



Office for Democratic Institutions and Human Rights

ICELAND

EARLY PARLIAMENTARY ELECTIONS

25 April 2009

OSCE/ODIHR Election Assessment Mission Report



Warsaw
28 July 2009

TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	1
II.	INTRODUCTION AND ACKNOWLEDGEMENTS	2
III.	BACKGROUND	2
IV.	LEGAL FRAMEWORK.....	3
A.	OVERVIEW	3
B.	SUFFRAGE	4
C.	ELECTORAL SYSTEM.....	4
D.	AMENDMENTS TO THE PARLIAMENTARY ELECTIONS ACT.....	5
E.	ACCESS FOR OBSERVERS	6
V.	ELECTION ADMINISTRATION	6
A.	OVERVIEW	6
B.	MINISTRY OF JUSTICE.....	7
C.	ELECTION COMMISSIONS.....	7
D.	VOTER REGISTRATION.....	9
E.	REGISTRATION OF CANDIDATE LISTS	9
VI.	CAMPAIGN.....	11
VII.	CAMPAIGN FINANCE.....	12
VIII.	MEDIA	13
A.	MEDIA ENVIRONMENT	13
B.	LEGAL FRAMEWORK FOR THE MEDIA	14
C.	MEDIA COVERAGE OF THE ELECTIONS.....	14
IX.	PARTICIPATION OF WOMEN	16
X.	VOTING	16
A.	EARLY VOTING.....	16
B.	ELECTION DAY	18
XI.	COUNTING AND TABULATION	19
XII.	COMPLAINTS AND APPEALS.....	20
	ANNEX: RESULTS	22
	ABOUT THE OSCE/ODIHR	23

ICELAND
EARLY PARLIAMENTARY ELECTIONS
25 April 2009

OSCE/ODIHR Election Assessment Mission Report

I. EXECUTIVE SUMMARY

In response to an invitation from the Permanent Mission of Iceland to the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe early parliamentary elections, and following a Needs Assessment Mission from 3 to 5 March 2009, the OSCE/ODIHR deployed an Election Assessment Mission (EAM) for the 25 April 2009 elections to the Icelandic parliament (Althingi).

Iceland has a long tradition of holding democratic elections, and these elections were conducted in keeping with that tradition. Against a challenging economic background and a change of government after significant public protest, the early elections demonstrated a competitive, open and pluralistic process, founded on a high level of public confidence in the overall integrity, efficiency and impartiality of the election administration. Party and candidate registration was inclusive, ensuring a wide choice of political alternatives and enabling two new parties to contest the elections at short notice, with one of these parties obtaining representation in the new parliament. Turnout was reported at 85.1 per cent.

The campaign was effectively foreshortened as the elections were called at short notice and parliament remained in session until close to election day. It was vigorously contested but relatively low-key due to straitened financial circumstances. The media environment is free, with both public and private media being largely self-regulated. The media gave extensive coverage to parties and candidates, including through a series of debates, and provided a wide range of information and analysis. This enabled voters to make informed choices. Nevertheless, the regulatory framework governing the coverage of the campaign by public media could be strengthened.

The legal framework provides a generally sound basis for the conduct of democratic elections. A longstanding problem, however, pertains to structural imbalances in the weight of the vote between constituencies, most marked between the Southwest and Northwest, calling into question the overall equality of the vote. It would be timely to review the relevant legal provisions to ensure consistency with OSCE commitments and other international standards.

The election administration functioned in a commendably transparent manner, and in general managed the process professionally and effectively, according to well-established procedures. There is scope for enhancing the role and competencies of the National Election Commission, giving it authority over lower level commissions to ensure greater consistency in the overall administration of the elections. It would also be useful to review and update the arrangements for early voting.

According to standard practice, the OSCE/ODIHR EAM did not conduct comprehensive and systematic observation of election day procedures, although members of the EAM did visit polling wards and polling stations in all six

constituencies on election day. Voting and counting appeared to take place in a calm and orderly manner, with scrupulous attention to the secrecy of the ballot. Some differences in practice were noted between various local commissions.

In keeping with its OSCE commitments, Iceland invited the OSCE/ODIHR to observe these elections. The OSCE/ODIHR EAM was granted unrestricted access to all levels of the election administration, including polling stations and wards on election day. In order to remove any uncertainty, however, and to comply fully with OSCE commitments, it is desirable that the law specifically provide for access for international and domestic non partisan observers to all stages of the electoral process.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation of 11 February 2009 from the Permanent Mission of Iceland to the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe anticipated early parliamentary elections, the OSCE/ODIHR sent a Needs Assessment Mission (NAM) to Reykjavik from 3 to 5 March. In accordance with the recommendation of the NAM, the OSCE/ODIHR deployed an Election Assessment Mission (EAM) for the 25 April 2009 elections to the Icelandic parliament (Althingi).

The EAM was deployed from 14 to 29 April 2009. It was led by Ambassador Geert Ahrens, and consisted of 10 election experts from as many OSCE participating States. In addition to experts based in Reykjavik, the OSCE/ODIHR EAM deployed teams to all 6 constituencies during the campaign and on election day.

In line with standard OSCE/ODIHR practice, the deployment of the OSCE/ODIHR EAM did not encompass systematic or comprehensive observation of voting and counting procedures, although the EAM visited a limited number of polling stations on election day.

The OSCE/ODIHR wishes to thank the Ministry of Foreign Affairs, the Ministry of Justice, the National Election Commission, subordinate commissions, municipal and other authorities, and representatives of political parties, the media and civil society, for the co-operation and assistance extended to the OSCE/ODIHR EAM during the course of the mission.

III. BACKGROUND

The Constitution defines Iceland as a parliamentary republic. Parliament (the Althingi) is a unicameral entity composed of 63 deputies, elected for a four year term. The Althingi elects the government, which exercises executive power. The president of Iceland is directly elected, and whilst enjoying certain constitutional powers, has a largely representative role.

Previous parliamentary elections were held on 12 May 2007, leading to the formation of a grand coalition government of the two largest political parties straddling the political divide, the right of centre Independence Party (IP) and the Social Democratic Alliance (SDA). The other three parties obtaining representation in parliament in 2007 were the Left-Green Movement (L-GM), the Progressive Party and the Liberal Party.

The collapse of Iceland's three principal banks in October 2008, however, provoked a severe national financial and economic crisis, and caused Iceland to seek the assistance of the International Monetary Fund. Ensuing political tensions, and significant (and by Icelandic tradition, uncharacteristic) street protests in Reykjavik led to the fall of the government on 26 January 2009.

