



Office for Democratic Institutions and Human Rights

NORWAY

PARLIAMENTARY ELECTIONS

14 September 2009

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

22-25 June 2009



Warsaw
4 August 2009

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	EXECUTIVE SUMMARY.....	1
III.	FINDINGS.....	3
	A. BACKGROUND.....	3
	B. ELECTION SYSTEM.....	3
	C. LEGISLATIVE FRAMEWORK.....	4
	D. ELECTION ADMINISTRATION.....	5
	E. VOTER REGISTRATION.....	6
	F. CANDIDATE REGISTRATION AND CAMPAIGN.....	6
	G. MEDIA.....	7
	H. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES.....	8
	I. ELECTION OBSERVATION.....	8
IV.	CONCLUSION.....	9
	ANNEX: LIST OF MEETINGS.....	10

NORWAY
PARLIAMENTARY ELECTIONS
14 September 2009

OSCE/ODIHR Needs Assessment Mission Report
22 – 25 June 2009

I. INTRODUCTION

On 8 June 2009, the Permanent Mission of Norway to the OSCE invited the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 14 September elections to the National Parliament (*Storting*) and the Sami Parliament. The OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Oslo from 22 - 25 June 2009 which was composed of Mr. Jonathan Stonestreet, OSCE/ODIHR Senior Election Adviser, and Mr. Drew Hyslop, OSCE/ODIHR Election Adviser.

The purpose of the OSCE/ODIHR NAM was to assess the pre-electoral environment and the preparations for the 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 Local Government and Regional Development, Ministry of State Administration, the Ministry of Culture and Church Affairs, the National Electoral Committee, County Electoral Committees, 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 and the Ministry of Local Government and Regional Development of Norway for the 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

The Kingdom of Norway is a constitutional monarchy with a parliamentary system of government. The Parliament of Norway (*Storting*) is a unicameral body composed of 169 deputies elected for four-year terms. A separate Sami Assembly, composed of 43 deputies elected for four-year terms, promotes initiatives of the Sami minority and carries out administrative tasks delegated from national authorities, but does not pass binding legislation.

For parliamentary elections, deputies are elected in a proportional open list system. Of the 169 mandates, 150 are elected from 19 constituencies. The remaining 19 seats are distributed among parties passing a four per cent national threshold, so as to ensure proportionality in party representation at national level. Constituencies covering a larger geographic area are allocated a greater number of seats in parliament than would be the case under an allocation based only on population.

The Constitution and the Representation of the People Act (election law) are the primary documents regulating the conduct of parliamentary elections. All citizens who have attained

18 years of age and older and who are, or have at some time been, residents of Norway have the right to vote. The Constitution provides for a duty to accept election, and any eligible voter can be placed on a list proposal without his/her agreement. Under the law, political parties can place individuals on a candidate list without their prior agreement.

The election law was recently amended to provide for the presence of domestic and international election observers to monitor the conduct of elections. The Norwegian Helsinki Committee plans to deploy an election observation mission of some 30 international observers.

The election law provides for different possibilities to vote in advance of polling day, and out of country voting. There are also special procedures for homebound voters as well as for voters who are in hospitals or are incarcerated. Election day can be held over a two day period, at the decision of individual municipalities.

Several different bodies are involved with the conduct of parliamentary elections, including the Ministry of Local Government and Regional Development, local authorities, the National Electoral Committee, County Electoral Committees, and Electoral Committees/Polling Committees. Candidates are eligible for positions on the different level electoral committees.

The decision on the validity of an election is made by the parliament itself, which also considers any complaints about the right to be registered as a voter or the right to cast a vote. Other complaints are decided by the National Election Commission. Except for criminal matters, there does not appear to be a role for the courts in the election process.

Registration of candidates is finalized more than three months in advance of election day. There are some 23 list proposals contesting the 14 September 2009 elections. The political parties met by the OSCE/ODIHR NAM expect to use a wide variety of means to reach voters, including meetings, door-to-door outreach and the internet. The main campaign issues are expected to be the economic situation and employment, infrastructure development, health care, care of the elderly, education and the environment.

Norway has two main national level television channels providing news programming, the public broadcaster (Norwegian Broadcasting Corporation, NRK) and the privately-owned TV2. Television is the most widely used media, although there is also high use of newspapers and the internet.

According to the Broadcasting Act, political campaign advertising is not allowed on television. While this is accepted by a number of parties as necessary to limit campaign spending, other parties see the prohibition as an unfair restriction on campaigning. This debate has been brought to the fore this year as in December 2008 the European Court of Human Rights ruled in favor of a local broadcaster which had aired a campaign ad of a small party in a previous election.

