

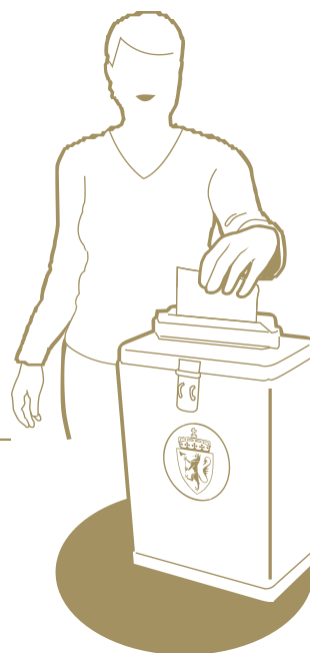


# VALG

# Election Manual

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Overview of Election Rules



Norwegian Ministry  
of Local Government and Modernisation

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# **1 INTRODUCTION**

Parliamentary, county council and municipal council elections take place in accordance with the Act of 28 June 2002 No. 57 (Election Act) with subsequent amendments and the Election Regulations of 2 January 2003 with subsequent amendments.

This manual provides an overview of the regulations that apply for conducting elections. The account of the provisions of the Election Act and Election Regulations has been based on the preparatory works for the Election Act and on interpretations the Ministry has made in connection with letters and telephone calls from the municipalities, county authorities and the county governor offices. The Election Act and Election Regulations must be read parallel with this manual.

It is important that the electoral committees give election officials and particularly returning officers the necessary training. This is absolutely decisive for correct implementation of the election. Many of the errors that occur could have been avoided with more thorough training.

The manual is available online at: [www.valg.no](http://www.valg.no). It is constantly updated as needed.

The Norwegian Directorate of Elections was formally established on 1 January 2016. The Directorate is responsible for providing support to the municipalities and the county authorities in the practical implementation of elections in Norway.

The Ministry has developed an online election administration system for use in elections. This computer system has been named EVA and consists of two different sub-systems; the administration system (EVA Admin) and the machine counting system (EVA Scanning). The administration system is used by all municipalities and county authorities. The municipalities and county authorities choose if they want to use EVA Scanning. EVA is operated and managed by the Norwegian Directorate of Elections. The Norwegian Directorate of Elections also manages the website [valgresultat.no](http://valgresultat.no) and prepares election forecasts.

There is a separate user guide for the system on the Norwegian Directorate of Elections' polling officer portal: <https://valgmedarbeiderportalen.valg.no>.

## **2 ELECTION DATES – POLLING DAY**

Section 9-1 of the Election Act states that Parliamentary elections shall be held in all the municipalities on the same day in the month of September in the final year of each Parliament's election term. County and municipal council elections are held in all the municipalities on the same day in the month of September every fourth year. The elections are held in the second year of each Parliament's election term. Pursuant to Section 9-2, the King shall set the election day, which shall be on a Monday.

The municipal council may decide that polling shall take place at one or more places in the municipality on the Sunday preceding the official election day, cf. Section 9-2 (2) of the Election Act.

## **3 ELECTORAL BODIES AND DELEGATION**

### **3.1 Electoral bodies**

The provisions of the Act that relate to electoral committees, polling committees and county electoral committees are contained in Chapter 4 of that Act (Sections 4-1 to 4-3). The National Electoral Committee, which is appointed only for Parliamentary elections, is governed by Section 4-4.

#### *3.1.1 Electoral committees*

Pursuant to Section 4-1 of the Election Act, each municipality shall have an electoral committee elected by the municipal council itself. An election must be held by the municipal council. The municipalities may not accept continuation of the previous system of having the council's executive board serve as the electoral committee. Use of the word "*itself*" means that authority to elect the electoral committee, may not be delegated.

The electoral committee is a standing committee in the sense of the Local Government Act and the rules of that Act relating to election of committees are applicable. This means that the eligibility rules in Section 14 of the Local Government Act apply and that it is necessary to ensure compliance with the gender representation rules in Sections 36, 37 and 38a of that Act. For example, the municipal council may not elect members of the executive board to the electoral committee if that would result in failure to comply with the gender-related composition of the committee.

The electoral committee's chairperson and deputy chairperson shall be elected by the municipal council itself, see Section 10 (3) of the Local Government Act. The electoral committee is responsible for preparation and execution of the election at the municipal level.

#### *3.1.2 Polling committees*

A separate polling committee shall be elected for each polling station in the municipality to supervise the polling on election day. A polling committee is a standing committee in the sense of the Local Government Act, cf. Section 10 of the Local Government Act. The members of the polling committee will be popularly elected as understood in the Local Government Act and the rules of the Local Government Act regarding the rights and obligations of popularly elected representatives will apply to them.

A polling committee shall have at least three members, cf. Section 10 of the Local Government Act.

The municipal council may also stipulate the number of members on the polling committees. The rules of the Local Government Act relating to election of standing committees applies to the polling committees. The polling committees may be composed of municipal employees and/or politicians. If politicians are elected, the representation of multiple parties on the committees should be ensured. One may also

elect persons who are not politicians, insofar as they are registered as residents of the municipality, cf. Section 14 of the Local Government Act. The members and the chairperson and deputy chairperson of the polling committees shall be elected by the municipal council. Election of polling committees may be delegated to the electoral committee, cf. Section 4-2 of the Election Act.

Those elected to polling committees are not required to be residents of the polling district in question. However, there is nothing to prevent application of such a principle when electing polling committees.

Pursuant to Section 9-3 (4) of the Election Act, there are constraints in which tasks list candidates may have during execution of the election. List candidates are not eligible to serve on polling committees, nor are they eligible to serve as returning officers or election officials. The reason for this is that it is unfortunate in principle for candidates who are standing for election themselves to have direct contact with voters in the voting situation. This provision only applies to those who are list candidates in the election in question. Those who were list candidates in the municipal council and county council elections, will therefore not be excluded from serving during the parliamentary election, assuming they are not list candidates in this election as well.

### *3.1.3 County electoral committees*

Pursuant to Section 4-3 of the Election Act, each county council shall have a county electoral committee elected by the county council itself. The same rules apply to electoral committees and county electoral committees.

## **3.2 The term election official**

It follows from the law that the task of the polling committee is to administer the implementation of the election at the polling station. This means that the polling committee is responsible for ensuring that polling proceeds in accordance with the rules of the Election Act and the Election Regulations. The polling committee may perform all the tasks involved in polling itself. The law does not however require the polling committee to perform all the tasks itself. Neither is there a requirement in the law that all those who perform tasks at the polling station shall themselves be members of the polling committee.

The municipality may engage assistants to help conduct the election. These assistants may, for example, be municipal employees, students, school pupils and pensioners. Their purpose may, for example, be to give practical guidance to voters. They may cross off names in the electoral register, stamp ballot papers and ensure that voters place their ballot papers in the ballot box. They may also count the ballot papers, if a provisional count is to be made at the polling station. It will however be the responsibility of the polling committee to keep a protocol with a record of what occurs at the polling station.

In certain places, the Act uses the term returning officer to cover all those who receive votes during polling. Returning officers are appointed for advance voting. The municipality decides who is to be appointed.

The term election official is used as a generic term for all persons who have tasks in the polling station or tasks connected with the implementation of the election. This covers polling committee members, returning officers and others who assist.

Section 9-3 (4) of the Election Act states that list candidates in local elections cannot be appointed election officials in the polling stations in the municipality they are standing in, and that list candidates in parliamentary and county elections cannot be appointed election officials in the polling stations in the municipalities in the constituency they are standing in. Section 25a of the Election Regulations states that list candidates in parliamentary and county elections cannot be appointed election officials during advance voting in the polling stations in the municipalities in the constituency they are standing in. In accordance with Section 14 (4) of the Local Government Act, candidates who are listed on the electoral list in the relevant election cannot be elected as a member of the electoral committee in the municipality / county authority concerned.

### **3.3 Delegation of powers by electoral committees/county electoral committees**

The rules of the Local Government Act regarding standing committee procedure shall similarly apply for electoral committees/county electoral committees. Thus decisions adopted at a meeting and the rules concerning open/closed doors and forming a quorum must be complied with, cf. Chapter 6 of the Local Government Act.

The manner of organising administrative election tasks is decided by the individual municipal and county councils themselves.

### **3.4 Delegation of powers by electoral committees**

The rules of the Local Government Act concerning delegation of powers, are applicable. The delegation right concerns individual matters or types of matters that are not matters of principle, cf. Local Government Act, Section 10 (4) and Section 23 (4).

The electoral committee's chair person, a working committee or the administrative manager may be empowered to make decisions that pertain to the electoral committee under the law. However, there are restrictions regarding the scope and type of matters concerned.

Specific individual matters may be delegated. In addition, delegation is allowed "*in types of matters that are not matters of principle*". This last involves a restriction both for what the electoral committee may delegate and for how the delegated powers may be employed. General decision-making powers may not be delegated in matters which according to their nature are matters of principle. The delegation resolution must be read with the limitation that the person to whom powers are delegated, is obligated to

defer to the electoral committee if an individual matter under his/her general powers is such that it must be regarded as a matter of principle. What is a matter of principle must be decided based on the nature and consequences of the decision. Thus the provision allows the electoral committee ample space to assess what is reasonable and appropriate in the particular case.

