



Office for Democratic Institutions and Human Rights

NORWAY

PARLIAMENTARY ELECTIONS 9 September 2013

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

4-6 June 2013



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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

On 6 May 2013, the Permanent Mission of Norway to the OSCE invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 9 September parliamentary elections. In line with its methodology, the OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Oslo from 4 to 6 June 2013. The NAM was composed of Mr. Robert Krimmer, OSCE/ODIHR Senior Adviser on New Voting Technologies, Mr. Raul Mureşan, OSCE/ODIHR Election Adviser, and Mr. Goran Petrov, External Expert.

The purpose of the OSCE/ODIHR NAM was to assess the pre-election environment and the preparations for the parliamentary elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from the government and election administration, as well as with representatives of political parties, civil society and media. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs and the Ministry of Local Government and Regional Development for the assistance and co-operation in organizing the visit. 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 unicameral parliament is composed of 169 deputies, elected for four-year terms. A separate parliament (*Samiediggi*) represents the Sami minority, and is composed of 39 deputies, also elected for four-year terms.

The main legal documents regulating the elections are the Constitution and the Election Act, along with governmental regulations. Previously, OSCE/ODIHR assessed the election legislation as generally providing a sound basis for the conduct of democratic elections. It also stated that the Election Act and regulations lack, to a certain degree, detail and cross-referencing of relevant acts, and pointed out areas which could benefit from improvement, such as imposed candidatures and unequal weight of the vote among constituencies. A number of OSCE/ODIHR recommendations were addressed by the authorities, namely in the areas of election commission membership, ballot paper design and Internet voting. Advance voting procedures were also significantly modified. Several OSCE/ODIHR NAM interlocutors mentioned the novelty and possible impact of these changes and would welcome OSCE/ODIHR feedback on their implementation.

The legal framework provides for an extensive voting period, starting 70 days prior to election day. Out-of-country voters can vote in Norwegian diplomatic missions or by mail. Residents of medical and social institutions may vote in these locations.

The elections are administered by governmental bodies and temporary election commissions. The Ministry of Local Government and Regional Development (MLGRD) is responsible for the overall organization and conduct of elections. The Ministry of Foreign Affairs organizes the voting for citizens outside of the country. The election results are approved or rejected by the incoming parliament. All OSCE/ODIHR NAM interlocutors expressed full trust in the professionalism of election administration.

Following a pilot project during the 2011 local elections, the MLGRD will provide some 250,000 voters registered in 12 municipalities with the possibility to cast their ballots over the Internet. The pilot project was strongly criticized by the opposition, as well as by some members of the ruling coalition, who object to voting in uncontrolled environments.

The MLGRD informed the OSCE/ODIHR NAM of a number of optimizations in the system design, including easier navigation of the Internet voting software's source code, reduced software requirements, and optimization in the encryption algorithms, including that voters will be able to verify that their votes have been cast as intended as well as stored in the electronic ballot box. In addition, the MLGRD developed an integrated electronic election administration system (*Elektronisk Valgadministrativt System – EVA*) which can be used for the first time in these elections by all election administration bodies.

The candidate lists were approved by the deadline of 1 June. While the law does not require gender representation quotas on the lists, most political parties met by the OSCE/ODIHR NAM stated that gender balance is generally ensured.

The law does not provide for an official campaign period, but OSCE/ODIHR NAM interlocutors stated that it will be in full swing in August. The main topics are expected to be healthcare, education, unemployment and infrastructure. The media will be prioritizing the topics based on its assessment of the public's response to the different campaigns. Broadcasters will then organize debates between the party leaders on these topics.

Media was characterized by OSCE/ODIHR NAM interlocutors as exhibiting professionalism, high ethical standards and acting as opinion carriers. They are largely self-regulated, including with regards to the coverage of political parties and election campaigns. The main source of information is television, particularly the public service broadcaster, the Norwegian Broadcasting Corporation (NRK), and privately owned TV2. Some aspects of television and radio activities are regulated by the Broadcasting Act and are monitored by the Norwegian Media Authority (NMA). Newspapers enjoy a significant share of the media market, and receive public subsidies as established by the NMA. According to the NMA, the subsidy system is currently under revision, mainly to include online newspapers.

