

Consultation Document

Assessment of the 2009 Election
Proposal for amendments to the Election Act

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1 Introduction

In this consultation document, the ministry proposes certain amendments to the Election Act. Certain amendments to the Election Regulations are also proposed. Section 2 of this document explains the evaluation that was made of the 2009 general election. During the election, the Organisation for Security and Cooperation in Europe (OSCE) carried out an Election Assessment Mission. Their report following the election, dated 27 November 2009, will also be reviewed and commented upon in this document.

Proposals are presented for the following amendments to the Act:

1. Proposal that a candidate can be released from appearing on an electoral list for a local or county election if that person makes a declaration that he or she does not sympathise with the electoral list.
2. Proposal that the time and date for handing in proposed lists shall be 12.00 on 31 March and that the time and date for recalling proposed lists shall be 12.00 on 20 April.
3. Proposal that the National Registry Authority be required to create a "provisional voters register" as at 1 April of the election year.
4. Proposal to require ballot boxes to be sealed on Election Day. It is proposed that the current requirement of the Election Regulations regarding sealing ballot boxes for advance voting be adopted in law.

The ministry has considered whether any limitations should be placed with regard to the eligibility of candidates on the list, but does not propose any specific amendments to the law in this document. We ask however for feedback from the local authorities on what practical problems might arise from the introduction of such limitations. The issue is discussed in more detail in section 9.

In this document proposals are also made for certain changes in the regulations regarding the design of ballot papers. A further proposal is that the Election Regulations should include a requirement for signing for the supply and receipt of election material, whether this occurs internally in the local authority or when delivering to the county authority.

2 Assessment of the 2009 election

2.1 Introduction

In section 2 the ministry will give an account of the assessment of the general election in the local authority areas and the counties. The assessment of the new design solution for polling stations, the new graphic profile for elections and the new ballot papers will be discussed. The solution was tested in four local authorities during the election. We will also discuss the ministry's election information and education activities. Certain relevant features of the Sámi parliament and church elections will also be briefly discussed.

OSCE carried out a limited observation of the election. Their report is discussed and commented upon in Section 3, but certain findings are also commented on in other sections, where relevant.

The Storting's Credentials Committee, which provides the Storting with a report on approval of the election, indicates in its report Innst. 1 S (2009-2010) that the overall impression after the election is that it has been implemented in an effective way in the local authorities and that the county electoral committees have exercised a thorough control over the electoral committees.

The committee stipulates that in assessing the election the ministry should evaluate all measures that might reduce the risk of error. The committee's comments are discussed in a separate section of this document.

The ministry will initially point out that it is important not to introduce new system and rules changes unless there is a clear need and good grounds for doing so. This forms the basis of the ministry's assessments in this document. The implementation of an election demands that a comprehensive apparatus is established in every local authority, with many detailed routines that all election officials must become familiar with. There is an election every other year and it is no routine assignment. All previous experience indicates that changes to systems and rules increase the risk of error occurring. Errors may lead to voters not being able to vote or to votes being rejected. The ministry believes that it is important to proceed with caution in introducing changes that apply to the voting itself, unless there are evident grounds.

2.2 Statistics

2.2.1 Participation in elections

If we look at the last four general elections, there is no clear trend when it comes to participation in elections. The official election statistics from Statistics Norway show a slight drop in 2009 compared with 2005, but a higher turnout than in 2001.

Election year	1997	2001	2005	2009
Percentage turnout	78.3	75.5	77.4	76.4

Table 1. Participation on general elections 1997-2009. Source Statistics Norway.

	In all	age 18-21	age 22-25	age 26-29	age 30-39	age 40-49	age 50-59	age 60+
2009	76.4	57.0	55.9	68.4	77.4	78.5	82.5	82.1
2005	77.4	55.3	63.1	68.1	78.1	79.9	82,3	83.3
2001	75.5	54.5	55.7	63.1	76.1	79.9	81.8	82.5

Table 2. Election participation by age. Election survey 2001, 2005 and 2009, Institute for Social Research and Statistics Norway

Participation by first time voters increased a little in 2009, compared with 2001 and 2005. For the 22 to 25 age group however, participation fell in comparison with previous general elections.

In the 2009 general election, participation by immigrants with Norwegian citizenship, i.e. immigrants and Norwegian born citizens with immigrant parents, was 24 percentage points lower than the general turnout of 76.4 per cent. The difference in participation between women (52 per cent) and men (52.4 per cent) has evened out. Participation has remained stable at this level in recent elections, apart from in 1997, when it was 63 per cent. The lowest participation among those entitled to vote is from those with a background from Asia (50 per cent), Europe and Africa (53 per cent), Eastern European countries (44 per cent) and Turkey (42 per cent). Compared with the 2005 general election, voters with an African background have increased their participation by 7 percentage points. Only voters with a European background have a lower participation (4 percentage points) than in the 2005 general election. Most of those who voted were those who had lived in Norway longest.

With regard to individual countries, immigrants with a Swedish or Danish background had the highest participation of all immigrant groups in the autumn election, at 81 and 79 per cent respectively. This is a small increase over 2005, when these two countries were also at the top. Voters with a background in Kosovo, Macedonia and Vietnam had the lowest participation, at 25, 31 and 36 per cent respectively. Participation by the last two fell by 7 and 5 percentage points respectively, compared with the 2005 election.

Age and length of residence are important factors in explaining participation levels. Generally speaking, participation increases with age and length of residence. At last autumn's general election, the oldest three age groups had the highest participation, 65 per cent in the case of the over 60s. The oldest three age groups represented 55 per cent of all the immigrant voters. The youngest age groups had the lowest turnout, the lowest of all being the 26 to 29 age group at 39 per cent.

2.2.2 Advance voting

At the 2009 general election, 657,108 votes were cast in advance of polling day. About 6,500 of these were classed as "early votes" (a new scheme with effect from the 2009 general election), i.e. barely one per cent of the advance votes.

At the 1997 and 2001 elections, Posten (the post office) was responsible for receiving advance votes. After the reorganisation of Posten, the number of post offices was considerably reduced and with effect from the local and county elections of 2003, the local authorities once again became responsible for receiving advance votes. Trends in advance voting over the last four general elections are shown in the table below. At the general election of 2009, the number of advance votes represented a good 24 per cent of the total number of votes cast.

Election year	1997	2001	2005	2009
Advance votes	485,187	504,328	472,651	657,108

Table 3. Number of advance votes 1997-2009.

2.2.3 Rejected votes

The rules for accepting and rejecting votes and ballot papers were changed when the new Election Act came in 2003. The basis for the changes was that the fewest possible circumstances should lead to rejection. Very many of the former rules for rejection were repealed, so that the rules became simplified and easier to practise. The Election Act and its associated regulations contain many procedural rules for voting that are to be followed. Previously, a breach of procedure gave grounds for rejection in most cases. In the current Election Act, many of these grounds for rejection have been removed.

At the 2005 general election, 2,012 ballot papers were rejected and 9,545 blank ballot papers were submitted, compared with 2,048 and 11,684 respectively in 2009.

The number of rejections at the 2009 general election shows a slight increase compared with 2005. The table below gives a summary of approved and rejected votes and ballot papers at the 2009 general election.

Approved and rejected votes. Grounds for rejection.	Advance	Polling station	Total
Approved votes	657,108	2,039,258	2,696,366
Rejected votes	653	2,664	3,317
<i>Grounds for rejection</i>	<i>Advance</i>	<i>Polling station</i>	
Voter not on the local electoral register - sec. 10-1(1) a)/sec. 10-2 (1) a	250	2,420	
Not possible to identify the voter - sec. 10-1(1) b)	34	X	
Vote not cast at the correct time - sec. 10-1(1) c)	38	X	
Vote was not delivered to the correct recipient - sec. 10-1(1) d)	3	X	
Indications that the envelope has been opened - sec. 10-1(1) e)	8	X	
Voter has already cast an approved vote - sec. 10-1(1) f)	144	X	
Vote arrived too late - sec. 10-1(1) g	176	X	
Voter had voted in the constituency where he/she was registered- sec. 10-2(1) c)	X	69	
Voter had given an approved advance vote - sec. 10-2(1) c)	X	175	
Approved and rejected ballot papers. Grounds for rejection.	Advance	Polling station	Total
Approved ballot papers	653,939	2,028,965	2,682,904
Rejected ballot papers	633	1,415	2,048
Blank ballot papers	2,320	9,364	11,684
<i>Grounds for rejection</i>	<i>Advance</i>	<i>Polling station</i>	
Ballot paper lacked off. stamp - sec. 10-3(1)a	X	1,343	
Not evident which election the ballot paper applies to - sec. 10-3(1)b	63	25	
Not evident which list the voter has voted for - sec. 10-3(1)c	329	32	
The party/group does not present a list - sec. 10-3(1)d	241	15	

Table 4. Summary of approved and rejected votes and ballot papers on a national basis at the 2009 general election. Source Statistics Norway.

2.3 General regarding assessment of the election in local and county authorities

In local and county authorities, the implementation of the 2009 general election was assessed by means of questionnaires. 15 counties and 314 local authorities returned the questionnaires, which was a response rate of 83.3 and 73.0 per cent respectively.

The ministry will here comment on the findings of the survey and discuss whether there are grounds for any amendments to legislation or regulations. The ministry has also received individual communications regarding specific topics and issues. These have been included in the assessment. The entire survey may be found at www.valg.no.

2.4 Identification

2.4.1 Prevailing law

Sections 8-4 (3) and 9-5 (2) of the Election Act contain rules that say that a voter who is not known to the election official shall provide identification. These rules were introduced before the 2007 elections. Before this, the Election Act stated that the election official could require the voter to provide identification, but the rules were practised differently in the various local authorities.

It is a basic rule in a democratic society that each individual voter may cast only one approved vote. An effective method of ensuring this is to require all voters to identify themselves before they can vote. Such a requirement would also prevent doubts about cheating arising. Suspicions of cheating because of the lack of any requirement for providing identification could weaken voters' confidence in the electoral system.

The requirement for identification is not absolute. If the official at the polling station knows the voter, the voter does not need to show identification. In the case of voting in institutions, the identity of the voter can be confirmed by an employee of the institution. This exemption was introduced because these voters are in a situation where it is not easy to fetch or to obtain identification.

The official at the polling station must in each individual case assess the identification that the voter produces. The law does not include any requirement regarding the type of identification that is acceptable. In the ministry's assessment, there should be a minimum requirement that the identification includes the voter's name, date of birth and photograph. Typically, these would include a bank card with photograph, a driving licence or a passport, but other forms of identification with a photograph would be approved.

2.4.2 The assessment

In connection with the assessment of the election, the ministry asked the local authorities how many voters were rejected because of the lack of identification. 82 per cent of local authorities responded that no voters were rejected because of lack of identification, and 16 per cent responded that a few voters were rejected. Most of these had forgotten to bring identification, but a few local authorities advised that around 10 voters did not have identification.

In its report on the observation of the election in Norway, OSCE writes that most voters evidently knew about the identification requirement. The observers did however see some cases where a voter did not have an ID card and the election official could not confirm the person's identity. These were therefore asked to come back with identification before they were able to vote. The observers were told by election officials at some of the polling stations that a few elderly voters do not have identification with photographs and are therefore unable to vote. A more flexible approach was also observed, where the election officials were allowed to identify voters without identification by verbal confirmation of information on the register of electors. This practice is not in accordance with the law.

OSCE points out that "The election authorities should adopt a more consistent approach to identifying voters, while minimising the possibility of loss of suffrage".

2.4.3 The ministry's assessment

The ministry believes that both OSCE's observations and the assessment show that voters not having been able to vote because of lack of identification is not a widespread problem. In the ministry's assessment there exist good, uniform routines for identifying voters, but we are aware that there occasionally appear to be breaches of these routines. Failure in routines can lead to voters being allowed to vote without having sufficient identification and to voters losing their right to vote because others have had the opportunity to vote in their name. It is also important to point out that the election officials or others in the polling station cannot confirm a voter's identity. Such a method of identifying a voter would not be a safe procedure and could increase the risk of misuse of identity.

In the guidelines the ministry has devised there are routines for how election officials should proceed in order to handle voters who do not have identification available. The ministry is aware that there appear to be occasional breaches of these routines and we shall specify the routines more clearly in the electoral handbook.

In coming elections the ministry will still maintain a strong focus on informing about the requirement for identification. The ministry finds no grounds for changes in the present rules about the requirement for identification of voters.

In the electoral handbook, the ministry encourages local authorities to give information to the social office in the local authority, so that they can consider financial support for identification or establish a scheme for issuing temporary identification free of charge. It may also be relevant to drive voters home to fetch identification if the voter has forgotten to bring it.

The ministry wishes to stress that it is important to exercise good judgement when assessing whether the identification produced is sufficient to document the voter's identity. The basis must be that if the identification gives a credible impression, then the voter has fulfilled his or her obligation to identify. As long as the election official sees that it is the right person before him or her, then the voter must be allowed to vote. This should apply even if the identification is out of date. Even so, in certain cases the election

official must assess the "quality" of the identification. Home-made identification, for example, cannot be considered to be sufficient identification.

2.5 Facilitation for the handicapped

2.5.1 Prevailing law

Various laws and regulations play a part in facilitation for the handicapped.

According to the Election Regulations, local authorities shall use polling stations that are easily accessible and where all voters can enter without asking for help. If there are no premises available where voters can enter without having to ask for help, and it is not possible or would be inappropriately expensive to make the premises accessible to all voters, other premises may be used, ref. sections 26 and 30.

There shall also be good accessibility for all voters inside the polling station. Blind and partially sighted voters, for example, shall be able to cast their votes without having to ask for help. It is up to the local authorities themselves to decide how they make the polling station accessible. The ministry has recommended to local authorities that they facilitate voting for the blind and partially sighted by using voting booths with ballot paper cassettes that are marked with labels with the list headings in braille for the blind and large print for the partially sighted.

If a voter requires help in voting, he or she can ask an election official for assistance. The election official has an obligation of confidentiality. Voters with a serious physical or mental disability may also point out an extra helper - of their own choice - from among those present, ref sections 8-4 (1) and 9-5 (5) of the Election Act. To protect the voter against improper pressure, there shall always be an electoral official present when the voter receives help with voting.

In addition to electoral legislation, other rules also have a bearing on facilitation for various groups of voters. The building application portion of the new Planning and Building Act comes into force on 1 July 2010 and its provisions include requirements that new buildings shall be adapted for use by everyone. In the case of existing buildings intended for public use, there is a new statutory authority in the new building applications section to be able to give regulations regarding upgrading existing buildings to a standard corresponding with universal design, so that over the course of time requirements can be made for individual building categories in separate regulations. Because of the major economic implications, however, a step-by-step and prioritised approach will be adopted.

The new Anti-discrimination and Accessibility Act came into force on 1 January 2009. The purpose of the act is to promote equality, ensure equal opportunity and rights to participate in society for all regardless of functional ability and to prevent discrimination because of reduced functional ability. Section 3 of the Act includes the obligations of the authorities regarding activity and reporting. This is of significance for the electoral authorities' facilitation for voting. Public authorities shall work in an active, targeted and planned fashion to promote the intentions of the Act. In this way, the Act shall help to

break down barriers to the handicapped created by society and to prevent the creation of new ones.

2.5.2 The assessment

Assessment from the election shows that the country's local authorities are strongly focused on making the conditions right for all to be able to exercise their rights as citizens. In connection with the assessment of the election, the ministry put a number of questions to the local authorities about facilitation and accessibility for all. 63 per cent of local authorities responded that all polling stations were suitable for the handicapped. 7 out of 10 local authorities advised that all polling stations had polling booths suitable for the handicapped. In 2007 the Delta Centre prepared guidelines for facilitation for elections. The assessment shows that 7 out of 10 local authorities have followed these guidelines to a certain extent. It is also important that those assisting in implementing the election have sufficient knowledge and competence in this area. 9 out of 10 local authorities responded that facilitation for the handicapped is part of the election assistants' training.

The Credentials Committee has noted that some voters have been unable to enter the polling station without help, and ask the ministry in their report whether more can be done in terms of facilitation outside the polling stations as well.

In its report on its observation of the election in Norway, OSCE points to the thorough work that is done in Norway. The requirement for being able to enter the polling station without having to ask for help was fulfilled at most of the polling stations visited by the observers. OSCE's recommendation is that: The electoral authorities should continue to work on the facilitation of voting for handicapped persons and all local authorities should implement the prevailing criteria for making polling stations accessible.

In its statement after observing the election in Norway, the Helsinki Committee points out that handicapped voters do not have equal conditions everywhere. Good facilitation is made for handicapped and partially sighted voters, but their observers received some complaints from handicapped persons who pointed out that facilitation was not good enough.

2.5.3 The ministry's assessment

Even though the surveys show that the local authorities do a good job of facilitating for all voters, the ministry sees grounds for a continued strong focus in this area. The aim is that all polling stations shall be made suitable for everyone's use. We refer to the new Anti-discrimination and Accessibility Act, which obliges the electoral authorities to ensure accessibility for all, regardless of functional ability. We would further refer to the new authority in the Planning and Building act to introduce requirements that certain types of existing buildings should also be upgraded to be universally designed within a certain period.

With regard to facilitation inside polling stations, the ministry has worked together with Norsk Form to develop a design solution that was successfully tried out by some local authorities during the election. The plan is to give local authorities the opportunity to purchase the new solution with effect from the next election. Universal design has been an important prerequisite for this development. OSCE also mentions the new design solution.

The ministry also wishes that in future elections there should be more focus on voters being able to cast their votes without having to ask for help. Experience from the trial of the new design solution indicates that this can help to achieve this goal. The ministry wishes to point out the importance of local authorities also focusing on accessibility outside the polling station, so that voters are able to enter without assistance. We would point out that according to the Election Regulations, polling stations without access for wheelchair users may only be used in special circumstances. Such special conditions do not apply, for example, if it is possible to set up a wheel chair ramp.

2.6 Voting by special groups of voters

Introduction

Point 6.6 of the Credentials Committee's report addresses the question of voting by those with senile dementia. They advise that several county authorities have noted that there is uncertainty relating to practice in this area. The committee also points out that similar questions may be relevant in respect of other voters, for example those with some form of mental handicap.

The ministry's assessment

In addition to those groups mentioned by the committee, the ministry has noted that there appears to be a certain amount of uncertainty regarding the right of those who have been placed under legal guardianship to vote.

The ministry wishes to point out that those with senile dementia, as well as those with a mental handicap or under legal guardianship, *have* the right to vote in exactly the same way as other voters. Consequently they may not be refused the opportunity to vote.

If necessary, the polling committee must ensure that they receive assistance in voting, as described in section 9-5, fifth paragraph of the Election Act. We would point out that these voters are not entitled to assistance from persons other than the election officials unless the person receiving the votes assesses them to have a "serious mental or physical handicap". The election official receiving the votes shall in any case be present in case there is a need for assistance. Next of kin, guardians or the like can *never* vote on behalf of the voter.

It is not possible to place the votes of these groups inside special covers for later assessment by the electoral committee. The ministry will underline the rules more clearly in the electoral handbook, and otherwise in connection with training and education in advance of future elections.

2.7 Advance voting

2.7.1 Introduction

It is important that all groups have the opportunity to participate in elections, not only those who have time to vote on polling day. The opportunity to vote in advance plays a major role in this context. In this way, voters have a good opportunity to vote at a time that suits them.

Some of the questions put to the local authorities were about various conditions relating to the organisation of advance voting. The questionnaire included questions about the "early voting scheme" that was introduced with effect from the 2009 election, about the kinds of premises used for advance voting, about opening times, about implementing special measures to increase participation and about advance votes that arrive too late. Findings from the assessment are discussed below in the individual sections of this document.

2.7.2 The early voting scheme

Prevailing law

In Proposition no. 32 to the Odelsting (2008-2009), the ministry proposed to introduce a new voting opportunity for voters who did not have the opportunity to vote at the polling station or during the ordinary advance voting period from 10 August. To avoid having too many deadlines to consider, the ministry proposed that this opportunity should be given to voters with effect from 1 July (coinciding with advance voting abroad) in the election year up until the start of the ordinary advance voting period. The ministry opted for a simple solution without fixed opening times, without formal requirements for the voter on how the local authority should be approached and without the need for documentation of absence during the ordinary advance voting period. It was a requirement to the local authorities that the scheme must be announced, ref. section 24 of the Election Regulations.

The Storting approved the proposal in Decision no. 74 (2008-2009). Provisions regarding the early voting scheme were included in section 8-1 (4) of the Election Act.

The assessment

283 of 314 local authorities (a good 90 per cent of those who responded) confirmed that they had been contacted by voters who wished to vote early. 31 local authorities say that they have not received such approaches. The number of approved early votes was 6,500, which is 0.99 per cent of the total approved advance votes.

Even though voters need not give a reason for their wish to vote "early", the ministry asked the local authorities to state any reasons that were known. Reasons stated by voters included holiday, travel, school attendance, studies abroad, planned hospital admission, fear of swine influenza, to avoid queues, health reasons, problems in being in a room with many people, signing on as ship's crew, work, offshore work, fishing and handicap. Voters who planned a lengthy foreign stay voted early because they were uncertain about how to cast a vote outside Norway. Other voters answered: "was in the town hall on other

business", "thought the advance voting period started on 1 July", "good to have got it done", "to avoid having to follow the debates" and "wanted to see if it worked".

On the question of opening times for the early voting scheme, 178 of the 314 local authorities answered that there were fixed opening hours, while 44 local authorities say they decided the time for voting for individual requests. 61 local authorities have both had fixed opening hours and decided a time with the voter.

The ministry also asked how local authorities had informed about the scheme. A majority of about 95 per cent (298 of 314) have informed on the local authority website, almost 80 per cent (250 local authorities) have advertised in local papers, about 10 per cent (31) have printed information about the scheme on the polling card, 5 per cent (16) have sent information letters to voters, while 4 per cent (13) have not given any specific information.

In the questionnaire, the local authorities were asked to describe any impressions of how voters perceived the early voting scheme. 259 answered, a response rate of 84.5 per cent. A good 54 per cent of the responses (140) were entirely positive. The local authorities respond that voters say it is OK, a positive scheme, a good scheme, a flexible scheme, a success, practical, an extension of the advance voting period and that the scheme has come to stay.

There was however feedback that it was not attractive, that it was of little interest, that voters did not see the point of the scheme, a superfluous scheme, that it must be revised and that it was negative that the voting material was not ready.

Several local authorities believe that there should be ballot papers before early voting commences.

The ministry's assessment

The ministry proposed introducing the scheme after a combined assessment of the implementation of the local and county elections in 2007. A majority of those consulted proposed establishing such a scheme with effect from 1 July in the election year. In Proposition no. 32 to the Odelsting (2008-2009), the ministry said: The ministry wishes to stress that the purpose of early voting is to introduce a scheme which will in a simple manner enable voters who currently for various reasons are not able to vote in advance or on polling day to still receive an opportunity. The ministry does not believe it is appropriate to require all local authorities to introduce a full scale scheme for domestic voting from 1 July. In the ministry's assessment, this would demand considerable resources and would not be socially appropriate for the country as a whole.

The ministry is in agreement that such a scheme could complicate the election. This can however be avoided by devising good routines for receiving votes. Such routines must be made as simple as possible, while ensuring that the principle of a secret vote is followed and that the votes are kept in a secure manner. The ministry believes that such a scheme need not be especially demanding of resources.

In the general election of 2009, early votes represented less than 1 per cent of the total number of advance votes. Taking into consideration that we only have experience of the scheme from one election, we do not find any grounds for proposing changes to the scheme.

The ministry wishes to point out that it is the local authorities that are responsible for preparing for elections and that there are various ways of doing this. Even though a majority of the voters who voted early did so because of work, holidays, studies, planned hospital admissions etc., there are other voters who said they voted early because they were insecure in the presence of a gathering of people, that they wanted to avoid queues or have other functional impairments that make it difficult to attend ordinary polling stations, and there are important reasons for making voting as accessible as possible for different types of voters. It is important to create proper routines for the scheme, for the reception and safe keeping of votes and for testing and counting votes. The ministry will ensure that this forms part of the training given to election workers in advance of the local and county elections in 2011.

The ministry wishes to point out the provisions of section 24 of the Election Regulations, which require local authorities to announce all advance voting. This obligation also applies to the early voting scheme, which is part of the advance voting scheme. Feedback from the local authorities regarding information on the scheme may indicate that this is not clear to all. The ministry believes that information on the polling card is of little value, since the polling cards are not sent out until around the middle of July. From experience, it will not be possible to start producing the voting cards earlier than has been done until now.