A caretaker minority government was subsequently elected, formed by the SDA together with the L-GM. A key component of the agreement for forming the new government was a pledge to hold early elections on 25 April. The President issued a decree on 13 March dissolving the Althingi, and calling new elections for the agreed date of 25 April, within the constitutional deadline of 45 days. The early elections took place against a background of an erosion of public confidence in a number of state institutions and in the political process as a whole as a direct consequence of the economic crisis, and widespread uncertainty about prospects for future prosperity.

Although the Althingi was formally dissolved to allow for the calling of early elections, it continued to meet until shortly before election day to consider a range of legislation. In this period, the Althingi adopted technical changes to the election legislation but did not adopt a proposal which would have significantly changed the voting system. Another bill considered by the Althingi during the pre-election period, which was also not adopted, concerned proposals for changing the way in which the Constitution could be amended.¹

IV. LEGAL FRAMEWORK

A. OVERVIEW

The legal framework in Iceland provides a generally sound basis for the conduct of democratic elections. The Constitution, which was adopted on 17 June 1944 and has since undergone a series of significant revisions,² includes the basic principles of the election system and the fundamental guarantees protecting suffrage rights. It also provides for the primary civil and political rights and freedoms in a democratic society, such as the freedom of opinion and expression, the right to vote and to be elected, the freedom of assembly and the freedom of political association.

Parliamentary elections are primarily regulated by the Constitution and the Parliamentary Election Act (Act Concerning Parliamentary Elections to the Althingi No. 24 of 16 May 2000) (hereinafter 'PEA').³ Further provisions relating to elections include the Broadcasting Act (2000) and the Law on Financial Affairs of Political Organizations and Candidates and Their Duty to Provide Information (2006), as well as regulations issued by the Ministry of Justice (MoJ).

Several officials noted that it would be timely to conduct an overall review of the PEA to identify provisions that could be clarified and modernized.

¹ According to Article 79 of the Constitution, when a proposal for amendment of the Constitution is adopted, parliament is dissolved and a general election held, and the amendment must then be approved by the newly elected parliament in order to enter into force.

² Amended on 30 May 1984, 31 May 1991, 28 June 1995 and 24 June 1999.

³ The PEA was most recently amended by Act No. 62/2001, Act No. 15/2003, Act No. 70/2003, Act No. 50/2006 and Act No. 88/2008.

B. SUFFRAGE

The right of suffrage is granted to all Icelandic citizens who have reached the age of majority and are permanent residents of Iceland.⁴ Non-resident citizens remain on the voter register for a period of eight years from the time they moved their residence from the country. After that date, non-resident citizens must apply to the National Registry to be included in the voter register. The right to be elected is accorded to all nationals who have the right to vote and who have not been convicted of a felony entailing the loss of civil rights. The election law further contains extensive provisions to facilitate universal franchise, providing for early voting, out of country and home-bound voting, and special procedures for blind people as well as for voters who are in hospital or are incarcerated.

C. ELECTORAL SYSTEM

For parliamentary elections, Iceland is divided into six multi-member constituencies, the boundaries and allocation of seats for which are generally determined by the PEA⁵, with the possibility of adjustment by the National Election Commission (NEC) in certain circumstances. The constituencies and the corresponding number of seats for the 2009 elections were respectively: the Northwest (9 seats), Northeast (10), South (10), Southwest (12), and Reykjavik North (11) and Reykjavik South (11). The NEC determines the boundaries of the two Reykjavik constituencies based on the population register of the National Registry five weeks⁶ prior to each election, in order for the number of voters in the two constituencies to be approximately the same.⁷

The NEC is also required to alter the allocation of seats between constituencies after any election, to take effect for the next election, if the number of registered voters represented by each parliamentary seat in any constituency is more than twice that of any other, in order to reduce that differential to below two to one. The number of seats per constituency must, however, never be less than six.⁸ The apportionment of seats noted above reflects the re-allocation by the NEC of one seat from the Northwest to the Southwest constituency for the 2007 Althingi elections, which applied also for the current elections.

The members of the Althingi are elected through a proportional list system. Of the 63 seats, 54 are distributed based on the results at the constituency level. There is no legal threshold at constituency level. After distribution of mandates within constituencies, there is a compensatory system for the remaining nine seats ('adjustment seats') in order to ensure full proportionality at national level among the eligible political organizations. Those eligible for adjustment seats are the political organizations whose lists have obtained at least five per cent of the valid votes cast at national level. All seats are allocated by the NEC according to the d'Hondt formula.

Under current legislation, candidate lists for each constituency are presented in a hierarchical manner determined by the political organization presenting the list. Voters

⁴ Article 33 of the Constitution and Article 1 of the PEA.

⁵ Articles 6 to 9 of the PEA.

⁶ Reduced to four weeks for these early elections.

⁷ Article 7 para 1 of the PEA.

⁸ Article 31 of the Constitution.

have the right to alter the order of candidates on the list by renumbering the candidates or by crossing out names from the list. Once seats have been allocated to political organizations, the NEC calculates which candidates receive mandates, according to voter preferences thus expressed. In practice, voter preferences have little impact on the results, as it takes a large number of voters expressing the same preference to affect the order of candidates on the list.⁹ In the 2009 elections two IP candidates in South and Reykjavik South constituencies moved down the list after voter preferences were taken into account, but both candidates nevertheless received mandates.

Most OSCE/ODIHR EAM interlocutors noted the longstanding problem of the regional discrepancies in the relative voting power of the electorate, and the lack of fundamental equality of the vote provided for by the paragraph 7.3 of the 1990 OSCE Copenhagen Document. Historically, the rural districts have been over-represented in the Althingi, with a greater number of seats than would be the case under a strictly proportional allocation. Some two-thirds of Iceland's population are concentrated in the greater Reykjavik area, embracing the two Reykjavik and the Southwest constituencies, with a continuing pattern of population movement to the southwest.

The Council of Europe's Commission for Democracy through Law (Venice Commission) recommends for equal suffrage that "the permissible departure from the norm should not be more than 10 per cent, and should certainly not exceed 15 per cent except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)." ¹⁰

For these elections, the three constituencies in the Reykjavik area had collectively some 50 per cent more registered voters per seat than the remaining three, the differential being greatest for the Southwest constituency vis a vis the Northwest, where the difference was approximately 100 per cent.¹¹ Significant disparities therefore persist as to the number of voters needed to elect a candidate within the different electoral units, which materially impair the equality of the vote and which are not adequately addressed by the reallocation powers available to the NEC.

It would be timely to consider a review of the relevant legal provisions for the distribution of parliamentary seats, in order to ensure compliance with the principle of equal suffrage.

D. AMENDMENTS TO THE PARLIAMENTARY ELECTIONS ACT

The Althingi adopted two bills at short notice in order to accommodate the early elections; the first was adopted on 3 March¹² and the second on 18 March.¹³ The latter was adopted after the elections had been called; both came into effect immediately.