NRK intends to organize a number of debates between party leaders starting mid-August. The law bans paid political broadcasting on television. Some OSCE/ODIHR NAM interlocutors see this as enabling a level playing field among parties, while others see it as restricting the campaign and the potential income of broadcasters.

There are no limits on party income or expenditure, and state funding represents the primary income for political parties. The system of political financing was substantially revised in 2013, when legal amendments addressed mandatory reporting by income and expenses, the independent role of auditors, and the authority of a political finance supervisory body. Some OSCE/ODIHR NAM interlocutors mentioned that the legal framework could be further developed. They opined that detailed reporting requirements are burdensome, particularly for parties with limited resources, and pointed out that the financial reports are to be submitted only on a yearly basis. The OSCE/ODIHR NAM was informed that a regulation detailing the Political Parties Act is being drafted.

The process of election dispute resolution is primarily regulated by the Election Act (see also respective section). Electoral bodies and the incoming parliament are responsible for adjudication of complaints and appeals, leaving only a limited role for courts. A previous OSCE/ODIHR recommendation to consider providing the right to appeal all election-related matters and election results to a competent court remains to be addressed. OSCE/ODIHR interlocutors, however, expressed their trust in the election dispute resolution mechanism.

All OSCE/ODIHR NAM interlocutors expressed full confidence in the election process, and expressed no concerns with regard to election day proceedings. The political pluralism and the diverse media landscape indicate that limited added value is likely to be brought by a significant presence of the OSCE/ODIHR on election day.

Most interlocutors welcomed a potential OSCE/ODIHR activity for the upcoming elections, particularly with regards to the observation of the Internet voting pilot project. At the same time, the OSCE/ODIHR NAM noted that the new political finance regulations might benefit from further scrutiny, together with the new electronic election administration system, as well as the legal changes impacting these elections. Accordingly, the NAM recommends the deployment of an election assessment mission (EAM) for the upcoming parliamentary elections to review the changes in the legal framework and their implementation, particularly in regard to political finance, the new electronic election administration system and the Internet voting project, including the set-up of the system and printing of polling cards.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

The Kingdom of Norway is a constitutional monarchy with a parliamentary system of government. The Parliament is a unicameral body composed of 169 deputies, elected for four-year terms. The Sami minority is also represented by a separate parliament (*Sámediggi*) composed of 39 deputies, elected for four-year terms, which promotes Sami political initiatives and carries out administrative tasks delegated from national authorities.

The King has a largely representative role, but also certain constitutional powers including the selection of a candidate to become prime minister (usually from the party which won most votes in the elections), based on consultations with the outgoing prime minister, speaker of the parliament and leaders of political parties.

The last parliamentary elections were held on 14 September 2009 and resulted in seven parties elected to the parliament: the Labour Party (61 members of parliament - MPs), the Progress Party (38 MPs), the Conservative Party (23 MPs), the Socialist Left Party (15 MPs), the Christian Democratic Party and the Centre Party (11 MPs each), and the Liberal Party (10 MPs). Some 40 per cent of MPs are women. Since 2005 the government is formed by the Labour Party, the Socialist Left Party and the Centre Party, and is led by Prime Minister Jens Stoltenberg.

The OSCE/ODIHR previously deployed an Election Assessment Mission (EAM) for the 2009 parliamentary elections and an Election Expert Team (EET) to follow the preparations and conduct of the Internet voting pilot project during the 12 September 2011 local government elections.¹

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are regulated primarily by the Constitution and the Representation of the People Act (hereinafter the Election Act, last amended 2013). Other applicable legislation are the Political Parties Act (last amended in 2013), the Local Government Act (1992), the Public Administration Act (1967), the Broadcasting Act (1992), as well as regulations issued by the Ministry of Local Government and Regional Development (MLGRD) and other ministries.