Several local authorities point out in their feedback that it is unfortunate that there are no ordinary printed ballot papers when early voting commences. The consequence of this is that voters who vote early do not have the same opportunity as those who vote in ordinary advance voting or on polling day to make changes on the ballot paper to influence the choice of persons. The early voting scheme was new for the 2009 general election. In general elections it is the county electoral committees that are responsible for printing and distributing the ballot papers, ref section 7-1 (1) of the Election Act and section 20 of the Election Regulations. The ministry is aware that some county electoral committees sent out printed ballot papers to their respective local authorities on the same day as the early voting scheme started. It is important for the deadline for completion of the ballot papers to appear in the local authorities' specification of requirements, where the print of ballot papers is of such an extent that the authority must follow the rules for public procurements.

In 2011 there are both local and county elections. The list proposals shall be approved by 1 June in the election year, ref. section 6-6 (2) of the Election Act. Since the deadline for delivering list proposals is 31 March in election year, there is no reason why electoral committees and county electoral committees should not approve the list proposals received earlier if work and resources permit. The ministry recommends that local and county authorities start the printing process as early as possible and strive to have printed ballot papers ready at a time that permits their use for early voting. Preparations for an election also include making ballot papers available. This is also a special scheme, introduced for those who would otherwise not be able to vote. We do not see it as a problem if ballot papers are not available from the first day. The ministry's advance voting ballot papers are ready for 1 July and can be used. Ballot papers printed out from the internet (approved list proposals) could also be used.

2.7.3 Places for advance voting

Prevailing law

Section 8-3 of the Election Act states that advance voting shall be carried out in suitable premises. In Norway, advance votes shall be given to a vote recipient appointed by the electoral committee and shall be performed at health and social institutions and otherwise where the electoral committee has decided that advance votes shall be received. Health and social institutions include hospitals, nursing homes, convalescent homes etc. Deciding that advance voting may only occur at certain health and social institutions is not permitted. Advance voting shall be held on at least one day at all institutions. To allow for late arriving patients/residents, advance voting should be as close to polling day as possible. All voters are able to cast advance votes at these institutions: residents, personnel and other voters.

Section 25 of the Election Regulations states that when votes are received at health and social institutions, votes may also be received at the homes of persons who are resident in social and care housing in the immediate vicinity of the institution.

Section 26 of the Election Regulations states that the polling stations shall be easily accessible and that all voters shall be able to enter them without having to ask for assistance and that emphasis shall be placed on good accessibility for all voters. Blind and partially sighted voters shall be able to cast their votes without having to ask for help.

According to section 9 of the Anti-discrimination and Accessibility Act, all public enterprises must work in an active and targeted way to promote universal design within the enterprise. The same applies to private enterprises aimed at the general public. Universal design means design or adaptation in such a way that all are able to use the relevant solution, regardless of the degree of functional ability of the individual. Provisions regarding the obligation to maintain the principle of universal design in new buildings have also been included in the current Planning and Building Act, as last amended on 8.5.2009 and coming into force on 1.7.2010.

On application from the sick and disabled, the local authorities shall also receive advance votes in the homes of the voters (ambulatory voting), ref section 8-3 (6) of the Election Act.

The assessment

All local authorities who responded to the survey had advance voting at health and social institutions as determined by section 8-3 of the Election Act. Not all local authorities have hospitals, but 84.7 per cent of all local authorities respond that they had advance voting in hospitals. 96.2 per cent said yes to advance voting at retirement and nursing homes and 96.2 per cent at serviced and care residences. As the ministry sees it, the local authorities' responses indicate that health services and their organisations vary from local authority to local authority and that there are different ways of organising the health and social service. Even so the local authorities fulfil the law's requirements that there shall be advance voting at all health and social institutions in the local authority.

Only 6.7 per cent of local authorities have indicated advance voting at universities and university colleges, which is assumed to reflect the fact that few local authorities contain such educational institutions.

13.4 per cent of local authorities responded that they have accepted advance voting at upper secondary schools. Many local authorities point out that they do not have upper secondary schools. Others do have upper secondary schools, but have not had advance voting there. The local authorities give many reasons for this; for example that the school is geographically close to the town hall, that it has not been considered, that it has been done earlier but with little response, that there were technical difficulties in organisation and staffing, that the local authority did not have sufficient resources, that it was not wanted/little interest by the school, that the local authority considers it unnecessary because of extended opening hours and accepting votes on Saturday, that this has never been a practice or tradition, that the school is small, that it is politically decided, that the school is not centrally located and that the school election was organised in the same period, which caused confusion among pupils entitled to vote in both.

3.5 per cent respond that they had advance voting in shopping centres, 2.9 per cent in military camps and 0.3 per cent in election buses, while 24.2 per cent have used libraries to receive advance votes. 95.2 per cent respond that the advance vote reception has been in the town hall/local authority service desk or similar.

Several local authorities also report other places for advance voting. Votes have been received in prison, centres for the elderly, banks, community offices, spas, business parks, in a large company, local shops, cinemas, assembly centres, swimming pools, private institutions, missionary school, centre for the blind, psychiatric centre, rehabilitation centre, young persons' centre, housing cooperative, local college, election boat, community centre, primary schools, finance department and NAV offices.

The issue

Beyond the requirement that advance voting shall occur at health and social institutions, it is up to the electoral committee to choose places for advance voting. They are however not permitted to decide that advance voting may only occur at certain health and social institutions. In Proposition no. 32 (2008–2009) to the Odelsting) the ministry discussed the issue of establishing certain advance voting sites by law and said:

The ministry does not advise determining by law any specific sites for advance voting other than those that appear in the Election Act. The assessment indicates that local conditions must decide what premises are used. If one were to require voting to take place in predetermined places, this could have unfortunate consequences. For example in some places voting in university colleges may be appropriate, but that may not be the case in other local authorities. Here the electoral committee must itself ensure a total assessment. [...]

In the ministry's assessment, the assessment after the 2007 election shows that the local authorities have made good preparations for advance voting, which the rising figures for advance voting also bear witness to. The ministry will make a new assessment after the election of 2009 whether advance voting in upper secondary and higher education institutions should be determined by law.

The issue is whether the findings from the assessment of the 2009 general election indicate such a determination in law.

The ministry's assessment

The number of advance votes is rising steadily. In the 2009 general election, the number of advance votes increased by 181,288, or 32 per cent in relation to the number of advance votes in the 2005 general election. The ministry believes this is related to good accessibility and facilitation for the election, as well as that at the time of the 2009 election there was much attention paid to voting early because of the swine influenza. Feedback from the local authorities shows great variety and creativity in the choice of sites for advance voting and that the electoral committees prioritise local conditions such as good access to public transport, parking, stepless access, lighting conditions and that the location is screened against noise and disturbing traffic. Even so the answers from the local authorities show that it is most often the town hall/local authority service desk that is used for advance voting, in addition to the legally required advance voting in health and social institutions.

When only 6.7 per cent of the local authorities that respond have advance voting in upper secondary schools, universities and university colleges, this is due - when such institutions are found in the local authority - to their being located outside the centre, that parking conditions there are not ideal and that experience of previous attempts does not encourage repetition. In addition, the management of some upper secondary schools has indicated that it may be difficult to hold a normal election in the school at the same time as the school is itself organising a school election.

The ministry believes that advance voting must be facilitated in accordance with local conditions and that each individual electoral committee must discuss how best to facilitate the election and the site for advance voting based on the best accessibility for the voters. As the ministry sees it, it may be difficult to lay down that there shall be advance voting in all educational institutions. We will not therefore require there to be voting at such institutions. The number of educational institutions will vary from local authority to local authority, but the ministry holds that the local electoral committees will facilitate advance voting at one or more of these if the electoral committee itself believes that it is possible based on available resources and the school is suitable enough as premises for advance voting.

The ministry wishes to stress the importance of having as good facilitation for advance voting as is possible, especially with the aim of reaching young people, and that upper secondary schools, local colleges, university colleges and universities should be considered as possible advance voting locations by the electoral committee

The ministry finds grounds for encouraging more to make voting available in shopping centres, where this can be achieved. It is important for the electoral committees to meet the voters where the voters are to be found. Present day shopping centres otherwise have good accessibility and are well adapted for all, regardless of the functional ability of the individual.

2.7.4 Opening times of advance voting stations

Prevailing law

According to section 8-1 of the Election Act, advance voting within Norway shall occur in the period between 10 August and the last Friday before polling day. In addition to the electoral committee's facilitating for voting, section 8-1 (3) of the Election Act stipulates that the voter is him or herself responsible for casting an advance vote sufficiently early that it is foreseeable that the vote will arrive with the voter's electoral committee by 21.00 on polling day, in order to be approved.

Section 24 of the Election Regulations requires the electoral committee to announce the time and place of advance voting. The opening times are determined by the local authority, but it is a prerequisite in the Act that it shall be possible to cast an advance vote in at least one place in the local authority area every day (Monday to Friday). Opening times on the last Friday before polling day must be seen in the context of the postal service (Posten's deadline for posting on Friday) and sending votes from voters who are resident in other local authorities. Section 27, paragraph eight of the Election Regulations states that votes shall be sent as A post or by a quicker method. This means that it is not possible to use B post, even if votes are cast in good time before polling day.

The assessment

On the assessment forms the local authorities were asked whether they had advance voting stations with long opening hours, or whether measures were implemented in the same period that proved to be particularly successful in increasing participation.

49 per cent (154 local authorities) had long opening hours throughout the last week of advance voting, while 51 per cent responded that they did not. Several local authorities had other arrangements, such as

- extended opening during some days of the second last week or some days in the two last weeks before polling day.
- open the last two Saturdays before polling day
- open on Sunday, or the whole weekend, in the largest constituencies the last weekends before polling day

Some local authorities remained open until 21.00 on the last Friday before polling day. Where advance voting took place in libraries, the local authorities had somewhat differing arrangements; some for example had extended opening hours several days a week, some until 19.00 on two fixed evenings a week, or to 19.00 throughout the advance voting period, while others had extended opening from 24 August until polling day. According to the local authorities however, not all late opening or weekend opening advance voting stations were equally well used.

The ministry's assessment

In the ministry's assessment, the responses from the local authorities show that it was the larger local authorities and "commuter" local authorities that had had extended opening hours at their advance polling stations. There does not appear to be such a pressing need for extended opening hours in the small local authority areas. Once again it is local conditions

that decide how the election can and should be facilitated. In Proposition no. 32 to the Odelsting (2008-2009), the ministry said this about advance voting stations:

The ministry finds no reason for establishing fixed opening times in law. Opening times should be adapted to local needs, based among other things on how many voters there are and geographical conditions.

The ministry stresses that it is important that voters have the opportunity to vote at times that suit them and that there should be proper facilitation for voting. It can be difficult to find time to vote during a busy daily life. This can be a particular problem if the polling station is not accessible after working hours. The local authorities should therefore consider opening times carefully.

The ministry believes that there are grounds for the local authorities considering having extended opening on several days, especially towards the end of the advance voting period, and for opening earlier in the morning than has been the practice until now. The local authorities should also consider whether they should have extended opening at least one day a week throughout the period and also every day during the last week. Even so there may be grounds for closing earlier on the last Friday before polling day, in order to send the votes on in time. This must be considered locally. The local authorities should also consider opening on Saturdays throughout the period. [...]

The ministry's question to the local authorities after the implementation of the 2009 general election was about whether the local authorities had had extended opening hours at advance voting stations, or whether they had had any other special measures to increase participation. The ministry thus has no overview of the advance voting stations' total opening hours, but many say that they have followed the opening hours of the local authority or library. None state early opening (for example from 07.00) as a special measure for advance voting. Some local authorities have had extra late hours (until 21.00) on the last Friday before polling day. This is a positive measure, but it must not lead to votes that must be sent to other local authorities arriving too late to count; see the assessments below in section 2.7.5 on advance votes that arrive too late.

2.7.5 Advance votes that arrive too late

Prevailing law

According to section 8-1 (1) of the Election Act, the period for advance voting in mainland Norway starts on 10 August, while abroad and in Svalbard and Jan Mayen it starts on 1 July. The voting period lasts until the last Friday before polling day, with the exception of voting abroad, which shall conclude on the second last Friday before polling day, ref section 8-1 (2) of the Election Act. In order to ensure that advance votes arrive in time, the Governor of Svalbard may determine that voting shall be concluded at an earlier date than the final deadline stated by law.

Section 27 no. 7 of the Election Regulations states that during the final week of the advance voting period, advance votes shall be sent to voters' home local authorities every day and that they shall be sent as A post, or by an even faster method.

In order for an advance vote to be approved, it must be with the electoral committee by 21.00 on polling day, ref. section 0-1 (1) g of the Election Act. Section 8-1 (3) of the

Election Act states that the voter is him or herself responsible for advance voting at a time that allows the vote to reach the electoral committee in time to be approved.

An advance vote must arrive at the local authority where the voter appears on the electoral register before the polling stations close on polling day, i.e. 21.00 as the latest closing time according to the Election Act, in order to be included in the count. Advance votes that arrive at the local authority during the period from 21.00 on polling day Monday until the electoral committee's approval meeting are recorded in the electoral committee's meeting book as "arrived too late".

The assessment

The local authorities were asked whether they had received any advance votes too late to be included in the count. 124 of 314 local authorities (39.5 per cent) responded that they had received advance votes after 21.00 on polling day. Among the votes that arrived too late, there were more from within mainland Norway than from abroad. Combining the late votes stated on the assessment forms gives a combined total of 677 votes, 193 of which were votes from abroad (including votes not registered).

The ministry's assessment

On the assessment form the local authorities respond that the number of votes from abroad recorded as arriving too late is far fewer than the number of late arrivals from within Norway. This may indicate that the new deadline (section 8-1 (2) of the Election Act) for voting abroad has been successful in getting votes through in time, i.e. before the deadline of 21.00 on polling day, but the number of votes arriving too late is still too high.

Section 27 (7) and (8) of the Election Act states that advance votes from voters who are registered in local authorities other than those in which they cast their votes shall be sent to the voter's home local authority by the fastest means. If the voter's home local authority is a neighbouring one or within a reasonable distance, the use of a car may be preferable to the ordinary post.

There is unfortunately no doubt that advance votes, both domestic and international, continue to arrive at local authorities after 21.00 on polling day and during the following week. This may be due to incorrect addressing/confusing local authorities, that votes have been delivered or sent too late from the local authority where the vote was cast or that something unforeseen has happened to cause delays in the postal service. The ministry points to section 27 (7) of the Election Regulations, which states that during the final week of the advance voting period, advance votes from voters who are registered in other local authorities shall be sent to the home local authorities every day. Incorrectly addressed advance votes should also, as far as possible, be sent on to the correct electoral committee as quickly as possible. If an electoral committee receives a foreign vote from a voter who is not on that local authority's electoral register, the electoral committee should investigate where that voter might be registered and send the vote on to the correct electoral committee by the fastest means.

Experience shows that some A post despatches can take several days from sender to recipient. Under normal circumstances however, A post that is posted before Posten's

deadline for posting (may vary from place to place) on the last Friday before polling day will reach the recipient by the normal postal delivery on Monday, i.e. polling day. There are however some problem routes for the post and the ministry will, in line with previous practice, give the local authorities a summary of these for coming elections. It is important for the local authorities to establish local arrangements to ensure that a vote that is cast at the correct time is ensured onward handling in such a way that it is approved and will be included in the count.

The local authorities must contact Posten locally to arrive at workable arrangements for delivery and despatch. After the 2005 general election, the ministry discussed whether the advance voting period should be concluded earlier, and that the time of concluding voting must be seen in relation to the deadline for when the vote must arrive. There was little support for changing the accessibility voters currently have for advance voting. The ministry will encourage local authorities to investigate locally with Posten when the deadline is for sending post on the last Friday of advance voting. This deadline is important when the local authorities determine opening hours for receipt of advance votes on that Friday. The ministry will not propose changing the time for concluding the advance voting period.

2.7.6 Errors in crossing off on the electoral register

Introduction

Point 6.4 of the Credentials Committee's report notes cases of voters who, on arriving at the polling station in order to vote, have been informed that they have already been crossed off on the electoral register by mistake. This is an error that it is not usually possible to correct. The committee stresses that election workers must be particularly careful when crossing off names on the register. Incorrect crossing off means in effect that the voter's right to vote is removed. The committee asks that "further measures to help prevent such errors occurring should therefore be considered."

The committee believes that consideration should be given to setting up routines that enable the electoral committee to go back and check polling cards/covering envelopes from advance votes in such cases. This would mean that it must be possible to find polling cards/covering envelopes again in a matter that was not too time consuming. The committee sees that this may present a challenge, but still believes that if such investigations could correct errors in some cases, then measures to enable them should be implemented. The committee asks the ministry to consider rules for keeping election material from advance voting that would make this possible.

The ministry's assessment

When approving the advance vote, the electoral committee separates the polling card and covering envelope from the vote (ballot paper/ballot paper envelope) itself. At the same time the name is crossed off in the electoral register. The electoral committee shall keep polling cards and covering envelopes after the advance votes have been opened and send them to the county electoral committee (in general and county elections) once the count of ballot papers is complete.

There is however no requirement that the polling cards should be sorted. The local authorities receive a large number of advance votes, several thousand in the case of the larger local authorities. It would therefore be a very time consuming process to go through all the polling cards and covering envelopes with the aim of sorting them alphabetically.. Such sorting is necessary if it is to be possible to go back and find a particular voter's polling card. Manual sorting could mean that the subsequent stage in the process - the final counting and despatch of voting material - might be greatly delayed.

If the voter's polling card is found, this would be proof that the voter had voted in advance. Conversely, if no polling card is found, there would be a presumption that the voter had not voted in advance. Checking polling cards on polling day requires a routine for how such checks are made. Neither polling cards nor covering envelopes are available in the polling station on polling day.

Due to considerations of time and resources, the ministry is doubtful about introducing routines that would require the electoral committees to sort polling cards and covering envelopes for checks. One can also envisage a form of card index solution, in which the polling cards are sorted alphabetically as the advance votes are approved (and the polling cards are separated from the approved votes after crossing off entries in the electoral register). Any requirement for sorting must thus be weighed up against the number of votes concerned. There are no data on this on a national basis.

We point out that voters who have already been crossed off the electoral register on polling day, but themselves claim not to have voted, shall be able to cast a vote and that the vote is placed in a special envelope. The local authority must subsequently check that it has the polling card from that person's earlier voting.

The ministry plans to introduce a central election computer system. In our assessment it would be natural that we look at what safety mechanisms can be built into the system to ensure good routines and to prevent such errors occurring as far as possible. We therefore find no grounds for proposing a requirement for manual sorting of polling cards now, but will consider such rules later if there are grounds for doing so.

Otherwise, the ministry point out that it is very important that the electoral committee is precise in crossing names off the electoral register when votes are approved.

A routine for reviewing polling cards and covering envelopes could not correct errors that might be made when votes are received in the polling station. If the wrong name is crossed off the electoral register when a voter votes at the polling station, it will not be possible to trace it subsequently.

Routines and procedures for crossing names off the electoral register during advance voting and voting at polling stations were key topics during The Election Forum's regional training conferences in 2009. In addition, the local authorities themselves have focused on the same topic in their internal training of election workers. Since errors do occur when crossing off names in the register, the ministry will pay great attention to this issue in forthcoming elections.

2.8 Voting at polling stations

Introduction

The questionnaire to local authorities investigated several issues relating to voting at polling stations. These covered opening polling stations on Sunday, polling station opening times, any queues, folding ballot papers, any measures taken to overcome problems with folding, one or two day voting, storing material between polling days, adopting two day voting with 1/3 majority and a general assessment of how two day voting worked.

2.8.1 Number of polling days

Prevailing law

Section 9-2 (1) of the Election Act states that for each election the King determines the polling day on a Monday. In addition the local authority itself, with the support of at least 1/3 of the local council members, can decide that there should also be voting on the Sunday before the official polling day at one or more places in the local authority area. This was a new arrangement for the 2009 election. The law requires that with effect from 2011 the decision must be made no later than the budget for the year in which the election will be held.

The assessment

When asked whether there had been two day voting, 43.6 per cent of the local authorities (137 out of 314) answered yes, while 55.7 per cent (175) answered no.

In addition to the responses on the questionnaire, the ministry has a summary of the number of polling days for the 2009 general election in all Norwegian local authorities. This shows that 205 out of 430, or 47.4 per cent, of the country's local authorities had two day voting. The number of local authorities with two day voting has shown a gradual rise from 2003 to 2007; see table below.

Election year	2003	2005	2007	2009
Local authorities with two day voting	178	198	206	205

Table 5. Number of local authorities with two day voting.

Reasons given for two day voting (answers from 66 local authorities) are that this is the tradition in the local authority, that two day voting improves accessibility and that in this way the local authority facilitates voting better for different voters, while a smaller number of local authorities answer that it was to increase participation or avoid queues.

The local authorities were asked whether the decision on two day voting was made on the basis of support from 1/3 of local council members. Four of the 137 local authorities who say they had two day voting answered that the decision was made in this way. The responses from the local authorities vary somewhat, but the generally expressed reason is

that a majority decision on two day voting was taken. A few said that the reason for the decision was to avoid queues, that two day voting was better for commuters or that two day voting was thought likely to increase participation.

The ministry's assessment

The ministry has no general summary from the local authorities that did not respond to the questionnaire regarding how many took the decision on two day voting on the basis of minority support in the council, but assumes that it is more than the four indicated by the assessment responses. The assessment also shows that the local authorities have had various grounds for deciding that two day voting is appropriate, even though a minority of the council wish it. Here it is local conditions and the local authority's considerations and priorities that have been expressed. Two day voting is demanding of resources, in terms of personnel, organisation and finance, ref. the Election Act's requirement that the decision on two day voting must coincide with the budget debate for the coming year. Experience also shows that when voting is spread over two days, staffing of all the polling stations can be a problem and that there is extra work involved for election officials, polling committee members, local authority administration and others.

In the four local authorities that responded that two day voting was as a result of a minority decision (section 9-2 (2) of the Election Act), Statistics Norway's statistics for the 2009 general election show that participation decreased slightly compared with the 2005 general election.

There is no documentary evidence of any clear connection between participation and two day voting, but the ministry believes that making the election as accessible as possible for voters is of value in itself.

2.8.2 Number of polling stations and opening times

Prevailing law

The local authority, or the electoral committee on the basis of delegated authority, decides how many constituencies the local authority area will be divided into.

The electoral committee decides how voting will be carried out in the constituencies and also fixes the times for voting. A newly amended section 9-3 (2) of the Election Act with effect from the 2009 general election gave the local authority, on the basis of support from 1/3 of local council members, the right to decide to keep polling stations open beyond the hours decided by the electoral committee.

For the 2009 general election, the latest permitted closing time for polling stations was fixed at 21.00 (Election Act section 9-3 (2) last point), as against 20.00 in the three previous elections. In the 2001 election, the latest permitted closing time was 21.00, while there was also a requirement for a minimum 5 hour opening time. The last requirement was repealed before the election in 2003, ref Proposition no. 45 to the Odelsting (2001 - 2002).

The electoral committee is required to announce when and where voting will take place. The polling cards, which the electoral committee is required to send to all voters, state which polling station the voter shall cast a vote on polling day and also its opening times.

Assessment

Regarding the number of polling stations open, opening times and queues

Of the 314 local authorities who responded, 55.7 per cent (175) did not have polling stations open on Sunday. Of the remaining 139 local authorities, 9.9 per cent (31) respond that they had two polling stations open on Sunday, while 9.2 per cent (29) only had one open on Sunday. A majority of the local authorities had between two and five polling stations open on Sunday, while about 10 per cent (32) had between six and ten polling stations open. 11 local authorities had more than 10 polling stations open on that day.

With regard to the number of polling stations open on polling day, the local authorities could choose between multiple choice alternatives from one to 110 polling stations.

Number of polling stations open on polling day	Number of local authorities
1	11
2-5	140
6-10	120
More than 10	40

Table 6. Summary of the number of polling stations open on polling day

Naturally enough, the opening times of polling stations vary, according to local conditions.

A majority of the local authorities with two day voting opened polling stations on Sunday at 16.00 (33,8 per cent, or 47 local authorities). One local authority answered that they opened at 10.00 and five that they opened at 17.00. The great majority state that polling stations closed between 18.00 and 20.00 on Sunday. Two local authorities closed at 14.00 on Sunday and 14 answered that they closed at 21.00. In all 311 local authorities responded to the question about opening times on Sundays.

