



**Office for Democratic Institutions and Human Rights**

# **ICELAND**

## **PARLIAMENTARY ELECTIONS**

**27 April 2013**

**OSCE/ODIHR Election Assessment Mission Final Report**



**Warsaw  
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**ICELAND**  
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**I EXECUTIVE SUMMARY**

Following an invitation from the Permanent Mission of Iceland to the OSCE to observe the 27 April parliamentary elections and based on the recommendation of a Needs Assessment Mission conducted from 25 to 28 February, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM).

The parliamentary elections were conducted in pluralistic and transparent manner and voters enjoyed a wide choice of political options. The electoral process benefited from a high degree of respect for fundamental rights and freedoms and trust in the impartiality of the election administration. As a result of the economic crisis, the main topics of the campaign concerned household debt and how best to tackle it. The media covered the election campaign extensively, including through a number of televised debates.

The legal framework provides a generally sound basis for the conduct of democratic elections. The legislation underwent a number of amendments after the 2009 elections, including efforts to reduce the regional discrepancies in voting weight between constituencies. However, significant differences in the number of votes needed to elect a candidate within different constituencies remain and this issue should be further reviewed to ensure the equality of the vote. While the legal framework provides for political party observers and the counting of ballots is open to the public, citizen and international observation is not foreseen and this is not fully in line with OSCE commitments. Nevertheless, the OSCE/ODIHR EAM had unrestricted access to all aspects of the electoral process.

The election administration enjoys a high level of public confidence. It performed its duties in an impartial and transparent manner and managed the process professionally and efficiently. The National Election Commission (NEC) does not have overall authority over the election administration. As the Senior Election Commissions (SECs) act independently and the legal framework allows for different interpretation in how to implement certain processes, inconsistencies in practice between the SECs and Local Election Commissions existed. The voter lists appeared to be accurate and no political groupings expressed any concern over this aspect of the election administration.

Party and candidate registration was inclusive, ensuring a wide choice of political alternatives. Of 15 political groupings contesting the elections, 11 were newly registered lists. Political groupings and the election administration at all levels criticized the short timeframes for registration and also the lack of clear and consistent guidelines on how to manage the nomination process. Candidate list registration was not finalized prior to the start of early voting.

The campaign took place in an open atmosphere with respect for the fundamental freedoms of expression, movement and assembly. Voters were provided with a wide range of information about different contestants on the basis of which it was possible to make an informed choice. Some

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Icelandic.

interlocutors expressed the opinion, however, that there was a general lack of analytical and in-depth coverage that could have helped voters to better assess the qualities and programmes of electoral contestants.

New amendments to party and campaign finance regulations were implemented for the first time in these elections. While parties are obliged to disclose their financial reports, there are no specific requirements concerning the disclosure of their campaign related expenses. Further measures could be considered to strengthen the current legislation, such as clarifying regulations on donations made by affiliated organizations, introducing a range of sanctions to enforce campaign finance regulations, and granting powers to the National Audit Office to undertake full audits of the financial reports.

The courts do not have any role in the adjudication of election-related complaints, unless they concern criminal matters. The NEC, the SECs and the parliament have jurisdiction over election disputes. The newly elected parliament certifies the legality of the elections and eligibility of elected candidates. The legislation does not clearly prescribe the possibility for a judicial appeal against administrative decisions of election commissions, which is not fully in line with OSCE commitments.

According to standard practice, the OSCE/ODIHR EAM did not undertake a comprehensive and systematic observation of election day proceedings. However, mission members visited a limited number of polling stations during the early voting period and on election day. Polling was reported to be well organized, in calm and orderly manner. Counting is centralized and carried out at the constituency level, under the supervision of each respective SEC. Most OSCE/ODIHR EAM interlocutors expressed confidence in the process of counting and the tabulation of results.

## **II INTRODUCTION AND ACKNOWLEDGMENTS**

Following an invitation from the Permanent Mission of Iceland to the OSCE to observe the 27 April parliamentary elections in Iceland and based on the recommendation of a Needs Assessment Mission conducted from 25 to 28 February, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) for these elections. This was the second time the OSCE/ODIHR deployed a mission to Iceland to assess elections.

The OSCE/ODIHR EAM was deployed from 15 to 30 April 2013. It was led by Ambassador Jorge Fuentes Monzonis-Vilallonga, and consisted of four election experts from as many OSCE participating States. The EAM was based in Reykjavik and visited five constituencies during the campaign and on election day. In line with the OSCE/ODIHR's methodology, the EAM did not undertake systematic or comprehensive observation of election day procedures, although EAM members did visit a limited number of polling stations and counting centres.

The OSCE/ODIHR wishes to thank the President of Iceland, the Ministry of Foreign Affairs (MFA), the Ministry of Interior (MoI), the National Election Commission (NEC), lower-level commissions, municipal and other authorities, representatives of political parties, the media, civil society, embassies of OSCE participating States accredited in Iceland, and other interlocutors for the co-operation and assistance extended to the OSCE/ODIHR EAM during the course of the mission.

### III BACKGROUND

Iceland is a parliamentary republic. The parliament (*Althingi*) is a unicameral body composed of 63 deputies, elected for four-year terms. The president of Iceland is directly elected and while enjoying certain constitutional powers, has a largely representative role. On 26 February 2013, the MoI set the date of parliamentary elections for 27 April.

Previous parliamentary elections were held on 25 April 2009, leading to the formation of a coalition government of the Social Democratic Alliance (SDA) and the Left-Green Movement (L-GM). The other three parties gaining representation in parliament were the Independence Party, the Progressive Party and the Citizens' Movement. The OSCE/ODIHR deployed an EAM for the 2009 early parliamentary elections, which concluded that "Iceland has a long tradition of holding democratic elections, and these elections were conducted in keeping with that tradition."<sup>2</sup> However, the OSCE/ODIHR offered a set of recommendations aimed at, among other things, improving the electoral legal framework, coverage of electoral campaign by the media and electoral dispute resolution procedures.

The political landscape has considerably changed and fragmented since the 2009 elections. Disappointment and disillusionment with traditional parties that used to dominate the political landscape, and with politics in general, were among the factors that were reported to contribute to the emergence of new political parties and their decision to contest the 2013 elections.

### IV LEGAL FRAMEWORK AND ELECTORAL SYSTEM

#### A. OVERVIEW

The legal framework provides a generally sound basis for the conduct of democratic elections. It primarily comprises the Constitution and the Parliamentary Election Act (Act Concerning Parliamentary Elections to the Althingi No. 24 of 16 May 2000, hereinafter 'PEA'). Other legislation relating to elections includes the Broadcasting Act (2000), and the Law on Financial Affairs of Political Organizations and Candidates and their Duty to Provide Information (2006, hereinafter the Party and Campaign Finance Act), as well as regulations issued by the MoI.

The Constitution, adopted in 1944, includes the basic principles of the election system and the fundamental guarantees protecting suffrage rights and provides for civil and political rights and freedoms essential for democratic elections. In 2010, the parliament initiated a review process of the Constitution, which was amended several times since its adoption, with the most recent amendment in March 2013. A Constitutional Council was established and tasked to review the Constitution and to draft suggestions for constitutional amendments.

