



Office for Democratic Institutions and Human Rights

NORWAY

PARLIAMENTARY ELECTIONS

14 September 2009

OSCE/ODIHR Election Assessment Mission Report



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I. EXECUTIVE SUMMARY

In response to an invitation from the Permanent Mission of Norway to the OSCE to observe the 14 September 2009 National Parliament (*Storting*) elections, and based on the recommendation of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) from 2 to 16 September 2009.

Norway has a long tradition of holding democratic elections, and the conduct of the 14 September elections confirmed that Norwegian elections are characterized by political pluralism, respect for fundamental freedoms and rights, a high degree of public trust in the impartiality of the election administration, and the integrity of the process as a whole. The authorities have displayed a particular responsiveness to remedy existing weaknesses in the electoral process and improve it further.

The legal framework provides a generally sound basis for the conduct of democratic elections. A number of recent amendments have further improved the legislation, including allowing for the accreditation of domestic and international election observers, in line with the OSCE Copenhagen Document. However, 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 election administration is decentralized, with most responsibilities carried out at the municipal level by electoral committees, composed of political party representatives, together with the municipal employees. The Ministry for Local Government and Regional Development provides guidance and drafts regulations regarding the election process, but generally the structure allows significant discretion for the municipalities. Political parties and other interlocutors expressed confidence in the competence and impartiality of these bodies, including small parties that had no representation in the committees.

These elections took place in a competitive environment, with a broad and genuine choice among political alternatives available to voters. The campaign is unregulated and, therefore, did not have an official starting date; campaign activities began in July. They saw the incumbent governmental coalition defending its record on a wide range of issues. At the same time, much of the political debate revolved around possible coalitions in the future government. The main method for political parties to communicate with voters was through the broadcast media, including debates, interviews and roundtable discussion programs. ‘Social media’ (Facebook, Twitter, blogs, etc) were increasingly used by political parties to disseminate their message, targeting young voters in particular.

While the media provided extensive coverage of the election campaign, some small parties complained that they were barely included in campaign coverage. Furthermore, due to a legal prohibition on political advertising on television, parties could not purchase airtime to communicate their views. In response to a European Court of Human Rights (ECHR) ruling in 2008 that recognized the need for small parties to have access to broadcast media, new internal requirements were issued for the public broadcaster to provide balanced and inclusive election coverage, and free airtime was provided on a non-profit TV station. However, some parties felt these steps did not sufficiently address the problem.

Women were prominently represented in the candidate lists of all political parties, although there is no formal quota system. Women constituted some 38 per cent of the previous parliament, and all recent governments have included a significant number of women ministers. Political parties also included minorities, particularly those from an immigrant background, on their candidate lists, but they were often in lower positions on the list.

Norway affords broad opportunities for citizens to exercise their right to vote, including a lengthy advance voting period, out-of-country voting, homebound voting, and in almost half of the municipalities, a two-day election. These efforts are meant to increase turnout and ensure that all voters are given an opportunity to participate, while implementing safeguards to prevent possible abuses. Almost one-quarter of voters who participated in the elections voted during the advance voting period. Overall turnout was reported at 76.4 per cent, a slight decrease from the previous parliamentary elections.

According to standard practice, the OSCE/ODIHR EAM did not conduct a comprehensive and systematic observation of election day procedures, but mission members visited a limited number of polling stations in various municipalities during advance voting and on election day. Voting and counting appeared to take place in a calm and orderly manner, although secrecy of the vote was observed to have been compromised in some instances.

Very few complaints and no appeals were lodged during the elections. Nevertheless, the complaints and appeals procedures would benefit from further clarification and review. Of particular importance is the need for timely and expedited deadlines for adjudication to ensure an effective means of redress, and the possibility of final appeal to a competent court in all election matters, in line with OSCE commitments and international good practice.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

On 8 June 2009, the Permanent Mission of Norway to the OSCE invited the OSCE/ODIHR to observe the 14 September 2009 National Parliament (*Storting*) and Sami Parliament (*Samediggi*) elections. The OSCE/ODIHR sent a Needs Assessment Mission (NAM) to Oslo from 22 to 25 June which recommended an Election Assessment Mission (EAM) be deployed to follow the National Parliament elections.¹

¹ See OSCE/ODIHR NAM report at http://www.osce.org/documents/odihr/2009/08/39161_en.pdf.

The OSCE/ODIHR EAM was deployed from 3 to 16 September 2009. It was led by Ambassador Geert Ahrens and consisted of nine election experts from as many OSCE participating States. In addition to experts based in Oslo, the OSCE/ODIHR EAM deployed teams to municipalities across the country.²

In line with standard practice, the deployment of the OSCE/ODIHR EAM did not undertake any systematic or comprehensive observation of voting and counting procedures, although mission members visited a limited number of polling stations on election day(s).

The OSCE/ODIHR wishes to thank the Ministry of Foreign Affairs, the Ministry of Local Government and Regional Development, electoral committees at all levels, municipal authorities, representatives of political parties, the media and civil society, for their co-operation and assistance during the course of the mission.

III. BACKGROUND

Norway is a constitutional monarchy with a parliamentary system of government. The Parliament (*Storting*) is a unicameral entity composed of 169 deputies, elected for a four-year term. The King of Norway, who has certain constitutional powers typical of constitutional monarchies, selects a candidate to become Prime Minister, after consultations with the outgoing Prime Minister, the President of the *Storting*, and leaders of political parties, and that person forms the government. Elections to the 43-member Sami Parliament (*Samediggi*), which promotes the interests of the indigenous Sami people, are held simultaneously with the elections to the *Storting*, however the OSCE/ODIHR did not follow this process.

The previous parliamentary elections were held on 12 September 2005, leading to the formation of a centre-left coalition government of the Labour Party (61 seats), the Socialist Left Party (15 seats) and the Centre Party (11 seats). The opposition in the previous Parliament included the Progress Party (38 seats), the Conservative Party (23 seats), the Christian Democratic Party (11 seats) and the Liberal Party (10 seats).

The 2009 parliamentary elections marked the first occasion that the OSCE/ODIHR followed an election in Norway.

IV. LEGAL FRAMEWORK

A. OVERVIEW

The legal framework in Norway provides a generally sound basis for the conduct of democratic elections. The Constitution, adopted in 1814, provides for the fundamental civil and political rights and freedoms essential for democratic elections. It also provides that state authorities are responsible to respect and guarantee international human rights, while specific provisions for the implementation of human rights treaties are determined

² Municipalities visited include: Sandnes, Stavanger, Bokn, Tysvaer, Fitjar, Os, Bergen, Tromsø, Lenvik, Dyroy, Trondheim, Orkdal, Hitra, Larvik and Drammen.

by law. Since adoption, the Constitution has undergone a series of significant revisions, with the most recent amendments in 2007.

