



Office for Democratic Institutions and Human Rights

**UNITED KINGDOM
ELECTIONS FOR THE DEVOLVED ADMINISTRATIONS
IN SCOTLAND, WALES AND NORTHERN IRELAND**

PART 1: SCOTLAND AND WALES*
1 May 2003
OSCE/ODIHR ASSESSMENT REPORT



Warsaw, 28 May 2003

* Part 2, Northern Ireland, will be prepared following the Assembly elections scheduled for autumn 2003

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I. EXECUTIVE SUMMARY

The UK has a long tradition of sound democratic elections. Voters, candidates and parties have an extremely high level of confidence in the honesty and integrity of the electoral process, born from over a century of good practices.

The elections for the Scottish Parliament and the National Assembly for Wales held on 1 May 2003 were only the second elections for the two devolved administrations, which were established in 1999. Members of both bodies are elected by the “additional member system”, under which each voter casts two ballots, one for a constituency candidate and the other for a party list. The number of seats won by each party in the constituency elections is taken into account when allocating the proportional seats. The system is still sufficiently new that it is not well understood by many voters.

The legislative framework for the elections includes a wide range of separate laws, amendments, orders and regulations which could usefully be consolidated. A number of new procedures were used in these elections, including rolling registration and postal voting on demand. The law does not provide for the presence of election observers at polling stations. Formal complaints and appeals are relatively rare and must be filed with the courts through an election petition. As a consequence of the very high levels of trust in the electoral system, there is little concern over some procedures that would be problematic in other countries, such as the lack of a requirement for voters to produce identification and the presence of a unique serial number on each ballot paper.

Although authority for election legislation has not devolved from the UK government to the Scottish Parliament and the National Assembly for Wales, elections are essentially run by local authorities. In practice, Returning Officers and Election Registration Officers appointed locally have substantial discretion on organizational aspects of the elections. As a result, practices on such issues as voter registration and vote counting vary somewhat by constituency. The UK did not have a national Electoral Commission (EC) until 2001. The newly-established EC maintains a register of political parties, and oversees contributions to and expenditures by parties. The EC has no authority over

* Part 2, Northern Ireland, will be prepared following the Assembly elections scheduled for autumn 2003

Returning Officers or the actual conduct of elections. It has, however, undertaken an impressive effort to improve training of election officials and to educate voters.

Media freedom is well established in the UK. There are no laws specifically governing the conduct of the media during elections. The Media is essentially self-regulating. The BBC has developed detailed guidelines which it has negotiated with the major parties, providing for equitable – rather than equal – coverage; small parties receive very little coverage. Paid political broadcasting is not permitted.

A substantial number of candidates and parties participated in the elections. The registration process for parties and candidates is simple and inexpensive. The human rights of candidates and voters were well protected. Campaigning was free and open. Levels of voter interest and turnout were a concern; turnout was substantially lower than in the previous elections to the Scottish Parliament and the National Assembly for Wales.

The OSCE/ODIHR mission was also to have assessed the elections to the Northern Ireland Assembly. Since these were postponed until fall, this report will focus on Scotland and Wales, and a separate report will be prepared on Northern Ireland after those elections take place.

II. BACKGROUND TO THE ELECTION ASSESSMENT MISSION

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) received an invitation from the United Kingdom Delegation to the OSCE to observe the elections to the devolved administrations of Northern Ireland, Scotland and Wales, scheduled for 1 May 2003. The ODIHR accepted the invitation, in line with its new program of assessing electoral practices in established democracies as well as in countries in transition. It deployed a small, short-term mission aimed at a general overview of the election process, with a focus on legislative and organizational issues.

A four-person ODIHR Election Assessment Mission led by Peter Eicher (USA) visited the UK from 22 April through 2 May 2003. The Assessment Mission traveled to London, Cardiff, Belfast, Glasgow and Edinburgh, and also visited a number of additional towns in Wales and Scotland. Assessment Mission members met with officials from the UK Foreign and Commonwealth Office, the UK Wales, Scotland and Northern Ireland Offices, the UK Electoral Commission, local and regional officials and election administrators, political parties, candidates, the media and others. On election day, they visited polling stations and a counting center in Scotland.