⁹ "Apportionment of Seats to the Althingi", Dr. Thorkell Helgason, National Election Commission, March 2009, at www.landskjoer.is/media/frettir/AnalysisIcelandElectionApril2009.pdf

¹⁰ Venice Commission, "Code of Good Practice in Electoral Matters", (Opinion 190/2002), available at [www.venice.coe.int/docs/2002/CDL-EL\(2002\)005-e.asp#_ftnref41](http://www.venice.coe.int/docs/2002/CDL-EL(2002)005-e.asp#_ftnref41)

¹¹ "Apportionment of Seats to the Althingi", Dr. Thorkell Helgason, NEC, op. cit.

¹² Law 'regarding revision of the PEA, with subsequent revisions' of 3 March, 2009.

¹³ Law 'regarding revision of the PEA, with subsequent revisions' of 18 March, 2009.

The most significant change was to allow Icelandic citizens with their domicile abroad to apply to register until 25 March 2009 in order to be able to vote. The general rule in the law is that citizens abroad should register before 1 December in the year before an election. This change only concerned Icelandic citizens with a domicile abroad for more than eight years, who needed to apply to preserve their right to vote.¹⁴

Other amendments reduced the legal timeframes for aspects of the election process, in order to accommodate the early elections. These included, *inter alia*, that the election was to be conducted on the basis of the population register of the National Registry as of four weeks prior to election day instead of five, including the determining of the Reykjavik constituency boundaries; the publication of the electoral register eight days before election day instead of ten; the reduction of the deadline for submitting candidatures to eleven days prior election day instead of fifteen; and the announcement of candidatures to the public no later than five days before election day, instead of ten days.

E. ACCESS FOR OBSERVERS

The PEA foresees the right of the agents of political organizations to attend voting and counting, as well as meetings of the NEC related to rulings for participating in the elections and the allocation of parliamentary seats. In addition, it provides for the public to be present during counting of ballots. Nonetheless, the election legislation does not explicitly allow the presence of international observers in advance of the elections, during or after polling. The OSCE/ODIHR EAM was granted full access to the voting and counting process without any problems or hindrance.

Consideration should be given to amending the election legislation to allow for the presence of international and domestic non-party observers, in keeping with the good practice established by the Ministry of Justice and the National Election Commission, and in order to ensure compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.

V. ELECTION ADMINISTRATION

A. OVERVIEW

The framework for election administration in Iceland provides for several levels of commissions, including the NEC, Senior Election Commissions (SECs) and Local Election Commissions (LECs). Participation in the work of the election administration is regarded as a civic duty. The MoJ plays a significant role in the technical preparation of elections, with the support of municipal authorities. The National Registry Office is a part of the MoJ and manages the voter register. In addition, the Ministry of Foreign Affairs (MFA) is involved in organizing voting for citizens abroad.

The election administration at all levels is considered independent and competent, and as a whole enjoys the full confidence of stakeholders, including political organizations, candidates, voters and the media.

¹⁴ Article 1 (a) of the PEA.

B. MINISTRY OF JUSTICE

The MoJ oversees many of the technical preparations for elections to the Althingi, including printing ballots, issuing instructions on the design of ballot boxes, preparing voter information, distributing materials to SECs, and organizing the training of election authorities. The MoJ announces the day of regular parliamentary elections and calls repeat elections if needed. It also provides instructions on the voting procedures and election materials for early voting. These include blank ballots, envelopes, covering letters and stamps with the identifying symbol for each competing political organization. The MoJ also organizes the printing of ballots, the colour of which is changed for each parliamentary election.

The MoJ maintains a register of the identifying symbols (letters of the alphabet) assigned to the political organizations that put forward candidates for the previous parliamentary elections. The MoJ must inform the political organizations that are already on the register of any newly registered political organizations. It also decides which letters are allocated to new political organizations, taking into consideration their wishes and ensuring that there is no duplication.

Most of the OSCE/ODIHR EAM interlocutors expressed a high level of confidence in the professionalism of the MoJ in administering elections. Some indicated a need for more interaction between the MoJ and election officials, especially in providing more detailed guidance and conducting more comprehensive training for election commissions.

C. ELECTION COMMISSIONS

The NEC is an independent body elected for a four year term by the Althingi following each parliamentary election, and consists of five members and the same number of alternates.¹⁵ The members of the commission are nominated by political party groups proportional to their representation in parliament. The NEC elects its own chairperson. The NEC has a small secretariat constituted by parliament in the run-up to an election.

The NEC has limited responsibilities. It has an advisory role with respect to the SECs, but does not have authority over them. The NEC rules on disputes regarding candidate lists and functions as an appeal body on decisions of the SECs on the validity of the candidate lists. The NEC's role in relation to constituency boundaries is noted in Section IV C above.

The NEC also allocates parliamentary mandates to those elected following the procedures stipulated in the law, issues election certificates to the new members of parliament, and informs the government of the results. Except for issues concerning candidacy, the NEC does not have a role in deciding on the validity of an election. This determination is made by parliament itself.

The SECs oversee the election process at constituency level. As the NEC has no direct authority over them, there can sometimes be inconsistencies in practice amongst the

¹⁵ Article 12 of the PEA. Due to the fact that these were early elections, the members of the commissions would stay in office for less than four years.

SECs. Each SEC consists of five members and the same number of alternates. The members are elected by parliament in the same manner and for the same term as the NEC. The SECs elect their chairpersons from amongst their members. There are no permanent offices or staff, and the OSCE/ODIHR EAM was told that commissions tend not to meet more than two or three times in the run up to election day.

The SECs receive and decide on the validity of candidate lists presented by political organizations that are running in the elections (see Section V. E., Registration of Candidate Lists). While most interlocutors of the OSCE/ODIHR EAM expressed general satisfaction and trust in the SECs' work in this field, some indicated a need for more uniformity in the interpretation of legislation and procedures affecting candidate registration.

The SECs receive ballot papers from the MoJ not later than seven days before elections, and distribute them to each LEC, usually consigned through the public mail system, with official seals on the packages. The number of ballots should be equal to the number of the voters on the register plus ten per cent. In addition, the SECs distribute the guidelines on voting procedures, copies of the PEA and special Braille cards for blind voters. The SECs provide some training for the chairpersons of LECs, but the OSCE/ODIHR EAM noted a need for more comprehensive efforts to ensure consistent practice between LECs.

SECs play a major role in the counting of votes and reporting results to the NEC. Counting takes place centrally under the control of SECs, and not at LEC level. This is done in order to protect fully the secrecy of the vote in small population areas. In case of an emergency such as bad weather, the SECs have authority to establish an ad hoc regional election commission for the locality concerned to ensure the counting of the votes in a timely manner. Such a body would consist of three members and an equal number of alternates. It was not needed in these elections.