It is not possible to say exactly what shall be regarded as a matter of principle, thus prohibiting the delegation of powers. As a rule of thumb, it can be said that matters that are of a purely practical nature, will seldom be matters of principle. Typically these will be tasks such as drawing up the electoral register, displaying it for inspection by the general public, publishing announcements, making lists of complaints, notifying voters and candidates, printing ballot papers, etc. Checking and approving current ballots cast in advance is not a matter of principle and may also be delegated. However, the electoral committee may not allow the chairperson to perform this task alone. He/she must do this with the electoral committee's secretary or another election official. This follows from the rule in Section 35 of the Election Regulations, which stipulates that two persons must be present when opening the ballots cast. Furthermore, if the ballot paper envelope and the cover envelope are opened at the same time, that must not be done by the same persons. The principle of secret voting is the reason for this restriction.

Powers that typically will concern matters of principle and can therefore not be delegated are, for example, decisions regarding approval of a proposed list of candidates, withdrawal of a proposed list, and rejection of ballots cast.

This list of examples of matters that are and are not matters of principle, is not exhaustive.

## **4 VOTING RIGHTS, ELECTORAL REGISTER AND POLLING CARDS**

### **4.1 Who is entitled to vote**

The following persons are entitled to vote in parliamentary elections, cf. Section 2-1 of the Election Act:

Norwegian citizens who

- will have turned 18 years of age before the end of the election year and who
- have not lost the right to vote pursuant to Article 53 of the Constitution, and who
- are, or have ever been registered in the Population Register as residents of Norway. Employees in the diplomatic corps or consular service and their households are entitled to vote even if they do not satisfy the residential criteria.

In municipal and county council elections, the following persons are entitled to vote, cf. Section 2-2 of the Election Act:

Everyone who is entitled to vote in the parliamentary elections, including those who are not Norwegian citizens, but who otherwise satisfy the requirements, provided that they are

- Norwegian citizens who have turned 18 years of age before the end of the election year and who are, or have been, registered in the Population Register as residents in Norway.
- Citizens of other Nordic countries (i.e. Denmark, Iceland, Finland or Sweden) who have turned 18 years of age by the end of the election year, and who have been registered in the Population Register as residents in Norway no later than 30 June in the election year.
- Other foreign citizens who have turned 18 years of age by the end of the election year, and who have been registered in the Population Register as residents in Norway continuously for the last three years prior to election day.

With regard to the period of residence for foreign nationals, it is a requirement that they have been registered for the past three consecutive years.

#### **4.2 Responsibility for keeping the electoral register**

The Ministry is responsible for establishing the electoral register and processing the updates transmitted from the Directorate of Taxes (SKD). This responsibility is delegated to the Norwegian Directorate of Elections.<sup>1</sup> This takes place through the election administration system, EVA, to which all the municipalities and county authorities have access.

The electoral committees must ensure that eligible voters, who have resided outside the country for more than 10 years, are entered in the electoral register in the municipality in which they were last registered as residents. These voters must apply to the electoral committee in order to be registered. This may be done when their vote is cast.

#### **4.3 ICT and the electoral register**

The municipalities themselves may decide to use an online electoral register at the polling station, cf. Section 9-5a of the Election Act. The electoral committee must then cross off in the online electoral register the voters registered on the electoral register in the polling district in question, as well as the voters registered on the electoral register in other polling districts in the municipality. Therefore, it will not be possible for the electoral committees in municipalities that use this system to receive so-called “alien votes” in a special cover envelope, and for these voters crossing off will also take place directly at the polling station.

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<sup>1</sup> <https://lovdata.no/dokument/LTI/forskrift/2017-01-23-79>

#### *4.3.1 Extract from the national population register as at 2 January – preliminary electoral register*

The Population Register Authority must make available an extract of the Population Register as at 2 January in the election year to municipalities and county authorities.

The reason for this is that the municipalities and county authorities require access to electoral register information prior to the cut-off date of 30 June, in order to check the eligibility of the proposed candidates and the signatures on the electoral lists before these can be approved as at 1 June (cf. Section 7.11). The municipalities also need to assess the division into polling districts.

The preliminary electoral register will be submitted directly from the Directorate of Taxes to EVA.

The extract is based on conditions of the right to vote as at 2 January in the election year, and will not represent a true electoral register in a legal sense. It will also naturally include incorrect information with regard to voting rights, as it is the information as at 30 June that will be used for the electoral register and the eligibility.

#### **4.4 The basis for the electoral register. Responsibilities of the Population Register Authority**

The Population Register forms the basis for the electoral register, cf. Section 2-5 of the Election Act. Registration in the Population Register is required pursuant to Act of 9 December 2016 No. 88 relating to the Population Register (Population Register Act) and the Regulations concerning the Population Register Act (Population Register Regulations) laid down by the Directorate of Taxes on 14 July 2017. The regulations contain detailed rules for regarding a person as a resident. Election authorities may not make decisions concerning registration in the electoral register that are contrary to population registration rules.

Pursuant to Section 2-5 of the Election Act, the Population Register Authority is responsible for providing the election authorities with information regarding who must be recorded in the municipalities' electoral registers. The information must be transmitted to EVA.

#### **4.5 Who is to be entered in the municipal electoral registers?**

##### *4.5.1 Persons registered as residents of the municipality*

The electoral register is based on the persons entered in the Population Register on 30 June of the election year. All persons entitled to vote shall be entered in the electoral register for the municipality where they were registered as residents at that time.

Accordingly, it is of no consequence if the voter has moved out of the municipality after 30 June and is thereby registered as resident of another municipality on election day, cf. Section 2-4 (1) of the Election Act.



It is the date on which the Population Register receives notice of the move that counts, not the actual moving date. If a person moves from Lillevik to Storevik on 20 June, and does not report this until 1 July, he or she shall be entered in the electoral register for the municipality of Lillevik. The fact that it is the date on which the Population Register receives notice of the move that counts, also means that it is of no significance for the voter if the Population Register is not fully updated in regard to address changes received before 30 June. In such cases the Population Register shall notify the electoral committee afterwards and the committee shall update the electoral register.

#### *4.5.2 Persons residing on Svalbard and Jan Mayen*

Voters residing on Svalbard and Jan Mayen shall be entered in the electoral register for the mainland municipality where they were last registered as residents, cf. Section 2-4 (2) of the Election Act

#### *4.5.3 Persons residing abroad. Applications for entry in the electoral register*

The right of Norwegian citizens to vote is not contingent on being resident in Norway on election day. According to Section 4-3 of the Population Register Act, a person who moves to live in a country outside the Nordic region is registered as having emigrated. For the first 10 years after moving out of the country, all Norwegian citizens entitled to vote will automatically be entered in the electoral register for the municipality where they were registered as residents before moving away.

Automatic registration in the electoral register ceases when the stay abroad has lasted for more than 10 years. Those who wish to participate in elections must then send an application for entry in the electoral register. The application must be addressed to the municipality in which the person was last registered as a resident.

The application for entry in the electoral register must be accompanied by a declaration that the voter is still a Norwegian citizen. No confirmation of this is required. The applicant's personal declaration will suffice. In most cases entry in the electoral register takes place by the voter completing and signing the cover envelope used to voting from abroad. However, the application may also be forwarded in a separate letter, cf. Section 2-4 (3) of the Election Act. Applications sent to the wrong addressee, must be forwarded to the correct municipality.

Eligible voters who have cast votes and who are applying for entry in the electoral register because they have lived abroad for more than 10 years, and whose application is received by the electoral committee by 17.00 the day after election day, must be recorded in the electoral register. For further details see the point regarding the Electoral Committee updating the electoral register.

#### *4.5.4 Voters employed in the diplomatic corps or consular services and their households*

Voters employed in the diplomatic or consular services and their households are entitled to vote irrespective of whether they have ever been registered as resident in Norway, cf. the last sentence of Section 2-2 (1) of the Election Act.

If they have at any time been registered as resident in Norway, they shall be entered in the electoral register for the municipality in which they were last registered as residents. They will automatically be entered in the electoral register, irrespective of the length of the stay abroad. If they have never been registered in the Population Register as resident in Norway, they shall be entered in the electoral register for Oslo, cf. Section 2-4 (4) of the Election Act.

#### **4.6 Displaying the electoral register for public inspection**

The Election Act stipulates that the Population Register Authority shall, as soon as possible after the 30 June cut-off date, transmit the electoral register information (raw data) to EVA. The municipalities shall have access to the electoral register in EVA, and may print the electoral register from the system. As soon as practicable, the electoral committee shall display the electoral register for public inspection, cf. Section 2-6 (1) of the Election Act. No definite date is specified for this, but the intention is for this to be done as soon as is practicable.

The Electoral Committee shall announce the time and place for displaying the register and the right to and procedure for requesting that any errors are corrected, cf. Section 2-6 of the Election Act.

