

ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

BEST PRACTICE FOR ELECTORAL CAMPAIGNS

QUERY

I would like to know if there are any best practice codes for electoral campaigns. We are running a project on improving transparency and probity in electoral campaigns and would like to review codes in other contexts.

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SUMMARY

Integrity and fairness in electoral campaigns are central to well-functioning democracies. It is therefore vitally important to ensure that corruption does not enter electoral campaigns and as a result damage the credibility of the entire election system and its outcomes.

Major corruption risks to electoral campaigns come in the form of ballot stuffing, vote-buying and voter register manipulation, as well as via the abuse of state resources, to swing the election campaign in the favour of one party or candidates – usually the incumbent.

Therefore, it is important for a country to have a robust and comprehensive legal system that directly and clearly counters the potential for corruption to discredit the election process. This framework must include robust election mechanisms, the opportunity for free and meaningful oversight from both national and international observers and sanctions that are dissuasive yet proportionate to the offences committed.

Moreover, countries can benefit from a code of conduct that is either enshrined in electoral law or which has been created by a country's political parties. These can create a simple checklist of actions that are, and are not, admissible in the course of the election campaign and can be used to easily hold parties and candidates to account.

1 ELECTORAL CAMPAIGNS: OVERVIEW OF CORRUPTION RISKS

Overview

Free and fair elections are the cornerstone of democracy and electoral campaigns are a central pillar of this process. The campaign itself is often relatively short. However some processes such as the creation of voter registers can make up part of the broader campaign cycle and can be operational for much longer than just the actual period of campaigning.

Corruption in election campaigns broadly centres on the abuse of election mechanisms – that is, the structural processes that make up each part of the election and allow it to function properly – and the abuse of resources of the state. This can include the misuse of public services and the abuse of the civil service and other resources.

Another big area surrounding electoral campaigns is the issue of political party financing. However, party financing has a broader scope and is not just limited to elections. The topic has already been covered by other TI Helpdesk publications (see [here](#) and [here](#)).

This answer will focus on the corruption risks that can be present in an election campaign. It will then discuss the legal standards that international organisations recommend in order to counter these corruption risks and ensure transparency and accountability during a campaign. It will also include discussion on the role of codes of conduct in election campaigns and will include some examples of best practice from around the world.

Abuse of election mechanisms

Elections mechanisms are structures and procedures that are put in place in order to carry out elections. These include electoral laws, voting registers, the counting of votes and the announcement of results. A number of these mechanisms can be manipulated in order to give certain actors in an election an advantage during the campaign period.

Manipulation of electoral law

Electoral legislation lays out exactly how an election and the campaigns of candidates and parties must be run.

Changing electoral laws frequently, or directly before an election, can serve to confuse voters. This can be done by deliberately making legislation overly complicated in an attempt to dissuade voters from voting or to prevent opposition candidates from fulfilling all registration requirements. Frequent changes and manipulation may also convince voters that the political classes see the elections as a game, and therefore that their individual votes do not matter (Venice Commission 2003).

Shortening or lengthening the election campaign period can be used to give an advantage to one party or candidate over another or it can be used to circumvent party finance regulations (Venice Commission 2003). For example, some observers suggest that the extension of the 2015 election campaign period in Canada favoured the Conservative party and enabled it to circumvent party finance regulations and make use of its larger financial capabilities (Clark 2015).

Manipulated voter registers

A voter register is a list of all of the people in a country who have been registered to vote in an election. Mobilising specific constituencies or the public at large to register to vote can thus be a central part of an election campaign. The final list is then used on the day(s) of the election to ensure that only those who are eligible and registered to vote can do so. Without a transparent voter registration mechanism, it is not possible to accurately calculate voter turnout (EC, UNDP 2012).

However, no voter register will ever be totally accurate, and there must be a cut-off point in the run up to election day at which point no new registrations are allowed. This creates natural distortions in the register, as once it stops being updated events such as deaths, immigration/emigration and new voters becoming eligible are no longer captured (Gomes et al. 2012). This can also be abused as the cut-off date for registration can be either left very late (allowing more time for manipulation on the part of the body that

creates the document) or can be made restrictively early, preventing enough time for observation and challenges to the register to be made.

Furthermore, if the list is not made freely available to the public then no broader oversight can take place, and the opportunity for the list to be manipulated is greatly increased. Similarly, if there is no opportunity for the public to challenge the voter register, this can also raise the opportunity for malpractice (The Carter Center 2014).