In October 2012, a national referendum on the suggested constitutional changes was held with six questions on the ballot, all of which were supported by voters. Two of these questions were directly related to electoral process; ensuring equality of the weight of votes cast in all constituencies and granting the right to individual candidates to run in elections. However, none of the amendments

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<sup>2</sup> All OSCE/ODIHR reports on elections in Iceland are available at: <http://www.osce.org/odihr/elections/iceland>.

proposed during the referendum were adopted by the parliament and only one of the Constitutional Council's proposals, regarding the legal procedure to amend the Constitution, was adopted.<sup>3</sup>

Equal rights for men and women are laid down in the Constitution and the Act on Equal Status and Equal Rights of Women and Men. In the outgoing parliament, 43 per cent were women, and 4 out of 8 ministers of the government were women, including the former prime minister. In the new parliament, 40 per cent of members are women.

The right of suffrage is granted to all citizens who are 18 years of age or older and hold permanent residence.<sup>4</sup> Non-resident voters remain on the voter register for eight years, after which they have to apply to the National Registry Office (NRO) to be included. The right to be elected is granted to all citizens having the right to vote and who have not been convicted of a felony entailing the loss of civil rights.

The PEA underwent a number of amendments after the 2009 elections, including a seat reallocation from the Northwest to the Southwest constituency. Most recently, the PEA was amended in November 2012; political parties not represented in election commissions were given the right to appoint representatives with an advisory vote to the National and Senior Election Commissions (SECs) and disabled voters were given the possibility to be assisted by their chosen representative rather than by election officials.

While the PEA foresees the right of the observers of political groupings to be present at voting and provides for the public to be present during counting of ballots, the PEA however does not provide for citizen and international election observers. This is inconsistent with paragraph 8 of the 1990 OSCE Copenhagen Document.<sup>5</sup> The OSCE/ODIHR EAM recommended in 2009 that the election legislation be amended accordingly. This issue has not yet been addressed, although as in 2009, OSCE/ODIHR EAM observers were provided full access to all stages of the electoral process.

*Consideration should be given to amending the election legislation to allow for the presence of international and citizen observers to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.*

## **B. ELECTORAL SYSTEM**

For the purpose of parliamentary elections, the country is divided into six multi-member constituencies. Sixty-three members of parliament are elected through a proportional list system, with 54 seats allocated at the constituency level with no legal threshold and the remaining 9 seats allocated at the national level among parties that passed the 5 per cent threshold. These nine

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<sup>3</sup> Previously, when parliament adopted an amendment to the Constitution, it was dissolved and a general election held. The newly elected parliament would then approve and promulgate the amendments. According to the newest amendments, if the parliament passes a constitutional bill supported by at least a two-thirds majority, it will not be dissolved. A referendum will then have to be held no earlier than 6 months and no later than 9 months after the parliament's agreement on the bill. The bill should be supported by at least 40 per cent of voters to pass.

<sup>4</sup> According to the PAE "a judgment of conviction for a punishable offence does not entail the loss of civil rights unless the defendant in a criminal case had reached the age of 18 when the offence was committed and the resulting sentence is at least four years prison without probation or a sentence of preventive detention for defendants who are committed to psychiatric care." This provision should mention that a court decision has to attest a lack of capacity while sentencing for psychiatric care, as long as this is not settled in another text. See European Court of Human Rights, case of *Alajos Kiss v. Hungary* (application no. 38832/06), Judgment, 20 May 2010.

<sup>5</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document provides that "the participating States should consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other OSCE participating State..."

“adjustment seats” are considered a compensatory measure to ensure proportionality at the national level. Candidate lists are presented in the order determined by the political grouping (organization)<sup>6</sup> presenting the list. Voters have the right to alter the order of candidates by indicating their preferences.<sup>7</sup> In these elections, voters’ preferences had no impact on the results.

The PEA defines constituency boundaries, but two Reykjavik constituency boundaries are determined by the NEC prior to each election in order to ensure that the number of voters in both constituencies is approximately the same. The constituencies and the corresponding number of seats for the 2013 elections were the following: the Northwest with 8 seats, Northeast and South with 10 seats each, Southwest with 13 seats, Reykjavik North and Reykjavik South with 11 seats each. The law provides that if the number of voters per parliamentary seat in one constituency is more than half of the number of voters per seat in another constituency, the NEC should reallocate seats after the elections to reduce that difference to below a two to one ratio.<sup>8</sup> After the 2009 parliamentary elections, to address an over 100 per cent difference in the number of voters per seat between the Northwest and the Southwest constituencies, one seat was reallocated to the Southwest constituency.

For these elections, three constituencies, Reykjavik North, South and the Southwest, collectively had some 46 per cent more registered voters per seat than the remaining three constituencies. The difference of registered voters per seat was largest between the Southwest and the Northwest constituencies; approximately 82 per cent. Therefore, significant differences in the number of votes required to elect a candidate within different constituencies still remain.

Most OSCE/ODIHR EAM interlocutors noted this longstanding problem with the lack of equality of the vote, which is at odds with the 1990 OSCE Copenhagen Document.<sup>9</sup> The OSCE/ODIHR EAM in 2009 recommended considering a review of the relevant legal provisions for the distribution of parliamentary seats in order to ensure compliance with the principle of equal suffrage. In November 2012, the parliament asked the Council of Europe’s Commission for Democracy through Law (Venice Commission) to provide an opinion on the draft for a new Constitution. In its opinion, the Venice Commission, *inter alia*, welcomed the proposal of the draft which set out the principle that “the votes of electors everywhere in the country shall have equal weight.”<sup>10</sup> However, the constitutional proposal was rejected by the parliament in March 2013.

*Consideration should be given to continue the review of the legal provisions for the distribution of parliamentary seats among constituencies to ensure compliance with the principle of equal suffrage.*

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<sup>6</sup> Article 32 of the PEA defines political groupings as those that put forward candidates or have previously done so for parliamentary elections. These are usually political parties, but other groups may also put forward candidates.

<sup>7</sup> Voters can change the order of candidates by renumbering them or crossing out the names that they do not like. For the preferential vote to have an effect on the ranking of candidates, a significant proportion of the voters should make the same of the above mentioned changes in the candidate list. See the document Apportionment of Seats to the Althingi, March 2009: <http://www.landskjar.is/media/frettir/AnalysisIcelandElectionApril2009.pdf>.

<sup>8</sup> Some two-thirds of Iceland’s population is concentrated in the two Reykjavik constituencies and the Southwest constituencies.

<sup>9</sup> Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that “to ensure that the will of the people serves as the basis of the authority of government, the participating States will guarantee universal and equal suffrage to adult citizens.”

<sup>10</sup> See the Venice Commission Opinion on the Draft New Constitution of Iceland at: [http://www.venice.coe.int/WebForms/documents/?pdf=CDL-AD\(2013\)010-e](http://www.venice.coe.int/WebForms/documents/?pdf=CDL-AD(2013)010-e).

## V THE ELECTION ADMINISTRATION

### A. OVERVIEW

The administration of elections is conducted collaboratively by several levels of commission, including the NEC, 6 SECs and 267 Local Election Commissions (LECs),<sup>11</sup> and is supported by the Ministry of Interior, which plays an integral role in preparing technical and organizational aspects in conjunction with the municipalities.<sup>12</sup> The Ministry of Foreign Affairs organizes polling for citizens abroad and the National Registry Office (NRO) manages the voter register at the national level.

All stakeholders met with by the OSCE/ODIHR EAM expressed their trust and confidence in the electoral administration at all levels.<sup>13</sup> Interlocutors commented that election officials carried out their duties impartially and professionally overall.