LECs are primarily responsible for conducting voting at polling ward level and transferring the ballot boxes to the SECs for counting. For these elections, there were 132 polling stations countrywide, covering a total of 269 polling wards, each administered by its own LEC. Where a polling station has more than one ward, the municipality can elect a special election commission to supervise the activities of the various LECs. LECs are composed of three members and an equal number of alternates elected by the municipal government. Political parties can propose members of the LECs, many of whom have worked in elections for many years and know their duties well. The OSCE/ODIHR EAM saw some variation in practices in the limited number of LECs visited but saw no evidence that it impacted adversely on the overall integrity of the administration of voting.

In seeking possible further improvement to the system of election administration in Iceland, consideration could be given to enhancing the role of the NEC, giving it authority over the SECs to ensure uniformity of practice at all levels of the election administration, and enhancing its competencies in such areas as matters concerning the rules for issuing ballots and determination of the validity of ballots.

D. VOTER REGISTRATION

Iceland has a passive voter registration system. The National Registry keeps a central database of registered voters, including those who reside abroad. After elections are called, it sends the relevant extracts to municipalities, which are responsible for preparing the voter registers used in wards on election day. No one can vote unless his or her name is on the voter register. Some 227,896 Icelandic citizens were registered to vote in the current elections, including 9,924 living abroad and 9,398 first-time voters.

A citizen must be registered as a resident in a municipality for at least four weeks prior to the elections in order to be put on the voter register for that municipality. The MoJ must announce that the voter registers are open for public inspection not more than twelve days before election day through state radio and television as well as in the press. The voter register must be available in the municipalities ten days before election day (eight days for these early elections) to enable election stakeholders and voters to review the register and submit possible complaints to the municipal authorities. Corrections – such as for death, or the grant or loss of Icelandic citizenship – may be made up to election day.

The National Registry sends the voter register database information to municipalities in hard copy form. Municipalities have to divide up by hand the consolidated hard copies for use in individual wards for voting, and enter by hand any alterations before election day. A number of municipal authorities suggested to the OSCE/ODIHR EAM that it would greatly ease the production of the voter register for use at ward level if they were able to handle it electronically, which they cannot do at present.

The voter registers appeared to be accurate and no political organizations expressed any concern over this aspect of the election administration.

E. REGISTRATION OF CANDIDATE LISTS

Candidate lists can be presented only by political organizations registered with the MoJ.¹⁶ Political organizations are usually political parties, but other groups may also put forward candidates. There is no provision in law for individuals to run as candidates without associating themselves with a political organization, although individuals can join together and present lists. One such group of individuals, the ‘L List’, had informed the OSCE/ODIHR Needs Assessment Mission in March that it was attempting to do so for these elections, but it did not proceed with its candidature.

Seven political organizations submitted their candidate lists to the SECs to run, including two new parties which formed at short notice, the Citizens’ Movement (CM) and Democratic Movement (DM). The CM and DM had first to follow the procedures which required them each to present at least 300 signatures of supporters to the MoJ in order to get an identifying letter. The other five political organizations were the political parties represented in the outgoing parliament. Several parties chose their candidates through primaries.

¹⁶ Article 32 of the PEA defines political organizations as organizations that put forward candidates or have previously done so for the Althingi elections.

Each candidate list must contain exactly double the number of candidates as there are seats to be allocated in the constituency, including compensatory seats. In total there were 772 candidates. The PEA requires that each candidate submits to the relevant SEC a written declaration of their consent to run as a candidate for a particular list.¹⁷ It does not explicitly state, however, whether the electoral contestants should clearly link their candidature to a particular constituency or whether a universal declaration for the political organization for which they run is sufficient.

The PEA also requires written declarations of support for the lists from voters in the relevant constituency, with the number of sponsors being between 30 and 40 times the number of seats in the constituency. It further stipulates that if a list includes the name of a person without the accompanying written permission, or if a person has signed for more than one list, then the SEC will remove that name from the list or lists.¹⁸ However, the law does not provide any guidance on how the written declarations should be collected, or on the criteria or procedure for verification.

The absence of clarity in the law led to controversy, differing interpretation by the SECs, and complaints. The initial candidate list submissions of both of the new political organizations were deemed to be not in accordance with the rules in some constituencies. While the CM managed to correct their lists, the candidate lists of the DM were denied registration by the Reykjavik North and South SECs on 16 April. According to the rulings, the candidates did not identify in their written declarations in which constituency they were running. It is noteworthy that the other four constituencies interpreted the PEA differently and approved the DM lists.

Following the procedure prescribed by law, the DM submitted an appeal to the NEC against the rulings of the Reykjavik North and South SECs. In an inclusive approach, the NEC approved these lists on 17 April, deciding that as the relevant legal provisions were unclear, the law should be interpreted in favour of the political organization. A separate complaint submitted to the Southwest SEC by a candidate of the DM (No 21 on the list) on 22 April, alleging that she signed the list as a supporter of the political organization and not as candidate, was rejected by the Southwest SEC on 23 April, due to the expiration of the deadline for candidates to cancel their approval for candidature.

The law provides for SECs to permit political organizations to remedy any deficiencies in their candidate lists ‘within a time limit set for that purpose, as time and circumstances allow’, but it does not, however, set a specific deadline.¹⁹ Similarly, no precise time limit is provided for the SECs to approve the electoral lists (which must be marked with the political organization’s letter of the alphabet) and forward them to the NEC for consideration and publication.²⁰

Consideration should be given to reviewing and consolidating the relevant legal provisions relating to the registration of candidate lists including deadlines, and to developing standard forms and guidance for all constituencies, in order to make the candidate registration process as inclusive, consistent and unambiguous as possible, and to ensure that candidate lists are approved well before election day.

¹⁷ Article 32 para 1 of the PEA.

¹⁸ Articles 32 para 1, 33 and 34 of the PEA.

¹⁹ Article 41 para 1 of the PEA.

²⁰ Article 44 para 1 of the PEA.

VI. CAMPAIGN

The campaign saw wide political diversity and plurality with the five established parliamentary parties competing together with the two newly registered political organizations, the CM and DM, offering voters genuine choice, but against a background of widespread public disillusionment with politicians and the political process following the financial collapse of October 2008. The parliamentary parties covered the political spectrum from the right of centre IP and Progressive Party, to the centrist Liberal Party, centre left SDA, and the left green socialism of the L-GM. The CM was formed in March 2009, in the aftermath of the popular protests by a group of intellectuals and artists, new to the political arena. The DM was also registered in the run-up to the elections. Its leader, Mr Asthor Magnusson, ran in presidential elections in 1996 and 2004.

