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Harmonizing Observation Methodologies: The Challenges of Legal Identity, Citizenship and Voting

Summary of Proceedings

September 27 – 28, 2012

The Carter Center

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Introduction and Background to the Meeting

As part of its ongoing Democratic Election Standards initiative, The Carter Center hosted a two day workshop entitled *Harmonizing Methodologies - Identity Citizenship and Voting Rights*. The meeting brought together experts from a number of leading international organizations focused on elections and election observation. The principal aim of the meeting was to begin a conversation within the international elections community on these issues, and to present research on voter identification practices in Latin America and Africa conducted on behalf of The Carter Center.

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The first day of the meeting focused specifically on issues related to principles and practice regarding voter identification and registration. Discussion on the second day was broader, with participants considering issues related to citizenship and identity more generally, with emphasis on how these concepts impact elections and the work of observers.

This paper summarizes the main points of discussion from the meeting. A participant list and the agenda for the meeting are attached as appendices to this summary. Chatham House rules governed these proceedings.

Background paper: Voter Identification Requirements and Public International Law

As background materials for the meeting, The Carter Center commissioned a research report on comparative voter identification practices in Africa and Latin America. Tova Wang, the author of the report, presented the main findings to meeting participants. The purposes of this research were three-fold. First, the Center hoped to better understand voter identification processes in Africa and Latin America and to determine whether there were global or regional commonalities of practice. A second purpose was to use the research to begin discussions of how these commonalities of practice could be used to bridge gaps in international law and to inform observation methodologies. Finally, the research was intended to broaden a field of research which focuses heavily on the role of voter identification in fraud prevention, by focusing on the potential of voter identification practices to undermine electoral rights and disenfranchise population groups.

The report provides an overview of the laws and procedures for verifying an individual's identity for the purposes of registering and voting in a selection of African and Latin American countries. It compares the two regions and considers, in broad brush strokes, whether the laws and procedures fulfill international obligations and electoral rights. The study represents an initial effort to explore this issue and to analyze the relative value of voter identification requirements vis-à-vis the delicate balance between fraud prevention and facilitating greater participation among potential voters. The final version of the paper entitled **Voter Identification Requirements in Africa and Latin America**, is available on The Carter Center website.¹ A separate but related article, **Focus on: Voter Identification**, is available on the ACE Electoral Knowledge Network's website.²

¹ <http://www.cartercenter.org/resources/pdfs/peace/democracy/des/voter-identification-requirements.pdf>

² <http://aceproject.org/ace-en/focus/voter-identification>

Session 1: Voter ID and Registration – Principles and Practice

Following Ms. Wang's presentation, participants discussed the principles and practice of voter identification and registration. The conversation focused on the following guiding questions:

- How can the success of voter identification and registration practices be assessed? What are the core concepts and benchmarks that can be used to evaluate the success of voter identification and registration processes?
- Are the international obligations and other principles that are used when evaluating the success of voter identification and registration practices adequate? If not, what important principles are missing?
- Does the increasing use of biometric systems require new definitions of success? Are there additional principles that should guide assessing procurement, planning and implementation of these systems? Are there principles that can guide whether initiating a biometric process will be helpful to the democratic process or not?

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The main points of discussion regarding these questions are outlined below.

Obligations and Principles on voter identification and registration

Public international law provides some guidance on questions of citizenship, voter identification and voter registration. At the international level, the United Nations Human Rights Committee's General Comment 25 on the right to participate in public affairs and voting rights, for example, explicitly discusses the importance of voter registration to the electoral process, thereby implicitly recognizing the importance of some sort of identification requirement.³ During the course of the workshop, participants discussed the obligations and principles found in international law regarding citizenship, registration and identification, but also considered those aspects of citizenship, registration, and identification which are not addressed in international law.

Table one, below, summarizes the obligations and principles found in international law, as well other, guiding principles that expert participants considered important to a full understanding of citizenship, identification, and registration. In general, participants agreed that in order for standards to be applicable across countries, they need to be broad and flexible, because in many cases the policies and procedures for identifying voters will reflect historical relationships between the citizen and the state, and will be impacted by citizens' trust and confidence in the system.