### B. MINISTRY OF INTERIOR

The MoI, with a staff of seven responsible for elections, oversees most of the technical preparations, but does not have oversight over the electoral commissions. It is responsible for registering political groupings in order for them to submit candidate lists to the SECs. Further, it is responsible for developing and distributing materials such as ballots, candidate lists, Braille templates for visually impaired voters and general voter information materials to the SECs, which then allocate and deliver them to the LECs via the post office or police. The MoI conducted its work in a professional manner and enjoyed a high degree of public confidence. It further took the initiative, for the first time, to coordinate a number of meetings with the NEC and SECs in an attempt to alleviate inconsistencies between the SECs, such as the determination of what constitutes an invalid ballot. The coordination meetings were an important confidence building measure and helped to enhancing trust in the administration of elections. The MoI has also improved its website significantly, making far more information available on it.<sup>14</sup>

### C. ELECTION COMMISSIONS

The NEC and SECs in each of the six constituencies are elected after each parliamentary election by the parliament for a four-year term and consist of five members and five alternates. Members of the NEC and SECs are nominated by parliamentary parties proportionally to their representation in parliament and both levels of commission elect their own chairperson. The MoI decides on remuneration for the NEC and SECs. Gender equality within the election administration and, in general, is well respected.<sup>15</sup> In the Global Gender Gap Report 2012, Iceland holds the top spot.<sup>16</sup>

The NEC is not an overarching, centralized decision making body and has a limited role in general. Further, it does not have authority over the SECs that act independently. The NEC acts as an appeal

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<sup>11</sup> In addition, 36 special election commissions were formed to supervise the work of the local electoral commissions when a municipality has split into more than one ward or there is more than one ward in a polling station.

<sup>12</sup> Previously, this responsibility was vested with the Ministry of Justice. In 2011, the Ministry of Justice and the Ministry of Transport were merged with the Ministry of Interior.

<sup>13</sup> A recent amendment to the PEA allows all non-parliamentary parties to assign party agents to both the NEC and SECs with an advisory vote and full rights to documentation.

<sup>14</sup> The MoI reported that due to the improved website, many more people visited it in the run up to the 2013 elections than in 2009.

<sup>15</sup> One out of five NEC members is a woman. About half of all SEC members are female.

<sup>16</sup> See: [http://www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_2012.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_2012.pdf)

body for SEC decisions and other disputes with regard to the registration of candidate lists and allocates parliamentary mandates to those elected. After each parliamentary election, the NEC has the authority to adjust constituency boundaries and the allocation of seats between them.

The SECs oversee the election process at the constituency level. They have no permanent offices or staff and generally meet five or six times prior to each election. The primary responsibility for the SECs is the receipt and verification of candidate lists in their constituency. As well, the OSCE/ODIHR EAM was informed that the counting of ballots is organized and administered at the constituency level by the SECs in order to protect the secrecy of the vote given the number of small polling stations in Iceland.

The LECs are responsible for administering elections in polling wards on election day. They are appointed by the municipalities and consist of three members and an equal number of alternates. There were 267 polling wards created for these elections placed in 131 polling stations countrywide. The municipalities provided training for the LECs, but seemed to rely more on the fact that most staff had previous experience of working on elections.

Most OSCE/ODIHR EAM interlocutors were generally satisfied with the work of SECs and LECs, but as the SECs act independently and the legal framework allows for the interpretation of how to implement certain processes, inconsistencies in practice between the SECs and LECs existed. These include a wide interpretation on how identity may be proven in polling stations as well as procedures of how early voting ballots are delivered to SECs.<sup>17</sup> Notwithstanding the coordination meetings of the MoI, additional efforts to seek greater uniformity in the implementation of electoral procedures should be sought.

*Consideration could be given to improving consistency and ensuring uniformity of practice at all levels of the election administration. Providing greater training and/or guidelines and instructions to the SECs and LECs in order to ensure uniformity and consistency of practices could also be considered.*

#### **D. VOTER REGISTRATION**

Iceland has a passive voter registration system. The NRO maintains a central database of registered voters based on the population register, which includes those who have resided abroad for eight years or less.<sup>18</sup> The NRO extracted the voter registry from a central database five weeks prior to election day and sent in paper form to the municipalities which were responsible for splitting the registry by polling wards. The municipalities made the registries available for public scrutiny by 17 April so that corrections could be made.<sup>19</sup> Citizens could also verify their registration status and place of voting on the MoI website by entering their personal identification number.

In total, there were 237,957 voters registered for these elections of which 18,760 or almost eight per cent were first-time voters. Included in the total were 12,757 voters living abroad, an almost 30 per

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<sup>17</sup> Article 63 of the PEA requires voters to produce an identification document or "satisfy the opinion of the election official in another manner."

<sup>18</sup> Two groups of individuals must be manually added to the voter register. These are citizens who have lived outside Iceland for more than 8 years and reregistered for voting purposes and a small group of Danish citizens that retain their right to vote based on having been resident in Iceland before 6 March 1946. For the 2013 elections, the first group was a total of 865 individuals while there remain 7 Danes that retain the right to vote in Iceland.

<sup>19</sup> Corrections, except changes to location of residence, could be made with the municipalities up to and including on election day. Corrections were entered directly on the voter register by hand.

cent increase from 2009.<sup>20</sup> Icelandic voters living abroad but registered in Reykjavik are split by assigning those born in the first half of any month to South Reykjavik while those born in the second half of any month to the North Reykjavik constituency. The voter lists appeared to be accurate and no political groupings expressed any concern over this aspect of the election administration.

## E. CANDIDATE LIST REGISTRATION

To contest parliamentary elections, a political grouping must be registered with the MoI which assigns a "distinguishing letter" of the alphabet that identifies the organization throughout the electoral process. Political groupings registered in the previous election automatically retained their 2009 letter. New organizations were registered by submitting at least 300 voter support signatures to the MoI by 9 April.<sup>21</sup> Of 15 political groupings that participated in the elections, 11 new groupings were registered, and 4 retained their registration based on their participation in the 2009 parliamentary elections.<sup>22</sup> The law does not provide for candidates standing individually, although individuals can join together and present lists.

Candidate lists were submitted to the SECs by 12 April and had to include double the number of candidates as there are seats in the relevant constituency.<sup>23</sup> The candidate list submission had to be accompanied by support signatures totalling between 30 to 40 times the number of parliamentary seats being contested in the constituency. The signatures from citizens residing in the constituency could support only one list.<sup>24</sup> Several newly-formed political groupings expressed concerns that the number of required support signatures was too high or the process too burdensome. The registration process for these elections was inclusive, with 15 groupings meeting the registration requirements with a total of 1,152 candidates. Eleven lists were presented in each constituency while four ran in just one or two constituencies. The eligibility of candidates is not determined during the registration process, but only after election results are announced.

No official form exists on which to submit the support signatures.<sup>25</sup> As such, a variety of formats were used and several contestants raised concerns about the lack of guidance and consistency in the nomination process. The SECs were responsible for ensuring that each candidate list included enough valid signatures and had 24 hours to rule on the validity of the lists. The NRO provided support in checking signature lists for the four SECs that requested it, while the other two SECs undertook this process on their own.<sup>26</sup>

The SECs provided varying deadlines to nominating organizations, from 6 to 24 hours, for obtaining signatures to remedy the invalidated ones.<sup>27</sup> Furthermore, the number of additional signatures needed was not always known, as new signatures could have been duplicates and thus be invalid or invalidate other signature lists. No precise time limit is provided for the SECs to approve

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<sup>20</sup> See the Ministry of Interior website: <http://www.kosning.is/althingiskosningar/tolfraedi/erlendis/>.

<sup>21</sup> The MoI checks the signatures with the assistance of the NRO.

<sup>22</sup> The MoI published the list of confirmed letters from the 2009 elections on 2 March 2013.

<sup>23</sup> Some political groupings informed the OSCE/ODIHR EAM that they filled the last portion of the candidate lists with individuals that had no desire to be elected, and simply supported the organizations' nominations.