The method by which the register is created can also create significant opportunities for manipulation and introducing bias. There are two main ways that voters can be registered; either (i) actively, requiring the voters to register themselves to vote; or (ii) passively, where the electoral management body uses other government records to compile the voter register (Gomes et al. 2012). If the government registers everyone based on other records (for example, birth and death certificates or the civil registry), the opportunity for mistakes and misinformation making their way on to the final register are higher, as these documents may be out of date or inaccurate themselves. Similarly, if citizens have to register themselves, but there is insufficient oversight of the process, this could result in multiple registrations of fraudulent voters.

To be eligible to vote and appear on the voter register, there are normally some requirements that a person has to fulfil. Should these requirements be too harsh or restrictive they can prevent certain members of the electorate from registering to vote. Such unnecessarily harsh restrictions could include denial of voting rights because of excessively restrictive proof of identity or residence requirements, long-past political crimes or disqualification on grounds of mental incapacity without independent verification taking place (International IDEA 2014). Moreover, without a robust and fair mechanism for the removal of people from the voter register, corrupt party officials could use this to their advantage by removing voters from the list that might not support their candidate (Gomes et al. 2012).

A poorly constructed voter register can also create the opportunity for ghost voting. A ghost vote is a vote cast by a person who is still registered (usually because of administrative error) despite having died before the election (Schaffer 2008). Whilst this is rare in many

countries, and the scale of the problem is low, the opportunity for this to be abused in order to favour a candidate or a party is apparent.

Manipulation of vote counting

Vote counting is one of the final parts of the electoral process and involves the counting and tabulation of all votes that are cast. Vote counting is open to a number of risks that could bring into question the entire electoral process.

If the counting of the cast ballots is done in a location that is different to the polling station, and the ballots are moved without a simple and secure courier, the risk that the ballots could be substituted for false ones greatly increases (Venice Commission 2003). Moreover, storing ballots at locations other than in the polling station itself creates another huge opportunity for abuse, as ballots could be easily tampered with by corrupt officials.

Further corruption risk is present if a count cannot be observed by candidates, parties, the electoral management body and/or other independent observers. Vote counting that is performed in secret cannot be independently verified and significantly increases the risk that the results could be tampered with (International IDEA 2014).

A lack of observation at polling stations can increase the chance of ballot stuffing. This is the practice of submitting multiple ballot papers instead of just one. In general, if the commonly held rules of polling stations are followed, this should not be easily possible as voters are usually handed their ballot before entering the polling station. However, problems can also arise if people who are not registered to vote are present in the polling station (Venice Commission 2003). Having unregistered people within the polling station can increase the likelihood that security measures can be circumvented and increase the chance of ballot stuffing occurring.

Finally, if there is no recognised and fair mechanism by which aggrieved candidates, parties or citizens can make appeals, then the opportunity for corruption and manipulation of the vote count to go unpunished is much higher. Appeals against malpractice are important as they allow time for investigation into allegations of misconduct and manipulation

(International IDEA 2014). If this is not possible, then corrupt officials could abuse the system and announce a fraudulent result without fear of reprisal.

Abuse of state resources

Incumbent parties and candidates can be tempted to abuse the resources of the state in a variety of ways in order to gain an advantage over the other candidates in an election campaign (Fontana, Speck 2011).

Use of state services to buy votes

Buying votes is the practice whereby a party or candidate attempts to guarantee themselves the vote of certain people and groups. Votes can be bought directly via bribery, or alternatively by withholding or making available different public services to specific constituencies in return for vote support (Fontana, Speck 2011). For example, more than one third of Maldivian citizens reported that they have first hand experience of vote-buying in exchange for money (IFES 2014).

It is important to note that vote-buying is not just a corrupt lever for incumbents but is often used by deep-pocketed contestants with access to significant economic resources, yet the problems are particularly salient when state resources and support are hard to gain access to. In such contexts the ruling party can use its influence to make a deal with citizens, whereby the services are made available in return for a guaranteed vote. This has been found to be a particular issue with education, housing and health services. At a lower, local level, candidates become the facilitator who can successfully provide the service, thereby securing him or herself a vote (Alcázar 2010; Fontana, Speck 2011).