³ General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25) : . 07/12/1996. CCPR/C/21/Rev.1/Add.7, General Comment No. 25. (General Comments)

Table 1 – Existing Obligations and Additional Guiding Principles

<i>Existing Obligations in International Law</i>	<i>Additional Guiding Principles</i>
<ul style="list-style-type: none"> • Citizens should have the right and the opportunity to participate in the public affairs of their country, including through electoral processes. • Any conditions that apply to the enjoyment of the right to participate should be based on reasonable and objective criteria (such as citizenship, residency, age etc.) • Voter registration is an important aspect of the electoral process. • An opportunity must exist for citizens to register to vote, where that is a prerequisite to the enjoyment of this right. • Any conditions that apply to voter registration and other aspects of the electoral process should be based on objective and reasonable criteria. • Obstacles to registration (including technical barriers) should not be imposed. • There should be no discrimination in the law or in practice on the basis of gender, race, political opinion, birth, property ownership or other status. • There should be no abusive interference in the registration process. • Steps should be taken to ensure that displaced persons can replace lost or destroyed identity documents that prove their citizenship. • States must take effective measures to ensure citizens are able to vote (including facilitation of the voter identification and registration processes). • Voters should have access to the data collected about them and have the ability to correct mistakes. This includes making lists available for public review, while ensuring that only the information necessary for the verification of the list is made public to avoid violations of privacy. • Voters should have the right to an effective remedy regarding voter ID and registration practices. 	<ul style="list-style-type: none"> • Demographic information about the public should be available, disaggregated by gender, and geography. • Voter ID and registration processes should be as comprehensive as possible with the aim of reaching all eligible voters. • Any voter ID and/or registration system used should be sustainable by the country beyond the immediate election cycle, and be cost-effective. • Voter registers should be regularly updated. • The introduction of electronic and biometric identification and registration systems should not replace other checks on the integrity of the electoral process (for example inking of fingers and/or election observation). • Voter identification and registration workers should receive training to ensure that they apply any criteria for determining eligibility consistently. • If a voter does not have access to personal identification documentation, alternative identification methods should be considered (e.g. vouching). These methods should be permissible for a limited amount of time/number of elections. • Steps should be taken to ensure public confidence in the system selected for voter identification and registration. • The procurement of systems for voter registration should be transparent and subject to accepted standards for competition. • Any data collected as part of the identification and registration process should belong to the EMB (not the vendor or any other state agency). • Vendors should provide training for election workers and voter education materials about the system in use. • Feasibility studies should be conducted prior to the introduction of a new system.

What constitutes success in identification and registration?

In addition to the principles and obligations outlined above, meeting participants also discussed other means of evaluating the success of voter identification and voter registration efforts. In particular, there was discussion of quantitative measures of success. For example, does there need to be a certain minimum percentage of citizens that receive voter identification documents or are registered for the efforts to be considered successful? Does this information need to be disaggregated by gender, geographic location or other criteria? If so, is there an obligation on the state to maintain accurate population data? In posing these questions, participants also considered the appropriateness of disaggregated data based on ethnicity, physical disability or other status or characteristic.

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In this context participants noted that low registration numbers may not reflect an unsuccessful voter registration effort, but may be the result of the broader political environment or voter apathy. Conversely, high voter registration numbers may be the result of compulsory registration or voting or civil registry-based registration.

Civil Registry or other national population registers vs. Voter Registry

Participants discussed the relative merits of using a civil registry as the basis of the voter registry. Through civil registration, countries can keep a continuous and complete record of births, deaths and the marital status of people within their jurisdiction, while voter registration establishes the eligibility of individuals to cast a ballot. In some countries (particularly in Latin America and the Middle East), the civil registry data is used as the basis for the voter register. While such use of the civil registry can in some cases be cost-effective, participants pointed out that it can also cause problems, particularly if the civil registry is poorly maintained. In addition, using the civil registry as the basis of the voter registry can have unintended consequences. For example, it can require that voters return to the village of their birth to vote, thereby disenfranchising large segments of the population that cannot travel for various reasons.

