



Office for Democratic Institutions and Human Rights

ICELAND

EARLY PARLIAMENTARY ELECTIONS 25 April 2009

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

3 – 5 March 2009



Warsaw
18 March 2009

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I. INTRODUCTION

On 11 February 2009, the Permanent Mission of Iceland to the OSCE invited the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe anticipated early parliamentary elections. The OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Reykjavik from 3 to 5 March 2009. The NAM was composed of Mr. Gerald Mitchell, Head of the OSCE/ODIHR Election Department, and Mr. Jonathan Stonestreet, OSCE/ODIHR Senior Election Adviser.

The purpose of the OSCE/ODIHR NAM was to assess the pre-electoral environment and the preparations for the early parliamentary elections, and to advise on a possible election observation or assessment activity. The OSCE/ODIHR NAM met with the Ministry of Foreign Affairs, Ministry of Justice, the National Election Commission, the Speaker of the Parliament, political parties, media representatives and civil society organizations. A full list of meetings is included as an annex to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs of Iceland for its assistance and cooperation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM.

II. EXECUTIVE SUMMARY

Following an economic crisis in the Republic of Iceland in autumn 2008, significant public protest, and the fall of the government in January 2009, the interim government announced that there would be early parliamentary elections. Although the date had not been formally set as of the time of the OSCE/ODIHR NAM, there was an agreement among the parties in government that the elections would be held on 25 April 2009, and all parties were actively preparing for the elections. The elections were subsequently confirmed for this date on 13 March.

Iceland has a unicameral parliament composed of 63 members, elected from six multi-member constituencies on the basis of proportional representation. Iceland has a long-standing tradition of democratic practice, and its legal framework for elections appears to be overall conducive to the conduct of democratic elections. A number of measures are in place to ensure the universality of the franchise, including extensive early voting, voting for citizens abroad, and voting in institutions and prisons. A system of Braille balloting is available for the visually impaired.

Some issues were raised with the OSCE/ODIHR NAM regarding the legal framework, however, including the equality of the vote among the constituencies. In addition, the legislation does not provide for full access to the process by international observers and domestic non-partisan observers, and is therefore not fully compliant with the 1990 OSCE Copenhagen Document.

There is ongoing discussion regarding the date of the dissolution of parliament and whether the early elections will be conducted according to a reduced timeframe. At least three bills of amendments to the Parliamentary Elections Act are currently under consideration. One of these proposals would change the voting system to allow voters greater choice in ordering the candidate lists; however, not all parties agreed that such a change should be introduced just before the election. In addition, there has been discussion of a constitutional amendment prior to the early elections in order to facilitate possible constitutional reform in the future.

The election will be administered by the Ministry of Justice, various levels of election commissions, and other authorities. The National Election Commission has specifically defined roles and does not oversee the work of lower-level commissions. All interlocutors expressed a high level of confidence in the administration of election processes, even those who noted less confidence in political institutions and parties.

The election campaign is expected to be very active, and political organizations are already conducting primaries in order to prepare their candidate lists. Several interlocutors raised issues with the OSCE/ODIHR NAM concerning the concentration of media ownership and equitable coverage of political organizations and civil society groups by media outlets.

The OSCE/ODIHR recommends the deployment of an Election Assessment Mission to the 25 April early parliamentary elections. Issues that may receive particular attention include the legal framework and possible amendments, early voting, media issues and access for observers.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

Article 1 of the Constitution defines Iceland as a parliamentary republic. The Parliament of Iceland (*Althingi*) is a unicameral body composed of 63 deputies, elected for a four-year term in office. The Parliament elects the government, which exercises executive power. The President of Iceland is directly elected and has certain constitutional powers, but by tradition has a largely representative role.

The previous parliamentary elections were held on 12 May 2007. Following the failure of Iceland's three largest banks in October 2008, Iceland has experienced an economic crisis and has requested the assistance of the International Monetary Fund (IMF). The crisis and resulting public protests led to the fall of the government in January 2009. The outgoing Prime Minister called for new elections on 9 May. A minority government was elected, composed of the Social Democratic Alliance and the Left/Green Movement. One component of the agreement for forming the new government was a pledge to call early elections for 25 April. This appears to have diffused public protest, but regular demonstrations and citizen meetings continue to take place.

The date of the election had not been formally set at the time of the OSCE/ODIHR NAM, due to a constitutional provision that requires the dissolution of parliament in order to hold early elections, which then must be held within 45 days.¹ All interlocutors expressed the view that

¹ Article 24 of the Constitution.

the elections would ultimately be called for 25 April, and many political parties were organizing primaries to determine their candidate lists. The election date was formally set on 13 March.