Moreover, incumbent political parties can make illicit use of government resources in order to artificially raise the standards of living for voters in the direct run up to elections. This can take the form of increases in pension funds and is done in order to boost support for the party or candidates. Such action constitutes an abuse of the incumbent's public position as such activity is unfair on the other candidates (Open Society Justice Initiative 2005).

Use of government infrastructure

Ruling parties are frequently able to have privileged access to government equipment.

Government vehicles, for example, can regularly be requisitioned by the ruling party in order to assist with election campaigns. This could take the form of transporting supporters to rallies and moving candidates and their teams to similar events (Fontana, Speck 2011). Moreover, government vehicles can be used to transport voters to the polling stations on the day of election, which can in itself be used as a form of vote-buying.

The ruling party or incumbent candidates can also abuse their access to government office space and equipment. This can mean unequal access to printers for the creation of campaign literature and fliers as well as access to premises to use as storage for campaign materials. Similarly, parties and candidates abusing their access to government equipment can make use of telephones and computers as a boost to their direct campaigning and canvassing. Moreover, incumbent parties and candidates can make use of public spaces in order to hold rallies and other campaign events (Open Society Justice Initiative 2005).

Abuse of civil service

Incumbent governments can also abuse the expertise and time of a country's civil servants in order to support their election campaigns.

Extorting financial support from the civil service can be done via mandatory deductions from salaries. Such payments can be withdrawn without the consent of the staff. Similarly, using civil service staff to organise rallies or to help run the election campaign itself is another way in which the civil service can be used to advantage the ruling party over their opponents (Fontana, Speck 2011).

In addition, when civil servants who are paid by the state are used to assist in supporting an election campaign, this takes them away from their intended role, which damages the quality and level of service that can be offered to the public (Fontana, Speck 2011).

Extortion of private sector

The government can use its privileged position of power in order to gain advantages over its opponents in an election campaign by extracting financial support from private companies.

By threatening to withhold contracts and licences from companies, the government is able to strike deals that are beneficial to its party machinery. In order to enjoy continued access to government contracts or be granted licences or credit, companies can be forced to offer financial support to the government's election campaign via donations (Fontana, Speck 2011).

Similarly, state-owned enterprises can be used to provide additional funding to election campaigns. The status of these companies in regards to political donations is frequently unclear in regulations on the issue, and so their finances can be misused relatively easily (Open Society Justice Initiative 2005).

Manipulation of state media

The governing party may be able to influence state-owned media in order to deliberately boost its public profile and reputation. This can include direct interference with, or pressure on, editorial teams. But it can also take more subtle forms such as advertising government policies and successes as part of public information campaigns into entry points for promoting the success and accomplishment of the incumbent government and party (Ohman 2011) or by allotting lucrative advertising contracts only to media outlets that provide favourable partisan coverage in return. Opposition parties and candidates can be excluded from state media by making the fees for advertising time restrictively high or by simply refusing them access to the service. Another facet of this practice is hidden advertising – reporting that appears to be objective but in practice promotes a particular candidate (Open Society Justice Initiative 2005; Fontana, Speck 2011).

2 ELECTORAL CAMPAIGNS: METHODS TO COUNTER CORRUPTION RISKS

There are multiple international and regional organisations which have put forward standards and suggested regulations concerning electoral campaigns. These include the African Union, the Commonwealth of Independent States, the Commonwealth of Nations and the European Union. Other organisations such as the Organisation for Security and Co-operation in Europe and the Economic Community of West African States also have their own regulatory frameworks that promote transparency and accountability for elections and campaigns (European Commission 2007).

Guidelines are also available from the Institute for Democracy and Electoral Assistance (IDEA) and the International Foundation for Electoral Systems (IFES). All agree that a strong legal framework is vital to ensuring transparent and fair election campaigns.

Legal framework

A strong legal framework for the election and its management is of utmost importance in countering corruption risk in election campaigns. Key is the creation of an effective electoral management body that oversees the election process and an effective code of conduct that applies to all parties and candidates. A strong legal framework should also include strong and clear provisions for registration of voters and candidates, the voting process and the counting of ballots. Similarly, the legal framework should provide allowances for oversight of the election process and equal access to the media for all candidates. Finally, a complaints mechanism and appropriate sanctions to deter malpractice should be laid out in legislation regulating electoral campaigns.

Election management body

An election management body (EMB) is a body or institution that is legally responsible for managing elections in a country. National EMBs tend to be permanent institutions which oversee the entire election cycle whereas local bodies tend to be temporary, only created to serve individual elections (International IDEA 2002).

