

Electoral Justice:

An Overview of the International IDEA Handbook

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1. The concept of electoral justice

This Overview highlights the various formal and informal approaches to electoral justice that are more broadly presented in *Electoral Justice: The International IDEA Handbook*. The Overview describes the guiding principles, elements and guarantees of an effective electoral justice system (EJS) and outlines the various systems for filing and resolving electoral challenges. It also discusses ways to prevent disputes and uphold electoral rights. The more comprehensive *Electoral Justice: The International IDEA Handbook* is recommended for those designing or reviewing a country's EJS and for those interested in simply studying the topic.

Electoral justice, as defined in this Overview and the *Handbook*, involves the means and mechanisms available in a specific country, local community or on a regional or international level for:

- ensuring that each action, procedure and decision related to the electoral process complies with the legal framework;
- protecting or restoring electoral rights; and
- giving people who believe their electoral rights have been violated the ability to file a challenge, have their case heard and receive a ruling.

An EJS is a key instrument of the rule of law and the ultimate guarantee of compliance with the democratic principle of holding free, fair and genuine elections.

An EJS is a key instrument of the rule of law and the ultimate guarantee of compliance with the democratic principle of holding free, fair and genuine elections. The aims of an EJS are to prevent and identify irregularities in elections and to provide the means and mechanisms to correct those irregularities and punish the perpetrators.

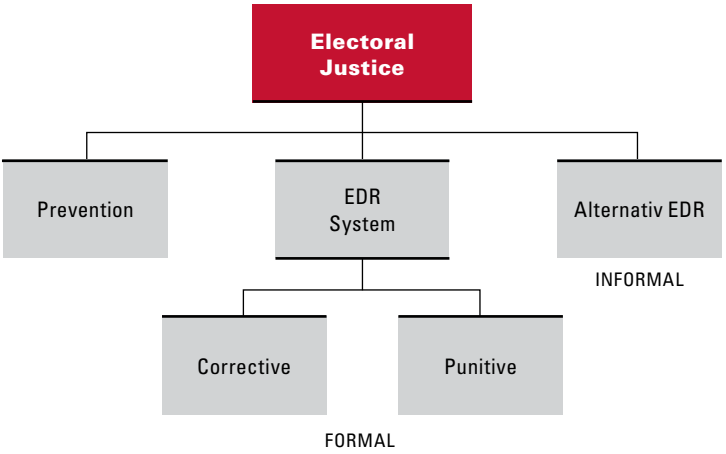
When a given action, procedure or decision related to the electoral process does not comply with the law, it is an irregularity. Since an irregularity in the electoral process may cause a dispute, an EJS aims to prevent irregularities and ensure free, fair and genuine elections. Accordingly, the design of an appropriate EJS is fundamental to democratic legitimacy and the credibility of electoral processes.

An EJS must be seen to act effectively, displaying independence and impartiality to promote justice, transparency, accessibility, inclusiveness and equality.

The concept of electoral justice goes beyond simply enforcing the legal framework; it is also a factor in the overall design and conduct of all electoral processes, and influences the actions of the stakeholders within them. Since electoral justice systems are greatly influenced by the socio-cultural, historical and political contexts in which they operate, there is a great diversity in practices and systems around the world.

Despite these potential differences, an EJS should adhere to a number of norms and values in order to make the electoral process more credible and legitimate. These norms and values are found both within a country's culture and legal framework and within international legal instruments. An EJS must be seen to act effectively, displaying independence and impartiality to promote justice, transparency, accessibility, inclusiveness and equality. Perceptions that the system is not sound and robust may jeopardize its credibility and cause electors to question their participation in the electoral process or even reject its final results. Effective and timely electoral justice then becomes the key element in maintaining credibility.

Figure 1. The electoral justice system



EDR = electoral dispute resolution

EJS mechanisms include preventative measures as well as both formal and informal means of resolving electoral disputes.

As figure 1 shows, the wider EJS includes a variety of specific mechanisms to ensure credible electoral dispute resolution (EDR). These mechanisms include preventive measures as well as both formal (institutional) and informal (alternative) means of resolving electoral disputes. The figure also illustrates the kinds of mechanisms that are available to resolve an action that are typically associated with electoral justice, namely those that are either corrective or punitive in nature.

A political culture that promotes lawful behaviour and civic respect for democratic norms helps to minimize the potential for electoral disputes.

An increase in the respect for the rule of law will trigger a decrease in the number of electoral disputes brought for resolution. A political culture that promotes lawful behaviour and civic respect for democratic norms helps to minimize the potential for electoral disputes, leaving only the most contentious and obvious disputes to be brought forward. Involving the principal political parties and key sectors of civil society in the development of the electoral legal framework is also important in preventing disputes.

There are three main types of mechanisms for resolving electoral disputes:

Formal:

a. formal or corrective mechanisms (e.g., the filing and processing of electoral challenges): if upheld, they lead to a decision to annul, modify or acknowledge an irregularity in the electoral process;
b. punitive mechanisms (e.g. in the case of criminal offences): if upheld, they impose a penalty on the perpetrator, entity or person responsible for the irregularity, including both election-related administrative and criminal liabilities; and

Informal:

c. alternative mechanisms: they are voluntary for the parties in dispute.

2. The importance of an EJS

Although the existence of a robust EJS does not in itself guarantee free, fair and genuine elections, its absence may aggravate existing conflicts. If elections are held without a comprehensive and consensus-based legal framework that is committed to democratic principles and values, if they are not well organized, or if there are no specific electoral justice mechanisms in place, electoral processes may exacerbate existing frictions or even lead to armed or violent conflict. For instance, the violence that occurred in Kenya after the December 2007 elections may in part be attributed to the unavailability of a credible, impartial court in which to resolve electoral disputes.

The design of an EJS is key and should be reviewed periodically to ensure that it fulfils its function of guaranteeing the holding of free, fair and genuine elections in keeping with the provisions of law. International IDEA recognizes that the design of an EJS must be done in a holistic manner. As technical issues are involved, it is often helpful to have corresponding technical assistance and it is rarely appropriate to export templates or models to different historical and political contexts. A comparative approach to the study of electoral justice systems shows that there is no perfect or even 'best' system: it also makes it possible to assess the strengths and weaknesses of different systems, identify trends, offer additional elements of analysis and identify successful experiences or practices. This is done in the *Handbook*.

The design of an EJS is key and should be reviewed periodically.

3. Upholding electoral rights

Electoral rights are a type of political right, which are a category of human rights. Electoral rights are enshrined in a country's basic or fundamental legal provisions (usually in the constitution and in relevant statutes) and in various international human rights instruments. On occasion, electoral rights also stem from case law.

However, electoral rights and political rights are distinct due to the different means established to protect them. While electoral rights may be protected by the electoral justice or dispute resolution system, in some countries the protection of political rights rests with other legal instruments and procedures.

Electoral rights are a type of political right, which are a category of human rights.

Among the main electoral rights are the rights to vote and to run for elective office in free, fair, genuine and periodic elections conducted by universal, free, secret and direct vote; the right to political association; and other rights intimately related to these.

As some rights stem from the right to justice as guaranteed by international human rights instruments (such as the right to an impartial, public hearing and the right to due process), they should also be evaluated as the right of access to electoral justice.

A variety of electoral dispute resolution bodies—including administrative, judicial, legislative or international organizations—may defend citizens' electoral rights. In cases where a provisional or

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transitional agreement has been reached, ad hoc bodies may also be used. In this context:

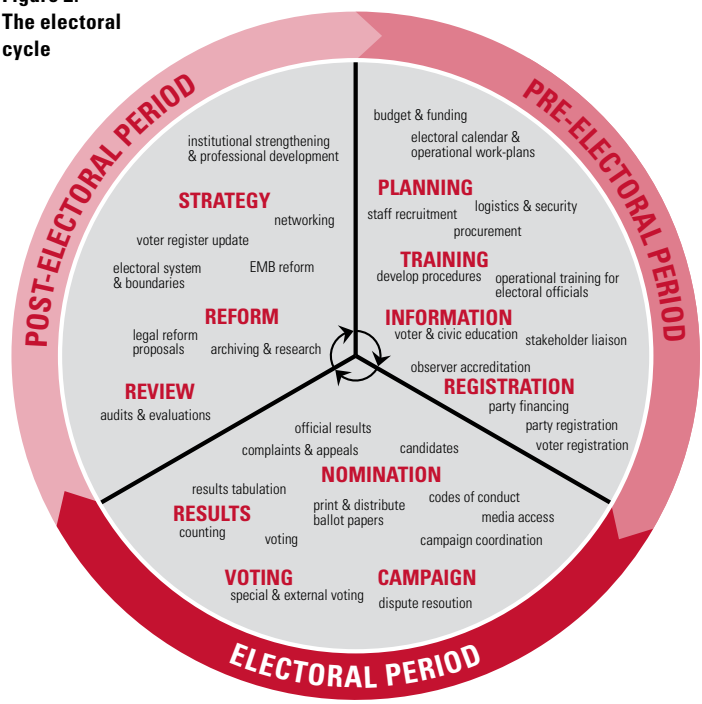
- administrative bodies could be the electoral management body (EMB) or EMBs in charge of organizing the election;
- judicial bodies could be
  – regular courts that are part of the judicial branch; or
  – autonomous courts, such as constitutional courts or councils, administrative law courts or specialized electoral courts that are separate from any of the traditional legislative, executive or judicial powers;
- legislative bodies could be the whole legislature or part of the legislature (e.g., a committee); and
- international bodies could be those with jurisdiction in countries that have recognized an international or regional court, whose rulings are binding and must be adhered to by the competent national bodies.

Overall, it is important that the EJS establishes the right for anyone to lodge a complaint against any damaging action or inaction.

Overall, it is important that the EJS establish the right for anyone to lodge a complaint against any damaging action or inaction. This requires an effective remedy before a previously established impartial tribunal, to protect or restore the exercise or enjoyment of the electoral right that has been violated.