<sup>24</sup> Should an individual support multiple lists, each of their signatures is deemed invalid. As such, all lists must be processed at the same time and no early registration is possible.

<sup>25</sup> Article 32 of the PEA states that the supporter's name, ID number, and domicile must be specified.

<sup>26</sup> The National Registry office sent the SECs an excel template, but not all of them used it. As a result, they provided more data to the registry office than required, causing unneeded extra work for the SECs.

<sup>27</sup> Article 41 of the PEA states that "the relevant agents shall be provided with an opportunity to correct the lists and a time limit may be set for that purpose, as time and circumstances allow."

or reject electoral lists. As well, no deadline is provided for the SECs to submit their decisions to the NEC. The NEC, however, was required to publish the candidate lists no later than 17 April.

Rejection of candidate lists by the SECs could be appealed within 24 hours to the NEC. Five individuals attempted to register as independent candidates in each of the six constituencies and filed appeals against SEC rejections. In all cases, the NEC upheld the SEC decisions (see complaints and appeals section).

Political groupings and the election administration at all levels were critical of the short timeframe for the registration process. The process was described by many as chaotic, since it lacked clear and consistent guidelines on how to manage the nomination process. As such, the SECs, MoI and NRO were inundated with requests for clarifications.

*Consideration should be given to reviewing and consolidating the relevant legal provisions relating to the registration of candidate lists, including timelines and deadlines and ensuring that candidate list registration is finalized prior to the start of early voting. The development of standardized guidelines and forms could also be considered, which could make the candidate list registration process more uniform and unambiguous, thus reducing the burden on the election administration.*

Of the 1,152 candidates, 632 were women, approximately 42 per cent of all electoral contestants.<sup>28</sup> A number of political parties informed the OSCE/ODIHR EAM that they conduct primaries for selecting candidates and adhered to an internal party ratio of 60:40 for the representation of the different genders in their candidate lists.<sup>29</sup>

## VI ELECTION CAMPAIGN

The election campaign is generally unregulated. No official campaign period exists, but the campaign reportedly began to take shape in early March when early voting began. Campaigning could take place up to and including election day.

The campaign saw a diverse political field with four established parliamentary parties and eleven newly registered political groupings contesting the elections, thus offering voters a broad choice.<sup>30</sup> Many of the newly registered entities were formed in 2013 and most of them regarded themselves as politically left of center, thus dividing that portion of the political spectrum.

Participation in the political process is historically high and attributed by some to the personal connections citizens have with politicians in a small country. A large number of citizens are registered members of political parties. The Independence Party claims they have over fifty thousand registered members and the SDA about eighteen thousand members. Along with the other political parties, this encompasses a significant portion of the population. However, participation in party primaries was low during this election and OSCE/ODIHR EAM interlocutors attributed the emergence of new political entities to public disappointment with the traditional parties and with politics in general, given the economic crisis.

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<sup>28</sup> Approximately the same ratio existed for candidates in the top five places on each candidate list. See the Ministry of Interior's web site: <http://www.kosning.is/althingiskosningar/tolfraedi/frambjodendur/>

<sup>29</sup> The SDA and the L-GM put forward equal numbers of male and female candidates.

<sup>30</sup> The new political groupings were the Pirate Party, Bright Future, Dawn, the Rainbow, the Household Party, the Rural Party, the Humanist Party, the People's Front of Iceland, the Democracy Watch, Sturla Jonsson and the Right Green People's Party.

As a result of this crisis, the main topic of the campaign concerned household debt and how best to tackle it. The Progressive Party pledged to write-off mortgages by as much as 20 per cent, which seemed to dictate the primary focus of the rest of the campaign. Another prominent issue was the management of natural resources, especially the important fishing industry. Other issues raised during the campaign included health services, taxation, European Union accession,<sup>31</sup> employment, and constitutional amendments. In rural areas, a variety of other issues were raised, including concerns over the potential move of Reykjavik's domestic airport as its central location is relied upon for access to health services and makes commuting for work purposes feasible.

The campaign was held with respect for the fundamental freedoms of expression, movement and assembly. Several OSCE/ODIHR EAM interlocutors complained that the parties with the greatest chance of obtaining seats were not provided with enough media coverage in order for voters to make a more informed decision. At the same time, others complained about not getting ample coverage in the media.

The campaign was primarily conducted in the broadcast media via participation in public debates and interview programs. In addition, political groupings, especially those newly registered, relied heavily on internet platforms, with a focus on social media such as Facebook or Twitter and also on individual blogs. Other means of campaigning included: handing out pamphlets in public places and to a lesser extent canvassing door-to-door or organizing group meetings. A tradition also exists for candidates to make organized visits to large workplaces in order to speak with voters during their lunch or coffee breaks.

## VII CAMPAIGN FINANCE

The primary law regulating party and campaign finance is the Party and Campaign Finance Act. The law was amended in 2010 and 2011 to increase the transparency of party and campaign finance and to take into consideration recommendations made by the Group of States against Corruption of the Council of Europe (GRECO) which in its interim compliance report on transparency of party funding in 2010 evaluated that most of its previous recommendations were met.<sup>32</sup>

### A. SOURCES OF PARTY AND CAMPAIGN FINANCE

Political parties and candidates could use funds from public subsidies and private donations. By law, political groupings are entitled to public funds and political groupings and candidates can self-finance their campaigns and receive donations from private and legal entities up to ISK 400,000.<sup>33</sup> Anonymous donations and donations from state and foreign legal entities are forbidden.

Parties that obtained at least one seat in the parliament or received more than 2.5 per cent of votes in the last general elections are eligible for public funding. The annual public subsidy is allocated in proportion to the number of votes obtained. In addition, political parties that form groups in the parliament are also entitled to receive public funding.<sup>34</sup> Parties are heavily reliant on public

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<sup>31</sup> The European Union (EU) accession was mentioned by many OSCE/ODIHR EAM interlocutors with some expressing full support for European integration, while others mentioning the need for further negotiations and deciding on the issue through a nationwide referendum. Some parties were against joining the EU.

<sup>32</sup> See the GRECO evaluation and the GRECO compliance reports at:  
[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2010\)2\\_Interim\\_Iceland\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2010)2_Interim_Iceland_EN.pdf)

<sup>33</sup> The exchange rate is approximately 1 EUR:160 ISK.

<sup>34</sup> The annual state subsidy allocated to political parties amounts to ISK 290 million and public funds granted to parliamentary groups equal ISK 52 million.

subsidies. In 2013, the total public funding for all parties and parliamentary groups amounts to some ISK 342 million. The two biggest parties in the outgoing parliament, the SDA and the Independence Party, together received approximately ISK 160 million. According to information given to the OSCE/ODIHR EAM by political parties, the proportion of public funding in parties' budgets ranges from 70 to 95 per cent.

## **B. CAMPAIGN EXPENDITURES**

The Party and Campaign Finance Act provides for caps on expenses incurred by candidates only during the primary elections organized by political parties to select their candidates. Those are composed of a flat amount of ISK 1 million per candidate plus a premium depending on the population of each constituency. These spending limits, however, apply only to expenses actually made by candidates and do not cover election expenses incurred by parties. Candidates running in the primary elections have to submit a statement on their campaign expenditures, together with copies of invoices for the expenses, and the sources of funding to the National Audit Office (NAO) within three months of election day.<sup>35</sup> The NAO is responsible for monitoring the finances of political parties and candidates. After the elections, parties that contested elections in all six constituencies are entitled to claim campaign expenses for up to ISK 3 million. To claim the expenses, they have to provide the NAO, with copies of invoices.