The Act formerly required the electoral committees to draw up a list of those who applied for entry in the electoral register, without being entered, and informing them of this. Such a provision has not been continued, as under general principles of administration law, public authorities are required to send such information to the person it concerns.

#### **4.7 Copies of electoral register for those who submit lists for election**

Section 3 of the Regulations stipulates that those who submit proposed lists of candidates for election, are entitled to a copy of the electoral register, free of charge. This however is on condition that they order the copy within a time limit imposed by the electoral committee. The law no longer operates with a defined deadline. The time limit is designed to enable the electoral committee to handle the orders collectively. Those who submit list proposals must be notified of the deadline set by the electoral committee. This can, for example, be done by an announcement or by direct communication to those who submit lists for the constituency.

Section 3 of the Regulations stipulates that requests for copies of the electoral register must be addressed to the electoral committee in the municipality in question. Therefore, those who submit proposals for county council and parliamentary elections

must send requests to the electoral committees in the different municipalities in the constituency.

The proposers are not entitled to more than one copy of the electoral register. However, there is nothing to prevent them from obtaining more copies provided that they themselves bear the costs connected with this. Pursuant to the Regulations, proposers may also request lists of certain voter groups (typically first-time voters) if they pay for this themselves. Guidelines have been established for who may receive this information and how it must be distributed.

Transcripts from the electoral register and other materials based on that register may only be used for political purposes. Unauthorised persons must not be allowed access to the electoral register except for the purpose of political processing. The register must not be used for commercial purposes, “allowed access” means both selling and lending. Unauthorised persons are those who are not members of or do not have any other connection with the party. These provisions are not intended to prevent the parties from allowing non-members – for example a central data service – access to information in the electoral register for processing for the political purposes of the party/group. The electoral register may also be used for political purposes that have no direct connection with election work.

The electoral register must not be connected with other public registers.

The electoral committee must keep a record of the copies of the register that are handed out, since they are to ensure that copies are returned no later than within two years.

The electoral committee should ensure that those who receive copies of the electoral register, are familiar with the rules.

#### **4.8 Information that is not to be displayed for inspection**

The Norwegian Data Protection Authority has expressed the opinion that Section 12 of the former Personal Data Act (Act of 14 April 2000 No. 31) did not authorise the inclusion of national ID numbers in the electoral registers that are sent to political parties because there was no objective reason to provide this information.

Section 4 of the Regulations specifies the data to be included in the register that is displayed. It is to contain only the name, address, date of birth and possibly the electoral register number and electoral area information regarding the registered persons.

#### **4.9 Basis for updating electoral registers before election day**

Pursuant to Section 2-3 (2) of the Election Act, the electoral register shall be updated on the basis of information from SKD until the Saturday before election day, thus ensuring an equal electoral register for the whole country on election day. In most cases, the electoral register will be updated automatically according to files received by the

Norwegian Directorate of Elections from the Population Register Authority. The electoral register shall be updated based on updates from the Directorate of Taxes until the Saturday before election day.

However, the individual electoral committee will be responsible for updating the electoral register with any manual changes not received through updates from SKD. This only applies to entry of Norwegian citizens who have lived abroad for more than 10 years and who apply before the deadline of 17.00 hours on the day after election day, as well as correcting errors following complaints which are not part of the updates from SKD.

Section 1 of the Election Regulations contains provisions regarding which circumstances may form the basis for updates, i.e. entries in or removals from the electoral register as it appeared when it was transmitted from the population register Authority.

#### *4.9.1 Section 1 (a) Requirements relating to correction of errors, discovery of errors and complaints*

There are seldom errors in the electoral registers, but naturally the possibility cannot be precluded. It must be emphasised that the correction requirement in Section 1 (a) of the Regulations does not apply in regard to persons who have moved after 30 June. The fact that a person moves after the cut-off date and therefore is entered in the electoral register for another municipality, is not an error. Updating the register to reflect address changes after 30 June, is not permitted. The residence of eligible voters on 30 June of the election year, as registered in the National Population Register, will be used for this purpose. Entries in the electoral register that are not in accordance with the Population Register as of that date, are not permitted.

If the electoral register does not conform with the Population Register, the electoral committee must correct it as soon as it learns of the error, whether that is through a request for correction or through the committee discovering the error itself. If the error can be corrected through transmissions from SKD to EVA, the electoral committee shall not correct the electoral register themselves.

If the electoral register is based on incorrect data, the entries will not be valid. If the electoral committee fails to comply with a request for correcting the register, there would be a fault in the election proceedings which could give cause for appeal pursuant to the general rules in Chapter 13 of the Election Act. In such a case the electoral register would have to be updated if the appeal succeeded.

It is also conceivable that a dispute concerning an entry in the electoral register may be due to disagreement as to whether or not the voter in question is entitled to vote. This is not a dispute regarding the register in which the person should be entered, but whether the conditions for the person being entitled to vote are satisfied. If the electoral committee finds that the person is not entitled to vote, the voter may appeal this

decision according to the appeal rules in Chapter 13. If the appeal is accepted, the electoral committee will have to update the electoral register.

#### *4.9.2 Section 1 (b) Address change that had not been recorded when the electoral register was printed out*

The Population Register is not always completely up to date with the registration of address changes received before the cut-off date. The voter will be removed from the vacated municipality's electoral register and entered in the receiving municipality's electoral register. This takes place automatically in EVA.

#### *4.9.3 Section 1 (c) Applications for entry in electoral register from persons living abroad*

When the electoral committee receives an application for entry in the register, the information in the application shall be entered in the electoral register if the person was last registered in the Population Register for that municipality. The electoral committee must first check the applicant's information regarding the municipality in which he/she was last registered as a resident. Applications addressed to the wrong municipality will be forwarded to the correct municipality.

#### *4.9.4 Section 1 (d) Notice that a person living abroad, has moved back to Norway*

When a person who has been living abroad for less than 10 years moves back to his/her former municipality of residence, that does not occasion any action by either EVA or the Population Register. The person will automatically be entered in the correct electoral register. This takes place automatically in EVA.

In other cases there will be alterations in the electoral register.

The following are examples of possible events:

- 1) A voter who has been living abroad for less than 10 years, returns to live in a different municipality from that in which he/she resided before moving abroad. The Directorate of Taxes (SKD) will notify through transmissions to EVA, so that the voter in question is entered in and removed from the respective electoral registers.
- 2) A voter who has been living abroad for more than 10 years, returns to live in the municipality in which he/she resided before going abroad. SKD will notify via transmissions to EVA. The voter will be entered in the municipality's electoral register.
- 3) A voter who has been living abroad for more than 10 years, returns to live in a different municipality from that in which he/she resided before moving abroad. SKD will notify via transmissions to EVA. The person is entered in the electoral register in the new municipality.

#### *4.9.5 Section 1 (e) Acquiring Norwegian citizenship*

If the acquisition of Norwegian citizenship entitles a person to vote, SKD will immediately notify EVA, and the person in question will be entered in the electoral register. This takes place automatically in EVA.

#### *4.9.6 Section 1 (f) Notice of death*

If a person who is entered in the electoral register dies before election day, that person shall be deleted from the register, except in cases where the person has cast an approved vote in advance and has already been crossed off in the electoral register. This takes place automatically in EVA.

#### *4.9.7 Section 1 (g) Notice when a non-Norwegian citizen who is entitled to vote, moves out of the country*

When a non-Norwegian citizen who is entitled to vote in local elections, moves out of the country, he or she will no longer be entitled to vote and shall therefore be deleted from the electoral register. SKD will notify via transmissions to EVA.

### **4.10 Updating the electoral register**

#### *4.10.1 Rules for updating before election day*

Section 2 of the Regulations stipulates that only certain circumstances may lead to updates after 30 June.

The fact that the polling district's electoral register is already printed, need not mean that entries cannot be made. There is nothing to prevent entering the voter(s) on a separate page in the register, a page that is kept in the care of the electoral committee, so that the voter casts an "alien vote". In that event, the vote will be checked by the electoral committee after the polling is finished.

#### *4.10.2 No double entries must be made and nobody must be omitted*

A paramount requirement is that a municipality's electoral register must not be updated if that would result in the voter being entered in two different electoral registers or not being entered in any register at all. It will not be possible to enter the same person in the electoral register for multiple municipalities in EVA.

#### *4.10.3 The voter has voted in advance*

Neither may voters be transferred between two different municipalities' electoral registers if a voter has cast an advance vote in the municipality on whose electoral register he/she was first entered. EVA handles this. If there is a notice from SKD and the voter has submitted an approved advance vote, this update will be disregarded.

If any advance votes are received by the electoral committee after a voter has been transferred to another electoral register, they shall be forwarded to the new municipality, which must handle the advance voting in the ordinary way.

#### *4.10.4 Notice to voters affected by updates*

Section 2-8 of the Act stipulates that electoral committees shall notify voters who are affected by alterations in the electoral register when the alteration is occasioned by an application for entry in the register, a request for correction, or if an error is discovered by the electoral committee. The reason for this is that the voter must know where he/she is entitled to vote. It is not necessary to notify the voter if an update is due to circumstances that do not give the voter cause to believe anything other than what is actually the case. For example, it is not necessary to notify the voter when the Population Register sends address changes within the time limit, but that have not been recorded before the electoral register was drawn up. (Automatic updates in EVA).

