



Office for Democratic Institutions and Human Rights

NORWAY

PARLIAMENTARY ELECTIONS 9 SEPTEMBER 2013

OSCE/ODIHR Election Assessment Mission Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the Permanent Mission of Norway to the OSCE to observe the 9 September parliamentary elections and based on the recommendation of a Needs Assessment Mission (NAM), the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) for the 9 September 2013 parliamentary elections. The EAM focused on the Internet voting pilot project, the electronic election administration system, and the political party finance regulations.

The elections enjoyed a high level of confidence among political contestants and the general public. The legal framework provides a generally solid platform for the conduct of democratic elections. The election administration worked professionally and efficiently, enjoying high levels of trust among electoral stakeholders. Election authorities continued to pursue a gradual modernization of the electoral process, including through different pilot projects.

Political parties submitted candidate lists by 31 March, upon having met several reasonable registration requirements. However, citizens have a constitutional duty to accept candidacy and office for any political party without being asked for consent, which is not in line with OSCE commitments and international standards on freedom of association. Several candidates applied for exemption from this duty, most of them unsuccessfully.

Parliamentary elections are conducted using a proportional list election system with 19 constituencies, with additional compensatory seats distributed to ensure better proportionality. Voters can mark preferences on the candidate list they chose. However, no member of parliament was ever elected by preferential votes as it takes more than half of the voters to make the same change to the candidate list to affect the order of the candidates.

Elections are characterized by an extensive voting period aimed at maximizing citizens' opportunities to vote. Voting was available from 1 July until 6 September and on election day. About half the municipalities opted to have two election days, 8 and 9 September.

The Ministry of Local Government and Regional Development (MLGRD) is responsible for the overall organization of elections and for proposing electoral reforms. The MLGRD introduced an electronic election administration system (*EVA*) encompassing an electronic voter list, scanning of ballot papers, and electronic vote counting and results reporting, effectively standardizing several electoral processes. Most OSCE/ODIHR EAM interlocutors characterized this standardization as an improvement. Although some programming errors were discovered late in the course of development and testing of *EVA*, it appears the system functioned well and streamlined the work of local election administrators.

¹ The English version of this report is the only official document. An unofficial translation is available in Norwegian.

Following a contentious debate, a parliamentary decision to continue piloting Internet voting was taken only in April 2013, which limited the time to develop and test the system. The pilot included a total of 250,159 voters from 12 municipalities who were eligible to cast votes via the Internet.

Several new features of Internet voting were introduced for these elections, including an improved voting software, encryption model, and results verification process. In addition, an Internet Election Committee (IEC) was formed to supervise the preparation, conduct verification and approve the results. However, the IEC's membership selection was not regulated and in practice the IEC's role appeared largely formalistic.

On 5 September, the MLGRD discovered that the Internet voting client software contained a programming error causing weak encryption of some 29,000 electronic votes, potentially jeopardizing the secrecy of those votes. The MLGRD sufficiently addressed the issue by correcting the client software and tightening the access restrictions to the electronic ballot box.

Political party financing is regulated by the newly amended Political Parties Act (PPA). The 2013 amendments were a step in addressing previous concerns identified by the OSCE/ODIHR and recommendations of Council of Europe's Group of States against Corruption, introducing significant improvements to the transparency of party financing. However, the PPA requirements apply only to political parties, while third party funding, such as from enterprise confederations and trade unions, remains unregulated.

The amended PPA expanded the mandate of the Political Parties Act Committee (PPAC), the central regulatory authority that controls compliance with the law, imposes administrative sanctions, and decides appeals related to state finance. The PPAC has two members who hold elected office, including one candidate, which creates the potential for a conflict of interest.

The National Electoral Committee was in charge of deciding on electoral complaints. However, there is no possibility of judicial review of election-related complaints, which is at odds with OSCE commitments.

According to the OSCE/ODIHR's standard methodology for EAMs, the mission did not conduct a systematic observation of election day procedures. The mission visited a limited number of polling stations and noted that the voting process in these polling stations appeared to be well organized and orderly.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

On 6 May 2013, the Permanent Mission of Norway to the OSCE invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 9 September parliamentary elections. The OSCE/ODIHR undertook a Needs Assessment Mission (NAM) from 4 to 6 June. Based on its recommendation, an Election Assessment Mission (EAM) was deployed from 26 August until 11 September and focused on the Internet voting pilot project, the electronic election administration system, and the political party finance regulations.