During all meetings a high level of confidence in the electoral system was expressed to the OSCE/ODIHR NAM. At the same time, all interlocutors also welcomed an OSCE/ODIHR activity for the upcoming elections. Ensuring transparency of the process was frequently cited, as well as the recognition of the fact that election processes can always be improved

upon. Nearly all interlocutors mentioned the amendments made to the election law based on recommendations by observer groups sponsored by the Norwegian Helsinki Committee in previous elections.

The Norwegian election process could benefit from closer scrutiny in a few areas, including the apparent lack of court recourse for complaints, discussions on the ban on campaign advertising on television, the obligation to accept candidacy, candidate participation in election committees, and the equality of votes among constituencies. Furthermore, the fact that interlocutors actively encouraged the presence of observers and that the OSCE/ODIHR has not previously conducted a mission in Norway, are additional reasons to consider an OSCE/ODIHR activity. As none of the interlocutors expressed any concerns related to the conduct of election day itself, the OSCE/ODIHR NAM recommends the deployment of an Election Assessment Mission for the parliamentary elections.

III. FINDINGS

A. BACKGROUND

The Kingdom of Norway is a constitutional monarchy with a parliamentary system of government. The Parliament of Norway (*Storting*) is a unicameral body composed of 169 deputies, elected for four-year terms. The King has certain constitutional powers, but by tradition has a largely representative role. The King of Norway selects a candidate to become Prime Minister, after consultations with the outgoing Prime Minister, the President of the *Storting*, and leaders of political parties, and, if accepted, that person forms the government. Usually the candidate selected is the leader of the party which won the most support in the elections. A separate Sami Assembly, composed of 43 deputies elected for four-year terms, promotes Sami political initiatives and carries out administrative tasks delegated from national authorities.

There are currently seven parties represented in parliament: The Labour Party (61 members), the Progress Party (38 members), the Conservative Party (23 members) the Socialist Left Party (15 members), the Christian Democratic Party (11 members), the Centre Party (11 members) and the Liberal Party (10 members). The outgoing government is formed by the Labour Party, the Socialist Left Party and the Centre Party.

The OSCE/ODIHR has not observed or assessed previous elections in Norway.

B. ELECTION SYSTEM

For parliamentary elections, 169 deputies are elected in a proportional open list system. Of these, 150 deputies are elected from 19 multi-member constituencies based on the counties of Norway. The number of mandates per constituency is determined every eight years by a formula which gives weight both to the population and to the size of each county. This results in rural constituencies, which are significantly larger in size than the more urban constituencies, being allocated a greater number of seats in parliament than would be the case under an allocation based strictly on population. Some interlocutors noted that this situation challenges the principle of equality of the vote, but it appears to be generally accepted by most of the political parties as a method to ensure that the large part of the

country which is lightly populated receives sufficient representation. Mandates are allocated by the County Electoral Committee (CEC) according to the Sainte Laguë modified method.

After the distribution of mandates within constituencies, the remaining 19 seats are distributed among those lists that obtain at least four per cent of total votes cast, to ensure proportionality among parties at national level. These 19 seats are also allocated by the National Electoral Committee (NEC) according to the Sainte Laguë modified method.

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 the lists the CEC calculates which candidates receive mandates, according to voter preferences. Several interlocutors noted that this form of open list system has little impact on the final results, due to the large number of personal preferences necessary to reorder the list.

C. LEGISLATIVE FRAMEWORK

The Constitution and the Representation of the People Act (last amended 2009) are the primary documents regulating the conduct of parliamentary elections. Additional legislation, such as the Act on Certain Aspects Relating to the Political Parties (2005) and the Broadcasting Act (1992), as well as regulations issued by the Ministry of Local Government and Regional Development, are also applicable.

Recent amendments to the election law include a provision for election observation, requirements to provide proof of identity to cast a vote, and a provision for early voting.

All citizens who have attained 18 years of age and older and who are, or have some time been, residents of Norway have the right to vote.¹ The right to be elected is accorded to all those who have the right to vote, with some exceptions related to employment by the State. These exceptions are rather broad and include members of staff in ministries, justices of the Supreme Court, and members of the diplomatic corps or consular service.²

There also exists a duty to accept election, and any eligible voter can be placed on a list proposal without his/her agreement. Only those who are registered in a different constituency, who are members of the previous parliament or who are members of another political party may claim exemption from such nominations. A few small parties take advantage of this provision, putting well-known personalities on their lists, but all of the seven parties represented in the outgoing parliament choose their candidates through their party structures.