The 2009 OSCE/ODIHR EAM final report assessed the election legislation as generally providing a sound basis for the conduct of democratic elections. It also stated that the Election Act and regulations lack, to a certain degree, detail and cross-referencing of relevant acts. In addition, the constitutional obligation of citizens to accept candidacy, and possibly election, without their approval, and the unequal weight of the vote among constituencies, diverge from OSCE commitments and other international standards.

The report proposed a number of recommendations aimed at improving the legal framework, several of which have been addressed by the authorities. These include that citizens cannot be nominated as candidates in local elections against their will (the law did not change for parliamentary elections, as this would require a constitutional amendment); candidates cannot be members of Polling Stations Committees (PSC; they can still be, however, members of higher level commissions); and ballot papers are more colourful and easily foldable. Advance voting procedures were also modified to a significant extent. Several OSCE/ODIHR NAM interlocutors mentioned the novelty and impact of these changes and would welcome ODIHR feedback on their implementation.

All citizens who are at least 18 years old by the end of an election year are entitled to vote and to be elected, provided that they have not had their suffrage rights suspended by a court decision.² In addition, certain categories of people holding public positions cannot run for office, including staff in the ministries (with the exception of ministers, state secretaries and political advisers), Supreme Court judges and diplomatic personnel.

¹ All OSCE/ODIHR reports on Norway are available at: <http://www.osce.org/odihr/elections/norway>.

² Article 53 of the Constitution provides that the voting right may be lost if a person is convicted of criminal offences in which disfranchisement may be included as part of the penalty, for example felonies committed against the independence and security of the state and against the constitution.

The Election Act provides that any registered voter is obliged to accept nomination as a candidate. Voters can claim exemption to such a nomination, if they are registered in a different constituency, are members of the outgoing parliament, or are members of another political party than the one for which the list is proposed.

A characteristic of Norwegian elections is the extensive voting period. Voting before election day is possible between 1 July and 6 September. During this period, out-of-country voters can vote according to their last residence in Norway in Norwegian consulates and embassies or by-mail if there is no diplomatic representation where they reside.³ In country, this period is divided in two parts: early voting takes place between 1 July and 9 August, and is then followed by advance voting between 12 August and 6 September, in municipalities and other locations decided by municipal authorities, as well as in medical and social institutions.⁴ A voter may cast a paper ballot only once.

The 169 member-parliament is elected in a proportional open list system. A total of 150 MPs are elected from 19 multi-member constituencies (each representing a county). Every eight years the MLGRD determines the number of mandates per constituency based on a formula considering both the population and the size of each county.⁵ The 150 mandates are allocated by the County Electoral Committees (CoEC) based on the results at constituency level. In order to ensure proportionality among parties at national level, the National Electoral Committee (NEC) allocates one of the remaining 19 seats to each of the constituencies.⁶ All 169 seats are allocated according to the *Sainte Laguë* modified method. The principle of equality of the vote is challenged, as 3 of the 19 constituencies vary by more than 10 per cent from the national average.⁷

When marking the ballot, a voter may alter the order of candidates on the list by entering a number next to the name of a candidate or strike names from the list. In order to win a preferential seat, a candidate must be marked by at least half of the voters who voted for his or her party. Several OSCE/ODIHR NAM interlocutors opined that this system is ineffective, as the 50 per cent requirement is high and is yet to lead to a MP elected through preferential votes.

The MLGRD reviews the election results and sends them to the Preparatory Credentials Committee of the parliament. This committee sends its proposal on accepting or rejecting

³ Some 3,500 persons voted from out-of-country for the 2011 local elections.

⁴ The main difference between early and advance voting is that early voters may not make preferential choices among candidates on their ballots.

⁵ The historical reason for this system is to provide more representation for the less populated rural areas of the country. The calculation is based on a formula in which each registered voter counts for one point, and each square kilometer counts for 1.8 points. The last calculation was made in spring 2012.

⁶ This seat is allocated to the party with the largest remainder, as long as the list has received a minimum of four per cent of votes cast at national level.