### **4.11 Production, design, distribution and use of polling cards**

#### *4.11.1 Legal basis*

Section 2-3 (3) of the Election Act requires that the Ministry shall ensure that polling cards are issued to everyone who is entitled to vote, except for those who live on Svalbard and Jan Mayen. The Ministry has delegated this authority to the Norwegian Directorate of Elections.<sup>2</sup>

Section 2-9 also stipulates that the Ministry may issue regulations for the production, design, distribution and use of polling cards, including the electoral committee's duties in connection with production and distribution. Further provisions regarding the polling cards are set out in Chapter 5 (Sections 22 and 23). It states here, among other things, that the electoral committee is obliged to provide the Ministry with information on the name, address and opening hours of the polling stations on the election day(s), as well as information on the polling district, subdivision and number of people on the electoral register. The electoral committee is obliged to provide this information in the manner and within the time limit set by the Ministry. In practice, the municipalities register this information in EVA.

#### *4.11.2 Who must receive polling cards?*

The law stipulates that polling cards shall be distributed to everyone entitled to vote who is entered in the municipality's electoral register and who is registered with a home address in this country. Exceptions are made for those who live on Svalbard and Jan Mayen.

#### *4.11.3 Basis for production of polling cards*

Section 22 (1) of the Regulations stipulates that production of polling cards shall be based on the electoral register as at 10 July. All register updates that can be made up to and including that date, shall be made in the electoral register before it is "frozen" for production of polling cards.

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<sup>2</sup> <https://lovdata.no/dokument/LTI/forskrift/2017-01-23-79>

#### *4.11.4 Time of production and distribution of polling cards*

The voters must receive the polling cards before advance voting commences, cf. Section 22 (2) of the Election Regulations.

#### *4.11.5 What information is to be given on polling cards?*

Section 23 (1) of the Regulations stipulates that polling cards shall contain the following information:

- a) the election and year for which the card applies
- b) the voter's name, address and date of birth
- c) the name and address of the electoral committee in the municipality on whose electoral register the voter is registered
- d) the polling district, subdivision, page, line and number in the electoral register
- e) address and opening hours of the polling station on election day(s), and
- f) a box in which the returning officer shall enter the time and place for advance voting and sign for receiving the vote.

In addition, information shall be given on the polling card to the effect that the voter must produce identification before voting.

An election information brochure will be included as part of each voter's polling card.

The polling card does not need to be brought along in order to vote. No voter shall be refused the right to vote if the voter has not brought the polling card with him/her.

## **5 REGISTRATION OF PARTIES IN THE REGISTER OF POLITICAL PARTIES**

Rules regarding registration of political parties have been moved from the Election Act to Chapter 2 of the Act of 17 June 2005 relating to political parties.

A register of political parties has been established in the Brønnøysund Register Centre. All parties that wish to have an exclusive right to the party's name or wish to submit voting lists in accordance with the "simplified rules", cf. Section 6-3 (1) of the Election Act, must register their name with the Register Centre.

### **5.1 Application requirements**

Before the party can be registered in the Register of Political Parties, it must be registered in the register for legal entities, cf. Section 2 (2) of the Political Parties Act. The following shall also be enclosed with the application, cf. Section 3 (2) of the Political Parties Act:

- the party's memorandum of organisation
- information concerning who constitutes the party's executive body and is entitled to represent the party centrally in matters under the Election Act
- articles determining who is to elect the party's executive body



- declaration from no less than 5,000 persons who are entitled to vote in parliamentary elections. Requirements for these declarations are given in (d).

One condition for registration of the name is that it shall not be possible to confuse it with the name of any other party registered in the Register of Political Parties or Sami political unit registered with the Sami Assembly. The registration authority may also refuse to register a party's name if there is due reason for refusal.

For the registration to have effect for the election, the application must have been recorded by the registration authority no later than 2 January of the election year.

## **5.2 Altering the name of the party**

Only parties that can document a certain level of support in the previous parliamentary election, specifically 500 votes in one county or 5,000 votes in the country as a whole, may apply for registration under a new name without having to submit 5,000 new signatures, cf. Section 4 (1) of the Political Parties Act. This same rule applies for amalgamating parties under a new name, but 5,000 new signatures must be collected if at least one of the parties does not satisfy the condition regarding support at an election, cf. Section 4 (2) of the Political Parties Act.

## **5.3 Annulment of the registration**

If a registered political party has not submitted a list of candidates in any constituency for two successive parliamentary elections, the registration will cease to be effective and the party's name will be free for use, cf. Section 5 (1) of the Political Parties Act. The name should be removed from the Register of Political Parties. The same will apply four years after the party is dissolved or has changed its name.

## **5.4 Updating information in the Register**

Registered parties shall keep the register unit informed regarding the names of members of the party's executive body from time to time, cf. Section 6 (1) of the Political Parties Act. This is the body that is entitled to act on behalf of the party centrally in matters under the Election Act. To avoid confusion in connection with submitting list proposals, applications for change of name, etc., it is extremely important that the names of those who are entitled to act on behalf of the party in matters under the Election Act, are clearly stated.

## **5.5 The Political Parties Act Committee**

A special committee – the Political Parties Act Committee – has been appointed to handle complaints regarding decisions adopted on registration matters, cf. Section 8 (1) of the Political Parties Act. This Committee will deal with complaints regarding registration of the party's name. It will also handle appeals against registration authority decisions concerning who is entitled to represent a political party. The Committee's decision will apply in the coming election unless the matter has been referred to a court of law and an enforceable judgment has been rendered before the deadline for

submitting list proposals expires on 31 March. In other words, the information registered in the Register of Political Parties on 31 March will be the information applicable in the election.

Supplementary rules concerning the registration system and activities of the registration authority and the Political Parties Act Committee are laid out in the regulations (the Political Parties Act Regulations) by virtue of Sections 9 and 27 of the Political Parties Act.

Queries regarding the Register of Political Parties can be addressed to the Brønnøysund Register Centre.

## **6 ELIGIBILITY**

This chapter concerns rules regarding eligibility, disqualification from election, time of eligibility, and rules for exemption. Rules concerning parliamentary elections are discussed under Point 6.1 and rules concerning county and municipal council elections are discussed under Point 6.2 below.

### **6.1 Parliamentary elections**

#### *6.1.1 Eligibility for election to the Storting*

Section 3-1 of the Act contains rules regarding who is eligible for and has a duty to accept election to the Storting. Everyone entitled to vote in an election, is eligible for and obliged to accept election to Parliament (the Storting); that is to say, everyone who satisfies the conditions for being entitled to vote in Section 2-1 and is not excluded (see details under Points 6.1.2 and 6.1.3 below) or exempted from election (see details under Point 6.1.4 below).

#### *6.1.2 Exclusion from election to the Storting*

The disqualification rules are set forth in Section 3-1 (2) of the Election Act. The following persons may not be elected to the Storting:

- a) Ministry employees. Nevertheless, ministers, permanent secretaries and political advisers are eligible for election.
- b) Supreme Court justices
- c) Employees in the diplomatic or consular services

The rule excluding ministry employees from election, applies to all types of positions.

#### *6.1.3 Time for determining eligibility for election to the Storting*

Pursuant to Section 3-1 (3), eligibility is determined by the voter's employment on election day. Thus a person who is not eligible may be nominated, but the person must resign from his/her position before election day. Leaves of absence will not suffice.

#### *6.1.4 Grounds for exemption from election to the Storting*

The rules regarding exemption from election to the Storting are set forth in Section 3-2 (1) of the Election Act. The following persons are entitled to exemption:

- a) Persons who are registered voters in a different constituency than that in which they are nominated on the list of candidates.
- b) Persons who have served as a member in all Storting sessions since the previous election.
- c) Persons entered on a list of candidates submitted by anyone other than a registered political party to which the person belongs.

If the grounds for exemption are invoked before the time limit set by the county electoral committee, the person concerned shall be deleted from the list.

Even if the right to deletion from the list is lost by exceeding the time limit, a person elected as a member of the Storting is entitled to invoke grounds for exemption after the election. This is the opposite of the rule that applies for municipal and county councils. Section 3-2 (3) of the Act stipulates that in such cases the grounds for exemption must be invoked before the county electoral committee within three days after the candidate concerned has been notified of the election.

### **6.2 County and municipal council elections**

#### *6.2.1 Eligibility for election to county and municipal councils*

Section 3-3 of the Act contains rules regarding who is eligible for election and obliged to accept election to county and municipal councils.