Participants noted that election observers are unlikely to comment on the maintenance of the civil registry outside of its use as the basis of a voter register. This can be for multiple reasons, including lack of access to the civil registry data, lack of time and resources to adequately evaluate the data, and concerns about the mandate of international election observation missions to conduct such analysis.

Vouching

Participants expressed concerns about the practice of “vouching” or using witness testimony as the basis for voter eligibility decisions. On the one hand, this practice, common in many African countries, provides flexibility in circumstances where documentary evidence of eligibility may be lacking. On the other hand, vouching may increase the likelihood of inconsistent application of eligibility criteria and may be more subject to political manipulation. In general, participants agreed that if vouching was allowed, it should be temporary in nature.

Cost of IDs

The cost of voter IDs was discussed throughout the course of the two day meeting. Overall, participants agreed that charging voters for voter identification documents was an unreasonable restriction on the right to vote. This can be more complicated, however, when the ID used for

voting, such as a national ID card, has other purposes. In such cases, it was suggested that the ID be provided for free for a specific period of time in advance of election day.

Use of Voter Data for Other Purposes

Participants expressed concern about the use of data collected during identification or voter registration efforts for purposes other than establishing eligibility to vote. For example, in some cases, voter registration data is used as a substitute for a census when budget apportionment is being decided, or may be shared with police or taxation departments as a means of creating a central database of citizens. One participant pointed out that the use of voter data for purposes other than elections is one way that some countries ensure the information is up-to-date.

In some cases where biometric voter registration systems have been employed, unhindered, permanent access to the software source code (and thus, by extension, the means to manipulate the data) by the EMB has not been possible due to the use of proprietary software by the vendor that has sold the biometric voter registration (BVR) system to the election commission. Participants expressed concern about corporate and/or foreign entities having access to the personal data of citizens (see section below).

Electronic Voter Registration vs. Biometric Voter Registration

Participants drew a distinction between electronic voter registration (EVR) and biometric voter registration (BVR) systems. EVR systems capture voter registration information electronically, and are often introduced to facilitate data analysis and cross-checking of voter information, as well as to facilitate or prevent voting in other or multiple polling places. BVR systems include biometric data (physical information used to identify persons, unique to each individual, such as digitized photographs, finger-prints or retinal information), and can therefore assist to identify multiple registrations by the same person. BVR must then be used in conjunction with other measures to verify the identity of the voter, and their eligibility to vote. Participants agreed that EVR systems can be a useful addition to many voter registration systems, making them more efficient and effective. However, many participants expressed serious concerns about BVR systems.

In particular, meeting participants were concerned about the high-cost of both EVR and BVR systems, and pointed out that the cost of the system includes not only the initial outlay for the equipment and software, but also costs associated with the maintenance of the systems. In many cases the cost of systems is exacerbated by expensive but not necessarily effective system requirements. It was pointed out that there may be more cost-effective means of reaching the same end, and international development agencies should be cautious in investing heavily in BVR systems without first considering sustainability and where voter identification fits in the development agenda of the country in question.

Use of Voter Data for Other Purposes: Examples Cited

India: Voter registration cards can be used to access state benefits. This has led to an increase in voter registration. However, there is concern that this also may lead to increased instances of fraud.

Sierra Leone: Data collected about citizens of Sierra Leone is 'de-duplicated' (checked for multiple registrations) in Belgium by the Belgian vendor of the voter registration system.

Democratic Republic of the Congo: Data collected in the DRC was analyzed in the Philippines.

Participants also discussed the fast pace at which technologies develop, and the ways in which policies, particularly with regard to privacy, struggle to keep up. While data management standards exist in many spheres (particularly the private sector), EMBs may not be fully cognizant of similar standards developed in the context of elections and the safekeeping of citizen data.

Participants were particularly interested in the role of vendors in the introduction of EVR and BVR systems and were concerned that election management bodies are at times entering contract negotiations with vendors without clearly understanding their own needs, or what they should be negotiating for. Participants agreed that, at a minimum, system software code, and more importantly, the unhindered ability to access and manipulate the data itself, collected as part of the voter registration system, should belong exclusively to the election management body (EMB) and not to a third-party. At times election commissions lack the capacity to really implement EVR and BVR systems themselves and so become dependent on the vendors.