⁷ Aust-Agder varies by 12 per cent, Vestfold by 21 per cent, and Finnmark by 45 per cent. The Code of Good Practice in Electoral Matters of the Council of Europe's Commission for Democracy through Law (Venice Commission), paragraph 2.2, provides that "the permissible departure from the norm should not be more than 10% and should certainly not exceed 15%, except in special circumstances." See at [http://www.venice.coe.int/docs/2002/CDL-AD\(2002\)023rev-e.pdf](http://www.venice.coe.int/docs/2002/CDL-AD(2002)023rev-e.pdf). See also Existing Commitments for Democratic Elections in OSCE Participating States, paragraph 3.2, available at <http://www.osce.org/odihr/elections/13957>.

the election results to the incoming parliament, which formally approves or rejects the election results.

C. ELECTION ADMINISTRATION

Several different bodies are involved in the conduct of parliamentary elections, including government bodies (the MLGRD and county and municipal authorities), and temporary election commissions (the NEC, 18 CoECs, 428 Municipal Electoral Committees (MEC) and some 3,000 PSCs). The Ministry of Foreign Affairs organizes voting for citizens outside of the country. All OSCE/ODIHR NAM interlocutors expressed full trust in the professionalism of election administration.

The MLGRD is responsible for the overall organization and conduct of elections. It issues rules and regulations and provides training and guidance to local government authorities, and distributes print and video materials on voter information. It acts as the secretariat of the NEC and is an appeal body for local elections.

Based on feedback from the municipalities participating in the 2011 pilot project, the MLGRD further developed the integrated electronic election administration system called *Elektronisk Valgadministrativt System (EVA)*. It encompasses the administration of all steps of the electoral process. In the upcoming elections the system is offered for the first time to and expected to be used by all election administration bodies. It is a prerequisite for the New Voting Technologies (NVT) in use, Internet voting and ballot scanners (see section on NVT). OSCE/ODIHR interlocutors highlighted that this will change the role of the MLGRD and effectively make it an IT service provider for the municipalities, which until now used private vendors for such services.

MLGRD informed the OSCE/ODIHR NAM that it will hold some 35 regional training sessions at county and municipal level, focusing on legal provisions, polling procedures and the use of EVA. It will also prepare a voter information campaign, focusing on young voters, minority groups and immigrants.

The NEC is a non-permanent body appointed by the King upon suggestions from the parliament during the year of national elections. It is composed of at least five members and its meetings are open for the public. The role of the NEC is to adjudicate appeals (except those related to the right to vote) and to distribute the 19 compensatory seats.

The CoECs are elected by the respective county councils, and their members are often members of the county council. At the constituency level, the CoECs approve the candidate lists and print ballot papers, check the counting of votes by MECs and correct the results if mistakes occurred, and allocate the seats from their constituency.

MEC members are elected by the municipal councils and have overall responsibility for the conduct of the election within a municipality. MECs count the advance votes, and perform a second count (often using scanners) of ballots cast at PSCs on election day. Municipalities may also organize advisory local referenda.

Municipalities may decide to open polling stations for two days. For this year's election some 200 of the 428 municipalities will organize voting also on 8 September. Polling stations must close by 21:00.

Municipalities are divided into electoral precincts, which vary across the country from 20 to 13,000 voters. Each precinct has a PSC that is responsible for organizing the polling on election day(s), including the counting of the votes cast on election day.

D. NEW VOTING TECHNOLOGIES

Following the pilot project during the 2011 local elections, the government decided to continue trialling Internet voting. The MLGRD will provide some 250,000 voters registered in 12 municipalities from 10 constituencies with the possibility to cast their ballots from any location, over the Internet.⁸ On 30 April 2013, during parliamentary discussions, Internet voting was strongly criticized by opposition MPs, as well as by some MPs in the ruling coalition. They argued that voting in uncontrolled environments should, in general, not be permitted. Following heated discussions, the parliament decided by a narrow vote to allow the pilot for the upcoming elections.