4. Electoral justice and the electoral cycle

Figure 2. The electoral cycle



In order to properly design and implement a comprehensive and effective electoral justice system, the three periods of the electoral cycle—pre-electoral, electoral, and post-electoral—must be taken into account. This consideration is important as virtually all activities during the electoral process may give rise to challenges. Unless the EJS has sufficient powers, resources and tools to respond efficiently and effectively throughout the electoral cycle, the electoral process may be derailed and its results rejected.

Virtually all activities during the electoral process may give rise to challenges.

The electoral dispute resolution system (EDRS) within an EJS needs to ensure that all electoral actions and decisions carried out throughout the electoral cycle adhere to the law. This is especially important when the mandate of the electoral dispute resolution body is limited to the electoral period. In such cases, other bodies must be entrusted with resolving challenges raised during the pre- and post-electoral periods. Many experts recommend entrusting the resolution of electoral disputes to permanent and independent bodies.

All EDR systems should adopt the principle that a particular action must be challenged during the period of the electoral cycle in which it occurs. Therefore, acts and decisions that have not been challenged within the specified period are final, and no longer open to dispute. This practice ensures that each stage of the electoral cycle can proceed smoothly to the next, thus facilitating a stable process.

All EDR systems should adopt the principle that a particular action must be challenged during the electoral period in which it occurs.

Due to the importance of each step of the electoral cycle in the ultimate formation of a government, once an electoral process has begun it should not be halted. Therefore an action should not be suspended if a challenge is filed against it. Until the challenge is resolved, the original action or decision will continue to have effect. This highlights the need to resolve quickly any challenges that are filed.

5. Prevention of electoral disputes

It is important that every EJS establish means or measures to prevent or avoid electoral disputes and construct mechanisms to correct irregularities and/or punish perpetrators. Prevention does not mean that no disputes are filed during the electoral process; rather, it involves promoting adherence to rules and regulations through:

It is important that every EJS establish means or measures to prevent or avoid electoral disputes.

- a legal framework that is simple, clear and consistent;
- a political and civic culture that promotes lawful democratic behaviour;
- functionally independent, professional and impartial EMBs and EDR bodies and their members; and
- the existence of a mutually agreed electoral code of conduct.

a) An appropriate legal framework

There are several means or measures by which electoral disputes can be prevented. Some of them come from sources outside the EJS, while others are generated from within it:

From external sources:

- designing and implementing an appropriate constitutional and statutory framework for democratic and representative government, human rights and electoral processes;
- participation by the main political parties and key sectors of society in designing or reforming the electoral legal framework;
- the development of political culture and civic education (e.g., democratic principles and values, respect for the rule of law, human rights);
- the development of a pluralistic political party system and internal democracy in political parties;
- increased gender and minority inclusiveness in government and the political arena;
- establishing equitable conditions for elections (especially financing and media access);
- enhancing the role of civil society, including its ability to monitor all stages of the electoral process;
- encouraging the media, civil society, election observers and political parties to adopt codes of conduct;
- establishing a professional, inclusive and—preferably—permanent, independent and autonomous EMB; and
- the adoption of appropriate election procedures by the EMB, which are made available to the public and consistently followed.

From internal sources:

- designing and implementing an appropriate constitutional and statutory framework for an accessible and effective EJS;
- appointing members of the EMB and electoral dispute resolution body (EDRB) at the highest level by consensus among the various political forces active in society (particularly legislative representatives);
- promoting an EMB and an EDRB that are committed to democratic principles and values (especially independence and impartiality);
- increasing the ability of the EMB and EDRB to make transparent decisions and to explain and disseminate them;
- facilitating appropriate electoral training for EMB and EDRB staff;
- ensuring that EMB and EDRB staff adopt codes of conduct;
- augmenting gender and minority inclusiveness in the EMB and EDRB; and
- adopting security measures for receiving, counting and tallying the vote.

Adopting provisions and mechanisms that stem from local traditions and contexts—which are in line with the society's democratic principles and shared values—may prevent electoral disputes. It is also important to include the principal political parties and key sectors of civil society when developing a country's electoral legal framework; consensus-based approaches (not just majority rule) can help avoid disputes. These measures will help encourage participants to use institutional channels to resolve possible disputes.

A legal framework should be simple, clear and consistent.

A legal framework should be simple, clear and consistent. It should also ensure complete and effective access to electoral justice and guarantee the right to a timely remedy by an independent and impartial EDRB. This guarantee helps build trust in the EDRS and may ultimately prevent disputes from arising.

b) Democratic political and civic culture

Developing a political culture and civic education based on democratic principles and values can also help avert electoral disputes. These principles include strict respect for the rule of law and human rights and the peaceful settlement of disputes using the required channels. The development of a political culture is the responsibility not only of political leaders but also of every citizen, government institution and the media.

In societies where cultural attitudes facilitate the installation or maintenance of authoritarian regimes, electoral conflicts arise more frequently. Where the law is ordinarily administered with force, and the general public sometimes approves of breaches of the law, it is more difficult to establish an effective and efficient EJS. Thus electoral justice systems that have similar legal frameworks and institutional designs may function quite differently in practice, given their different political cultures and historical contexts.

EMBs and EDRBs should adhere to principles of legality, certainty, objectivity, independence, neutrality and impartiality.

c) Functionally independent, professional and impartial institutions

EMBs and EDRBs—whether independent, governmental in nature or a mixture of the two—must commit themselves to democratic principles and values and act with functional independence, professionalism and impartiality. Professionalism involves organizing the entire electoral process in an appropriate and timely manner in compliance with the necessary legal and ethical principles. Professionalism further requires that individuals are knowledgeable and prepared, and that they may be held accountable for their actions or inactions.

The EMB or EDRB should also adhere to the principles of legality, certainty, objectivity, independence, neutrality and impartiality in order to constitute a reliable and credible electoral authority and help prevent electoral disputes. The independence or autonomy of the body in charge of organizing and administering electoral processes indicates that its actions are exclusively within the mandate of the law, without any interference from the government or the political parties.

A successful electoral process requires that participants are confident that those in charge of managing and judging it will be politically neutral and impartial, and perform their functions independently of

the government and political parties. Perceptions that the people administering electoral processes and resolving disputes favour a particular side would jeopardize the credibility of the entire process, to the point where it could be difficult to restore confidence.

Codes of conduct for EMBs and EDRBs promote the rule of law and reinforce the legal framework – and help prevent offences and disputes.

Independence, professionalism and impartiality may be achieved by providing members of the EMB and EDRB with guarantees such as job security, competitive salaries, and immunity from criminal prosecution. Prohibiting them from holding certain positions during or immediately after their tenures on these bodies may be advisable.

It is important for the EMB or EDRB to reach its decisions transparently and explains them to the parties involved and to society at large. This openness helps prevent the manipulation of information that could delegitimize the electoral process or weaken the electoral authority.

d) Electoral codes of conduct

Codes of ethics or conduct that supplement a country's legal framework have emerged for both EMBs and EDRBs. Similar codes exist for political parties (and sometimes for the media and election observers) in order to ensure that they behave ethically and professionally. These codes promote the rule of law and reinforce the legal framework—and help prevent offences and disputes.

The term 'electoral dispute resolution system' (EJRS) refers to the legal framework detailing the EJS mechanisms that are designed to resolve electoral disputes and thus protect electoral rights.

While many EMBs and EDRBs do have such codes, the absence of a written code of conduct or similar document does not mean that their members and staff have no body of professional ethics. Principles and values are often enshrined and protected in various provisions of the constitutional and statutory framework. Nonetheless, the direct recognition of such provisions by the body responsible for the electoral process helps to underscore its commitment to their adherence.

6. Electoral dispute resolution system

The term 'electoral dispute resolution system' (EDRS) refers to the legal framework detailing the EJS mechanisms that are designed to resolve electoral disputes and thus protect electoral rights. The resolution of electoral disputes may be entrusted to legislative bodies, judicial bodies or EMBs with judicial powers, or ad hoc bodies. The classification of these organizations is discussed below in section 7.

By using corrective and/or punitive measures, the EDRS oversees the electoral process, ensuring that elections are held in keeping with the principles of the constitution and/or statute law.

EDR systems aim to ensure the integrity of the electoral process. An EDRS allows unlawful electoral actions to be annulled or amended through challenges, and sanctions imposed on the perpetrator or person responsible for an irregularity. Electoral challenges are complaints lodged by an electoral participant or stakeholder who believes his or her electoral rights have been violated. These challenges, which are corrective in nature, help guarantee that elections (and referendums) are held in compliance with the law; that possible errors or irregularities are acknowledged, modified, revoked or corrected; and that any electoral rights are protected or restored.

EDR systems also protect the legality of the electoral process using

punitive mechanisms that punish either the person who committed the violation or the person who was responsible for ensuring that the violation did not occur. These penalties are administered using either the electoral administrative law (which defines the punishments), or the electoral criminal law. By using corrective and/or punitive measures, the EDRS oversees the electoral process, ensuring that elections are held in keeping with the principles of the constitution and/or statute law.

a) Criminal offences and administrative infractions

Electoral criminal offences and administrative infractions are unlawful or wrongful conduct involving acts or omissions that are subject to criminal punishment and/or administrative penalty. A criminal offence may result in both criminal punishment and administrative penalties, while an administrative infraction (e.g., an action or omission by a voter, candidate, observer, political party leader or media organization) is not considered criminal conduct—such violations are commonly investigated (and punished) by the EMB with an administrative penalty. The distinction between these two types of offences is defined in a country's electoral law.

b) Punishments

Penalties for criminal offences committed in electoral processes are generally imposed by a criminal court. However, in some cases they may also be imposed by a specialized electoral court or an EMB; the mechanisms for imposing sanctions vary from country to country. An appeal on the ruling may then be challenged before an EDRB.