The elections to the Northern Ireland Assembly were postponed to 29 May, and subsequently postponed again until the fall of 2003. As a consequence, this report will focus on Scotland and Wales. The Assessment Mission plans to return for the elections in Northern Ireland and will issue a separate report assessing those elections after they take place.

Because of the short duration of the Assessment Mission and its small size, it was not in a position to assess all aspects of the electoral process. Likewise, a few brief visits to polling stations and one counting centre in the Glasgow area were not a sufficient basis upon which to draw conclusions in regard to the process of voting, counting and aggregation on election day.

The ODIHR expresses its appreciation to the UK government for the invitation to assess the elections, and to all the individuals involved in various aspects of the elections who met with and assisted members of the Assessment Mission.

III. BACKGROUND TO THE ELECTIONS

The National Assembly for Wales and the Scottish Parliament were established in 1998 by the Government of Wales Act and the Scotland Act, following referenda in which the population of each country voted in favour of devolved government. The two governments have different historical backgrounds, compositions and powers. The two bodies also have points in common, however. Among these, the first elections for each took place in May 1999, and the legislation for each stipulates that elections are to be held every four years. Elections for both bodies were scheduled for 1 May 2003.

The National Assembly for Wales has 60 members. It has responsibility for policy and expenditures on a range of “devolved” issues, including agriculture, economic development, education, the environment, health, housing, industry, local government, social services, transport and other matters. While the Assembly cannot enact primary legislation or levy taxes, it can adopt secondary legislation, or regulations. The Assembly allocates a large budget (currently about £12 billion), with funds coming from the UK Treasury. The Assembly is bilingual, carrying out its work in both English and Welsh.

The Scottish Parliament has 129 members. It has powers substantially broader than those of the National Assembly for Wales. For example, the Scottish Parliament has the power to vary the rate of taxation and to adopt primary legislation. It is responsible not only for many of the same issues as the National Assembly for Wales, but also for other matters including home affairs, law and police. It allocated a budget of some £20 billion in 2001-2002.

IV. LEGISLATIVE FRAMEWORK

A broad range of acts, amendments, orders and regulations govern the conduct of elections to the National Assembly for Wales and the Scottish Parliament. In addition to the Government of Wales Act (1998) and the Scotland Act (1998), key pieces of legislation relating to elections include the Representation of the People Act (1983), the Representation of the People Act (2000), the Scottish Parliament (Elections etc.) Order (2002), and the National Assembly for Wales (Representation of the People) Order

(2003). These laws provide a framework for the conduct of democratic elections in line with international standards.

Another important piece of legislation, the Political Parties, Elections and Referendums Act 2000 (PPERA), created a number of new regulatory and other programs, including rules regarding donations to and expenditures by political parties, and for political party registration. The PERA also established the UK Electoral Commission, the first time the UK has had a national body responsible for some aspects of elections (see Section V, Election Administration).

Other acts and orders relating to elections are also operative, as well as a large number of amendments to the many pieces of legislation. To a considerable degree, the various components of the applicable laws are not codified into an integrated whole. The result is an extremely complex collection of legal instruments, which have not been compiled in a single place and are therefore not easily accessible or understandable for candidates or others involved in the electoral process. *In order to clarify and simplify the legal context for elections, the UK authorities should consider adopting consolidated election legislation.*

A. ELECTION SYSTEM

Several different election systems are used for various types of elections in the UK. Elections for the Scottish Parliament and the National Assembly for Wales are conducted under the “additional member system”, a method not used for any other UK elections. Under this system, each voter has two votes. One vote is cast for a constituency member, who is elected in a first-past-the-post (FPTP) contest in the same manner that Westminster Members of Parliament are elected. The other vote is cast for a regional party list, with the seats distributed proportionally to the parties. The number of seats won by each party in the constituency elections is taken into account when allocating the proportional seats. This ensures that, to a large extent, each party’s overall representation reflects the share of the vote it received in the elections. The d’Hondt method is used to calculate the allocation of seats.