The OSCE/ODIHR EAM was led by Peter Eicher and consisted of four experts from four OSCE participating States. The EAM was based in Oslo. Its experts also visited several other municipalities

including Asker, Bærum, Bergen, Fredrikstad, Frogn, Larvik, Lillestrøm, Trondheim, Tønsberg and Vestby.

The OSCE/ODIHR EAM wishes to thank the Ministry of Foreign Affairs, the Ministry of Local Government and Regional Development (MLGRD), the National Electoral Committee (NEC), the Internet Election Committee (IEC), the lower-level electoral committees, candidates, political parties, media, and other interlocutors for their assistance and co-operation.

III. BACKGROUND

The Kingdom of Norway is a constitutional monarchy with a parliamentary system of government. A centre-left government was formed in 2005 and remained in power after the previous elections in September 2009. It comprised the Labour Party with 64 seats in the parliament, the Centre Party (11 seats) and the Socialist Left Party (11 seats). The parliamentary parties in opposition included the Progress Party (41 seats), the Conservative Party (30 seats), the Christian Democratic Party (10 seats) and the Liberal Party (2 seats).

This was the second OSCE/ODIHR mission deployed to Norway for parliamentary elections.² In its report the OSCE/ODIHR noted that the conduct of the 2009 parliamentary elections confirmed that Norwegian elections are characterized by political pluralism, respect for fundamental freedoms and rights, a high degree of public trust in the impartiality of the election administration, and the integrity of the process as a whole.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

A. LEGAL FRAMEWORK

The electoral legal framework provides a generally solid basis for the conduct of democratic elections. The parliamentary elections are regulated by the Constitution from 1814 (last amended in 2012), the 2003 Representation of the People Act (hereinafter the Election Act, last amended in 2013)³, the 2005 Political Parties Act (last amended in 2013), and other laws and regulations, including those issued by the MLGRD and the Ministry of Government Administration, Reform and Church Affairs.

In its 2009 report, the OSCE/ODIHR made a number of recommendations for improving the electoral framework, some of which have been implemented, including restricting candidates from serving as members of Polling Committees (PC), and amending the Political Parties Act to increase transparency of campaign finance. Others, however, remain unaddressed, including several, which would require constitutional amendments.⁴ One such recommendation related to an obligation imposed on citizens to

² For previous OSCE/ODIHR reports on Norway, see: <http://www.osce.org/odihr/elections/norway>.

³ The Venice Commission's Code of Good Practice in Electoral Matters states that fundamental elements of electoral law should not be amended within the last 12 months before an election (paragraph II.2.b). The 2013 amendments to the Election Act were generally of a technical nature.

⁴ For instance, the 2009 OSCE/ODIHR report recommended the removal of the constitutional ban on officials employed in government ministries to be elected to office and that expedited time limits for the adjudication of election-related complaints should be set in the election legislation.

accept nomination to a candidate list (and potentially be elected) without their consent, unless they belong to a different political party or are not resident in the electoral constituency in question.⁵ This is a constitutional provision, which has not been changed and remained applicable during these elections. While this is a longstanding practice regarded as civic duty, it runs contrary to the rights of freedom of association and expressing and holding of political opinions.⁶ For these elections, several candidates appealed to a County Electoral Committee (CoEC) against their nominations, of which some were not exempted due to lack of legal grounds.

The requirement imposed on citizens to accept candidate nominations should be reviewed to ensure conformity with OSCE commitments and international standards.

The Norwegian legal framework prohibits any form of discrimination on the grounds of gender and stipulates promotion of gender equality in all sectors of society. Although the election legislation does not mandate any gender quotas on candidate lists, several established political parties have internal regulations to maintain gender balance. Other political parties attempt to maintain a level of gender balance as a matter of practice. For these elections, 1,644 of 4,081 (40.3 per cent) of candidates were women, a 2 per cent decrease since the last parliamentary elections, while 67 women (39.6 per cent of members of parliament) were elected.

B. ELECTORAL SYSTEM

The parliament (*Storting*) is a unicameral legislative body which is directly elected for a four-year term through a proportional list system. Of its 169 members, 150 are elected from 19 multi-member constituencies (corresponding to the 19 counties) using a modified *Sainte-Laguë* method without threshold requirements. The remaining 19 seats are compensatory, with one allocated to each county to ensure better proportionality among political parties that pass a 4 per cent national threshold.

Political parties and groups of voters wishing to contest the elections had to submit candidate lists to the CoECs by 31 March 2013, and had to include at least as many candidates as the number of seats in the constituency. They also had to meet several requirements, including collecting at least 500 signatures per constituency for the groups of voters and those parties, which had received less than 500 votes in that constituency in the last parliamentary elections or less than 5,000 votes nationwide. The electoral framework does not allow candidates to stand independently in elections but only in joint lists with other candidates in a multi-member constituency. This requirement is contrary to paragraph 7.5 of the 1990 OSCE Copenhagen Document that guarantees the “right of citizens to seek political or public office, individually or as representatives of political parties”.