Administrative infractions can lead to administrative penalties, for example:

- reprimand, suspension, removal or disqualification of a public employee or electoral official;
- reductions in public financing for a political party;
- suspension of a political party's officially allotted radio and television time for political advertising or political messages;
- loss or cancellation of the right to register as a candidate; or
- fines or other financial penalties.

Political mechanisms such as impeachment or political trials may be imposed on legislative bodies, political assemblies or high-ranking public servants.

c) Other election-related political and civil punishments

Political mechanisms such as impeachment or political trials may be imposed on legislative bodies, political assemblies or high-ranking public servants (e.g., ministers, governors, judges or members of an EMB) who have committed a serious irregularity in the electoral process. Punishments are likely to include disqualification from holding public office for a specified period of time.

Civil penalties can also be employed to punish perpetrators of an electoral offence such as an inappropriate legal decision, a mistake by the EMB, a judicial error on the part of the EDRB, or the inadequate design of an EJS. Such a penalty could require a state to pay damages to a citizen or group of citizens who claim that their electoral rights were violated.

7. Classification of electoral dispute resolution systems

As there is no single formula to guarantee that the electoral process complies with the legal framework, there is a diversity of EDR systems.

As there is no single formula to guarantee that the electoral process complies with the legal framework, there is a diversity of EDR systems. Each country's EDRS is generally the product of its own historical and socio-political context and legal tradition. While lessons from one country are not always applicable to another, a comparative approach highlights the strengths and weaknesses of various experiences.

To compare EDR systems used around the world, it is helpful to classify the various EDRS models. There are several criteria for such a classification, and an outline of the advantages and disadvantages of each system can be found in table 1.

a) Criteria for classifying EDR systems

There are several criteria by which electoral challenges can be classified, and in many cases one EDRS processes different challenges in different ways. A single EDRS can thus encompass a variety of EDRBs.

One way to classify EDR systems is by the organization that first hears an electoral challenge. Yet since in the vast majority of cases a challenge is first brought before the EMB, the analysis done by International IDEA is based on the body that makes the final decision. This organization, known as the 'last instance body', is vested with powers relating to national legislative elections, which are held in all democratic countries. Using this criterion, it is possible to classify the EDR systems of the world into four major types or models as illustrated in box 2. For more information on bodies that handle challenges in the first instance, see the International IDEA Unified Database at <http://www.idea.int>.

Box 1. General classification of EDR systems

The final decision on an electoral challenge may rest with:

- a legislative body (the legislature or other political assembly)
- a judicial body
  - regular courts of the judicial branch
  - constitutional courts or councils
  - administrative courts
  - specialized electoral courts
- an EMB with judicial powers
- ad hoc bodies created with international involvement or as an internal national institutional solution to a specific electoral process

b) Trends in EDR systems

Although it was once common for legislative assemblies to have the final decision on electoral outcomes, over the years the trend has moved towards the 'judicialization' of electoral procedures. Judicial bodies are now increasingly responsible for resolving electoral conflicts and ensuring that disputes are resolved lawfully. This shift is an attempt to avoid the broadly discretional criteria and opportunist political negotiation that can sometimes be found when an EDRS is entrusted to legislative organs or political assemblies. Also, members of EMBs are now often required to come from the judicial branch, or are appointed in a similar fashion to judges (with the same requirements demanded of them), or are given conditions of employment that are equivalent to those of the highest-ranking members of the judiciary. In the past, political parties were directly involved in organizing elections and resolving electoral disputes; however currently their work is limited to overseeing and supervising the work of the EMBs.

Judicial bodies are now increasingly responsible for resolving electoral conflicts and ensuring that disputes are resolved lawfully.

There are very few countries which entrust an EDRS exclusively to legislative bodies.

c) EDR systems entrusted to a legislative body or another political assembly

There are very few countries which entrust an EDRS exclusively to legislative bodies. Most countries that still have such a system use it in a way that follows a review by the judiciary of either (i) electoral actions and decisions other than electoral results or (ii) decisions by the legislature on electoral results. These are examples of mixed EDR systems.

d) EDR systems entrusted to a judicial body

In response to abuses committed by legislative bodies or political assemblies in charge of EDR systems, most EDR systems today use objective and impartial judicial bodies in the first instance. Judicial EDR systems better guarantee that electoral disputes are resolved based on legal provisions rather than political interests.

Judicial EDR systems can be subdivided into four categories, depending on the nature of the body:

- regular courts of the judicial branch;
- constitutional courts or councils;
- administrative courts; and
- specialized electoral courts.

The most common EDRS is one that entrusts the final resolution of an electoral challenge to the regular courts of the judicial branch.

i) Regular courts of the judicial branch

The most common type of EDRS is one that entrusts the final resolution of an electoral challenge to the regular courts of the judicial branch. Often this includes the Supreme Court of a country, either through its direct authority or through an appeal. When designing such a system, the independence and credibility of the existing judicial system must be taken into account—especially in emerging or consolidating democracies. Any lack of credibility in the judicial system and any perception (however unjustified) that it lacks independence or is under the control of the executive or the political party in government would seriously jeopardize the credibility of the EDRS.

ii) Constitutional courts or councils

Using constitutional courts or councils in an EDRS gives the responsibility of ruling on the validity of elections to bodies with an expressly constitutional jurisdiction.

Using constitutional courts or councils in an EDRS gives the responsibility of ruling on the validity of elections to bodies with an expressly constitutional jurisdiction. In some countries, these are part of the judicial branch; in others they are not. Some EDR systems, such as France's, use a combination of bodies with constitutional and administrative review powers, with an autonomous administrative body. In other systems, a Constitutional Court reviews certain decisions of the administrative court and rules on challenges to electoral results.

iii) Administrative courts

A third type of EDRS, which is not widely used, is an administrative court that can be either autonomous or part of the judicial branch as the body of final instance.

iv) Specialized electoral courts

This type of EDRS uses courts specialized in electoral matters, either as part of the judicial branch or independent from the government. These bodies enjoy functional independence and are authorized to make final decisions on challenges brought against election results.

Specialized electoral courts enjoy functional independence and are authorized to make final decisions on challenges brought against election results.

Specialized electoral courts whose decisions can be challenged before the Supreme Court, a Constitutional Court, or both in succession are classified with those EDR systems in which the final decision on electoral challenges lies with the regular courts of the judicial branch or in constitutional courts or councils.

Also not included in this category are the specialized electoral courts that, although the final resolution of all types of election-related disputes is entrusted to them, are also the EMB (see below). Regardless of whether they are designated as electoral tribunals or courts, because they perform electoral management functions and are autonomous or independent, they are placed with those EDR systems in which the EMB makes the final decisions on electoral disputes.

Some countries have two autonomous and independent specialized electoral authorities, one of which handles the administrative aspects, including organizing, directing and overseeing elections (the EMB), while the other makes judgements on challenges to the EMB's decisions (the EDRB). Such systems are particularly common in Latin America. Systems in which an individual or group can both file a challenge with an independent EMB and appeal to an autonomous and independent electoral judicial body should be distinguished from those in which the body that hears the appeal (the appellate body) is part of the judiciary.

Several specialized electoral tribunals operate on a permanent basis, at least in regard to the members of the highest-ranking organs. However, others are temporary and are only constituted when elections are held. Exclusive and full-time specialization in electoral jurisdictional matters can lead to more professional performance, but

may also entail greater costs. In societies that do not traditionally have a high number of electoral challenges, the existence of permanent bodies during the pre- and post-electoral periods may not be justifiable.

e) EDR systems entrusted to an EMB with judicial powers

Under this type of EDRS, an independent EMB both organizes and administers the electoral process and has judicial powers to resolve challenges and issue final decisions. Some constitutions provide absolute judicial power to EMBs, making them, in essence, a fourth branch of government.

Some EDRBs are electoral tribunals or electoral courts; their members have the same employment security as members of the judicial branch. In addition to having the authority to administer elections, these independent EMBs also have significant judicial powers and thus should be considered judicial bodies in their own right.

Adopting an EDRS with absolute judicial powers entrusted to the EMB should be considered very carefully, due to the risk of abuse of such powers, especially when its decisions would not be subject to appeal or review.

Adopting an EDRS with absolute judicial powers entrusted to the EMB should be considered very carefully, due to the risk of abuse of such powers, especially when its decisions would not be subject to appeal or review. Abuses of power may be more likely when a single authority is responsible for both running elections and adjudicating on disputes which arise out of these elections, where the EMB acts as both judge and challenged party in the same matter.

f) EDR systems entrusted to an ad hoc body

Finally, some EDR systems involve an ad hoc body created by a transitional arrangement after serious conflict in a country, which is sometimes a solution sponsored by international organizations. The mechanism for resolving electoral disputes is only temporary in this type of system, and is established for one or more elections until a permanent EDRS is formed.

i) An ad hoc body created with international involvement

This type of EDRS is formed to resolve challenges to the conduct and results of an election, and is often sponsored by the international community during a post-conflict transition. This ad hoc body may or may not be the same as the body that organizes the election. Its purpose is to ensure that a free, fair and genuine election is held, from which no group or sector is excluded.

ii) An ad hoc body created nationally

On occasion, an ad hoc body is established internally to be in charge of the EDRS for one or more elections as a transitional solution, usually the result of a negotiation and agreement in order to avoid a serious conflict. This type of EDRS is usually established by national law or by a peace agreement and is made up exclusively of nationals from the country involved. This ad hoc body may be legislative, judicial or administrative in nature. As it is temporary, it is not grouped with the EDR systems analysed in the sections above.