Participants recognized that there is political pressure within countries to find an off-the-shelf solution to election problems and that, in some cases, EVR and BVR seems like a “silver bullet.” However, based on their experiences, meeting participants agreed that it seemed that EVR and BVR systems are at times introduced without the benefit of a thorough feasibility study and without careful consideration of whether these systems will actually solve problems experienced in previous elections. Another example of where BVR systems are assumed to solve the problem of multiple registrations is with regards to the effectiveness of capturing of digital fingerprints for biometric analysis. In some countries, the system, either because of poor training of staff or damage caused to thumb or fingerprints over the course of many years of agricultural labor, etc. has failed to capture the thumbprint of up to 20 percent of registrants. In such a case, one in five prints cannot be checked for de-duplication, and the credibility of the process can thus be questioned.

It was agreed that frank discussion is needed about the role of vendors and corporations in the electoral process. Concrete suggestions included the development of contracting standards for EMBs and vendors, and a voluntary code of conduct for vendors.

Participants also agreed that both EVR and BVR systems do not negate the need for multiple additional checks to be built into the procedures of the election to ensure the legitimacy of the process. These checks help foster trust and confidence in the process, without which any election is subject to criticism.

EVR vs. BVR: Examples Cited

Cote d’Ivoire: For the 2011 election in Cote d’Ivoire the voter registration system collected fingerprints from all ten fingers. While this met Interpol standards, participants argued that collecting all ten prints was onerous and costly requirement that did not provide benefits proportionate with the cost.

Ghana: The National Election Commission of Ghana finally succumbed to pressure from political parties and international donors who were interested in using BVR voter registration systems for the 2012 election, and used 26,000 voter identification machines across the country.

Jamaica: Biometrics were introduced in Jamaica in response to widespread intimidation, in which parties took voter ID cards from voters.

Privacy vs. Access to Information

Participants discussed in some detail the competing needs for privacy of voter information, versus access to information for political parties who may need access to the voters' lists in order to effectively campaign. Participants generally agreed that there is value in parties having access to voters' lists and that the list should be provided in a format that is useable to parties (i.e. searchable). However, participants also agreed that at times this needs to be balanced with the privacy rights of individual voters and that this can be accomplished in multiple ways, for example by redacting some information or offering voters the chance to "opt-in" to having their information shared with parties.

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The exhibition and challenges period for the voters list was also discussed in the context of voter privacy. Participants agreed that the practice of publicly posting the list at polling stations was an acceptable means of ensuring voters can review and rectify information about themselves, without necessarily undermining their privacy.

Session 2: Observation of Voter Identification and Voter Registration – Experiences and Methods

During the second session, participants focused more on the opportunities and challenges of observing voter identification and registration processes, as well as the means and methods of observing these aspects of the electoral process. In particular, discussion focused on the following questions:

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- Is it possible for election observers (domestic-citizen and international) to meaningfully observe voter identification processes? Is this within the mandate of observers?
- What are the opportunities and challenges presented by observation of these issues?
- Do existing observation methods adequately address these opportunities and challenges?
- What improvements or adjustments could be made to observation methods?

All participants agreed that analysis of voter identification and voter registration were an important aspect of the election observation process, and that a focus on the electoral cycle results in observers commenting on issues and procedures that are broader than the election itself. Many participants noted, however, that observation of voter identification and registration are often post-hoc because observation missions don't arrive until after the conclusion of these processes. While post-hoc analysis is possible, it's not always as rigorous and data-driven as possible. Participants agreed that observation of voter registration process is an important opportunity for collaboration between domestic and international observers.

A number of organizations have published methodology handbooks focused specifically on voter registration. Some organizations, including the EU, are moving towards including "data analyst" positions within the election observation mission core team that focus on analyzing data on voter registration and election results, as well as observation data from long- and short-term teams.