The Election Act should be amended to provide a possibility for independent candidates to stand for elections, in line with OSCE commitments.

⁵ In 2011, the Election Act was amended to provide for candidates running in local elections to be exempt upon request from the duty to accept nomination. Such amendment for parliamentary elections would require a constitutional amendment.

⁶ Paragraph 9.3 of the 1990 OSCE Copenhagen Document provides for the right to freedom of association. Article 22 of the International Covenant on Civil and Political Rights (ICCPR) and Article 11 of the European Convention on Human Rights provide for the freedom of association with others. Article 20 of the Universal Declaration of Human Rights provides for the freedom of association, including the right not to be compelled to associate. Article 19 of the ICCPR states that “Everyone shall have the right to hold opinions without interference”.

Under the Election Act, an open list system is used whereby a voter may alter the order of listed candidates on a ballot by renumbering or striking out names. However, in order to win a preferential seat, a candidate must be marked by at least half of the voters who voted for his or her party. As a result of this high threshold, this system has never resulted in an election of a member of parliament (MP) through preferential votes.

V. ELECTION ADMINISTRATION

A. ELECTORAL COMMITTEES

The elections were administered by a four-tier structure comprising temporary election bodies including the NEC, 19 CoECs,⁷ 428 Municipal Electoral Committees (MECs), and some 3,009 Polling Committees (PCs). The administration also involves different central and local government bodies.

The election administration enjoys a high level of trust among election stakeholders and the public. The regional and local election authorities met with by the OSCE/ODIHR EAM were very open and informative about their work, as was the MLGRD.

The MLGRD is responsible for the overall organization and conduct of elections and for proposing electoral reform to the parliament. It issues regulations, provides training and guidance to local government authorities, and is responsible for developing voter information and education materials.

The seven-member NEC is appointed by the King and was composed of representatives of parliamentary parties, with a mandate limited to hearing complaints,⁸ allocating compensatory seats, and issuing credentials to newly elected MPs. The CoECs are elected by county councils, and their members are often members of the county council. The CoECs approve candidate lists, print ballot papers, check the accuracy of the vote count, and allocate constituency seats.

The MECs are in charge of the overall conduct of elections in their municipalities. They are elected by municipal councils several months prior to elections and comprise representatives of political parties represented in the municipal council. The PCs are selected by municipal councils, although this responsibility can be delegated to the CoECs. The PCs are responsible for conducting the election day procedures.

The politically-composed CoECs and MECs are assisted by county and municipal administrations, respectively.

In its 2009 report, the OSCE/ODIHR recommended that candidates should not be members of MECs or PCs to avoid potential conflicts of interest. In May 2011, the Election Act was amended to prevent candidates from directly supervising polling. However, candidates can still be members of MECs.

⁷ For 18 counties and one for the city-county of Oslo.

⁸ The mandate for hearing complaints is related to all electoral issues except those about the right to vote, which are heard by the parliament.

Consideration could be given to further amending the Election Act to prevent candidates from holding positions in the election administration.

B. ELECTRONIC ELECTION ADMINISTRATION SYSTEM

In 2011, the MLGRD piloted an integrated electronic election administration system (*Elektronisk Valgadministrasjonssystem - EVA*). The system included three central components: election administration and reporting, scanning and recognition of ballot papers, and Internet voting.

The system was extensively tested and further developed by the MLGRD, in co-operation with local authorities, and made available to all municipalities in 2013. In general, county and municipal election administrators evaluated *EVA* positively, especially in regard to maintaining the voter register, data security, flexibility, and integration of various supplementary tasks, such as management of voter lists, candidate lists and data on staff of PCs. However, some of the bigger municipalities noted that using *EVA* required increased resources and familiarization measures, partly due to the fact that they used *EVA* for the first time in the 2013 elections.

The MLGRD developed and hosted *EVA* servers, effectively centralizing some aspects of election administration and making itself an IT-provider for local election administrators. Most OSCE/ODIHR EAM interlocutors viewed centralization and standardization through *EVA* positively.

Several months before elections, the MLGRD provided training in system usage and scanning of ballot papers. Municipalities visited by the OSCE/ODIHR EAM assessed these efforts as useful, but would have welcomed more extensive training. However, they noted that the MLGRD was generally quick to respond to any problems with *EVA*, including removal of bugs related to efficiency of database queries, definition of user roles, and authorization in the system.