On the Monday polling day, 35 per cent (110) of the local authorities say that they opened their polling stations at 10.00, while 49.7 per cent (155) of the 314 local authorities say that they closed at 20.00. The earliest opening and latest closing times on polling day were stated as follows:

Earliest opening time Monday	Number of local authorities	per cent		Latest closing time Monday	Number of local authorities	per cent
07.00	2	0.6		14.00	4	1.3
08.00	17	5.4		15.00	1	0.3
09.00	109	34.7		16.00	1	0.3
10.00	110	35.0		17.00	5	1.6
11.00	19	6.1		18.00	23	7.3
12.00	36	11.5		19.00	34	10.8
13.00	13	4.1		20.00	155	49.4
14.00	7	2.2		21.00	91	29.0
15.00	1	0.3				
Total local authorities 139				Total local authorities 139		

Table 7. Polling station opening hours on Monday.

Some local authorities point out that having different closing times is unfortunate and that the mass media keep to 21.00 as the closing time, even though many of the country's local authorities close earlier on that day.

Regarding queues

At previous elections there has been a certain amount of queuing at polling stations from time to time, typically around lunchtime, just after working hours and just before closing time. On the questionnaire, local authorities were asked whether they had experienced queues at any time on Sunday or Monday.

About 58 per cent (182 local authorities) answered no to this question.

The local authorities answering yes responded that there had been a little queuing in the larger constituencies. Some answered that there were queues when the polling stations opened on Sunday (tradition of being present at opening time), after working hours on Monday and otherwise "from time to time". Local authorities that experienced queuing at previous elections answered that they have increased the number of booths in the polling stations.

The ministry's assessment

The local authorities' answers regarding number of polling stations and opening times indicate a variety of approaches and good facilitation on the part of the local authorities. No local authorities reported any serious problems with queues and, in the ministry's

opinion, this shows that the local authorities are facilitating voting in a good and appropriate manner, based on local conditions and voters' needs. When the 2007 election was assessed, many local authorities responded that they had changed the way in which voters were filed by initial within the constituencies, with the intention of avoiding queues for checking in the electoral register and stamping ballot papers. It is extremely positive that queues do not appear to be a problem.

Even though some local authorities responded that it was unfortunate that the final closing time on polling day had been changed to 21.00, it did not appear to have caused any great problems for either the implementation of the election or the voters.

The ministry will ask local authorities to place more emphasis on providing information to voters with regard to the opening times of polling stations on polling day(s). It is important that the local authorities use more sources of information, so as to reach different groups of voters. Otherwise, we do not see any relevance in having the same closing time for all polling stations. Here local conditions must decide what is most appropriate.

2.8.3 Folding of ballot papers on polling day

Prevailing law

Section 19 (4) of the Election Regulations states that white ballot papers shall be used for general and local elections. The ballot papers shall have the same colour on both sides. The purpose of this rule is that, since local and county elections are held at the same time, it shall be possible to see from the outside of the ballot paper whether it is white or blue and consequently which election it applies to.

Section 19 (2) of the Election Regulations states that the ballot papers used in the polling station shall be so designed that it shall not be possible to see how a voter has voted after the ballot paper has been folded. To safeguard the principle of a secret ballot, it is important that the ballot paper cannot be seen through.

Nothing further is said in either the act or the regulations - about how the electoral committee shall achieve this. The use of screening or patterns is permitted on the side that is folded outwards for stamping, but the area for stamping must be without pattern so that it is easier to check whether the stamp has been applied. At general elections, it is the county electoral committees that are responsible for printing and distributing the ballot papers to local authorities and political parties/groups that present lists for the election.

The issue

After the use of an envelope for the ballot paper at polling stations for voters voting in their own constituencies was discontinued (with effect from the local and county elections of 2003), it has been frequently pointed out that many voters fold the ballot paper incorrectly. Incorrect folding may be seen to conflict with the principle of a secret ballot and with safeguarding against improper voting and the buying and selling of votes. It may therefore be necessary to introduce special measures to prevent anyone seeing how voters have voted.

In its Report 1 (2009-2010) the Credentials Committee pointed out that the problem of folding the ballot paper the wrong way appeared to be somewhat lessened in this election than previously, probably because of more information and that people had become more used to the arrangement. However the committee writes that the problem is not gone and that it is unfortunate that some voters inadvertently show which way they have voted. The committee asks the ministry to consider whether further measures could be introduced to avoid this, especially better information to voters at the polling station.

At the 2009 general election, a test was carried out with new ballot papers in a total of 21 local authorities in the county of Buskerud. The background for carrying out the test was to see whether a new design for the ballot paper would make it easier and more intuitive for voters to understand which way the ballot paper should be folded.

OSCE, which carried out an Election Assessment Mission during the 2009 election, observed how and to what extent voters folded their ballot papers so that voting would remain secret. In its report, OSCE advised that the authorities should continue their efforts to safeguard a secret ballot, including by extending the use of the ballot paper that was used during the test in Buskerud in 2009, since this appeared to be better suited.

Assessment

The ministry's assessment of the 2009 election indicates that incorrect folding is not a significantly extensive problem. 39.2 per cent, or 123 out of 314 local authorities that there have not been such problems, while 39.8 per cent (125) registered problems with folding to a small extent.

The observers representing the Helsinki Committee at the 2009 general election wrote subsequently that the earlier problems with folding the ballot paper the wrong way seem to have been mainly solved. The committee's representatives believe this is probably due to the voters becoming more familiar with the procedure, but also that active information was given to voters at the polling station itself.

The ballot paper that was tested in Buskerud was an element of the "Clean Sheet" design solution. "Clean Sheet" (Blanke Ark) won the government's design competition in 2008 and is a total solution for election material, polling booths, ballot boxes, graphic profile, signage programme and ballot paper, as discussed separately in section 2.11. The background for carrying out the test with an alternative ballot paper was to see whether a new design for the ballot paper would make it easier and more intuitive for voters to understand which way the ballot paper should be folded.

The ballot paper itself was white, but was coloured orange on the side for stamping. Also the crease was not in the centre but designed so that, if the ballot paper were folded with the candidates' names facing out (white side), a small folded edge of the pattern colour showed. The crease meant that one part of the ballot paper was bigger than the other.

Norsk Form and the ministry carried out an assessment of the new Clean Sheet design. This was done by asking voters in three local authorities in Buskerud to respond to statements about the ballot paper. In general the ballot paper that was used in the Buskerud test received a very high score on all points and from all age groups.

The table below shows the Buskerud voters' perceptions of the new ballot paper. As we can see, a very high score is given; 1 is completely disagree and 6 is completely agree.

Voter groups	It was easy to understand how to fold the ballot paper	The ballot paper was neat and clear	The ballot paper had suitable colours and design for the election
age 18-30	5.9	5.7	5.6
age 31-45	5.7	5.6	5.8
age 46-65	5.7	5.6	5.8
Over 65	5.2	5.7	5.8

Table 8. Voters' perceptions of the ballot paper in Buskerud.

The ministry's assessment

In recent years the ministry and the electoral committees in the local authorities have had a strong focus on ensuring that voters fold the ballot papers correctly. A great deal of attention has been devoted to the procedures for voting in all stages of training and education. The ministry has prepared websites for use by election workers and voters. Before the election there were a number of TV spots on several channels showing the folding method. Procedures for voting have also been covered at The Election Forum's regional training conferences, as well as being a central element in internal training in the individual local authorities. The Election Forum is the local authority network for ensuring a high level of professional expertise in the local authorities, and its training activities before the election receive financial support from the ministry. As long as there are still voters who do not fold the ballot paper in the correct way, the ministry will maintain the focus on information to voters before elections. At future elections, the local authorities must continue to give voters guidance on folding the ballot paper before they cast their votes.

The ministry considers however that information alone is not sufficient if we are to ensure that practically all voters understand how to fold the paper. The ministry believes that the design of the ballot paper itself is also relevant.

Assessment of the test of the ballot papers that were part of the design solution shows that these were well received by the voters and local authorities who used them.

As an extension of this, the ministry believes that there may be grounds for looking more closely at whether there should be requirements for homogenous design for ballot papers to be used in Norwegian elections; see the discussion of this in a separate section of this document.

2.8.4 Logistics at polling stations on polling day

Introduction

In section 6.2 of its report, the Credentials Committee pointed out that

- in several polling stations more ballot papers have been recorded in the ballot boxes than there were voters crossed off on the electoral register. The most common explanations for this from the electoral committees are partly that voters have not been crossed off on the register and partly that voters have placed more than one vote in the ballot box,
- voters have used blank ballot papers as "covers" - with the consequence that the ballot paper is rejected because there is no stamp on the party ballot paper,
- voters have placed ballot papers in the ballot box without having them stamped,
- voters not on the electoral register have still been allowed to place votes in the ballot box - they should have voted according to the rules for "foreign" votes.

The committee points out that "a possible measure would be to do something about the logistics of the polling stations and the organisation of voting". They ask the ministry to "consider whether more precise rules or guidelines are needed in this area".

The ministry's assessment

There should *not* be any discrepancy between the number of crosses on the electoral register and the number of ballot papers in the ballot box. The polling committee *must* check voters against the electoral register *and put down a cross before* the voter is allowed to place a ballot paper in the ballot box. All ballot papers placed in the ballot box at the polling station *must* be stamped. Voters who do not belong to the constituency shall not place ballot papers in the ballot box.

If this is not done, it is usually an error on the part of the polling committee.

In the ministry's assessment, such errors occur too often. We assume that the most significant reason for such errors is lack of attention among those receiving the votes.

The ministry would point out that the design of polling stations varies considerably. There are also great variations in the number of voters in each constituency - from about 4 in the smallest constituency to over 10,000 in the biggest. This makes it difficult to lay down requirements for standard solutions in the design of polling stations.

Even so, the ministry believes that something can be done to reduce the possibility of error. Voting in polling stations has *three central elements* that shall be carried out at the polling committee's table:

1. the election official shall cross off the voter's name in the register of electors
2. the election official shall stamp the ballot paper
3. the ballot paper shall be placed in the ballot box by the voter.

The ministry underlines that it is important for these three to be carried out in close connection and in this order. The election officials must have full attention and control of

all these points. The ballot box must be placed at or in the immediate vicinity of the place for crossing off on the electoral register and stamping the ballot paper. The ballot box should not be placed anywhere in the polling station where it is not under observation. The election official must be vigilant in checking that the voter places the ballot paper in the ballot box and that it is stamped. If a voter leaves the polling station without casting a vote, this must be noted and recorded in the polling committee's meeting book. The ministry believes that the current rules safeguard these considerations and that there are no grounds for amendments to legislation or regulations.

The ministry will set these routines out even more clearly in the electoral handbook and focus on logistics in the polling station with further training before the next election. We will collaborate closely with the Election Forum in this. Otherwise, it is important that the individual electoral committees ensure sufficient training of their election officials.

2.9 Mechanical counting of approved ballot papers

Prevailing law

Section 10-4 of the Election Act states that the electoral committee is responsible for counting the ballot papers and that these shall be counted by the persons and in the manner decided by the electoral committee. The ballot papers may be counted on a constituency by constituency basis, provided that the constituency has at least 100 names on the electoral register. Ballot papers from advance voting and from the polling stations shall not be mixed, but counted separately. The electoral committee ensures that the ballot papers are first counted as a provisional count and then as a final count. The act's provisions regarding provisional counting are in section 10-5, while section 10-6 covers the final count and registration of amendments on the ballot papers.

Section 8 of the Election Regulations contains provisions regarding provisional and final counts and about a recount in another local authority or by the county electoral committee.

At general and county elections, it is the county electoral committees that shall register amendments on approved ballot papers (Election Act section 10-6).

Assessment

The local authorities were asked to respond on several issues relating to mechanical counting, such as how the count proceeded, about purchasing collaboration, about the need for user support, about any problems with the count and about testing, quality assurance, training and exchange of ballot papers.

Of the 314 local authorities that answered, 100, or 31.8 per cent, say they count mechanically. Of these, 81 per cent make their own count in the local authority, while the remaining 19 per cent collaborate with other local authorities, or also with the county authority, or with the county authority alone. 30 per cent of the local authorities entered into collaboration for the purchase of counting solutions and/or mechanical equipment.

Of the 15 county authorities that answered the same question, 14 say that they count mechanically, while one county authority counts manually. All the county authorities

except one participate in some kind of purchasing collaboration; this may be with one or more local authorities, with other county authorities or with both.

A few of the local and county authorities had a need for user support for the count itself. The greatest need for help was during the installation of the solution. The problems that occurred during counting were mainly due to stoppages of infrastructure or slowness in transferring data. Some county authorities advise that verifying stamps and amendments took a great deal of time.

About half of the county and local authorities respond that they quality assured the solution. 70 per cent of local authorities and 53.3 per cent of county authorities tested the solution with an election simulation. Several local authorities respond that the supplier took care of testing, quality assurance and election simulation, or that several local and county authorities performed the test together. Several responded that testing was done at the same time as training.

As regards training in the use of the solutions and hardware, 60 per cent of local authorities and 64.3 per cent of county authorities say that they used the supplier's course at the same time as users were trained internally. 41 per cent of local authorities and 28.6 per cent of county authorities had only supplier training. 13 per cent of local authorities and 21.4 per cent of county authorities say they used internal training. 3 per cent of local authorities had no special training.

97 per cent of local authorities say they used ballot papers for mechanical counting. 3 per cent say they did not perform any exchange of ballot papers. The number of exchanged ballot papers varies from local authority to local authority, from two papers to 3,000.

The local authorities say they exchange ballot papers because they cannot be read by the software, and these are stated as being "advance voting ballot papers from the ministry", ballot papers from other county electoral committees, other format, deteriorated quality of ballot paper, damaged or curled ballot papers, hand written lists and "lists printed out from the internet".

The ministry's assessment

That no more than 100 of the 314 local authorities used mechanical counting was probably connected with this being a general election. The local authorities have less to gain than in the case of local authority elections, where personal votes are also registered. At all elections, the electoral committees shall count twice, and between the two counts decide on whether any doubtful votes and ballot papers shall be approved. The electoral committees shall not count amendments to persons at general or county elections.

At the general election, a large majority of the local authorities that count mechanically (81 per cent) did this in their own local authority and not in collaboration with other local or county authorities, which is probably connected with this being a relatively simple count for a general election and thus a good opportunity to gain experience of this type of counting.

Responses from the local authorities show that they have had little need for user support, which may be because the local authorities count and interpret stamps and not personal amendments. We would assume that the need for user support would be greater at local elections.

In its Report 1 (2009-2010) the Credentials Committee pointed out that training is important and asked that the ministry, in connection with its assessment of the election, consider all measures that could reduce the risk of error and should especially investigate how election workers at all levels can best be trained.

Responses from the local authorities indicate that a great deal of attention has been dedicated to training in the use of the counting solution, both on the part of the supplier and in internal training. It is important for local and county authorities to prepare thoroughly for the count itself and to do this by performing tests against count results from previous elections. The local authorities must make a critical review of routines and procedures and have other solutions for counting in reserve in case of accident.

The ministry has however noted that exchange of ballot papers occurs because the software for interpreting ballot papers cannot read several types of varying formats. Ballot papers that cannot be read by the counting software must be able to be counted and checked manually and added manually into the authority's electronic result. Note that issues relating to the exchange of ballot papers are discussed in section 5.3 of this document.

2.10 Risk and vulnerability analysis of election implementation

Introduction

A risk and vulnerability analysis of election implementation was focused on for training purposes and in advance of the election. A risk analysis, or review of risks, is a thorough review of what might cause anything expected or unexpected to go wrong or an accident to occur. Based on the review, an assessment is made of how probable it is that something may go wrong, how critical each incident might be and how often an incident may occur (daily, weekly, monthly etc.). An assessment is made of whether sufficient precautions have been taken, or whether any special measures must be taken to avoid damage and destruction. Any such list of measures is accompanied by a summary of costs. For elections, such a risk assessment will vary in complexity, depending for example on the number of polling stations, communication with the polling stations, number of election officials, logistics and the use of technology, among other things. Even so it is important to assess risks and possible measures in advance of implementing an election.

The assessment

The local authorities were asked whether they had carried out a risk and vulnerability analysis before the election. 45.9 per cent (144) answered yes, while 54.1 per cent (170) answered no.

The ministry's assessment

The implementation of the 2009 general election could have been the victim of a pandemic that was on its way up through Europe to Norway at the time the election was to be carried out. In such cases, crisis solutions and alternative ways of performing various actions are necessary. Manual backup solutions may also be necessary if part of the election has gone over to electronic implementation and the use of electronic equipment. In June and August 2009, the ministry sent letters to local and county authorities about planning, staffing and organising the election and setting in possible measures in the event that a widespread outbreak of influenza (A/H1N1) might affect implementation.

In the ministry's opinion, local and county authorities should perform risk and vulnerability analyses, or risk assessments, in advance of every election. Many links must function in a time-critical process and it is important to be ahead of the game so that the risk of anything going wrong can be reduced as much as possible. The ministry will take this up with the Election Forum, so that carrying out risk assessment of elections becomes part of training election workers.

2.11 Evaluation of design solution for election equipment, graphic profile and ballot papers

2.11.1 Introduction

In 2008 Norsk Form organised a national design competition on the theme "Election and Democracy". The competition was supported by the ministry. The ministry wished to have a unified, recognisable, functional and attractive physical framework for voting. The winning "Clean Sheet" solution contained a new graphic profile with functional solutions for polling booths, ballot boxes, ballot papers and signage programmes for use outside and inside polling stations. The palette used is politically neutral. The background to the various elements is white, with black text. Orange was used to emphasise, mark and identify important information. The winning solution placed great emphasis on universal design and a flexible and transportable system for equipping polling stations.

The winning solution was tried out by four local authorities in the 2009 general election. Lenvik, Bømlo, Trondheim and Kongsberg were selected as pilots for testing the different elements of the solution, while all voters in the county of Buskerud were able to test ballot papers with the new design.

2.11.2 The assessment

Norsk Form has carried out an assessment of the implementation of the election in the pilot local authorities and of the design solution itself, with questionnaires to voters and election workers in the pilot local authorities. The designers behind the solution carried out their own assessment of the solution and its functionality. This was done by means of interviews with voters and election workers in two of the pilot local authorities and together with various groups such as wheelchair users, the partially sighted, the elderly and others with various forms of functional impairment.

Norsk Form and the designers of "Clean Sheet" prepared an assessment report. The report proposes that the findings of the assessment should be followed up with a priority list for improvements and by preparing guidance for assembling the equipment, locating the various elements and information posters and signs, for dismantling, transport, storage, maintenance and ordering supplementary equipment. Norsk Form's assessment report may be downloaded from the ministry's website valg.no.

The results in the report are listed below. Voters were asked to evaluate the various elements of the design on a scale of 1 to 6 (with 6 being best).

The polling booth (1 completely disagree/6 completely agree)						
Voter group	Satisfied with how the polling booth functioned a)	Curtain to the booth worked well b)	Table in the booth functioned well to write on	It was easy to get hold of the ballot paper	There was good lighting in the booth	The information in the booth was helpful for me c)
age 18-30	5.7	5.8	5.6	5.9	5.8	5.2
age 31-45	5.5	5.5	5.3	5.7	5.7	4.9
age 46-65	5.7	5.7	5.6	5.8	5.8	5.3
Over 65	5.8	5.6	5.5	5.7	5.7	4.9

Table 9. Voters' assessment of the booth.

a) The designers present in the polling stations noted that some voters stumbled on the foot of the booth on the way out. The location of the booths in relation to each other had a certain effect.

b) The designers observed that 10 per cent of the voters did not close the curtain and that 9 per cent of the voters had problems closing it. An estimated 50 per cent of those who had problems opening and closing the curtain were in the over 65 age group.

c) The assessment report makes the following comment: "In spite of the high score on this point, it is somewhat lower than the other elements of the solution. This is assumed to be due to the question formulation 'was helpful'. If one does not need to make use of the guidance, one will probably not report that it was helpful." The report also says that the responses " confirm the conclusion that a number of voters do not read information in the polling station. We estimate that 58 per cent of voters do not read information in the polling station. Only in the 18-30 age group do a majority of voters read the information. Several voters looked for larger type on the information posters."

The ballot box (1 completely disagree/6 completely agree)				
Voter group	It was easy to place the ballot paper in the ballot box	The ballot box was at a satisfactory height	The ballot box appeared solid, secure and inspiring of confidence	The ballot box conveyed solemnity and value
age 18-30	5.6	5.7	5.4	5.2
age 31-45	5.7	5.8	5.6	5.1
age 46-65	5.8	5.8	5.5	5.2
Over 65	5.8	5.8	5.6	5.0

Table 10. Voters' assessment of the ballot box.

Signage outside the polling station		
Voter group	Were there signs outside the polling station	Was it easy to understand the signs to the polling station
age 18-30	91 per cent yes	85 per cent yes
age 31-45	92 per cent yes	90 per cent yes
age 46-65	81 per cent yes	79 per cent yes
Over 65	86 per cent yes	77 per cent yes

Table 11. Voters' assessment of signage.

All (100 per cent) of the election workers (security officer, polling committee chair, polling committee member, electoral register marker) who were asked how suitable they thought the new equipment was for the election gave a positive response. 96 per cent of those asked said the solution had a good design and an appearance that appealed to voters, and that the local authority should use the solution for future elections. In their assessment, the election workers have made some constructive suggestions for improvements for durability, ease of transport and suitability for carrying and storage. The suggestions have been taken up by the designers.

Findings of the assessment of the test of a new design of ballot paper (colour and pattern as for the design solution's graphic profile and with a special crease) are discussed in a separate section of this document.

The solution has also won international attention through being nominated in the "products" category of the Brit Insurance Designs of the Year 2010, which is a highly regarded award among designers at home and abroad. Part of the solution has been exhibited in the Design Museum in London. Here in Norway, Clean Sheet has won the following three awards: The Good Design Label in the "Industrial Design" and "Visual Communication" categories and the Norwegian Design Council's Design for All award. The Design for All award is given annually to a Good Design Label winner that has developed an outstanding solution with particular focus on user friendliness and universal

design. The Good Design Label is a mark of quality awarded by the Norwegian Design Council. The jury's comments included the following:

First impressions of Clean Sheet are dominated by the fresh, modern expression, which at the same time signals something formal and serious. Accessibility in the design is very convincing. The system has very good physical solutions and is easy to read and understand. The conscious use of form, colour and illustrative icons doubtless simplifies the election process for all. Clean Sheet is a consistently thought out concept with regard to all users of the voting process. When the system is used for local elections and general elections, the benefit of recognition is obtained. The jury has no doubt that Clean Sheet will simplify the election process for all organisers and all voters.

Not many voters, but some election workers have pointed out parts of the solution that could be improved.

2.11.3 The ministry's assessment

The ministry has established that the design solution has been well received by both voters and election workers in the pilot local authorities. The assessment report confirms generally positive perceptions and attitudes to the new equipment, to the use of colour and functionality and to the solution making a useful contribution towards facilitation for all voters, regardless of functional ability. The polling booth, for example, has been especially well received by wheelchair users.

Ballot papers in the new design were tested in all the local authorities in Buskerud, but were only assessed in three of them. There is good feedback regarding the ballot paper's design and legibility. The result of this assessment has been discussed earlier in this document. Proposals for the future design of ballot papers are discussed in a separate section of this document.

According to the provisions of the Election Act and Election Regulations, the electoral committee shall organise voting in suitable premises. It is a requirement that the polling stations are accessible for all and are well prepared for the purpose, and that they are orderly and tidy, in accordance with section 26 of the Election Regulations. Blind and partially sighted voters shall be able to vote without having to ask for help, which sets requirements for lighting conditions, among other things. The design solution contributes in various ways to fulfilling the requirements for facilitation and accessibility. The solution helps polling stations to be perceived as orderly and tidy and it fulfils in several ways the requirements regarding universal design. Universal design means design or adaptation in such a way that all are able to use the relevant solution, regardless of the degree of functional ability of the individual. Better facilitation for the disabled is discussed in more detail in a separate section of this document.

Even though the assessment from voters and election workers confirms that the design solution fulfils to a great extent the requirements for universal design, there have also been comments that certain elements of the solution should be made even better. Together with the designers of the solution, the ministry will follow up on the various findings of the assessment and ensure that further development takes place. The ballot box will be

produced in a light material, the carrying handles will be improved and it will be possible to stack the boxes in transport and storage cases. The ballot boxes can also be sealed while voting takes place. The local authorities will be able to mark their ballot boxes as they deem most appropriate (e.g. number, voting type, and election type). The polling booth will be improved to avoid stumbling on the feet of the booth, the curtain will be made easier to pull across and various improvements will be made to assembly and dismantling. Transport and storage cases will also be produced for the polling booth. User instructions for set up and assembly/dismantling of the material will be produced. Signs, seals and posters will be produced in a different quality, which will make it easier to read the information printed on them.