In addition to the Constitution, parliamentary elections are primarily regulated by the Representation of the People Act (the Election Act) (Act No. 57 of 28 June 2002 relating to parliamentary and local government elections).³ Other legislation relating to elections includes the Political Parties Act (2005), the Local Government Act (1992), the Public Administration Act (1967), the Broadcasting Act (1992), and the General Civil Penal Code (1902), as well as regulations issued by the Ministry of Local Government and Regional Development and other ministries. The election law and regulations lack, to a certain degree, detail and cross-referencing of relevant acts.

B. SUFFRAGE

The right to vote in parliamentary elections is granted to all Norwegian citizens who have reached the age of 18 in the year of an election and who are, or have at some time been, registered in the Population Registry as resident in Norway.⁴ Article 53 of the Constitution provides two exceptions: persons who have been sentenced for criminal offences in accordance with the relevant provisions laid down by law, and persons who have entered the service of a foreign power without the consent of the government. Regarding the former, disenfranchisement must be included as part of the sentence. The right to be elected is accorded to all nationals who have the right to vote. However, Article 62 of the Constitution disqualifies the following from election to the Parliament: ministry staff members, with the exception of ministers, state secretaries and political advisors; Supreme Court justices; and diplomatic corps and consular service members.

Consideration might be given to allowing officials employed in government ministries the right to be elected to office.

A feature of the Norwegian electoral system is the constitutional obligation of citizens to be placed on a candidate list without his/her agreement and accept election.⁵ Only those who are registered in a different constituency, who were members of the previous Parliament, or who are members of another political party may claim exemption from the duty to be elected. Interlocutors informed the OSCE/ODIHR EAM that this is a longstanding tradition with an underlying rationale of civic duty. A few small parties take advantage of this provision, putting well-known personalities on their lists, although all parties in the outgoing Parliament informed the OSCE/ODIHR EAM that they seek prior agreement of nominees. For these elections, one such nominee unsuccessfully sought removal from a candidate list.

The obligation to be elected should be seen in light of the fundamental rights to freedom of political opinion/belief and association established by the International Covenant on

³ The Election Act was amended by Act No. 4/2003, Act No. 46/2003, Act No. 113/2003, Act No. 18/2005, Act No. 90/2005, Act No. 3/2007, Act No. 16/2007, and Act No. 26/2009.

⁴ Diplomatic corps and consular service members and their households are exempt from the residency requirement.

⁵ Article 63 of the Constitution and Chapter 3 of the Election Act.

Civil and Political Rights. These would include the right to be apolitical in both thought and association and the right not to associate with any political party.⁶

Consideration might be given to reviewing the duty to be elected, ensuring it is fully consistent with the International Covenant on Civil and Political Rights which states that no one should be forced to associate with a political party or group not of his/her choosing.

C. ELECTORAL SYSTEM

Members of Parliament are directly elected through a proportional representation list system, with nationwide compensatory seats. Of the 169 deputies, 150 are elected from 19 multi-member constituencies that correspond to the counties. There is no legal threshold at constituency level. After distribution of mandates within constituencies, the remaining 19 compensatory seats are distributed so as to reflect the nationwide proportional vote among those political parties receiving at least four per cent of the national vote. Each constituency is assigned one additional compensatory seat.

The number of mandates per constituency is determined every eight years by the Ministry of Local Government and Regional Development, using a formula established in the Constitution (Article 57), which gives weight both to the population and to the geographic size of each county. The factor of county geographic size in mandate allocation is a historical consideration intended to balance the perceived uneven distribution of power between rural and urban citizens in national politics. The result is that the country's rural constituencies, which are significantly larger in geographic size than the urban constituencies, are allocated a greater number of seats than would be the case if based strictly on population.

The discrepancy is particularly notable in Finnmark County where there are 7,409 registered voters per mandate, while in *Vestfold*, there are 18,464 per mandate. The Finnmark quotient is a 50 per cent deviation from the average quotient in the country (14,954 votes per mandate).⁷ Four other counties have a deviation of approximately 20 per cent, and a total of seven counties deviate from the norm by more than 15 percent.

While some OSCE/ODIHR EAM interlocutors accepted this structural inequality of the vote based on a constitutional formula, others advocated for a stricter or strict equality of the vote noting that the historical rationale is no longer relevant and that the deviation is an infringement of the right to equal suffrage. The Council of Europe's Commission for Democracy through Law (Venice Commission) recommends for equal suffrage that "the permissible departure from the norm should not be more than 10 per cent, and should

⁶ The International Covenant on Civil and Political Rights states: Art. 18(2) "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice", Art. 19(1) "Everyone shall have the right to hold opinions without interference", and Art. 22 "Everyone shall have the right to freedom of association with others...no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others."

⁷ Some interlocutors noted that in 2012, when the mandates will next be redistributed, Finnmark is expected to lose one seat (due to a population shift), which would reduce some of the current deviation.

certainly not exceed 15 per cent except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).”⁸

Consideration could be given to a review of the constitutional provision for the distribution of parliamentary seats among constituencies, in order to ensure a better compliance with the principle of equal suffrage.

Under the Election Act, an open list system is used whereby voters have the right to alter the order of candidates on the list (initially determined by the political organization presenting the list) by renumbering the candidates or by crossing out names. Once seats have been allocated to political organizations, the County Electoral Committees calculate which candidates receive mandates according to expressed voter preferences. The method under the law for counting of voter preferences requires in practice that more than half of the electors make the same change in the party list in order for it to influence the election of a candidate. In practice, this never happens and in effect makes it a closed list system. A number of OSCE/ODIHR EAM interlocutors questioned the high threshold for voter preferences to have an impact on the order of the list and noted that voters may not understand it, particularly since the local elections have a much lower threshold. A senior election official was of the opinion that voters were in effect deceived about the potential influence of their expressed preferences.⁹

It is recommended that consideration be given to amend the Election Act to either provide voters with a genuine opportunity to affect the election of a particular candidate by lowering the threshold or to move to a closed list system.

D. AMENDMENTS TO THE ELECTION ACT

Since the 2005 parliamentary elections, the Election Act underwent a number of amendments, most recently in May 2009. An important amendment was the provision for accrediting domestic and international observers to observe the election process. This amendment brings the Election Act in line with Paragraph 8 of the 1990 OSCE Copenhagen Document. A significant amendment from 2007 requires voters to show an identification card if they are unknown to the polling official. Prior to the 2007 municipal elections, voters were only required to show an ID card if the polling official requested it.