The discovery and correction of several programming errors in the run-up to the elections resulted in some uncertainty in a few larger municipalities about the system's reliability. The municipalities' representatives also expressed dissatisfaction that errors were being discovered and changes made late in the election process.⁹ On election day, however, *EVA* functioned well.

To avoid possible errors and delays, all electronic systems should be tested in a timely manner ahead of election day.

C. VOTER REGISTRATION

A total of 3,641,994 voters were registered. Voter registration is passive and voter lists were based on the population registry as of 30 June, with updates made regularly until 7 September. Election stakeholders considered voter lists to be of high quality.

An innovation used during these elections was the electronic voter register. All municipalities marked voters in the electronic voter register during the advance voting period, and 15 municipalities piloted electronic mark-off on election day as well. The municipal authorities evaluated this process very positively, commenting that it simplified procedures and greatly reduced the number of ballots to be

⁹ For example, Oslo and Bergen.

additionally approved and counted by MECs. In addition, electronic mark-off enabled voters to cast a ballot at any polling station within their municipality on election day.

Since the relevant changes to the election legislation were passed in April, the MLGRD had limited time to develop, test and put in use the new systems associated with the electronic voter register. It did not produce detailed regulations and operational manuals, and explained that the relevant guidelines are integrated into the system. However, certain important aspects, such as operational security and secrecy of centralized information on voters who voted, remained unregulated.

The authorities could consider regulating in more detail the electronic administration system and providing comprehensive guidance on its use to ensure that all aspects are addressed.

VI. NEW VOTING TECHNOLOGIES

A. ORGANIZATION OF INTERNET VOTING

Following the pilot project on voting over the Internet conducted for the 2011 local elections,¹⁰ the government asked the parliament to endorse the continuation of Internet voting trials in the 2013 parliamentary elections. After heated discussions centred on the question of the secrecy of the vote when voting from uncontrolled environments, the parliament decided in April 2013 by a narrow margin to continue the pilot project.

The Internet voting system nevertheless enjoyed a high level of trust among OSCE/ODIHR EAM interlocutors, reflecting the overall trust in the electoral process and in the MLGRD to organize the process professionally and impartially. Political parties and other stakeholders showed no apparent interest in the technicalities of the system. Experts on electronic voting expressed satisfaction with the mechanisms to verify the integrity of election results and safeguard the secrecy of the electronic votes.

A total of 250,159 voters from 12 municipalities¹¹ in 10 different constituencies were eligible to vote over the Internet. The Internet voting system was procured and managed by the MLGRD. The main principles of Internet voting remained the same as in 2011. As before, in order to mitigate the risk of voter coercion or vote buying, each voter could cast any number of electronic votes but only their final vote was counted. Importantly, voters could also vote traditionally on paper, either during early or advance voting or on election day, cancelling all their electronic votes. Nevertheless, most of those opposed to Internet voting cited lack of secrecy and potential for coercion while voting in an uncontrolled environment as their primary concern.

The Internet voting system enabled voters to verify that their votes have been properly cast through so-called return codes. Voters were mailed a polling card with instructions on how to vote and a set of securely printed, unique return codes for each political party. The return codes were four digit numbers and were different for each voter. Voters voted by first identifying themselves, after which the system would guide them through a simple and intuitive voting process. After submitting a vote, voters received a return code as an SMS on their mobile phone and this code could be verified against the return code

¹⁰ See the OSCE/ODIHR Election Expert Team report on the 2011 local government elections.

¹¹ Ålesund, Bodø, Bremerton, Fredrikstad, Hammerfest, Larvik, Mandal, Radøy, Re, Sandnes, Tynset and Vefsn.

printed on their polling card.¹² The MLGRD first introduced the return codes feature in 2011 Internet voting pilot project. Following significant procedural problems with the process of printing return codes on polling cards in 2011, which resulted in late delivery of polling cards to some voters, and addressing the related OSCE/ODIHR recommendations, the MLGRD streamlined the printing process for the 2013 elections.

The MLGRD, in a regulation adopted on 19 June 2013, established a 9-member Internet Election Committee (IEC) in order to enhance the transparency and accountability of the Internet voting. The IEC comprised three CoEC chairpersons, three regular voters selected from the pilot municipalities, a cryptographer, an election researcher, and a representative from the Data Protection Inspectorate.¹³ However, selection criteria were not made clear in the regulation and the MLGRD was directly involved in the selection of some IEC members, which introduced the potential for a conflict of interest.