The Election Act allows for organizing pilot projects such as Internet voting, and they are to be guided by government regulations that can deviate from other provisions of the same Act.⁹ The main principles of Internet voting remain the same as in the 2011 pilot project. The Internet voters will be able to cast their ballots only during the advance voting period from 12 August until 6 September. They can vote via the Internet any number of times, but only the last ballot will be counted. In addition, if the voter votes on paper at any time, the ballot cast over the Internet will be discarded. The MLGRD stated that these principles are an important mechanism to counter the problem of a potential lack of secrecy when voting in an uncontrolled environment.

The MLGRD passed regulations for the Internet voting pilot on 19 June. Several changes were introduced, partly to address some of the OSCE/ODIHR recommendations presented in the 2011 EET final report.¹⁰ Most notably, an Internet Election Committee (IEC) was formed to safekeep the election encryption keys, to control that sensitive information is properly stored and deleted, to follow the setup and system configuration conducted by the MLGRD, to stop the Internet voting in case of irregularities and to be responsible for decrypting and counting votes. The nine-member IEC will include a representative from the Data Protection Authority, an election researcher, a cryptographer, and CoEC chairpersons and three voters from pilot municipalities. However, the selection criteria were not made clear in the regulations, and the MLGRD was directly involved in selection of some IEC members, which may lead to a real or perceived conflict of interest.

The MLGRD has informed the OSCE/ODIHR NAM of a number of optimizations in the design of the Internet voting system, including easier navigation of the Internet voting

⁸ The municipalities of Ålesund, Bodø, Bremerton, Hammerfest, Mandal, Radøy, Re, Sandnes, Tynset and Vefsn piloted Internet voting in 2011 and will also be included in the 2013 elections. In addition, the municipalities of Fredrikstad and Larvik will pilot Internet voting for the first time.

⁹ Article 15-1 states that: "The King may on application give his consent for a) pilot schemes in which elections under this Act are conducted in other ways than those that follow from this Act".

¹⁰ See the OSCE/ODIHR Election Expert Team Final Report on Internet voting pilot project for the 2011 local elections at <http://www.osce.org/odihr/88577>.

software's source code, reduced software requirements, and optimization in the encryption algorithms. Further the MGLRD has re-organized the printing process of the polling cards in order to enhance accuracy and reliability and to address past OSCE/ODIHR recommendations.

Voters will continue to receive SMS text messages with return codes confirming that their votes have been received as intended. These return codes are meaningful only to the voter. They are contained on the polling card and therefore an essential part of the security model. In order to increase the verifiability of the election, the MLGRD will introduce the possibility for voters to verify that the votes have been stored in the electronic ballot box. The voting system will provide voters with a verification code, which is based on their encrypted vote. Voters can then check if the code has been published by the MLGRD on a specific website. The site will be online throughout the whole voting period but will be taken offline just before the votes are decrypted and counted.

In addition to Internet voting, the authorities will also use ballot scanners. The scanners will be used by 108 municipalities, which each have more than 15,000 registered voters.

E. VOTER REGISTRATION

Approximately 3,636,200 people are registered to vote for the upcoming elections. Registration is passive and based on the Population Register, which includes all persons domiciled in Norway. Voters are placed on the voter list only when they are registered as being resident in a municipality by 30 June, although public inspection of the lists is possible through election day. The voter register is constantly updated until election day in case of death of a voter, late registration of a move prior to 30 June, newly granted citizenship or registration of a citizen after having lived abroad.

In July 2013, the registered voters will be mailed a polling card that provides information on where to vote. The cards are required for voting in advance, and may be used for voting on election day.¹¹ For the first time, the polling cards will be distributed by the MLGRD, together with a voter information brochure, instead of the municipalities.

F. CANDIDATE REGISTRATION

A political party or group of voters can submit a list of proposed candidates to a CoEC by 31 March, which has to decide on its approval by 1 June. A list should include the same number of candidates as seats in the constituency, plus up to six additional names. A candidate can run only on one list at constituency level, but may run in multiple constituencies.