There are three types of EMBs (Martini 2013):

- Independent: The election is managed by a body which is fully financially and politically independent from the executive.
- Governmental: The election is managed by the executive branch (for example, the Ministry of Interior) or local authorities.
- Mixed: There are two institutions responsible for the election; one which is independent of the executive and monitors policy-making and oversight; and one which is responsible for the administration of the election and is often located in a government department.

Governmental EMBs tend to be found in countries with an established democratic tradition, such as Germany, Italy or Austria (Martini 2013). In emerging democracies, the legal framework should require the creation of an independent and impartial election management body to effectively oversee the administration of elections (International IDEA 2002).

Legislation should ensure that the EMB is technically impartial and independent. This entails clearly outlining the structure and composition of the EMB as well as defining its roles and responsibilities. Finally, the finances afforded to an EMB should be openly disclosed (Ohman 2011; International IDEA 2002).

To help ensure that the EMB is independent and accountable, the method by which the members of the body are appointed should be fully transparent and based on a pre-defined, objective and reasonable set of criteria (The Carter Center 2014). Where possible, professionals with experience of the electoral framework of a country should be appointed to the EMB, and at least some of the members should have a legal background. Moreover, the terms of office of each member should be made to overlap so as to ensure continuity when one or more members step down (International IDEA 2002). In EMBs that include political party members, care should be taken to ensure that all parties are represented fairly and equally. This can be done either proportionally, based on their past electoral performance, or in a simple one-party one-member system (Venice Commission 2003). This can help to prevent the EMB becoming influenced by any one single party and increases the accountability of the body (Birch, no year).

As well as being appointed in a transparent manner, members of the EMB should have some form of tenure

security to ensure that they can act with independence. The EMB itself should not be able to dismiss any of its members at will. Similarly, the government should not be able to remove EMB members from their positions. Removals from the body should be based on objective rules that are universally applied. Nevertheless, recall of members must be allowed in certain cases, but legislation should not allow for the discretionary recall of EMB members (The Carter Center 2014; Venice Commission 2003; International IDEA 2014).

In regards to the duties and functions of the EMB, the legislation should clearly and categorically define what these are. These should include:

- Ensuring election officials are sufficiently trained and impartial
- Establishing clear voting procedures
- Communicating all parts of the electoral procedure to the public and candidates
- Overseeing the upkeep and maintenance of voting registers
- Taking appropriate measures to prevent unlawful and fraudulent voting
- Establishing a transparent and clear process for the counting, tabulating and aggregating of votes (International IDEA 2002; EC, UNDP 2012).

Other duties that legislation may bestow upon the EMB include the certification of the final election result, delimitation of electoral boundaries, oversight of campaign financing and expenditure and offering research and advice to government regarding the election (International IDEA 2002).

In order to further ensure transparency and accountability of the EMB in practice, all meetings should be made open to the public, and all decisions that are made in these meetings should also be communicated to the public (The Carter Center 2014).

Codes of conduct for elections

Codes of conduct are a set of rules guiding the behaviour of parties, candidates and other election agents during an election campaign. Such a code can be informal, or be supported in legislation (usually the electoral law) and should have enforceable sanctions

that are clearly defined (ACE Electoral Knowledge Network 2013).

Electoral codes of conduct can be either (i) part of electoral law (ii) agreed by political parties (iii) agreed by parties and then enshrined in legislation and (iv) determined by a third party. Codes of conduct that are enshrined in law are more binding than those which are simply agreed upon between parties and candidates. They also allow for effective sanctions to be made, meaning that the standards in the code can be enforced (International IDEA 1998).

Furthermore, breaking the code of conduct should be punishable by reasonable sanctions – such as fines or disqualification – and the code should at a minimum apply from the beginning of the campaign period up until the official announcement of the results (International IDEA 1998).

Some sources suggest that the legal framework should explicitly require that all candidates and parties should be afforded an equal amount of time in which to campaign, and all parties and candidates should be allowed equal access to public places in order to campaign (The Carter Center 2014).

