

# IN EFFECT, DO WE ELECT IMAMO LI IZBORA



## Report

### Discussion Table: **Building trust: Efficient election administration and safeguarding against manipulation**

Conference: ["In effect, do we elect?"](#)

October 24, 2024

Materials used in the roundtable discussion are available [here](#).

At the roundtable on electoral administration titled "Building Trust; *Efficient election administration and safeguarding against manipulation*", participants discussed the following topics: the organization of electoral commissions' work, the composition of electoral administration bodies, problems of political influence on the electoral administration, citizens' (lack of) trust in electoral administration, and the work of election bodies abroad. The discussion was closed to the public.

In the introductory remarks, CRTA emphasized that the role of electoral administration is not just the technical organization and conduct of elections, but that it is also obliged to ensure that elections are free and fair. Participants were invited to propose new ideas and solutions to improve the functioning of the electoral administration. CRTA's findings highlighted increasing political influence on the work of the Republic Electoral Commission (REC), as well as that REC has no authority over certain parts of the electoral process where most problems arise (voter list, media, campaign financing). It was noted that REC lacks an independent professional service. Additionally, the lack of training among polling station committee members and incompetence among local electoral commissions were identified as problems, as well as one of the biggest issues in the December elections in Serbia: the misuse of citizens' personal data, which was publicly discussed. Institutions failed to provide any response to these problems, further eroding citizens' trust in the rule of law.

Topics discussed during the roundtable included:

- The problem of citizens' (lack of) trust in electoral administration
- Political influence on electoral administration and mechanisms for counteracting it

- Composition and structure of the electoral administration
- Examples of current and planned electoral administration reforms in Moldova
- Structure and functioning of electoral administration in Bosnia and Herzegovina
- Structure and functioning of electoral administration in Croatia
- Structure and functioning of the Republic Electoral Commission and electoral administration in Serbia

In addition to discussing these issues during the introductory presentations and debate, participants at the roundtable also proposed potential new solutions for improving the work of the electoral administration.

## **I Mechanisms for Counteracting Political Influence and Voters' Distrust in Electoral Administration**

It was emphasized that observers evaluate the work of electoral administration in terms of its integrity, independence, and inclusiveness. Key elements influencing the independence of electoral administration are the legal framework, transparency, and accountability. It was further suggested that an independent electoral body is one that is resistant to political influence and that preventing political influence largely depends on political culture.

The following mechanisms for counteracting political influence were highlighted: the integrity and professionalism of members, the selection process of members, decision-making methods, and the neutrality and autonomy of the professional service.

It was also noted that in Western Balkan countries (Serbia, Croatia, and Bosnia and Herzegovina), there is significant distrust among citizens—voters and candidates—towards the work of the electoral administration in the electoral process.

## **II Composition and Structure of Electoral Administration**

The discussion also covered models for the composition of the central electoral commission—expert, representative (party-based), or mixed. It was pointed out that there are no international standards that determine which model is best, meaning that each model has its own advantages and disadvantages, and countries are therefore free to choose the most suitable method and composition of the electoral commission based on their legal system and political context.

It was concluded that political parties must be equally represented in the administrative body that conducts elections, and formal mechanisms must be developed to prevent the domination of one party in the central electoral commission.

Mechanisms for selecting members of lower levels of the electoral administration were also discussed, such as random selection of members or a solution involving both party participation and randomly selected members. It was noted that the first solution would contribute to the neutrality of lower levels of electoral administration, while the second would ensure representation of political parties, giving them some control over the electoral process.

It was emphasized that it is crucial to ensure balanced representation of political representatives as well as independent experts. The expert model's advantages were highlighted: greater integrity of members who make decisions based on legal arguments, minimized influence of

political parties on members, and greater neutrality compared to the representative model. It was noted that judges could also serve as experts in electoral commissions, as practices in other countries have shown that judges are not susceptible to political pressure and that their presence in commissions strengthens their credibility and neutrality.

Mechanisms that can ensure the independence of elected members were also discussed, with the establishment of qualification criteria for those chosen as members being suggested as a potential solution. Regarding the professional service, it was emphasized that staff should be constantly trained on ethics, electoral law, and international standards for free and fair elections, which could improve expertise.

Additionally, the significant role of international cooperation and exchange of experiences from existing practices of electoral commissions was highlighted, along with the importance of public oversight—free and independent media whose reporting could positively influence the education of citizens about electoral rights.

### **III Solutions from Comparative Practice – Examples from Spain, Moldova, Bosnia and Herzegovina, and Croatia**

Practices of electoral commissions in other countries were presented during the discussion. Below is a brief overview of key observations by the discussion participants:

#### **A) Spain**

The Spanish electoral commission has a mixed composition consisting of eight members—Supreme Court judges selected by lot and five professors of law, political science, or sociology appointed through parliamentary party agreements, with some appointed by the ruling majority and others by the opposition. The presence of experts (judges and professors) in Spain's central commission strengthens its reputation in society and fosters public trust in its impartial actions.