Table 1. Advantages and disadvantages of the different kinds of electoral dispute resolution systems

Type of EDRS	Advantages	Disadvantages
Legislative body	• Facilitates political solutions to deadlocks or serious conflicts • Promotes democratic governance through the support of the legislature to political representation • Safeguards independence among the three branches of government when it avoids the judiciary's involvement in partisan struggles	• Can encourage abuse by majorities in the legislature who tend to favour their own political interests • Affects legitimacy when decisions are not taken according to the rule of law but on the basis of political considerations • Encourages the resolution of electoral conflicts through negotiation or mobilization rather than through institutional channels and the law
Judicial body	• Contributes to legitimacy since it guarantees that electoral decisions are taken according to the rule of law, to the benefit of justice, legal certainty and political stability • Avoids abuse by legislative majorities, thus reinforcing minority rights • Acknowledges that electoral disputes, even if they have political content, are judicial in nature, and should be solved according to the constitution and the law	• Can encourage political forces who do not agree with its decisions to question the capacity or impartiality of the judicial body • Can encourage a dangerous involvement of judges in partisan political disputes • Risk of political forces controlling judicial appointments according to political criteria, instead of focusing on their professional capacity, independence and impartiality • Can undermine the high-ranked court involved when the losing political forces question its decisions
(a) Regular court of the judicial branch	• Reflects the judicial nature of electoral disputes and entrusts their resolution to a more experienced judicial body • Does not generate significant costs since no new institution is created	• Does not always provide the best and timely decision given the body's lack of specialization and/or enormous caseload • Can affect the image of the EJS in some emerging democracies whose judicial branch lacks prestige or independence • If the legislature does not participate in the selection of the members of the judicial body it could lack political consensus
(b) Constitutional court or council	• Contributes to the legitimacy and respectability of the EJS given the high rank, usual prestige and professional capacity of its members • Guarantees that electoral disputes are solved not just according to the law but according to the constitution as well	• If there is a prior decision from a different judicial body, there may be to time constraints which could affect the quality of the new decision or render it inopportune • Affects the image of the EJS in some emerging democracies where the constitutional council plays a political role more than a judicial one
(c) Administrative court	• Reflects the judicial and administrative law nature of electoral disputes and entrusts their resolution to the most experienced administrative court • Does not generate related costs since no new institution is created	• Can undermine the administrative court involved when the losing political forces question its decisions • Does not always provide timely electoral decisions given the commonly enormous caseload • If the legislature does not participate in the selection of the members of the administrative court it could lack political consensus
(d) Specialized electoral court	• Contributes to the quality and appropriate timing of decisions • Centres the attention of the political forces in the selection of its members, helping to give them adequate guarantees for their independence and impartiality	• Can encourage conflicts between the EMB and the electoral court • Entails greater costs since it involves the creation of a new electoral court • Risk of selection of the electoral court members being based on their partisan convictions

Type of EDRS	Advantages	Disadvantages
Electoral management body with judicial powers	• Avoids possible discrepancies between the EMB and the body responsible for EDR • Contributes to identifying the body responsible for all of the electoral process, drawing attention to the selection of its members, their credentials and the esteem they are due • Reduces the usually high cost of elections	• Concentrates electoral power in one single body, creating the risk of eventual abuses without checks by a different body • Disregards the international human right to an effective remedy before an independent and impartial court
Ad hoc body, whether national or international	• Helps to establish institutional mechanisms for a return to democracy after serious political conflict or crisis • Guarantees, through international community involvement, that no group or sector will be excluded from the electoral process	• Risk of perpetuating the transitional regime • Risk of the defeated political forces disregarding electoral results • Can encourage the defeated political forces to question the participation of the international community

8. Principles and guarantees of an EDRS

Whichever type of EDRS is adopted, common principles and guarantees should be provided and applied at every level and by every body involved to ensure that all electoral actions, procedures and decisions are constitutional and legal. These principles and guarantees are applied in order to comply with international commitments and obligations, 'good practices' and 'minimum conditions' required to consider an EDRS to be in line with the rule of law.

'Principles' are the ethical/political values that set a standard to motivate either the voters or the EDRBs. An EDRS must adhere both to fundamental principles on elections (e.g., holding free, fair and genuine elections or universal suffrage) and to general principles that apply in various areas of the law (e.g., constitutionality, legality, judicial independence, due process of law and the right to a competent defence).

'Principles' are the ethical/political values that set a standard to motivate either the voters or the EDRBs.

Another important principle is irrevocability, which establishes that once a particular phase of the electoral cycle has concluded, its results are final and definitive. Decisions or actions taken during that phase are no longer subject to challenge once a fixed deadline has passed.

'Guarantees' are legal means or instruments for upholding the principles of EDR systems. The main guarantee of an effective EDRS is that it will correct an irregularity by annulling, revoking, modifying or even just acknowledging it. Other guarantees include legal mechanisms to determine and enforce criminal or administrative punishments.

'Guarantees' are legal means or instruments for upholding the principles of EDR systems.

The term 'guarantee' can be further broken down into structural and procedural guarantees. Structural (judicial) guarantees are the legal means or instruments that ensure EDRBs act with autonomy, independence and impartiality in relation to other government bodies, political parties and electoral stakeholders. These guarantees are essential in order for the EDRB to resolve cases objectively and impartially. Although impartiality may be more difficult for legislative bodies or governmental EMBs that are entrusted with part of the dispute resolution system, for the sake of legitimacy and credibility it

should still be the overall aim. Procedural guarantees are legal means or instruments that regulate the processes for filing and resolving electoral challenges—thus promoting electoral justice and ensuring that the EDRS is both effective and efficient. These guarantees are elaborated below.

Structural guarantees embody the guiding principles of EDR systems.

a) Structural guarantees of EDR systems

Structural guarantees embody the guiding principles of EDR systems. These include, among others:

- legal recognition of the independence of the EDRB;
- the independence and impartiality of its members;
- a framework for the accountability and liability of the EDRB and its members;
- the integrity and professionalism of its members; and
- the financial independence and sustainability of the EDRB.

i) Independence of the EDRB

In most judicial EDR systems, the constitution explicitly establishes that EDRBs enjoy autonomy or independence in the performance of their functions, and confers the following structural guarantees.

Functional independence of the EDRB

An EDRB enjoys functional independence when it is bound only by the constitution, statute law or other applicable provision and when it is functionally and legally separate from any other body.

The functional independence of an EDRB is the basis for the rule of law and for respect for electoral and human rights. It is a precondition for the fair, effective and impartial resolution of electoral challenges. An EDRB enjoys functional independence when it is bound only by the constitution, statute law or other applicable provision and when it is functionally and legally separate from any other body. Furthermore, in a number of EDR systems, greater functional independence is also guaranteed when the decisions of the EDRB are not subject to review or modification by any other body.

What makes an EDRB functionally independent is its ability to act without fear, for example of being punished or reprimanded by a higher authority. This does not mean that EDRB decisions may not be subject to review, overturned or amended by a higher authority—and such a review does not in itself mean that functional independence is lost or limited. Overall, an EDRB should be subject only to its mandate when ruling on the merits of the challenges filed. In general, it may be considered good practice to entrust an EDRS to permanent and independent bodies.

Administrative and financial independence

An important aspect of the functional independence of EDRBs is their budgetary and administrative authority. This mainly affects specialized electoral courts or EMBs with judicial powers. Other EDRBs, such as regular courts or legislative bodies, generally enjoy these privileges.

Although special provisions for EMB financing are common, such provisions for EDRBs are much less common and it is rarely possible to speak of the financial self-sufficiency of an EDRB. However, there

is a spectrum of financial independence. At one end of the spectrum, a percentage of the state budget is allocated annually by law to the EDRB. At the other, there is no specific financial provision for the EDRB, and a negotiation with the appropriate office of the executive branch is necessary.

ii) Independence and impartiality of EDRB members

In order for electoral justice to comply with the legal framework, it is necessary that EDRBs not only have structural autonomy and functional independence, but also that its members act with absolute independence and professionalism. They must not act in any interest other than those stated by law. Constitutional or legal provisions to ensure the independence, impartiality and professionalism of EDRB members may, for example:

- regulate the procedure for the selection and appointment of EDRB members to ensure that they will not be bound by debts of gratitude, loyalty or hostility to any individual or group;
- determine that EDRB members will be barred from deciding specific cases in which their personal interest may (or may be perceived to) jeopardize the objectivity and impartiality of the decision;
- ensure the long-term stability of the mandate of those who judge, the amount of their salary, and the time frames and terms and conditions of their appointment. These would not be subject to change by a political or administrative decision, but only by a change in the law; or
- regulate the framework of accountability and liability so that EDRB members who abuse their public authority may be punished.

EDRB members should act with absolute independence and professionalism.

iii) The framework for accountability and liability of the EDRB and its members

EDR systems generally adhere to a framework of accountability and liability for the EDRB and its members. This framework allows for the monitoring of EDRB functions, and the imposition of a penalty in the event of wrongful conduct. This is to ensure that every action, procedure and decision related to the electoral process is legal. Thus, the electoral laws of many countries establish not only the powers and functions of the EDRB and its members, but also their obligations, responsibilities and mechanisms for accountability.

Transparency and publicizing of the EDRB's work

EDRB transparency is fundamental to the credibility of the EDRS, particularly in regard to its duties of adjudication and its use of public resources. Even when transparency is not legally required, it is considered good practice, as it is the basis for demonstrating the organization's impartiality and increasing its credibility.

Even when transparency is not legally required, it is considered good practice, as it is the basis for demonstrating the organization's impartiality and increasing its credibility.

Some examples of good practice include broadcasting public sessions and posting judgements and transcripts of the proceedings online as soon as they are available. If a verdict was based on a previous case (binding precedent), transparency can be ensured by clearly stating the

case used and the reasoning behind the ruling. Transparency also includes making EDRB records available in the public archive.

Accountability of the EDRB

The accountability of an EDRB to society for its activities and performance is also fundamental to the credibility of an EDRS. Accountability implies that the EDRB is acting in line with the constitutional and statutory framework and that it is abiding by ethical, administrative, financial and service commitments and standards.

The accountability of an EDRB to society for its activities and performance is fundamental to the credibility of an EDRS.

Making information on procedures and resources publicly available is considered good accountable practice and helps generate trust among the public and those that come before the EDRB—particularly political parties, legislatures and governmental entities that allocate and oversee the use of EDRB resources.