The election law contains provisions to facilitate universal franchise, providing for early voting (from 1 July to 9 August), advance voting (from 10 August to 11 September), out of

¹ Pursuant to not being disenfranchised according to Article 53 of the Constitution, which calls for the right to vote being lost by persons, "a) sentenced for criminal offences, in accordance with the relevant provisions laid down by law; b) entering the service of a foreign power without consent of the government.

² Although members of staff in ministries are disqualified from election, ministers, state secretaries and political advisers are exempt from this rule and may run for office.

country voting, and special procedures for the infirm as well as for voters who are in hospitals or are incarcerated. Election day can be held over a two day period (13 and 14 September), at the decision of individual municipalities.

D. ELECTION ADMINISTRATION

Several different bodies are involved in the conduct of parliamentary elections, including the Ministry of Local Government and Regional Development, local county and municipal authorities, the NEC, CECs, and Electoral Committees/Polling Committees. The Ministry of Foreign Affairs is involved only in collecting ballots of citizens outside of the country and mailing them to the relevant municipality.

The Ministry of Local Government oversees the technical preparations for the elections. It is responsible for the overall organization of elections, for interpretation of rules and regulations, for voter information and for allowing media access to results during counting.

The NEC is a body composed of at least five members appointed by the King during the year of the election. Two candidates for the NEC are nominated by each political party represented in parliament; the members are then selected by the Ministry of Local Government, before being appointed by the King. The role of the NEC is limited; it adjudicates election complaints that are not related to the right to vote and the right to cast a vote and distributes the 19 compensatory seats. As of 24 June only one complaint had been submitted to the NEC, regarding the fact that an individual had been placed on the candidate list without her approval.

The incoming parliament decides on the validity of an election; it also considers any complaints related to the right to be registered as a voter or the right to cast a vote. Except for criminal matters, there does not appear to be a role for the courts in election process. Significant disputes are rare, usually making the verification role of the parliament a formality.

CECs oversee the election process at the constituency level. The CECs *inter alia* approve electoral lists and print ballot papers, check the counting of votes, and allocate parliamentary seats from their constituency. The CECs are elected by the respective county councils, and their members are often members of the county council. In some cases, candidates running in the election are also members of CECs or other election commissions.

Electoral Committees members are elected by the municipal councils and have overall responsibility for the conduct of the election within a municipality. Each municipality is divided into electoral districts, with each district having a polling committee which is responsible for the practical conduct of polling on election day. Polling committees count the votes cast on election day, while the Electoral Committees count the votes cast in advance.

Municipal authorities may decide to hold the election over two days – for this year's election 204 of the 430 municipalities will arrange an additional day of voting on 13 September.

There are extensive provisions for pre-election day voting. This process begins on 1 July, before the finalization of the ballot. Early voting is new to this year's election, allowing voters to cast a ballot from 1 July through 9 August both in country at a municipal authority and out of country in consulates and other authorized locations and by post. Ordinary advance voting starts from 10 August until the Friday before election day. A voter may cancel his/her early vote by casting a ballot on election day.

Ballot papers are printed per party in each constituency, and a very large number are printed overall. Ballots are not considered as sensitive materials until cast. For early voting, which begins before the 10 August deadline for printing ballots, the Ministry of Local Government provides a single ballot with only party names (the regular ballot papers include the entire list of candidates for the respective party). There is a liberal policy regarding ballot validity, and few ballots are reportedly disqualified. There is no requirement to use the official ballot papers; any submitted paper which signifies the will of the voter is accepted.

Before 2003, ballots were placed in an envelope prior to voting to ensure greater secrecy. To speed up the process of counting, envelopes were removed from the process. To guard against the casting of more than one ballot, each voter must have the ballot stamped before placing it in the ballot box and must therefore fold the ballot after marking it. However, some interlocutors expressed concerns about the secrecy of the ballot with the current procedure. While some political parties would prefer to see the use of envelopes reinstated, the Ministry of Local Government is looking into developing a new ballot for future elections that would provide a higher level of secrecy without using an envelope.

E. VOTER REGISTRATION

There are approximately 3,528,000 registered voters in Norway. Registration is passive, taken from a national register used for taxes, health care and voting. Voters are placed on the voters list only when they are registered as being resident in a municipality by 30 June of the year of the election, although public inspection of the lists is possible through election day. The central tax authority maintains the voter register.

Registered voters are provided with a polling card, distributed in July, that provides information on where to vote. They are required for voting in advance, and may be used for voting on election day. For those who do not have their polling card but wish to vote in advance, replacement cards can be provided by the Electoral Committees.