A list has to be accompanied by support signatures. Parties included in the Register of Political Parties, which received a minimum of 500 votes in the county, or 5,000 in the whole country respectively, in the previous parliamentary elections, must present two support signatures by members from the executive committee of the party's local branch. Other groups have to submit at least 500 signatures from voters registered in the respective constituency. A citizen can support only one list.

¹¹ Should a voter not have his or her polling card for advance voting, the MEC can issue it on the spot.

The law does not require gender representation quotas on candidate lists. Most political parties met with by the OSCE/ODIHR NAM stated that in general every second candidate on a list represents the other gender.

G. CAMPAIGN AND POLITICAL FINANCE

The law does not provide for an official campaign period. The political parties met with by the OSCE/ODIHR NAM stated that the campaign already started at a low scale, and will be fully active in August.

The main campaign topics are expected to be healthcare, care for the elderly, education, unemployment and transport infrastructure. An important role in prioritizing the topics will be played by media, based on their assessment of the public's response to different campaigns. Besides traditional methods of campaigning such as meetings and door-to-door outreach, the Internet has become increasingly important in delivering political messages to voters. Another significant factor during the campaign is expected to be the debates between the party leaders.

There are no limits on party income or expenditure. At the same time, state funding represents the primary income for political parties.¹² Donations from out-of-country or anonymous sources are not allowed.

Political financing was lightly regulated in the past, but this changed significantly after the March 2013 amendments to the Political Parties Act.¹³ Political parties have to report in a standardized format on all their income and expenses including at local branches level (previously this requirement was for income only). These reports, however, are to be submitted only on a yearly basis, within five months after the end of the accounting year. Some OSCE/ODIHR NAM interlocutors opined that the detailed reporting requirements are burdensome, particularly for smaller parties with limited resources and considering that local party units are obliged to report separately.

The independent role of auditors of political funding has been clarified. The authority of the Political Parties Act Committee¹⁴ was increased to issue sanctions for political finance violations (it can now withhold part of the state grant as opposed to withholding the entire

¹² The "basic support" represents 1/10 of the state funding and is paid as an equal amount to parties that received at least 2.5 per cent of votes at the national level in the last national election or have at least one MP. Another 9/10 of the funding is distributed as "vote support" according to the votes received in the last general election. According to Statistics Norway, in the election year 2011, political parties reported an income of NOK 591 million (EUR 74 million), of which state funding accounted for 68 per cent; see at: <http://www.ssb.no/en/kultur-og-fritid/statistikker/partifin/aar/2012-09-06#content>.

¹³ A 2009 evaluation report of Group of States Against Corruption (GRECO), Council of Europe, recommended introducing an obligation to report on income and expenses of election campaigns, as well as introducing appropriate sanctions for infractions of the Political Party Act; see at www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp. Following the 2013 amendments, GRECO published a second compliance report which concluded that Norway has implemented satisfactorily all its recommendations; see at [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2013\)5_Second_Norway_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2013)5_Second_Norway_EN.pdf).

¹⁴ The Political Parties Act Committee is an independent administrative body, subordinate to the King and the MLGRD. The King appoints its minimum five members for a six-year period.

state grant) and/or confiscate unlawful donations. It can also impose fines or up to two years' imprisonment for serious or repeated violations of the law.

Another change is the requirement that all parties and party units submit separate reports for donations above NOK 10,000 (EUR 1,253) received during an election year. The report must be submitted within four weeks of receipt (but not later than the Friday prior to election day), and is posted online.

According to some OSCE/ODIHR NAM interlocutors, the legal framework concerning political finance could be further developed, and a regulation detailing the Political Parties Act is being drafted.

H. MEDIA

The media environment offers a pluralistic and diverse range of views. According to OSCE/ODIHR NAM interlocutors, media operate according to high ethical standards and professionalism and act as opinion carriers. They are largely self-regulated, including with regards to the coverage of political parties and election campaigns.