Some systems oblige EDRBs to submit performance and finance reports to the legislative or judicial branches. Even when not required by law, the timely provision of this information to the public is also considered good practice.

iv) Integrity and professionalism of EDRB members

An EDRB's institutional integrity fundamentally rests on the commitment of its members to conduct themselves ethically and adhere strictly to the constitution and laws. The existence of strict policies, practices and codes of conduct for handling conflicts of interest will encourage public trust in the integrity of the EDRB.

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v) Financial independence and sustainability of EDRBs

The principle that democratic elections must be sustainable implies that EDRBs should be able to carry out their electoral responsibilities within legally established deadlines, with ever greater effectiveness and efficiency and, if possible, with declining costs over time.
Elements relating to the sustainability of an EDRB include:

- institutional sustainability, through an appropriate constitutional and statutory framework;
- financial and economic sustainability, through an arrangement that ensures adequate and timely financing; and
- sustainability of human resources, including a sufficient structure of qualified support staff, with the aim of imparting electoral justice effectively and efficiently.

However, financial considerations should not be allowed to compromise the basic requirements of electoral justice. Although it may not be sustainable in the long term, it is important to ensure that the EDRB functions at a high enough level to meet the demands of a particularly sensitive electoral environment.

Particularly in emerging and recently established democracies, support from donors in the international community can have a great impact on the sustainability of an EDRB. Donor support may help improve the quality of a given election, but any dependence or

influence—or public perception of dependence or influence—must be avoided. Donor financing should not cover the salaries of EDRB members: these should always be paid out of the public treasury.

To this end, the EDRB should establish realistic and cost-effective procedures and practices. Accordingly, an assessment should be made of the EDRB's capacities and of the human, financial and technological resources at its disposal.

Procedural guarantees are put in place to ensure that the proceedings of an EDRS are accessible, effective and efficient.

b) Procedural guarantees of EDR systems

Procedural guarantees are normally put in place to ensure that the proceedings of an EDRS are accessible, effective and efficient. They include:

- transparency, clarity and simplicity in the provisions that regulate the EDRS;
- access to complete and effective electoral justice;
- free electoral justice, or a service at a reasonable cost;
- quick and timely verdicts or actions to repair a wrongdoing;
- the right to a defence or hearing and due process of law;
- full and timely enforcement of judgements and rulings; and
- consistent interpretation and application of electoral laws.

An optimal EDRS is clear and simple.

i) Transparency, clarity and simplicity in the provisions that regulate the EDRS

An optimal EDRS is clear and simple. The provisions for challenges and the defence of electoral rights (including procedural laws) must be drafted clearly and simply—in the language(s) of the community where the election is to be held—in such a ay that they cannot be misinterpreted. In addition, their content must be broadly disseminated. These measures will ensure that the provisions are transparent, easily understood and consistently followed, especially by the EDRBs themselves.

Incomplete or vague legal provisions can cause confusion about the challenges that may be brought and the body responsible for ruling on them. Such confusion can obstruct the electoral process and the delivery of justice. It can also delay elected candidates taking office and may damage their legitimacy.

Electoral and procedural laws should clearly detail the possible electoral challenges and the body that is responsible for resolving each of them.

Electoral and procedural laws should clearly detail the possible electoral challenges and the body that is responsible for resolving each of them. The laws should also contain clear rules regarding the kind of challenge that should be brought against a given action or decision. This clarity will help avoid filing different kinds of challenges for the same action or decision before different EDRBs, which may produce contradictory rulings. For the sake of ease and clarity, it is also preferable that the procedural laws are classified into a law of their own or into a particular chapter of the electoral legislation.

In the interest of transparency, the EDRB should also undertake voter education to explain the substantial and procedural requirements for filing a challenge. People who wish to file a challenge should be aware of the evidence requirements, as they are expected to back up their

arguments and claims with sufficient factual and legal material. They should also be aware that only the EDRB can decide any particular case.

EDR procedures should be accessible and inclusive.

ii) Access to complete and effective electoral justice

EDR procedures should be accessible in terms of time, distance and cost, and inclusive so that citizens, candidates, political parties and political groupings can make their challenges without discrimination. It should be possible to obtain a ruling on the merits of a dispute effectively and promptly without unwarranted procedural prerequisites, requirements or obstacles. No one who believes that their rights within the electoral process have been infringed should find themselves without protection when their interests, as recognized in electoral law, are detrimentally affected by the action of an authority or any other actor.

To facilitate access to the EDRS, the procedure for filing electoral challenges should be simple. Filing a complaint to a local authority (e.g., a local court) should be sufficient to begin the procedure as the local court could then forward the complaint to the appropriate EDRB. This should be done without the person or entity having to travel from their home region in order to file it directly with the EDRB and can guarantee the geographical accessibility of electoral justice without requiring a wide network of decentralized EDRBs.

It is also important to minimize the formalities required for a challenge to be considered properly filed. It is good practice for EDRBs to consider a challenge properly filed if it identifies the action challenged and the reason for the challenge, even if a mistake was made regarding the use of the name of the challenge, jurisdiction or forum.

Free access to electoral justice is when no deposit is required and when the services of the EJS do not involve any cost for the complainant or her/his representative.

iii) Free electoral justice, or a service at a reasonable cost

Free access to electoral justice is when no deposit is required and when the services of the EJS do not involve any cost for the complainant or her/his representative. This promotes access to justice regardless of a complainant's financial situation. Many countries guarantee that the cost of providing electoral justice will not be passed on to individuals wishing to file a complaint, to ensure that the EDRS is free of charge as part of the fundamental right to complete and effective judicial protection.

In cases where the state cannot or does not cover the associated costs, processes should be offered at a reasonable fee and take into account necessity and proportionality to ensure that the cost does not become an obstacle to justice. In some cases, a bond, deposit or non-recoverable fee is required, and in other cases the costs associated with the challenge are paid by a party who argues from an obviously unfounded position. This is generally done to prevent attempts to obstruct the political process by filing frivolous complaints or an unreasonable amount of complaints, each of which will take time to process and hear.

Time frames of various stages of the electoral cycle and reasonable deadlines should be provided for filing and hearing a challenge.

iv) Quick and timely verdicts or actions to repair a wrongdoing

Decisions on challenges should be reached promptly and within the established periods of the electoral process. Due to the short time frames of various stages of the electoral cycle, reasonable deadlines should be provided for filing and hearing a challenge. For those

challenges that are corrective in nature, it is considered good practice to resolve them in a timely fashion, and not to suspend the effects of the election action or decision that has been challenged.

For punitive challenges, there is usually no urgency to determine criminal or administrative liability during the period of the electoral campaign or before the declaration of the results. However, if an electoral offence is also grounds for the annulment of the election, the evidence must be produced and the facts taken before an EDRB can hear the challenge and rule accordingly. This is a separate proceeding, and sometimes its decision may not, on the surface, appear consistent with that reached subsequently through the procedures for determining criminal or administrative liability—for example because the burden of proof is different in civil and criminal cases.

The EDRS should guarantee that both those who file a challenge and those whose actions or decisions are challenged have equal access to be heard by an EDRB.

v) The right to a defence or hearing and due process of law

The EDRS should guarantee that both those who file a challenge (complainants) and those whose actions or decisions are challenged (defendants) have equal access to be heard by an EDRB. EDRB decisions should be explained clearly to both parties, and the process should be guided by the principle of equality. Several systems allow an interested third party to file a challenge, which can make reaching a just decision more likely.

It is important for the electoral law to clearly establish the requirements (e.g., procedures, specific causes and evidence requirements) for filing a challenge. The EDRB must provide a written decision as to whether or not a challenge is admissible, with the reason for the decision clearly explained. Contending parties must also have equal access to the same relevant materials as the EMB.

vi) Full and timely enforcement of judgements and rulings

The full and timely enforcement of a decision is extremely important in any EDRS. It would be of no use for an EDRB to present a decision if it does not have an effective means of ensuring that the enforcement and proposed remedy are complete and timely. As a result, it is equally important that the bodies entrusted with enforcing judgements have the full powers and capabilities to do so.

If a judgement has not been carried out by the deadline or if a person or entity refuses to carry out the judgement, the EDRB should be authorized to impose measures to compel the obliged person or entity to comply. The EDRB should have the power to enforce the judgement and repair the violation committed.

Clear and precise provisions and criteria for the interpretation and application of the law should regulate an EDRS regardless of the circumstances and actors involved.

vii) Consistent interpretation and application of electoral laws

Clear and precise provisions and criteria for the interpretation and application of the law should regulate an EDRS regardless of the circumstances and actors involved. When evolving circumstances demand a change in interpretation, special care should be taken to justify such adjustments and to ensure that they are truly exceptional. The predictability of EDRS actions is fundamental to the credibility of the system, and any change can easily trigger suspicions of political bias.

9. Challenges, how they are processed and their remedies

a) Types of challenges

Electoral challenges can be categorized as administrative, judicial, legislative or international based on the nature of the body that hears and resolves the challenge.

i) Administrative challenges

In the vast majority of countries, EMBs resolve administrative challenges, in which those affected may oppose an electoral-related decision or action. The filing party uses a dispute resolution procedure in which the organ of the EMB that is challenged (or a higher-ranking body) makes the final decision on the dispute.

Electoral challenges can be categorized as administrative, judicial, legislative or international based on the nature of the body that hears and resolves the challenge.

ii) Judicial challenges

A judicial challenge involves the use of a judge or court to resolve a dispute. Judicial challenges may be brought before regular courts which are courts within the judicial branch and include a constitutional court or council, an administrative court, a specialized electoral court, or some combination of these jurisdictions. Judicial challenges can be classified as trials or appeals.

Trials

A trial is a formal examination of evidence and determination of legal claims in a court of law. Where judgement is entrusted to a judicial body or court, electoral-administrative actions or decisions by an EMB or a political party can be challenged in such a trial.