The campaign itself is largely unregulated, and there is no official campaign period. What was likely to have been a short campaign in the context of early elections, was de facto made shorter still as parliament unexpectedly continued to sit until a week before the elections. Only in the final days did the campaign develop real momentum. The SDA attempted to obtain parliamentary endorsement before the elections of changes to the Constitution so that potential future membership of the EU would not require further early elections, but the proposals were vigorously opposed by the IP and eventually abandoned. The SDA withdrew its draft bill on 16 April and parliament terminated its session the following day.

Whilst parliament was sitting, MPs were constrained in their opportunity to campaign in their constituencies and the media focused mainly on the constitutional debate, leaving only a week for voters to become fully acquainted with parties' and candidates' specific platforms. The CM and DM told the OSCE/ODIHR EAM that the extended session of parliament drew excessive public attention to the parties represented there, whilst the two new political organizations were deprived of such coverage in the media.

The final list of candidates was published on 20 April. All the competing parties told the OSCE/ODIHR EAM that because of the financial crisis, raising funds had been difficult, and that the shortage of money and time for preparation had limited the scope of their campaign activities. Indeed, they also noted that in a time of economic hardship and recession, it would not have been appropriate politically to generate conspicuous consumption or expenditure. Accordingly, the campaign was generally acknowledged to have been significantly more low key and less visible than those of recent years, with signs of campaigning barely noticeable in the streets of the capital, until the final days.

All contestants had the opportunity to communicate their messages and manifestos to voters. The campaign was mainly conducted via advertising in the broadcast and print media, through small-scale meetings and events, and by door-to-door canvassing. Parties avoided costly meetings. The internet was widely used with a number of candidates maintaining personal blogs. In the same manner as they had agreed before the previous elections of 2007, the five parliamentary parties again concluded an agreement between themselves to establish an unofficial ceiling of 14 million ISK (approximately 82,000 EUR) on total media expenditure including use of the web, but excluding spending on poster space.

The issues of the campaign focused mainly on the social and economic consequences of the financial crisis for households and the remedies proposed by the parties; the need to protect health and social security budgets; employment, mortgages and taxation; and potential accession to the EU and adoption of the Euro, which featured strongly in the last days of the campaign. The SDA advocated negotiating with the EU on the terms of possible membership, whilst the IP called for joining the Eurozone without membership of the EU itself. The campaign was also dominated by the repercussions of revelations in mid-April that the IP, SDA and certain individuals had received large corporate donations of up to 30 million ISK at the end of 2006 (at that time, approximately 320,000 EUR) two days before the coming into effect of strict new legal limits on donations to political parties.

VII. CAMPAIGN FINANCE

The Act on the Financial Affairs of Political Organizations and Candidates and Their Duties to Provide Information²¹ regulates political party funding and campaign finance, and contains a number of provisions concerning parliamentary elections:

- a limit on individual donations (300,000 ISK or some 1,800 EUR);
- a ceiling on total campaign expenditure for primary elections (1 million ISK or some 6,000 EUR) per candidate;
- an obligation for political organizations to submit an annual financial statement for income over 300,000 ISK to the National Audit Office;
- an obligation for individual candidates to prepare a financial statement for campaign expenditure over 300,000 ISK, and submit it to the National Audit Office within six months after the election;
- a public subsidy for parties which gain at least 2.5 per cent of valid votes cast, allocated in proportion to the number of votes for that party;
- a public subsidy granted for the activities of parliamentary groups; and
- publication of summaries of financial statements by the National Audit Office.

These provisions enhance transparency and accountability in an area which had not previously been regulated. All the political organizations running in the elections told the OSCE/ODIHR EAM that they were in favour of the regulatory regime, although there were different views as to the appropriateness of the various ceilings. A number of parties, candidates and non-governmental organizations underlined the need to further develop this legislation and enforce the campaign financing restrictions.

A 2008 report by GRECO recommended potential areas for improvement in the law and its implementation.²² The report suggested, inter alia, that the National Audit Office be vested with appropriate authority to carry out, if needed, material verification; to review the sanctions available for the infringement of the rules to ensure that they are effective, proportionate and dissuasive; to define the content of the summarized

²¹ Adopted on 21 December 2006 and effective as of 1 January 2007, with statutory provisions on primary elections effective as of 1 June 2007.

²² GRECO, Group of States against Corruption, "Evaluation Report on Iceland, Transparency of Party Funding", Greco Eval III Rep (2007) 7E, Theme II; Third Evaluation Round, Strasbourg 4 April 2008, www.coe.int/t/dghl/monitoring/greco/general/3.%20What%20is%20GRECO_en.asp.

financial reports which are made public of political parties' and candidates' accounts, and to introduce clear provisions determining the start and end of the requirement to maintain records for a financial report. The OSCE/ODIHR EAM was informed that the current legislation is under review and that a draft law could be put before the Althingi by the end of 2009.

VIII. MEDIA

A. MEDIA ENVIRONMENT

There is a long tradition of freedom of expression in Iceland, and there appeared to be general public confidence in the independence of the media, although concerns persist about concentration of media ownership. According to recent statistics, ten television stations are operating in the country: the Icelandic National Broadcasting Service (RUV) runs a nationwide channel, whilst the other nine channels (six nationwide and three regional/local) are privately owned.²³ Five of these TV stations are pay channels, and the remainder are free to view. The public channel *Sjónvarpið* and the private *Stöð 2* (Channel 2) are the main news oriented channels. Of the 21 radio stations broadcasting, RUV runs two at national level and three regional stations;²⁴ two other private radio stations have nationwide coverage, while the other 13 outlets transmit locally. Print media have a very high level of readership; the daily newspapers *Frettabladid*, distributed free of charge, and *Morgunbladid* have the largest circulation. The Internet is widely used in Iceland with 88 per cent of households having an internet connection, and a very high usage amongst young people.

RUV is funded by licence fee and advertising revenue. In 2007, the legal status of the public broadcaster changed from that of a State institution into a public limited company owned by the State, thus reducing direct State involvement. The managing board, appointed by parliament, is in charge of major decision-making for the operation of the company, hires the general director and approves the budget. The Ministry of Education, Culture and Science controls the State's share in RUV.

The private media sector is dominated by the 365 Media Corporation, by far the largest media company in Iceland. Limits on the concentration of media ownership have been considered in the past but have never been adopted into law. Given a limited population and advertising market, it is even more important that conglomerate media achieve an internal pluralism, promoting diversity of opinion in programming. Anti-monopoly rules or self-regulation embracing principles of social, cultural and political pluralism in content are examples of good practice in many OSCE participating States.²⁵

²³ Source: Statistics Iceland: www.statice.is, latest update 28 February 2008.

²⁴ There were 4 regional public radio stations, but the one in Selfoss is currently not operating.