The definition given by the law as regards the statutory deadline for the start of the campaign for primary elections is vague and was addressed by the GRECO in its evaluation report. Under the law, the reporting period for candidates commences on the date when political parties advertise the primary elections, however candidates may begin campaigning earlier. It is thus difficult for the NAO to accurately assess the completeness of candidates' financial reports on electoral expenses and the respect of spending limits. Moreover, the Party and Campaign Finance Act does not provide for sanctions in instances where a candidate fails to submit his/her report within the legal deadline or exceeds the spending limit.

In previous election campaigns, the contesting parties made inter-party agreements on spending limits for the campaign in the media. This year, an agreement could not be reached.<sup>36</sup> Political entities receiving public funding were advantaged being able to spend more, including greater advertising in the media and the ability to open campaign offices throughout the country. On the other hand, organizations that did not receive public funding complained about the lack of resources and thus their inability to effectively compete with parties that did obtain funding.

## **C. TRANSPARENCY**

In accordance with the Party and Campaign Finance Act, parties have to submit financial statements related to their routine activities, endorsed by auditors, to the NAO by 1 October each year. However, they are not required to submit special reports on expenses incurred and income received for electoral purposes. Parties have to keep consolidated accounts for all units they are comprised of,<sup>37</sup> including their 'affiliated organizations'.<sup>38</sup> Under the current law, 'affiliated organizations' may

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<sup>35</sup> The candidates are exempt from the obligation to provide such a statement if their total income and expenditures do not exceed ISK 400,000.

<sup>36</sup> In general, parties that were not well financed supported lower ceilings while larger parties wanted a higher ceiling. See: <http://www.vb.is/frettir/82553/>.

<sup>37</sup> According to Party and Campaign Finance Act, units of political parties are subsidiary associations, constituency boards, holding companies and related self-governing institutions. Party units with income less than ISK 400,000 per year are exempt from having their account consolidated in the party's financial report.

<sup>38</sup> Affiliated organizations are legal entities in which the same political organization holds the majority of shares.

donate jointly up to the legal limit of ISK 400,000. However, this legal limit does not apply to the owners of ‘affiliated organizations’. Some OSCE/ODIHR EAM interlocutors expressed concerns that regulations on donations made by ‘affiliated organizations’ allowed for potential circumvention of the donation limit.

*Consideration could be given to amending the legislation to require political groupings reporting separately on the electoral expenses to allow the NAO to conduct a thorough oversight of all electoral expenses.*

*Consideration could also be given to reviewing the law in order to make the donation limit provisions apply to both ‘affiliated organizations’ and its owners, when ‘affiliated organizations’ are de facto owned by the same legal entities or individuals.*

The NAO is responsible for publishing an excerpt of both political parties’ and candidates’ reports displaying an account of total expenditures and total revenues, together with the origin of revenues and the identity of legal entities and individuals for donations exceeding ISK 200,000.

Some OSCE/ODIHR EAM interlocutors expressed concerns that the NAO would not undertake a sufficiently scrupulous scrutiny of financial reports since the NAO does not carry out any audit of the reports but only a review. In 2011, six political groupings submitted their reports after the legal deadline without being sanctioned. The Party and Campaign Finance Act foresees either criminal sanctions or fines in case of violation of relevant provisions of the law. However, the NAO is not entitled to impose such fines. It has to turn to law enforcement, which in turn should decide whether or not to bring the case to the court.

*It is recommended to introduce a range of effective, proportionate and dissuasive sanctions to enforce campaign finance regulations. The NAO could be vested with the power to undertake full financial audit of the reports and impose administrative sanctions in case of violations of relevant legal provisions.*

## **VIII THE MEDIA**

### **A. MEDIA ENVIRONMENT**

Iceland has a diverse media environment, which facilitates freedom of expression and offers citizens a wide range of views. However, some OSCE/ODIHR EAM interlocutors considered the increased concentration of media ownership to be a potential threat to media diversity. In their view, the concentration of media ownership in the hands of a few individuals limits the information available to the public.<sup>39</sup> The recent amendments to the legislation represent an effort to limit the concentration in the future.<sup>40</sup>

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<sup>39</sup> Given a limited population and advertising market, it is even more important that conglomerate media achieve an internal pluralism, promoting diversity of opinion in programming. Anti-monopoly rules or self-regulation embracing principles of social, cultural and political pluralism in content are examples of good practice in many OSCE participating States.

<sup>40</sup> The Broadcasting Act stipulates that in case of a merger involving at least one media service provider with a turnover of at least 100,000 ISK, the Competition Authority, which is in charge of promoting effective competition in business activities, needs to be notified. The Authority may invalidate the merger if it has potentially harmful effects on media pluralism and/or diversity or approve it with a request to limit such harmful effects.

*Given the importance of media diversity to democratic elections, further measures to limit concentration of media ownership could be considered, such as conflict-of-interest and anti-trust provisions, adoption of rules aimed at limiting the influence which a single person, company or group may have in one or more media sectors, as well as ensuring a sufficient number of diverse media outlets.*<sup>41</sup>

Despite the growing significance of the internet, television remains the primary source of information, followed by daily newspapers.<sup>42</sup> The state-owned Icelandic National Broadcasting Service *Ríkisútvarpið* (RÚV) operates two television channels (RÚV and RÚV+) and two radio channels with nationwide coverage.<sup>43</sup> The RÚV and the privately owned *Stöð 2* (Channel 2) are the main news-oriented TV channels.<sup>44</sup> Two largest newspapers are *Morgunblaðið* and *Fréttablaðið*, with the latter distributed free of charge. The print media still enjoy a strong position in society, despite the fact that total circulation has declined.

The media have generally been affected by shrinking revenues due to the financial crisis which hit the country in 2008. The result has been a reduction of experienced staff, which, according to some OSCE/ODIHR EAM interlocutors, has diminished the quality of reporting.

## **B. MEDIA REGULATORY FRAMEWORK**

The legal framework regulating the media primarily comprises the Broadcasting Act and the National Broadcasting Service Act, both amended in the last two years.<sup>45</sup> A committee established to review OSCE/ODIHR's media-related recommendations<sup>46</sup> presented its suggestions for legal amendments to the authorities in February 2013, including on free airtime allocation.<sup>47</sup> While the committee included the OSCE/ODIHR recommendations in its report to the parliament, none of them were adopted in the final version of amendments to the media legislation. As such, the media coverage of the election campaign remains unregulated, beyond a general requirement to adhere to democratic principles, respect freedom of expression, meet requirements regarding impartiality and accuracy in news and present different opinions.

The Broadcasting Act defines the role of the Media Commission that consists of five members appointed by the Minister of Education for a period of four years and is responsible for granting and revoking broadcasting licenses.<sup>48</sup> While the law does not stipulate a specific obligation to monitor the media coverage of elections, the Commission has an obligation to ensure that media comply

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<sup>41</sup> See the Council of Europe Recommendation CM/Rec (2007) 2 of the Committee of Ministers to member states on media pluralism and diversity of media content at: <https://wcd.coe.int/ViewDoc.jsp?id=1089699>.

<sup>42</sup> The impact of new social media, such as Facebook and Twitter, was acknowledged by OSCE/ODIHR EAM interlocutors but remains difficult to estimate.

<sup>43</sup> RÚV is an independent public limited-liability company owned by the State which, through the Ministry of Education, Culture and Science, controls all RÚV shares. The RÚV board of directors is in charge of major decision-making for the operation of the company, hires and dismisses the general director and approves the budget. The company is funded from the state budget and advertising revenues and is subject to public service obligations specified in the Act on Icelandic National Broadcasting of 2013 and also in a four-year contract which the Minister of Education signs with RÚV.