It is recommended that the selection process for the IEC be laid out in sufficient detail and be conducted in such a way so as to avoid any potential conflict of interest or a perception thereof and to enhance IEC independence.

B. SECRECY, INTEGRITY AND ACCOUNTABILITY

The IEC was tasked with safekeeping of important encryption keys, controlling that sensitive information was created, stored, and deleted securely, suspending and even cancelling Internet voting in case of irregularities, and verifying that the decryption of votes was conducted accurately. In practice, the IEC met rarely and its role appeared largely formalistic. Most IEC members with whom the OSCE/ODIHR EAM met were not conversant with the system and relied entirely on the MLGRD's guidance and advice. This called into question the IEC's competence and its effectiveness as an oversight body. Under the guidance of the MLGRD, however, the IEC contracted an IT auditor to perform the verification of the integrity of the electronic voting result and to report to the IEC. By design, the system is aimed to be end-to-end verifiable. However, the auditor was only tasked with verifying a limited number of aspects of the system.

On 5 September, the MLGRD posted information on its website that the voting client contained a programming error that caused weak encryption in some 29,000 electronic votes. As a result, system administrators with access to the electronic ballot box could potentially decrypt the ballots without the need for the secret decryption key. The MLGRD addressed this problem by quickly rolling out corrected voting client software and tightened access restriction to the servers holding the electronic ballot box by requiring a written authorization each time servers were accessed. Despite the fact that the issue was brought to light by the IT auditor contracted by the IEC, it was the MLGRD that briefed the IEC in writing about the issue. Based on this information the IEC decided that the MLGRD's action was sufficient.

In order for the IEC to fulfil its mandate, it should be allocated the necessary resources to thoroughly and independently audit the security, integrity and secrecy of the system, and to perform complete end-to-end verification.

¹² Completing this verification step was not necessary in order to cast a vote.

¹³ The Data Protection Inspectorate is an independent agency, but administratively situated under the Ministry of Government Administration, Reform and Church Affairs.

The late decision to proceed with the pilot restricted the time available to the MLGRD to develop and test the updated version of the system, as well as to implement other steps that could have improved the process. For example, the following tasks recommended by the OSCE/ODIHR in 2011 were not undertaken:

- Publish a complete schedule for all important activities related to Internet voting;
- Document all procedures for safeguarding the secrecy of the electronic votes;
- Document all steps for verifying the integrity of electronic voting result;
- Document all business processes involved in the running of the Internet voting system;
- Contract a third party to perform code review of all source codes; and
- Formalize responsibilities, roles and permissions in regard to access to IT infrastructure.

Documenting business procedures is important in the implementation of large-scale IT projects. The evaluation of documented procedures against relevant IT-standards ensures their compliance therewith and increases transparency and trust in the system and its management.

It is recommended that preparations for any future Internet voting pilot start earlier and that sufficient resources are allocated. This will allow for proper documentation in line with previous OSCE/ODIHR recommendations.

C. TRANSPARENCY AND VERIFIABILITY

As a new feature of the 2013 pilot, the MLGRD contracted a third party organization¹⁴ to provide training to interested voters in the 12 pilot municipalities in computer security and virus protection. This training also offered the possibility to become an “electronic voting election observer” by comparing a so-called hash value of the vote, produced by the voter’s computer, against the hash value that the electronic ballot box has published on a public bulletin board.¹⁵ However, the training was taken up only by a limited number of voters. The OSCE/ODIHR EAM interlocutors generally considered the possibility of computer viruses attacking voters’ computers a realistic risk. The return codes provide a level of protection by informing voters that their ballot was cast as intended and recorded in the system as intended, meaning that the ballot was not intercepted or altered by a computer virus before being stored in the electronic ballot box. A voter information campaign on this issue could further enhance voters’ understanding of and confidence in Internet voting.

Election authorities could further enhance voter education by providing information to voters on how to protect their computers against viruses and how to conduct the various verification steps.

Although the MLGRD stated that it would be willing to accommodate any entities such as media and political parties to conduct verification, no such third parties showed any interest, with the result that the only organization performing verification was contracted by the MLGRD itself.

¹⁴ Norwegian Centre for Information Security.

¹⁵ Located at <https://github.com/>.

The election authorities could take steps to encourage third party verification of Internet voting, perhaps by explicitly introducing such possibilities in the regulations and inviting political parties and other stakeholders to participate.