The main source of information is television. There are 19 national, 12 regional and 14 local television channels. The public service broadcaster, Norwegian Broadcasting Corporation (NRK), and privately owned TV2 are the main channels.¹⁵ There are also 5 national, 16 regional and 253 local radio stations.¹⁶

The NRK is a publicly owned company in which the Ministry of Culture and Church Affairs holds all the shares, is financed by licence fees and is editorially independent.¹⁷ It operates three television channels that have some 40 per cent of the market share. The private broadcaster TV2 also has a public service license, and as such has to observe a number of public obligations.

Television and radio are regulated by the Broadcasting Act and are monitored and sanctioned, if applicable, by the Norwegian Media Authority (NMA). The NMA is part of the Ministry of Culture and Church Affairs. Its role during elections is to follow up requests from political parties who claim to be discriminated with regards to election coverage.¹⁸ Based on a NRK report, which is mainly descriptive, but also includes certain quantitative data, NMA evaluates to what extent NRK has fulfilled its obligation to provide broad and balanced political coverage.¹⁹ This evaluation is published every June in a Public Service Broadcasting Report.

¹⁵ See detailed data on *Medianorway* website (a public information centre financed by the Ministry of Culture and Church Affairs), available at:

<http://medienorge.uib.no/english/?cat=statistikk&medium=tv&queryID=290>.

¹⁶ See <http://medienorge.uib.no/english/?cat=statistikk&medium=radio&queryID=171>.

¹⁷ A fee of NOK 2,680 (EUR 337) is billed to all households which own a television or radio set.

¹⁸ According to NMA, there has been one such complaint.

¹⁹ Broad and balanced coverage is defined in NRK's statute as "all parties and electoral lists over a certain size shall be covered in the normal manner by the editorial election coverage".

Newspapers enjoy a significant share of the media market,²⁰ and receive public subsidies as established by the NMA.²¹ According to NMA, the subsidy system is currently under revision, mainly to allow for the inclusion of online newspapers.

NRK intends to air a number of debates between the parliamentary parties and the two non-parliamentary parties, which according to polls may win a seat. Starting mid-August, each week there will be a debate on a topic decided by the NRK. The public broadcaster will also air voter information spots, in co-operation with parties' youth organizations.

The law bans paid political broadcasting on television. This provision was assessed as controversial by certain OSCE/ODIHR NAM interlocutors. While some regard it as a method to limit campaign costs and to allow for a level playing field among parties, others see it as over-regulatory and unnecessarily restricting the campaign and potential income of broadcasters.

I. COMPLAINTS AND APPEALS

The process of election dispute resolution is primarily regulated by the Election Act (see also respective section). Electoral bodies and the incoming parliament are responsible for adjudication of complaints and appeals, leaving only a limited role for courts.

An individual can complain to the NEC about conditions with the preparations and conduct of elections by the latest seven days after election day, including against election results. This deadline does not apply to appeals against entries in the voter register and candidate lists. Appeals on the right to vote are to be submitted to the parliament.²²

While OSCE/ODIHR interlocutors recognized the lack of a possibility of judicial appeal of election-related matters, all expressed their trust in the election dispute resolution mechanism. A previous OSCE/ODIHR recommendation to consider providing the right to appeal all election-related matters and election results to a competent court remains to be addressed.²³

J. PARTICIPATION OF NATIONAL MINORITIES

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 the protection of their language, culture and society.

²⁰ There is a 77 per cent daily readership of newspapers (55 per cent print and 49 per cent online); <http://medienorge.uib.no/english/?cat=statistikk&medium=avis&aspekt=grafikk&queryID=360>.

²¹ The subsidy was introduced in 1969 to maintain the pluralism of daily newspapers and as a response to the fear that large number of newspapers would close down. There are four grant schemes in 2013: for newspapers (NOK 308 million – EUR 39 million); for Sami newspapers (NOK 24 million – EUR 3 million); for minority language publications (NOK 0.8 million – EUR 0.1 million); and for weekly and monthly niche publications (NOK 15 million – EUR 1.9 million).

²² According to the MLGRD, the number of appeals is limited: four were submitted during the 2009 parliamentary elections, and 28 during 2011 local elections.