Other organizations have conducted specialized voter registration missions in which long-term observers are deployed to observe the entirety of the registration process, (e.g. The Carter Center's missions to Sudan, Cote d'Ivoire, and Nepal, and the early deployment of the EU's mission to Sudan for the voter registration process leading up to the independence referendum). The methods for such a mission will necessarily be determined by the system of registration in use. Funding for such observation missions is not always easy to secure and so participants agreed that greater effort should be made to explain the importance of voter registration observation to donors.

Separate, but related, the OAS has conducted five *audits of voter registries* in El Salvador, Bolivia, Dominican Republic, Paraguay and Guatemala. These efforts have required a large team and have taken 4 – 5 months to complete. For many other organizations such an audit is simply not feasible – they don't have the time, money or access to the data that would facilitate such a review. Participants generally agreed that audits of this nature should be separate from election observation missions.

Session 3: Citizenship, Identity and the Right to Vote – Obligations and Principles

In session three, at the beginning of the second day, meeting participants were encouraged to discuss broader issues of citizenship, identity and the right to vote. Specifically, the conversation focused on the following questions:

- What can international observers say about rules regarding citizenship within the context of election assessments? Are assessments of the rights of citizenship a common practice in missions, and if so what obligations or principles guide that evaluation?
- What can international observers say about citizens lacking official documentation and their ability to vote? Should the right to identity (for citizens?) be a part of observation reporting?
- What obligations or principles guide restrictions on the rights of citizens to participate in elections? For example, restrictions on the voting rights of civil servants, military personnel, judges, or others?
- Is it out of country voting necessary to ensure universal suffrage? Should dual nationals have full voting rights in each country? What constitutes a reasonable restriction on voting rights in these sorts of circumstances?
- What principles can and should guide evaluation of the enjoyment of voting rights by internally displaced people (IDPs) and refugees?

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From the outset, participants agreed that issues of citizenship and voting rights lie at the heart of the work of election observers. However, the question of who can be a citizen can be politically sensitive and so observers have historically been cautious and/or inconsistent in how they address this issue. At times this has meant that issues of citizenship are addressed in final reports of election observation missions, because to address them in public statements could result in missions having problems with some national stakeholders.

A number of specific issues with regard to citizenship and voting rights were considered. These include out of country voting; military voting; voting by persons with disabilities; national and ethnic minorities; and non-citizen voting rights.

Out of Country Voting (OCV)

There was a good deal of discussion on the voting rights of citizens who reside outside of their home country. Participants agreed that there was a general trend to increase OCV and that this raises a number of questions with regard to election administration. For example, how to assign out of country voters to constituencies? Do campaign regulations apply in other countries? Does OCV create obligations for the host country, for example, to provide security or locations for voting? Is it reasonable to require that there be some sort of ongoing connection with the home country in which you are voting? Does OCV affect the quality of the process?

Restrictive Citizenship: Examples Cited

Sudan: Citizenship and identification was determined based on tribal affiliation.

Lebanon: Citizenship denied to 'Palestinians,' including persons born and living their entire lives in Lebanon.

Maldives: Citizens must be Sunni Muslims.

Liberia: Citizens must be of "negro descent."

Participants also discussed the high cost of organizing out of country voting. This includes not only the election day costs, but also the costs associated with voter registration, education, and campaigning. One means of facilitating OCV at lower cost is through the use of internet voting, however this also poses challenges. For example, voter identification of internet voters is a challenge that has to be addressed. Another suggestion posited was to restrict OCV to elections for certain levels of government or offices.

Military Voting

During the discussion of military voting rights, it became clear that there is a wide variety of practice with regard to: (1) allowing military personnel to vote; (2) when and where the military may vote and how their ballots are counted; and (3) whether they are granted special privileges to ensure that they vote. In general, participants appeared to be in agreement that groups of voters such as the military should not receive special privileges with regard to voting rights (except those identified by the international community through international law as having suffered past discrimination).

Migrant Workers

The challenge of voting by migrant workers was the subject of general agreement among participants. Specifically, participants recognized that some aspects of the electoral process may unintentionally disenfranchise migrant workers, for example, the use of the civil registry as the basis of the voters list which may require migrant workers to travel long distances to be able to cast their ballots, or residency requirements to register.