VII. POLITICAL PARTY FINANCE

The Political Parties Act (PPA) was amended in March 2013. Some aspects of the new law will go into effect only in 2014 and others are yet to be tested during the process of annual finance reporting after these elections, making it difficult to assess their effectiveness. However, the amended law represents a significant step forward and addresses political party financing concerns identified previously by the OSCE/ODIHR and the 2009 recommendations of the Council of Europe's Group of States against Corruption.¹⁶

A. SOURCES OF INCOME AND SPENDING

Political parties can accept unlimited donations, except from anonymous donors, state controlled or public entities, or foreign donors. The majority of party income comes from public funding.¹⁷ At the national level this includes "basic support" (10 per cent of the total support), equally distributed to political parties that received at least 2.5 per cent of votes during the last parliamentary elections or which are represented in the parliament. The remaining 90 per cent is allocated proportionally based on the votes received in the last parliamentary elections, without any threshold requirements. The PPA does not impose restrictions on how political parties spend funds, including public funds.

B. REPORTING AND DISCLOSURE

The amendments to the PPA introduced significantly improved reporting and disclosure requirements. Political parties are now required to report individual donations over NOK 10,000 (about EUR 1,200) received during an election year. Such donations must be reported within four weeks of receipt and not later than Friday before election day. They are publicized by Statistics Norway on a special website.¹⁸ In general, OSCE/ODIHR EAM interlocutors found this requirement reasonable and contributing to transparency.

Registered political parties and their local branches with income above NOK 12,000 (some EUR 1,500) – excluding public funding – must submit standard annual reports, identifying *inter alia* donors, which exceed specified donation thresholds.¹⁹ In addition, accounts of political parties must be independently audited. Starting from 2014, the PPA requires political parties to also report expenditures in their annual reports.

¹⁶ See at: [www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2013\)5_Second_Norway_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2013)5_Second_Norway_EN.pdf).

¹⁷ In 2012, the public funding reached 74 per cent of the total income of all political parties. See at: <http://www.ssb.no/en/kultur-og-fritid/statistikker/partifin/aar/2013-09-02>.

¹⁸ See at: <http://www.partifinansiering.no/vkb2013/>.

¹⁹ For instance, if donations from one donor at the national level exceed NOK 35,000 (some EUR 4,300).

Political parties must submit annual reports not later than 1 June after each calendar year.²⁰ Thus, the existing reporting deadlines result in the disclosure of campaign finance only eight months after the election since, in line with the Constitution, parliamentary elections are usually held in September, and there are no separate requirements for the disclosure of campaign incomes and expenditures, this is not in line with good practice for reporting on campaign financing.²¹

Consideration could be given to amending the Political Parties Act to provide for a more timely disclosure of campaign finance.

The PPA reporting requirements apply only to political parties. However, election campaigning undertaken by third party organizations, such as enterprise federations and trade unions, can play a significant role and the lack of any financial disclosure for such activity has the potential to undermine the transparency of electoral funding.

Consideration could be given to provide clear guidelines on which activities are not permitted during the pre-election campaign as well as some form of disclosure requirement of financing the campaign activities of third party organizations.

C. ACCOUNTABILITY

The Political Parties Act Committee (PPAC) is the central regulatory authority for party finance matters. The PPAC members are appointed by the King. According to section 27 of the PPA, the Ministry of Government Administration, Reform and Church Affairs may issue detailed regulations governing the activity and composition of the PPAC; however, such regulations were not produced. The PPAC included three members nominated by political parties, two of whom hold elected positions (one of them was also a candidate). While political party experience may be relevant to the activity in the PPAC, the participation of current elected officials and candidates in a quasi-judicial body creates a potential for a conflict of interest.²²

Consideration could be given to issuing regulations on the appointment procedures for PPAC members. Furthermore, consideration should be given to whether the possibility for elected officials and candidates to serve on the PPAC is compatible with requirements of impartiality and neutrality.

The PPAC's powers and duties have been extended by the newly amended PPA to include controlling for compliance with the PPA, imposing administrative sanctions, and deciding on complaints related to public grants. It is empowered to investigate potential non-compliance with the PPA; however, no enforcement policy was set in advance of the elections. Although the PPA requires a proactive

²⁰ Some 92 per cent of political parties filed their 2012 reports on time. Statistics Norway published them on 2 September 2013.

²¹ Paragraph 200 of the OSCE/ODIHR and European Commission for Democracy Through Law (Venice Commission) of the Council of Europe Guidelines on Political Party Regulation states that "reports on campaign financing should be turned into the proper authorities within a period of no more than 30 days after the elections"; available at: <http://www.osce.org/odihr/77812>.