Other amendments from 2009 include the duty for municipalities to issue polling cards informing voters about the polling station in which they are registered to vote; extension by one month of the final date for inclusion in a municipality’s voter register; shortening of the deadline for out-of-country voting to allow more time for ballots to reach Norway; introduction of early voting (prior to the advance voting period); extension by one hour of the latest closing hour in polling stations; possibility of an additional voting day at the discretion of municipal councils; and the introduction of a monetary sanction in case of a violation of an existing ban on early reporting of election results or exit polls.

⁸ Venice Commission, “Code of Good Practice in Electoral Matters”, (Opinion 190/2002), available at www.venice.coe.int.

⁹ Each ballot includes a lengthy explanation to voters as to how to express preferences, but only in one constituency (Hordaland) visited did the ballot note the 50 per cent threshold.

V. ELECTION ADMINISTRATION

A. OVERVIEW

The election administration in Norway has several layers, including the National Electoral Committee, County Electoral Committees, Electoral Committees at the municipal level and the Polling Committees at the polling stations. However, the structure only operates as a hierarchy during the counting process, and responsibility for most aspects of electoral administration is concentrated at the municipal level, with the municipal administration carrying out most organizational tasks. The administration of the election is also supported by the Ministry for Local Government and Regional Development and by the Population Registry Authority.

All political parties with whom the OSCE/ODIHR EAM met expressed their trust and confidence in the electoral bodies and administration at all levels, including those parties with very little or no representation in the electoral committees. Interlocutors commented that election officials carried out their duties impartially, rather than on the basis of any party interests. Despite the decentralized nature of the election administration, no interlocutors saw the need for a centralized election management body.

B. ELECTORAL COMMITTEES

The National Electoral Committee (NEC) has a limited role. It allocates the 19 compensatory seats, issues credentials to elected Members of Parliament and acts as an appeals body in all cases except the right to vote. It is appointed by the King upon proposal of the Parliament for the period of an election and includes at least five members with alternates. The current NEC has seven members, representing each of the parliamentary parties. The NEC is not an election management body, and its authority over the other levels of election bodies is limited to appeals. The Ministry of Local Government and Regional Development serves as the secretariat of the NEC. All meetings of the NEC are public, although the OSCE/ODIHR EAM was informed that in practice no one has asked to be present at their meetings.

The 19 County Electoral Committees (CECs) approve electoral lists, print ballot papers, check the vote tabulation of the municipalities and allocate seats to candidates elected in the constituency. Each CEC is elected by the county council, whose political composition is reflected in the committee.

The 430 Electoral Committees (ECs) have overall responsibility for running elections in their municipalities. Each EC is elected several months prior to the election by the municipal council, whose political composition is reflected in the committee. The number of members on the ECs is not fixed. While ECs are the decision-making bodies, the municipal administration carries out most of the organizational tasks related to elections. The ECs are, however, also involved in the tabulation process scanning all votes and comparing their tabulation to the hand count conducted in the polling station. In Oslo, the CEC and the EC have the same membership, but convene meetings of each body separately. For that reason, the Oslo County Governor is responsible for checking the vote tabulation of the EC.

The Polling Committees (PCs) are responsible for administering elections in the polling stations on election day(s), except in municipalities with only one polling station, in which case the EC conducts the process. PCs are selected by municipal councils, although this responsibility can be delegated to the ECs. Each PC has at least three members, and in practice the parties represented in the municipal councils share the PC positions amongst themselves. For these elections, there were approximately 3,200 PCs. They count the votes cast on election day, while the ECs count the votes cast during the advance voting period. The OSCE/ODIHR EAM found that typically a PC had three politically affiliated members, who were joined by a number of polling workers who were either municipal administration employees or contracted by the municipality. The leader of the PC and the chief polling worker (called the “inspector”) shared responsibility for managing the polling station.

The OSCE/ODIHR EAM was informed of several instances where candidates served either on a PC or an EC, which is not forbidden in the legislation. While no one complained about the conduct of these officials, it could be a potential conflict of interest to administer the process when they are candidates in the election.

Consideration should be given to restricting candidates from serving as members of Polling Committees and Electoral Committees, in order to prevent any real or perceived conflict of interest.

C. MINISTRY FOR LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT

The Ministry for Local Government and Regional Development has an advisory and coordination role in the election process. It is responsible for interpreting election-related legislation and for drafting regulations and other guidelines for election officials, including the Election Manual and any additional instructions. It provides training on election-related issues and procedures for municipal officials, who are then responsible for organizing training of polling workers. The Ministry also conducts extensive voter education efforts, particularly for first-time and special needs voters. On election day, Ministry officials closely followed the progress of the election and were available to answer any questions from municipalities throughout the country.

D. VOTER REGISTRATION

There is a continuous passive system of voter registration in Norway. The voter register is drawn from the civil registry, which is administered by the Population Registry Authority, a separate body within the Directorate of Taxes. For these elections, there were 3,530,785 eligible voters on the register. The deadline for additions and updates to the registry is 30 June, after which time the data is extracted for the voter register.

The ECs are responsible for keeping the voter register once it is created and distributing polling cards to all eligible voters in the municipality. The voter register is displayed for voters in each municipality, and voters can request corrections until election day. Corrections that can be made to the register by municipal authorities include applications from citizens living abroad to be added to the register, notice of persons living abroad who have returned to Norway, errors, new citizens, and requests to delete names of deceased persons. Municipal officials told the OSCE/ODIHR EAM that, in practice, few voters check the register or make corrections, as the data is considered to be very

accurate. Political party interlocutors met by the OSCE/ODIHR EAM expressed a high level of confidence in the accuracy of the voter register as well as the bodies that maintain it.

E. CANDIDATE LIST REGISTRATION

Political parties and unregistered groups wishing to participate in the elections had to submit their candidate list proposals to the county authorities by 31 March. Each list proposal had to have as many candidate names as there were mandates in the constituency, with an additional six names possible to be submitted. Political parties that received at least 500 votes in a county or 5,000 votes nationwide at the previous parliamentary election only needed to submit two signatures of members of the local party executive committee on their list proposals. However, other political parties and unregistered groups had to collect 500 signatures of registered voters in each constituency where they submitted a list proposal.

The CECs had to decide by 1 June whether to approve submitted lists proposals. In cases where submitters did not meet the requirements, electoral authorities are required by law to try to assist them in bringing the list into conformity. The OSCE/ODIHR EAM was aware of one case where a submitter did not have enough signatures, and despite assistance from the electoral authorities, was unable to meet the requirements and therefore had its application rejected.

The seven political parties represented in the previous Parliament plus four additional parties had their lists registered in all 19 counties for these elections. In total, 24 parties contested the elections with more than 3,600 candidates. Political party interlocutors did not raise any concerns about the process for candidate registration.

There is a high level of decentralization and independence in the candidate selection process of political parties in the counties. Political parties (both at central and local level) start with the procedure almost one year before the elections and most use internal party consultations through the party nomination committees to select candidates.