Persons with Disabilities

Participants agreed that the Convention on the Rights of Persons with Disabilities provides important safeguards for the protection of rights not only for those with physical disabilities, but also for those with intellectual disabilities. Specifically, participants noted that the language in General Comment 25 should be superseded by the newer, legally binding treaty.

The discussion then moved on to the provision of assistance to voters with disabilities. Questions raised included who can legitimately assist a disabled voter, and what can that assistance include? Many participants agreed that the potential benefits of electronic voting technologies to disabled and elderly voters were among the most compelling arguments for its introduction.

National and Ethnic Minorities

Noting that international law protects the voting rights of some ethnic minority groups (under the International Covenant on the Elimination of Racial Discrimination), participants moved on to discuss the rights of other national minorities, particularly the right to receive information in minority languages. Regional obligations and commitments diverge on this point. For example, there is no

Out of Country Voting: Examples Cited

Mexico: OCV has been facilitated in Mexico, but historically OCV numbers have been low.

Ireland: the out of country citizen population is much larger than the in-country citizen population and therefore there is not a lot interest in amending the law to allow for OCV.

obligation to provide materials in minority languages in the OAS treaties, while the OSCE political commitments do include consideration of minority language issues.

There was similar disagreement among the participants over whether a requirement that voter registration and education materials be printed in all minority languages was a reasonable expectation. While some argued that it was essential to the fulfillment of the right to vote, others contended that in many countries many local languages not used for written communication and that the provision of materials in all of them could not be realistically expected of election authorities.

Seats Reserved by Constitutional or Legal Mandate

The subject of constitutionally mandated reserved seats arose in the context of discussion on national minorities and their ability to freely vote for whomever they choose. Specifically, participants considered whether such seats were always beneficial to the minority group they were intended to protect. Several examples were given of cases where these protections had unintended consequences and may inadvertently restrict the ability of minority group members to truly cast their vote freely in that they may not be able to vote for any candidate, but only those designated to represent their interests. This was distinguished from quotas or legally mandated reserved seats that allow freedom of choice while also empowering historically under-represented groups. In general participants agreed that it was important to begin moving beyond quotas to considering other ways of ensuring meaningful representation.

Non-citizen voting

Non-citizen registration and voting in local elections is an accepted practice in many countries. However, participants also recognized that non-citizen voter registration can also be used as a “political smokescreen” to disenfranchise eligible voters.

Session 4: Citizenship, Identity and the Right to Vote: Further Reflections and Experiences

Discussion continued regarding key issues of citizenship and legal identity. The OAS took the opportunity to provide a brief overview of the Universal Civil Identity Program in the Americas (PUICA) which is aimed at combating under-registration in the Americas. Not only does the effort focus on recording new registrations, but in some instances the OAS is working to recreate legal identities for people whose

Seats Reserved by Constitutional Mandate:	Examples Cited
Croatia:	A law on national minorities reserved seats for 19 legally recognized minority groups. However, this has resulted in allegations and observations that minorities have been pressured to vote for the minority seat and NOT for ‘general’ seats in their geographic constituency.
Bosnia Herzegovina:	the European Court of Human Rights recently decided that the power-sharing agreement put forward in the Dayton Agreement, and enshrined in the Bosnian constitution was a violation of the European Convention on Human Rights. The power-sharing agreement allowed participation only by Bosniacs, Croats and Serbs, and did not allow participation by other minorities such as the Roma or Jews, and did not facilitate participation by the three groups in geographic areas in which they were not the majority. ¹

identities were destroyed, for example during conflict. Participants were impressed by this program, and recognized it as a potential model for replication in other regions of the world. More information about the PUICA can be found on the OAS website.⁴

Session 5: Citizenship, Identity and the Right to Vote: Observation Methods

In the final session of the workshop, participants focused on the challenges of developing consistent but flexible and useful observation methods for “non-traditional” election processes, such as OCV. While there is a variety of practice among the organizations represented, there was general agreement that observers must continue to develop new techniques for observing these parts of the electoral process. Special attention was given to observing the participation of IDPs, OCV, women and national minorities.