Appeals

An appeal is made when a party involved in a challenge wishes an initial decision to be reconsidered or overturned by a higher court.

Appeals can be classified as ordinary or extraordinary. Ordinary appeals are regular proceedings where a higher court, also referred to as an appellate court, reviews the original decision. The appellate court may accept or reject the original ruling or decide that the original court should hear the case again.

Extraordinary (or exceptional) appeals can only be filed on grounds specifically set out in the procedural laws. They involve a review of the legality of the procedure or decision. This means that extraordinary appeals only cover legal issues, since consideration of the facts is usually reserved for the lower court that handed down the judgement being challenged.

iii) Legislative challenges

Legislative challenges grant powers to legislative bodies or other political assemblies to formally resolve certain electoral challenges or to certify the final result of an election. Such powers are typically established in a country's constitution or statutes. This type of electoral challenge is considered political, due to the political nature

of the body in charge of resolving it and the lack of checks to ensure that the decision is in line with the constitution, the statute law and all other applicable provisions.

This type of challenge can be accompanied by a judicial challenge either as a first instance remedy or on appeal, which provides further guarantees that decisions are made in accordance with the constitution and the law.

Although electoral rights are enshrined in various international declarations, some of these are designed simply to enforce procedures that are locally developed and owned.

iv) International challenges

Although electoral rights are enshrined in various international declarations, some of these are designed simply to enforce procedures that are locally developed and owned. Local ownership of legal processes is ensured on the basis of subsidiarity and complementarity. Subsidiarity means that all domestic means and mechanisms to resolve a dispute must be exhausted before resorting to an international mechanism. Complementarity emphasizes the principle that international mechanisms are not made to replace domestic provisions, but are created to complement and reinforce them.

An international body will have standing in a country if this is recognized by that country through its signature of the corresponding international convention, treaty or covenant. If this is the case, the decision of the international body will be binding.

b) Actions that may be challenged

i) Actions classified by the entity being challenged

Ideally, any decision or action that has violated an electoral right should be open to challenge. In order to highlight some examples, this section identifies the bodies whose actions may be challenged.

Any decision or action that has violated an electoral right should be open to challenge.

Actions and decisions of the EMB

Most electoral challenges are raised against the actions, procedures and decisions of the EMB. As the EMB typically governs all aspects of the electoral process, challenges against it may therefore be lodged during each period of the electoral cycle.

Actions and decisions of political parties

An increasing number of EDR systems allow the EDRB to resolve challenges to the actions or decisions of political parties that have been accused of violating an electoral right of a member. This has helped to ensure that political parties act legally and adhere to democratic principles internally. In general, such challenges must adhere to the principles of subsidiarity and complementarity, ensuring that internal possibilities for redress are exhausted before the challenge is taken to an external body.

Actions by other persons or entities

Some EDR systems—particularly those entrusted to the regular courts of the judicial branch—allow the EDRB to hear direct challenges against the actions of other persons or entities that may

violate the legal provisions governing elections (e.g., candidates, media outlets, or non-electoral authorities). Such challenges are not common in EDR systems with a corrective function. In cases of alleged violations of electoral legal provisions or electoral rights, recourse is more often made indirectly, by challenging an action or decision made by the EMB or other regulatory agency that evaluates the actions of the other person or entity.

Electoral challenges may come up during any period of the electoral cycle.

ii) Actions classified by the timing of the challenge

Electoral challenges may come up during any period of the electoral cycle.

Challenges during the pre-electoral period

Before an election process begins, challenges are often filed regarding the updating of the electoral registers, the registration of new political parties, or the delimitation of the electoral districts. Challenges may also arise regarding the internal democracy of political parties, and the financing and oversight of the sources of political party funds and expenditures.

New political parties that have their registrations denied will often challenge this decision. With requirements such as a minimum number of members or number of party branches across the country, counting errors can easily be grounds for a challenge. Other common challenges involve voter eligibility, erroneous voter names or addresses on the electoral register, and incorrect designation of polling stations to registered voters.

Challenges during the electoral period

During the electoral period, actions subject to challenge may include the nomination or registration of candidates, the location of polling stations and actions carried out during election campaigns.

Challenges to election results are often related to election day itself, particularly the voting procedure; the set-up, management and staffing of polling stations; the decisions of polling officials regarding who is allowed to vote; and the freedom and secrecy of the ballot. Other matters addressed in challenges brought during the electoral period could include incorrect tallying of votes, erroneous distribution of elected seats, fraudulent certification of results, and premature publication of the election results.

In most systems, the actions or decisions challenged are those relating to the certification of the election.

The various EDR systems offer different mechanisms to ensure that electoral campaigns are in line with the legal framework, with regard to both the contenders (political parties and candidates) and third parties that may be involved (e.g., the media). While some EDR systems allow challenges to be filed with the EDRB directly, other systems require them to be brought before the EMB first. The remedy for such challenges is usually corrective in nature and may be subject to a judicial review by the EDRB.

Challenges relating to the declaration of the election results are the responsibility of the EMB, the lower-level judicial bodies or even the

highest-ranking officer of the EDRB. While in some cases challenges to election results are resolved before the result is formally declared, in most systems, the actions or decisions challenged are those relating to the certification of the election.

Challenges during the post-electoral period

Challenges made after the election may include the oversight of the sources of political parties' resources and campaign expenditures. Campaign finance reports are scrutinized for contributions from illegal sources or in excess of contribution limits.

Another issue that may arise is the final updating of the electoral register, with the same kind of challenges regarding voter eligibility and identity as during the pre-election period.

Challenges with respect to other types of election and other matters

Some EDR systems allow for the hearing and resolving of challenges for elections that are held for purposes other than electing a body to office. For instance, some countries use electoral justice mechanisms to deal with challenges raised during the use of direct democracy instruments where the wording of the question can be challenged for being biased or ambiguous. Challenges filed during local and supranational elections may also be similar to those filed during national elections.

It is important for every person or body who believes that their electoral rights have been violated to have equal access to electoral justice.

c) Who may file a challenge

It is important for every person or body who believes that their electoral rights have been violated to have equal access to electoral justice. The type of challenge and the type of stakeholder filing it is likely to vary through the periods of the electoral cycle. For instance, voters often challenge their improper exclusion from the electoral register, while political parties are often the bodies that file challenges regarding the legitimacy of the election result.

Some systems only allow those who believe that their electoral rights have been infringed to file a challenge. In other cases, third party challenges are allowed, for example by a candidate who believes the rights of her/his party have been violated. In addition, several countries allow any citizen to challenge the results of an election or the eligibility of a candidate.

Challenges must be resolved before the harm becomes irreparable.

d) Time periods for filing challenges and for their resolution

Since representative bodies of government must be elected in a timely manner and election campaigns are often brief, the time frames for filing and resolving electoral challenges are usually very short.

The deadline for filing challenges related to the electoral register or election results vary from needing to file the challenge immediately to allowing 30 days to file. The calculation usually begins either from the date that the action or decision that is being challenged took place, or from the date when official notice is given. Other countries use a specific occasion as the reference point, such as the need to file a challenge before the election result is formally announced. The amount of time

that is reasonably needed for an appeal to be filed should be considered.

Although clarity in legislation is highly desirable, in practice the time periods for resolving electoral challenges are not always expressly defined. The most important principle is that challenges must be resolved before the harm becomes irreparable.

e) Evidence

Evidence includes any document, piece of testimony or tangible object that can prove or disprove an alleged fact. There are generally few provisions regarding rules relating to evidence, although the electoral law may refer to the codes of civil or administrative procedure. In countries where a challenge is allowed before non-electoral judicial bodies, the rules of evidence are frequently governed by the procedural codes or laws that apply to the challenges that normally come before such bodies.

The burden of evidence is the duty of the party presenting the challenge to prove the allegation.

i) Burden of evidence and burden of proof

The burden of evidence is the duty of the party presenting the challenge to prove the allegation. The burden of evidence typically includes the burden of production (bringing the necessary evidence forward) and of persuasion (persuading the ruling body that the evidence brought proves the claim). It implies that the EMB's actions are valid unless proven otherwise. If the party making the challenge does not meet its burden of evidence, its challenge is declared unfounded and the original action continues to be valid.

The means of proof are the elements that persuade the EDRB and enable it to make a decision.

In civil cases, especially in common law systems, the standard of proof required to show that the evidence supports the challenge is usually defined as 'on the balance of probabilities' or 'by a preponderance of the evidence'. In criminal cases, the case must be made 'beyond a reasonable doubt'.

ii) Means of proof

The means of proof are the elements that persuade the EDRB and enable it to make a decision. Due to the short time frames for ruling on electoral challenges, EDRBs have had to develop criteria for admitting suitable or appropriate evidence in support of the parties' claims. While several systems permit the parties to offer any means of proof, some establish restrictions, allowing, for example, only some or all of:

- electoral documents;
- public and private documents, including official documents related to the action or decision being challenged; or
- admissions, testimony, expert evidence and circumstantial evidence.

iii) Systems for weighing evidence

Systems can be divided into four groups based on how they approach the law of evidence:

- systems of legal or legally weighted evidence, in which the law defines the effect or weight that should be attributed to a means of proof;

- systems of free evidence, in which the EDRB can weigh the evidence offered, admitted and produced in accordance with its evaluation;
- systems with logical and reasonable rules of evaluation and procedure specified for arriving at judgements; and
- mixed systems that combine elements of each.

f) Available remedies

In challenging an election result, any party filing a complaint may seek one of a number of the following legal remedies as a corrective measure:

- modification of the election result, with a consequent change of winner—either through a total or partial recount of the votes (if the law allows) or by nullifying the votes received at certain polling stations due to irregularities. Annulments can typically take one of three forms:
  - the annulment of a single ballot;
  - the annulment of the votes received at a particular polling station; or
  - the annulment of an entire election.
- declaration of the election as null and void where there has been either substantial wrongful conduct or widespread irregularities that affect the outcome, leading to the need for a complete re-run; or
  - when the electoral register at the polling station turns out to be false, falsified or altered;
  - when there are errors on the ballot papers related to the names of the candidates or the parties' emblems;
  - when persons with the right to vote have been prevented from doing so;
  - when a person who does not appear in the electoral register or whose identity is not verified has been allowed to vote;
  - when multiple voting has been detected; or
  - when monitoring by the political parties' representatives has not been allowed.
- revocation of the declaration of the election of a particular representative, for failure to meet the eligibility requirements for nomination.