F. CANDIDATE REGISTRATION AND CAMPAIGN

List proposals must be submitted to the county authorities by 31 March in the year of an election. Each list must contain the same number of candidates as there are seats to be allocated to the constituency. There are some 23 list proposals submitted for the upcoming parliamentary elections, although not all are running in every constituency. Approximately 3,600 candidates will be running.

There is no official campaign period, but most political parties stated that campaigning generally begins in July. The political parties met by the OSCE/ODIHR NAM plan to use a wide variety of means to reach voters, including meetings, door to door outreach, and the internet. The main campaign issues are expected to be the economic situation and

employment, infrastructure development, health care, care of the elderly, education and the environment.

Political party financing is lightly regulated in Norway, with no limits on party income or expenditure. There is a focus on transparency, but primarily as relates to incoming donations. State funding represents the primary income for political parties and is divided into basic support (10 per cent of state funding) and vote support (90 per cent of state funding). Basic support is provided to parties at a national level which received at least 2.5 per cent of votes in the last election, while vote support is provided in proportion to the amount of votes received in that election. Approximately 23 million Euro was distributed nationally by the state to 18 different political parties in 2008.

A GRECO evaluation report on Norway on the transparency of party funding from February 2009 recommended introducing an obligation to report on income received and expenses incurred in connection with election campaigns as well as introducing an appropriate set of sanctions for infractions of the Political Party Act which governs party financing.³

G. MEDIA

Norway has two main national level television channels providing news programming: the public broadcaster (Norwegian Broadcasting Corporation, NRK), and the privately-owned TV2. There are a number of local television broadcasters and radio broadcasters, including the public broadcaster. There are 220 newspapers, of which approximately 190 are local. Television is the most widely used media, although there is also high use of newspapers and the internet.

Television and radio are regulated by the Broadcasting Act and are monitored by the State Media Authority (SMA). The SMA is part of the Ministry of Culture and Church Affairs, and is responsible for licensing and supervision of broadcasting. Violations can result in sanctions, and are also registered in SMA annual reports.

In addition to the public broadcaster, some private channels have been provided with public service licenses. This gives additional legal obligations to act independently of owners or interest groups. Public service licenses have focused primarily on the broadcasting of news and current affairs programming.

According to the Broadcasting Act, "Broadcasters may not broadcast advertisements to promote belief systems or political ends on television."⁴ While the ban on political advertising is accepted and even promoted by a number of parties as a method to keep campaign costs low and allow the parties to focus more on issues of substance rather than on fundraising for an election, others see the ban as an unfair restriction on campaigning.

During the 2003 local elections, a regional branch of the small Rogaland Pensioners Party aired a broadcast on a local television station on the west coast of Norway (TV Vest). The station was fined for the broadcast, and after losing an appeal to the Supreme Court, lodged

³ Group of States Against Corruption (GRECO), Council of Europe, "Evaluation Report on Norway on Transparency of Party Funding," 19 February 2009, available at www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp

⁴ Broadcasting Act, Section 3-1

its case with the European Court of Human Rights (ECHR). On 11 December 2008, the ECHR ruled in favor of the television station, stating that the ruling violated the rights of the Rogaland Pensioners Party under Article 10 of the Convention on the Protection of Human Rights and Fundamental Freedoms.⁵ As a result, a debate has ensued as to whether broadcasting of political campaign advertisements should be allowed.

The Ministry of Culture and Church Affairs has tried to address the ECHR findings by allotting all parties contesting the elections free airtime on the “open channel” which is owned by more than 60 different non-profit organizations in Norway. However, the channel is currently functioning on a limited basis, as it is potentially available to some 30 per cent of the population and only broadcasts five and a half hours a day. It also has a very low viewership. The Government is also proposing changes to the public broadcaster’s mandate to ensure broad and balanced coverage of elections. However, this will not necessarily ensure that smaller parties, which formed the basis for the ECHR judgment, receive television news coverage.

The Conservative Party stated to the OSCE/ODIHR NAM that it intends to broadcast political advertisements and has identified several broadcasters willing to do so. The OSCE/ODIHR NAM was informed that several stations have already begun broadcasting political advertisements. The SMA is currently considering sanctions on these broadcasters.

H. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

Women represent about one-third of the outgoing parliament. Most political parties met by the OSCE/ODIHR NAM stated that for the upcoming elections they intended to have 50 per cent of their list proposals filled by women candidates. There are no legal quotas regarding gender representation on candidate lists.