However, there is considerable discussion as to when parliament will be dissolved and to what extent it can or should continue to work after dissolution. The constitution specifies that the mandate of parliamentarians continues until election day. In the view of some political parties, the parliament should continue to meet as long as possible on the basis of this provision in order to address economic issues. Others stated that while parliament could continue to meet for some period of time, the parties also need sufficient time to campaign. Several interlocutors noted that there may be a need to amend some of the deadlines for various aspects of the early election process. The Ministry of Justice did not anticipate that proposed changes to the deadlines would create any difficulties in organizing the elections.

The OSCE/ODIHR has not conducted an election observation or assessment activity for previous elections in Iceland.

B. ELECTION SYSTEM

For parliamentary elections, Iceland is divided into six multi-member constituencies, with deputies elected in a proportional list system. Of the 63 seats, 54 are allocated based on the results at the constituency level. After the distribution of mandates within constituencies, there is a compensatory system for the remaining nine seats in order to ensure proportionality at national level among the political organizations² presenting lists. Political organizations are eligible for compensatory seats if their lists obtain at least five per cent of the valid votes at national level. All seats are allocated by the National Election Commission (NEC) according to the d'Hondt rule.

Under the current legislation, all candidate lists on the ballot for each constituency are presented in a hierarchical manner determined by the political organization nominating the list. Voters may alter the order of candidates on the list or may strike names from the list. Once seats have been allocated to political organizations, the NEC calculates which candidates receive mandates, according to voter preferences. At the time of the OSCE/ODIHR NAM, a bill was being considered in Parliament which would significantly change this system (see below).

C. LEGISLATIVE FRAMEWORK

The Constitution and the Parliamentary Election Act (2000) are the primary documents regulating the conduct of parliamentary elections. Additional legislation, such as 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, are also applicable.

All citizens 18 years of age and older who are residents of Iceland have the right to vote. Non-resident citizens may also register to vote upon application to the National Registry. The right to be elected is accorded to all those who have the right to vote and who have not been convicted of a felony entailing the loss of civil rights. The election law contains provisions to

² A political organization is defined by law as "organizations that put forward candidates or have [previously] done so for the Althingi elections."

facilitate universal franchise, providing for early voting, out of country voting, and special procedures for the blind as well as for voters who are in hospitals or are incarcerated.

An ongoing issue in Iceland is the relative weight of each constituency in the parliament. The rural constituencies historically have a greater number of seats in the parliament than would be the case under a strictly proportional allocation of seats. The largest portion of Iceland's population is concentrated in the three constituencies comprising Reykjavik and its suburbs and is proportionally greater than the total representation of these constituencies in parliament.

Amendments to the law in 2000 addressed this situation to some degree by providing that after each election, the NEC shall calculate whether the number of voters on the voter register per seat for any constituency is less than half the number of voters for a seat in any other constituency. If this is the case, the NEC reapportions seats so as to reduce the difference, but may not reduce the difference beyond the two-to-one ratio.³ Thus, for the upcoming elections, three constituencies will have approximately twice as many voters per seat as the other three. Some interlocutors noted that this violated the principle of equality of the vote, but there was general agreement that no changes were expected to the legal framework in this respect prior to the elections.

Changes to the legal framework are under consideration on other issues, with respective bills having been introduced in parliament. One of these would change the deadline for voters residing outside of Iceland to apply to be registered, so that they will not be disenfranchised by the early election. A second change would reduce the election deadlines specified in the law in order to accommodate an early election, in the event that there are less than 45 days between the calling of elections and election day.

The third change, reportedly proposed in response to public demands during the January protests, would significantly change the voting system. Under the draft amendments, political organizations would be able to submit candidate lists that are not hierarchically ordered if they so choose. Voters would then be able to rank candidates, giving them significantly more influence over which candidates are elected.

Political parties expressed different views to the OSCE/ODIHR NAM regarding the proposed change to the voting system. The parties now forming the government advocated the measure as an immediate response to public demands, in the wake of the economic crisis, calling for political reform. However, some of the other parties indicated that while they did not object in principle to the change, they believed that such a proposal should be carefully studied and should not be implemented before the upcoming elections. At the time of the OSCE/ODIHR NAM, none of the bills had been adopted by the parliament.

Another issue under consideration by the parliament is an initiative to amend the constitution prior to the dissolution of parliament to modify the way in which the constitution may be amended. Currently, when an amendment to the constitution is adopted, parliament must be dissolved and a general election held.⁴ The amendment must be approved by the new parliament in order to take effect.

³ Parliamentary Election Act, Articles 8 and 9.

⁴ Article 79 of the Constitution.