The Spanish central electoral commission does not have its own professional service but instead uses the professional service of the Spanish parliament, which is noted as a drawback of this model of electoral administration.

#### **B) Moldova**

The appointment method for members of the Central Electoral Commission and other election bodies in Moldova is nearly identical to that in Serbia, although reforms have been announced for 2026 to strengthen the integrity and independence of the Central Electoral Commission's work.

The Central Electoral Commission in the 1990s was an ad hoc body—members were chosen from the judiciary (later including the prosecution), represented different political viewpoints, and had legal education but lacked experience in organizing elections, which diminished

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professionalism and led to consideration of a different approach. Since the initial reform, the Central Electoral Commission has had a permanent composition that includes a president, vice-president, and secretary. The current commission consists of nine members (representatives of state bodies, political parties, and one representative from the non-governmental sector).

All actors, including voters, are responsible for the quality of the Central Electoral Commission's

work. The judiciary oversees the process, the police ensure security, and the Ministry of Foreign Affairs oversees voting abroad. Civil society plays a role in voter education, monitoring elections, and providing recommendations.

Regarding professionalization, Moldova introduced a novelty in 2022. There are permanent district commission presidents who pass an exam and receive a certificate, with their authority covering the preparation of polling stations, voter information, and monitoring political parties. There is also a Center for Permanent Electoral Education that certifies officials and is responsible for research in the field of elections but operates under the supervision of the Central Electoral Commission. Furthermore, the commission has increased its staff, and there is a special department for overseeing political party financing.

### **C) Bosnia and Herzegovina**

In Bosnia and Herzegovina, one of the key issues regarding electoral administration is frequent amendments to legal regulations before or during the electoral process.

One of the main challenges for the Central Electoral Commission (CEC) is the dissatisfaction of key political parties with the fact that, with the election of a new CEC, some parties in the ruling majority lost absolute control over the administration. In some countries in the region, political parties nominate commission members, but this is not the case in Bosnia and Herzegovina. In Bosnia and Herzegovina, the central electoral body consists of seven members, determined by ethnic criteria—two members from each of the three nationalities and one additional member. Despite this, there are cases of informal pressure on members of electoral bodies.

Regarding authority, CEC has the ability to propose amendments to the electoral law, and based on CEC's initiative, 170 pages of amendments were added to the electoral law, which are now part of Bosnia and Herzegovina's electoral law.

Challenges faced by the Central Electoral Commission include a lack of capacity and professional services to fulfill new responsibilities in preparing local elections and election irregularities such as campaign abuses (early campaigning, misuse of children for political purposes, hate speech). It was emphasized that the Central Electoral Commission in Bosnia and Herzegovina has also developed an electronic application for voting from abroad, electronic financial report submissions for parties, and electronic filing of applications and complaints.

### **D) Croatia**

Regarding the electoral process in Croatia, it was noted that the functioning of electoral 4

administration is not the most problematic part of the process, but rather the redrawing of electoral constituencies under heavy political influence.

Regarding the work of the electoral commission itself, one of the suggestions heard was to further reduce political influence by insisting on expertise (not all members need to be lawyers) and, more importantly, on the integrity of the members.

The commission, composed of nine members, is appointed by the Croatian Parliament—it includes three Supreme Court judges and six experts, three of whom are representatives of the ruling party and three of the opposition.

Independent institutions that are supposed to protect citizens' rights against the administration

are not always effective in their operations, and public trust in the judiciary and judges is low.

#### **IV Work of the Republic Electoral Commission of the Republic of Serbia**

In the discussion on the work of the Republic Electoral Commission (REC), the problem of public distrust was highlighted, as discussed at REC sessions. The inefficiency of election bodies was noted to be due to the large number of commission members and polling station committee members in both permanent and expanded compositions (about 200,000 members).

Regarding the issue of REC's lack of a professional service, it was mentioned that a specialized sector within the National Assembly's professional service is planned for the future, which will be responsible for election support.

The process of implementing ODIHR's recommendations through the work of the Working Group for Electoral Process Improvement was also discussed, along with cases of illegal conduct by local electoral commissions when deciding on electoral lists (local elections in June 2024).

Finally, it was expressed during the discussion that the current way of working in electoral administration in Serbia has reached its limits. The electoral administration lacks the capacity to address all the challenges of the electoral process, and a change in approach is needed. In this context, it was highlighted that CRTA has drafted a unified electoral law proposing the establishment of a professional and independent electoral administration in Serbia.

It was concluded that there is no public trust in electoral administration in the Republic of Serbia. Consequently, it was emphasized that electoral administration reform is necessary and must move in the direction of strengthening the integrity, independence, and expertise of election bodies, which would also increase public trust in the elections they conduct.