VI. CAMPAIGN

Eleven political parties representing a broad range of alternative political views competed nationwide in the elections, offering the voters a genuine choice. The contest saw the incumbent centre-left government, a coalition of the Labour Party, the Socialist Left Party and the agrarian Centre Party, competing in a tight race for a renewed mandate against the centre-right opposition. The campaign included speculation regarding which of the opposition parties would be willing to enter a governing coalition with the right Progress Party, as no parties previously were willing to join it. Although less extreme than similar parties in other parts of Europe, in the Norwegian context their position on issues such as immigration places them at far right of the political spectrum. The Conservative Party had said that it would join the Progress Party, but the other two opposition parties, Liberal Party and Christian Democratic Party, had said they would not.

The election campaign is unregulated, and there is no official campaign period, although most political parties began campaigning in July. The primary campaign method was participation in public debates and roundtables on the broadcast media. In addition, political parties met with voters in central public locations, conducted door-to-door canvassing and advertised in local newspapers and radio stations.

OSCE/ODIHR EAM interlocutors commented on the significant role that ‘social media’ (e.g. YouTube, Facebook, Twitter, political blogs, etc) played during this election campaign. Given that political advertisements are banned on television, parties used a wide range of campaign instruments through the Internet to reach voters, and particularly targeted young voters in this way.

The campaign could be characterized by the fact that no one issue took prominence in the debate. Rather, political parties focused their campaigns on a wide range of issues, including: the economic situation and employment, taxes, immigration, environment and oil drilling, health and care for the elderly, infrastructure and education. According to OSCE/ODIHR EAM interlocutors, one of the notable features of this election campaign was the clear contrast between the governing parties and the opposition parties on issues such as taxes, immigration and the use of natural resources.

VII. CAMPAIGN FINANCE

State funding is the primary source of income for political parties in Norway, with additional income from party activities and private donations.¹⁰ State funding includes basic support, provided to political parties that received at least 2.5 per cent of the votes in the last national election (10 per cent of state funding) and vote support income provided in proportion to the amount of votes received, with no threshold requirement (90 per cent of state funding). Approximately 211 million Norwegian Krone (approximately 23 million Euro) of public funding was distributed to 18 political parties in 2008. There is no specific public funding for electoral campaigns. Decisions on the allotment of government grants can be appealed to the Political Parties Act Committee, an independent administrative body, and further to the court. Only registered political parties can receive public funding. Party organizations at the county and municipal level, as well as party youth organizations, are eligible to apply for grants to the County Governor.

The 2005 Political Parties Act lightly regulates political party financing, with no monetary limits on party income¹¹ or expenditure. Campaign financing is not specifically regulated. The law includes a degree of transparency, with annual reporting requirements of party income,¹² sources of donations over 30,000 Kroner (about 3,600 Euro) to be specifically reported, and approval of reports by an auditor selected by the party. The reports are published by Statistics Norway; however, there is no body authorized to verify the accuracy of the reports nor is there an independent auditing requirement. Moreover,

¹⁰ See more information at www.ssb.no/english/subjects/07/02/10/partifin_en.

¹¹ The only limitations are provided in Article 17 which prohibits anonymous donations, donations from foreigners, and donations from legal entities under the control of the state or other public agency.

¹² Under Article 18, parties with private income of less than 10,000 Kroner (about 1,200 Euro) are exempted from income reporting requirements.

the Norwegian system does not require reporting and auditing of party expenditures, including those from state funds.¹³

A 2009 “Group of States Against Corruption” (GRECO)¹⁴ report that evaluated the transparency of party funding in Norway recommended introducing an obligation to report election campaign income and expenditures, reporting during the campaign period, independent audits, and inclusion of an appropriate set of sanctions for infractions of reporting requirements.¹⁵ The Ministry of Government Reform and Administration, responsible for administration of the Political Parties Act, informed the OSCE/ODIHR EAM that it supports the GRECO recommendations and intends to submit a proposal to Parliament in 2010 that includes all of the report’s recommendations, as well as additional proposals. Political parties generally expressed their support for the prospect of greater transparency in campaign financing and anticipated that it would serve to increase public trust in political parties.

It is recommended that a review of the Political Parties Act be carried out to consider increasing transparency of campaign income and expenditures through regular and independently audited reports.

VIII. MEDIA

A. MEDIA ENVIRONMENT

Norway has a long-standing tradition of freedom of expression in the media. Citizens are served by 220 newspapers and more than 250 national and local TV and radio stations. Television is the main source of information, although Internet is also widely used.

The public service broadcaster, Norwegian Broadcasting Corporation (NRK), and privately owned TV2 are the main news-oriented TV channels. The NRK, a publicly owned company in which the Ministry of Culture and Church Affairs holds all the shares, operates three TV channels. The NRK license is granted in the Norwegian Broadcasting Act. The company is funded by licence fees¹⁶ and is subject to public service obligations as specified in its statement of commitments.

The private broadcaster TV2 has nationwide distribution and a public service license, requiring its programming to observe a number of public service obligations. In addition to its main channel, TV2 offers four digital and cable channels. The second largest private broadcaster, TV *Norge*, is mainly distributed via satellite/cable but also

¹³ Article 10.4 specifically provides that “the authorities shall not keep control of how the parties or groups dispose of their grants.” There is, however, a legal obligation for parties to allow public inspection of their accounts from the previous year upon request.

¹⁴ The GRECO was established in 1999 by the Council of Europe to monitor States’ compliance with the Organization’s anti-corruption standards through a process of mutual evaluation and peer review. For more information, see www.coe.int/t/dghl/monitoring/greco/default_en.asp.

¹⁵ Group of States Against Corruption (GRECO), Council of Europe, “Evaluation Report on Norway on Transparency of Party Funding,” 19 February 2009, available at [www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2008\)6_Norway_One_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2008)6_Norway_One_EN.pdf).

¹⁶ Approximately 94 per cent of NRK’s income derives from the license fees, a fee billed to all households which own a television set.

terrestrially through collaboration with local television channels.

The NRK runs three radio channels at a national level and 16 regional services; two other private radio stations, Radio *Norge* and P4, have a license to broadcast nationwide and are subject to some public service obligations. The other radio stations transmit locally.

Print media still enjoy a strong position in the Norwegian society, even if total circulation has recently declined. The two newspapers with the largest circulation are the popular tabloid *Verdens Gang* (or VG) and *Aftenposten Morgen*,¹⁷ the country's largest subscribed paper.

B. LEGAL FRAMEWORK FOR THE MEDIA

Freedom of expression is guaranteed in the Constitution.¹⁸ Relevant legislation governing the Norwegian media includes the Broadcasting Act, the Act on Ownership of the Media and the Editorial Independence Act.

