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## **SIXTH INTER-AMERICAN MEETING OF ELECTORAL MANAGEMENT BODIES (EMBS)**

**“STRENGTHENING ELECTORAL PROCESSES: THE ROLE OF EMBs BETWEEN ELECTIONS,  
VOTER REGISTRY AND INTERNATIONAL ELECTORAL OBSERVATION”**

### **CONCEPT PAPER**

The Inter-American Meetings of Electoral Management Bodies (EMBs) 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 ongoing strengthening of EMB capacities, and to further improve the conduct of elections in the Americas.

To date, there have been five Inter-American Meetings of Electoral Management Bodies. The first 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 the necessary legal reforms in this area. In subsequent meetings, participants discussed the effective use of new technologies at different stages of the electoral process, sharing best practices in ensuring the accurate and efficient transmission of results, among other things. In April 2008 in Quito, Ecuador, representatives of the electoral management bodies of the region explored efforts to strengthen public confidence in electoral processes, paying particular attention to three issues: political financing, electoral participation and technology.

The more recent meetings, from 2007 to 2008, provided important impetus for information sharing and inter-institutional collaboration, as well as very concrete initiatives to strengthen electoral authorities and to make elections more transparent and participatory. For instance, the General Secretariat of the OAS initiated the project “Strengthening Electoral Processes and Registry Systems of Panama: Implementing a Quality Management System.” Subsequently, following the Quito meeting, the Supreme Electoral Tribunal of Costa Rica and the National Electoral Jury of Peru requested similar technical assistance.

Starting in 2008, the Department of Electoral Cooperation and Observation (DECO) began institutionalizing its capacity-building project known as the First Inter-American Electoral Training Seminar. At the 2008 meeting in Quito, electoral

authorities themselves discussed and selected the priority topics to be addressed at the training seminar.

The Fifth Inter-American Meeting was also a milestone in terms of regional participation. It was the first time that electoral management bodies of the Caribbean participated. Their contributions demonstrated important commonalities between Latin America and the Caribbean<sup>1</sup>.

The Sixth Inter-American Meeting of Electoral Management Bodies, to be held in Ottawa, Canada from June 21 to 23, 2009, will address three key themes for EMBs: the role of electoral management bodies between elections, voter registry and international electoral observation.

- **“Role of EMBs between Elections”**

Permanent electoral management bodies (EMBs), which have largely become the norm, have a multifaceted role that can vary to a large extent based on their specific legislative mandate, which is not confined to the election period.

One of the primary focuses of an EMB in the immediate aftermath of an election is closing the process. This includes ensuring that results are tabulated and published accurately and promptly. This could also include the processing of election financial returns, the handling of election reimbursements, and the investigation of complaints in relation to potential breaches of the legislation. The processes above may take several months and can be quite complex. This is also true when maintaining a state of election readiness, which is especially important in countries with no fixed election dates so that an election can be called at any time. Often, with prior approval from Parliament, EMBs also have to test and develop new procedures or systems that may be piloted during elections.

In some jurisdictions, a clear mandate is provided for the activities of EMBs for the period between elections, such as conducting voter registration, maintaining the voter registry, and ensuring that political financing procedures are complied with, such as the registration of political organizations and the allocation of annual subsidies.

While some jurisdictions are mandated to educate voters, especially in the case of groups less likely to vote, this is generally not done between elections. However, in light of the low voter turnout in several countries, this role now tends to be extended to the period between elections. From this perspective, for some jurisdictions, ensuring greater cooperation with interested parties, such as civil-society organizations, educators, and various levels of government, becomes vitally important in order to increase access to voting and motivate electors to vote.

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<sup>1</sup> For a summary of the presentations and discussions at this meeting, see: <http://www.oas.org/sap/docs/DECO/V%20Reunion%20de%20autoridades%20electorales%20final.pdf>

Another key role of EMBs between elections is to implement any legislative changes put forward by their respective Parliament on election-related matters. Furthermore, in some cases, EMBs play a key role in submitting recommendations to Parliament to amend the electoral legislation in order to improve its administration. Similarly, legislators can consult EMBs when planning electoral reforms. Such processes allow legislators to adopt legislation based on sound expert advice from EMBs and ensure that legislation can be implemented in time for the next election while also taking into account administrative considerations.

Finally, while some EMBs have an explicit international legislative mandate, a fair number of electoral agencies are involved in various international activities that include: attending international conferences and events; learning and sharing best practices; hosting foreign delegations; and offering expert assistance to other organizations, either bilaterally or in the context of electoral assistance missions. The range of these activities largely depends on the capacity of individual EMBs.