²⁵ See the Joint Declaration of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, and the OAS Special Rapporteur on Freedom of Expression, December 2007,

www.osce.org/fom/documents.html?lsi=true&limit=10&grp=401

The Council of Europe has also issued recommendations and reports such as: Recommendation CM/Rec (2007)2 of the Committee of Ministers to member states on media pluralism and diversity of media content, and the Declaration of the Committee of Ministers on protecting the role of the media in democracy in the context of media concentration, January 2007.

Given the importance of media diversity to democracy, measures to limit concentration of media ownership, or promote internal pluralism of media, could again be considered.

B. LEGAL FRAMEWORK FOR THE MEDIA

The legal framework governing the media is essentially composed of the Constitution, the Broadcasting Act, the Regulation on Broadcasting Activities, the Icelandic National Broadcasting Service Act, the Public Service Broadcasting Contract and internal regulations within RUV. Neither this set of media legislation nor the PEA, however, provide rules on the media coverage of elections.

Article 73 of the Constitution provides for freedom of expression without censorship. Restrictions on freedom of expression may relate only to limited issues of public order, security of the State, protection of public health or morals, or the rights or reputation of others. The Broadcasting Act (2000) prescribes a general duty to apply democratic principles for all broadcasters; there are no special obligations relating to the pre-election period.

The Broadcasting Act and the Regulation on Broadcasting Activities (2002) define the role of the Broadcasting Licensing Committee (BLC). The BLC, consisting of three members, is responsible for granting broadcasting licences, revoking them in case of serious and repeated infringements, and levying administrative fines or issuing warnings. Complaints are to be dealt with by the BLC.²⁶ The BLC has an essential role in the administration of the broadcasting sector through issuing licences, but no obligation actively to supervise or monitor media coverage of the elections. It therefore has no effective way to deal with complaints regarding election coverage. It currently has only a single part-time supporting staff member.

The Icelandic National Broadcasting Service Act and the Public Service Broadcasting Contract with the Minister of Education, Science and Culture strengthen the obligations of RUV as a public service broadcaster. RUV is charged with providing broad, reliable, impartial, and objective news to achieve social, cultural and political pluralism in its programming. The only reference to election campaign reporting appears as a self-regulation in the internal rules of RUV, where it is stated that candidates shall not appear in other programmes than those specifically meant to cover the elections, such as news or debates among candidates.

Consideration could be given to granting the BLC a supervisory role in relation to media in elections and to adopting a set of rules on media coverage of the campaign.

C. MEDIA COVERAGE OF THE ELECTIONS

In the run-up to the elections, RUV broadcast six debates (one in each constituency) with candidates from all seven competing lists, and two debates with all party leaders. The debates were broadcast live during peak time viewing and re-broadcast later the same evening and again the following morning, and put on RUV's website. RUV broadcast some 12 hours of debates (36 hours including the repetitions) during the three weeks prior to the elections. In addition, the private television station Channel 2 aired

²⁶ Article 12 of the Broadcasting Act.

election-related programmes inviting all the competing parties. In spite of the brevity of the election campaign, these debates offered a genuine opportunity for voters to form their opinions on the political alternatives.

Furthermore, RUV and Channel 2 gave extensive coverage to campaign activities in their newscasts. In the absence of official media monitoring of the campaign, there were no statistics on time allocated to parties. Media representatives told the OSCE/ODIHR EAM that the larger parties obtained more coverage in television news programmes due to the continued sitting of parliament. One formal complaint against RUV, by the DM, was filed to the Minister of Education, Culture and Science and to the BLC. The DM alleged that RUV's coverage of the party's campaign was unduly limited. The BLC dismissed the complaint given the number of debates held with all parties and the lack of grounds for such a complaint under the current legislation.

During the primaries for candidate selection, the newly licensed private television station *INN*²⁷ offered a 30 minute paid interview to a candidate. While paid advertising is permitted, the BLC warned the channel that a paid program of this length would not comply with the law, and *INN* acknowledged its error, citing misunderstanding.

The BLC could consider issuing instructions on political advertising to help ensure consistent media practice. Paid airtime should clearly be marked as such in order to highlight the commercial nature of the messages.

At its own initiative RUV offered all seven competing political organizations a 10 minute slot of free airtime on public television on condition that the majority of them agreed. Free airtime had been given in previous elections, without such a condition. For the 2009 elections, four of the seven competing political organizations (all four of which were established parliamentary parties) declined the offer on the grounds that high production costs outweighed the possible benefit, and RUV withdrew the offer. The decision by RUV to decide the issue by majority interest was strongly criticized by the two newly formed political organizations, the CM and DM.

In practice, RUV's majority approach to the issue of free airtime denied the smaller parties a potential means of expressing their views to voters, based on a decision by the larger parties. Although the allocation of free airtime is not compulsory, it is a practice in many OSCE participating States that public broadcasters offer free airtime to parties competing in elections. Free airtime especially allows smaller competitors, with limited resources, an opportunity to address the electorate.

The provision of free airtime could be addressed in legislation in order to ensure consistent practice in each election.

Print media played a constructive role in the campaign, offering extensive coverage of the political alternatives, and direct access for contestants, with copious interviews and articles. Icelandic websites, independent or party affiliated, were another important source of information for voters. As an example, the website of the newspaper *Morgunbladid*²⁸ recorded 20 minute interviews with representatives of all seven parties running, which was aired on the web and aroused considerable public interest.

²⁷ A relatively small TV station licensed in late 2008.

²⁸ www.mbl.is

IX. PARTICIPATION OF WOMEN

Equal rights for men and women are guaranteed in the Constitution. The Act on Equal Status and Equal Rights of Women and Men (2008) defines how this constitutional provision is to be implemented. The Act stipulates that the Ministry of Social Affairs is in charge of supervising the implementation of the law and provides for the creation of the Centre for Gender Equality, which is responsible for monitoring the compliance of State institutions, enterprises and non-governmental organizations with the Act.

Iceland has a strong and positive record in the emancipation of women. The first Icelandic organization fighting for women's suffrage was established in 1894, and women were granted the rights to vote and be elected in 1915. Women enjoy a significant level of representation in the national leadership. The outgoing government was the first in Icelandic history to be headed by a woman, Ms Johanna Sigurdardóttir, and five out of ten ministers in her government were women. For the current elections, most political organizations pledged to guarantee equal opportunities to men and women and generally adhered to the principle of a minimum ratio of 60/40 representation of men/women on their lists, with some parties advocating equal representation (50/50).

Women accounted for 31.2 per cent of the composition of the outgoing Althingi. This proportion significantly increased to 43 per cent in the newly elected parliament, with 27 women of the 63 deputies, the highest on record. Three of the elected political parties (SDA, G-LM and CM) have an equal number of male and female Members of Parliament. Women also represent more than half of all first-time deputies (13 out of 25).

The OSCE/ODIHR EAM noted that women were well represented throughout the levels of the election commissions.