The improvement work has begun and the ministry aims to enable the "Blank Sheet" solution to be put into production during the course of autumn 2010. We plan to enter into framework agreements with producers of equipment and to enable local authorities to order via an internet portal. The local authorities, which are responsible for purchasing material and equipment, can decide for themselves whether to buy the whole solution or part of it. The objective is that the new solution can be used for the election in 2011.

The new design solution for elections gives a unified, recognisable, functional and physical framework for voting. In its observations and report on the election, OSCE has commented on the lack of seals on ballot boxes. The design solution's ballot boxes can however be sealed throughout voting, not just during storage and transport.

The ministry will recommend that, in cases where the local authorities shall procure new equipment, they purchase various elements of the new solution. The "Clean Sheet" solution gives local authorities an assurance that the principle of a secret ballot and considerations of universal design have been thoroughly considered and well maintained. In future the local authorities must devote great attention to the requirement for universal design in facilitating for elections, ref. the requirements of the Election Act and Election Regulations. The local authorities must also act in accordance with the requirements and provisions of the Anti-discrimination and Accessibility Act and the new Planning and Building Act's requirement for universal design.

2.12 Election training

2.12.1 Introduction

It is an important goal to ensure an efficient, effective and correct election in line with election legislation in all the country's local authorities. The individual local authorities are basically themselves responsible for ensuring that their election workers are trained, both their own employees and others who may be hired in from outside.

Even so, the ministry believes that it is important to have a focus on training at national level. For the 2009 election, therefore, measures were introduced to help ensure good training locally. This was done by means of formal collaboration with the Election Forum. This is a membership organisation for election workers, with membership open to all the

country's local and county authorities. As at 18.2.10, 172 local authorities are members of the Election Forum. In addition, all county authorities are members.

The aim of the forum is to assist in developing elections in Norway, through means such as the exchange of experience, dialogue with central electoral authorities and advice in election questions. A key part of its purpose is building expertise, by holding courses and developing course material.

For the ministry, it is important that a competence forum exists for those who work on elections. Elections make great demands on the individual. Elections occur only every second year and working on an election is a task that most perform in addition to many other tasks within the local authority. Regular changes in the regulations also present a challenge when it comes to training and preventing errors.

After the 2009 general election, the Credentials Committee said the following in its Report 1 (2009-2010):

The committee notes that a professional implementation of the election presupposes quality and thoroughness at all stages from the electoral authorities and in all phases of the election work. The election is implemented locally and involves a large number of election workers. This means there is a substantial requirement for information, training and organisation of the work.

2.12.2 Training conference before the 2009 election

By agreement with the ministry and for the first time, the Election Forum held training courses for all the local and county authorities in the country in the form of five regional training conferences. These conferences were in addition to the county conferences held by the county governors in cooperation with county authorities. It is important to point out that such conferences are not meant to replace the responsibility of the individual local authority to train election workers in its own area.

All local authorities were invited to the five regional conferences, which were held over two days in May/June 2009. Day one was aimed at beginners in the electoral field and day two at the more experienced. Topics covered at the conferences were a review of the democratic principles for elections, preparations for the election and the implementation of advance and normal voting, as well as counting and final settlement. Focus was also placed on planning information activities and risk and vulnerability analysis. Course material was also developed.

Each conference was evaluated by the delegates. Generally, each conference received very good feedback from the delegates. Participation was relatively good, but there is still a way to go to reach full participation by the local authorities. In North Norway especially it appeared that many local authorities did not take part, for whatever reason.

The assessment report may be downloaded from the forum's website: www.valgforum.no.

2.12.3 The ministry's assessment

The ministry points out that the local authorities themselves are responsible for training election workers internally. We believe the ministry should contribute to good training

and will therefore once again use resources for election training in advance of the 2011 election. This training is intended to be in addition to the local authorities' own internal evaluation.

We also believe it important to focus on a higher degree of continuity in training and topping up electoral skills. For this reason the ministry has chosen to enter into collaboration with the Election Forum to organise a nationwide election conference in the autumn. We believe it is important to get training started early in the process. Relevant themes for such a conference might be planning, bidding processes, list proposals, division into constituencies and information work.

Experiences from the regional conferences in 2009 are positive and the ministry is determined to continue with such conferences in 2011. The Election Forum has expressed its willingness to continue collaboration with the ministry.

Certain changes in the structure of the training conferences before the 2011 election will be considered. It is relevant for example to look more closely at the number of conferences and where they should be held and to consider the relationship to the county conferences. We could imagine closer collaboration with the county governors and county authorities here. The ministry will consider whether changes should be made to the conferences traditionally held by the county governors in collaboration with the county authorities.

The ministry encourages all the country's local and county authorities to join the Election Forum and to participate in its conferences.

2.13 Information to voters

2.13.1 Introduction

An important prerequisite for voters to participate in an election is that they should know about, or have access to information about, when, where and how they should vote. If voters do not have such information, the risk that they will stay at home during the election increases.

Both the ministry and the local authorities have a responsibility to inform. The ministry administers the Election Act and regulations and has overall responsibility for the election and thereby also a responsibility for general information activities. The local authorities are responsible for facilitating for voting, at local, general and Sámi parliament elections. Actual information about where the polling stations are located, opening times and information about ambulatory voting must therefore come from the local authorities. This means that the information responsibility of the electoral authorities is first and foremost to inform about the rules, and to give factual information about the voting system to all voters. Motivating and encouraging the voters to vote is primarily the responsibility of parties, groups and politicians.

2.13.2 The local authorities' information responsibility

The Election Act requires local (and county) authorities to make local announcements about:

- The headings of approved electoral lists and information about where they have been made available for public inspection, ref section 6-7 of the Election Act.
- Time and place for making the electoral register available for public inspection and information about the possibilities and procedures for demanding that errors are corrected, ref section 2-6 (2) of the Election Act.
- Time and place for advance voting, ref section 24 of the Election Regulations.
- The deadline for applications from the sick and disabled to vote at home (ambulatory voting), ref section 8-3 (6) of the Election Act.
- Time and place for voting on polling day, ref section 9-3 (3) of the Election Act.

The local authorities are also required to send out polling cards to voters in their own areas. The polling card shall include information about which polling station the voter shall vote at on polling day and how long the polling stations are open.

Beyond this, it is up to the local authority itself to decide the degree of information effort with regard to the election. Many local authorities make information about the election available on their websites. Several local authorities have their own information campaigns before the election.

In the assessment, the local authorities report on "traditional" information measures to increase participation. These measures have been advertisements in local papers, information on the internet, household brochures and letters to first time voters. Regarding special measures that may have affected participation, one local authority responds that the ministry's information campaign about advance voting and the risk of pandemic led to a large number of voters voting in advance.

Six local authorities mention "Demokratimesterskapet2009" (Democracy Championship 2009) as a measure to get more young people to exercise their right to vote. This was initiated by a group of people at Høylandet as an encouragement to participation in the election by various means.

One local authority used an election bus as a polling station for advance votes. The bus parked by shopping centres, local community centres and the like. Another local authority set up signs with the text "Advance votes accepted here". One local authority says it accepted advance votes at a local "people's" college for the first time and that it was used by many first time voters. Two local authorities used local radio, one of them saying they had an "election spot" every day. One local authority set up a polling station for advance voting inside a large company and encouraged workers and others to vote there, which resulted in a good turnout. One of the four pilot local authorities testing election equipment with the new design says that the design solution led to more people casting advance votes at the town hall, where the equipment was being tried out. A couple of

mayors advertised in local papers encouraging people to vote in advance, partly in case swine influenza should strike. The local authorities believe this led to an increase in advance voting.

The ministry believes that the local authorities have, to a great extent, established creative and well prepared opportunities for advance voting. Reports from the local authorities give grounds for supposing that there have been more advance voting stations open in the evenings and on weekends than in previous elections. Even so, the ministry will encourage local authorities at every election to consider the voters' needs for advance voting, for example if it may be possible to facilitate advance voting before the start of the working day and if possible increased availability in the evenings and at weekends. The ministry points out that the local authorities have provided a wide and well prepared opportunity for advance voting in the 2009 general election. The ministry therefore finds no grounds for proposing that fixed opening times should be established in law.

2.13.3 The ministry's information activities

In recent elections, the ministry has had a number of information measures aimed at all voters. Some of the measures have been aimed at specific target groups such as young people, voters with an immigrant background and voters with a need for specially prepared information. In 2009 for example the ministry carried out a nationwide information campaign including TV, cinema and radio spots, online advertising and an electoral knowledge game. An information film about the general election with voice-overs in Norwegian, North Sami and eight foreign languages was produced and distributed on DVD to all upper secondary schools. A campaign page was developed on the internet where all these measures were available. Social media like Facebook, Twitter and YouTube were also used.

In addition to this campaign, the ministry also implemented several communication measures through other channels and in collaboration with partners. For example the valg.no website was updated and made available to voters and election workers in local and county authorities. Text TV information was placed on the TV channels NRK, TV2, TV3 and TVNorge and advertisements with information about the new early voting scheme, ordinary advance voting and voting on polling day were placed in newspapers approved for official advertising.

A brochure aimed at pupils in the second and third years of upper secondary school was produced and distributed in collaboration with the Directorate for Children, Youth and Family Affairs. The ministry's household brochure was produced in the two Norwegian languages (Bokmål and Nynorsk), three Sami languages and eight foreign languages. The foreign language versions were distributed to voters via local authorities and various organisations. The Directorate of Integration and Diversity (IMDi) worked with the ministry in choosing languages and translating text. IMDi also carried out its own measures aimed at voters with an immigrant background.

The media play an important role in disseminating election information. Experience from previous elections shows that the media focus on information on both the election system

and the election campaign. The local media have special role in local elections in conveying local information to residents. The ministry makes available factual information about the election system that can be used by the media.

2.13.4 Survey of the ministry's information activities

A survey that was carried out during the campaign showed that knowledge about the election increased during the course of the campaign period. The requirement for identification in order to vote is well known. 89 per cent knew that identification was needed to vote. Two out of three knew that you can vote in advance in any local authority (66 per cent). Most knew where to vote on polling day. People know enough about where and when to vote, but know less about how to amend the ballot paper. Young persons aged 17 to 24 in particular knew little about this. Information about the election system is found on the internet. People want to have an information brochure in the post. An information brochure in the post is preferred as a source of information about where and when one can vote (49 per cent). This is followed by information on TV (20 per cent). To a greater extent, older people want an information brochure, while younger people to a greater extent want advertising on TV. The campaign information reached the great majority (72 per cent). Almost half the population has seen a campaign spot on TV.

2.13.5 The ministry's assessment

The ministry interprets the results of the survey as showing that the information had got through and was available to a majority of voters. The ministry can chiefly offer general information, while the local authorities must inform locally about when and where voting occurs. Election information aimed at all target groups is a collaboration project between many sources.

It is still the case that there is a great need for information for voters and election workers in local and county authorities before every election. In 2011 there will also be trials in 20 local authorities and Longyearbyen local council of lowering the voting age to 16 for the local elections. The aim is also to carry out trials of electronic voting (e-election) in 11 local authorities. These trials will bring a need for increased information activity, especially in the local authorities where the trials are held. Some information activity will also be necessary in other local authorities, because voters may need to know whether they are affected by the trials or not. The ministry, together with the local authorities involved, will develop joint information programmes for the trials, and local adaptations will also be facilitated. The ministry therefore sees the need to increase information activity before the next election.

2.14 The grant scheme

The ministry gave grants totalling 5 million kroner to 22 different organisations that wanted to help increase knowledge about the election and/or increase participation. 79 applications were received for a total of about 22 million kroner. When assessing the applications, the ministry focused on diversity, in terms of theme, measures, organisation

and target group. Young people, immigrants and voters needing specially adapted information were priority target groups. Evaluation also covered whether the measures were to be a supplement to the ministry's own information activities.

2.14.1 The ministry's assessment

The ministry believes it is important for different organisations and principals to become involved in the work of providing information about the election system. Reports from those who have received grants show that the scheme stimulates great commitment among those who have initiated the various measures. Most grant recipients report completed measures and good feedback from the target groups. The ministry proposes to continue with the grant scheme at the next election.

2.15 The local authorities' use of the ministry's election information

2.15.1 Introduction

The ministry takes care of the preparation of information material and assists with guideline material to election workers in local and county authorities, both written and on the internet. The ministry organises information and training conferences for the county governors' officials and county authorities and collaborates with the Election Forum in training election workers.

Other information that may be useful for the local authorities at election times, beyond that which the ministry prepares, includes the Directorate of Health/Delta Centre guidelines for electoral committees and election workers "Accessibility of elections. Guidelines for the local authorities". The guidelines include information and checklists about facilitating the election for persons with different kinds of disability. Other local authorities' routines and training programmes may also provide useful information.

2.15.2 The assessment

The local authorities can subscribe to a notification service for updates on the ministry's website, and 305 out of 314 local authorities answered that they subscribed to this service for the general election.

The local authorities were asked which information channels they mostly used, whether it was the ministry's website, the electoral handbook, the Election Forum's website, assistance from other local authorities or whether there were other channels used to obtain information about elections. They were asked whether the ministry's information was considered to be useful for the local authority and whether it was easy to find what they were looking for. The responses are graded on a scale of one to six (one being the lowest value and six the highest). The local authorities were also asked whether there was any information they were lacking.

All 314 local authorities replied that they used all the channels mentioned, but to varying degrees. The responses are shown as percentages in the tables below.

Information channel	1 a little	2	3	4	5	6 a great deal
www.valg.no	0.6	0.3	2.5	7.3	29	60.2
Electoral handbook	0.6	0.6	2.5	13.1	26.1	57
www.valgforum.no	25.5	17.2	18.2	19.4	12.7	7
Other local authorities	26.1	22.6	21.3	18.8	7	4.1
Other places	44.9	21.7	15	9.9	5.4	3.2

Table 12. Local authorities' informational channels for elections.

	1 a little	2	3	4	5	6 a great deal
Information on valg.no is useful	0.6	0	1.0	5.1	37.9	54.8
Information on valg.no is easy to find your way in	0.6	0.3	3.2	12.4	42.7	40.4

Table 13. Local authorities' assessment of information on valg.no.

The local authorities were asked if there was any type of information they lacked. They stated this as being: flow charts for the whole election process, checklists, countdown lists, tips for organising an election, various routine descriptions, voter information on the early voting scheme, schematic view of logistics in the polling station, information about Sámi parliament elections, summary of advance voting stations abroad and templates for posters in the polling booth.

2.15.3 The ministry's assessment

The responses show that the ministry's website and the electoral handbook are used by the majority of local authorities. The Election Forum's website is not as well known to all local authority election workers, which may be due to the fact that not all local authorities have joined the forum. The responses also show that the election workers in the local authorities do not make much use of each other to exchange experience and information, or obtain information from the county governors' offices or county authorities (other places).

The responses show that a majority of local authorities think the information on www.valg.no is useful to them and easy to find their way through. This website is a very important election information channel. It is the ministry's goal that all the country's local and county authorities should subscribe to the ministry's notification service on valg.no. This service is a useful tool for the ministry for sending information and an important

means for the local authorities to keep updated throughout the election process. Various information channels can help in training election workers and others with election responsibilities.

With regard to training election workers before the next election, the ministry and the Election Forum will focus on the use of various election information channels and their potential usefulness. Some of the information the local authorities said they lacked was available on the ministry's election website in 2009, but the local authorities' responses may indicate that the documents were not sufficiently accessible. The ministry will consider whether the website can be made more user-friendly and easier to find things in before the next election.

2.16 Prohibition on publicising polling day opinion polls

2.16.1 Prevailing law

An amendment to legislation of 8.5.2009 tasked the Norwegian Media Authority with overseeing the prohibition on publicising election results and prognoses. A new provision in section 9-9 of the Election Act states that election results and prognoses made on the basis of opinion polls taken on polling day(s) cannot be publicised before 21.00 on polling day (Monday). Section 15-11 (1) of the Act further states: In the event of deliberate or negligent contravention of section 9-9 of the Election Act, the Norwegian Media Authority may impose a fine [...]

2.16.2 The Norwegian Media Authority's findings and follow up

On polling day, Monday 14 September, the Norwegian Media Authority observed a polling day opinion poll that was published on the newspaper Dagbladet's website earlier than permitted under section 9-9 of the Election Act. The authority was also made aware, via a subscription to Dagbladet's message service, that at the same time the opinion poll was published, a text message was sent to persons who had pre-ordered the result of the polling day opinion poll direct to their mobile telephones. This text message included facts about percentage up and down swings for the Socialist Left Party and Prime Minister Stoltenberg respectively.

On 16 September 2009, the Norwegian Media Authority asked Dagbladet for an account of the actual circumstances and for relevant documentation for fixing the time for publishing the polling day opinion poll and the issue of the text message. Dagbladet's response was received on 23 September and on 1 October the Norwegian Media Authority gave warning of a decision to impose a sanction in the form of a fine since, after an initial assessment, the Authority believed that publication of the opinion poll could be in contravention of section 9-9 of the Election Act.

Dagbladet gave its reply on 8 October 2009. Dagbladet answered that the Authority's observation was correct and that human error had led to the polling day opinion poll being published too early. Dagbladet stressed that it took a serious view of the incident and apologised for the occurrence.

The Authority decided to impose a fine on Dagbladet for the incident and at the same time advised the newspaper of its right to appeal. Dagbladet has not appealed the decision and the case is now closed.

2.17 Election for the Sámi parliament

2.17.1 Prevailing law

Implementation of the Sámi parliament election is regulated by the regulations on elections to the Sámi parliament, which are given pursuant to the Sámi Act. Responsibility for the regulations rests with the Ministry of Government Administration, Reform and Church Affairs. Section 47 (1) of the regulations states that voting for the Sámi parliament election in local authorities with 30 or more persons on the Sámi parliament electoral register shall occur in the same place and at the same time as voting for the general election. The two elections shall be kept clearly separated.

It further follows from section 50 (1) of the same regulations that only voters who are included on the Sámi parliament electoral register in local authorities with 30 or more registered Sámi voters are able to vote on polling day(s).

If it is not possible for voters to vote for the Sámi parliament at all polling stations in the local authority on polling day(s), section 50 (5) of the regulations states that voters shall be directed to a polling station that accepts votes to the Sámi parliament.

In local authorities with fewer than 30 persons on the Sámi parliament electoral register, it is only possible to cast advance votes, ref section 2-3 of the Sámi Act.

At the advance voting for the general election and Sámi parliament election, the ballot papers shall be placed in different envelopes. In polling stations that have voting for the Sámi parliament on polling day(s), envelopes are used for these votes.

Where it is possible to vote in the Sámi parliament election on polling day, ballot paper envelopes are used for the Sámi parliament election.

2.17.2 Participation in elections

Participation in the Sámi parliament elections was 69.3 per cent on a national basis in 2009. This is a reduction of 3.3 per cent compared with the 2005 Sámi parliament elections. The results of the election show great variations in participation in the various constituencies and in comparison with the previous election. There is a marked reduction in participation in the constituencies South Norway, South Sámi Area (the Trøndelag counties) and Vesthavet (local authorities in South Troms and North and Central Nordland). In accordance with the new election system for the Sámi parliament elections, very few of these local authorities had voting on polling day, i.e. voting in these local authorities was in the form of advance voting.

The elections to the Sámi parliament have not so far been the subject of election research. The Research Council has given support to a multi-year Sámi election research

programme. The programme shall gather and make available data connected with previous elections for the Sámi parliament, carry out surveys of the 2009 election and perform limited thematic studies linked to the 2009 election, with special emphasis on the consequences of the new election arrangement.

2.17.3 The assessment

The local authorities were asked a few questions about the Sámi parliament election. These were whether voting for the Sámi was held on polling day, whether ballot papers for the Sámi and general elections had been confused and whether the local authority had to turn away voters for the Sámi election because they did not have voting at the polling station.

Of the 314 local authorities that responded to the questionnaire, 13.1 per cent (41) said they held voting for the Sámi parliament on polling day(s). 86.9 per cent (273) said that they only had voting for the general election on polling day.

The local authorities response to whether voters had confused ballot papers for the two different elections appear in the table below.

To what extent were ballot papers for the Sámi parliament election placed in envelopes for the general election?			To what extent were ballot papers for the general election placed in envelopes for the Sámi parliament election?		
Options	Number of local authorities	per cent	Options	Number of local authorities	per cent
Never	260	82.8	Never	294	93.6
A little	50	15.9	A little	20	6.4
To some extent	4	1.3	To some extent	0	0.0
To a great extent	0	0.0	To a great extent	0	0.0
Total 314 local authorities			Total 314 local authorities		

Table 14. Confusion of ballot papers for the general and Sámi parliament elections.

273 local authorities answered the question about whether they had had to turn away voters for the Sámi parliament election because the local authority did not have voting for the Sámi parliament on polling day. 2.2 per cent (six local authorities) answered that they had, while 97.8 per cent (267 local authorities) had not. Of the six local authorities that had had to turn away voters, four of them advise that they had turned away one voter, while the other two had turned away two voters.

2.17.4 The ministry's assessment

The ministry notes that there have been few cases of voters confusing the ballot papers for the two elections.

In local authorities with 30 or more persons on the Sámi parliament electoral register, there shall be voting for the Sámi parliament on polling day. In addition the Sámi electoral committee shall test all votes for the Sámi parliament and count the approved votes.

In local authorities with fewer than 30 persons on the Sámi parliament electoral register, there shall only be advance voting for the Sámi parliament. Advance votes for the Sámi parliament received in these local authorities shall be sent on unopened as they come in, either to the counting electoral committee in the constituency or to the Sámi electoral committee in the voter's home local authority, where that local authority has 30 or more persons on the Sámi parliament electoral register, ref. section 63 of the Regulations on elections to the Sámi parliament.

It is a precondition that it must be possible to distinguish the ballot papers from each other when elections to the Sámi parliament are held simultaneously. The ballot papers for the general election are white, while those for the Sámi parliament elections are blue.

The ministry has noted that few voters had to be turned away because there was no voting for the Sámi parliament on polling day(s).

All in all the local authorities report few errors in holding Sámi parliament and general elections, which can be accounted for by good information and organisation of the two different elections. Even so, we must strive to be better. The goal must be that no votes are rejected when the vote has been cast in a legal form. Neither must voters be turned away due to lack of information, inappropriate organisation or poor logistics in election implementation. We must ensure that the rules for the right to vote and voting practice for different elections are conveyed in a clear and understandable way.

The Sámi parliament itself assesses the implementation of the 2009 Sámi parliament election.

2.18 The church election

2.18.1 Introduction

On 10.4.2008 the parties in the Storting entered into an agreement on the future relationship between state and church. As part of this return, it was decided that church elections should be held at the same time as local and county elections, although the first church election would be together with the general and Sámi parliament elections in 2009.

The Church Council sets the rules for the church election pursuant to the Church Act and is responsible for all centralised information about the church election for voters. The church's own bodies are responsible for the local implementation of the election.

In the aforementioned agreement with the Storting it was stated that the church election shall be held in premises in the immediate vicinity of the polling stations used for the general and Sámi parliament elections.

The Ministry of Local Government and Regional Development advised the local authorities about the new scheme in its letter of 8.5.2009 and added that the parish councils and electoral committees should collaborate in organising the elections, even though formally speaking the local authorities are not obliged to assist the parish councils in implementing the election. The ministry believed that it was natural for the local authority to make premises available for the church election. Where the church was in the geographic vicinity of a polling station, the ministry believed that the church should be used for voting for the church elections. The ministry pointed out that where it was natural, the church election could use the same buildings or building complexes as the general election, but must be clearly separated from the general election. One could for example use the same entrance but have separate rooms for the voting itself. As a general rule, the ministry recommended that voting for the church election should not be in the same room as for the general election, unless it were particularly well suited: a large gymnasium for example. If the same room was to be used, it must be equipped in such a way as to avoid mixing the two, or other practical difficulty.

2.18.2 The assessment

On the assessment form the ministry asked about the location of the polling station that was used for the church election. The local authorities were also asked whether the collocation with the church election had led to any problems for voters.

Premises used for the church election	Number of local authorities	Percentage	Number of responses
All premises were in another building in the vicinity	10	13.3	75 answered this
Some premises were in another building in the vicinity	66	88.0	
All premises were in the same building	152	63.1	241 answered this
Some premises were in the same building	90	37.3	
They were all in the same premises	15	31.3	48 answered this
Some were in the same premises	34	70.8	
They all had the same entrance but different premises	132	56.9	232 answered

Premises used for the church election	Number of local authorities	Percentage	Number of responses
Some had the same entrance but different premises	102	44.0	this
All premises were organised in another way	1 answered yes- 1 out of 3 has answered this		
Some premises were organised in another way	2 answered yes- 2 out of 3 have answered this		

Table 15. Location of premises for the church election.