Although the same system is used in Scotland and Wales, the proportion of FPTP seats to proportional seats is different in each country. In Scotland, there are 73 constituency members elected through FTPT, and 56 members elected from eight electoral regions, seven per region, based on proportional representation. In Wales, 40 constituency members are elected through FPTP. The second ballot is used to elect 20 members from five regions, four per region.

In comparison with a straight FTPT system, the additional member system favours smaller parties. It has resulted in more parties being represented in the Scottish Parliament and National Assembly for Wales than would otherwise have been the case, and has encouraged the development of some “single issue parties”. It also resulted in the need for coalition governments in both bodies following the 1999 elections. Some political parties have urged voters to “vote strategically” with their “second” vote.

Because the voting system is new, many voters do not appear to understand fully the method of election or how seats are allocated. However, casting ballots under the system is not complicated and voters generally evinced no confusion at the polling stations.

B. VOTER REGISTRATION

Voter registers are compiled at the local level by Electoral Registration Officers. An annual canvas is conducted, during which each household is visited. The householder is required to fill out a single form listing all persons in the household eligible to vote. While registration is not compulsory in Great Britain (as it is in Northern Ireland), it is obligatory to return the form and provide accurate information. Financial penalties exist for failure to comply, but it appears that these are not widely applied. The annual publication date of the voter registers is 1 December. Citizens of the UK, the European Union and the Commonwealth who are resident in Scotland or Wales are eligible to register and vote for the Scottish Parliament or the National Assembly for Wales. Convicted criminals may not vote. Detained persons who have not been convicted may, in theory, vote by postal ballot, but to take advantage of this possibility in practice they would have to have known in advance of their impending detention and applied for a postal ballot at least six days before the election. Since registration is based on residence, some homeless persons may have difficulty getting onto the registers and thus being able to vote; consideration is being given to how to deal with this issue.

From the year 2000, voluntary “rolling registration” was added to the annual canvas, to enable people to add or change their registration anytime. Updated lists are prepared monthly, except between September and November when the annual canvas is taking place. The introduction of rolling registration has had a number of benefits, and according to election officials has improved the accuracy of the lists, especially by removing names that are no longer valid.

There is no national voter register. Since registration has traditionally been a local responsibility, there is no single standard for the format of voter registers or for how the required information is stored. Dozens of different standards exist, which are often not electronically compatible with each other. There is no check on double registration. In fact, it is legal for an individual to be on more than one list; for example, students may register both at home and at university and may even vote in two separate local council elections provided they are considered to reside at both addresses. However, it is illegal to vote more than once in the same national election. In practice, double voting does not appear to be a problem. While the system of local registration has many strengths, it also opens the possibility for abuse of double registration. *Some official consideration has already been given to the establishment of national standards for voter registration and to the creation of a national voter register; the authorities should move ahead with their deliberations on these issues and institute any changes which are deemed necessary.*

The electoral registers are public documents available for inspection. Until 2002, anyone (including commercial organizations) could purchase a copy of the entire register. Since 2002, the registers have been maintained in two separate forms – “full” and “edited”.

The full registers contain voters' names, addresses and electoral numbers. Individuals may choose not to have their information included in the edited registers by ticking a box on their annual canvas or rolling registration forms. The full registers are still available for inspection, but only the edited registers are available for purchase. The new restrictions are a good practice intended to protect voters' privacy.

C. POSTAL AND PROXY VOTING

These were the first elections to the Scottish Parliament and National Assembly for Wales for which postal voting on demand was available to voters. Any voter could apply for a ballot by post, up to six days before the elections. The system was introduced as part of an effort to make voting more convenient and to increase voter participation. In practice, however, postal voting was actively promoted by officials in some localities but not in others. In many constituencies the numbers of postal voters increased substantially, doubling or more. It is impossible to know, however, how many of these voters might have cast their votes at polling stations if postal voting had not been available. While postal voting has some clear advantages, it is also potentially open to greater abuse than voting at polling stations, both in terms of impersonation of voters and the possibility of undue pressure on voters. Some election officials also consider that the six-day deadline before elections for requesting a postal ballot has created an unnecessarily large last-minute workload.