Whilst codes of conduct will inevitably differ to suit a country's particular context and legislative framework, there are some forms of conduct that can be universally covered (Goodwin-Gill 1998; International IDEA 1998):

- Vote-buying: No party or candidate should offer bribes or inducements in order to gain votes or to incentivise opposing candidates to withdraw.
- Abuse of state resources: The ruling party should not be permitted to use government funds or resources except on equal terms with other candidates and parties.
- Abuse of election mechanisms: No party or candidate should attempt to influence the transparent processes of casting or counting votes.

Country example: India

India's Model Code of Conduct for the Guidance of Political Parties and Candidates has existed in various forms since the 1960s. It applies to all political parties and candidates during the election process (Banerjee

2014). The code is not enshrined in law and is instead a list of moral principles that guide conduct of parties and candidates during the election campaign (Sen 2014).

The model code explicitly outlaws any behaviour that could be classified as corrupt under Indian law. In particular it outlawed the bribing, impersonation and intimidation of voters, the abuse of official positions for the purposes of the campaign and the transportation of voters to and from polling stations by parties and candidates.

The code also states that government transport was not to be used by any party or candidate and that government accommodation (such as rest houses) should be used equally by all candidates. It also specifically ruled that government ministers and members of the incumbent party were not allowed to sanction grants, make promises of new construction projects or even lay foundation stones for projects so as to prevent them abusing their positions to gain favour amongst the electorate (Election Commission of India 2014).

As the code has no official legal sanction, it has in the past proved hard to enforce, and there are still examples of the governing party misusing government vehicles during elections (Kaur 2008; Sen 2014). In the 2014 elections, the Election Commission of India reported that there were over 800,000 reported cases of violations of the code, with another 950,000 reported actions taken against those violations (Election Commission India 2014).

Country example: South Africa

South Africa's Electoral Act 1998 contains an electoral code of conduct that is intended to promote a free and fair election and includes specific provisions for campaigning.

Any candidate or party that wishes to run in an election must adhere to the provisions of the code at the risk of disqualification. The code explicitly outlaws bribery in order to buy votes or induce other candidates to drop out of the election and the abuse of power or privilege in order to influence the election outcome.

The code also clearly defines the sanctions that can be applied by the South Africa EMB to parties and candidates that do not comply with the code of

conduct. These range from formal warnings, fines and forfeiture of candidates' deposits to disqualification of candidates and the cancellation of the registration of parties (EISA 2006).

Country example: Tanzania

An initial attempt by Tanzania's EMB to implement a voluntary code of conduct was unsuccessful. However, in 2010 it succeeded in creating the Code of Ethics for Elections, which is now used in the country's elections. Parties and candidates that do not sign up to the code are not allowed to take part in the election.

The code addresses three areas of elections in the country:

- Political parties and candidates: All parties must file complaints, via an agreed mechanism, to the EMB. In addition, parties and candidates are not allowed to canvass on the day of the election, and all parties are obliged to cooperate to facilitate voting and ensure peace.
- The government: The government should ensure equal opportunity to all who take part in an election. Furthermore, any parties that have a candidate running for the presidency must be afforded equal access and use of public media. The code also states that the government cannot permit party leaders or officers from abusing their authority or resources for campaigning purposes; that civil servants cannot be victimised because of their political views; and that security forces cannot use excessive force or be used to oppress any party, candidate or supporter.
- The electoral management body: The EMB is obliged to inform the public of the timeline of the election and any other regulations and guidelines in a timely manner. It is also obliged to provide adequate training to electoral staff and coordinate the use of public media to ensure equal opportunities for all presidential candidates (EISA 2010).

Election mechanisms

Election mechanisms include the creation and maintenance of a register of voters, the procedure for

candidate registration and guidance on counting ballots and announcing the result of an election. The legal framework should cover these specific aspects of the election as well as the direct election campaign as the election campaign can be directly influenced by the efficiency and transparency of these bodies, ensuring that transparency and accountability are at the core of these functions.

States should be legally required to ensure that the entire election process is completely open to public scrutiny and conducted in a transparent manner (Venice Commission 2003).

Voter register

Creating the voter register is vital to a successful election, but is both a time consuming and expensive process. Indeed, as much as 50 per cent of electoral budgets may be consumed by the creation and maintenance of a register (EC, UNDP 2012). The legal framework should require that voter registers are maintained in a transparent and accurate manner (International IDEA 2002).

Legislation should also explicitly lay out the point at which changes, additions to and deletions from the register are no longer allowed, to allow for finalisation of the register (EC, UNDP 2012; International IDEA 2014).