In some cases, an EDRB will merely acknowledge or recognize that there has been wrongful conduct or an irregularity in the electoral process, but that the irregularity did not substantially affect the results.

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g) Principles of consistency and the exhaustiveness of judgements or decisions

It is important that EDRB decisions be consistent with the initial challenge and address only the matters identified in that challenge. Additionally, the principle of exhaustiveness requires an EDRB to consider all of the evidence and arguments put forward in reaching its decision.

10. Alternative means of resolving electoral disputes

The primary purpose of AEDR mechanisms is to support rather than replace formal EDR systems.

Formal EDR systems are often complemented by other means and mechanisms for managing electoral disputes, normally referred to as informal or alternative electoral dispute resolution (AEDR) mechanisms. The primary purpose of AEDR mechanisms is to support rather than replace formal EDR systems. In contrast to EDR mechanisms, AEDR mechanisms allow one or more parties in conflict to initiate a resolution process, which can be done unilaterally, bilaterally or through a third party.

AEDR mechanisms are often considered more informal and include options such as the use of conciliation, mediation or arbitration as opposed to legal action through formal EDRBs.

The most common forms of AEDR mechanisms are permanent and/or established before elections are held and complement the EDRS. AEDR mechanisms are often considered more informal and include options such as the use of conciliation, mediation or arbitration as opposed to legal action through formal EDRBs. In such cases, the use of AEDR mechanisms does not indicate a weakness in the formal system, but rather offers a way to encourage speedy and cost-effective processes.

Ad hoc bodies, or bodies that are not originally provided for in the EDR framework, are sometimes created as a result of political crises or institutional failure in existing formal EDR mechanisms in order to mediate more serious electoral disputes. These are temporary bodies created to fill a credibility gap within the formal EDRS.

a) The evolution of AEDR

Non-judicial, indigenous and informal methods have benefited all levels of society, from the local community level to the political and electoral arenas.

Although informal mechanisms for resolving disputes are not new, their wider use and institutionalization (particularly in post-conflict societies) have grown in recent years. Non-judicial, indigenous and informal methods have benefited all levels of society, from the local community level to the political and electoral arenas. They can be used, for example, to resolve complex problems at the community level in circumstances where relationships between the disputants have to be maintained, community cooperation has to be strengthened, and alternatives to violence or litigation are needed.

b) Permanent AEDR mechanisms that exist alongside formal EDR mechanisms

In general, electoral dispute resolution through alternative means may be unilateral (where a decision of one of the parties involved ends the dispute), bilateral (where a resolution is reached through the agreement of both parties involved), or may require a third-party intervention by a party other than the state.

AEDR mechanisms are voluntary by nature, and unless disputants voluntarily agree to enter into conciliation, mediation or arbitration, no decision is binding. By contrast, formal EDR mechanisms are mandatory, and rulings have binding force even on actors that have opted not to engage in the process.

Mediation and conciliation both use an impartial third party to resolve the dispute. In mediation, the third party aims to bring the

disputing parties together through their passive facilitation of the process. A conciliator is an active participant in the negotiation, proposing possible solutions in order to arrive at a decision that is acceptable to all parties involved. While mediation is not subject to specific formulas or rules, conciliation is legally regulated.

Arbitration is used when both parties voluntarily agree to the intervention of an arbitrator who issues a final decision or 'award' based on legal provisions or equity. Since arbitration is endorsed by a court, the award takes on the characteristics and process of a legal judgement, and is legally binding and enforceable.

AEDR mechanisms are voluntary by nature.

AEDR mechanisms, with their more informal nature, offer advantages that can add immense value to electoral justice, including:

- easier, faster and more cost-effective access to justice;
- a less threatening environment for the disputants;
- the possibility of win-win outcomes for all disputants; and
- the opportunity to circumvent the problems of discredited EDR mechanisms.

However, AEDR mechanisms may also have some weaknesses. In particular, they may be ineffective when the imbalance of power between the disputants is extreme, or when one party is uncooperative.

c) Ad hoc AEDR bodies created as an extraordinary mechanism to resolve a specific electoral conflict

i) Ad hoc AEDR bodies established as an internal solution

Ad hoc bodies may be established by the legislative branch in order to judge extremely serious disagreements.

An ad hoc, transitional judicial body may be established by the legislative branch with consensus from the disputants. In response to extremely serious disagreements with respect to the administration or results of an electoral process, the disputants may opt to establish institutional mechanisms other than those originally provided, and the decisions made by such a mechanism are final and not open to appeal.

ii) International ad hoc AEDR bodies

International ad hoc bodies are formed as extra-constitutional measures. Such measures qualify as international AEDR mechanisms when external actors propose peace agreements that are endorsed by the parliament, thereby making them legally binding.

11. End note

Electoral justice and the systems, procedures and guarantees that surround it ensure that the electoral process is conducted in a just and equitable manner. Ranging from the necessary actions and decisions taken to prevent a dispute through to the final ruling on a case that has been brought before an EDRB, electoral justice permeates every step of the electoral cycle.

As outlined in this Overview, the primary purpose of an EJS is to ensure that all actions of the electoral process fall within the legal framework in order to protect and maintain electoral rights. Within this, considerations of transparency, accessibility, effectiveness and efficiency are of the utmost importance in the design and use of any EJS.

Although a variety of bodies may issue the final verdict on a given challenge, and although careful consideration of the context within which an EJS exists is key, this Overview highlights some of the general principles that should be considered when designing or redesigning an EJS. Within this, preventive measures are important to have in place to minimize the adverse effects of conflicts. Emphasis is also placed on the importance of the coexistence of formal and informal mechanisms where the latter have a role to play. The complementary role that these formal and informal mechanisms play adds strength to an effective system, particularly when these systems, used alone or in combination, are trusted by those parties who wish to bring a challenge forward.

Overall, an effective electoral justice system adds strength and credibility to the conduct of a free, fair and genuine electoral process as highlighted throughout *Electoral Justice: The International IDEA Handbook* and this Overview.

Glossary

Ad hoc EDR system	An EDR system that involves an ad hoc body derived from a provisional or transitional arrangement. This might be created either with international involvement, or as an internal national institutional solution. The key characteristic of this type of EDR system is its provisional or transitional nature: the ad hoc body is tasked with the resolution of the challenges arising from a specific election or series of elections held over a given period. The body itself may be legislative, judicial or administrative in nature.
Adjudication	The legal process of resolving a dispute. The formal giving or pronouncement of a judgement or decree in a court proceeding, which also includes the judgement or decision given. The entry of a decree by a court in respect to the parties in a case. It implies a hearing by a court, after notice, of legal evidence on the factual issue(s) involved.
Administrative challenge	Those challenges that are resolved by the EMB in charge of directing, organizing, administering and overseeing election procedures. Through such a challenge, those affected may oppose an electoral action or decision using a procedure in which either the same organ of the EMB that issued the action or decision being challenged or another of a higher rank decides the dispute.
Alternative electoral dispute resolution (AEDR)	Bodies/institutions and/or mechanisms that operate outside the legally established EDRBs and/or system which handle, deal with and/or settle disputes related to electoral processes. These are usually informal/traditional bodies and/or mechanisms, such as ad hoc committees for the supervision of compliance with codes of conduct, traditional dispute resolution mechanisms, non-governmental/ civil society organizations, etc.
Alternative electoral dispute resolution mechanism (AEDR mechanism)	AEDR mechanisms may exist alongside formal EDR mechanisms or come into being on an ad hoc basis or during exceptional circumstances. They provide for one or more parties to a conflict to initiate a process to resolve it, unilaterally, bilaterally, or through a third party or agency. In the latter case, the equivalent judicial mechanisms are conciliation, mediation and arbitration.
Annulment	Making void. There are three types of annulment: the annulment of a single ballot; the annulment of the votes received at a particular polling station; and the annulment of an entire election.
Appeal	A request made to a higher EDRB to confirm, reverse or modify a decision made by a lower EDRB.
Arbitration	*Binding voluntary arbitration:* A process in which the disputing parties choose and agree a neutral person to hear their dispute and resolve it by making a final and binding decision or award. Arbitration is an adversarial, adjudicative process designed to resolve the specific issues submitted by the parties. Arbitration differs significantly from litigation in that (1) it does not require conformity with the legal rules of evidence and procedure, (2) there is flexibility in timing and choice of decision makers, and (3) the proceeding is conducted in private rather than in a public forum. Binding arbitration awards are usually enforceable by courts, so long as there are no defects in the arbitration procedure. *Mandatory non-binding arbitration:* This form of arbitration follows from court proceedings. Court-appointed arbitrators hear cases subject to jurisdictional limits set out in the relevant legislation and regulations. The losing party has the right to a new trial (trial de novo) in the trial court.
Arbitrator	An attorney or other person selected to hear a case and settle a dispute without a formal trial, through a process of arbitration.
Code of conduct	A set of general rules of behaviour, for example for members and/or staff of an EMB, or for political parties, with respect to participation in an electoral process.
Complaint	The first document filed with the court by a person or entity claiming legal rights against another.
Conciliation	A method of dispute resolution by means of discussion and settlement without going to court.