258 local authorities responded to the question about collocation with the church election causing any problems for voters in the general election. 39.5 per cent of these (102 local authorities) say that they have not recorded any problems. The rest, 60.5 per cent or 156 local authorities, reported various issues and problems in holding simultaneous general and church elections, such as:

- recruitment to polling committees
- different locations and opening times for advance voting caused confusion, especially for voting in institutions
- there was little coordination of signage for the two elections, which caused unfortunate signage in some cases
- some confusion among voters as to where they should vote, and voters went wrong because of insufficient information and signage
- some premises were unsuitable for holding two elections simultaneously

Otherwise, some local authorities point out that the church election could have been better organised, with better training and information on the part of the church. Some local authorities say they had the impression that the church had an expectation that the local authority should organise things for them.

To the last question on the questionnaire, where local authorities were invited to give any other comments regarding collaboration and implementing the church election at the same time as the general election, 96 local authorities responded, with comments that included:

- the church election was poorly prepared and must be planned and executed better
- mixing the two elections together is unfortunate
- the church election increased pressure on the local authority, library employees, service office and election secretariat, as well as the local authorities' relations with the public.

2.18.3 The ministry's assessment

The responses from the local authorities confirm that to a great extent voting for the general, Sámi parliament and church elections has been held in the same building, that the same entrance was used, but that the respective elections have been organised in separate polling stations. The local authorities respond that this has mainly been a workable arrangement, for both election workers and voters, but even so more than half the local authorities, 55.2 per cent, have made additional comments about holding general and church elections simultaneously. They point out problem areas such as recruitment to polling committees, organising advance voting, information to voters about the church election and that the simultaneous organisation of the two elections has led to a certain amount of uncertainty among voters. Several local authorities point out that the church election should have been better planned, prepared and executed. As the ministry interprets the local authorities' responses, the local authorities have focused on assisting the church in the best possible way and various arrangements were arrived at locally that took into account and focused on the needs of voters.

Some local authorities have reported that local residents expected to be able to make advance votes for the church election at the same place as for the general election "as they obviously can in neighbouring local authorities". The ministry points out that in advance of the election, we recommended that as a general rule voting for the church election should not be in the same room as for the general election, unless the room was particularly well suited: a large gymnasium for example. If the same room was to be used, it must be equipped in such a way as to avoid mixing the two, or other practical difficulty.

It is a further requirement that if the different elections were to be held in the same building, the places for receiving votes shall be kept separate and be in separate rooms for the voting itself.

The next church election will be held to coincide with the local and county elections in 2011. Since there will be two elections in polling stations, we can see that this will provide even greater problems in keeping the church election separate. It will therefore be important to focus on good preparation for and implementation of the election. We would also point out that local authorities' assistance with church elections must in no way be at the expense of the implementation of the local election. This means that the local authority must ensure sufficient resources in terms of both personnel and equipment.

The church election is assessed centrally.

3 Election observation

3.1 General

An amendment to the Election Act in spring 2009 added a new provision regarding election observation. In accordance with section 15-10, the ministry is authorised to accredit election observers following an application. Before the 2009 election, 142 observers from several different organisations were accredited. The observers came from

the Organisation for Security and Cooperation in Europe (OSCE), the Swedish International Liberal Centre (SILC), the Norwegian Centre for Human Rights/NORDEM, the Helsinki Committee, World Peace Volunteers and African Parliament SC. Before the election the ministry held an information meeting with instruction in Norwegian election legislation for those election observers who wished to have it.

The ministry has prepared a specific information brochure for election observers.

During the assessment with the local authorities, they were specifically asked about their experiences with visits by election observers. The feedback was overwhelmingly positive. It is clear that many local authorities found the visits to be very useful. They point out for example that "the observers had an impressive knowledge of the Norwegian election system and were well prepared". One local authority says that "OSCE's observers were especially positive with regard to being able to see the election system from the outside. Useful, and offered positive input for improvements and ways of assessing our own preparations".

3.2 Feedback

OSCE's visit and their report are discussed below. The ministry has not received specific reports from any of the other groups of observers. After the election however the Helsinki Committee held a press conference, the news release from which summarises the implementation of the general election thus:

"We are impressed by the high standard of Norwegian democracy. Many of us have expressed that we have observed thoroughly democratic elections.

We have noticed that Norwegians have great confidence in their own system, both confidence that the election is properly conducted in itself and confidence in the Norwegian authorities in general, which is the most important indicator that Norwegian elections maintain a high quality.

Yesterday's voting proceeded quietly and in good order - with a naturalness that demonstrates that all those involved wish the election to be implemented in the best possible way. No sign of any attempt to abuse the system has been recorded.

We have found well equipped and well organised polling stations - no technical defects to reduce efficiency or hinder the voting process.

We have found high quality in the registers of electors - and no problems recorded in connection with the registered voters.

We have met voters who have told us that the election is important for them - who believe in democracy, who trust their own authorities and who think they are lucky to live in a well developed democracy.

Election legislation in Norway is perhaps simple in relation to what the observers are used to. But we know from our own experience that more detailed rules are no guarantee of democratic elections."

3.3 OSCE

3.3.1 Introduction

The 2009 general election was the first time there was an election observation in Norway by the Organisation for Security and Cooperation in Europe (OSCE). Election observation is performed by the OSCE's "Office for Democratic Institutions and Human Rights" ODIHR. Only the designation OSCE is used in this document.

At the invitation of the government, OSCE sent two election experts on a so-called Needs Assessment Mission in June. This was a fact finding visit, the aim of which was to assess whether OSCE should perform a limited or full observation of the election. Several meetings were held with both central and local election authorities, as well as meetings with political parties, the media and interest organisations. In its report after the visit, OSCE concluded that they wished to conduct an Election Assessment Mission, that is to say a limited election observation.

OSCE's Election Assessment Mission was carried out from 2 to 15 September and their team consisted of 11 persons from the same number of member countries. The delegation was led by Ambassador Geert Ahrens from Germany.

In its Election Assessment Mission (EAM) report, presented on 27 November 2009, OSCE states:

Norway has a long tradition of holding democratic elections, and the conduct of the 14 September elections confirmed that Norwegian elections are characterized by political pluralism, respect for fundamental freedoms and rights, a high degree of public trust in the impartiality of the election administration, and the integrity of the process as a whole. The authorities have displayed a particular responsiveness to remedy existing weaknesses in the electoral process and improve it further.

OSCE points out certain circumstances and asks the Norwegian authorities to consider changes in rules or routines. The ministry will here review the various points. Where it is relevant to propose amendments to legislation, reference is made to a more detailed review in a separate section of this document. For the sake of order we would point out that OSCE's comments in the report refer only to the regulations for general elections.

OSCE's documents are available on their website.¹

3.3.2 The EAM report

The ministry will here attach comments to the various issues pointed out in the EAM report:

3.3.2.1 Enlarging the circle of eligibility

Suggestion: Consideration might be given to allowing officials employed in government ministries the right to be elected to office.

¹ http://www.osce.org/odihr-elections/item_12_39543.html

The rules regarding eligibility for election to the Storting result from article 62 of the Constitution and section 3-1 of the Election Act. No employee in the ministries (with the exception of ministers, state secretaries and political advisers) is eligible for election to the Storting. This limitation does not apply to local and county elections. It is a principle that as many as possible shall be eligible, but exceptions are made in some cases based on the person's position.

The ministry has considered the question in section 6 of this document, but does not propose any concrete amendments to the law since proposed amendments to the Constitution must formally be put forward by members of the Storting. Any proposals for constitutional amendments that are put forward during the current period of the Storting would take effect from the general election of 2017 at the earliest.

3.3.2.2 Duty to stand for election

Suggestion: Consideration might be given to reviewing the duty to be elected, ensuring it is fully consistent with the International Covenant on Civil and Political Rights which states that no one should be forced to associate with a political party or group not of his/her choosing.

Our electoral system is based on a principle of obligation to represent. According to this principle, there is an obligation to stand for election and to accept election, provided one is not excluded or has not been exempted. In the case of a general election, the obligation to represent is laid down in article 63 of the Constitution. Provisions regarding who is excluded and who may seek exemption appear in both article 62 of the Constitution and Section 3 of the Election Act. The corresponding rules regarding local elections appear in section 3 of the Election Act.

The proposal is considered in more detail in section 8 of this document. The ministry proposes an amendment to the Election Act for local elections. No proposals are made for any specific legislative amendments in respect of general elections, since proposed amendments to the Constitution must formally be put forward by members of the Storting. Any proposals for constitutional amendments that are put forward during the current period of the Storting would take effect from the general election of 2017 at the earliest.

3.3.2.3 Mandate distribution in the counties for general elections

Suggestion: Consideration could be given to a review of the constitutional provision for the distribution of parliamentary seats among constituencies, in order to ensure a better compliance with the principle of equal suffrage.

Changes in mandate distribution for general elections were made throughout the 1900s to correct distorted geographical distribution. The back to this was changes in settlement patterns that over time distorted the geographical distribution of the mandates in relation to population numbers. Changes have mainly occurred through increasing the number of mandates to the Storting.

The Election Act Committee (Official Norwegian Report NOU 2001:3) carried out a thorough principle review with regard to which principles should form the basis of

mandate distribution in general elections on a national basis. The basis for discussion in the committee's investigation was how representative the Norwegian electoral system should be on the basis of the following dimensions:

1. A political dimension that considers how representative the electoral system is in relation to the actual number of votes for the parties in the various constituencies.
2. A geographical dimension that considers how representative the electoral system is in relation to the population figures in the constituencies and the number of mandates that should be elected from the individual constituencies.

The electoral law committee chose to use the 19 counties as the basis for the division of electoral constituencies. The same was done in the Storting when the new Election Act was debated. The division into constituencies has long historical traditions.

According to the committee, a distribution based on population figures alone would give considerable geographical equalisation of the mandates. The combination of population figures and area would give a lesser effect, but this calculation method too would give a more geographically proportional result. Moreover it was important to the committee that both alternatives brought a dynamic to the electoral system which would mean that in the future consideration would be given significant changes in settlement patterns in the geographical mandate distribution. It was therefore proposed that a new mandate calculation for each constituency should be made every eight years.

The purpose of the equalising mandates is to ensure a better proportional distribution of mandates among the political parties. Thus the number of equalising mandates first and foremost affects the political equalisation of the mandates. But the way in which the equalising mandates are distributed also affects the geographical representation.

In 2005 the number of equalising mandates was increased from 8 to 19. This means a further step towards a more politically proportional election system. At the same time it was established in law that each county should have one equalising mandate. The committee's aim was greater geographical equalisation compared with earlier arrangements.

Thus the distribution method gives 1 point per inhabitant and 1.8 points per square kilometre. This is laid down in article 57 of the Constitution.

In its report, OSCE refers to the principle of equal suffrage. The principle of equal suffrage means that basically each vote should have the same value. Exemptions from the principle may however be made in certain cases. The Code of Good Practice in Electoral Matters² (rules for election implementation in Europe, determined by the Council of Europe and the Venice Commission) indicates that the maximum deviation from current distribution criteria should not exceed 10 per cent and never 15 per cent apart from in exceptional cases. These rules are not directly binding, but are based on the European Convention on Human Rights, which is directly binding. Point 2.2 of the code says:

² Code of Good practice in Electoral matters, CDL-AD (2002) 23.

"iv. The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)."

OSCE's report points out that Finnmark deviates by 50% and that a total of 7 counties deviate from the norm of 15%. "The Finnmark quotient is a 50 per cent deviation from the average quotient in the country (14,954 votes per mandate). Four other counties have a deviation of approximately 20 percent, and a total of seven counties deviate from the norm by more than 15 percent."

The principle that consideration should be given to rural policy when designing the electoral system has a long tradition in this country and we believe that this is in line with the code. The scheme was new for the 2005 election. A new calculation of how many mandates each county shall have will be carried out for the 2013 general election. This calculation will be made in early 2012 based on population figures of 1.1.2012. The ministry proposes that the current system is continued. Any amendments to the Constitution must be proposed by members of the Storting.

3.3.2.4 Amendments to the list of candidates in general elections

Suggestion: It is recommended that consideration be given to amend the Election Act to either provide voters with a genuine opportunity to affect the election of a particular candidate by lowering the threshold or to move to a closed list system.

According to section 7-2 of the Election Act, voters in general elections may change the order of candidates on the ballot paper and may cross out candidates. Changes to ballot papers only have an effect if more than 50 per cent of those who have voted for the same list/party have made changes to the same candidate. This has never happened in practice.

The ministry will consider reviewing the arrangements for amendments at general elections.

3.3.2.5 Requirements for list candidates (exclusion from election)

Suggestion: Consideration should be given to restricting candidates from serving as members of Polling Committees and Electoral Committees, in order to prevent any real or perceived conflict of interest.

This proposal is discussed in detail in section 9 of this document.

3.3.2.6 Secret ballot - ballot papers

Suggestion: The authorities should continue efforts to ensure secrecy of the vote, including broadening the use of the coloured pilot ballot if it is found to be more effective.

In last autumn's election a special ballot paper was tried out in all local authorities in the county of Buskerud. Feedback from the assessment indicates that this was a success. OSCE was itself able to see how the ballot paper worked during a visit to the local authority of Drammen on polling day. A discussion of the findings of the assessment is given in section 2.8.3. Proposals for changes in the regulations for the design of ballot papers are discussed in section 5 of this document.

3.3.2.7 Procedure for sealing ballot boxes

Suggestion: The authorities should consider adopting consistent procedures on election day safeguards, including sealing of the ballot boxes on election day.

There is no requirement to seal ballot boxes during voting on polling day, only for transport and storage and for advance voting. The ministry has considered this proposal more closely in section 10 and proposes that requirements are established in law for sealing ballot boxes both on polling day and during advance voting.

3.3.2.8 Identification

Suggestion: The election authorities should adopt a more consistent approach to identifying voters, while minimising the possibility of loss of suffrage.

All voters who are not known to the official at the polling station shall produce identification before they can vote at elections. The rules and routines for identification are discussed in more detail in section 2.4. The ministry does not believe there is any need for amendments to legislation or regulations.

3.3.2.9 Facilitation for the handicapped

Suggestion: The electoral authorities should continue to work on the facilitation of voting for handicapped persons and all local authorities should implement the prevailing criteria for making polling stations accessible.

According to the Election Act, voting shall take place at polling stations that allow easy access for the disabled. Other premises shall only be used if there are “specific grounds”. The interior of the polling station shall facilitate voting for all voters. Rules, practice and recommendations regarding facilitation for the handicapped are discussed in section 2.5 of this document. The ministry does not believe there is any need for amendments to legislation or regulations.

3.3.2.10 Complaints system

Suggestion: It is recommended that consideration be given to providing the legal right to appeal all election-related matters and election results to a competent court as the final authority on all election matters, in line with OSCE commitments and international good practice.

Consideration could be given to setting specific expedited time limits for the adjudication of election-related complaints and appeals by all relevant authorities including courts, the NEC and Parliament, in order to be fully consistent with paragraph 5.10 of the Copenhagen Document.

The ministry has initiated a comprehensive review of the present system for election-related complaints. These issues are included in a larger problem complex around complaints and the approval of elections. The ministry has asked the Venice Commission (the law interpretation body for the Council of Europe) to investigate the regulations for complaints about and approval of elections and the situation regarding international obligations. A statement is expected from the Commission in late 2010 or early 2011.

3.3.2.11 Suggestions regarding the Ministry of Government Administration, Reform and Church Affairs' and Ministry of Cultural Affairs' areas

Suggestion: It is recommended that a review of the Political Parties Act be carried out to consider increasing transparency of campaign income and expenditures through regular and independently audited reports.

The Council of Europe's Group of States against Corruption (GRECO), as part of its evaluation of the financing of political parties and candidates in member countries, has given Norway six recommendations for increased inspection and control of party financing. In this connection, Norway has been asked to consider greater openness in respect of the financing of election campaigns. The Ministry of Government Administration, Reform and Church Affairs, in consultation with professional circles involved, will put forward a proposal for how all GRECO's recommendations can be followed up in the Political Parties Act. The aim is to present an amendment to the act that can be sent for public enquiry during the course of spring 2010.

Suggestion: Consideration could be given to specifying dates for the period during which the NRK must ensure broad and balanced coverage.

The Ministry of Cultural Affairs points out that the requirement for broad and balanced coverage is not essentially limited to any time periods. Since the view of what constitutes the election campaign period may change over time, it is probably not appropriate to specify this any further.

Suggestion: Consideration could be given to developing a mechanism for complaints against NRK that includes more timely procedures for resolution of election-related matters, in order to ensure the possibility for prompt remedies that could have a meaningful impact on the campaign.

The Ministry of Cultural Affairs points out that the present system is based on the Norwegian Media Authority carrying out a subsequent evaluation of NRK's election campaign coverage. Out of consideration for the NRK Director General's editorial freedom as guaranteed by section 6-4 of the Broadcasting Act, introducing a system by which the authorities can intervene in the ongoing election campaign coverage is not an option. In general, and in accordance with section 7-1 of the Broadcasting Act, the duties of the Broadcasting Council include discussing and commenting on programme issues presented to them by the NRK's Director General or that the Broadcasting Council find grounds for taking up, including after approaches from the public. The media have also developed a self-judgement system that sets a standard for activities. The press's own ethical guidelines (including the "Be Careful" poster) include rules for journalistic behaviour, relationships with sources and principles for publication. Among other things, the rules are intended to ensure open debate, the free dissemination of information and that different viewpoints can be expressed. Complaints about breaches of the ethical guidelines may be made to the Press Complaints Commission, a complaints body appointed by the Norwegian Press Association. The commission is made up of members from the press organisations and the public.

Suggestion: Considering that the public service broadcaster has a responsibility to ensure broad and balanced coverage of elections in its programs, consideration could be given to reviewing the approach to the right of access for parties in an election campaign.

In Report no 18 (2008-2009) to the Storting section 7, the Ministry of Cultural Affairs discussed other alternatives to facilitate small parties and lists gaining access to the broadcast media. In the report, the ministry noted that it could be relevant to introduce a system with a right to free transmission time, such as exists in the United Kingdom for example. According to the report, such a system should also include the Norwegian commercial broadcasters. The Ministry of Cultural Affairs will therefore consider the need for further measures in the light of the EMD's follow up of the judgement against Norway.

4 Rules for the electoral register

Several issues concerning the electoral register are under review. We are considering the register for 2011 and probably also 2013 and whether there is a need to make changes in the rules if a central election computer system is introduced for the whole country.

4.1 Prevailing law

According to section 2-5 of the Election Act, the national population register authority (the Directorate of Taxes - SKD) shall provide the election authorities in an appropriate way with information about who shall be included on the electoral register for the local authority. This means that, as soon as possible after the cut off date for deciding in which local authority voters are entitled to vote, the population register shall place the register of electors at the disposal of the local authorities. According to section 2-4 (1) of the Election Act, the cut off date is 30 June in the election year. The population register is also responsible for placing at the disposal of the local authorities, from the cut off date and up to polling day, changes in the population register that are significant for making additions and deletions in the electoral register, ref section 1 of the Election Regulations.

The population register authority is only obliged to put raw data at the local authorities' disposal. According to section 2-3 of the Election Act, the local authorities are responsible for compiling the electoral register for their own areas. That is, they process the raw data received from SKD for use in voting. A new electoral register is compiled before each election.

Section 2 of the Election Regulations states that local authorities shall update the electoral register on the basis of changes that have occurred in accordance with section 1 of the regulations. Updating of the register information sent to the local authorities by 30 June shall occur in the following cases:

1. With incorrect entries (may occur after a complaint or if the local authority notices an error).
2. If notification of change of address occurred before 30 June but was not registered.

3. Applications from those who have lived abroad for more than 10 years - the application is sent to the local authority.
4. Foreign residents who move back to Norway. These are automatically entered by SKD.
5. Those who receive Norwegian citizenship.
6. Death.
7. Deleting foreigners who move out of the country after 30 June.

4.2 The practice of establishing an electoral register

4.2.1 Electoral register 30 June

Up until 2009 SKD has used a private company, which by agreement with SKD has sole right to distribute population register information, to select and send raw data to the local authorities. The ministry felt it was not desirable for a private company to select and send this information to the local authorities and that the local authorities had to pay for every single transfer of data. This was taken up in Proposition no. 32 (2008–2009) to the Odelsting. Against this background, before the 2009 election the ministry collaborated with the Directorate of Taxes and a working group of representatives from the local authorities to obtain a tighter official control of the production of the electoral register. Responsibility for selecting and distributing the necessary population register information was taken over by the Directorate of Taxes and with effect from the 2009 election this directorate is now responsible for placing the necessary population register information (raw data including updates) at the disposal of the local authorities free of charge. The Directorate of Taxes transferred the information to the local authorities' data providers. The local authorities made use of data providers to process the data into completed electoral registers.

4.2.2 "Provisional electoral register"

To check the eligibility of the proposed candidates and signatures on the election lists, the county authorities needed access to electoral register information from 1 April in the election year. Since neither the Election Act nor the Election Regulations contain a clear authority to require the population register authority to place this information at the disposal of the county authorities, The Directorate of Taxes' distribution agreement had to be used to have this information supplied to the counties before the 2009 election. The ministry was permitted by SKD to purchase two static copies of the population register from SKD's distributor for use in the counties. The ministry covered the cost of these copies. The copies were supplied on 1 April and 31 May 2009.

There is no authority in the Election Act to require SKD to establish a "provisional electoral register". The ministry is aware that the authorities have previously received necessary data from private data providers.

4.3 The assessment

In the assessment following the general election, none of the local authorities reported any special problems connected with transferring the electoral register information and keeping it up to date. Some of them would like access to the information before the cut off date. The local authorities' costs in respect of updating and maintaining the electoral register have been greatly reduced. The main impression of the feedback from county authorities is that having the copies of the population register information to check list candidates' eligibility worked well. Some of them thought the information was too static and should be updated more often.

The ministry also carried out an assessment with the Directorate of Taxes and the working group, as well as with the local authorities' data providers. The feed back from these assessments is also positive; it was stated that the quality of the data has improved, as has the control over where the data comes from. Collaboration between the Directorate of Taxes and the ministry has worked well.

4.4 International rules about population registers.

In accordance with European electoral standards³, the electoral register shall be reliable. A number of conditions need to be fulfilled to meet the requirement for reliability:

- The electoral register should be permanent.
- It shall be updated regularly, at least once a year.
- The electoral registers shall be published.
- There shall be a procedure that ensures that voters who are not on the register can be included.
- No voter should be able to be included in the register at the polling station on polling day itself.

4.5 The issues

For local elections, the electoral lists shall be sent to the electoral committee for control and approval. For county and general elections, the lists are sent to the county electoral committee for control and approval. The lists shall be provided by 31 March in the election year and they shall be approved by the electoral authorities by 1 June.

The electoral authorities' processing of the proposed lists is regulated by section 6-6 of the Election Act, which states that the electoral authorities shall ensure that the lists comply with the law's requirements. According to the Election Act, the electoral authorities shall check the eligibility of the proposed candidates on the lists and that the signatories are eligible to vote. In order to be able to make such checks, the local and county authorities need access to electoral registers from about 1 April in the election year.

Neither the Election Act nor the Election Regulations contain authority to require the population register authority to place this information at the disposal of the authorities

³ Code of Good practice in electoral matters 2002, Venice commission.

before the cut off date. Under prevailing legislation no electoral register exists at that time for approval of electoral lists. The electoral register first appears on 30 June in the election year.

In our assessment there are two different ways in which the local and county authorities can be given access to electoral register information for checking list candidates and signatures:

1. an extract of the population register based on the conditions for the right to vote at the various elections as was done in 2009,
2. legislation to establish a permanent electoral register.

Both alternatives would require an amendment to the Election Act.

4.5.1 The ministry's assessment

In the ministry's assessment it is important that government authorities should take a tighter hold on the establishment of electoral registers. A correct and reliable register is absolutely essential in order to ensure the principle of universal suffrage. That the local authorities must use different data providers to process the data into finished electoral registers increases the risk of error. It is therefore especially demanding to ensure correct material.

The ministry believes that the solution of using an extract of the population register based on the conditions for the right to vote, a so called "provisional register", is not a good alternative. It is a temporary solution. The reason for this is that such extracts must be generated before every election and will be based on a more static version of the population register. Neither would this be a real electoral register in the eyes of the law. Naturally enough it will also contain incorrect information with regard to the right to vote, since it is the information as at 30 June that shall form the basis for the electoral register and eligibility. On the other hand it is entirely necessary for local and county authorities to be given access to this information in order to ensure correct handling of the proposed lists before these shall be approved on 1 June. There is a large number of signatories and candidates to be checked against a "provisional register".