Voter registers should also be made open and available to the public for inspection, and the public should be allowed to request changes be made to it. These services should be free, in order not to prevent any voter from making a request on the grounds of expense. A legal framework should be provided to cover the procedure for making requests and specify who is allowed access to the document (International IDEA 2014).

New technologies can be used to innovate in election processes and reduce opportunities for corruption. However, any technology that is used must empower voters, and legal provisions must be made for the proper maintenance of electronic systems by fully trained professional staff (EC, UNDP 2012).

One such innovation is biometric registration, which involves the electronic registration of voters' fingerprints and scans of their face and eyes. This may

greatly reduce the opportunity for the fraudulent registration of voters and can help to prevent people voting on behalf of other people. However, biometric registration can be very expensive to implement and is still vulnerable to manipulation (Gomes et al. 2012).

Candidate registration and election conduct

The equitable and fair registration of all candidates should be enshrined in electoral law (International IDEA 2002). This directly effects the campaign as it can be manipulated to prevent candidates and parties from running.

Legal framework should provide a fair system for registration and recognition of all political parties, and all candidates should be able to compete based on equal treatment. In order to achieve this, legislation should provide clear criteria for who is eligible to become a candidate, and these should apply to all candidates and parties at all levels. Any grounds for ineligibility should be based on objective criteria and should not deliberately exclude the candidates of any one party (International IDEA 2014).

Procedure for counting the ballot

Counting the ballots in an election is a key part of the campaign, and must be done in a transparent way in order to ensure fairness and the proper outcome. Therefore, legislation should ensure that polling stations are accessible to observers, that voting is done in secret and that the ballots are accurately recorded and counted and tabulated accurately and transparently (International IDEA 2002).

Legislation should cover practical precautions that can increase transparency and accountability of the count. For example, records should be made in pen as opposed to pencil as pencil marks can be easily erased and changed (Venice Commission 2003). Additionally, legislation should allow for full access by registered observers to the polling station (or an alternative counting location) to ensure that the count is done in a transparent and fair manner. As well as allowing for access of observers, legitimate restrictions on the conduct of observers should be clearly defined in law. Such restrictions should include observers not being able to interfere with voting, take

part in voting or counting or attempting to determine how a voter will or has voted (OSCE 2013).

Moreover, representatives of each party and candidate should also be allowed to be present at polling stations and vote counts (International IDEA 2002). This is to ensure that no one party can gain an advantage by observing alone, and it greatly reduces the opportunity for polling station staff to manipulate the count.

The introduction of technology into the counting process is another method to enhance the transparency and fairness of an election count. This is a good method for reducing potential manipulation of the results, but electoral legislation should require that this method of counting is also open to all observers. Similarly the law should explicitly require fully trained maintenance staff in order to keep the machines required functional (International IDEA 2014).

Procedure for announcing the result and post-election conduct

The announcement of results is the final part of the election campaign, and an announcement the results of counting and tabulation should also be made public upon completion of the count. The legal framework should be clear as to whether or not EMBS or other authorities can make public preliminary results before they are officially certified (OSCE 2013).

Once announced, all electoral documents (including election protocols, tabulation and tally sheets but not including ballots themselves) should be made publicly accessible, and results must be posted publicly at all polling stations and EMBS premises as this helps to avoid fraud. Similarly, state-owned media should also make these results and documents available to the wider public (International IDEA 2002).

Whilst the initial counting stage is crucial in determining the outcome of an election, occasionally a re-count may have to be undertaken. Legal provision should be made for the event of a recount, and all safeguards of transparency that apply to the initial ballot count must also apply to the recount as well.

Finally, the law should explicitly state the time that ballots are allowed to be held after an election. Ballots may be retained in order to allow for challenges of the

results, and should not be disposed of until the deadline for challenges and appeals has passed (OSCE 2013).

Observation

Allowing observers to oversee the election procedures is a vital method to ensure transparency and accountability in election campaigns. Observers can include domestic bodies such as local civil society organisations (CSOs), the media, the EMB, and candidates and political parties themselves. They can also include international non-governmental organisations (INGOs), the international media and organisations linked to international aid donors which are active within the country.

Observation can help to prevent instances of electoral fraud and is particularly good at helping to identify and reduce abuse of government resources. Moreover, observers can help to publicise identified wrongdoings and demand appropriate measures are taken. On a practical level, independent observers in polling stations can help to deter and prevent ballot stuffing and the intimidation of voters by supporters of candidates.