- **“Strengthening Electoral Processes: Voter Registry”**

The voter registry contains the names and other information on all eligible voters, and in some cases may include citizens who are temporarily ineligible, but who may be listed in a special section of the registry. This is a dynamic tool that changes as additional citizens register or change their information, such as their place of residence. As an election approaches, the registry is closed and a list of current eligible voters is printed. This list is the voter registry.<sup>2</sup>

A reliable and accessible voters list is vital in promoting public confidence and minimizing any doubts about whether election results reflect the will of the electorate. Among other things, accurate information helps to prevent people from voting twice and contributes to the efficient planning of elections.<sup>3</sup> In many countries, the electoral management body is responsible for registering voters (which can be done during an election and/or between elections), and updating the voter registry. These electoral bodies also inform voters about the need to update their information.

A review of the literature on this subject suggests that there are different types of voter registries, which can be classified based on four factors: 1) compulsory versus voluntary registration; 2) constant updating of lists versus lists created for each election; 3) registration as a State responsibility versus a citizen’s duty; and 4) specific voter registries versus the absence of any voter registry.<sup>4</sup> Each country chooses the type of registry according to specific political, historical and social considerations, and therefore, none is necessarily better than the other.

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<sup>2</sup> Urruty, Carlos Alberto, *Treatise on Compared Electoral Law of Latin America*, International IDEA, 2007, p. 467 - 468.

<sup>3</sup> López Pintor, Rafael “Purging Voter Registers”, presentation given at the First Inter-American Electoral Training Seminar, organized jointly by OAS-IFE-FLACSO-IDEA, México D.F., November 2008.

<sup>4</sup> Rafael López Pintor and Maria Gratschew, *Voter Turnout Since 1945, Voter Registration and Inclusive Democracy: Analyzing Registration Practices Worldwide*, International IDEA, 2002, p. 25.

**List of countries with “automatic” and “on request” voter registries<sup>5</sup>**

<b>Automatic Voter Registry</b>	<b>Voter Registry On Request</b>
Argentina	Antigua and Barbuda
Colombia	Anguilla
Costa Rica	Aruba
Cuba	Bahamas
Ecuador	Barbados
El Salvador	Belize
Honduras	Bermuda
Nicaragua	Bolivia
Panama	Brazil
Peru	Canada
Venezuela	Cayman Islands
	Chile
	Dominica
	Dominican Republic
	French Guyana
	Guadalupe
	Guatemala
	Guyana
	Haiti
	Jamaica
	Martinique
	Mexico
	Paraguay
	Puerto Rico
	St. Vincent & The Grenadines
	St. Lucia
	Trinidad and Tobago
	United States of America
	Uruguay

The relationship between civil and voter registries is another fundamental aspect of electoral processes. Since the right to vote and be elected depends on certain requirements confirmed by the civil registry, including nationality, place of residence and age, the accuracy of this information is vital.<sup>6</sup> The OAS places special emphasis on the countless challenges to ensuring the accuracy of civil and voter registries.

One of the mechanisms used to identify inaccuracies and constraints is a voter-registry audit. While an audit cannot “certify” a voter registry, it can provide a good analysis of the quality of the voter registry and any repercussions on the electoral process. The outcome of an audit consists of findings and recommendations that enable EMBs to improve the process of voter registration, thus producing a more accurate voter registry. Another important tool that has allowed the OAS to assess civil and voter registries has been international electoral observation. Among the

<sup>5</sup> Urruty, Carlos Alberto, *Treatise on Compared Electoral Law of Latin America*. International IDEA, 2007, p. 474-476.

<sup>6</sup> Urruty, Carlos Alberto, *Treatise on Compared Electoral Law of Latin America*, International IDEA, 2007.

problems identified by the OAS are procedures for organizing voter registries (alphabetical versus residential), obstacles to the flow of information between the civil and electoral registries, a lack of access to information, and inadequate efforts to eliminate the names of ineligible or deceased voters from the registry.

However, not all challenges regarding the accuracy and functionality of voter registries are related to technical aspects. In Latin America, major migration flows (regional and international) affect voter registries because citizens in such situations do not always remove themselves from the registry.<sup>7</sup> Also, when a person moves to a different electoral district within the same country, the voter is usually required to notify the EMB of the change in order for it to be reflected in the electoral registry, but often this does not occur. As a result, voter registration by district is inaccurate.

In addition, according to UNICEF, the latest estimates for 1996-2006 indicate that 11% of children under the age of five in Latin America and the Caribbean are not registered.<sup>8</sup> This means that a high number of future citizens is already excluded, and that if the situation persists, they will be deprived of exercising their right to vote. The challenges mentioned above are only a few, and certainly many more will be identified through the exchange of experiences at this meeting.

- **“Strengthening Electoral Processes: International Electoral Observation”**

International Electoral Observation Missions (EOMs) have become an essential tool for promoting and defending democracy in the Hemisphere. Since 1960, the OAS has observed more than 120 elections, but the most significant developments have occurred during the last 15 years. Today, the findings from various EOMs deployed by the OAS Department of Electoral Cooperation and Observation reveal that OAS member States have considerably improved their electoral processes. Similarly, member States are increasingly recognizing the legitimate role of international electoral observation.<sup>9</sup>

The evolution of international electoral observation has taken place alongside and in close relation to the political and cultural changes that have been happening in Latin America and the Caribbean. Initially, international electoral observation missions were symbolic and very limited in time and scope.