<sup>44</sup> According to Statistics Iceland (2011), some 19 radio and 11 television channels operate in the country.

<sup>45</sup> The Broadcasting Act was amended in 2011 and the National Broadcasting Service Act in 2013. Other legislation regulating the media includes the Constitution, the Regulation of Broadcasting Activities, the Public Service Broadcasting Contract and internal regulations within RÚV.

<sup>46</sup> In November 2012, the Minister of Education set up the multi-party committee to study OSCE/ODIHR's recommendations and make suggestions for improvements of the media coverage of elections.

<sup>47</sup> The OSCE/ODIHR recommended that the provision of free airtime could be addressed in legislation in order to ensure consistent practice in each election.

<sup>48</sup> The Media Commission replaced the previous regulator the Broadcasting Licensing Committee.

with the law and apply sanctions in case they contravene the legislation. Complaints are to be dealt with by the Commission in an expedient manner and it can initiate procedures *ex officio* in case of non-compliance with the legislation.

The Commission informed the OSCE/ODIHR EAM that it received no official complaints about the coverage of elections. Many OSCE/ODIHR EAM interlocutors opined that the Commission would need more resources and staff to have a more active role during election campaigns, including the ability to deal effectively with potential campaign-related violations.

*To ensure that the Media Commission can properly fulfil its role stipulated by the Broadcasting Act, consideration should be given to providing it with more resources and granting it a formal role in monitoring the coverage of elections. The establishment of systematic media monitoring during an election campaign would assist the Media Commission in identification of any inequitable and preferential coverage of contestants and in taking prompt corrective action.*

According to the amended National Broadcasting Service Act, RÚV is charged with providing objective, reliable and impartial news, including probing and critical coverage of the work of authorities. The broadcaster should also provide equal coverage of all parties represented in the parliament and may allocate limited time to other parties contesting elections, proportionally to the number of constituencies where they registered candidates.

### C. MEDIA COVERAGE OF THE ELECTIONS<sup>49</sup>

The media offered extensive and informative coverage of the campaign in its election-related programming, providing voters with a broad range of views. Regular discussion programmes, interviews with party leaders, talk shows and news offered the electorate the opportunity to learn about contestants, which allowed voters to make a more informed choice. Some interlocutors opined, however, that there was a general lack of analytical and in-depth coverage that would have helped voters to better assess the programmes of electoral contestants. Newspapers ran more detailed overviews of political platforms and offered a more in-depth coverage of the campaign.

The large number of contestants affected the media coverage of the campaign. RÚV made an effort to provide equal coverage to all 15 registered party lists. The broadcaster aired six issue-focused debates, one in each constituency between all parties that nominated candidates in the respective constituency and four debates with all party leaders (two of them between parties which nominated candidates in all six constituencies and two between parties which nominated their candidates in five or less constituencies).<sup>50</sup> In addition, RÚV broadcast a 30-minute interview with all leaders of contesting party lists.

However, the public broadcaster provided only a limited coverage of the campaign in its news programmes. In addition, a number of OSCE/ODIHR EAM interlocutors criticized the chosen format of the debates which, in their view, was not attractive for viewers and did not allow them to compare the contestants as there were too many participants. The RÚV maintained that providing equal opportunity for all contestants was their priority.

Some of the smaller parties nevertheless complained to the OSCE/ODIHR EAM about limited access to media and a lack of opportunities to present their platform. While the allocation of free

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<sup>49</sup> The OSCE/ODIHR EAM did not carry out systematic media monitoring, but did meet with media representatives and discussed media issues with political parties and other electoral stakeholders.

<sup>50</sup> The debates broadcast live during primetime and were re-broadcast the next day.

airtime is not required by OSCE commitments or any other international standards, it is considered a good practice in many OSCE participating States that public broadcasters offer free airtime to all parties competing in elections. Free airtime ensures the right of access to smaller competitors, with limited resources, providing them an opportunity to address electorate.<sup>51</sup>

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

In contrast to RÚV, private Channel 2 devoted coverage to party lists based on their strength using public opinion polls and focused only on the six parties obtaining more than five per cent of the vote.<sup>52</sup> Channel 2 broadcast six debates between six parties, one in each constituency, and one debate between leaders of the six parties shortly before the election day. In addition, the channel organized two debates for the smaller parties, dividing them into two groups.

Radio and press coverage, both at national and local level, offered regular information on parties and issues. Similar to television, the RÚV radio broadcast six debates (one in each constituency). Additional information on parties was also available on the RÚV website. Independent and party affiliated websites were another important source of information for voters.

Despite the fact that no agreement was struck in terms of spending limits for the campaign in the media, OSCE/ODIHR EAM interlocutors opined that paid political advertising was used less intensively than in the previous elections.

A number of public opinion polls were conducted during the campaign. When disseminating the results of these polls, the media did not always provide the public with sufficient information to enable them to make a judgement on the value of the poll.

*Consideration could be given to establishing criteria based on which media offer the public adequate information to make a judgment on the value of the opinion polls, including the name of the party or organization that commissioned the poll, the name and methodology employed by the pollster, the sample and margin of error and the date the poll was conducted.*

## **IX VOTING**

### **A. EARLY VOTING**

Early voting is intended for those that cannot attend voting on election day. It starts eight weeks before election day and for these elections, early voting started on 2 March. It has a long tradition in Iceland and appears to enjoy a high level of public confidence. A total of 30,189 or nearly 13 per

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<sup>51</sup> The allocation of free airtime can be done on an equal or proportional basis, based on the specific context in which elections are taking place. When the number of contesting parties is high, a proportional formula may be adopted. The criteria to define proportions can be based on: votes obtained by parties in the same kind of past elections; the number of seats in the parliament; a threshold based on the number of candidacies filed in a minimum of constituencies. See the Handbook on Media Monitoring during Election Observation Mission at: <http://www.osce.org/odihr/92057?download=true>.

<sup>52</sup> The SDA, the Independence Party, the L-GM, the Progressive Party, the Pirate Party and the Bright Future.

cent of eligible voters cast their ballots in the eight weeks prior to election day. The majority of early voting takes place in District Commissioner offices throughout the country.<sup>53</sup>

Out-of-country voting also began on 2 March and was available for citizens abroad at about 25 diplomatic missions and 250 honorary consulates in some 80 countries. A total of 4,547 votes were cast by voters abroad. Starting on 6 April, early voting also began in prisons, hospitals and outpatient facilities for the elderly and disabled. Voters who were homebound due to illness, disability or pregnancy could also cast their ballot in their home if they requested such a service prior to 23 April.

The early voting process required voters to receive and complete all their paperwork in the presence of an election official that confirms both the identity of the voter and the secrecy of the vote. Early voting ballots differed from regular ballots in that they do not list the full candidate lists and simply provided a blank space for voters to stamp or write the identifying letter of the political entity they would like to vote for.

Voters voting in their home constituency cast the early ballot paper in a ballot box. Otherwise, it was the voters' responsibility to send the ballot to the election officials in their registered constituency in time to arrive before the polls closed on election day. During these elections, to provide a simpler option, voters from any constituency could also send their early ballots to the Reykjavik District Commissioner, who would ensure onward delivery to the relevant constituencies if the package arrived by 17:00 on election day.<sup>54</sup>

The MoI conducted a voter information campaign on its website, including instructions for the implementation of the early voting process and provided information on how to cast a ballot during early elections.<sup>55</sup> Furthermore, a set of paper instructions was provided to all embassies and consulates. These were aimed at resulting in more consistent procedures being followed and less uncertainties for voters and administrators alike.