X. VOTING

A. EARLY VOTING

Early voting beginning many weeks before polling day has a long tradition in Iceland and appears to enjoy a high level of public confidence. Any voter may vote early, and the various forms of early voting as a whole account for some 12 per cent of overall turnout. A voter may cast multiple early votes, and a voter casting an early ballot may also vote at a polling station on election day if they so wish. In case of multiple votes, only the last vote is counted.

Early voting ordinarily begins eight weeks before election day. Under the shortened deadlines for early elections, early voting started on 14 March, the day after elections were called, and lasted for six weeks.

The main location for early voting is at District Commissioner offices (26 countrywide), but it can also be done at the offices or homes of the chairpersons of local councils. District Commissioners are officials appointed by the MoJ, with wide-ranging administrative responsibilities. Early votes can also be cast in hospitals, institutions for the elderly and for people with disabilities, or in prisons. Voters who are

unable to leave home in order to cast their vote can apply to vote at home. Early voting taking place abroad is organized in Icelandic diplomatic representations.²⁹

Ballot papers for all early voting are blank, with no pre-printed names. Voters mark their ballots by means of a stamp with the letter of a political organization, or by writing a letter on the ballot. Although early voting began on 14 March, it was not until 17 April that there was final confirmation of candidate lists by the NEC, with the lists published three days later. Anyone voting before the latter date could not be sure which candidates – or even which political organizations – were running in the elections. In these elections, only after confirmation by the NEC could the MoJ send stamps with the new party letters for the CM and DM to District Commissioner offices, and to the MFA for out of country voting. Before then, no stamps were provided to voters, who voted by writing on the ballot paper the letter of the political organization of their choice.

Early voting is always supervised, which ensures both the identity of the voter and the secrecy of the vote. In order to cast an early vote, voters are required to prove their identity to the election official. The voter's name and details are printed by computer in a cover letter by the election officials, which the voter has to sign. The voter places the completed ballot paper in an inner envelope, which is then put together with the cover letter in the postal envelope, and put in the ballot box or sent by post to the District Commissioner's office or election commission where the voter is registered to vote, in time to arrive before the polls close on election day. The early voting process in the District Commissioner offices visited by the OSCE/ODIHR EAM proceeded slowly because of the amount of information which has to be handwritten on the envelopes (voter's name, identification details, address and municipality).

The OSCE/ODIHR EAM was informed by the MFA that electoral offices for out of country voters were located in 26 diplomatic missions, 235 honorary consulates and in Iceland Crisis Response Units (peacekeeping). These offices had no duty to inform voters about party lists or to provide information as to which political organizations were running in the elections, which was a matter for the voters concerned. Voters themselves were responsible for ensuring they were registered to vote in Iceland and knowing how to cast their ballot. Although the diplomatic representations made efforts to facilitate voting abroad, in some instances out of country voters had to travel long distances to cast their vote, or they had to make an appointment in order to do so in an honorary consulate.

For patients in hospital, the elderly in care homes and prisoners, early voting took place at a time decided by the District Commissioner in consultation with the institutions concerned, as close to election day as possible. Voters unable to go to a polling station on election day due to illness or disability could vote at home, application for which had to be made in writing four days prior to election day. The OSCE/ODIHR EAM was informed that little use is made of home voting.

Whilst early voting clearly remains an important and valued feature of the Icelandic electoral landscape, it would be timely to undertake a comprehensive review of the practice and relevant legal provisions, to update and simplify procedures where

²⁹ Passengers and crew on Icelandic vessels sailing abroad may cast their vote on board, although the OSCE/ODIHR EAM was informed by a number of District Commissioners that this practice had not been followed for many years, and was regarded as archaic.

possible. Early voting should not begin before candidatures have been confirmed by the NEC. Further computerization for filling in early voting envelopes could be considered, similar to the technology already in use for completing the voters' cover letters.

B. ELECTION DAY

In accordance with standard practice, the OSCE/ODIHR EAM did not observe election day proceedings in a systematic or comprehensive manner. Nonetheless the OSCE/ODIHR EAM visited a limited number of polling stations in all six constituencies.

Overall, voting appeared to be well organized and professionally administered by commissions who were familiar with their responsibilities. Secrecy of the ballot was invariably respected. Media reports that there might be attempts by some people to express frustration with the political system by disrupting polling proved unfounded, although many municipalities took precautionary measures.

Voter turnout was reported at 85.1 per cent (see Annex for Results). Polling stations were generally open from 09.00 to 22.00 hrs. As a general rule, voting may not be ended before eight hours have passed since it began, although it may end earlier in certain circumstances, such as if all voters who are on the voter register have voted.

Police officers were often present in the vicinity of polling stations, in an unobtrusive manner. Many municipalities organized additional staff at larger polling stations which were host to multiple wards in order to guide and assist voters, and if necessary maintain order. Access for handicapped voters was good. All wards visited had Braille cards so that blind voters could vote in private without assistance.

A demanding element of the responsibility of LECs on election day is the checking and validating of early votes. At the end of polling, LECs have to check all early ballots to ensure that either they are discarded if the voter has appeared in person to vote, or that the early vote is the last vote cast if the voter has cast more than one early ballot. This requires every postal envelope to be checked against the voter register, and to confirm that the voter is entitled to vote. The same procedure is followed at SEC level for any votes addressed or handed in directly to the SEC. Valid early votes are then added to the ballot box for counting, and the voter register marked accordingly. These administrative procedures were burdensome for the three-member LECs at the end of a long day, and raised the possibility of human error. *There is scope for greater use of the three alternate LEC members, a valuable spare resource who otherwise may have little or nothing to do.*

In Akureyri, a local referendum took place at same time as the Althingi elections on whether the neighbouring island of Grimsey should join Akureyri municipality. The simultaneous elections caused some administrative problems, and exposed weaknesses in arrangements for handling and validating early ballots cast for parallel elections. Each of the wards had two separate ballot boxes, different coloured ballots and two voter registers, as the suffrage for the local referendum was slightly different since it included some resident foreign nationals. The referendum made the process of validation of early ballots more complex because during early voting, some voters put two different ballots, one for the referendum and one for the Althingi elections, in one envelope, and some envelopes were mistakenly marked for the wrong election. Totals

of early votes in Akureyri could not be easily reconciled, which led to delay in announcing results.

The OSCE/ODIHR EAM noted also that the number of voters per polling ward at a new polling station location in Akureyri was high, rising to over 1,600 in one instance. This led to long queues and delays of up to an hour for voting.