We believe it is also a problem that such provisional extracts must be supplied by SKD's data distributor. This is expensive and unnecessarily complicated. As the responsible population register authority, SKD should supply the necessary data directly to the responsible electoral authority.

In the ministry's assessment there are good grounds for establishing permanent electoral registers in this country. Separate electoral registers would have to be established for general elections and local and county elections, since the conditions for the right to vote differ. It is the ministry's opinion that Norwegian electoral legislation should be harmonised with international standards, and establishing a permanent electoral register in law is in line with this.

A permanent electoral register could be used by local and county electoral committees to check list candidates and signatories. A permanent electoral register that both local and

county authorities have access to between elections will also ease the work of planning, division into constituencies etc. for the electoral committees

The ministry plans to establish a central electoral computer system for all the local authorities in the country. In this system it will be necessary to establish an electronic register of electors. The system will facilitate the establishment of a permanent electoral register.

We also consider it is important for a permanent electoral register to be operated and managed by central authorities. The ministry's national electoral computer system will be entirely operated by central authorities. The Directorate of Taxes will be able to transfer raw data and updates directly to this system. It will thus no longer be relevant to transfer data to private data suppliers as is done today.

In accordance with international standards, a permanent electoral register must be regularly updated. Rule should be established for when this electoral register is to be updated, both in election years and in intermediate years. In our assessment it would be most appropriate to establish this in the regulations.

In the ministry's assessment, the rules concerning the electoral register should be amended if a central election computer system for all local authorities is established. The local authorities are currently responsible for compiling electoral registers in their own areas. In a system where the ministry is responsible for and manages the computerised tool (central election computer system) used to process the register used for elections, the question arises of how responsibility for compiling the electoral register should be organised. The question is thus whether the state should have the responsibility that currently rests with the local authorities to add or remove voters in the correct register. An alternative might be a division of responsibilities. There are also questions relating to corrections and complaints from voters about which register they are entered in, and who is responsible for correcting errors and making a decision on complaints.

As is already known the national election computer system will be tested in some local authorities in the 2011 election. It is too early to say whether the system can be implemented in all local authorities from 2013 or whether a gradual implementation must be carried out. For this reason we are not proposing an amendment to the Election Act aimed at establishing a permanent electoral register now. The ministry will come back to this at a later date.

Since it is unclear whether a permanent electoral register will be in place from 2013, and the local and county authorities will need a "provisional register" before that time, the ministry will propose that the population register authority shall be required by law to make such data available to the local and county authorities by 1 April. This can be done with an addition to section 2-5, which establishes the population register authority's duty to make electoral register information available. To establish that this duty cannot be delegated, the ministry proposes that this appears directly in the Act by using the term "itself".

To remove any possible doubt, we propose that the same principle is used in the provision's first sentence. According to the Election Act's first paragraph, the national registry authority (the Directorate of Taxes - SKD) shall provide the election authorities "in an appropriate way" with information about who shall be included on the electoral register for the local authority. This duty cannot be delegated.

5 Ballot papers

5.1 The question of whether there should be a more homogeneous design for ballot papers

5.1.1 Prevailing law

The design of ballot papers is of great significance for voters, given the fact that these shall be used by all those with the right to vote. This involves strict requirements as regards design. There are special provisions about this in sections 19 and 20 of the Election Regulations, pursuant to section 7-3 of the Election Act. The design of the ballot paper is also of great significance for the parties and the candidates for election. If there were no clear and unambiguous rules regarding design, this could affect the voters' understanding of the ballot paper and consequently be of significance for the election result.

The Election Regulations contain a number of provisions intended to safeguard various conditions relating to the design of the ballot paper. Such conditions relate to legibility, that the ballot paper protects secrecy, that ballot papers used for different elections are different and the ballot papers allow for the different rules that apply to corrections for local, county and general elections. The regulations also contain provisions regarding the information that the ballot paper must contain with regard to which election it applies to, the headings and how the information on candidates should appear. The regulations also have provisions on guidance regarding making amendments to the ballot paper and how this should appear.

5.1.2 The assessment

In its Report 1 (2009-2010) the Credentials Committee pointed out that the problem of voters folding the ballot paper the wrong way appeared to be somewhat lessened in this election than previously, probably because of more information and that people had become more used to the arrangement. However the committee writes that the problem is not gone and that it is unfortunate that some voters inadvertently show what they have voted. The committee asks the ministry to consider whether further measures could be introduced to avoid this, especially better information to voters at the polling station.

OSCE observed how and to what extent voters folded the ballot paper so that the vote would remain secret. At the 2009 general election, a new ballot paper design was tested in all local authorities in the county of Buskerud. The background for carrying out the test was to see whether a new design for the ballot paper would make it easier and more

intuitive for voters to understand which way the ballot paper should be folded. The assessment of the test is described in section 2.8.3. In its report, OSCE advised that the authorities should continue their efforts to safeguard a secret ballot, including by extending the use of the ballot paper that was used during the test in Buskerud in 2009, since this appeared to be well suited.

5.1.3 The issue

Section 19 (2) of the Election Regulations states that the ballot papers used in the polling station shall be so designed that it shall not be possible to see how a voter has voted after the ballot paper has been folded. After the use of envelopes was discontinued in polling station voting, there had been earlier reports of voters who did not understand how the ballot paper should be folded so as to protect secrecy. Feedback to the ministry shows however that voters have now become used to the method of folding and that the problems with folding found when it was introduced have been substantially reduced. It is still the case however that some voters are unsure of the folding technique.

In addition to the question of folding, the ministry also wishes to look more closely at whether there should be more homogenous requirement for the design of the ballot paper. This relates to whether there should be further requirements regarding legibility, size, colour and guidance. In order to ensure secrecy, the ministry believes there may also be a need to consider whether there should be minimum requirements for paper quality and the quality of the shading on the back of the ballot paper.

5.1.4 The ministry's assessment

The design of ballot papers shall safeguard several considerations. As well as the voter's being able to easily understand which election it applies to, which party/group and which candidates are standing, it is important for the ballot paper to be designed in such a way that nobody other than the voter can see which list the voter has voted for.

As long as envelopes are not used in polling stations, it is a prerequisite for a secret ballot that the voter understands the way in which the ballot paper shall be folded, so that the list itself is not visible to others. Even though explaining the folding procedure is important, the ministry does not believe that information alone is sufficient, if one is to ensure that practically all voters understand how to fold the ballot paper. The ministry believes there may be a connection between the design of the ballot paper and the extent of incorrect folding. The ministry refers in this context to the assessment of the testing of the new ballot paper in Buskerud in the 2009 election which indicated that fewer voters folded the paper incorrectly, ref. section 2.8.3. The ballot paper used in Buskerud received a generally very high score on all points and in all age groups.

Regarding the colours of ballot papers, the ministry refers to section 19 (4) of the Election Regulations, which states that ballot papers for general elections and local elections shall be white. Section 19 (5) of the regulations states that ballot papers for county elections shall be blue. In the pilot that was carried out in all local authorities in Buskerud in the 2009 general election, the ballot paper itself was white, but it was coloured orange on the

side where the election official applies the stamp. Also the crease was not in the centre but designed so that the ballot paper had to be folded so that one part was somewhat larger than the other.

The assessment does not show whether the favourable result in Buskerud was due to the colour or the fold not being central, or a combination of the two. The ministry believes however that the combination of strong colour on the outside and a new folding technique makes it intuitively easier for voters to understand how the ballot paper should be folded.

In its report, OSCE advised extending the use of the coloured trial ballot papers, if they appear to be more effective.

The ministry believes that some amendments should be made to the rules about the design of the ballot paper. The experience from the test is so good that the ministry believes that the ballot papers used should form the basis of consideration of what changes should be made. The crease on ballot papers should no longer be central, as it is today, but in a way so that the ballot paper is folded with one part somewhat larger than the other. The ministry also believes that a provision should be added to the regulations, stating that the colour of the back of the ballot paper need not be white in the case of general and local elections. or blue in the case of county elections.

When ballot papers are no longer folded in the centre, the size will not always be A4 folded to A5. The ministry does not believe this will be a problem. The ministry is not aware of any special problems arising from the test in Buskerud caused by the new dimensions of the ballot paper.

In order to ensure that voting remains secret, it is essential to uphold the requirement that the ballot paper is designed in such a way that no part of it can be seen through. This entails requirements for paper quality. The ministry notes however that paper quality alone is not sufficient to ensure secrecy. The shading on the back of the ballot paper must be of such a nature that it ensures that the ballot paper cannot be seen through. The ministry proposes that there should be specific requirements in the regulations for minimum standard for paper quality and for how the shading should appear.

The ballot paper used for the 2009 general election by local authorities in Buskerud received generally very high scores for legibility, although voters over 65 were less satisfied than those under 65. The ministry believes therefore that there may be grounds for looking more closely at whether the regulations should include more definite requirements for font type, font size etc.

Even though the ministry is in favour of establishing new standard ballot papers, we do not believe it is appropriate to establish anything more than a framework for how the ballot paper shall be designed. The number of candidates on the lists varies considerably. This also depends on which election it is, and not least on how many representatives will be voted onto the elected body. This means that in many cases finding room for names, guidance, a space for stamping etc. on the ballot paper may present something of a challenge.

In order to ensure that ballot papers have the best possible design, the ministry will establish a working group in the autumn consisting of representatives from local authorities, county authorities and user organisations and a representative from the designers of the ballot paper used in the test in Buskerud. The intention is to devise rules in the regulations for the design of ballot papers.

5.2 Regarding the procedure for amending ballot papers

5.2.1 Prevailing law

The rules for how ballot papers shall be designed depend to a great extent on what the Election Act states with regard to what amendments the voter may make to the ballot paper. The rules for general elections and for local/county elections are different. They are stated in the first and second paragraphs of section 7-2 of the Election Act.

At a general election, a voter can change the order in which candidates appear on the ballot paper. This is done by putting a number against the candidate's name. The voter can also delete candidate names by putting a cross in a box to the right of the candidate's name.

At county and local elections, the voter can give candidates on the ballot paper one personal vote. This is done by putting a mark by the candidate's name.

At local elections, the voter can also give a personal vote to candidates on other electoral lists. This is done by adding these candidates' names to the ballot paper. When a voter gives a personal vote to eligible candidates on other lists, a corresponding number of list votes are transferred to the list(s) on which these candidates appear.

If the voter makes amendments to a ballot paper in an incorrect way, the amendments are not included in the count. The purpose of this rule is to ensure the quality of mechanical counting and to avoid the electoral committee being in a situation where doubt arises about what the voter intended in the amendments.

5.2.2 The issue

In its Report 1 (2009-2010) the Credentials Committee pointed out that some counties report "voters who have misunderstood the procedure when they have amended the ballot paper in the general election. Some have deleted candidates by putting a line through the name instead of a cross in the box next to it. Some information received indicates that voters who wished to change the order of candidates have done this by putting a cross after the candidate's name, which means that the candidate has been deleted instead."

The committee points out that it is obviously unfortunate if voters misunderstand the procedure for amending the ballot paper so that either the amendment is not counted or the result is actually the opposite of what the voter intended. Even though the different rules make it difficult to achieve a totally homogenous design of ballot papers for different elections, the committee believes it would be desirable to consider changes in the design of the ballot papers so as to be sure of avoiding such misunderstandings. The committee

adds that as far as possible one should try to find a common procedure for amendments of the same type.

The committee asked the ministry to consider how the design of the ballot paper could be changed so as to avoid any doubt about how the voter should proceed when making amendments to the ballot paper.

5.2.3 The ministry's assessment

Different rules make it impossible to have a totally homogenous design of ballot papers for different elections. The ministry believes however that there are grounds for considering the design in more detail, so as to ensure that voters do not misunderstand how they should make amendments.

The procedure for amending ballot papers in general elections was last considered in Proposition no. 44 (2004–2005) to the Odelsting on amendments to the Election Act. Against this background, the ministry proposed an amendment to section 7-2 first paragraph to the effect that deleting a candidate's name in general elections was to be done by the voter putting a mark beside the candidate's name. A provision was subsequently added to the Election Act that a voter can delete a candidate's name by proceeding as explained on the ballot paper. The ministry then added more detailed rules to the Election Regulations regarding the design of guidance that was to be printed on the ballot paper.

What causes the problem is, in the ministry's assessment, the way voters are supposed to make amendments to ballot papers in general elections. The ministry believes that a possible cause could be that the placing of the column for deletion and the column for numbering on the ballot paper may be confusing for some voters. For the 2013 election, the ministry will consider how the design of the ballot paper for general elections could be changed so as to avoid any doubt about how the voter should proceed when making amendments to the ballot paper. The ministry believes there are also grounds for looking more closely at the guidance text. The ministry will ask the working group that will be looking into the design of the ballot paper to help in finding ways of making it easier for voters to understand how they can make amendments to ballot papers.

5.3 Regarding exchanging ballot papers during counting

5.3.1 Prevailing law/the issue

The ministry is aware that many local authorities, when performing a mechanical count of ballot papers, exchange ballot papers (so-called obsolete papers) in order for the electronic count to proceed. This means that a ballot paper from an electoral list that is not machine readable is exchanged for a corresponding ballot paper that is machine readable. The ballot papers taken out are the ministry's general ballot paper with dot print, ballot papers from other local/county authorities, curled papers or papers with a paper label affixed to the party the voter wishes to vote for.

The law contains no provisions that allow for exchanging ballot papers. Section 10-5 of the Election Act states that it is the "submitted" ballot papers that shall be counted.

The assessment of the 2009 general election has shown that ballot papers are exchanged to a relatively great extent, and that the purpose of the exchange is to carry out mechanical counting. In the ministry's experience, this is a problem that has existed since 1979, which was the year mechanical counting of ballot papers was first introduced into Norway.

5.3.2 The ministry's assessment

The ministry refers to section 10-5 of the Election Act, which contains a requirement that it is the submitted ballot papers that shall be counted. In addition, it is apparent from the whole system, that it is the ballot papers that actually have been casted by voters that should be counted. If the exchange of ballot papers had been permitted, this would have required exact routines for procedure and checking, which neither the Act nor the Regulations contain. This means that exchanging the submitted ballot papers for mechanical counting is not permitted under the current law.

The ministry is of the opinion that there should not be any amendment to allow the electoral committees to exchange ballot papers.

We would point out that this arrangement carries a risk that the ballot papers used in the count do not correspond with those given by the voters. This could be caused by inattention on the part of the election officials, but it could also give grounds for questions as to whether the count has proceeded correctly.

The ministry would also point out that if local authorities wish to use scanner solutions, it must be a prerequisite that all the ballot papers can be scanned - including the so-called "obsolete" ones. The ministry is aware that this technology is currently on the market and that it was also used for the 2009 general election.

If a local authority uses a scanner solution that cannot manage to scan all ballot papers, the papers that cannot be scanned must be counted manually. In this case the result of the manual count must be added to that of the scanned papers.

6 Enlarging the circle of eligibility at general elections

6.1 The issue

In this section the ministry will discuss the rules that regulate the opportunity for ministry employees to stand in general elections and to serve as members of the *Sorting*.

The issue became of relevance after OSCE carried out an observation of the 2009 general election.

6.2 Prevailing law

Article 62 of the Constitution and section 3-1 (2) of the Election Act state that employees in the ministries - with the exception of ministers, state secretaries and political advisers -

are excluded from election to the Storting. This prohibition applies to *all* ministry employees - civil servants, case executives and those who perform other services in the ministry, such as filing, reception and cleaning staff.

Whether or not a person shall be excluded from election to the Storting depends on whether he or she holds the position on polling day. Thus it does not contravene the rules if a ministry employee is nominated on an electoral list and stands for election. In such a case however that person must give up the position in the ministry before polling day. *Resignation* is required. Leave of absence is not sufficient.

If it should be found that an ineligible person is on an electoral list on polling day, this has no consequences for the validity of the election. Neither shall one reject the list on which the person concerned is a candidate, or reject the ballot papers that have been cast for that list. According to section 11-5 (1) of the Election Act, the consequence is that the person concerned is ignored in the count.

The background to these limitations in the eligibility rules is to take into account the principle of the distribution of power. A clear distinction is desired between the legislative power (the Storting) and the executive power (the apparatus of government). Those who are employed by the central bodies associated with the executive power should not be members of the legislative power, because of the free and independent position representatives should have. The intention is also to avoid any individuals having a double role and being able to exercise influence during both the preparation and the decision of items presented to the Storting.

6.3 The OSCE report

Representatives from the Organisation for Security and Cooperation in Europe (OSCE) observed the 2009 general election. In the report prepared on the basis of their experiences, the observers took up the topic of the eligibility rules. They write as follows:

"The right to be elected is accorded to all nationals who have the right to vote. However, Article 62 of the Constitution disqualifies the following from election to the Parliament: ministry staff members, with the exception of ministers, state secretaries and political advisors; Supreme Court justices; and diplomatic corps and consular service members."

They make the following recommendation:

"Consideration might be given to allowing officials employed in government ministries the right to be elected to office."

6.4 A summary of previous action on this question

Amendment to the constitution of 1913

An amendment was made in 1913 to article 62 first paragraph of the constitution that

"Members of the council of state and the officials who are employed in their offices" could not be elected to the Storting.

In 1913 the Storting decided that the ministers should be eligible for election to the Storting. At the same time an amendment was made concerning the eligibility of ministry employees, with the present wording being adopted.

Proposals to amend article 62 of the Constitution were put forward in 1911. The proposals are referred to in Document no. 72 (1911), but no further grounds are given. In the preliminary work for the constitutional amendment (Report S L 1913) and in the debate in the Storting (1 July 1913) the focus is entirely on the question of the eligibility of ministers.

The question of the eligibility of ministry employees is only mentioned in a couple of sentences, as a pure record of - and without any explanation of - the amendments A statement by the member proposing the case includes the following:

" This proposal states.....expressly that exclusion from eligibility applies to all those in service in the minister's offices, not only the employed officials."

This statement was not commented on or opposed by other representatives.

The proposals for the ministers' and ministry employees' eligibility were linked together in one clause and had - as a result of the procedural rules for constitutional amendments - to be either adopted or rejected entirely. It is as if the clause regarding ministry employees' eligibility was included as an addition to the rule about the ministers' eligibility.

Election Act of 2002 and proposals for the amendment of article 62 of the Constitution

The question of ministry employees' eligibility for election to the Storting was reviewed in connection with the adoption of the present Election Act. On 27 September 2000, the following proposal was put forward for an amendment to article 62 of the Constitution

"Article 62 shall read:

Alternative no. 1:

Officials who are employed in government ministries, except however State Secretaries, may not be elected as representatives. The same applies to Members of the Supreme Court and officials employed in the diplomatic or consular services.

Members of the Council of State may not attend meetings of the Storting as representatives while holding a seat in the Council of State. State Secretaries may not attend as representatives while holding their appointments. Neither may political advisers in government ministries attend meetings of the Storting as long as they hold their positions.

Alternative no. 2:

As alternative n. 1 but third point in second paragraph shall read:

Neither may political advisers and other officials in government ministries attend meetings of the Storting as long as they hold their positions.

Alternative no. 3:

As alternative n. 1 but third point in second paragraph shall read:

Neither may officials in government ministries attend meetings of the Storting as long as they hold their positions.

Alternative no. 4:

Officials who are employed in government ministries, except however State Secretaries and political advisers, may not be elected as representatives. The same applies to Members of the Supreme Court and officials employed in the diplomatic or consular services.

Members of the Council of State may not attend meetings of the Storting as representatives while holding a seat in the Council of State. Nor may State Secretaries attend as representatives while holding their appointments, and political advisers in government ministries may not attend meetings of the Storting as long as they hold their positions."

The differences in the proposals are in the degree to which ministry employees should be excluded from elections.

The Election Act Committee's findings

In its report NOU 2001:3, the Election Act Committee stated

"The committee supports alternative 1 because it is unreasonable that today's rules «put cleaning assistants, drivers and undersecretaries in the same classification.» Senior government officials on the other hand are appointed by the King in council and are obliged to take an oath of loyalty to the King and constitution."

The bodies which commented

The Ministry of Justice said in its statement on the committee's findings:

We are in agreement with the considerations that indicate that ministry employees should be excluded from eligibility should not apply to employees who do not take part in the ministry's case handling, such as cleaning staff and drivers for example. But the distinction between senior civil servants and officials does not need to be decisive for the types of duties that the position involves. Much of the case handling in the ministries that can be politically important or controversial is carried out by employees who are not senior civil servants as understood in the constitution. Even though the requirement for loyalty to the political leadership is greatest for those at the highest level of ministry employees, and these are senior civil servants, it is important that the political leadership can feel secure that case executives at a lower level are also loyally following the decisions of the political leadership. Such considerations of trust indicate that general officials who perform duties for the political leadership should also not have the opportunity to stand for election to the Storting.

.... The distinction should instead be connected with the type of duties a ministry employee performs. It certainly hardly seems reasonable that officials who carry out work for the political leadership should be able to attend meetings of the Storting. No proposal has however been put forward that is based on such a distinction between different types of duties.

The Ministry of Defence stated that they

...note and are positive to the proposal from the Election Act Committee that the prohibition on ministry employees being able to stand for election be limited to apply to those who are appointed by the King in Council.

The Ministry of Local Government's proposal

In Proposition no. 45 (2001–2002) to the Odelsting the Ministry of Local Government stated:

"The ministry wishes to express its doubts about the committee's proposal that the prohibition on eligibility of employees in the ministries should be limited to apply to those who are senior civil servants as understood in the constitution (with the exception of state secretaries). The ministry supports the statement of the Ministry of Justice with particular reference to the statement that the distinction between senior civil servants and officials does not need to be decisive for the types of duties that the position involves. Considerations of trust indicate that general officials or office employees who take part in the preparation of items for the political leadership/government should also not have the opportunity to stand for election to the Storting. No proposed constitutional amendment has however been put forward that is in line with this view.

Against this background, the ministry supports proposal H alternative 4, which means maintaining the present legal position as regards employees in the ministries, but that political advisers shall be treated in the same way as state secretaries and will no longer be excluded from elections. The ministry puts forward a proposal in line with this."

6.5 The ministry's assessment

The ministry wishes to point out that the Constitution and the Election Act do not make any prohibition on employees of the ministries being *nominated* on electoral lists for general elections. The rules require resignation from the position by polling day if they are elected.

The ministry sees that the Constitution's rules - as they are worded today - may be considered to go too far in terms of excluding ministry employees from election to the Storting. It may be thought difficult to find grounds for why employees in pure service functions, such as cleaning staff, drivers and security staff, should not be able to be elected as representatives. One might ask whether this rule is consistent with the principle that the fewest possible should be excluded from election. Also the growth in the numbers employed in the ministries means that the prohibition on eligibility affects considerably more people than was the case in 1913. The number of employees in the ministries today exceeds 4,500. The ministry therefore believes that there may be good grounds for reviewing the Constitution's prohibition of the election of ministry employees with the aim of amending it.

In the ministry's view, it would be possible to create clearer guidelines if eligibility were linked to whether or not the individual has been appointed by the King in Council or whether he/she is a ministry employee. In this way we avoid having to assess what duties the actual position in question involves. We note however the objections raised by the Ministry of Justice.

It can be maintained that the decisive point should be what duties the individual has, not how the formal employment is regulated. Such a distinction might mean that those who -

in the duties of their position - are involved in handling items that will be placed before the political leadership are excluded from election. A prohibition as indicated would mean that ministry counsels and leaders at department or section level would be excluded. The prohibition would also have to cover case executives and reception and filing staff who will have knowledge of internal documents in the ministries. On the other hand employees in service functions such as drivers and cleaning staff could be elected, because they do not handle items that have political implications.

If eligibility is linked to the duties the individual employee performs, this could in the ministry's assessment create unclear situations and lead to employees in similar positions having to be judged differently on the basis of their actual duties. Difficult situations might also arise if an employee runs an election campaign at the same time as carrying out the duties of his or her position, both for reasons of conflict of interest and with regard to the duty of loyalty as an employee. This applies particularly if the employee is standing as a candidate for a party that is in opposition to the sitting government. It is however important to point out that ministry employees can already stand for election today, but they must resign their position before being elected.