A mismatched timeline was in place for early voting as it began on 2 March and the finalization and announcement of candidate lists only occurred 6 weeks later, on 16 April. Anyone voting prior to 16 April could not be sure which candidates, or even which political groupings were running in the elections. Only the parties that were registered in the previous parliamentary elections had an identifying letter, which is required to mark a ballot, thus providing for an unfair advantage to parties previously registered. Offices running early voting had no duty to inform voters about candidate lists or to provide information as to which political groupings were running, as this was a matter for the voters to identify on their own.<sup>56</sup> This issue was partially mitigated as citizens who took part in early voting could also cast multiple early votes and also vote at a polling station on election day. In the event that an individual casts multiple votes, only the last one is counted.

*While keeping registration timelines as close to election day as possible to be inclusive is of value, early voting should not begin before, at the very least, political entities have been registered by the*

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<sup>53</sup> District Commissioners are local officials appointed by the MoI with a wide range of administrative responsibilities. Early voting may also take place under the supervision of chairpeople of local councils.

<sup>54</sup> Other early voting stations had a variety of methods to assist voters in delivering the ballot to their registered constituency. Each had differing deadlines of when they could deliver materials on behalf of the voter and in some cases they would offer or suggest having packages sent via friends or political parties.

<sup>55</sup> See: <http://www.kosning.is/althingiskosningar/kjosendur/leidbeiningarmyndbond-um-atkvaedagreidslu-utan-kjorfundar/>.

<sup>56</sup> After 17 April, it was reported by District Commissioners that early voting stations had access to complete candidate lists.

*MoI. Consideration should be given to undertaking a comprehensive review of the practice and relevant legal provisions regarding early voting, to update and simplify procedures where possible.*

## **B. ELECTION DAY**

In accordance with the OSCE/ODIHR's election observation methodology, the OSCE/ODIHR EAM did not observe election day proceedings in a systematic or comprehensive manner. Nonetheless, the OSCE/ODIHR EAM visited a limited number of polling stations in four constituencies on election day.

In all locations visited by the OSCE/ODIHR EAM, voting was well organized and election officials were well prepared and competent in fulfilling their responsibilities. Voters were processed quickly, efficiently and according to procedures. Polling stations were generally open from 09:00 to 22:00; as a general rule, stations were open for no less than eight hours, although the inconsistent hours had potential to cause confusion.<sup>57</sup>

Voters were required to identify themselves with an identification document or "by satisfying the opinion of the election official in another manner."<sup>58</sup> However, a lack of uniform instructions on how to confirm the identity of a voter without identification documents led to varying practices.<sup>59</sup>

While all polling stations visited provided for access of voters with disabilities, the OSCE/ODIHR EAM was informed that not all stations were accessible and disabled voters generally utilized early voting as a result. Each station had Braille templates for visual impaired voters with to vote without assistance.

The largest polling wards had approximately 3,000 assigned voters, but these large wards were generally made up of voters thought to be registered outside of Iceland. As such, these wards received a large number of early voting envelopes that they could start sorting during election day to speed up the counting later. However, in at least one ward visited where the number of voters was over 1,700, the OSCE/ODIHR EAM noted long queues and was informed by the commission that this was the case throughout the day.

While information on the preferential aspect of voting was available in detailed instruction posters at polling stations and on the MoI website, several interlocutors raised concerns that many voters were unaware of how to utilize that possibility.

*To improve the knowledge of voters regarding the preferential vote and other aspects of election process, consideration could be given to enhancing voter education efforts, including through television advertisements.*

## **C. COUNTING AND RESULTS**

Most OSCE/ODIHR EAM interlocutors expressed confidence in the process of counting and the tabulation of results. Counting is centralized and carried out at the constituency level, under the supervision of each respective SEC. Full ballot boxes are sealed and delivered from the LECs to the SECs prior to the close of polls where the sorting of ballots and preparation for counting began *in*

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<sup>57</sup> In certain cases polling stations could close earlier, such as if all voters who are on the voter register have voted.

<sup>58</sup> Article 63 of the PEA.

<sup>59</sup> In one polling station, if a voter did not have identification, as a means of proof the voter was asked to log into the Facebook account or name 5 or 6 people who live on the same street, which was checked against the voter list.

*camera* in the presence of party agents prior to the polls closing at 22:00.<sup>60</sup> The actual counting began at 22:00 and was open to the public. While media was present, it was rare for members of the public to observe the counting process in person.

During the count, the SECs provided periodic media updates on preliminary results through the night. After the count, SECs sent election results to the NEC and to Statistics Iceland. Voter turnout was reported as 81.4 per cent, which is the lowest recorded in any general election since Iceland gained independence in 1944.<sup>61</sup> Full official results were announced by the NEC on 5 May.

## X COMPLAINTS AND APPEALS

Jurisdiction over election-related disputes is regulated by the Constitution and the PEA and is shared among the NEC, the SECs, and the parliament. The courts have a limited role in the adjudication of election-related complaints and only deal with them if they relate to criminal matters.

Complaints pertaining to the voter register can be lodged with municipal authorities that must react upon it immediately. Decisions taken by the SECs with regard to the registration of candidate lists can be appealed to the NEC within 24 hours from the issuing of the SECs' decisions. In both cases, the law does not provide deadlines for the authorities to rule on complaints, which is of concern as the right to a timely remedy in election-related disputes is integral to the broader principle of effective means of redress.

*Consideration should be given to setting specific expedited time limits for the adjudication of complaints by all relevant authorities, in order to be fully consistent with paragraph 5.10 of the Copenhagen Document.*<sup>62</sup>

The Constitution provides the right of recourse to an independent and impartial court of law within a reasonable time.<sup>63</sup> However, the PEA does not clearly prescribe any judicial appeal against decisions regarding voter and candidate lists registration taken by the municipal authorities and the NEC, respectively. The admissibility of such recourses has never been determined since no such complaint has ever been filed to the court.

In these elections, a total of nine complaints were lodged with the NEC and the parliament. Most of the complaints were challenging the equality of the vote between constituencies, as well as the decisions rendered by the SECs denying individual candidates the right to run in elections. The SECs denied the registration on the grounds that these individuals did not fulfil the conditions to register as candidate lists. The individuals claimed that Article 34 of the Constitution allowed them to run in elections as independent candidates.<sup>64</sup> Those with whom the OSCE/ODIHR EAM met

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<sup>60</sup> When the full ballot box is sealed, a new empty ballot box is utilized to continue voting. The *in camera* counting begins at 18:00 and allows for the announcement of partial results immediately after polls close.

<sup>61</sup> See newspaper article in *Morgunblaðið*: <http://www.mbl.is/frettir/kosningar/>.

<sup>62</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.” See also paragraph 3.3.g of the Code of Good Practice in Electoral Matters of the Venice Commission, which states that time limits must be short, but long enough to make an appeal possible, to guarantee the exercise of rights of defense and reflected decision, with a reasonable time limit of three to five days.

<sup>63</sup> Article 70 of the Constitution.

<sup>64</sup> Article 34 of the Constitution stipulates that every national having the right to vote and with an “unblemished reputation” is eligible to be elected to the parliament.”

with argued that there was a contradiction between Article 34 of the Constitution allowing independent candidates to be elected to the parliament and Articles 31-34 of the PEA which require the registration of lists of candidates. On 16 April, the NEC upheld the decisions issued by the SECs.