²² Paragraph 156 of the OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation recommends that the legislation should clearly state the required qualifications and nomination procedures if partisan representatives are included on election management bodies.

investigative approach by the PPAC, in practice the PPAC appeared to regard its role as limited to responding to complaints.

In keeping with regulatory good practice, the PPAC could establish an enforcement policy and clear, written procedures in order to ensure a consistent, proactive and accountable approach.

VIII. COMPLAINTS AND APPEALS

The resolution of electoral disputes is regulated by the Constitution, the Election Act, the Public Administration Act, and previous decisions on electoral matters made by relevant courts.

Any voter can submit a complaint to the NEC about the conduct of elections or election results at any time, but not later than seven days after election day. The MLGRD acts as the NEC's secretariat and prepares all materials for the NEC's consideration. For these elections, a total of 16 complaints were filed to the NEC, mostly related to violations of voting procedures and a few cases of shortage of ballots. The MLGRD reported that the NEC rejected all complaints on grounds that the issues raised in the complaints could not have an effect on the distribution of seats. The NEC is the first and final instance for hearing such complaints.²³ Such practice is not in line with the 1990 OSCE Copenhagen Document.²⁴

Complaints related to a person's right to vote are heard by the parliament. Article 63 of the Constitution and the Election Act mandates the newly elected parliament to adopt a decision on the legality of the elections and the eligibility of the elected deputies.²⁵ There is no means of appealing the parliament's decisions to any judicial authority.

It is recommended that further consideration be given to providing a right to appeal all election-related matters to a competent court.

IX. VOTING, COUNTING AND TABULATION

In accordance with the OSCE/ODIHR methodology, the OSCE/ODIHR EAM did not conduct a comprehensive and systematic observation of election day proceedings. However, EAM members visited polling stations in five municipalities.

²³ By contrast, the PPA provides that the decisions of the PPAC can be appealed to courts.

²⁴ Paragraph 5.10 of the 1990 OSCE Copenhagen document states that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". Paragraph 18.4 of the 1991 OSCE Moscow document states that the OSCE participating States will endeavour to provide for judicial review of administrative regulations and decisions.

²⁵ Paragraph 94 of the Explanatory report to the 2002 Venice Commission Code of Good Practice in Electoral Matters states that: "Appeal to parliament, as the judge of its own election, is sometimes provided for but could result in political decisions. It is acceptable as a first instance in places where it is long established, but a judicial appeal should then be possible."

The voting period is extensive. “Early” voting was possible from 1 July until 9 August, and “advance” voting from 12 August until 6 September.²⁶ Additionally, some 200 municipalities opted to have an additional election day on 8 September.

During early and advance voting periods, voters could cast a ballot at any municipality; their ballot would then be forwarded to their municipality of residence. Voters temporarily residing abroad could cast ballots either in diplomatic missions until 30 August or by mail until 21:00 hours on election day. While some interlocutors commented that the early voting system is unduly complex, overly extended and burdensome to administer, the framework is designed to maximize voting opportunities. However, on 11 September, the public broadcaster reported that several hundred ballots cast during the last day of advance voting were not forwarded to the municipalities of voters’ residence in time to reach them by 21:00 on election day, the deadline after which ballots received are not counted.²⁷

Turnout was reported at 78.2 per cent. Of these, 30.2 per cent voted during early and advance voting periods. In the municipalities piloting Internet voting, 36 per cent of registered voters voted over the Internet.²⁸

In all polling stations visited by the OSCE/ODIHR EAM, the voting was well organized and orderly. The ballot papers, redesigned for easy folding, appeared to protect the ballot from opening and compromising the secrecy of the vote.

By law, all ballots must be counted twice: the first count is preliminary, usually performed in polling stations immediately after the polls are closed, and then the final count is conducted by the MECs immediately after they receive the ballots. As part of *EVA*, a total of 108 municipalities with more than 10,000 registered voters scanned all ballot papers. The scanning system was extensively tested before election day. Some MECs expressed concern that there could be late errors discovered in the system, leading to stalled publication of election results. However, according to the MLGRD, the system worked without malfunctions and the majority of the MECs finished their final vote counts by the morning of 10 September.

For the 12 municipalities participating in the Internet voting pilot, preliminary electronic vote counts were entered into *EVA* by the MLGRD at 21:00 hours, after the public decryption ceremony in Oslo. When each of these municipalities finalized their count, *EVA* prompted MLGRD to produce a final electronic voting tally for that municipality, after which the MECs could sign the protocol and thus complete their work. Because one of the pilot municipalities had added a polling station just before election day, the reporting of electronic voting results for all 12 municipalities through *EVA* was initially delayed.

The results of early and advance voting were published immediately after the closing of polling stations and MEC results of the preliminary vote count were made available to the public as they were entered into *EVA*. This enabled the public to have an accurate overview of the distribution of seats among political parties soon after the closing of polls. However, except for the four largest municipalities,²⁹ the results were published only by municipality and not by polling stations.

²⁶ The main difference between early and advance voting is that early voters are not able to mark preferential choices among candidates on their ballots.

²⁷ <http://www.newsenglish.no/2013/09/13/probe-launched-into-ballot-scandal/>.

²⁸ At 2011 local elections, a total of 17 per cent of voters registered in pilot municipalities voted over the Internet.

²⁹ Oslo, Bergen, Trondheim and Stavanger.

To further increase transparency, the election authorities could consider publishing voting results by polling station.

X. RECOMMENDATIONS

The following recommendations, as contained throughout the text, are offered for consideration by the authorities, political parties, and civil society with a view to supporting efforts to conduct elections fully in line with OSCE commitments and other international standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of Norway to further improve the electoral process and in following up on the recommendations contained in this report.

A. PRIORITY RECOMMENDATIONS

1. The requirement imposed on citizens to accept candidate nominations should be reviewed to ensure conformity with OSCE commitments and international standards.
2. It is recommended that the selection process for the Internet Election Committee be laid out in sufficient detail and be conducted in such a way so as to avoid any potential conflict of interest, or a perception thereof, and to enhance IEC independence.
3. It is recommended that further consideration be given to providing a right to appeal all election-related matters to a competent court.
4. Consideration could be given to further amending the Election Act to prevent candidates from holding positions in the election administration.
5. Consideration could be given to amending the Political Parties Act to provide for a more timely disclosure of campaign finance.

B. OTHER RECOMMENDATIONS

Legal Framework and Electoral System

6. The Election Act should be amended to provide a possibility for independent candidates to stand for elections, in line with OSCE commitments.

Election Administration

7. To avoid possible errors and delays, all electronic systems should be tested in a timely manner ahead of election day.
8. The authorities could consider regulating in more detail the electronic administration system and providing comprehensive guidance on its use to ensure that all aspects are addressed.

New Voting Technologies

9. In order for the IEC to fulfil its mandate, it should be allocated the necessary resources to thoroughly and independently audit the security, integrity and secrecy of the system and to perform complete end-to-end verification.
10. It is recommended that preparations for any future Internet voting pilot start earlier and that sufficient resources are allocated. This will allow for proper documentation in line with previous OSCE/ODIHR recommendations.
11. Election authorities could further enhance voter education by providing information to voters on how to protect their computers against viruses and how to conduct the various verification steps.
12. The election authorities could take steps to encourage third party verification of Internet voting, perhaps by explicitly introducing such possibilities in the regulations and inviting political parties and other stakeholders to participate.

Political Party and Campaign Finance

13. Consideration could be given to provide clear guidelines on which activities are not permitted during the pre-election campaign as well as some form of disclosure requirement of financing the campaign activities of third party organizations.
14. Consideration could be given to issuing regulations on the appointment procedures for PPAC members. Furthermore, consideration should be given to whether the possibility for elected officials and candidates to serve on the PPAC is compatible with requirements of impartiality and neutrality.
15. In keeping with regulatory good practice, the PPAC could establish an enforcement policy and clear, written procedures in order to ensure a consistent, proactive and accountable approach.

Voting, Counting, and Tabulation

16. To further increase transparency, the election authorities could consider publishing voting results by polling station.

ANNEX: ELECTIONS RESULTS

Final elections results were published by Statistics Norway as follows:³⁰

Total number of registered voters	3,641,994
Total number of votes cast	2,848,139
Turnout (percentage)	78.2%
Total number of invalid votes	3,255
Total number of blank votes	12,874

Distribution of valid votes and seats to the political parties, which entered the parliament:³¹

Political Party	Votes received	Percentage	Number of Seats
Labour Party	874,769	30.8	55
Conservative Party	760,232	26.8	48
Progress Party	463,560	16.3	29
Christian Democratic Party	158,475	5.6	10
Centre Party	155,357	5.5	10
Liberal Party	148,275	5.2	9
Socialist Left Party	116,021	4.1	7
Green Party	79,152	2.8	1

³⁰ Source web page: <http://www.valgresultat.no/ns5.html>.

³¹ Other 13 political parties received 2.9 per cent of votes altogether and did not qualify to enter the parliament.

ABOUT THE OSCE/ODIHR

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

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

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

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

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

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

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

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

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