There is no specific legislation for media coverage of the election campaign nor provisions in the law establishing rights of access to the media for political parties. In this regard, the media is largely self-regulated. The regulatory framework for the media coverage of elections consists essentially of one provision in the Election Act, which forbids reporting of election results and prognoses based on opinion polls conducted on election days before 9 pm on the last day of voting.¹⁹ This overall lack of regulations does not, however, mean that the media do not have specific obligations.

The NRK's Statement of Commitments defines the institution's public service obligations, including supporting and strengthening democracy. Under NRK's statement of commitments, the public broadcaster shall ensure that the whole population has enough information to take part actively in the democratic process. A recent amendment adopted this year further requires NRK to provide broad and balanced coverage of the elections and of the election contestants.²⁰

The fulfilment of the public service commitments is supervised by the Norwegian Media Authority (NMA), an administrative agency under the Ministry of Culture and Church Affairs tasked with overseeing and licensing of broadcasting. The NRK reports to the NMA on its activities on an annual basis and, based on this, the Authority submits an annual advisory report on NRK's fulfilment of its public service obligations to the Ministry. The report is then subject to a formal discussion at the General Assembly of the NRK. If NRK is found not to fulfil its public service obligations, the General Assembly may request the Board of Directors of the NRK to take the necessary steps to bring the activities of the company in line with its commitments and ensure fulfilment of the obligations for the future. The 2009 NMA advisory report to the Ministry will also include the evaluation of NRK's obligations related to the campaign coverage commitments. The report will be presented and discussed in June 2010.

¹⁷ Source: Medianorway (public information centre financed by the Ministry of Culture and Church Affairs). Newspaper circulation 2008 available at www.medi norge.uib.no.

¹⁸ Article 100 of the Constitution.

¹⁹ Election Act, Article 9.9.

²⁰ NRK's remit, Section 12 b), last amended by the NRK's General Meeting of 29 June 2009.

The NMA informed the OSCE/ODIHR EAM that prior to the election it received one election-related complaint, filed in June, by the Democratic Party. The party claimed that the NRK was not granting them enough coverage. The complaint was dismissed based on the grounds that it referred to a period of time that normally is not regarded as part of the electoral campaign, and prior to the entering into force of the amendments requiring NRK to provide broader coverage of the campaign.

Consideration could be given to specifying dates for the period during which the NRK must ensure broad and balanced coverage.

As a general procedure, in case of complaints on NRK's coverage of the election campaign, the NMA reports its evaluation to the Ministry of Culture and Church Affairs once the election period is over, as part of its annual report. There is no specific deadline for decisions on election-related media complaints.

Consideration could be given to developing a mechanism for complaints against NRK that includes more timely procedures for resolution of election-related matters, in order to ensure the possibility for prompt remedies that could have a meaningful impact on the campaign.

Political advertising on television is forbidden under the Broadcasting Act. According to Article 3.1(3) of the Act, broadcasters "cannot transmit advertisements to promote belief systems or political ends on television." In case of violations of the ban, the NMA can take measures ranging from a warning to imposing a fine.²¹ The ban does not apply to media other than television and there are no regulations governing political advertising on radio, the press or Internet, apart from the rules applying to regular advertising. While the ban is accepted and promoted by a number of parties as a method to keep the campaign costs low and to allow the parties to focus more on issues of substance, others see the ban as an unfair limitation on campaigning.

The ban on political advertising on television caused a heated debate when the European Court of Human Rights (ECHR) found in December 2008 that a fine imposed by the NMA on a local television station for airing a spot for the regional branch of the small Pensioner Party during the 2003 local elections was in violation of the rights of the party under Article 10 of the European Convention on Human Rights. The basic premise of the ruling was that, for small political parties, paid advertising might be the only way to obtain television coverage.

After a parliamentary discussion the ban was upheld this year. At the same time, the Ministry of Culture and Church Affairs tried to address the ECHR findings by adopting changes in the NRK's statement of commitments. The amendment, requiring the public broadcaster to provide broad and balanced coverage of the election contestants and to include in its coverage all parties and lists "over a certain size", was criticized by some media interlocutors as interference in the NRK's editorial independence. Others, including some of the small parties, felt that the amendment had little value.

The Ministry has also tried to address the issue of the rights of access for small parties by signing an agreement with *Frikanalen*, an "open channel" owned by non-profit

²¹ Chapter 10 of the Broadcasting Act.

organizations, to allot all contestants participating in the elections free airtime. However, the open channel, with its limited viewership and schedule,²² is not seen as a viable and appealing alternative by those parties advocating a lift of the ban on TV advertising. Only four political parties, of all sizes, aired free-of-charge spots on *Frikanalen*.

Fifteen local TV stations aired paid advertisements for the Conservative Party and the Pensioner Party in apparent violation of the ban, maintaining that the ban on political advertising had been abolished as a result of the ECHR judgment. The NMA sent a warning to the local stations for broadcasting the Conservative Party's ads, but did not sanction the outlets airing the Pensioner Party spots.

TV *Norge* offered political parties the opportunity to air their campaign spots free-of-charge as a challenge to the decision to uphold the ban on TV advertising. Eight parties took advantage of the opportunity. A local TV station, TV *Aftenbladet*, made the same offer and two parties advertised free-of-charge on the channel.

The possibility of granting free airtime proportionally to political parties to present directly their programs, based on the United Kingdom experience,²³ has been discussed by the government but not adopted. However, this option has been mentioned in a ministerial report to the Parliament²⁴ as an alternative solution that may be introduced in the future, in case the other two options prove to be insufficient in addressing the ECHR findings. Some of the small political parties indicated this third option as a good way to guarantee a certain degree of TV access to all contenders, especially to public broadcasters. While the allocation of free 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 for smaller competitors, with limited resources, providing them an opportunity to address the electorate.

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

C. MEDIA COVERAGE OF THE ELECTIONS

The overall reporting of the campaign was regular and diverse, covering a variety of political actors and election-related issues and topics, thus ensuring a pluralistic expression of views. Media discourse focused on various policy issues (economy, oil, education, elderly care and immigration) as well as speculating on the composition of the upcoming government.

National TV stations, particularly NRK and TV 2, covered the campaign through various formats. NRK started its special programs devoted to the election campaign in mid-August. Prior to this, the elections were covered in their ordinary news programs. NRK's special election programs included one-on-one interviews with party leaders and

²² The channel is currently available to some 20 per cent of the population and broadcasts five and a half hours a day.

²³ In the UK, those television and radio channels that have public service broadcast obligations are required by law to include party political broadcasting free of charge.