The Constitution and the PEA require the newly elected parliament to certify the legality of the elections and eligibility of elected candidates. The law does not provide a mechanism for parliament's decision to be appealed to any judicial authority which is not fully in line with the judicial review of administrative decisions and regulations as stipulated in paragraph 18.4 of the OSCE 1991 Moscow Document and the right of access to court for final adjudication of all election matters.<sup>65</sup>

*Consideration could be given to reviewing the legal framework to explicitly provide the legal right to appeal election-related decisions and election results to a competent court as the final authority, in line with OSCE commitments and international good practice.*

## **XI RECOMMENDATIONS**

The following recommendations are offered for consideration by the authorities, political parties and civil society of Iceland, in further support of their efforts to conduct elections fully in line with OSCE commitments and other standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities and civil society of Iceland to further improve the electoral process.

### **PRIORITY RECOMMENDATIONS**

1. Consideration should be given to continue the review of the legal provisions for the distribution of parliamentary seats among constituencies to ensure compliance with the principle of equal suffrage.
2. Consideration should be given to amending the election legislation to allow for the presence of international and citizen observers to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.
3. Consideration could be given to improving consistency and ensuring uniformity of practice at all levels of the election administration. Providing greater training and/or guidelines and instructions to the SECs and LECs in order to ensure uniformity and consistency of practices could also be considered.
4. It is recommended to introduce a range of effective, proportionate and dissuasive sanctions to enforce campaign finance regulations. The NAO could be vested with the power to undertake full financial audit of the reports and impose administrative sanctions in case of violations of relevant legal provisions.

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<sup>65</sup> Paragraph 18.4 of the OSCE Moscow Document states that 'the participating States will endeavor to provide for judicial review of such regulations and decisions.'

5. Considering that the public service broadcaster has a responsibility to ensure broad and balanced coverage of elections in all its programs, consideration could be given to reviewing the approach to the right of access for parties in an election campaign.
6. Consideration could be given to reviewing the legal framework to explicitly provide the legal right to appeal election-related decisions and election results to a competent court as the final authority, in line with OSCE commitments and international good practice.

#### **ELECTION ADMINISTRATION**

7. Consideration should be given to reviewing and consolidating the relevant legal provisions relating to the registration of candidate lists, including timelines and deadlines and ensuring that candidate list registration is finalized prior to the start of early voting. The development of standardized guidelines and forms could also be considered, which could make the candidate list registration process more uniform and unambiguous, thus reducing the burden on the election administration.

#### **CAMPAIGN FINANCE**

8. Consideration could be given to amending the legislation to require political groupings reporting separately on the electoral expenses to allow the NAO to conduct a thorough oversight of all electoral expenses.
9. Consideration could also be given to reviewing the law in order to make the donation limit provisions apply to both 'affiliated organizations' and its owners, when 'affiliated organizations' are de facto owned by the same legal entities or individuals.

#### **MEDIA**

10. Given the importance of media diversity to democratic elections, further measures to limit concentration of media ownership could be considered, such as conflict-of-interest and anti-trust provisions, adoption of rules aimed at limiting the influence which a single person, company or group may have in one or more media sectors, as well as ensuring a sufficient number of diverse media outlets.
11. To ensure that the Media Commission can properly fulfil its role stipulated by the Broadcasting Act, consideration should be given to providing it with more resources and granting it a formal role in monitoring the coverage of elections. The establishment of systematic media monitoring during an election campaign would assist the Media Commission in identification of any inequitable and preferential coverage of contestants and in taking prompt corrective action.
12. Consideration could be given to establishing criteria based on which media offer the public adequate information to make a judgment on the value of the opinion polls, including the name of the party or organization that commissioned the poll, the name and methodology employed by the pollster, the sample and margin of error and the date the poll was conducted.

#### **VOTING**

13. While keeping registration timelines as close to election day as possible to be inclusive is of value, early voting should not begin before, at the very least, political entities have been

registered by the MoI. Consideration should be given to undertaking a comprehensive review of the practice and relevant legal provisions regarding early voting, to update and simplify procedures where possible.

14. To improve the knowledge of voters regarding the preferential vote and other aspects of election process, consideration could be given to enhancing voter education efforts, including through television advertisements.

#### **COMPLAINTS AND APPEALS**

15. Consideration should be given to setting specific expedited time limits for the adjudication of complaints by all relevant authorities, in order to be fully consistent with paragraph 5.10 of the Copenhagen Document.

## ANNEX: FINAL RESULTS OF THE PARLIAMENTARY ELECTIONS

Final results were published by the NEC as follows:<sup>66</sup>

	Constituency						Total Votes	%
	North West	North East	South	South West	Reykjavik South	Reykjavik North		
Independence Party	4,282	5,327	7,594	15,608	9,464	8,180	50,455	26.70%
Progressive Party	6,104	8,173	9,262	10,944	5,931	5,759	46,173	24.40%
Social Democratic Alliance	2,122	2,505	2,734	6,932	5,007	4,994	24,294	12.90%
Left Green Movement	1,470	3,733	1,581	3,995	4,279	5,488	20,546	10.90%
Bright Future	792	1,537	1,202	4,687	3,790	3,576	15,584	8.20%
The Pirate Party	537	716	1,268	2,541	2,179	2,407	9,648	5.10%
Dawn	328	460	904	1,927	1,163	1,073	5,855	3.10%
Democracy Watch	251	313	431	1,241	1,025	1,397	4,658	2.50%
Right Green Peoples Party	208	296	702	925	575	556	3,262	1.70%
Rainbow	774	306	412	188	161	180	2,021	1.10%
Household Party	161	241	786	1,838	1,394	1,287	5,707	3.00%
Sturla Jonsson	-	-	-	-	222	-	222	0.10%
Peoples Front	-	-	-	-	54	64	118	0.10%
Humanist Party	-	-	-	-	55	71	126	0.10%
Rural Party	326	-	-	-	-	-	326	0.20%
<b>Total</b>	<b>17,355</b>	<b>23,607</b>	<b>26,876</b>	<b>50,826</b>	<b>35,299</b>	<b>35,032</b>	<b>188,995</b>	
<b>% of Votes</b>	<b>9.18%</b>	<b>12.49%</b>	<b>14.22%</b>	<b>26.89%</b>	<b>18.68%</b>	<b>18.54%</b>	<b>100%</b>	
<b>Voters per Seat</b>	<b>2,169</b>	<b>2,361</b>	<b>2,688</b>	<b>3,910</b>	<b>3,209</b>	<b>3,185</b>	<b>3,000</b>	
<b>Seats</b>	<b>8</b>	<b>10</b>	<b>10</b>	<b>13</b>	<b>11</b>	<b>11</b>	<b>63</b>	
	<b>Constituency Seats</b>		<b>Supplementary Seats</b>		<b>Total Seats</b>			
Independence Party	18		1		19			
Progressive Party	19		0		19			
Social Democratic Alliance	8		1		9			
Left Green Movement	6		1		7			
Bright Future	3		3		6			
The Pirate Party	0		3		3			
<b>Registered Voters</b>	237,957							
<b>Valid Ballots</b>	188,995	97.51%						
<b>Invalid Ballots</b>	610	0.31%						
<b>Blank Ballots</b>	4,217	2.18%						
<b>Total Ballots Cast</b>	193,822	81.45%						

<sup>66</sup> Source: [http://www.landskjar.is/media/frettir/Urslit\\_uthlutun\\_thingmenn\\_2013.pdf](http://www.landskjar.is/media/frettir/Urslit_uthlutun_thingmenn_2013.pdf).

## ABOUT THE OSCE/ODIHR

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

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

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

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

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

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

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

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

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).