Everyone who is entitled to vote in the election and is registered in the Population Register as a resident of the municipality/county concerned, may be elected to the municipal/county council, cf. Section 3-3 (1) and (2) of the Election Act. That is to say, the candidates must either be Norwegian citizens or citizens of another country who have been registered as residents of Norway for three consecutive years before election day. For citizens from the other Nordic countries, it is sufficient that they have moved to Norway and are registered in the Population Register before the cut-off date for registration in the electoral register, which is 30 June. In addition, candidates must have turned 18 years of age before the end of the election year and must not have lost their voting rights or have been excluded (see details under Points 6.2.2 and 6.2.3 below) or exempted from election (see details under Point 6.2.4 below).

#### *6.2.2 Exclusion from election to county or municipal councils*

The disqualification rules are set forth in Section 3-3 (3) of the Election Act. The following may not be elected to either county or municipal councils:

- a) County governors and deputy county governors.
- b) Persons who in the county or municipality concerned are
  - the chief executive or his/her deputy

- chief officer of a branch of the administration, although this does not apply to the chief officers of independent bodies
- municipal or county council secretaries
- officer responsible for accounting functions, or
- those who undertake auditing functions for the municipality or county.

In practice it is the term “*chief officer of a branch of the administration*” that has given rise to interpretation problems. This is a matter of discretion that must be decided by the electoral committee/county electoral committee, based on the manner in which the administration is organised in the particular municipality/county authority. The expression “*branch of the administration*” refers to a defined, outward oriented area of functions in the county’s or the municipality’s administration. For a person to be regarded as the chief officer of a branch of the administration, that person must hold a qualified managerial post in which he or she has independent responsibilities. The expression must be deemed to include posts that involve supervisory functions having powers delegated to them by the chief executive within a part of the administration.

Posts that typically would come under this category are the heads of departments. Reorganisation in the municipal sector has resulted in the widespread use of profit centres. This means that traditional agencies no longer exist. This has resulted in more people than before being regarded as chief officers of a branch of the administration, and therefore not eligible for election. The Storting found such a development undesirable. Therefore, in the new Act the Storting adopted a rule that the leader of a branch of the administration shall still not be eligible, but that this should not apply to leaders of independent bodies. This means that leaders of profit centres (independent bodies) will be eligible, no matter how much power has been delegated to them by the chief executive.

There are two reasons why certain officials must be ineligible to stand for election:

1. If key officials may stand for election, this may undermine the important principle that there must be distinction between elected bodies as decision-makers, and the administration as premise provider.
2. It would be unfortunate if key officials within the municipal/county authority administration – in their capacity as elected officials – could overrule proposals submitted by the chief executive to the elected officials.

Section 14 of the Local Government Act (1) (b) of the Local Government Act contains a corresponding provision, stipulating that “*the leaders of independent bodies*” are not ineligible to stand for election to popularly elected bodies pursuant to the Local Government Act (standing committees, etc.).

It follows from Section 3-3 (4) of the Election Act that, in municipalities with a parliamentary form of government, employees in the council secretariat are not eligible for election either if powers are delegated to them by the council.

### *6.2.3 Time for eligibility for election to county and municipal councils*

As mentioned above in the point on eligibility, Section 3-3 (1) and (2) of the

Election Act requires that candidates for election to a county or municipal council must be residents of the county or municipality on election day. Section 6-4 c of the Election Act stipulates that, if a candidate is not registered in the Population Register as a resident of the county/municipality when the list is submitted, the list must be accompanied by a statement from the candidate declaring that he or she will be eligible by election day.

It follows from Section 3-3 (5) that it is the employment relationship at the time the county or municipal council takes office, that is to say the day of the first meeting, that determines the eligibility. A person who is not eligible may be nominated, but must resign from his/her position before the new council is constituted.

Pursuant to Section 6-4 d, the candidate must enclose a statement declaring that he or she will have resigned his/her employment when the new municipal or county council takes office.

It is not sufficient to obtain a leave of absence if the candidate has commenced work in the position. If the person has not commenced work in the position, but has obtained a leave of absence for the entire time before the body takes office, the Ministry, when interpreting the previous Act, found that the person will nevertheless be eligible. The same assessment must apply under the new Election Act.

### *6.2.4 Grounds for exemption from election to county and municipal councils*

Initially, the duty to accept election coincides with eligibility. However there are exceptions, cf. Section 3-4 of the Election Act. Exemption from local government elections may be claimed by anyone who declares in writing that he/she does not want to be a candidate for election on the electoral list in question.

This means that there is a general statutory right to claim exemption from local government elections, which entails an exemption from the general duty to accept election. This provision entered into force on 1 January 2012, and resulted in the repeal of previous grounds for exemption as superfluous.

In the comments in Proposition No. 64 to the Storting (Bill) (2010-2011), the Ministry stated the following as regards the content of the provision:

*The person applying for exemption must submit a written and signed declaration. The declaration must be personally signed by the candidate. The declaration must be delivered to the electoral committee or county electoral committee within a deadline stipulated by the local election authorities. The local election authorities are responsible for notifying people that they have been included on a list proposal, as well as the right to apply for exemption.”* (Page 71 of the Proposition).

The person applying for exemption is not required to state a reason for the application. One need not express any political opinions, or invoke special considerations.

The local election authorities will stipulate a deadline for exemption applications. If this deadline is exceeded, the right to claim exemption will normally lapse. In order for an application to be approved after the deadline, this must be due to circumstances the person in question could not control or foresee (cf. the provision in Section 15-5 of the Election Act).

Equivalent grounds for exemption do not apply during parliamentary elections, where the exemption rule follows from the Constitution.

## **7 LIST PROPOSALS AND PROCESSING LISTS**

### **7.1 Introduction**

The provisions regarding list proposals, and the processing of these by the electoral committees/county electoral committees, are collected in Chapter 6 of the Election Act and Chapter 3 of the Election Regulations.

The Political Parties Act and Regulations also include some relevant provisions for the treatment of list proposals.

Section 6-1 of the Election Act sets out the requirements for electoral lists. Lists may be submitted by registered political parties and other groups. The party/group draws up a proposed list, which then has to be approved by the election authorities. The electoral committees approve list proposals for election of municipal councils. County electoral committees approve lists for election of county councils and for parliamentary elections.

Pursuant to Section 6-6 (4) of the Election Act, the election authorities shall obtain and base their considerations on statements from the party's executive body whenever it is not clear who is entitled to represent a registered political party at local level and submit lists. Information concerning who the members of the party's executive body are can be found on the Register of Political Parties. The web address is:

<https://www.brreg.no/lag-og-foreninger/partiregisteret/>.

Inquiries may be addressed to the person listed as the party's contact person.

### **7.2 Deadlines**

The deadline for submitting list proposals is 31 March, cf. Section 6-1 (1). The deadline for withdrawing a list proposal is 20 April, cf. Section 6-5. The submission deadline is 12.00 hours on 31 March, and the withdrawal deadline will be 12.00 hours on 20 April.

### **7.3 Submitting list proposals**

Pursuant to Section 6-1 (1) of the Election Act, a list proposal will be deemed to have been submitted when it has *been received* by the municipality for municipal county elections and the county authority for parliamentary and county council elections. The post must have arrived, or the list must be handed in direct before the deadline. This

means that the proposals must physically have been received, not necessarily by the electoral committee, but by the municipality or county authority. This is a more stringent rule, but was done in order to avoid any doubt. The proposer is responsible for ensuring that the list proposals arrive in time.

It may be envisaged that a list proposal is submitted within the deadline to an incorrect body – for example to the county governor's office instead of the county electoral committee – but is received by the correct body after the deadline expires. Unless it can be proven that the body that received the list proposal has committed an error that may be characterised as dereliction of duty, an exceeded deadline cannot be redressed in such a case.

If the signed list proposal is sent by fax or email by 31 March, that will be deemed to be within the deadline. However, it is a necessary condition that lists with the original signatures are posted/handed in at once.

#### **7.4 Heading on list proposals**

List proposals shall have a heading showing the party or group from which it comes and that cannot lead to confusion, cf. Section 6-1 (2) (b), of the Election Act.

Registered parties must use the registered name of the party in the heading. Use of another name as a sub-heading or the name of the local branch, is not permitted.

If a joint list is submitted by several registered parties, the heading on the list must include the registered names of all of the parties. Similarly, the name of the registered party must be included in the heading when the party submits a list with a group that is not registered as a party.

The Ministry finds that the Election Act does not prevent use of a collective name in the heading, in addition to the names of the registered parties, when one or more registered parties and other groups submit a joint list.

The Act does not prevent an unregistered group from using the word party in its name, provided that it will not then tend to be confused with the name of a registered party.

Section 12 of the Regulations emphasises that registered political parties may choose whether to write their names in Bokmål (standard Norwegian) or Nynorsk (New Norwegian). Their names can be given in the Sami language in addition to the name(s) in Bokmål or Nynorsk. Decisions regarding this shall not be made by the electoral committee, but by the particular branch of the party, regardless of whether the municipality is a Nynorsk or Bokmål municipality or whether or not it is in a Sami area of administration.

Pursuant to Section 6-1 (2) (b), last sentence, it must not be possible to confuse the heading with the name of a registered political party, registered Sami political unit or the heading on other list proposals in the constituency. The list proposal first submitted

will be entitled to the name in its constituency, unless this concerns the relationship with a list proposal from a registered party. The registered party will always be entitled to use its name.