A voter may also designate a proxy to vote in his or her place if they can satisfy the registration officer they cannot attend the polling station on election day due to physical incapacity, or because they will be away from their homes for work or similar reasons. This system is well-established in the UK and appears to operate well. In principle, however, proxy voting might be open to abuse, for example in immigrant communities from countries where husbands traditionally cast votes on behalf of their wives.

The UK Electoral Commission has recognized that there is often a tension between promoting access and voter turnout through various remote voting methods and protecting the democratic process through measures to combat fraud. It is undertaking studies as part of an ongoing effort to strike the proper balance between the two objectives.

D. BALLOT SECRECY

Voters must give their name and address in order to receive ballot papers. There is no requirement to present identification. If a presiding officer or another authorized person at a polling station has doubts about a voter's identity, there is a prescribed set of questions that may be asked of the voter.

Ballot papers are torn from booklets as they are handed to voters, leaving a counterfoil (or stub). Each ballot and its counterfoil contain a unique serial number. The voter's number is written on the counterfoil when the ballot is given to the voter.

This system is designed to prevent fraud by enabling Returning Officers to know exactly which ballots were issued to each polling station, and to allow Election Courts to investigate cases of impersonation. Ballots can be checked only under court order when there has been an allegation that an electoral offence has been committed. This is extremely rare. Safeguards are in place to ensure the counterfoils are kept in separate sealed containers from the ballots; they are then destroyed after one year.

This procedure has changed little since the secret ballot was introduced in 1872. It has worked in the UK because it is honestly applied and because of the extremely high levels of public trust in the integrity of the electoral system. It is not unusual, however, for voters to complain to election officials that their ballot is not secret, and electoral officials are routinely supplied with guidance on how to respond to such complaints. While in practice the ballots virtually always remain secret, the procedures do mean that the secrecy of each ballot is not absolutely guaranteed. The system has been an issue of debate in recent years and will be reviewed by the Electoral Commission.

The current procedure may be contrary to the UK's OSCE commitment that elections should be held by secret ballot or by equivalent free voting procedure; it may also be in contravention of the European Convention for Human Rights. *The authorities should review this system with a view to ensuring that ballots remain secret under all circumstances.* If greater anti-fraud safeguards are considered necessary, a number of other procedures might reasonably be instituted that do not risk compromising the secrecy of the ballot, for example, requiring voters to present some form of identification in order to receive a ballot.

E. OBSERVERS

Admission to polling stations is strictly limited by law. In addition to voters and election officials, only the following persons are allowed in polling stations: the candidates and their election agents, one polling agent for each political party or candidate, on-duty police officers, Returning Officers and their staff and the companions of voters with disabilities. Attendance at the count is generally limited to the Returning Officer and his or her clerks, the candidates and their spouses, election agents, and counting agents. For the count, however, the Returning Officer has discretion to permit other persons to attend.

As a result, neither the media nor election observers may be permitted to enter polling stations, although both could potentially be admitted to counting centers with the agreement of the Returning Officer. The law does not recognize a role for either domestic or international observers. Even members of the UK Election Commission, which was formed after the law was adopted, may not visit polling stations. The Election Commission, in a report issued in April 2003, recommended that UK law should be changed to allow observers. *The ODIHR considers that, in line with OSCE commitments, the authorities should amend the law to allow for the presence of observers during voting and counting. Members and staff of the Election Commission should also be authorized to visit polling stations.*

F. COMPLAINTS AND APPEALS

Formal complaints and appeals are rare. Election results may be challenged, after the fact, by candidates or voters, only through a complaint alleging “undue election” or “undue” return, for reasons such as corruption or disqualification of a candidate. Such complaints are called “election petitions” and must be filed with a special “election court” consisting of two judges of the High Court or Court of Appeals. Election petitions must be presented within 21 days after the results were declared, or within 28 days of the occurrence of an illegal action. The cases are heard in open court, without a jury. Witnesses may be summoned and required to testify. The election results can be overturned only if both judges agree that they were “undue”. The costs of the proceedings are allocated according to court order.