²⁴ Report N°18 (2008-2009) to the *Storting*.

numerous debates. A first election debate with leaders from the seven parliamentary parties and the Red Party²⁵ opened the NRK's special campaign schedule. The same formula was adopted for the final debate, the last Friday before election day. The Green Party and the Democratic Party argued that small parties not represented in the Parliament were scarcely covered on NRK.

In the month prior to the elections, the private television station TV2 aired election-related programs such as debates, interviews with leaders and panel discussions with experts and politicians. A final debate with leaders from the parliamentary parties plus the Red Party leader was aired on Saturday 12 September. A debate with the leaders of the small parties was broadcast on TV2 all-news channel, a subscription channel.

Both channels offered live streaming of television broadcasts together with interactive elements to encourage direct participation and include viewers' comments through Twitter or other web interfaces.

Radio and press coverage, both at national and local level, offered regular information on parties and issues. Radio channels organized debates, interviews and question and answer programs; newspapers published featured articles and devoted a special page to the elections. Websites, blogs and Internet versions of traditional media were another important source of information for voters.

IX. PARTICIPATION OF WOMEN

The Norwegian Gender Equality Act prohibits any form of discrimination on the grounds of gender. The Act also stipulates that public authorities shall actively promote gender equality in all sectors of society. Provisions requiring gender balance in publicly appointed committees were introduced into the Gender Equality Act in 1981. While the Ministry of Children and Equality has primary responsibility for the government's gender equality policies, the Equality and Anti-Discrimination Ombudsman and the Equality and Anti-Discrimination Tribunal monitor and contribute to the enforcement of the Act. The Equality and Anti-Discrimination Ombudsman is also active in promoting women's participation in the electoral process through public campaigns.

Norway has a tradition of gender equality in politics. In 1986, Prime Minister Gro Harlem Brundtland created the so-called "women's government," with eight of 18 ministers being women. Since then, all governments have included at least 40 per cent women. In the outgoing government, women held ten out of 19 ministerial posts. Women accounted for 38 per cent of the composition of the outgoing Parliament.

There is no legal provision for gender balance in candidate lists and any quota system applied by the parties is voluntary. For the 2009 elections, 42 per cent of the 3,688 candidates were women, a three percent increase since the last parliamentary elections. Among the parliamentary parties, the number of female and male candidates was

²⁵ Out of the smaller parties not represented in parliament, the far left Red Party, having won over 30,000 votes in 2005, was viewed as the party with the best chance to win a seat. NRK informed the OSCE/ODIHR EAM that small parties participated in issue specific and secondary debates; for example, the Green Party was included in an NRK hosted debate on the environment.

approximately equal, with the exception of the Progress Party and the Conservative Party, which had a larger presence of male candidates in their lists.²⁶ Political parties make a varying degree of effort to include women as candidates and some have a requirement in the party statute to ensure gender equality. Some parties have a minimum target of 40 per cent, while others advocate equal representation (50/50). For this election, 67 of the 169 seats in Parliament were won by female candidates (40 per cent).

X. PARTICIPATION OF MINORITIES

The Sami are the largest indigenous minority in Norway, numbering approximately 40,000.²⁷ According to official statistics, they primarily reside in the north of the country, although the OSCE/ODIHR EAM was informed that many Sami live in Oslo. The Constitution recognizes only the Sami as a minority, and under Article 110a of the Constitution the authorities have the responsibility to create special conditions enabling the Sami people to preserve and develop their language, culture and way of life. The 43-member Sami Parliament (*Samediggi*) was established in 1989 to represent Sami interests, and elections are held every four years, simultaneously with the elections to the *Storting*. Sami are active in political life – the Minister of Fisheries in the previous government was a Sami woman – and no one with whom the OSCE/ODIHR EAM met identified any obstacles to Sami participation in politics.

Other significant minority groups include the Kvens, Roma, and various immigrant groups from Eastern Europe, South Asia, the Middle East and Africa. A total of 163,800 immigrants and Norwegians born to immigrant parents were entitled to vote in these elections.²⁸ For these elections, the Directorate of Integration and Diversity (IMDi) conducted a project together with non-governmental organizations (NGOs) and the Ministry of Local Government and Regional Development to increase turnout among immigrant groups, especially youth and new citizens.²⁹ IMDi also met with political parties to encourage them to include immigrants on their candidate lists. While many parties included immigrant candidates, they were generally in unelectable positions. There was one deputy in the outgoing Parliament from an immigrant group. According to IMDi, immigrants are less concerned with politics than with other aspects of their lives.

XI. VOTING

The Norwegian system provides broad possibilities for voters to cast a ballot, including an extensive advance voting period, out-of-country voting, home-bound voting, and, in almost half of the municipalities (for this year's elections), a two-day election.

²⁶ Statistics Norway, available at www.ssb.no.

²⁷ "We are the Sami – Fact sheets", Resource Centre for the Rights of Indigenous Peoples, 2006, available at www.galdu.org.

²⁸ Statistics Norway. *Ops cit.*

²⁹ According to IMDi, in the 2005 elections, turnout among immigrant groups was 53 per cent, compared with a general turnout of 77 per cent.

A. EARLY AND ADVANCE VOTING

Advance voting took place from 10 August until 11 September. According to the Ministry, 657,117 voters took part in the advance voting process – approximately one-quarter of all voters who participated.

For the first time, an additional period of early voting was held from 1 July until 9 August, during which time voters could make arrangements for voting by notifying the municipal authorities. Voters were given a unified national ballot paper, as party ballots were not yet printed and distributed, and therefore could not express any preferential vote. While early voting was intended to provide a possibility for fishermen and other seasonal workers to vote, election officials informed observers that students studying abroad had also used this opportunity. Still, the number of those voting during the early voting period was very low at approximately 6,500, and some election officials questioned its usefulness, given the lengthy period of regular advance voting.³⁰

Municipal authorities set up advance voting sites in health and social welfare institutions, universities, high schools and prisons, as well as other convenient locations such as shopping malls and libraries. Infirm or disabled voters could also apply to vote from home. Some advance voting sites were open for the entire advance voting period, while other sites were opened in a location for one or more days. Voters could participate in advance voting in any constituency. However, those voters voting in a constituency other than where they were registered used a unified national ballot paper rather than party ballots, and could not express any preferential vote. Similarly, voters voting from abroad at a diplomatic mission or by mail also used the unified ballot. Votes from abroad had to be cast by Friday 4 September.

Safeguards are implemented in order to ensure the integrity of the early and advance voting. The regulations require that advance ballots be secured overnight. In practice, municipalities visited by observers sealed the advance voting ballot boxes and stored them in a locked local government office every night. Secure storage of ballot boxes and other advance voting materials is an important safeguard and is consistent with international best practice. Advance voting ballots were regularly collected during the advance voting period by municipal authorities, forwarded to the municipalities of the voter, and could be checked against the voter lists prior to election day. These names were then marked in the voter list to show they had already voted as a measure to ensure against multiple voting. However, advance votes were only counted on election day. After voting, those who voted during advance voting were checked against the final voter list to confirm that no one voted more than once.