## **7.5 The candidates**

### *7.5.1 How many candidates shall/may be listed?*

Section 6-2 of the Act deals with the number of candidates on a list proposal. Pursuant to the first paragraph, list proposals for parliamentary elections shall list the names in sequence with as many candidates as are to be elected to the Storting from the constituency. Six other names may also be listed in addition.

For municipal and county council elections, Section 6-2 (2) of the Election Act stipulates that at least seven candidates shall be listed. The maximum upward limit is that the number of candidates listed shall equal the number of members to be elected to represent the constituency, plus up to six other candidates.

Rules regarding advance prioritisation are laid down in Section 6-2 (3) and apply only for municipal council elections. Advance prioritisation entails a certain number of the parties' top list candidates being awarded additional votes. A certain number of the candidates highest on the list – the number depending on the size of the municipal council – may be awarded, in addition to their personal number of votes, 25% of the votes the list receives at the election.

The highest numbers permitted are:

- 11–23 municipal council members: up to 4
- 25–53 municipal council members: up to 6
- 55 municipal council members or more: up to 10

The last sentence of Section 6-2 (3) stipulates that those candidates who are awarded such additional votes, shall be listed first on the list proposal in boldface, italics, or in capital letters.

The Act does not contain any rules stipulating that each gender shall be represented by a certain percentage of the candidates proposed on the individual lists. That is to say, there is no requirement regarding allocation of quotas when electing members of the Storting or the municipal and county councils. However, Sections 36, 37 and 38 a of the Local Government Act contain rules regarding quotas that apply for elections under that Act to the executive board, county committees, standing committees, etc.

### *7.5.2 Identification of candidates*

This is regulated by the Election Act, Section 6-1 (2) (c) and by the Election Regulations, Section 17.

List proposals shall contain the candidates' given names, surnames and year of birth, cf. Section 6-1 (2) (c) of the Election Act. The proposers may decide whether to enter the



candidates' occupation and/or place of residence. The occupation and/or place of residence shall be entered if this is necessary to avoid confusion. It follows from Section 17 (1) of the Election Regulations that, if a candidate's occupation and place of residence is entered in the list proposal, that must be done for all candidates on the list. The party/group to which a candidate belongs may also be entered on joint lists, but in that event must be entered for all candidates on the list.

A candidate's correct surname must be entered also if he/she is not generally known under that name, but in such event the name by which the candidate is known should be added in brackets. In practice it is assumed that a candidate may be referred to under the name by which he/she is generally known, instead of the given name. This is because of the purpose underlying the provision – giving voters the best possible guidance.

The Act does not prevent a parliamentary candidate from standing for election in two or more different constituencies, but no candidate may appear on two or more lists in the same constituency.

County council candidates and municipal county candidates may not stand for election on more than one list proposal in the respective county or municipality. Nevertheless, there is nothing to prevent a candidate from appearing on both county council and municipal council lists.

### *7.5.3 Enclosures*

Section 6-4 of the Election Act stipulates under (a) that list proposals shall be accompanied by a list of the candidates' dates of birth.

(c) and (d) apply to municipal and county elections. The rule in (c) stipulates that candidates who are not registered in the Population Register as residents of the municipality/county at the time the list proposal is submitted, must enclose a statement declaring that they will be eligible for election on election day. (d) stipulates that candidates who are not eligible because of their employment position, must enclose a statement declaring that they will resign from their position when the county or municipal council takes office. See further details under the Section on disqualification (6.2.2).

## **7.6 Signatures on list proposals**

This is regulated by Section 6-3 of the Election Act and Section 13 of the Election Regulations.

### *7.6.1 Registered parties*

Section 6-3 (1) contains the rules that apply for registered political parties. For parties registered in the Register of Political Parties, it is sufficient for all elections that list proposals are signed by at least two members of the board of the party's local branch with responsibility for the constituency to which the list applies. However it is a

condition that the party must have obtained a certain level of support in the last parliamentary election. To qualify under the simplified rules, a registered party must have obtained no less than 500 votes in one constituency or no less than 5,000 votes in the country as a whole. It is sufficient for a party to have received more than 500 votes in only one constituency in order to present a list under the simplified rules. If a party has not obtained sufficient votes, it will come under the rules for non-registered groups.

It is important to point out that, only votes cast in the (previous) parliamentary election can give a party the right to submit lists under the simplified rules. The number of votes cast in the county council election is irrelevant.

If a party was registered in the Register of Political Parties after the last parliamentary election, it will not have had any opportunity to take part in a parliamentary election. In that event it will suffice that the list is signed by at least two members of the board of the party's local branch with responsibility for the constituency to which the list applies.

If a party does not have a local branch, the party must collect signatures as prescribed in Section 6-3 (2) of the Election Act.

It follows from the last sentence in Section 6-3 (1) that, if a registered political party submits a list jointly with an unregistered group, the rules for unregistered groups in Section 6-3 (2) will be applicable. This similarly applies if a registered political party that satisfies the support rule in (1), submits a joint list with a registered party that does not satisfy the support rule.

#### *7.6.2 Unregistered groups*

For all proposers other than parties registered in the Register of Political Parties that obtained sufficient support, Section 6-3 (2) contains the rules that apply for parliamentary and county council elections (a) and for municipal council elections (b), respectively.

For parliamentary and county council elections the list proposals shall be signed by no less than 500 people with the right to vote in the constituency in the relevant election. This similarly applies to list proposals submitted by one or more registered parties jointly with groups not registered as a political party or a party that did not obtain sufficient support in the last parliamentary election.

For municipal council elections, the number of signatures collected shall amount to 2% of the number of eligible voters living in the municipality in the last municipal council election. As the size of the municipalities varies so greatly, minimum and maximum numbers are introduced for the number of signatures required. The minimum requirement is that the proposal must be signed by a number of persons equalling the number of council members to be elected. The maximum requirement is 300 signatures.

Examples:

Trangvik Municipality:

240 voters in previous election. 11 council members to be elected.

2% of 240 = 4.8 voters.

Here the minimum requirement – the number of council members – will be applicable.

That is to say, the list must be signed by no less than 11 persons.

Lillevik municipality:

2,000 eligible residents in previous election. 21 council members to be elected.

2% of 2,000 = 40 voters.

The requirement is 40 signatures on the list proposal.

Stordal municipality:

20,000 voters in previous election.

57 council members to be elected.

2% of 20,000 = 400 signatures. The maximum requirement is applicable. 300 signatures will be sufficient.

It follows from Section 13 of the Election Regulations that signatures collected pursuant to

Section 6-3 (2) of the Election Act, shall be written on paper. Therefore, signatures may not be collected electronically for these groups. In an interpretation, the Ministry has stated that signatures on list proposals shall be written in the person's own hand and therefore the signature must not be written in block letters or just initials. This also means that signature by proxy is not allowed.

On the other hand, registered political parties that submit list proposals pursuant to Section 6-3 (1) are permitted to submit electronic signatures if facilities exist for digital communication with the municipality/county.

Section 13 (2) of the Regulations stipulates that signatures collected pursuant to Section 6-3 (2) of the Election Act are confidential and shall not be disclosed. Please see Section 15-4 of the Election Act,

which covers the duty of non-disclosure. Section 15-4 (1) stipulates that the non-disclosure rules of the Public Administration Act apply for elections.

According to Section 13 (1) of the Public Administration Act, the fact that a person has signed a list proposal is information concerning that person's "*personal affairs*" and hence is subject to the duty of non-disclosure.

The list proposal shall show which candidates stand for election on the list for the party/group. The list shall also be signed by the proposers of the list. Thus those who sign a list proposal cannot do so without it listing the names of the candidates.

However, it follows from Section 6-6 (3) that if a list proposal does not satisfy the legal requirements when submitted, the election authorities shall seek to remedy this through negotiations with the representatives for the list proposal to bring it into conformity with the law. This implies that it is not an absolute requirement that all of the candidates' names are listed in the signed list proposal. However the list must at least bear the name of one candidate, as otherwise it will not constitute a list proposal.

The Act does not contain any provisions governing whether persons who sign a list proposal, are entitled to withdraw their signatures. This is not mentioned in the wording of either the Act or the preparatory works. Accordingly, there is no special basis for assumptions as to whether a signature on a list proposal can be withdrawn.

In the Ministry's opinion, the Election Act provides an exhaustive description of what the election authorities shall check before approving a list proposal, cf. Section 6-1 of the Election Act. A signature on a list proposal is support for the party/group being allowed to submit a list for the election. Signing a list proposal has no legal consequences for the person signing it, other than that the party/group is allowed to submit a list for the election provided that the list satisfies the legal requirements. Those who sign the list are under no obligation to vote for that list proposal in the election.

The law requires that it must be clear that the signatures are signatures on a list proposal, not signatures on a blank sheet of paper. It must therefore be a basic condition for approving it that the person affixing his/her signature knows what he/she is signing. When the election authorities check each signature, they must determine whether the person is qualified to vote in the election, i.e. whether he or she is entitled under the Election Act to sign the proposal. The election authorities are also required to check whether anyone has signed more than one list proposal. If anybody has signed more than one list proposal, the election authorities shall order the person concerned to report, within a certain time limit, which of the lists he/she wishes to be on.