²³ See the related recommendation in the OSCE/ODIHR 2009 EAM report on the parliamentary elections that “*consideration be given to providing the legal right to appeal all election-related matters and election results to a competent court as the final authority on all election matters, in line with OSCE commitments and international good practice.*”

A Sami parliament (*Sámediggi*) is elected by Sami population.²⁴ The elections take place every fourth year, simultaneously with the elections to the national parliament. *Sámediggi* includes 39 representatives, elected from seven constituencies.²⁵ The *Sami* voter register includes some 14,000 people, out of an estimated 40-60,000. Voting takes place in advance and on election day(s) in municipalities with a minimum of 30 registered *Samis*.

IV. CONCLUSIONS AND RECOMMENDATION

All OSCE/ODIHR NAM interlocutors expressed full confidence in the professionalism and impartiality of the election administration, and expressed no concerns with regard to election day proceedings. In addition to this, the high degree of political pluralism and the diverse media landscape indicate that limited added value is likely to be brought by a significant presence of the OSCE/ODIHR on election day. A number of previous OSCE/ODIHR recommendations have been addressed by the authorities.

Most interlocutors welcomed a potential OSCE/ODIHR activity for the upcoming elections, particularly regards the observation of the Internet voting pilot project. At the same time, the OSCE/ODIHR NAM noted that the new political finance regulations might benefit from further scrutiny, together with the new electronic election administration system, as well as the legal changes impacting these elections. Accordingly, the NAM recommends the deployment of an election assessment mission (EAM) for the upcoming parliamentary elections to review the changes in the legal framework and their implementation, particularly in regard to political finance, the new electronic election administration system and the Internet voting project, including the set-up of the system and printing of polling cards.

²⁴ Sami are entitled to vote for both the national and the Sami parliament.

²⁵ Each constituency has at least two seats, and the remaining 25 seats are distributed according to the number of registered *Sami* population.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Marius Dirdal, Deputy Director General
Birgit Kleven, Senior Adviser

Ministry of Local Government and Regional Development

Hans Petter Gravdahl, Deputy Director General
Marianne Riise, Professional Director
Siri Dolven, Professional Director
Henrik Nore, Project Leader
Christian Bull, Senior Adviser

Ministry of Government Administration, Reform and Church Affairs

Jens-Oscar Nergård, Senior Adviser
Elle Merete Omma, Senior Adviser
Kritin Ryan, Deputy Director General

Ministry of Culture

Anders Huitfeldt, Senior Adviser

Preparatory Credential Committee

Marit Nybakk, Member of Parliament
Brit Brenno, Assistant Director
Ingrid Sand, Special Adviser

Labour Party

Hilde Magnusson, Member of Parliament
Sigvald Oppebøen Hansen, Member of Parliament
Susanne Bratli, Member of Parliament
Odd Erik Stende, Assistant Secretary General
Ingunn Yssen, Political advisor - The Labour Party Parliamentary Group

Progress Party

Vigdis Giltun, Member of Parliament
Kristian Norheim, International Secretary
Thor Bostad, International Political Adviser

Christian Democratic Party

Geir Jørgen Bekkevold, Member of Parliament
Kari Husøy

Centre Party

Bjørn Nesse Hunderi, Political Adviser
Per Olaf Lundteigen

Conservative Party

Trond Helleland, Member of Parliament
Kjersti Omejer, Political Adviser

Institute for Social Research

Bernt Aardal, Research Professor
Signe Bock Seggaard, Research Professor
Jo Saglie, Research Professor

Norwegian Media Authority

Marita Bergtun, Senior Adviser
Erik Langebeck

Norwegian Broadcasting Corporation

Kyrre Nakkim, Political Editor

Norwegian Helsinki Committee

Bjorn Engesland, Secretary General
Berit Nising Lindeman, Head of Information/Senior Advisor

Oslo Electoral Committee

Karina Miller, Head of Elections

Norwegian Centre for Information Security

Tore Orderløkken, CEO

Meetings were requested with all parliamentary parties and were granted by five of them.