XI. COUNTING AND TABULATION

Political parties and others expressed a high level of confidence in the process of counting and the tabulation of results. Counting is not done at ward level but is centralized at the constituency level, under the direct responsibility of the respective SEC. Full ballot boxes are sealed and delivered to the SECs before the close of polls, and the PEA authorizes sorting of ballots and preparation for counting to begin *in camera* before the polls have closed at 22:00 hours, in the presence of party agents.³⁰

Counting attended by the OSCE/ODIHR EAM was efficient and transparent. Counting proceeded for the most part in line with legal provisions, except that counting of votes started at 18.00 hrs when the first ballot boxes were delivered, and not at 22.00 hrs as the law stipulates. This appears to be a longstanding practice in order to facilitate the announcement of preliminary results, which are technically estimations, immediately after the close of polls. Party agents were present in all cases, and there were no complaints. After the close of polls, the vote count was open to the public and took place for the most part in large open sport halls, with unrestricted viewing promoting transparency.

The OSCE/ODIHR EAM also observed that there were certain inconsistencies in practices between various counting centres. For example, there were different methods of deciding on invalid ballots. In some cases a single SEC member would rule on validity; in others party agents played a role. Some counting centres mixed ballots from different ballot boxes in a container before counting as stipulated in law, whilst others did not, dealing with a single ballot box at a time. The police played an active role, delivering ballot boxes from LECs to SECs in many cases, and participating on occasion in the early stages of the count, breaking seals and emptying boxes.

If the current practice of counting votes in camera prior to the close of polls is retained, the law could be clarified in this respect. The active involvement of the police in delivering and opening ballot boxes could be reconsidered.

The counting of early votes was done after the ballots from regular polling stations were counted. During counting the SECs gave periodic updates on preliminary results to the media. After the count, SECs sent election results to the NEC and to Statistics Iceland. The votes per candidate, a more cumbersome procedure wherever voters have chosen to reorder or cross out names on the ballot, were counted the next day at SEC level. There is no unified and centralized computer system for the overall tabulation of results; the introduction of such a system could enhance the efficiency of the process.

³⁰ PEA, Article 99.

XII. COMPLAINTS AND APPEALS

Jurisdiction over election disputes is shared between the SECs, the NEC and the Althingi; the PEA provides no role for the courts in the adjudication of complaints, apart from criminal matters.

In these elections, a total of four complaints were submitted to the relevant authorities. Two of them concerned the denial of registration of the electoral lists of the DM by the Reykjavik North and South SECs (see Section V. E.). Another complaint, based on Articles 118 and 120 of the PEA, was submitted by two individuals on 1 May 2009, requesting that the Althingi deliver a ruling invalidating the elections. The complaint alleged that Chapters II and XVI of the PEA led to an imbalance in the weight of votes among the constituencies and therefore did not respect the principle of equality stipulated by Article 65 of the Constitution. The complaint was rejected by the Althingi committee responsible for the examination of complaints, on the grounds that since Article 31, paragraph 5 of the Constitution provides for the possibility of different weight of votes between constituencies, this specific provision should be seen as *lex specialis* relating to the equality principle of Article 65 of the Constitution, on which the complaint was based. The Althingi thus confirmed the election results.

The Constitution and the PEA mandate the Althingi to adopt a decision on the legality of the elections and the eligibility of the deputies elected to parliament.³¹ However, the law does not provide a mechanism for the appeal of this decision by an independent and impartial judicial authority, which appears inconsistent with the substantive right of access to court.³²

The PEA envisages the possibility of challenging the rulings of the SECs regarding the registration of candidate lists to the NEC, within 24 hours from when the ruling was delivered.³³ The NEC is required to process the lists and forthwith to announce the lists to the public, in any case no later than ten days prior to election day;³⁴ yet the law does not explicitly set a deadline for the NEC to render a prompt decision. Likewise, the law provides that a time limit will be set for filing complaints concerning the electoral register to the relevant municipal authority, which ‘must give immediate attention’ to the complaints it receives, but does not prescribe a specific deadline for the municipal authority to reach a decision. It explicitly states, however, that corrections to the electoral register ‘may be made right up to election day’.³⁵

Consideration could be given to setting specific time limits for the submission and adjudication of complaints and appeals, in order to be fully consistent with the broader principle of effective means of redress against administrative decisions, set out in paragraph 5.10 of the 1990 OSCE Copenhagen Document.

³¹ Articles 46 of the Constitution and 118-120 of the PEA.

³² Paragraph 3.6 of the Code of Good Practice in Electoral Matters of the Council of Europe’s Venice Commission (CDL-AD (2002)).

³³ Articles 41, 42 and 44 par. 2 of the PEA.

³⁴ This deadline was reduced to five days prior to election day, specifically for the 25 April 2009 elections.

³⁵ Article 27 of the PEA.

Apart from the registration of candidate lists, the law does not explicitly prescribe procedures for the admissibility of complaints and appeals on other decisions of the authorities which are responsible for the conduct of elections, so as to preserve the right of aggrieved parties to seek redress. Some OSCE/ODIHR EAM interlocutors noted that it might be possible to file a complaint to the courts on the basis of the Constitution and the Administrative Procedures Act,³⁶ but the admissibility of such a complaint would be a matter for the court concerned.

It is possible to submit a complaint to the Althingi Ombudsman, who has jurisdiction to examine complaints against actions of the State and local administration; however, his mandate does not extend to rulings of the SECs and the NEC, which are elected by parliament, and as such are bodies of parliament and accordingly fall outside the jurisdiction of the Ombudsman.³⁷

The legal framework for electoral complaints could be reviewed to ensure overall clarity in lines of redress, and to clearly provide possible complainants with the opportunity to submit complaints concerning all aspects of the electoral process, to have their complaints heard by a competent administrative or judicial body, and to appeal, in line with broadly accepted practices.³⁸

³⁶ Articles 46 of the Constitution and 26 of the Administrative Procedures Act.

³⁷ Articles 3 and 4 of Act No 85/1997 on the Althingi Ombudsman.

³⁸ Para 10.3, page 23, Existing Commitments for Democratic Elections in OSCE participating States.

ANNEX: RESULTS

Final results were published by the NEC as follows:³⁹

Official Final Election Results

Total number of registered voters	227,896
Total number of votes cast	193,934
Turnout (percentage)	85.1%
Total number of invalid votes	528 (0.3%)
Total number of empty ballots	6,226 (3.2%)

Distribution of valid votes to the political organizations and allocation of seats:

Political Organization	Votes received	Number of seats	Balance
Social Democratic Alliance	29.79% (55,758 votes)	20	+2
Independence Party	23.70% (44,369 votes)	16	-9
Left-Green Movement	21.68% (40,580 votes)	14	+5
Progressive Party	14.80% (27,699 votes)	9	+2
Citizens Movement	7.22% (13,519 votes)	4	First election
Liberal Party	2.22% (4,148 votes)	-	-4
Democratic Movement	0.59% (1,107 votes)	-	First election

³⁹

Source: www.landskjoer.is/media/frettir/Results2009.pdf and mbl.is

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihhr).