SEVENTH INTER-AMERICAN MEETING OF ELECTORAL MANAGEMENT BODIES
"INCREASING ACCESS TO ELECTORAL PROCESSES"

CONCEPT PAPER

The Inter-American Meetings of Electoral Management Bodies seek to promote the effective exchange of knowledge, experiences and best practices of electoral administration in the region. In particular, these meetings facilitate horizontal cooperation to ensure the continuous strengthening of electoral management body (EMB)'s capacities, and to further improve the organization of elections throughout the Americas.

To date, there have been six Inter-American Meetings of Electoral Management Bodies.[1] The seventh meeting will once again open a dialogue that will allow the electoral management bodies of the Americas to exchange and evaluate their diverse experiences, in regard to the access of political and electoral actors, such as political parties, governing officials, the media and citizens to these processes. Based on electoral authorities' mandates in this area, this topic will be addressed through discussions on three themes:

- o   Models of engagement between EMBs and political parties in electoral processes.
- o   The role of the media during electoral processes.
- o   Access to voting for persons with disabilities.

Models of engagement between EMBs and political parties in electoral processes

Electoral authorities and political parties are two of the most central actors in competitive electoral processes. Due to their nature, they constantly interact during election periods. In cases when the EMB is more permanent, these two entities maintain contact throughout the entire calendar year. A respectful relationship between these two actors often results in an increased quality of the elections. This topic can be approached from different points of view: the structure of the electoral management bodies, the level of access for political parties at different stages of the processes and the exchange of experiences and information between these two actors.

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[1] The first meeting took place in March 2003 in Panama City, Panama, where participants discussed the importance of consensus among political actors to implement technological changes and to promote necessary legal reforms in this area. In subsequent meetings, participants discussed the effective use of new technologies at different stages of the electoral process, and shared good practices to ensure the accurate and efficient transmission of results, among other things. In April 2008, in Quito, Ecuador, representatives of the region's EMBs explored efforts to strengthen public confidence in electoral processes, paying particular attention to three issues: political financing, electoral participation and technology. This meeting was also a milestone in terms of regional participation: it was the first time that Caribbean EMBs were involved in this type of meeting. The contributions of these representatives demonstrated important commonalities between Latin America and the Caribbean. The last Inter-American Meeting of Electoral Management Bodies was held in Ottawa, Canada from June 21 to 23, 2009, where the EMBs discussed three key themes: the role of electoral management bodies between elections, voter registries and international electoral observation.

The level of engagement between electoral management bodies and political parties is largely determined by the electoral system's legal and structural design. Research has found that the interaction between the two is more direct when the EMB's highest officials are political party members rather than when they are not affiliated with a specific party—a model which is not applied in its pure form in the Hemisphere anymore[2]. In the Americas, there are both EMBs integrated by a combination of these two types of members, and EMBs that permit party members within their structure, but limit their participation to the expression of their opinions, excluding them from taking part in decision-making processes. There are also some EMBs that depend on the national government, a model derived from the organizational structures of European countries.

Taking into account national historical and political contexts, it is interesting to observe how each system presents advantages and challenges regarding the relationship between these two actors. During this meeting, participants will have the opportunity to exchange experiences that will help them tackle the challenges faced by the application of these models in different countries.

Another topic of discussion is the level of access political parties have to EMBs' internal decision-making processes. Including political parties in the design and implementation of different policies and activities can positively contribute to strengthening the legitimacy and approval of programs or regulations in some countries.[3] This is most apparent when these actors are opinion leaders, whose affirmations influence other actors in the process. This point is particularly relevant when an election or referendum's results are recognized since political validation, which directly influences public opinion about the process, is provided by candidates and party leaders.

It is important to keep in mind the role that technical representatives of political parties have during election periods and in overseeing procedures, specifically the use of various technologies. This approach may contribute to generating trust between those responsible for organizing the election and political party representatives, helping to avoid any technical questioning of the election's legitimacy. In some of the Hemisphere's countries, prior to the distribution of the electoral materials, EMBs conduct an audit in which political party representatives participate, thus increasing the level of trust in the election.

In regard to the implementation of technology in electoral processes, it is necessary that the electoral authorities rely on tools that guarantee transparency and provide access to political party representatives. In some cases, this has been accomplished through clear regulations that are reflected in procedural manuals. Following this line of thought, training for those responsible for both using and overseeing these technologies should be both sufficient and timely.

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[2] Presentation given by Lorenzo Cordoba Vianello, Professor of the National University of Mexico, II Inter-American Training Seminar, Mexico, D.F. 2009.
[3] International IDEA, Electoral Management Design: The International Idea Handbook, Stockholm, 2006, p. 202.

During the 2007 Electoral Observation Mission in Colombia, the OAS was able to observe an important communication exercise, called the "Unified Command Center," where local level police departments could directly communicate with the General Director of the National Police to express their concerns and coordinate their work on election day. Electoral officials were invited to observe this activity, as well as representatives of the country's political parties, civil society movements and local government officials. This created a space for collaboration that helped clarify doubts and increase the transparency of the electoral process.

Having a strong line of communication between political parties and the electoral authority can be significant not only in the context of an election or referendum, but also to help both entities strengthen post-electoral processes. In Panama, for example, once the polls close, the Electoral Tribunal heads the National Commission of Electoral Reforms which reviews existing norms and procedures, and receives complaints. The inputs from this Commission are used for the preparation of legislative initiatives for future electoral processes. This Commission is also composed of political party representatives, civil society organizations and members of academia.

The interaction between EMBs and political parties is a key element in electoral processes. One of the main objectives of the meeting is to understand these different types of relationships and exchange good practices in this area.

The role of the media during electoral processes

There is a general consensus that the media today plays a key role in the electoral processes, since political actors are turning to the radio, television, and recently, the internet to campaign rather than through face-to-face interaction with voters. The information and opinions of the candidates that the media transmits influences the process of selection and decision making of citizens at the polls. In addition to informing citizens, the media monitors the performance of different actors in the political process, such as political parties, governing officials and electoral authorities. To cover this topic, it is important to consider candidates' access to the media, the content related to electoral processes and campaigns, and the opportunities that arise as a result of new technologies.

Since political parties use the media as the primary platform to campaign for public office, it is necessary to consider access to the media, while respecting the right to freedom of expression. In the Americas, there are several models related to political campaigns and the media. In some countries free airtime is available for both public and private media; this becomes a form of indirect public financing. In some cases, free media access is permanent, while in other cases it occurs only during electoral periods. In other countries, free airtime is not awarded, but a cap is placed on media spending as an attempt to control campaign expenditures. There are also some countries without media related regulations.[4]

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[4] Carlos Navarro Fierro, "Access of Political Parties to the Media" in *Tratado de Derecho Electoral Comparado de América Latina*, Dieter Nohlen, et al (Comp), II Ed., 2007.

The varying characteristics for media access imply different kinds of relationships between electoral authorities, the media and political parties that can create tension during election periods. In some cases, the electoral authority is responsible for determining the distribution of media time, which in four countries is the entire available campaigning time, as well as establishing oversight mechanisms for airtime usage. In this context, election administration organizations face the challenge of administering media advertising. Regardless of the model used, this topic generates controversy, and the electoral management body must find a way so that these disputes do not affect the credibility of the process.

After the discussion of access to airspace, the content transmitted through the media should be addressed. Despite the introduction of new forms of technology, and with them new tools for campaigning, television continues to be the main instrument used during elections. As the Italian political scientist Giovanni Sartori stated, "television is the greatest agent for shaping public opinion, given that information is the cornerstone of shaping public opinion"[5]. Therefore the role of television and other electronic media in informing the public about political and electoral issues is worthy of discussion.

Numerous OAS Electoral Observation Missions have observed that in many countries the media prioritizes fights and scandals over substantive issue differences, and that space for the electorate to listen to the candidate's proposals or the different stances regarding a referendum is not always created. The role the electoral authority can play in this regard is important, whether established in its mandate or not, by contributing to enriching a broad debate of ideas so that citizens make an informed decision when voting. In this context, one cannot avoid referencing the debate over the tension between the right to freedom of expression and the need for citizens to receive information that allows them to make responsible decisions at the polls.

As mentioned in the previous paragraphs, in democratic systems in general, the media can take on monitoring functions through what is called "vertical media accountability"[6]. This accountability consists of media monitoring of the government or public administration's actions, making these actions visible, driving political actors to keep in mind society's opinion, as well as making state institutions intensify their oversight mechanisms.[7] In this sense, it can be affirmed that the media contributes to the development of more transparent electoral processes.

Similarly, efforts by the region's governments to make processes and institutions transparent have been linked with gaining credibility from the citizenry. With this objective, the media can support electoral management bodies, creating a positive relationship that allows them to implement mechanisms to increase the credibility levels of elections. Taking into account the same goal, many

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[5] Giovanni Sartori, *Videopolítica: Medios, Información y democracia de sondeo* (Videopolitics: Media, Information & Survey Democracy), Technology Institute of Monterrey & the Cultural Economic Fund, México D.F., 2003.

[6] María Cristina Menéndez, *Política y Medios en la era de la información* (Politics and the Media in the Information Age), Buenos Aires, Editorial La Crujía, 2009, p. 139.

[7] Ibid, p. 178.

EMBs are using new communication technologies to inform citizens in real time and without the intermediation of traditional media. For example, in Los Angeles, the district with the highest number of voters in the state used Twitter to communicate with voters regarding delays in specific voting centers[8].

These new technologies can also be used for educating both voters and training poll workers. Some of the Hemisphere's EMBs use YouTube to publish training videos. This method reaches its audience through an attractive and educational tool, and one that is already familiar to young voters. Likewise, the Internet can also provide the electorate with an easier way of finding their voting centers. In Mexico, the Federal Electoral Institute collaborated with Google Maps to help its voters locate their voting center in a fast and precise manner.

Access to voting for persons with disabilities

As stated in Article 2 of the Inter-American Democratic Charter, "Representative democracy is strengthened and deepened by permanent, ethical, and responsible participation of the citizenry within a legal framework conforming to the respective constitutional order." As is made clear in this Resolution of the OAS General Assembly, citizen participation in electoral processes is a fundamental element for the development of democracy in the Americas. However, the special needs for persons with disabilities to exercise their right to vote and be elected has not always received a lot of attention throughout the years.

There are different focal points for the exchange of ideas about political participation for persons with disabilities. Individuals, regardless of disability, not only have the right to vote, but also have the right to be elected. Within this framework, it is important to consider the following areas of emphasis: physical access to cast a ballot in secret, ability to cast a ballot independently, education of all citizens on topics of accessibility, and the electoral management body to incorporate alternative perspectives.

Despite initiatives that promote the participation of persons with disabilities in elections, in many OAS Member States legal and operational barriers impede the full exercise of civic and political rights for persons with disabilities. For example, in some countries in the region, persons who are hearing impaired, or do not know how to write are prohibited from voting. In this sense, even though these individuals can communicate through sign language, they are not allowed to vote. Also, in cases where laws have been passed to increase participation of persons with disabilities, numerous challenges still exist related to financing the mandated improvements and developing infrastructure, technology and education.

It is important not only that individuals with disabilities have access to the vote, but at the same time, for the vote to be kept secret. To address this concern, some countries have designed

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[8] Presentation made by Commissioner Gineen Bresso of the United States Election Assistance Commission, II Inter-American Training Seminar, México D.F., 2009.

electoral materials in Braille and introduced the use of magnifying glasses for those with visual disabilities so that these individuals do not have to be accompanied by another person when casting their vote. In other countries, technology based voting systems allow voters a variety of options including listening to a recording and following verbal instructions. When considering the possibility for people to be accompanied when voting, doubts may be raised over the possibility of the manipulation. These doubts are often more pronounced in highly competitive elections.

Physical access to the voting centers and polling places is another important topic. In many countries, voting centers do not have the necessary infrastructure to allow individuals with disabilities the ability to cast their vote. During Electoral Observation Missions, the OAS has found that some locales placed voting stations in areas only accessible by a staircase. Clearly, this placement complicates the participation of persons with physical disabilities.

There are two main approaches to improving physical access to the polling location. The first approach is to map and analyze potential voting centers prior to the election so they accommodate both persons with and without disabilities. Second, in some cases, a census can be conducted to identify voters with disabilities and, based on that assessment, adequately condition those locations assigned to voters with disabilities. Additionally, some other practical solutions have been identified, including sending the ballot to the voter prior to the election and the use of mobile teams to bring the ballots to citizens so they can vote in the presence of an electoral official and a witness.

Educating voters with disabilities about the electoral process and the proposals of various candidates is another important element. Since most people receive information through mass media, this resource can also be used to provide information to voters with disabilities. The use of closed captioning or sign language when broadcasting campaign advertising or informational spots on television can be used. Materials printed in Braille, or using larger print may be considered by the electoral authority. This would increase access for persons with visual disabilities.

The implementation of mechanisms for persons with disabilities to have better access to vote can be accompanied by raising awareness and educating the rest of the citizenry. To aid in raising awareness, it is important for everyone who participates in election administration to be familiar with the procedures and measures that assist citizens with disabilities to vote. To this end, some countries have implemented protocols and training for election or poll workers and political party representatives.

Many of these changes can be supported by internal modifications to procedures by those responsible for either organizing elections or related activities. Not only should the physical spaces of voting centers or messages be accessible to people with disabilities, but these institutions themselves should also be accessible. For example, buildings access ramps, documents available in Braille and personnel trained in sign language can be made available.

Through the discussions at the Seventh Inter-American Meeting of Electoral Management Bodies, participants will have an opportunity to share and learn about enriching experiences that will allow them to improve the electoral processes for which they are responsible. By providing citizens better access to voting and candidates, from contenders to the media, and from political forces to electoral administration processes, civil and political rights will be extended to all citizens, thereby strengthening the region's democracies.