Conflict	Competition between opposing forces, reflecting a diversity of opinions, preferences, needs or interests.
Constitutional court	A court concerned with constitutional issues, which may include the constitutionality of laws, procedures and outcomes related to electoral processes.
Corrective measure	Electoral challenges are intrinsically corrective as their effects include the annulment, modification or recognition of wrongful conduct in order to repair the violation that has been committed and restore the enjoyment of the electoral right involved. A corrective measure is taken to clean up the electoral process in such a way that the harmful effects of an irregular action do not continue and reach the point of substantially affecting the results—regardless of any other administrative sanction imposed on the transgressor.
Declaration of results	Oral or written formal public communication of the result of an electoral event. This may consist of the number of votes received by each candidate or political party contesting an election, and of the candidate(s) and/or party(ies) entitled to sit as/seat an elected member(s) under the provisions of the electoral law; or of the number of votes recorded for each of two or more options presented in the use of a direct democracy instrument.
Electoral administrative infraction	An act or omission by an electoral body or official which contravenes or fails to meet the requirements of electoral laws or procedures but which is not defined by law as a criminal offence.
Electoral challenge	A complaint lodged by an electoral participant or stakeholder who believes that his or her electoral rights have been violated.
Electoral court	Court of justice or other body before which an electoral actor may dispute the validity of an election, or challenge the conduct of candidates, political parties or the EMB. See also electoral tribunal.
Electoral cycle	The full series of steps involved in the preparation and implementation of an election or direct democracy instrument, viewed as one event in a continuing series. In addition to the steps involved in a particular electoral process, it includes post-election evaluation and/or audit, the maintenance of institutional memory, and the process of consultation and planning of the forthcoming electoral process.
Electoral dispute	Any complaint, challenge, claim or contest relating to any stage of the electoral process.
Electoral dispute resolution	The process of hearing and adjudication of any complaint, electoral challenge, claim or contest relating to any stage of the electoral process.
Electoral dispute resolution body (EDRB)	The body entrusted with defending electoral rights and resolving electoral disputes. These may be entrusted to administrative bodies, judicial bodies, legislative bodies, international bodies or, exceptionally, as a provisional or transitional arrangement, to ad hoc bodies.
EDR system	The legal framework within an electoral justice system that specifies the mechanisms established for resolving electoral disputes and protecting electoral rights. These may be entrusted to administrative bodies, judicial bodies, legislative bodies, international bodies or ad hoc bodies. See also electoral dispute resolution body (EDRB).
Electoral justice	In this Overview, electoral justice refers to the various means and mechanisms for ensuring that every action, procedure and decision related to the electoral process is in line with the law (the constitution, statute law, international instruments or treaties and all other provisions in force in a country), as well as those for protecting or restoring the enjoyment of electoral rights. Electoral justice gives people who believe their electoral rights to have been violated the ability to make a complaint, get a hearing and receive an adjudication.
Electoral justice mechanism (also EDR mechanism)	All of the means in place for ensuring that electoral processes are not marred by irregularities, and for defending electoral rights. Among the mechanisms, a distinction should be made between: (a) those that provide a formal remedy or are corrective in nature; (b) those that are punitive in nature; and (c) alternative electoral dispute resolution mechanisms.

Electoral justice system (EJS)	The set of means or mechanisms available in a country (sometimes, in a local community or in a regional or international context) to ensure and verify that electoral actions, procedures and decisions comply with the legal framework, and to protect or restore the enjoyment of electoral rights. An EJS is a key instrument of the rule of law and the ultimate guarantee of compliance with the democratic principle of holding free, fair and genuine elections.
Electoral law	One or more pieces of legislation governing all aspects of the process for electing the political institutions defined in a country's constitution or institutional framework.
Electoral legal framework	The collection of legal structural elements defining or influencing an electoral process, the major elements being constitutional provisions, electoral laws, other legislation impacting on electoral processes, such as political party laws and laws structuring legislative bodies, subsidiary electoral rules and regulations, and codes of conduct.
Electoral management body (EMB)	An EMB is an organization or body which has been founded for the purpose of, and is legally responsible for, managing some or all of the essential (or core) elements for the conduct of elections, and of direct democracy instruments. These essential (or core) elements include determining who is eligible to vote, receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates), conducting balloting, counting votes, and tabulation of votes.
EMB-entrusted EDR system	Under this type of system, responsibility is entrusted to an independent electoral management body which, in addition to taking charge of organizing and administering electoral processes, has judicial powers to resolve challenges and issue a final ruling as to the validity of the electoral process.
Electoral process	The series of steps involved in the preparation and carrying out of a specific election or direct democracy instrument. The electoral process usually includes the enactment of the electoral law, electoral registration, the nomination of candidates and/or political parties or the registration of proposals, the campaign, the voting, the counting and tabulation of votes, the resolution of electoral disputes and the announcement of results.
Electoral right	Political rights which are enshrined in the basic or fundamental provisions of a particular legal order (generally in the constitution), in general relating to the political right to participate in the conduct of public affairs, directly or by means of freely elected representatives. The main electoral rights include the right to vote and to run for elective office, freedom of association, freedom of expression and freedom of assembly.
Electoral tribunal	A judicial institution with specific competence to hear contests and disputes on electoral matters.
Evidence	Evidence includes any document, piece of testimony or tangible object presented at a hearing by an EDRB in line with accepted rules of admissibility that tends to prove or disprove an alleged fact.
Free, fair and genuine elections	A free, fair and genuine election emanates from an electoral process which is a real contest where there is full enjoyment of fundamental freedoms and political rights related to elections: freedom of expression, freedom of association, freedom of assembly and freedom of movement. This electoral process is supervised by an impartial electoral administration to ensure that the election is conducted fairly, impartially and in accordance with laws. Opportunities exist for independent scrutiny and access to independent review. There is a legal framework and electors are fully informed of their rights.
Guarantee	Any legal means or instruments, which are both structural and procedural, by which values, rights or institutions that are protected or established by the legal order on behalf of the voter are assured, protected, supported, defended or safeguarded.
Infraction	The act or an instance of infringing a legal or administrative provision or regulation.

International challenge	Those legal instruments provided for in international treaties and conventions by which those with the standing to do so may have recourse, on a subsidiary and complementary basis, to the competent body after exhausting the domestic remedies provided.
Judicial challenge	Those procedural legal instruments provided for by law by which two or more conflicting parties bring before a judicial body, that is, a judge or a court, whether or not as part of the judicial branch, a dispute over an alleged error, irregularity, instance of wrongful conduct, deficiency or illegality in a certain electoral action or decision. The judicial body, in its position as a superior third party and as an organ of the state, decides on the dispute in a final and impartial manner. Generally speaking, the various judicial electoral challenges can be classified into trials and appeals.
Judicial EDR system	An EDR system that entrusts the authority to make the final decision on a challenge to a particular election to a judicial body. The body in question might be: (a) regular court of the judicial branch; (b) a constitutional court or council; (c) an administrative court; or (d) a specialized electoral court.
Judgement	The decision reached and promulgated by a judicial body and/or an EDRB.
Jurisdiction	The competence and geographic scope of a court or other judicial body in direction-making, decision-making and implementation powers. The power or authority of a court to act. The court must have jurisdiction both over the subject matter and geographic area of the complaint and over the person or body against whom relief is sought.
Legislation	The body of law made by the legislative process, also called statute law. Written laws passed by a Parliament, Congress or other legislative body at national or local level.
Legislative challenge	Those legal instruments provided for in the constitution or statutes of some countries which grant powers to legislative bodies or other political assemblies to formally resolve certain electoral challenges or issue the certification or the final result of an election.
Legitimacy	The perceived fairness of a dispute resolution process.
Liability	Obligations under law arising from civil actions (torts) or under contract. Legal liability can only be decided by courts even if the settlement is made out of the court by mutual agreement.
Mediation	A process in which the disputing parties use a third party to assist them in reaching a settlement of a dispute though a process which is private, informal and non-binding. The mediator has no power to impose a settlement, but attempts to assist the disputants in reaching consensus and agreement on a mutually acceptable resolution to the dispute.
Offence	A breach of a law or rule; an illegal act.
Precedent	A legal principle which future courts of law are bound to follow in making decisions. The law is based on the principle of precedent and stare decisis. Thus if a court, particularly a lower court, comes across a similar fact or situation it is obliged to follow the legal principles established in the earlier case when making a decision on the case currently before it.
Punitive measure	A punitive measure does not correct or annul the effect of an electoral irregularity. It punishes either the person who committed the violation or the person responsible for ensuring that the violation does not happen, through either the electoral administrative law, which imposes the sanctions, or the electoral criminal law.

Recount	A recalculation, in full or in part, of the votes cast in an election or direct democracy instrument.
Rule of law	Rule of law generally entails equal protection of the human rights of individuals and groups as well as equal punishment under the law. It reigns over government and protects citizens against arbitrary state action, ensuring citizens are subject to the rule of law, not the arbitrary rule of men. It encompasses three institutions: the security or law enforcement institution, the court system and judiciary, and the correction system. The principle that law should 'rule' in the sense that it establishes a framework within which all conduct or behaviour takes place.
Sanction	Measures taken by an institution in response to non-compliant or unacceptable behaviour.
Specialized electoral court	A court that specializes in electoral matters. The authority of this court varies depending on the EDR system in the country in question.
Trial	In law, judicial examination or hearing of the facts and reaching judgement in a civil or criminal case.

What is International IDEA?

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide. International IDEA's mission is to support sustainable democratic change by providing comparative knowledge, assisting in democratic reform, and influencing policies and politics.

What does International IDEA do?

In the field of elections, constitution building, political parties, gender in democracy and women's political empowerment, democracy self-assessments, and democracy and development, we undertake our work through three activity areas:

- providing comparative knowledge derived from practical experience on democracy building processes from diverse contexts around the world;
- assisting political actors in reforming democratic institutions and processes, and engaging in political processes when invited to do so; and
- influencing democracy building policies through the provision of our comparative knowledge resources and assistance to political actors.

Where does International IDEA work?

International IDEA works worldwide. Based in Stockholm, Sweden, it has offices in Africa, Asia and Latin America.