There is a difference in the Election Act's provisions regarding the point at which candidates must fulfil the conditions for eligibility. Section 3-1 of the Election Act states that for general elections the decisive point is whether the persons holds the position *on polling day*. In the case of local and county elections, section 3-2 (5) of the Election Act states that the decisive point is whether one holds the position *when the elected body comes into office*. One might ask whether it is possible to harmonise the rules by amended section 3-1 of the Election Act to bring it into line with section 3-2, so that ineligible persons must have left their positions when the newly elected Storting first sits in October of the election year. However such an amendment would in the ministry's view conflict with the wording of the first paragraph of article 62 of the Constitution, which reads:

"Officials who are employed in government ministries, except however State Secretaries and political advisers, may not be elected as representatives."

It follows from this article that it must be the situation on polling day that is decisive for the question of eligibility for election to the Storting.

As mentioned above, ministry employees' eligibility for election to the Storting is regulated by the Constitution. Any amendment to the present rules would therefore require an amendment to the Constitution. Proposals for amendments to the Constitution are regulated by clear procedural rules laid down in article 112 of the Constitution. A proposal must be put forward to the first, second or third Storting after an election. A vote on the amendment cannot occur until the first, second or third Storting after the next election. This means that any proposal to amend article 62 of the Constitution would have to be presented before the end of the 2011-2012 session, but could not be voted upon until after the 2013 election, and at the latest by the end of the 2011-2015 session (there is no proposed amendment to this area of the Constitution before the Storting from the preceding period).

Proposals for amendments to the Constitution are put forward not by the government but by members of the Storting, either on their own account or on the encouragement of others.

The ministry believes there may be good grounds for making amendments to the rules regarding the eligibility of ministry employees for election to the Storting. Consideration should be given to whether one should eventually amend the Constitution on this point as regards both the circle of eligibility and the timing of eligibility.

7 Deadline for submitting list proposals

7.1 Prevailing law

The first and second points of section 6-1 (1) of the Election Act state that:

(1) The closing date for the submission of list proposals is 31 March in the year of the election. A list proposal is deemed to have been submitted when it has been delivered to the municipal authority in the case of elections to the municipal council and delivered to the county authority in the case of parliamentary elections and elections to the county council.

The wording of the Act must be understood to mean that the deadline expires at 24.00 on 31 March.

The meaning of the Act's expression "has been delivered" is further discussed in point 7.3 of the ministry's election handbook. This states:

"..... The post must have arrived or the proposal must have been delivered directly before the deadline. This means that the proposal must have physically arrived, not necessarily with the electoral committee but at the local or county authority. This means a tightening up of the rule, but has been done in order to avoid doubt. It is the responsibility of those presenting the proposed list to ensure that it arrives in time.

If the proposed list is sent by fax by 31 March, this will be before the deadline. But it is a necessary prerequisite that a list with original signatures is sent by post or delivered immediately."

Section 15-5 (1) - (3) sets the rules for calculating deadlines.

"(1) Where a date that is the basis of a time limit falls on a public holiday, the time limit begins to run from the first working day thereafter.

(2) Where the closing date of a time limit falls on a public holiday, the time limit expires on the first working day thereafter.

(3) The provisions of subsections (1) and (2) above apply correspondingly in those cases in which a date that is the earliest or latest point in time for the performance of any act under this Act falls on a public holiday."

This means that if 31 March falls on a Sunday, the deadline for delivery will expire on Monday 1 April. If 31 March falls on Maundy Thursday, Good Friday, Easter Sunday or

Easter Monday, the list proposal can be delivered on the Tuesday. If 31 March is Easter Saturday, the list shall be delivered on that day, since it is not a holiday.

Reinstatement after the deadline for delivery has been exceeded may only be granted if the failure to respect the deadline was due to circumstances which were beyond the control of the person with a duty to respect the time limit, and which were also such that the person in question could not foresee them, ref section 15-4 of the Election Act.

7.2 The issues

The ministry has considered the following issues in more detail:

1. Should a more precise timing be given for when the list proposals must have arrived with the electoral committee/county electoral committee?
2. Is it appropriate for deadlines to expire on a Saturday?

7.3 The ministry's assessment and proposals

More precise timing as a deadline for delivery?

The ministry has noted that cases have occurred when doubt has arisen over whether the proposed list has been delivered in time. When no time is stated, this means that the deadline expires at 24.00 on 31 March. It has for example occurred that proposed lists have been found in the local authority's town hall post box on the morning of 1 April and discussion has arisen as to whether it was placed there before or after 24.00.

Essentially it must be up to the persons presenting the proposals to prove that the list had been delivered before the expiry of the deadline. It may be thought that the person responsible for delivery should be given the benefit of the doubt, by accepting a declaration from that person that the list was delivered on time. The ministry believes it is unfortunate if disagreement should arise between the electoral authority and the person responsible for delivery over whether a list has been correctly delivered. It may also be the case that local authorities follow different practices in respect of deciding cases of doubt over whether the deadline has been complied with. The ministry believes therefore that the wording of the Act should be looked at more closely, with a view to making it clearer.

The General Election Act of 1920 and the Local Election Act of 1925 set the deadline for delivering proposed lists at 15.00. The proposed lists for general and county elections had to be delivered to the chairman of the county electoral committee, while the correct addressee for local elections was the chairman of the electoral committee. When a joint Election Act was adopted in 1985, the deadline for delivering lists was given without a specific time of day.

The ministry would point out that it may be unfortunate that according to the law the deadline expires at 24.00. This is outside normal working hours. Nobody is on hand to receive proposed lists and check that they have been delivered in time. As has been shown in practice, question can arise as to whether the deadline has been met when one cannot

prove the exact time of delivery of proposed lists that have not been recorded during the course of office hours on that day. From time to time, lists are rejected as having arrived too late. The ministry believes it is not practical to oblige the electoral authorities to have staff on hand until 24.00 in order to capture any proposed lists that might be delivered up until that time. This seems to be an unnecessary use of resources compared with fixing a more definite time for delivery.

In our assessment it would therefore be a better arrangement to set a specific time during the course of 31 March for expiry of the deadline. The time should be within the normal working day, so that staff can check whether the deadline has been met. Since 15.00 has been used as the legally required time before, one might reintroduce this. We note however that 31 March can fall on the Wednesday preceding the Maundy Thursday holiday. It is normal to work a shorter working day than normal on that day. This would indicate that one should choose an earlier time of day. The ministry believes that 12.00 is a suitable time. This time would also apply when 31 March is a normal working day.

The deadline for recalling proposed lists is 20 April, ref. section 6-5 of the Election Act. No time of day is stated for when the recall has to be received by the electoral authorities. It is most appropriate to have a single rule. The ministry believes that it should be the same as the deadline for delivering proposed lists and will propose that the deadline expires at 12.00.

The deadline for delivery expires on a Saturday

The provisions of section 15-5 of the Election Act on calculating the basis for and deciding deadlines largely restate the provisions in earlier Election Acts. The law has not allowed for developments in society, with Saturday no longer a working day for most official bodies. A literal interpretation of the rules would indicate that - if 31 March falls on a Saturday - the electoral authorities must ensure that there are staff on hand until 24.00 on that day so as to capture any proposed lists that may be delivered. In the ministry's view this is hardly a reasonable arrangement. There appears to be good reason for updating the Election Act on this point, so that Saturdays are treated in the same way as Sundays and holidays when calculating deadlines. This means that if 31 March falls on a Saturday, the deadline for delivering proposed lists would be on the next working day.

The ministry will propose that sections 15-5 (1), (2) and (3) of the Election Act are amended in the same way, so that Saturdays, Sundays and holidays are treated in the same way for the purposes of calculating deadlines according to the Act.

8 Duty to stand for election

8.1 The issue

In this section, the ministry takes up the question of whether changes should be made in the rules regarding the duty to stand for election and to accept office if elected. We shall consider whether rules should be proposed that give the opportunity to decline to appear

on an electoral list if political views represented by the list are in conflict with that person's attitudes and beliefs.

8.2 Prevailing law

The obligation to represent is a central element in our electoral system. This obligation means that those who are nominated on an electoral list must stand for election, and accept office with the obligations and rights that this involves, if they are elected. The obligation to represent is pursuant to article 63 of the Constitution and the Election Act's section 3-1 (general elections) and 3-3 (local and county elections). The law has no requirement that one must give consent in order to be nominated on an electoral list. Neither is there any requirement that those compiling the list are obliged to notify the persons who are nominated as candidates before the proposed lists are submitted.

The obligation to represent is not absolute. The rules of the Constitution and the Election Act contain provisions regarding exclusion from election and the right to exemption.

Those excluded from election to the Storting are (article 63 of the Constitution and section 3-1 of the Election Act):

- employees of the ministries, with the exception of members of the political leadership
- Supreme Court justices
- employees of the diplomatic and consular services

Those excluded from election to county and local authorities are (section 3-3 of the Election Act):

- the county governor and assistant county governor
- the head of the administration in the local authority or county in question and his or her deputy
- heads of branches of administration (with the exception of the leaders of independent enterprises)
- secretaries of the local/county councils
- those responsible for the accounts function
- those who perform audits for the local or county authority

According to article 63 of the constitution and section 3-2 of the Election Act, one can demand exemption from appearing on an electoral list, or decline to accept office as a member of the Storting, if:

- one is eligible to vote in another county,
- one has attended all Storting sessions as a representative since the preceding election,
- one is a member of a political party and has been included on a proposed list that is not issued by that party.

According to section 3-4 of the Election Act, one can demand exemption from appearing on an electoral list for a local or county election if:

- one has been a member of the body in question for the previous four years,
- one has the right to exemption in accordance with other legislation,
- one is a member of a political party and has been included on a proposed list that is not issued by that party,
- one would be unable to meet the obligations of office without disproportionate difficulty.

Setting up electoral lists on the basis of the telephone directory or similar sources is not prohibited. There is no requirement in fact for the candidates to be asked for consent. At every election, some people find that they have been included on lists without their knowledge or consent.

Even though there are few nominations where candidates have not been asked, compared with the total number of lists that are submitted, they create great attention in the media and among voters and might contribute to create a lack of confidence in the electoral system. It can also be unpleasant for those concerned. Special criticism has been directed to the need to join a registered political party in order to demand to be deleted from a list that is not from the same party, ref the Election Act's section 3-2 (general elections) and 3-4 (local elections). Unwillingness to appear on a list gives no grounds for exemption. Neither can one demand to be exempted by saying that one does not share the political views of the party or group that has made the nomination.

8.3 The OSCE report

In its report, OSCE takes up the obligation to represent as a topic where there are grounds for further consideration and writes the following:

"A feature of the Norwegian electoral system is the constitutional obligation of citizens to be placed on a candidate list without his/her agreement and accept election. Only those who are registered in a different constituency, who were members of the previous Parliament, or who are members of another political party may claim exemption from the duty to be elected. Interlocutors informed the OSCE/ODIHR EAM that this is a long standing tradition with an underlying rationale of civic duty. A few small parties take advantage of this provision, putting well-known personalities on their lists, although all parties in the outgoing Parliament informed the OSCE/ODIHR EAM that they seek prior agreement of nominees. For these elections, one such nominee unsuccessfully sought removal from a candidate list.

The obligation to be elected should be seen in light of the fundamental rights to freedom of political opinion/belief and association established by the International Covenant on Civil and Political Rights. These would include the right to be apolitical in both thought and association and the right not to associate with any political party..

Consideration might be given to reviewing the duty to be elected, ensuring it is fully consistent with the International Covenant on Civil and Political Rights which states that no one should be forced to associate with a political party or group not of his/her choosing."

The UN Covenant on Civil and Political Rights states the following:

- art. 18 (2) «No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.»
- art. 19 (1) «Everyone shall have the right to hold opinions without interference.»
- art. 22 «Everyone shall have the right to freedom of association [...] No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.»

8.4 The Election Act Committee's assessment of the obligation to represent

In its report on the new Election Act (*NOU 2001:3 Voters, election system and elected*), the Election Act Committee carried out an assessment of the obligation to represent, its basis and content.

The entire committee stated:

"The obligation to represent has a long tradition in our country, from as early as 1814 in the case of Storting representatives and since 1837 in respect of local authorities. Few questions have been asked about the obligation to represent and the basis for its existence."

A majority of the committee believed that the obligation to represent should continue to apply to both general and local elections. As ideological grounds for this viewpoint, the majority presented the following considerations:

- The consideration of the social responsibility of the individual. As many people as possible should take part in the discussion of socially important matters. There should be an obligation for the individual to sit on those bodies that make decisions on such matters.
- The consideration of democracy. Representative democracy is the best form of government. The legitimacy of the system is strengthened if as many as possible participate.
- The consideration of recruitment. The obligation to represent can help to ensure recruitment to publicly elected bodies and counteract recruitment problems in politics.
- Consideration of the voters. Being elected may be seen as a contract between the voters and the one who is elected. This contract is entered into for four years and the voters have no right to terminate it. Neither should it be possible for the elected person to terminate it.

In addition to the ideological dimension in favour of the obligation to represent, the majority pointed to the long historical lines. There has been an unbroken obligation to represent since the Constitution of 1814 for the Storting and since legislation of 1837 for local government.

A minority of the committee believed the obligation to represent should be repealed, stating:

That citizens should be obliged by law to accept office that they have not previously consented to is in contravention of the general sense of justice and the right of self-determination of the individual. The obligation to represent has not proved to work as a sufficient guarantee of recruitment to publicly elected bodies. The obligation to represent has been largely abolished - at least in general elections - in that candidates are asked in advance if they are willing to stand for election.

In its proposal for a new Election Act (Proposition no. 45 (2001–2002) to the Odelsting) the ministry took as a basis the principle that those who have the right to vote in an election should also be eligible to be elected as members of the assembly in question.

8.5 The legal situation in Sweden and Denmark

In *Sweden* the parties nominate candidates and submit proposed lists. All candidates must give a *written declaration* that they accept the party's nomination.

A "free nomination right" applies on polling day. This means that voters are free to add candidate names to the ballot paper - without that person needing to consent to, or even know about, the nomination. Such candidates can be elected if they receive enough votes.

There is no obligation to represent in Sweden. An elected representative may decline to accept office – *at any time* and *immediately*. There is no requirement for grounds to be given.

In *Denmark* different rules apply to general elections and to local and regional elections. In general elections, all candidates are required to give a declaration that they are standing, with information about name, personal identification number, occupation and place of residence. Candidates who stand on behalf of a registered party shall be approved by that party. Candidates may stand outside the parties - with the approval of between 150 and 200 voters in the electoral district.

Elections to local and regional authorities are based on lists submitted. The legislation on local elections does not require any declaration from those who are nominated. However, withdrawing from a list is permitted if there are legal grounds for exemption.

8.6 The ministry's assessment

From experience, the obligation to represent creates some attention and a few cases/complaints before every election. Particular reaction is caused by cases where a person is added to an electoral list without being asked and with no real possibility of exemption without having to join a political party. There are also voters who react purely on grounds of principle that some are forced to stand for election against their will.

There has been no specific discussion of the obligation to represent in the light of the UN Covenant on Civil and Political Rights or the European Convention on Human Rights. Norway is obliged to ensure that the rules correspond to the standards to which the country is bound by international conventions. We believe there are grounds for a new assessment of the obligation to represent in the light of these obligations.

Both the UN Covenant on Civil and Political Rights and the European Convention on Human Rights contain declarations of principle regarding freedom of thought, opinion and association against which the obligation to represent should be assessed. The OSCE report states that it follows from the covenant that no one should be forced to associate with a political party or group not of his/her choosing.

In the ministry's view, our rules may be in conflict with the UN Covenant on Civil and Political Rights and the European Convention on Human Rights in two regards:

1. The obligation to stand for election (and to accept office) against one's will.
2. The right to demand exemption from appearing on an electoral list if one is a member of a political party that has not put forward the proposed list. This means that one may be forced to join a party, even though one does not wish to.

Article 22 of the UN Covenant and article 11 of the European Convention cover the right to form or join organisations and associations, including political parties. It is supposed that the right also has a negative limitation, that is to say the right not to join such organisations. In the light of this it may be queried whether there is conformity with the rules in the Constitution and the Election Act on exemption after joining another party. In reality, in order to avoid having to stand for election, "unwilling" candidates must join a party so as to gain exemption from the list. Even though the intention of the rule is to ensure that one is not included on a proposed list that does not belong to one's own party. In reality this means that one has to join a registered political party in order to be exempted. It may be felt that this is in contravention of the principle of freedom of organisation. It harmonises poorly with the fundamental principle that political engagement shall be a private matter and voluntary if one must join a political party in order to avoid a nomination one does not wish.

Being on a party's list carries no obligation to defend any particular point of views or to promote the views of the list. The ministry believes therefore that the obligation to represent cannot be seen as interference with the right to freedom of opinion. However a declaration that one wishes to appear independent would hardly have great value in our assessment. Voters will have an expectation that it is the lists viewpoints that the candidate shall and will work for. The person concerned will therefore be perceived as a supporter of the viewpoints the list represents. It would appear artificial to argue that the obligation to represent should be kept because the candidate can use the opportunity to work against this list. It may also be asked whether this is in accordance with the right of freedom of association.

Having to be associated with a political point of view one does not basically share is a problem. The ministry is aware of some cases where there appears to have been harassment of, and even threats against, persons who have been unknowingly placed on the electoral lists of parties whose policies are perceived to be extreme and unacceptable by the majority of the population.

That citizens should be obliged by law to accept office that they have not previously consented to is in our assessment also in contravention of the general sense of justice and

the right of self-determination of the individual. Neither has the obligation to represent proved to work as a sufficient guarantee of recruitment.

Regardless of any conflict with the UN Covenant on Civil and Political Rights and the European Convention on Human Rights, the ministry believes there are good grounds to amend part of the content of the obligation to represent. Candidates should be given the opportunity to demand exemption from appearing on an electoral list if that list represents views that are in conflict with that person's personal beliefs.

It may be argued that the obligation to represent would become hollow if such grounds for exemption were introduced. The ministry does not believe this is the case. In our assessment, its basis would still be that all have an obligation to stand for election and accept office. We are talking of introducing an opportunity for freedom from feeling oneself forced to defend points of view that one opposes.

The ministry does not believe there are grounds for introducing a new arrangement whereby for example all candidates are given the opportunity to apply for exemption on a general basis. This may lead to examples where for example members of registered parties ask to be exempted from appearing on the party's list because internal disagreement about what the party should stand for.

The ministry believes that one should continue to maintain the obligation to represent, but that one should consider adjusting the rules somewhat so as to remove unfortunate effects of the obligation. A provision that makes a requirement for the consent of all candidates would in our view represent too strong a hollowing out of the principle. There seem therefore to be good grounds for considering allowing a wider access to exemption.

We therefore propose new grounds for exemption that would allow a candidate to demand to be deleted from a proposed list to which he or she cannot give support, without being forced to join a party. The ministry proposes that this should be done by the candidate presenting a declaration to the electoral authorities that he or she cannot stand as a candidate because his or her political views or beliefs are in conflict with those represented by the electoral list. This is a more flexible arrangement than requiring those presenting the list to present a declaration from all candidates that they are willing to stand as candidates on the list. Such a declaration would be presented in writing in connection with the ordinary procedures for information for candidates in accordance with section 6-6 of the Election Act.

The Election Act has somewhat similar provisions for both general and local/county elections in respect of the right to demand deletion from an electoral list. This would indicate that any proposed amendments can essentially be presented at the same time. In the case of the exemption rule for general elections, this is based on article 63 first paragraph letter d) of the Constitution, which has been directly transferred to the Election Act. Section 3-2 of the Election Act can therefore not be amended until the provisions for exemption in the Constitution have been amended. Proposals for amendments to the Constitution must be put forward by members of the Storting. This question must be considered in order to achieve a harmonisation of the sets of rules.

In the ministry' view, the real need for rules that can safeguard voters from being nominated against their will is greater for local elections than for general elections. The number of proposed lists presented is great and cases of those preparing the lists adding people without asking them have become more frequent, in order to achieve the necessary (or desired) number of list candidates. The ministry believes therefore that there is no reason not to put forward a proposal for amending the Election Act's rules on the rights and obligations of standing as a candidate at local elections, without waiting for any amendment to the Constitution.

9 Should list candidates be excluded from election to polling committees and electoral committees?

9.1 The issue

In this section the ministry will discuss whether limitations should be introduced to list candidates' opportunities for taking part in the preparation and implementation of elections. The background to this includes the OSCE report and its assessments regarding candidates being able to sit on electoral committees and polling committees. The ministry will consider in particular whether there is any need to place limitations on list candidates' opportunities to come into direct contact with voters in connection with voting.

9.2 Prevailing law

Section 4-1 of the Election Act that every local authority shall have a electoral committee elected by the local council itself. The duties of the electoral committee are to prepare and implement elections at local authority level in accordance with the Election Act and Election Regulations.

If voting takes place at several places within the local authority, a polling committee of at least three members shall administer voting at each place, ref section 4-2 of the Election Act. The polling committees are appointed by the local council, or by the electoral committee if delegated by the local council.

The electoral committee and polling committees are recognised as committees in the Local Government Act. The rules on eligibility to serve on committees are laid down in section 14 of the Local Government Act. The main rule is that all those who are entitled to vote in local and county elections are eligible. There are exceptions for certain groups, such as employees in certain positions in local and county government. Persons who have not reached voting age may be elected but are not obliged to accept, ref the Local Government Act section 14 no. 1 letter a final point.

There is no restriction in the law on choosing candidates who are standing for election or other active politicians for polling committees or electoral committees.

9.3 The OSCE report

In its report OSCE takes up the question of whether there are grounds for looking more closely at list candidates' eligibility. They write as follows:

"The OSCE/ODIHR EAM was informed of several instances where candidates served either on a PC or an EC, which is not forbidden in the legislation. While no one complained about the conduct of these officials, it could be a potential conflict of interest to administer the process when they are candidates in the election.

Consideration should be given to restricting candidates from serving as members of Polling Committees and Electoral Committees, in order to prevent any real or perceived conflict of interest."

9.4 Earlier assessments

In the 2007 election claims were made that in some cases there was active influence from active politicians and list candidates over voters inside the polling stations. Against this background the ministry took up the question of whether restrictions should be introduced to prevent politicians - or possibly only listed candidates - sitting on polling committees or acting as election officials.

The ministry discussed this issue in a consultation document that was sent to the local authorities and others in June 2008. On the basis of the statements expressed regarding this document and an assessment report from the 2007 election, the ministry concluded the following in Proposition no. 32 (2008–2009) to the Odelsting:

"The ministry believes that both the assessment after the election and the consultation show that there is no strong desire for legislative rules that limit the eligibility for polling committees of list candidates or other politicians. Therefore no proposals will be put forward for such rules.

The ministry would however point out that it is important that the local authorities organise election proceedings in such a way that no doubts may be raised whether everything is in accordance with the rules. The ministry will encourage local authorities to particularly consider whether listed candidates shall serve as members of polling committees or election officials. It is important that listed candidates and politicians do not receive such roles as might raise questions of whether there is improper influence over voters."

After the 2009 general election, the local authorities were asked how members of the polling committees were recruited. 42.4 per cent of the local authorities that responded said that they recruited from the political parties, while 31.8 per cent answered that they appointed representatives of the parties and local authority employees.

9.5 The ministry's assessment

The ministry notes that the question of possible limitations to the circle of eligibility to polling committees was assessed as recently as after the 2007 election. No amendments to the law were proposed at that time. However the ministry encouraged local authorities to consider the principles when putting together polling committees and that they should be conscious of the fact that specific problems might arise if listed candidates were chosen.

Nevertheless the ministry finds that there may be a need to consider limitations on who can be elected as a member of a polling committee. Because of their functions in the polling stations, polling committees come into close contact with voters. It may appear unfortunate in principle if politicians who are themselves standing for election should have the opportunity to exercise influence over voters. Even though the question is raised from time to time, no improper influence over voters to any great extent has been demonstrated. The actual possibility - or suspicion - of such influence may however tend to create negative attitudes to the electoral system. We note that some voters raise questions about the system. We also note the objections in principle that appear in the OSCE report.

It is important that those who are responsible for the implementation of the election are perceived as impartial. It is also important that the rules are formulated in such a way as to ensure impartiality, at the same time as reassuring voters that this is the case.

It is a basic principle of our electoral system and our local government system that as few people as possible should be excluded from election to publicly elected bodies. Any limitations regarding eligibility to the bodies that administer elections should therefore not be any more extensive than is considered necessary. In the ministry's view it is natural to consider eligibility limitations in several regards:

- Should listed candidates and politicians be considered in the same way with regard to eligibility?
- Should the same rule apply for eligibility to electoral committees and polling committees?

The electoral committee has overall responsibility with regard to implementing the election at local authority level. It shall approve lists for local elections. It is responsible for testing and counting ballot papers and for the final settlement of local elections. These are important decisions regarding the implementation of the election. It might be asked whether these are circumstances that might indicate that listed candidates should be excluded from sitting on the electoral committee.