If the court finds that a corrupt or illegal election practice occurred, it communicates its findings to the prosecutors. It is the duty of the public prosecutor to make inquiries and institute proceedings against violators, subject to a one-year statute of limitations. Upon conviction, a violator is subject to imprisonment of up to two years and fine, and may be rendered ineligible to hold public office, including elective office, for a period of 3-5 years. Election results may be invalidated as a consequence of certain types of offense by candidates.

V. ELECTION ADMINISTRATION

A variety of bodies and officials have responsibility for different aspects of the elections in the UK. Elections for the Scottish Parliament and National Assembly for Wales are “reserved” matters under the devolution formula, meaning that ultimate authority for legislation still rests with the United Kingdom Government rather than with the two devolved administrations. The Secretariat of State for Scotland and the Welsh Assembly Government exercise general control over the conduct and funding of the elections, while the Lord Chancellor and the Home Office retain authority over some generic aspects of elections. The new UK Electoral Commission also has a number of responsibilities (see below).

A. LOCAL ADMINISTRATION OF ELECTIONS

In general, however, most aspects of the election are administered at the local level, where “Returning Officers” (ROs) are responsible for the proper conduct and organization of voting and counting. ROs for each constituency are locally appointed; the RO is generally the chief executive or another senior official of the council, who has other duties when an election is not in progress. ROs are not elected members of the Councils, but are akin to civil servants and are accepted as neutral and impartial. ROs are responsible for identifying polling stations, appointing Presiding Officers and clerks to run the stations on election day, ensuring adequate equipment for polling stations, overseeing the conduct of the poll, organizing and supervising the counting process, and officially declaring the result of the election. In the conduct of their duties, ROs are

answerable only to the courts. ROs also receive and decide upon the validity of candidate nomination papers. RO decisions on candidate registration are final and can be challenged only through an appeal to the courts.

In addition to Constituency ROs, Regional ROs are appointed for each of the eight Regional Parliamentary constituencies in Scotland and five Assembly constituencies in Wales. Unlike Constituency ROs, Regional ROs are not responsible for the vote or the count, but oversee nominations for the regional seats elected through party lists and calculate and announce the winners of these seats, based on results provided by Constituency ROs.

Each polling station is supervised by a Presiding Officer and may have one or two clerks. Polling stations appear to be administered efficiently despite the small staff.

Polling stations for the elections in Scotland and Wales were open from 7:00 AM to 10:00 PM. Polling stations close promptly at the designated hour. Voters who have received a ballot by that time may cast their vote, but if any voters are in line and have not received a ballot, they may not vote. This very seldom occurs, although it has been known to cause some minor controversy in elections elsewhere in the UK. *It would be seen as a good practice to amend the regulations to allow any voters already in line when polling stations close to receive their ballots and cast their votes.*

In Wales, ballots are in English and Welsh; in Scotland they are only in English. Although voter information has been prepared by the Electoral Commission in several languages to assist minority and immigrant communities, it has not been deemed necessary to have ballot papers in other languages. A special device was supplied to all polling stations to assist blind people to vote independently. Efforts are also underway to make polling stations accessible for disabled persons. While notable progress has been made in recent years, many polling stations are still not easily accessible. A special project was undertaken by a non-governmental group, Capability Scotland, in cooperation with electoral authorities, to assess accessibility of polling stations.

B. THE VOTE COUNT

Following the vote, all ballot boxes are transported to counting centres. This can cause logistical difficulties for polling stations in remote locations; for example, helicopters and ferries have been used to bring ballots from some Scottish islands to the counting centres. At the centres, the boxes are opened and the number of ballots in each box is checked and compared with the figures provided by the Presiding Officers. The ballots are then mixed with ballots from other ballot boxes and with postal ballots, sorted and counted. Candidates or their agents may request a recount, and often do so.