Observing the participation of Internally Displaced Persons (IDPs).

The organizations represented had different approaches to observing the participation of IDPs. For some organizations this is an area of focus. For others it is not. All agreed that it is important to consider all aspects of the electoral process from the perspective of IDP participation, particularly voter registration processes.

Observing OCV

Here again, there were varying practices with regard to the observation of OCV among represented organizations, and it was generally concluded that observation of OCV requires slightly different methods to be used. For example, depending on the OCV process, international observers may remain in one place over the course of several days rather than roaming among polling places. Similarly, citizen observer groups may deploy diasporic members to observe OCV.

In addition, observation of OCV poses unique challenges such as obtaining third country visas. In some cases it’s beneficial to recruit international observers from within the country in order to avoid complicated visa application processes. Training OCV observers also is challenging in that the observers are generally not all together at one time as they would be for a short-term observer briefing prior to deployment. OCV observation is also costly. While the OCV votes can have a huge impact on final results in some countries, participants agreed that often OCV numbers are relatively small and that observer organizations have to calculate the benefits of observation with regard to the credibility of the mission against the financial and resource burden. Finally, host countries may not permit the observation of voting in foreign elections on their soil. And related to this, an invitation to observe may extend only to observation on the territory of the country and not abroad.⁵

Observation of participation by women and national minorities

A number of organizations have handbooks and methods for observing the participation of women and national minorities in the electoral process. During the course of the discussion almost all organizations represented admitted that they are probably not doing enough to ensure that these issues are not sidelined during the observation process for various reasons.

⁴ <http://www.oas.org/en/spa/dep/dep/puica.asp>

⁵ As the voting of Croatian citizens in Bosnia and Herzegovina is such a sensitive political issue, but as the invitation to observe the Croatian elections in 2007 did not extend to abroad, the OSCE/ODIHR Limited Election Observation Mission to Croatia organized a meeting with the Croatian Embassy in Sarajevo in November 2007.

Conclusions

The meeting concluded with agreement that the issues of citizenship, identity and voting rights require continued research and exploration by the elections community. Concrete suggestions for next steps included the expansion of Tova Wang's research on voter identification processes to include consideration of the Middle East and Asia; efforts to promote coherence between the population statistics groups within the United Nations on the obligation of states to provide demographic information and the form and content of that information; and the holding of similar workshops in the future.

Acknowledgements

The Carter Center is grateful to Tova Wang for her research and authorship on the Voter Identification report. In addition, the Center would like to thank the participants of the meeting for their insights and contributions to the meeting, and ongoing partnership and support of the Democratic Election Standards project. This meeting was made possible by contributions from the Bedford Falls Foundation and the Civil Society Fund of the Republic of Ireland.

Harmonizing Observation Methodologies: The Challenges of Legal Identity, Citizenship and Voting Rights

The Carter Center, Atlanta GA - September 27 - 28, 2012

AGENDA

Thursday, September 27, 2012

Location: Cyprus Room

10:00 – 10:30

Arrive at The Carter Center

453 Freedom Parkway, Atlanta GA 30307
Executive Offices Entrance

10:30 – 11:00

Welcome, Introductions and Setting the Stage

David Carroll

11:00 – 12:00

Presentation of Research on Voter Identification

Presenter: Tova Wang

Ms. Wang will provide an overview of her recent research for The Carter Center on voter identification practices in Africa and Latin America with a Q & A session.

12:00 – 12:30

Brief discussion of voter identification issues in the United States

Facilitator: David Carroll and Tova Wang

The controversy of voter identification practices in the United States, and how they compare to practices in other parts of the world, will be discussed.

12:30 – 1:30

Lunch

1:30 – 3:00

Voter ID and Registration – Principles and Practice

Facilitator: Alan Wall

Participants will explore international obligations and other principles that should guide voter identification and registration processes, as well as existing and emerging voter identification and registration practices. Questions for consideration include:

- How can we assess the success of voter identification and registration practices? What are the core concepts and benchmarks that can be used to evaluate the success of voter identification and registration processes?