The Sami are an indigenous population who reside primarily in the northern half of Norway, Sweden and Finland. The Sami have specific rights under the constitution, to ensure that their language, culture and society are protected. The national parliament passed the Sami Act which among other rights, grants the authority of the Sami people to have their own parliament (*Samiediggi*), with a political mandate to address all issues that affect Sami interests. The 43-seat parliament is elected among the Sami people (on the basis of a Sami census), from 13 constituencies. Elections are held every fourth year, simultaneously with the elections to national parliament.

I. ELECTION OBSERVATION

The election law, as amended on 8 May 2009, provides for the presence of domestic and international election observers to monitor the conduct of elections. The Norwegian Helsinki Committee will deploy an international election observation mission of some 30 international observers to observe the 14 September elections. The government has been responsive to previous observation missions of the Norwegian Helsinki Committee; a recent amendment to the election law to require proof of identity for those not known to the Polling Committee is seen as a direct response to the last Norwegian Helsinki Committee report.

⁵ Judgment of the European Court of Human Rights, Case of TV Vest AS and Rogaland Pensjonistparti vs. Norway, (Application no. 21132/05), 11 December 2008, www.echr.coe.int/echr/Homepage_EN

IV. CONCLUSION

A high level of confidence in the administration of the elections was expressed to the OSCE/ODIHR NAM during all meetings. Nevertheless, all interlocutors met also welcomed a potential OSCE/ODIHR activity for the upcoming elections. Ensuring transparency of the election process was frequently cited as an added value of external observation, as well as recognition of the fact that election processes can always be improved upon. In this respect, nearly all interlocutors mentioned the amendments made to the election law based on recommendations by the Norwegian Helsinki Committee's observations.

The Norwegian election process could benefit from closer scrutiny in a few areas, including the apparent lack of court recourse for complaints, discussions on the ban on campaign advertising on television, the obligation to accept candidacy, candidate participation in election committees, and the equality of votes among constituencies. Furthermore, the fact that interlocutors actively encouraged the presence of observers and that the OSCE/ODIHR has not previously conducted a mission in Norway, are additional reasons to consider such an OSCE/ODIHR activity. As none of the interlocutors expressed any concerns related to the conduct election day itself, the OSCE/ODIHR NAM recommends the deployment of an Election Assessment Mission for the parliamentary elections.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Mr. Steffen Kongstad, Director General

Ministry of Local Government and Regional Development

Mr. Hans Petter Gravdahl, Deputy Director General

Ms. Marianne Riise, Senior Adviser

Ms. Nina Britt Berge, Senior Adviser

Mr. Tom Refsum Aatlo, Senior Adviser

Ministry of Government Administration and Reform

Mr. Jens-Oscar Nergard, Senior Adviser

Ministry for Labour and Social Inclusion

Ms. Maret Guhttor, Deputy Director General

Labour Party

Mr. Svein Roald Hansen, Member of Parliament

Ms. Marit Nybakk, Member of Parliament

Progress Party

Mr. Geir Almasvold Mo, Head of the Secretariat

Mr. Pal Arne Davidsen, Foreign Affairs Adviser

Liberal Party

Mr. Odd Einar Dorum, Member of Parliament

Socialist Left Party

Mr. Thor Egil Braadland, Head of Secretariat

Mr. Torbjorn Urfyell, Project Leader SV2009

Christian Democratic Party

Ms. Laila Dāvøy, Member of Parliament

Ms. Kari Husøy, Head of Secretariat

Centre Party

Mr. Rune Skjælaaen, Member of Parliament

Mr. Lars Gjemble, Media Adviser

Conservative Party

Mr. Trond Hole, Secretary General

Institute for Social Research

Dr. Bernt Aardal, Research Director

Ministry of Culture and Church Affairs

Mr. Lars Oyen, Assistant Director General

Norwegian Media Authority

Mr. Tor Erik Engebretsen, Director of Grants and Analysis
Ms. Live Nerموen, Adviser

Norwegian Broadcasting Corporation

Mr. Geir Helljesen, News Anchor

Helsinki Committee

Mr. Bjorn Engesland, Secretary General
Ms. Berit Lindeman, Head of Information/Adviser

Transparency International

Ms. Gro Skaaren-Fystro, Acting Secretary General

National Electoral Committee (NEC)

Mr. Geir Mo, Chairman of the NEC
Mr. Odd Einar Dørum, Member

Preparatory Credential Committee

Ms. Marit Nybakk, Member of Parliament

Oslo Electoral Committee

Mr. Bard Folke Fredriksen, Committee Member
Mr. Asbjorn Ausland, Office Manager

Oppland County Electoral Committee

Ms. Anne Marie Bogstad Joranli, Council Member
Ms. Berit Johannessen, Committee Secretariat