The particular procedure for sorting and counting varies by counting centre since it is within the discretion of each RO to organize the method of counting. There are no national standards for the organization of the vote count. The system of using counting centres rather than counting at polling stations is a long tradition. It was instituted as a

guard against undue influence or possible reprisals against communities that voted for or against a particular candidate.

C. FUNDING FOR ELECTIONS

Funding of elections in the UK is complex and varies according to the specific type of election. For elections to the Scottish Parliament, funding derives mainly from the Scotland Office, which also sets the amounts of reimbursement that can be claimed by Returning Officers for their expenses. However, some costs are shared with local authorities and a number of “latent” costs are borne by local authorities. In elections for the National Assembly for Wales, costs come from Welsh Assembly Government funds. Again, however, some costs are borne by local authorities.

The Electoral Commission has made a series of recommendations aimed at ensuring that sufficient funding is available to provide adequate and consistent support for the conduct of all election operations.

D. THE ELECTORAL COMMISSION

The Electoral Commission (EC) was established on 30 November 2000 with the adoption of the Political Parties, Elections and Referendums Act 2000 (PPERA); this was the first time the UK has had a national election commission. The EC is an independent, nonpartisan body directly accountable to Parliament. It has a number of statutory responsibilities and its role is still evolving. While the EC has no direct role in administering voting or vote counts, or in announcing or certifying results, it did have several important responsibilities with regard to the elections to the Scottish Parliament and the National Assembly for Wales, including:

- Giving advice and assistance to those involved in the electoral process;
- Running a public awareness campaign;
- Monitoring campaign spending and donations;
- Maintaining the register of political parties; and
- Publishing a report on the two elections after their completion.

Although the EC is a new body, it appears to have developed generally good relations with local and regional election administrators and has instituted a number of good practices in line with its mandate. Notably, the EC has helped organize standardized training for election officials, although ultimate decisions on training for election staff still lie with individual Returning Officers. The EC has also issued a wide range of publications, including fact sheets, analytical reports and – most notably for these elections – detailed guidebooks for candidates and polling station officials. During these elections the EC undertook education campaigns to encourage voter participation, which was an issue of considerable concern in both Scotland and Wales.

The Electoral Commission maintains the registers of political parties (one for Great Britain and one for Northern Ireland). Until the adoption of the PERA, registration of parties was essentially voluntary. In order to ensure new controls on party expenditure

and income under the PPERA, however, all parties were required to register. Some 270 parties have registered, although only a handful of these participated in the elections to the Scottish Parliament the National Assembly for Wales. The EC oversees the implementation of the new regulatory framework for reporting political donations, the ban on foreign donations (even from UK citizens abroad) and the controls on campaign spending.

VI. THE MEDIA

Media freedom is well established in the UK. There are many print and electronic media outlets that freely and actively cover election campaigns, and the electorate is generally offered a range of views and information. No legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all parties and candidates, although in practice large parties receive far more coverage than their smaller counterparts.

The media is essentially self-regulating. There is relatively little in the election laws that addresses the conduct of the media during an election period. Broadcasters are required to adopt a code of practice with respect to their election coverage.

The BBC has developed detailed guidelines for broadcasting during election campaigns; these guidelines were negotiated with and agreed to by the major political parties. In essence, the guidelines provide for equitable – rather than equal – coverage. The guidelines set out minimum coverage for parties fielding candidates in a designated number of constituencies or with a minimum number of candidates on party lists. Small parties receive very little coverage and sometimes complain of inequity. In practice, the four parties already represented in the National Assembly for Wales received the bulk of the election coverage during the 2003 elections. In Scotland, the four major parties received by far the most coverage, while two smaller parties already represented the Scottish Parliament received substantially lower levels of coverage and the remaining parties received still less.

Paid political broadcasting is not permitted. However, certain television and radio channels are required by law include “party political broadcasting” (i.e., free air time for political parties) in their services during election periods. The parties must pay to produce the spots to be broadcast and are fully responsible for the content, but the allocation of time and the transmission of the broadcasts are controlled by the broadcasters.