The signature shall be accepted as valid if the person is qualified to vote, has not signed more than one list proposal, and the list of signatures shows that the signature concerns submission of a list for a defined party or group. With a sufficient number of valid signatures, the list proposal is entitled to stand for the election in question. In our opinion it is difficult to see how the election authorities can make other assessments regarding the validity of the signatures. In our opinion, the fact that the election authorities are only required to check certain conditions indicates that they are not authorised to consider whether anyone wishes to withdraw his/her signature.

Before the time limit for submitting a list proposal expires, it can freely be withdrawn or altered. However the right to make alterations pertains to a committee of representatives. This must be regarded as an appropriate solution, since it would be

impractical to allow everyone who signs/submits a proposal, to make alterations to it after it is submitted.

If a person wishes to withdraw his/her signature, it is in our opinion most natural to regard this as a matter between that person and those who requested the signature. Here reference is made to the fact that the committee of representatives for the list, is at liberty to withdraw or alter the proposal before expiry of the time limit.

### **7.7 Representatives and committees of representatives**

Rules regarding this are contained in Section 6-1, (2) (e) of the Act and in Section 14 of the Election Regulations.

Section 6-1 (2) (e) of the Act stipulates that all list proposals shall name a representative and his/her deputy from among those who sign the list. Furthermore, the third sentence stipulates that the list proposal shall contain a list of those who are to function as a committee of representatives, although this is not a requirement in connection with approval of list proposals.

A representative's duties include representing the proposers in negotiations with the electoral committee/county electoral committee concerning the list proposal. It is the duty of the committee of representatives to withdraw the list if necessary.

Section 14 of the Election Regulations contains rules for appointing representatives and committees of representatives if that has not been done when the list is submitted.

It follows from Section 14 (1) of the Regulations that when a list proposal comes from a registered political party and is signed by two members of the board of a local branch of that party, they will be regarded as the representative and deputy representative. The board of the local branch will be regarded as the committee of representatives.

Section 14 (2) of the Regulations stipulates that, when a list proposal is submitted in accordance with the requirements in Section 6-3 (2) of the Election Act, the two uppermost signatories shall be regarded as the representative and deputy representative if the list proposal does not specify who is to have these functions. It also stipulates that the number of signers who are to constitute the committee of representatives shall be the five uppermost signatories on the list proposal.

The committee's functions cease when the election has been held.

### **7.8 Processing of list proposals by electoral committees/county electoral committees**

The electoral committee/county electoral committee shall check that the list proposals received satisfy the legal requirements, including whether the proposers and candidates satisfy the requirements of the Election Act, cf. Section 6-6. Through negotiation with the representative, the electoral committee/county electoral

committee shall seek to bring the list proposal into conformity with the requirements of the Act, cf. Section 6-6 (3).

Proposers must provide the documentation necessary to substantiate that the conditions are fulfilled when so requested by the electoral committee/county electoral committee. Electoral committees must take particular care in checking whether candidates satisfy the eligibility rules and that their names and addresses are correct.

If it is unclear who is entitled to represent a registered political party at a local level, and thus unclear who is entitled to submit the list for this party, the election authorities must clarify this by obtaining, and basing their considerations on, statements from the party's executive body, cf. Section 6-6 (4).

Section 6-6 (5) of the Act regulates matters when a person signs or is a candidate on more than one list proposal for the same election.

If a person is a proposer or candidate on more than one list proposal, the electoral committee/county electoral committee shall ask that person to choose the list on which he/she wishes to stand. If the person fails to reply within the time limit stipulated, he/she shall stand on the list first received and be deleted from the other(s). There is nothing to prevent a person appearing as proposer and candidate on the same list. One can also appear as proposer on one list proposal and as candidate on another, even if they are for the same election.

If it is found that a candidate is not eligible for election, or that he/she is exempted, the candidate shall be deleted from the list. In such cases, the representative for the list shall decide whether a new candidate shall be entered in the vacant place, cf. Section 15 of the Election Regulations. Alternatively, the list can be supplemented with a new name at the bottom, so that the other candidates move up in unchanged order.

The Ministry refers to Section § 3-1 of the Election Act, which regulates eligibility at election to the Storting, as well as Section § 3-3 of the Election Act, which regulates eligibility at election to county and municipal councils. The electoral committee/county electoral committee should as far as possible examine whether there are circumstances related to the candidates' positions which make them not eligible. The Ministry encourages the electoral committee/county electoral committee to inform the candidates about these rules when they are notified. In addition to the restrictions contained in the Election Act, there are certain positions that are incompatible with being a parliamentary representative. An example of this is being a Conciliation Board member.

It follows from Section 6-6 (1) of the Election Act that the electoral committee/county electoral committee shall make the lists available for inspection as and when they are received. The manner in which this is to be done shall be decided by the individual electoral committee/county electoral committee. As previously mentioned, the

signatures on the list proposals (except for those of the representatives) shall not be available for inspection, cf. Section 13 of the Election Regulations.

Approved lists can be put on the Internet, with the information concerning the candidates that is given in the proposed list and approved by the electoral committee/county electoral committee. The address and/or occupation of the candidates may be given in addition to their names and years of birth.

## **7.9 Notifying candidates**

All candidates on the list shall be notified by the electoral committee/county electoral committee in accordance with Section 6-6 (5) of the Election Act when they are listed on a list proposal.

This notification shall contain information concerning grounds for claiming exemption from election to the Storting, cf. Section 3-2 of the Election Act, or to county or municipal councils, cf. Section 3-4 of the Election Act. There are no further rules regarding the manner in which this notification is to be given. The Ministry recommends that this notification take place in the form of a registered letter.

The electoral committee/county electoral committee shall determine the deadline for responses, the documentation required, etc., in accordance with normal municipal proceedings, cf. the Local Government Act and Public Administration Act.

## **7.10 Alterations to list proposals after expiry of the submission deadline**

### *7.10.1 General*

The Ministry points out that before the submission deadline expires, the proposers may make changes to the list proposal, even if it has been submitted to the electoral committee. They may change the order of the candidates and/or replace candidates. They may also submit a new list proposal. If several list proposals have been submitted, the electoral committee shall use the last proposals to be submitted.

### *7.10.2 Changes after the submission deadline has expired*

It follows from Section 15 (1) of the Election Regulations that, after the submission deadline has expired, proposers may only make those changes to the list proposal that are necessary in order to bring the list into conformity with the Election Act and Election Regulations. Although that is not necessary for conformity with the legislation, they may insert a new candidate on the list if a candidate has been deleted because he/she is disqualified or exempted from election, cf. Section 15 (2) of the Election Regulations. Alternatively, the candidates following the empty slot can be moved up, while also inserting a new name at the bottom of the list.

The order of candidates cannot be changed, in the form of reordering, after expiry of the submission deadline. Neither can changes be made as regards the number of candidates to be awarded additional votes during municipal council elections.

There is no requirement to insert a new name when a candidate is exempted, as long as the list proposals otherwise contains a sufficient number of names to be approved. In such cases, the list proposal representative may decide that the subsequent candidates be moved up, without supplying a new name.

#### *7.10.3 Candidate(s) die(s) after list proposals are approved.*

One or more list candidates may die after the lists have been approved. The question here is whether or not the person in question should be removed from the list. It seems natural to confer with the proposers and the next-of-kin, and to comply with their wishes insofar as possible. If it is desirable to remove the name, and the official ballot papers have not yet been printed, the person in question's name should be removed from the list before it is printed. If the ballot papers have already been printed, the deceased's name should be redacted if this is practicable.

An approved electoral list will be valid even if, due to death(s) among list candidates, it contains fewer names than required by the Election Act.

A deceased candidate must be disregarded in candidate results. This follows from the provisions regarding ineligible candidates (Sections 11-5, 11-10 and 11-12 of the Election Act), and applies in all elections.

Section 7-2 (3) of the Act concerns the ability of voters in municipal council elections to include candidates from other electoral lists (so-called “cross-party votes”) on the ballot paper they use. This will normally have an impact on the distribution of list votes between lists. However, it follows from the final sentence of the provision that the inclusion of ineligible candidates (including the deceased) will not have significance as regards the distribution of list votes.

### **7.11 Approval of election lists**

#### *7.11.1 Deadline*

The electoral committee/county electoral committee must adopt decisions on list proposals by not later than 1 June, cf. Section 6-6 (2) of the Election Act.

By no later than the same date, the approved list proposals (official election lists) shall be displayed for inspection, cf. Section 6-7 of the Election Act. Pursuant to this provision, the electoral committee/county electoral committee shall also arrange announcement of the headings on the approved lists. Information shall be provided at the same time regarding where the lists are available for inspection by the public. The electoral committee/county electoral committee decides where the lists are to be available.

#### *7.11.2 Notifying proposers*

Section 18 (1) of the Election Regulations stipulates that the electoral committee/county electoral committee shall notify the representatives and send them a copy of the approved list proposal as soon as the lists are approved.