B. ELECTION DAY VOTING

In line with standard OSCE/ODIHR practice, the deployment of an EAM does not envisage any systematic or comprehensive observation of voting and counting procedures. However, the OSCE/ODIHR EAM members visited a limited number of polling stations in Bergen, Drammen, Hitra, Larvik, Oslo and Trondheim municipalities during election day(s). In 204 of the 430 municipalities, the municipal council voted to

³⁰ According to the Ministry of Local Government, 69 municipalities received no votes during the 1 July – 9 August early voting period, while 292 municipalities received less than 10 votes. Only 10 municipalities received more than 100 votes during the early voting period.

have a two-day election from 13-14 September. The decision to hold the elections over two days only required the support of one-third of the municipal council to pass. This was done to increase turnout, but some municipal officials commented that it was a considerable additional expense. Overall turnout for the parliamentary elections was 76.4 per cent, a slight decrease from 77.4 per cent in the 2005 parliamentary elections.

In all locations visited by OSCE/ODIHR EAM members, the voting was assessed as orderly and well-administered. Election workers had all received several hours of training, and generally carried out the process in line with the regulations. Outside the polling stations, the atmosphere was calm. In some municipalities, political party representatives stood in front of the polling stations handing out their parties' ballot papers, which was permitted by law, but in other municipalities, this was not the practice.

Polling stations varied greatly in size: OSCE/ODIHR EAM members in Bergen noted that the smallest polling station in the municipality had 509 voters and the largest had 8,513. However, OSCE/ODIHR EAM members did not notice any long queues or other delays for voters in large polling stations, as there appeared to be a sufficient number of polling workers, polling booths and ballot boxes allocated.

To cast a ballot, voters entered the polling booth, selected a party ballot, expressed a preferential vote if they wished to do so, and folded the ballot. They then showed a photo ID to polling officials, had their ballot stamped and put it into the ballot box. In some locations, voters did not fold the ballot properly, breaching secrecy of the vote. Typically, when a ballot was not properly folded a designated polling official instructed voters how to fold the ballot and would ask them to return to the booth to correct their mistake. A new coloured ballot paper was piloted by the Ministry in four municipalities, and was designed to be easier to fold. OSCE/ODIHR EAM members in Drammen municipality, where the pilot ballot was used, noted that voters tended to fold their ballot properly.

The authorities should continue efforts to ensure secrecy of the vote, including broadening the use of the coloured pilot ballot if it is found to be more effective.

Each municipality had a certain amount of discretion in how they chose to implement the regulations, including what safeguards were adopted. While the regulations require ballot boxes to be sealed when they are not in direct supervision of the election officials, they are not required to be sealed during the voting. In most municipalities visited by the OSCE/ODIHR EAM members, ballot boxes were not sealed on election day, but in Drammen municipality the boxes were sealed during the day. While no one expressed concern to the OSCE/ODIHR EAM about the security of the unsealed ballot boxes, it is good electoral practice to seal the boxes on election day to prevent any possible tampering with the ballots.

The authorities should consider adopting consistent procedures on election day safeguards, including sealing of the ballot boxes on election day.

Most voters appeared to be knowledgeable about the ID requirement that was first instated for the 2007 local elections. OSCE/ODIHR EAM members did, however, observe a few cases where voters did not have their ID cards and were not known to the polling officials so were asked to return with their IDs before being allowed to vote. OSCE/ODIHR EAM members were informed by polling officials in some locations that

a few elderly voters did not possess photo ID and therefore were not allowed to vote. In Oslo, a more flexible approach was taken and officials were permitted to identify voters without ID through verbal confirmation of personal information on the voter list; however, the Ministry of Local Government confirmed that this practice was not consistent with the law. In Drammen, officials offered temporary ID cards prior to the elections, but no requests were received.

The election authorities should adopt a consistent approach for identifying voters, while minimizing the possibility for disenfranchisement.

The election regulations require that all premises for voting and advance voting to be “easily accessible and where all voters can gain access without requesting assistance.” In most cases, polling stations visited by OSCE/ODIHR EAM members met these criteria. However, the Disabled Association of Norway informed the EAM that in some smaller, rural municipalities, polling stations are not accessible due to a shortage of funding or a lack of understanding of the issue among municipal officials. For these elections, a universal design polling booth that can be used by disabled and non-disabled voters alike was piloted in some municipalities. Blind voters are also able to vote unassisted as the ballot papers are in dividers with party names written in Braille.

Election authorities should continue their efforts to facilitate voting for the disabled, and all municipal authorities should implement the existing criteria for making polling stations accessible.

XII. COUNTING AND TABULATION

Political parties expressed a high level of confidence in the process of counting and the tabulation of results. According to the legislation, the preliminary count of ballots can be conducted after the close of polls by either the Polling Committee (PC) at the polling station, or by the Electoral Committee (EC) at the municipal level. As the preliminary count does not take into consideration any marking of the ballot papers, it is a relatively simple and rapid process, even in large polling stations.

OSCE/ODIHR EAM members who were present for counting found it to be well-organized and efficient. Polling officials counted the number of checked names on the voter list and reconciled it with the total number of stamped ballots cast, before counting the ballots by party. A short and straightforward protocol was signed by all members of the PC and delivered, together with the election materials, to the municipal level where the final count of ballot papers took place. At this count, the EC had to decide whether to accept or reject any ballots that were set aside as questionable. All ballots were then counted again. Except in the smallest municipalities, the final count was conducted with the use of scanners that could also record any preferences marked. Counting at the municipal level was very efficient – in Oslo, the scanners read 50,000 ballots per hour, and the entire count was completed by the next morning.

Following the final count by the EC, the ballots and other election materials were sent on to the County Electoral Committee (CEC), which is responsible for determining the result of the election based on all the municipalities taken together. Another count was

conducted to determine which candidates receive mandates, and at this stage any alterations made to the ballot by voters (preference votes) were taken into consideration.

Several municipal election officials commented to the OSCE/ODIHR EAM that the large number of “out-of-precinct” votes on election day (e.g. 16,000 in Oslo) complicated the counting process, as these ballots had to first be checked and marked against the voter lists in the assigned precinct of the voter to ensure that these voters had not already cast a ballot. This is an important safeguard against possible multiple voting. Ministry officials informed the OSCE/ODIHR EAM that they intended to develop electronic voter lists that could be marked in the polling stations in the case of “out-of-precinct votes” in future elections. This would appear to simplify the process of accounting for such votes.