D. ELECTION ADMINISTRATION

Several different bodies are involved with the conduct of parliamentary elections, with the principal ones being the Ministry of Justice, the National Registry, local authorities, the National Election Commission, Senior Election Commissions (SECs), and Local Election Commissions (LECs). The Ministry of Foreign Affairs is involved in organizing voting for overseas citizens. All interlocutors expressed confidence in the administration of the election, even those who expressed less confidence in political institutions as a result of the banking crisis.

The Ministry of Justice oversees the technical preparations for the elections. It issues instructions, prints ballots, prepares voter information, and distributes materials to the SECs. The Ministry has considerable interaction with the SECs, but less so with the NEC. The Ministry also registers political organizations which wish to present candidate lists and assigns them a letter which serves as an identifying symbol.

The NEC is an independent body composed of five members elected by parliament after each election. The members are nominated by political party groups proportionally to their representation in parliament. The role of the NEC is limited; it has an advisory role with respect to SECs but has no authority over them. Among its competencies are to determine the boundary between the two constituencies in Reykjavik city, to rule on disputes regarding candidate lists, to function as an appeal body for SEC decisions on candidacy, and to publish candidate lists. After election day, the NEC allocates seats among political organizations according to the results, allocates seats to candidates based on voter preferences, and reports the results to the government. Following the end of the election process, the NEC makes necessary changes to the number of seats per constituency for the next election (see Legal Framework section).

Except for candidacy issues, the NEC does not have a role in deciding on the validity of an election. This determination is made by the parliament itself, which also considers any complaints about the election. Except for criminal matters, there does not appear to be a role for the courts in election process. Significant disputes are rare, and the verification role of the parliament is usually formal.

At the constituency level, SECs oversee the election process. These bodies are formed in the same way as the NEC. The SECs *inter alia* receive and decide on candidate lists; make rulings on various aspects of the process; and distribute ballot papers. A major role for the SECs is the counting of the votes and the reporting of the results to the NEC.

LECs (or polling boards) are primarily responsible for conducting voting at polling station level and transferring the ballot boxes to the SECs. The LECs are composed of three members elected by the local government. The municipalities also appoint commissions to oversee the work of the LECs if there is more than one LEC in the municipality or more than one LEC in a polling station.

There are extensive provisions for pre-election voting for those not able to cast their ballot on election day, although any voter may cast an early vote. This process can start up to eight weeks prior to election day, even before the registration of candidate lists. Early voting is conducted by local officials at municipal offices and is also conducted on ships at sea, at

Icelandic embassies and consulates, and institutions and prisons. A voter may cancel his/her early vote by casting a ballot on election day.

E. CANDIDATE REGISTRATION AND CAMPAIGN

Each candidate list must contain exactly double the number of candidates as there are seats to be allocated to the constituency, including compensatory seats. There is no provision for individuals to run as candidates without associating themselves with a political group, although individuals can join together and present a single list for each constituency. At least one such group of individuals, the “L List”, informed the OSCE/ODIHR NAM that it was attempting to do so for the upcoming elections.

There are currently five groups represented in parliament: the Independence Party, the Social Democratic Alliance, the Left/Green Movement, the Progressive Party, and the Liberal Party. While it was anticipated that new groups may attempt to present candidates, including the Civilian Movement and the L List, several interlocutors stated that new parties or political organizations may face practical difficulties in competing in the elections, particularly regarding the limited time to organize before the early election, the signature requirement to appear on the ballot,⁵ access to the media, and the ability to obtain financing in the current economic environment.⁶ In the view of these interlocutors, the current system limits to a degree the opportunity for new political actors to effectively compete with more established political parties.

The campaign itself is largely unregulated, and there is no official campaign period. The political parties expect to use a wide variety of means to reach voters, including meetings, door to door outreach, media advertising, and the internet. The main campaign issues are expected to include the economic situation and employment, accountability for the banking crisis, potential constitutional reform, and the issue of potential accession to the European Union.

F. MEDIA

Iceland has two main national level television channels providing news programming, the public broadcaster RUV, and the privately-owned Channel 2, as well as local television stations. There are a number of radio broadcasters, including RUV, which are an important source of information for citizens. There two largest national level newspapers are Morgunbladid and Frettabladid, with the latter distributed free of charge. There is a high penetration of the internet in Iceland, and media representatives stated that it has the potential to be as important as television as a source of information for the upcoming elections.

Television and radio are regulated by the Broadcasting Act, with RUV being additionally regulated by the Broadcasting Service Act. Media interlocutors stated that the legislation does not specifically regulate election coverage, beyond a general requirement to adhere to democratic principles, respect freedom of speech and present different opinions. This provides for a broad scope of editorial decision.

⁵ In order to be registered as a new political organization, a group must collect 300 signatures of voters. To be represented on the ballot, a political organization must collect at least 300 additional signatures per constituency. Voters may only sign in support of one candidate list per constituency.

