(c) <input type="checkbox"/> All persons on the voter list were allowed to vote</p> <p>2(d) <input type="checkbox"/> All persons not on the list were prohibited from voting</p> <p>2(e) <input type="checkbox"/> As voters were handed their ballots, their names were checked of the list and indelible ink applied to their finger</p> <p>2(f) <input type="checkbox"/> There were no restrictions to the right to a secret vote</p> <p>Any other significant issues please record on incident form</p>		
<b>PROPER CONDUCT</b>		
<p>3. Which conduct was adhered to (tick)</p> <p>3(a) <input type="checkbox"/> Campaigning occurred at the polling station</p> <p>3(b) <input type="checkbox"/> Campaign material was displayed in the polling stations</p> <p>3(c) <input type="checkbox"/> The physically challenged were offered impartial assistance to cast their vote</p> <p>3(d) <input type="checkbox"/> Those unable to read were offered impartial assistance to cast their vote</p>		

- 3(e)  The Polling station closed after all people on the queue voted
- 3(f)  Incidences of voter intimidation and violence were dealt with promptly in accordance with the law

**POLLING CONDITIONS/ENVIRONMENT**

4. Which conditions were present to ensure the freedom to vote (tick)

- 4(a)  There were no incidences of voter intimidation while in the queue
- 4(b)  There were no incidences of vote buying
- 4(c)  Queues were not too long and slow moving and no voters left without casting their vote
- 4(d)  Police presence ensured peace and order whilst voting
- 4(e)  Polling officials conducted their duties impartially and within the law
- 4(f)  There were special provisions to enable lactating mothers, pregnant women, and the elderly to cast their votes

Note any specific incidences with regards to these issues with regards to women, disabled, elderly on incident form

5. What time did the polling station close?

6. General Impressions on the voting process in accordance with observance of the legal framework, human rights and rule of law



**Annex H Observation form- vote counting**

**Form 3: Observation of the Vote Counting Process**

Polling station Name	Electoral district	Polling station Number
Name	Team Number	Date

1. When did the counting of votes begin (tick in the appropriate box)

Before 6pm

Between 6pm-8pm

After 9pm

It did not open

2. Other than polling station officials, who else was present at the vote count? (tick appropriate)

2(a)  
Party Agents

2(b) Observers

2(c)  
Police

2(d)  
Voters

2(e)  
Other - specify

3. Which party agents were presented? (tick appropriate)

3(a)  Party A

3(b)  Party B

3(c)  Party C

3(d)  Party D

4. **IRREGULARITIES** in the vote counting process

Which irregularities were experienced? Tick

4(a)  Proportion of ballots in comparison to the numbers of voters who were recorded as having cast their votes

4(b)  Party agents and observers were not prohibited from observing the vote count

4(c)  Votes were not credited to the wrong candidate

4(d)  Ballots were voided properly

4(e)  Unused ballots were not illegally marked and added

4(f)  Tally sheets were posted outside the polling station

4(g)  Copies of vote tally sheets given to party agents & observers

4(h)  There were no intentional acts in attempt to alter the preference of voters during counting and in vote tallying

4(i)  Others – specify on incident form

**5. Results of the Election** (indicate the number of votes for each contestant)

5(a)

Party/candidate A

5(b)

Party/candidate B

5(c)

Party/Candidate C

5(d)

Null and void (blank)

5(e)

Challenged Ballots

5(f)

Spoilt Ballots

**6. Contest of the results**

If there were any contestations which political party/parties contested the vote count (tick)

6(a)  Party A

6(b)  Party B

6(c)  Party C

6(d)  Party D

7. General impression of the vote counting process in accordance to observance of the legal framework, human rights and rule of law.

**Annex I Incident Form**  
**SADC-LA OBSERVATION CHECKLISTS**

**INCIDENT FORM**

Polling station name	Electoral district		Polling station Number
Name	Team Number		Date
<b>Incidences during installation of Polling Station</b>	<b>Time of incident</b>	<b>Detailed explanation of incident</b>	<b>Witness (personal account or of another – specify)</b>
Materials			
Procedures			
Access			
Others (specify)			
<b>Incidences during voting</b>	<b>Time of incident</b>	<b>Detailed explanation of Incident</b>	<b>Witness (personal account or of another – specify)</b>
Voting Procedures			
Voting conduct			
Voting conditions			
Others			
<b>Incidences during vote counting</b>	<b>Time of Incident</b>	<b>Detailed explanation of incident</b>	<b>Witness (personal account or of another – specify)</b>

Procedures			
Conduct			
Results			
Others			
<b>Incidences to and from polling station</b>	<b>Time of Incident</b>	<b>Detailed explanation of incident</b>	<b>Witness (personal account or of another – specify)</b>

**List of organisations whose documents were used as sources**

- 1 ACE-Elections Knowledge Network
- 2 EISA- Electoral Institute on Democracy in Africa
- 3 African Union-Electoral Management Division
- 4 UN OHCHR
- 5 UN Women
- 6 SADC Parliamentary Forum
- 7 Independent Electoral Commission of South Africa
- 8 International IDEA
- 9 BRIDGE Project
- 10 Electoral Commissions Forum of SADC Countries
- 11 European Union, OSCE/ODIHR



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