Even so the ministry believes that for electoral committee members there are considerations that count against such a limitation of eligibility. Unlike with polling committees, the members of the electoral committee do not come into direct contact with voters in the polling stations. The possibility of improper influence does not therefore exist to the same extent. The electoral committees are composed of members from across the political spectrum. No one party will have a monopoly on places on the committee. Also, all meetings of the electoral committee are open, so that members of the public have the opportunity to check what goes on. The ministry therefore believes that no limitations should be placed on eligibility for electoral committees.

The ministry believes that limitations to eligibility should be based on criteria that are objective and verifiable. Such a criterion may be the situation that one is a candidate on an electoral list. As has been mentioned, setting conditions such as membership of a political

party or political activity in general as limitations to eligibility would be unfortunate, both in principle and for practical reasons. In the case of listed candidates - unlike with other political activity - it may be thought that these have a more personal interest in the outcome of the election and might thereby take an opportunity to influence the voters in an improper way.

There is a disadvantage in limiting the eligibility of listed candidates with regard to the practical implementation of the election. The question is whether this might cause the local authorities problems in finding enough staff to run the election.

Section 8-2 first paragraph letter a of the Election Act states that the electoral committee appoints recipients to receive advance votes. The provision is general and has no formal limitation with regard to who can be appointed. The Election Act currently has no limitations on who can be appointed as election officials.

As for membership of polling committees, one might also question whether listed candidates are sufficiently impartial to serve as vote recipients. This applies to both voting on polling day and advance voting.

It is normal for local authorities to appoint election officials who shall assist the electoral committee and polling committees in the preparation and implementation of the election. The duties of election officials include receiving votes at the polling station, giving voters guidance and assisting voters who need help in casting their vote. If a prohibition is introduced to prevent listed candidates from being elected to polling committees or serving as vote recipients, it might be argued that neither should listed candidates have other duties that involve contact with voters during voting.

9.5.1 The ministry's conclusion

We have a long tradition of having listed candidates and other politicians sitting on polling committees. If listed candidates were to be excluded from serving as polling committee members or as election officials or receivers of votes, there is a question of whether or how this could affect the implementation of the election from a purely practical point of view. Some local authorities have previously advised that they have problems finding enough people to fill these positions. At the same time it is important to see the objections of principle to listed candidates having duties during the voting itself.

In order to avoid practical problems in implementing the election, it is also important to think differently and for example to invite the general population to take part as officials in polling stations. Such participation could lead to increased engagement and interest in the election.

Before the ministry decides whether or not changes are needed, we ask for input from the local authorities on the question of limiting the eligibility of *listed candidates* as members of polling committees and as election officials or receivers of votes.

If rules are to be determined that limit the listed candidates' eligibility and opportunity to serve as receivers of votes and election officials, amendments must be made to several provisions of the Election Act. In addition to section 4-2 on appointments to polling

committee, it is also relevant here to give a new provision in both section 8 and section 9 to limit the candidates' opportunity to serve as receivers of votes or election officials.

10 Sealing. Storage and transport of election material

10.1 Prevailing law

When it comes to the question of procedures for sealing, storing and transporting election material, there is some regulation in the Election Act and some in the Election Regulations. To determine what the prevailing law is, we must make a distinction between the various phases of the election process: early voting, ordinary advance voting and voting on polling day.

10.1.1 Early voting and ordinary advance voting

Section 8-4 of the Election Act has provisions regarding the procedure for early voting and advance voting. The Act does not state that the ballot box must be sealed. The requirement for the ballot box to be sealed during advance voting in mainland Norway appears in section 27 (5) of the Election Regulations. Section 27 regulates procedures for both advance voting and despatch of votes. Section 24 a third paragraph of the Election Regulations states that the rules for the use of ballot boxes, sealing, storage and transport are the same for early voting as for ordinary advance voting. The vote shall be placed into a sealed ballot box. This applies whether the voter is voting in his or her own local authority or another.

As regards the storage and transport of election material, this is regulated by sections 9-8 and 10-8 of the Election Act. Section 9-8 states that all election material shall be stored and transported in an "adequate manner". For material to be sent to the county electoral committee (or to the county governor in the case of Oslo and Akershus), section 10-8 (3) of the Act states that it shall be packed "*in good order in a properly sealed wrapping and sent by the fastest adequate means.*"

According to section 29 of the Election Regulations on emptying ballot boxes and storing material etc., the provisions determined in the Election Regulations for polling day, in sections 33 and 34, have a corresponding application for advance voting. This means to begin with that the electoral committee shall ensure that adequate routines are established in the polling stations, so that nothing unlawful occurs with regard to the ballot boxes. The covering envelope, containing the ballot paper envelope and the polling card, must be kept in such a way as not to be mixed with other election material. Secondly, covering envelopes must be kept in such a way that they are inaccessible to outsiders. If the ballot papers are kept in a place where they cannot be directly observed by the electoral authorities, the place where they are kept shall be sealed.

10.1.2 Voting on polling day

There is no requirement - in either the Election Act or the Election Regulations - that ballot boxes used on polling day shall be sealed while voting is going on. The background to this has been the need to empty ballot boxes that become full, so that the contents can be kept in a safe place. What section 9-5 of the Election Act says about voting in the polling station is that the voter him or herself shall place the ballot paper into a ballot box, ref. § 9-5 (3). Neither have any definite rules been set for how the polling committee should keep the content of a ballot box that has been emptied during the course of polling day.

What section 33 of the Election Regulations says about emptying ballot boxes during the course of polling day is that the polling committees should establish "adequate routines" for storing the content. This means that the ballot papers must be kept in such a way that they are inaccessible to outsiders. If ballot papers are kept in a place where they cannot be directly observed by the electoral authorities, the place where they are kept shall be sealed, ref section 34 of the Election Regulations. It is also a requirement that the votes that have been cast must be kept in such a way that they cannot become mixed with the other ballot papers or other election material. As mentioned above, the same rules apply to advance voting, in accordance with section 29 of the Election Regulations.

Section 34 of the Election Regulations sets rules for sealing during the storage and transport of election material.

Firstly it is laid down that the electoral committee is responsible for establishing adequate routines for storing and transporting election material at *all* stages of the election. The electoral committee decides - based on local conditions - how election material, electoral registers, ballot papers, ballot boxes etc. shall be stored.

This section also lays down a requirement for sealing in all situations where the election material is left outside the direct observation of the electoral authorities. The rule covers all cases in which election material might be left unattended, for example between Sunday and Monday in places with two day voting, or if a break is taken during counting on election night until the next morning. Sealing shall occur by means of wax and seal or other sealing equipment that ensures that outsiders cannot gain access to the material without this being visible. The chair of the polling committee - or another person appointed by the electoral committee - is responsible for taking care of the sealing material.

In the case of transport of election material, all transport shall be by the fastest adequate means and without unnecessary delays. It is the electoral committee's responsibility to establish proper routines. Persons who keep sealing material cannot perform the transport of material. Neither may they stand guard over the material, should this be required.

10.2 The OSCE report

In its report, OSCE recommends that the authorities should consider adopting consistent procedures on Election Day safeguards, including sealing of the ballot boxes on polling

day. Otherwise, the organisation found that the storage of ballot boxes and other advance voting material in a secure place is in line with international best practice.

10.3 The assessment

In the assessment after the 2009 general election, the local authorities that had two day voting were asked how they stored the election material between the polling days.

The responses from the local authorities show the following main points: The material was sealed and/or kept in a locked room or in a safe or vault. Sealing equipment and keys were kept by different people. The county authorities' feedback does not include any critical comments with regard to the electoral committees' sealing and transport of election material.

10.4 The issue

The question is whether there are any grounds for distinguishing between procedures that are necessary during the various stages of an election. What security measures are required during early voting, advance voting, polling day voting and during transport and storage of the election material respectively? Should there be fixed procedures in the form of security measures, including sealing the ballot boxes, on polling day itself? Or is it sufficient for each electoral committee to decide for itself what the adequate routines are? Do we need a more detailed set of rules that does not leave important security questions to the electoral committee's judgement? The ministry wishes to discuss these issues, including on the basis of the OSCE report.

10.5 The ministry's assessment

Our electoral system is to a great extent based on a fundamental public confidence that the electoral administration is impartial and that elections are implemented with integrity. We are a country with long democratic traditions and there are rarely critical questions about an electoral system in which the electoral authorities - based on local conditions - define what constitutes the proper and adequate implementation of the election. Norway is however bound by a number of international rules and conventions in respect of the implementation of elections. We must therefore assess our own rules and how we implement elections against these international standards.

Sealing of ballot boxes on polling day

Norway has never, as far as we are able to establish, had a legal requirement that ballot boxes shall be sealed on polling day. Whether or not to seal ballot boxes has been up to the individual local authority, an opportunity that few local authorities have made use of, as far as we are aware. The ministry is aware that from time to time voters have asked why ballot boxes are not sealed on polling day. There is no doubt that our practice does not conform to international standards. The ministry therefore believes that we must follow up on OSCE's recommendation regarding sealing ballot boxes.

The election observers from the Helsinki Committee also pointed out that in many places the ballot boxes were not sealed, but that this was not in contravention of Norwegian law. They believe however that sealing the ballot boxes is an important factor in ensuring that no ballot papers are touched until the count takes place. In their opinion it would give greater security if the ballot boxes were sealed and the need for emptying them were removed by having a sufficient number of boxes.

As has been said, the ministry tried out a new design solution for election equipment, polling stations and ballot papers at the 2009 general election. These ballot boxes can be sealed. In fact it would be possible to seal most of the ballot boxes currently in use.

Sealing the ballot boxes on polling day itself would normally require many more ballot boxes than the local authorities have available at present.

A system must be established for emptying ballot boxes. In the ministry's opinion it would not be appropriate to procure many new ballot boxes to avoid the problem of emptying. Neither can we see any objection to having a system for emptying ballot boxes during polling day, if this is done in a way that safeguards security.

The ministry envisages a system in which ballot boxes are opened and the content emptied directly into coloured plastic sacks designed for the purpose, which are then sealed with strips and marked with a serial number. It will be necessary to establish rules in the Election Regulations for how this is done, with regard to both advance voting and voting on polling day. Such a solution will satisfy international standards.

The next question is whether a requirement for sealing ballot boxes should appear in the Election Act or whether it is sufficient for it to appear in the Election Regulations. As mentioned above, section 9-5 (3) of the Election Act states that on polling day the voter shall place the ballot paper into a ballot box. In the case of early and advance voting, section 27 (5) of the Election Regulations states that the covering envelope shall be placed into a sealed ballot box. In the ministry's opinion, a new provision that on polling day the ballot boxes shall always be sealed would be such an important principle that it would be natural to include it in the Election Act, not just the Regulations. Correspondingly we believe that the Act should state that ballot boxes shall be sealed during advance voting. The ministry will therefore propose two new provisions in the Election Act on sealing ballot boxes on polling day and during advance voting respectively.

Most local authorities depend on being able to empty the ballot boxes during the course of polling day. To ensure that this is done in a proper manner, we will propose that the regulations determine routines for this. The ministry will set up a working group to look more closely at the Election Regulations' rules for the design of ballot papers. It would be natural for this group also to provide input in this question, at the same time as they look at solutions for the storage of votes that have been made.

Storage and transport of election material

The Election Act and Election Regulations state how the storage and transport of election material shall occur. No detailed routines have been laid down for how the electoral committees shall organise storage and transport, it says only that this shall occur in an

"adequate manner". The best solution will vary on the basis of local conditions. The feedback we have received in connection with the assessment of the 2009 election shows that the rules for the storage and transport of election material appear to work well and that the local authorities have established good routines for ensuring the secure handling of the material. Neither does OSCE have any comments on this in its report. The ministry believes that there are no grounds for proposing new rules for the storage and transport of election material.

It is important that good routines are established for the storage and transport of election material at all stages of the election. The ministry will therefore give a more precise description in the electoral handbook of how the local authorities can guard against irregularities.

11 The handover of election material

11.1 Prevailing law

Section 10-8 of the Election Act states that in general and county elections, the electoral committee shall send the following material to the county electoral committee as quickly as possible:

- a) all approved ballot papers, sorted separately into amended and unamended, those that have been cast on polling day and those that have been cast during advance voting,
- b) all votes and ballot papers that the electoral committee has rejected,
- c) all polling cards from advance voting, all covering envelopes from advance voting abroad and in Svalbard and Jan Mayen,
- e) a certified transcript of what has been registered in respect of the elections, and
- f) copies of complaints received.

In general elections, the City of Oslo shall send the material listed above to the County Governor of Oslo and Akershus as soon as the count and settlement have been concluded.

The material shall be packed in good order in properly sealed packaging and sent by the fastest adequate means.

Section 9-8 of the Act states that all election material shall be stored and transported in an adequate manner. Pursuant to this paragraph, the ministry has decided the following on the storage and transport of material in section 34 of the Election Regulations: The electoral committee shall establish adequate routines for the storage and transport of election material at all stages of the election.

The election material shall be sealed if there are periods when it is not under the direct observation of the electoral authorities. Sealing shall be performed in such a way that nobody can gain access to the sealed material without leaving evident marks.

All transport of election material shall be by the fastest adequate means and by persons other than those who keep the sealing equipment.

If voting takes place at several places in the local authority, the polling committees shall ensure that the material used in the polling stations is transported to the electoral committee. The provisions of the Election Regulations also apply to this transport.

11.2 The issue

The ministry has no indications that the rules on the security and transport of election material do not work well. Even so there is a question of whether a routine should be established for how the election material shall be handed over. There are no rules that require the person receiving the material to sign for receipt of the material. The ministry believes it might be asked whether there is a need for rules that ensure that there exists documentary evidence of what was transferred from one body to another, whether internally within the local authority or between the local and county authorities.

11.3 The ministry's assessment

Considerations of good order and security indicate that one should have routines for signing for the receipt of election material.

The ministry believes there may be a need for establishing a system that makes it possible to check what election material has been handed over from one body to another. Such a control system can be implemented by introducing a requirement for documentation in the form of a signed receipt. This requirement should apply both when the polling committees hand over material to the electoral committee and when the electoral committee delivers material to the county electoral committee for checking.

The ministry will propose that a form is devised with a summary of the material to be delivered on which shall be stated the amount that is handed over. This form shall be filled in by the body that delivers the material. The recipient checks that what has been handed over agrees with what is on the form and signs for receipt.

According to section 41 first point of the Election Regulations, the ministry shall determine *"formulae by which administrative conditions, receipt and handling of votes and ballot papers, counting, final settlement and checks shall be registered"*. Pursuant to this provision, the ministry has determined formulae for the meeting books of the polling committees, electoral committees and county electoral committees. It follows from the second point of the paragraph that the electoral authorities are obliged to use fixed formulae.

The Election Regulations contain no provision that a receipt is needed when material is handed over from one body to another. The ministry believes that the Election Regulations should be amended so as to require the electoral authorities to establish a receipt system to be used when handing over election material. Section 9-10 of the Election Act provides the authority to determine regulations regarding the storage and transport of election material. The ministry determines that this provision provides the authority to be able to set regulations on signing for receipt of material. The ministry will propose that a new fourth paragraph is included to section 34 of the Election Regulations

regarding signing for receipt of material. The ministry will devise a form to be used when handing over material and that will form the basis of the receipt.

12 Constituency counting and reporting

12.1 Regarding the constituencies

There were in total 3,003 constituencies in the 2009 election. This was a reduction compared with the local and county elections in 2007, when there were 3,127 constituencies. There are great differences between constituencies. A total of 17 constituencies have an electoral register of more than 7,000 voters. Rådhuset in Oslo - which is also the constituency in which all voters without a stated constituency are included - is the largest constituency with 12,900 voters. Besides the largest constituency, the constituency of Horten in Vestfold has 11,500 voters. Askimbyen, Askim in Østfold also has more than 10,000 voters, at 10,700.

At the other end of the scale, there are 24 constituencies with an electoral register of 20 or fewer - and 7 constituencies have 10 voters or fewer. Brøstad in Dyrøy, Troms, has four registered voters. The same is true for the constituency of Melfjordbotn in Rødøy, Nordland.

The average size of constituencies, when all those voters without a stated constituency have been excluded, is 1,166.

12.2 Prevailing law

Section 9-3 (1) of the Election Act states that the local authority decides how many constituencies the local authority shall be divided into. It follows from the electoral handbook that the local authorities should take the number of voters into account when deciding how many constituencies the local authority will be divided into, so that the election can proceed well.

The principles for counting ballot papers follow from section 10-4 of the Election Act. This states that it is the electoral committee that is responsible for counting the ballot papers and that the count shall be carried out by the persons and in the manner the electoral committee has decided. Even so the electoral committee is not entirely free to decide how it wishes to organise and perform the count. Firstly, a specific count of the ballot papers may only be carried out if the part or parts of the electoral register to which the count applies contain at least 100 names. The Act also states that ballot papers from county elections and local elections shall be counted separately. Ballot papers from advance voting and polling day shall also be counted separately. The ballot papers shall be counted twice, by means of a provisional and a final count. The Election Act contains no requirement for local authorities to be counted constituency by constituency.

Section 15-7 of the Election Regulations includes a provision that the county and local electoral committees are required to provide such information as the ministry or Statistics

Norway find necessary in order to publish election results or prepare official election statistics.

12.3 The issue

Many parties have called for the reporting of election results to occur constituency by constituency to a greater extent than is the case today.

In its Report 1 (2009-2010) the Credentials Committee states that it has noted that the national electoral committee has pointed out, in connection with determining the equalising mandates in the general election, that it is important that a central electoral computer system is established that would enable constituency by constituency reporting of results from all the local authorities in the country.

If the local authorities are to report on a constituency basis, this means that they must also be required to count on a constituency basis, and that the checks on the general election made by the county electoral committees must also be done on a constituency basis. The Election Act does not currently have any requirement that this shall be done.

12.4 The ministry's assessment

The use of constituencies is significant for the implementation of an election in a local authority for several reasons. The constituencies are important in relation to planning and facilitation, voting, counting and controls. Put simply, it could be said that the constituencies require, and during the election are instruments for achieving, good procedures. Once the election result is known, the constituencies can be useful for researchers, politicians and others who wish to obtain more knowledge about the election result.

The present situation is that four of the larger local authorities both count and report election results by constituency, both advance votes and those on polling day. Medium sized local authorities also count the polling day votes by constituency, but these report the election result for the whole local authority as one. In many places advance votes are counted together for the whole local authority. The smallest local authorities count neither advance nor polling day votes by constituency and the results are reported together for the whole local authority.

Several circumstances indicate that one should introduce an arrangement in the Election Act that involves counting by constituency, so that results can be reported to Statistics Norway by constituency.

Firstly, it may be claimed that counting by constituency could help to ensure a more correct election result. Counting by constituency would provide a more manageable basis for control than performing a single count for the whole local authority. This means it would be easier to find any errors during the count, because one would not need to go through all the ballot papers to trace an error. The arrangement would also ease the work of the election workers performing the count. On the other hand, the electoral committee in smaller local authorities will have a good basis for control even if the count is not made

at constituency level, since the relatively modest number of ballot papers will normally mean that there are no difficulties in keeping a good overview or tracing errors if necessary.

Counting and reporting at constituency level would mean that several different groups could make use of the results after an election. Many political and research circles would like to see results by constituency. We believe this would also be of interest for voters, while the media too wish to be able to convey the results on a constituency basis.

From a political point of view, election results by constituency can give an indication of how the election campaign has gone and are also a tool for planning how election campaigns and the like shall be performed in different parts of the local authority in a coming election.

From a research point of view, information about how voters in different geographical areas in a local authority vote can be interesting. It can also be interesting to see how local political issues can change the result in a constituency from election to election.

Many of the country's constituencies have fewer than 100 names on the electoral register, which means that according to section 10-4 (2) of the Election Act they are unable to make a constituency count. As the ministry sees it, it would not be appropriate to lower the requirement for at least 100 names in a constituency to enable separate counting and reporting if a smaller number of names could involve a risk that the requirement for a secret ballot could not be maintained.

An alternative may be to require local authorities to establish constituencies that have at least 100 names on the electoral register. Such requirements are not unknown internationally. However this is seen as inappropriate, in view of the country's geography, travelling distances and population structure. Local conditions in the local authority must be decisive in determining constituency size, so that polling stations can be established with a view to the best possible accessibility for all voters. The ministry believes that local considerations indicate that no requirement should be set for either a minimum or a maximum size of constituencies.

As mentioned initially, it is the case that although many local authorities perform counting by constituency, this is in many cases done only for votes given on polling day and not for advance votes. This is due to purely practical conditions wherever the organisational considerations that necessitate the division into constituencies on polling day do not apply to advance voting.

Many small and medium sized local authorities organise advance voting in such a way that relatively few reception points for advance votes are established, and in some local authorities advance voting only occurs in the town hall or at a service desk in the community centre. After the advance voting premises close, the votes are conveyed to the electoral committee, who carry out approval, ref, section 10-1 of the Election Act. If one is to achieve a constituency based count that expresses the final election result, the Election Act must require that advance votes are also distributed and counted on a constituency basis.

A requirement for counting by constituency in the local authorities would have to be followed by a requirement for an equivalent constituency based count at county authority level.

The county electoral committees perform their controls by checking the counts of all the local authorities in the county. The checks also involve an element of legality control. The county electoral committees shall control the local authorities' decisions on approving or rejecting ballot papers and votes and shall make corrections in the event of error. For the City of Oslo similar control on general election results is performed by the County Governor of Oslo and Akershus. If one were to introduce an arrangement for local authorities to count and report at constituency level, this would also mean that counting at county level would have to be adapted to the way in which it was done at local level, so that the results would also be correct at constituency level after the checks had been performed. Such a constituency based count would mean that county authorities would have to use even more time and resources in order to have the results ready at the same time as at present.

Constituency based counting and control for all constituencies (with more than 100 names on the electoral register) demands a great deal of work and very precise routines. The ministry finds no grounds for introducing such a requirement now.

We believe that counting and reporting by constituency would be easier to carry out properly if one could at the same time ensure good control over votes being channelled to the correct constituency, in a joint electoral administrative system. We refer to the plans to introduce such a system on a nationwide basis. Unlike the present system, any new electoral administrative system would be fully owned and operated at national level and would consist of a common system for all the local authorities in the country. The system will be constructed in such a way as to enable counting and reporting at constituency level, for both advance voting and voting on polling day.

Against this background the ministry believes that it would not be appropriate to impose constituency based counting on the local authorities now. The ministry will come back to the question of constituency based counting after the electoral administrative system, which will be tested in pilot local authorities in the local elections of 2011, has been evaluated.

13 Economic and administrative consequences

In the ministry's assessment, the proposed amendments to legislation and regulations do not involve any significant economic or administrative consequences.

14 Proposal for amendments to the Election Act

The following amendments to the Election Act are proposed:

Section 2-5 shall read:

The Population Registry Authority shall *itself, without hindrance of legally imposed obligation of confidentiality*, in an appropriate manner make available to the electoral authorities information about who shall be included in the register of electors in the municipal authority area. *The Population Registry Authority shall itself, without hindrance of legally imposed obligation of confidentiality, make available to the electoral authorities an extract of the population register based on the conditions for the right to vote as at 1 April in the election year.*

Section 3-4 first paragraph letter c shall read:

c) any person who has been placed as a candidate on a list proposal that has been put forward by any other persons than a registered political party of which the person in question is a member.

Section 3-4 first paragraph new letter c shall read:

d) Any person who is not a member of a registered political party who makes a declaration that the proposed list represents a political viewpoint that is in conflict with the person's own political beliefs.

The current section 3-4 first paragraph letter d) becomes letter e).

Section 6-1 first paragraph first point shall read:

(1) The closing date for the submission of list proposals is *12.00 on* 31 March in the year of the election.

Section 6-5 second point shall read:

Notice of withdrawal must be submitted no later than *12.00 on* 20 April in the year of the election.

Section 8-4 new fifth paragraph shall read:

(5) Ballot boxes that are used for advance voting in mainland Norway shall be sealed.

Section 9-5 new (6) shall read:

Ballot boxes that are used on polling day shall be sealed.

Section 15-5 first, second and third paragraphs shall read:

- (1) Where a date that is the basis of a time limit falls on *a Saturday or* a public holiday, the time limit begins to run from the first working day thereafter.
- (2) Where the closing date of a time limit falls on *a Saturday or* a public holiday, the time limit expires on the first working day thereafter.
- (3) The provisions of subsections (1) and (2) above apply correspondingly in those cases in which a date that is the earliest or latest point in time for the performance of any act under this Act falls on *a Saturday or* a public holiday.