- Are the international obligations and other principles that are used when evaluating the success of voter identification and registration practices adequate? If not, what important principles are missing?
- Does the increasing use of biometric systems require new definitions of success? Are there additional principles that should guide assessing procurement, planning and implementation of these systems? Are there principles that can guide whether initiating a biometric process will be helpful to the democratic process or not?

3:00 - 3:30

Tea and Coffee Break

3:30 – 5:00

Observation of Voter Identification and Voter Registration – Experiences and Methods

Facilitator: Domenico Tuccinardi

Participants will discuss the opportunities and challenges of observing voter identification and registration processes, as well as means and methods of observing these aspects of the electoral process. Specific questions for consideration include:

- Does the research presented by Ms. Wang correspond with participant experience?
- Is it possible for election observers (domestic and international) to meaningfully observe voter identification processes? Is this within the mandate of observers?
- What are the opportunities and challenges presented by observation of these issues?
- Do existing observation methods adequately address these opportunities and challenges?
- What improvements or adjustments could be made to observation methods?

4:00 – 5:00

Closure of the day

Facilitator: Avery Davis-Roberts

6:30

Group Dinner

Location: TBD

Friday, September 28, 2012

Location: Cyprus Room

9:00 – 9:15

Overview of Day One and Setting the Scene for Day Two

Facilitator: Avery Davis-Roberts

9:15 – 10:45

Citizenship, Identity and Right to Vote: Obligations and Principles

Facilitator: Mark Stevens

Specific questions for consideration include:

- What can international observers say about rules about citizenship within the context of election assessments? Is consideration of the rights of citizenship a common practice in missions, and if so what obligations or principles guide that evaluation?
- What can international observers say about citizens lacking official documentation and their ability to vote? Should the right to identity (for citizens?) be a part of observation reporting?
- What obligations or principles guide restrictions on the rights of citizens to participate in elections? For example, restrictions on the voting rights of civil servants, military personnel, judges, or others?
- Is it out of country voting necessary to ensure universal suffrage? Should dual nationals have full voting rights in each country? What constitutes a reasonable restriction on voting rights in these sorts of circumstances?
- What principles can and should guide evaluation of the enjoyment of voting rights by internally displaced people (IDPs) and refugees?

10:45 – 11:00

Break

11:00– 12:00

Citizenship, Identity and the Right to Vote: Further Reflections and Experiences

Facilitator: Steven Griner

12:00 – 1:00

Lunch

1:00 – 2:30

Citizenship, Identity and the Right to Vote: Observation methods

Facilitator: Andy Bruce

Participants will discuss observation of citizenship and voting rights issues. Specific questions include:

- What have been the experiences in observing out of country voting, voting by IDP population or other groups of citizens whose voting rights are often restricted?
- What are the opportunities and challenges presented by this kind of observation?
- Do existing observation methods adequately address these opportunities and challenges? What changes can or should be made?

2:30 – 3:30

Review and Summary

David Carroll and Avery Davis-Roberts

Participant List

Rakeb Abete – National Democratic Institute

Andrew Bruce – Electoral Reform International Services

Steven Griner – Organization of American States

Richard Lappin – Office for Democratic Institutions and Human Rights/OSCE

Niall McCann – United Nations Development Programme

Marcela Garzón – Organization of American States

Mark Stevens – Commonwealth Secretariat

Domenico Tuccinardi – Network for Enhanced Electoral and Democracy Support/IDEAS

Alan Wall – International Foundation for Electoral Systems

Tova Wang – Demos

Peter Wolf – International Institute for Democracy and Electoral Assistance

Carter Center Staff

David Carroll, Director – Democracy Program

Avery Davis-Roberts, Assistant Director – Democracy Program

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Sarah Johnson, Assistant Director – Democracy Program

Brett Lacy, Assistant Director – Democracy Program

Yawei Liu, Director – China Program

Jennifer McCoy, Director – Americas Program

David Pottie, Associate Director – Democracy Program

Chansi Powell, Program Associate – Democracy Program

Tessa Stromdahl, Associate Director – Development