Statistics Norway operates a results database where all of the municipal results are collected and tabulated. Access to this database is given to media outlets, which therefore receive information on the results as soon as it is entered. The Ministry of Local Government and Regional Affairs informed the OSCE/ODIHR EAM after its departure that there were two cases of small discrepancies in the database between the initial and final counts. The initial vote conducted in the polling station is not the official vote result and it is only after they are scanned and counted in the EC and confirmed by the CEC that they are considered final. The discrepancies identified after the initial count were quickly corrected by officials, but since they impacted the distribution of mandates and because all data is made public from election night allowing for close scrutiny of the process, they attracted broad media attention.

XIII. COMPLAINTS AND APPEALS

Jurisdiction over election disputes is regulated by the Constitution, the Election Act, the Public Administration Act, and common law. The electoral bodies and Parliament are responsible for adjudicating various election disputes relating to parliamentary elections, while the courts have only a limited role.

In general, very few election-related complaints and appeals are put forward in Norway, and the 2009 elections were no exception. Two complaints were received concerning withdrawal of candidacies and four were received regarding election day, but none were successful.³¹ The Ministry of Local Government reported that on election day there was intentional misinformation passed through social media stating that supporters of one party could cast their ballot by sending a text message. Although not resulting in any complaints, the Ministry noted that this may be a matter for criminal investigation.

Due to the lack of electoral complaints, interlocutors at the municipal level appeared generally unaware or misinformed of complaint procedures for parliamentary elections.

Under Chapter VI of the Public Administration Act, complaints against a decision of an administrative body are submitted in the first instance to that body. This applies to all

³¹ One withdrawal of candidacy complaint cited health reasons and the other was against unilateral nomination of the candidate by a party. Two election day complaints regarded denial of the right to vote due to apparent technical error, and another claimed shortage of a political party's ballot papers at a polling station. A fourth election day complaint was not considered due to untimely submission.

decisions of the electoral committees. The Constitution and the Election Act provide that further appeals relating to the right to vote or the possibility to cast a vote are considered by Parliament,³² although interlocutors noted that it is very rare that a complaint on voter rights is not dealt with successfully at the municipal level. The NEC is required to provide its written opinion to Parliament on voter rights appeals.

Any person who is entitled to vote may appeal to the NEC against matters relating to the preparation and conduct of the parliamentary elections in the county in which the person is registered to vote.³³ In effect, all election-related appeals other than voter rights appeals are the jurisdiction of the NEC. The Ministry of Local Government provides legal advice to the NEC on all election dispute matters. The NEC is required by law to forward its decisions on appeal cases to the Parliament.

The Constitution and the Election Act mandate the newly elected Parliament to adopt a decision on the legality of the elections and the eligibility of the elected deputies.³⁴ In the course of validating an election, the Parliament reviews all voter rights appeals and NEC appeal decisions (which may be overturned) insofar as they may affect decisions on credentials. If it is determined that an error was committed which may have influenced the allocation of seats, the election is declared invalid and a new election ordered. The law does not provide a mechanism for Parliament's decision to be appealed to any judicial authority. In effect, the Parliament is the final adjudicator of all election-related appeals and the validity of the election.

A 1962 Supreme Court case held that complaints regarding elections are not a matter for the court, unless it involves abuse of authority or serious violation of fundamental rules of procedure.³⁵ The rationale for the court establishing this limited role was the need for a swift and final decision in election disputes. However, OSCE commitments provide for the judicial review of administrative decisions and regulations as stipulated in paragraph 18.4 of the OSCE Moscow Document (1991). Furthermore, international good practice is to allow access to the courts for final adjudication of all election matters.³⁶ Election-related crimes, as established in Chapter 10 of the General Civil Penal Code, are prosecuted in the courts.

It is recommended 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.

Under the Election Act, the electoral committees have no specified deadline for considering requests for corrections to the voter register, only that they be dealt with "as long as is practically possible".³⁷ Appeals against decisions on candidate list registration must be brought to the NEC within seven days; appeals regarding the conduct and preparations of elections must be submitted at the latest seven days after election day; and

³² Article 55 of the Constitution and Article 13-1 of the Election Act.

³³ Article 13-1 of the Election Act.

³⁴ Article 63 of the Constitution and Article 13-3 of the Election Act.

³⁵ Since the 1962 court decision, no election-related appeal has been reviewed by the courts.

³⁶ Paragraph 3.3 a. of the Venice Commission's Code of Good Practice in Electoral Matters (CDL-AD 2002) states: "The appeal body in electoral matters should be either an electoral commission or a court. For elections to Parliament, an appeal to Parliament may be provided for in the first instance. In any case, final appeal to a court must be possible."

³⁷ Article 2-7 of the Election Act.

challenges to the election results must be brought within seven days of the announcement.³⁸ The law does not, however, provide deadlines for rendering prompt decisions on appeals and in practice the NEC and Parliament consider appeals only after election day.³⁹ The right to a timely remedy in election-related disputes is integral to the broader principle of effective means of redress set out in paragraph 5.10 of the OSCE Copenhagen Document.⁴⁰

Consideration could be given to setting specific expedited time limits for the adjudication of election-related complaints and appeals by all relevant authorities including courts, the NEC and Parliament, in order to be fully consistent with paragraph 5.10 of the Copenhagen Document.

³⁸ Articles 6-8 and 13-1 of the Election Act.

³⁹ Only appeals on candidate list registration are in practice considered by the NEC prior to election day.

⁴⁰ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states: "Everyone will have an effective means of redress against administrative decision, so as to guarantee respect for fundamental rights and ensure legal integrity." The Venice Commission's Code of Good Practice, paragraph 95, states, in part: "A time limit of three to five days at first instance (both lodging appeals and making rulings) seems reasonable for decisions to be taken before the elections. It is however, permissible to grant a little more time to Supreme and Constitutional Courts for their rulings."

ANNEX: RESULTS

Final results were published by Statistics Norway as follows:⁴¹

Official Final Election Results

Total number of registered voters	3, 530,785
Total number of votes cast	2,696,375
Turnout (percentage)	76.4%
Total number of invalid votes	2,046
Total number of blank votes	11,635

Distribution of valid votes to the political parties and allocation of seats:

Political Party	Votes received	Number of seats	Change from 2005 results
Labour Party	35.4 % (949,049 votes)	64	+3
Progress Party	22.9 % (614,717 votes)	41	+3
Conservative Party	17.2 % (462,458 votes)	30	+7
Centre Party	6.2 % (165,006 votes)	11	No change
Socialist Left Party	6.2 % (166,361 votes)	11	-4
Christian Democratic Party	5.5 % (148,748 votes)	10	-1
Liberal Party	3.9 % (104,144 votes)	2	-8

⁴¹ Information on results can be found at: www.valgresultat.no

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 programs 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).