⁶ Political organizations are eligible for financing if they obtain at least 2.5 per cent of the national vote total.

Private TV stated that the general policy is to give greater coverage to parliamentary parties and parties that opinion polls show have a chance to obtain seats in parliament. Public TV has an additional legal obligation to be neutral, and stated that its policy is to include all political organizations competing in the elections in its election-related programs. However, it does not measure the time allocated to parties in these programs or in the news.

Paid advertising is commonly used as a means of campaigning, including on Public TV. In order to limit campaign spending, several parties indicated that there will likely be an inter-party agreement to set spending limits for the campaign in the media, as occurred in the previous parliamentary elections. The media organizations expressed concern that such an agreement would limit their revenue and therefore their ability to provide election coverage. Channel 2 also stated that the possibility of Public TV to sell advertisement time amounted to unfair competition.

Concentration of media ownership was perceived as a potential issue by a number of interlocutors. In their view, the concentration of media ownership in the hands of a few individuals constrains, or may be perceived to constrain, the extent of information available to the public. Although legislation has previously been introduced to limit the concentration of media ownership, it has not been acted upon. Media organizations were also perceived by some as too closely linked to political parties. While some interlocutors saw media coverage as generally fair, concerns were expressed by some that news coverage of political parties and alternative views in electronic and print media is not always equitable.

G. ELECTION OBSERVATION

The election law provides for the presence of political party observers in polling stations on election day. This right is reportedly widely exercised and contributes to transparency and to public confidence in the election process. In addition, the vote count is open to the public. However, the law does not provide for access to the election process by international observers or by domestic observers who are not nominated by political parties. However, the NEC stated that it would take measures to facilitate access in the event of an OSCE/ODIHR election-related activity.

IV. CONCLUSION

The election process in Iceland appears to enjoy a high level of public confidence, despite the ongoing economic crisis and subsequent demands for political reform. Interlocutors noted considerable public involvement and a continuing trend of high voter turnout. Although a few interlocutors expressed a degree of skepticism about the utility of an OSCE/ODIHR election-related activity for the early elections, most stated that the deployment of an OSCE/ODIHR mission would be useful and welcomed. The OSCE/ODIHR recommends the deployment of an Election Assessment Mission. Issues that may receive particular attention include the legal framework and possible amendments, early voting, media issues and access for observers.

ANNEX: LIST OF MEETINGS

Ministry of Justice and Ecclesiastical Affairs

Mr. Hjalti Zophaniasson, Director for Civil Affairs
Mr. Thorsteinn Geirsson, Permanent Secretary

Speaker of Parliament

Mr. Gudbjartur Hannesson

National Election Commission

Mr. Astradur Haraldsson
Ms. Bryndis Hlödversdóttir
Ms. Hervor Lilja Thorvaldsdóttir
Mr. Hrafnhildur Stefansdóttir
Mr. Thordur Bogason
Mr. Thorkell Helgason

Media Organizations

Mr. Arnar Pall Hauksson, news editor, State Broadcaster RUV
Mr. Kristjan Mar Unnarson, deputy news editor, Channel 2
Ms. Sunna Osk Logadóttir, news editor, Morgunbladid newspaper
Ms. Svanborg Sigmarsdóttir, journalist, Frettabladid newspaper

Independent Political Expert

Dr. Olafur Hardarson, Professor of Political Science, University of Iceland

Political Parties

Independence Party, Mr. Geir H. Haarde, Chairman
Left/Green Movement, Ms. Drifa Snaedal Party Secretary, and Mr. Jon Bjarnason Head of Parliamentary Group
Progressive Party, Ms. Valgerdur Sverrisdóttir, former Chairperson, and Mr. Sigfus Ingi Sigfusson, Party Secretary
Social Democratic Alliance, Ms. Sigrun Jonsdóttir, Party Secretary, and Mr. Agust Olafur Agustsson, Vice-Chairman and MP
Liberal Party, Mr. Magnus Thor Hafsteinsson, Vice-Chairman

Civil Society Groups

People's Voices, Mr. Hordur Torfason
Women's Emergency Government, Ms. Halla Sólveig Thorgeirsdóttir and Ms. Ragnhildur Sigurdardóttir
Civil Action Group, Mr. Gunnar Sigurdsson
Civilian Movement, Mr. Herbert Sveinbjornsson
The Democracy Movement, former presidential candidate, Mr. Thor Magnusson

L List

Mr. Bjarni Hardarsson

Ministry of Foreign Affairs

Ambassador Benedikt Jonsson, Acting Permanent Secretary of State

Delegation of Iceland to the OSCE Parliamentary Assembly

Mr. Pétur Blondal, Independence Party