In a significant number of countries, during the transition from authoritarian regimes to democratic systems, international electoral observation missions acquired special relevance: they accompanied the transitions taking place through the

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<sup>7</sup> Carolina Perelli, *Improving Voter Registries*, presentation given at the First Inter-American Electoral Training Seminar, organized jointly by OAS-IFE-FLACSO-IDEA, México D.F., November 2008.

<sup>8</sup> UNICEF, *The State of Latin American and Caribbean Children 2008*, p.36.

<sup>9</sup> Dante Caputo, *Beyond Electoral Democracy: Building a Democracy of Citizenship The 2005 - 2006 Electoral Cycle in The Americas: A Review by the OAS General Secretariat*, Panama 2007.

holding of free elections for the main public posts, and they gave more legitimacy to these processes. These missions were more ambitious than their predecessors and election day was considered as the main aspect of the process being observed.

With the establishment of democracies, elections became just one element in the consolidation of systems, and electoral management bodies began to become more professional. At this stage, election day was no longer the most relevant element of the observed process. Today, missions also focus on the existence of equitable and fair conditions for participating in an election. Some of the main aspects that are now being considered include the role of government in political campaigns, political financing and access to the media.

In this regard, no standardized methodology existed during the first generation of international electoral observation missions. Now, however, various organizations, including the OAS, are promoting the standardization of observation methodology, in an attempt to consolidate, professionalize and constantly improve their effectiveness.<sup>10</sup>

In 2006, in accordance with the Inter-American Democratic Charter and other inter-American legal instruments, the Declaration of Principles for International Election Observation, and the International Code of Conduct for International Election Observers, the OAS developed a rigorous methodology to assess, in an objective, impartial and transparent manner, whether an election meets the standards set by international legal instruments.<sup>11</sup>

The OAS methodology for evaluating elections has as its starting point a definition of the concept of democratic elections. This definition takes into account four basic conditions: that elections be inclusive, providing equal opportunity for citizens to exercise their right to vote; that elections be free from corruption, ensuring that voters' preferences are respected and faithfully recorded; that elections be competitive, offering the electorate a choice among different candidates; and that elections be repeated regularly, ensuring authority to elected officials for a pre-determined term.<sup>12</sup>

Unlike in the years following democratic transitions when election day was the main aspect to be observed, the OAS now also places a special emphasis on the existence of equitable conditions for participation and fair access as essential elements to make an overall assessment of the electoral process and in order to contribute to the strengthening of the electoral system.

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<sup>10</sup> Elizabeth Spehar, *The Organization of American States and Electoral Observation: Advances and Lessons Learned in the 2005 - 2006 Electoral Cycle in The Americas: A Review by the OAS General Secretariat*, Panama 2007.

<sup>11</sup> Munck, Gerardo L., *Systematizing Practices: Criteria and Methods for Electoral Observation in the 2005 - 2006 Electoral Cycle in The Americas: A Review by the OAS General Secretariat*, Panama 2007.

<sup>12</sup> General Secretariat of the Organization of American States (GS/OAS), *Methods for Election Observation: A Manual for OAS Electoral Observation Missions*, Washington, DC, 2007.

Indeed, international observation missions should provide recommendations to improve electoral systems and processes. Point 4 of the Declaration of Principles for International Election Observation states: "International election observation should, when possible, offer recommendations for improving the integrity and effectiveness of electoral and related processes [...]".

Experience also shows that recommendations made by electoral observation missions are not always implemented. It often occurs that when the mission returns to observe the next election, many of the weaknesses identified still persist. This is undoubtedly due to the fact that electoral authorities do not always have the necessary human and financial resources, or the time and support to implement the recommendations. In view of this situation, since 2008 and for the first time, the OAS has made an effort to offer its good offices to implement the recommendations contained in its EOM reports, if so requested. Such projects are currently under way in three countries: Bolivia, Guatemala and Paraguay.

It is worth mentioning that OAS member States gathered in Medellín, Colombia in June 2008 also approved General Assembly Resolution 2422 that requests "the General Secretariat to provide assistance to member States that so request it for the implementation of recommendations contained in the reports of OAS Electoral Observation Missions." For institutions such as the OAS, contributing to the improvement of electoral systems and processes is without a doubt a very important task.

Cabe destacar que los Estados Miembros de la OEA reunidos en Medellín, Colombia en junio de 2008 aprobaron además la Resolución 2422 de la Asamblea General en la cual se solicita a “la Secretaría General que brinde asistencia a los Estados Miembros que así lo soliciten para la implementación de las recomendaciones contenidas en los informes de las Misiones de Observación Electoral de la OEA.” Contribuir al mejoramiento de los sistemas y procesos electorales es sin duda una tarea muy importante para instituciones tales como la OEA.