The legal framework should explicitly state that election observers can observe all stages of the election process, in order to ensure the transparency, accountability and credibility of the process. This should include the campaign period as well as the vote count, results and the process of complaints and appeals should this be applicable (OSCE 2013; International IDEA 2002). In addition, registered observers should be legally afforded the freedom of movement in order to carry out their work (International IDEA 2014).

Related provisions should also explicitly outline the procedure by which observers can gain official observer status. This should be reasonable and fair and not overly restrictive and should include application deadlines, the requirements that need to be met to become an observer and the criteria for revoking observer status (OSCE 2013).

Best practice: Paraguay

In Paraguay, NGOs are allowed under electoral law to act as official observers of the electoral process. This led to a local NGO becoming engaged with the government's audit office in a joint operation to monitor the abuse of state resources. As part of the operation, the NGO monitored the use of public vehicles on election day and were empowered to request official justification for the use of these vehicles from the drivers (Fontana, Speck 2011).

Equal access to media

The media is another key factor in assuring transparency and accountability in election campaigns. It can play three major roles in an election campaign (International IDEA 2014):

- Relay and report on the campaigns and messages of parties and candidates
- Monitor the electoral process
- Provide information to voters on candidates, specific electoral procedures and processes

The reporting that both state-owned and private media provide during an election is central to holding candidates to account and for reporting on alleged wrongdoing as well as bringing to the attention of the voters misconduct and irregularities.

Election legislation should ensure that all parties and candidates have equal access to the state media and that they should all be treated fairly and equally by any state-owned media company (International IDEA 2002). This includes impartial reporting and equal time being devoted to each party by state-owned media (Ohman 2011). Such legislation is usually targeted predominantly at broadcast media as print media must be consciously purchased whereas radio and television have direct access to people in their homes (International IDEA 2014).

Other sources suggest that legislation should provide for free air time for all parties; limitations on, or complete banning of, paid media advertisement by parties; or where this is allowed the guarantee of access to paid media advertising to all parties (including clear regulation for fees and advertising timetables) (Fontana, Speck 2011).

As with observers, the media should also be afforded the legal right to attend and oversee the electoral process in order to offer a greater level of transparency to the election (OSCE 2013).

Complaint mechanisms

The legal framework in a country should provide for robust and effective procedures and mechanisms through which candidates and members of the public can make complaints and disputes. This should be present and active throughout all stages of the election cycle, including for voter registration and counting of ballots as well as appeals against restrictions placed upon observers (International IDEA 2014).

Legislation must provide prompt and effective remedies to complaints and appeals as campaigns are generally short, and the time for a meaningful remedy of issues is equally tight. Some organisations have called for the legislative framework to include provision for a standing committee, coordinated by the EMB, which can effectively and fairly deal with any complaints or appeals that are made. Such a committee would provide an opportunity for mediation between aggrieved parties and would be empowered to address complaints in a swift manner (International IDEA 2014).

Moreover, there should be an appeals process for candidates to appeal against a rejected application for candidacy. This appeals process should be able to be resolved as quickly as possible whilst still retaining credibility as a remedy that is granted after the election is of little benefit to the complainant (OSCE 2013). Similar appeals mechanisms should exist for voter registers. Provision for appeal against results of an election, both in part and in its entirety, should also be included in the legal framework. The appeal body should be able to annul elections if corruption or irregularities are found to have occurred. This includes both at a national level but also at the level of individual polling stations. If an election is annulled, it must be repeated (Venice Commission 2003).

Effective sanctions

The legal provisions mentioned above will not be sufficient to deter electoral corruption without the

support of sanctions to punish offenders. Also required are effective and appropriate sanctions that can be used to prevent future instances of corrupt behaviours and manipulation (International IDEA 2002).

Electoral fraud and other offences should be criminalised and systematically prosecuted. However, care must be taken to ensure that complaints and sanctions cannot be used as a political weapon against opposition candidates via unsubstantiated charges and prosecutions (OSCE 2013).

Sanctions and offences should be clearly defined, and penalties should be proportionate to the offence committed (OSCE 2013). Sanctions should include disqualification of candidates or even political parties but can also include financial sanctions, criminal sanctions, ineligibility for future elections or in serious cases the dissolution of the party or the cancellation of the election (International IDEA 2002; IFES 2005).

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