There is little recourse for parties or candidates who are dissatisfied with media performance. Issues related to media conduct could be pursued through licensing proceedings, or civil litigation (e.g., based on libel).

The media are specifically barred from reporting the results of exit polls before the end of voting. It is a criminal offense for a person to be involved in arranging inclusion of

material intended to influence the voting in an assembly election through broadcasts from outside the UK.

VII. POLITICAL PARTIES AND THE CAMPAIGN

A. CANDIDATES AND POLITICAL PARTIES

A substantial number of candidates and parties participated in the elections. The registration process for parties and candidates is generally simple and inexpensive. Candidates (or parties, for the party list vote) had to register for the election by 7 April. A potential candidate simply had to submit a nomination form signed by ten supporters, a form to consent to being nominated, a deposit of £500 and, if applicable, authorization to stand on behalf of a specific party and a request to use that party's symbol on the ballot. The deposit is returned if the candidate polls at least 5% of the vote in a constituency. Candidates representing a political party are entitled to include a six-word description that will appear on the ballot paper (this is usually the name of the party) and a party symbol; independent candidates can only use the single word "independent" or have no description at all. *This procedure slightly disadvantages independent candidates; consideration should be given to allowing all candidates to use a six-word description on the ballot on an equal basis.*

Candidates are also required to appoint an agent (or act as their own agent) responsible for certain administrative matters, particularly compliance with financial regulations. Candidates are authorized to use certain rooms in public buildings free of charge for campaign meetings, and to have one mailing of a campaign leaflet to all households at public expense. All election placards must include the name and address of the printer and publisher.

Parties are permitted to appoint polling agents to be present in polling stations to observe proceeding and help guard against impersonation. They are also permitted to appoint "tellers" (although there is no provision in law for "tellers") who stand outside of polling stations and may request voters' numbers – in order to use these to direct get-out-the-vote efforts among their supporters. In practice, political parties in Scotland and Wales say they are more like to appoint "tellers" than polling agents, and that it is becoming increasingly difficult to recruit volunteers for either type of position.

B. THE CAMPAIGN

Campaigning took place in a fair and open atmosphere in which the parties and candidates were able freely to present their views, qualifications and political programs. The human rights of candidates and voters were well protected.

The election laws include limits on candidate and party spending for the campaign, and strict reporting requirement on donations and expenditures. The Electoral Commission has instituted a good practice by listing publicly, on the EC website, the sources of

donations to parties. Although the spending limits are not high – about £8,000 per candidate in these elections – the candidates and parties appear content with the limits. Political parties may make additional expenditures up to a specified limit.

Levels of voter interest and turnout were a concern in both elections; turnout was substantially lower than in the previous elections to the Scottish Parliament and the Welsh National Assembly. The final figure for voter turnout in Wales was 38%, down from 46% in 1999. In Scotland the turnout was just under 50%, also down from four years ago. Although the drop in turnout was disappointing to party activists and election officials, the figures are not unreasonably low for regional elections in the OSCE area.

The numbers of women elected to both bodies increased as a result of the 2003 elections. In the National Assembly for Wales, 30 of the 60 members elected were women, up from 25 women in the previous election. In the Scottish Parliament, the number of women increased from 48 to 51, or about 40% of members. These figures put Wales and Scotland near the top of OSCE countries in terms of the proportion of women in parliaments.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's main 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 Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections by the OSCE Heads of State or Government at the 1990 Paris Summit. In 1992, the name of the Office was changed to reflect an expanded mandate to include human rights and democratisation. Today it employs over 80 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It coordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following six thematic areas: rule of law, civil society, freedom of movement, gender equality, trafficking in human beings and freedom of religion. The ODIHR implements more than 100 targeted assistance programs, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR **monitors** participating States' compliance with OSCE human dimension commitments. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

The 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. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

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

More information is available on the ODIHR [website](#), which also contains a comprehensive library of reports and other documents, including all previous election reports and election law analyses published by the ODIHR.