If a list proposal is not approved, the electoral committee/county electoral committee shall notify the representative of this as soon as possible and, at the same time, inform him/her of the right to and conditions for appeal, cf. Section 18 (2) of the Election Regulations.

## **7.12 Appeals**

Section 6-8 of the Act stipulates that those who believe that the electoral committee/county electoral committee should reverse a decision to approve or reject a list proposal, have a right to appeal within a certain time limit. The electoral committee's decision to approve or reject an application for exemption may also be appealed under this provision.

The time limit is 7 days from publication of the heading on the approved lists. The reason for this provision is to avoid an invalid election by correcting any mistakes *before* the election takes place. It will thus be possible to avoid uncertainty as to whether an election will be valid or not.

Registered parties may also appeal under this provision, although they do not have a right of appeal under the ordinary appeal rules in Chapter 13. Even if it does not have a local branch that has submitted a list in the constituency in question (with a possible risk of confusion), the party may nonetheless be interested in protecting its name.

The Ministry is the appeal authority for county and municipal council elections. If the electoral committee/county electoral committee does not accept the appeal, the final decision will be made by the Ministry.

For parliamentary elections, the National Electoral Committee will be the appeal authority for appeals regarding list proposals.

If no appeal is filed under this provision, there will nevertheless be an opportunity to appeal later under the general appeal rules in Chapter 13. However, it may then be too late to correct any errors before the election day. Therefore this may lead to the party being unable to participate in the particular election, unless the appeal authority finds that the result of the election is not valid and orders a second ballot.

## **8 BALLOT PAPERS**

### **8.1 Introduction**

Provisions relating to ballot papers and the voters' right to make alterations to ballot papers (i.e. the right to cast personal votes) are in Chapter 7 of the Election Act. Regulations for producing and printing ballot papers have been issued by the Ministry by virtue of Section 7-3.

Ballot paper envelopes are not used when voters cast advance votes in the municipality whose electoral register they appear on, or on election day. This means that strict rules

must apply for ballot papers in consideration of the need to protect the secrecy of the ballot.

Multiple and various considerations must be emphasised in the design of ballot papers, cf. Chapter 4 of the Election Regulations. It is a goal for the design of ballot papers for different elections to be developed as uniformly as possible, as well as to comply with universal design requirements.

## **8.2 Obligation to print ballot papers**

The Act requires the county electoral committee to print ballot papers for all approved election lists in the county, for use in parliamentary and county council elections, cf. Section 7-1 (1). The county electoral committee shall print ballot papers both for use in polling stations on election day and for advance voting.

The Act requires the electoral committee to print ballot papers for all approved election lists in the municipality, for use in municipal elections, cf. Section 7-1 (2). The electoral committee shall print ballot papers both for use in polling stations on election day and for advance voting.

Furthermore, under Section 20 of the Election Regulations it is a duty to produce blank ballot papers. For county council elections, the county electoral committee must arrange production of blank, blue ballot papers. For parliamentary elections, the county electoral committee must arrange production of blank ballot papers that are white on the inside and orange on the outside. Similarly, for municipal council elections, the electoral committee must arrange production of blank ballot papers that are white on the inside and pink on the outside.

On the outside, the blank ballot papers shall be the same as those with lists, so that a blank ballot paper cannot be distinguished from the others. Accordingly, the format and the outside (instructions, halftones (if any) and so on) must be the same as the ordinary ballot papers with the names of the candidates.

In Section 20 (4) of the Election Regulations, the Ministry stipulates that the following shall be printed on the inside of the blank ballot papers in the appropriate form of Norwegian: BLANK BALLOT PAPER for use for blank votes.

## **8.3 Ballot papers for advance voting and polling stations**

Section 7-1 of the Election Act states that it is the duty of the county electoral committee/electoral committees to arrange printing of ballot papers for all the approved election lists in the county/municipality before advance voting commences. Nothing is stipulated regarding the number of ballot papers to be printed. The respective electoral committees are responsible for ensuring that enough ballot papers are printed both for advanced voting and for voting on election day.

Therefore, the county electoral committee/electoral committee must determine the number at their discretion. It is important to be certain that enough ballot papers are printed.

#### **8.4 Ballot papers for proposers**

Pursuant to Section 21 of the Election Regulations, the representative for the individual election list may order, at his or her own expense, through the county electoral committee/electoral committee, the number of ballot papers he or she wishes.

Requests for ballot papers must be submitted within the time limit set by the county electoral committee/electoral committee.

#### **8.5 What is to be printed on ballot papers**

What is to be printed on ballot papers is set forth in the Election Regulations, Section 19 (3) (a)-(d):

- a) the ballot paper shall show the election to which it applies
- b) the ballot paper shall have a heading showing the party or group by which it is issued. The heading shall be printed in type size 20 points or larger, see more on this under the points regarding type sizes, type of lettering, etc.
- c) The given name(s), surname and year of birth of the candidates standing for election on the list, must be shown on the ballot paper. The individual electoral committee may decide whether the surname or given name shall come first. The candidates' occupation and/or place of residence may also be shown on the ballot paper, and must be shown if there is risk of confusion. On joint lists information may also be given concerning the different groups to which the candidate belongs. If such information is given, it must be given for all the candidates on the list.
- d) The ballot papers shall contain instructions for voters concerning their right to alter the ballot paper. If these instructions are printed on the back of the ballot paper, notice of this must be given on the front, see more regarding these instructions under the point concerning instructions for voters (8.12).

Pursuant to Section 19 (8) of the Election Regulations, candidates for election to municipal councils who are to be awarded additional votes pursuant to Section 6-2 (3) of the Election Act, shall be listed first on the ballot paper in bold print.

The use of party logos on ballot papers is not at present permitted by the Election Act.

#### **8.6 Fields for altering ballot papers**

Section 19 (7) – (9) of the Regulations contain rules on how to arrange for voters to alter ballot papers.

### *8.6.1 Parliamentary election*

Ballot papers for parliamentary elections must be printed according to the Election Regulations' design requirements, cf. Section 19. No other information can be displayed on the ballot papers.

### *8.6.2 County council and municipal council elections*

For county and municipal council elections, there shall be a column of boxes to the left of the candidates' names and headed "Personal vote" in the appropriate form of Norwegian, see Section 19c (3) of the Election Regulations. Voters wishing to cast personal votes mark the boxes. On ballot papers for municipal council elections, all candidates who are to have additional votes pursuant to Section 6-2 (3) shall be listed first on the ballot paper in bold print.

For municipal council elections there shall in addition be a field for personal votes for candidates from other lists (cross-party votes). The field must have the heading "Candidates from other lists" in the appropriate form of Norwegian, see Section 19c (4) of the Election Regulations. Here voters enter the name(s) of any candidates from other lists for whom they wish to vote.

## **8.7 The size of ballot papers**

The size of the ballot papers follows is set forth in Sections 19b and 19c of the Election Regulations. In the case of parliamentary elections, the size is 150 x 203 mm after folding. In the case of county council elections, the size is 150 x 220 mm after folding. In the case of municipal council elections, the size is 150 x 220 mm after folding. Pursuant to Section 19b (6) and 19c (6) of the Election Regulations, the ballot papers must have offset folding edges.

## **8.8 Quality and colour of paper**

The ballot papers shall be printed on 90 g uncoated white paper. Pursuant to Section 19b (1) of the Election Regulations, ballot papers for parliamentary elections must have a coloured pattern page with colour code C0 M60 Y90 K0 (orange), and a dark pattern field on top. The outside of the ballot paper shall bear the instruction text and a designated stamp field printed on a white background. The ballot paper shall have a white inside with the names of parties or groups and names of candidates printed, and a folding edge with the same pattern and colour code as the outside.

Section 19c (1) of the Election Regulations state that in municipal elections the outside of the ballot paper must have a pattern in colour code C0 M20 Y0 K0 (pink), while Section 19c (2) states that in county council elections the outside of the ballot paper must have a pattern in colour code C35 M0 Y5 K0 (blue). Both of these must be overlaid with a dark pattern on top. The ballot papers shall be the same colour on both sides. The reason for this rule is that municipal and county council elections take place simultaneously, so it must be possible to see from the outside whether it is white or blue and consequently the election to which it applies.

The Norwegian Directorate of Elections signs a framework agreement with a printer for the printing of ballot papers and it is recommended that municipalities and county authorities place call-off orders under this framework agreement. The agreement also includes quality assuring the ballot papers for optical reading, and ensures that ballot papers satisfy the other regulatory requirements.

Section 19 (2) of the Election Regulations stipulates that ballot papers for use at the polling stations, shall be produced in such a manner that it is not possible to see what the voter has voted after the ballot paper is folded. To protect the secrecy of the ballot, it is important that ballot papers are not transparent. Neither the Act nor the Regulations specify how electoral committees should ensure this. It will be up to the individual electoral committee/county electoral committee to find the solution that it believes best ensures secrecy.

The point is that it must not be possible to see what the person voted after the ballot paper is folded. Please note that the outside of the ballot should appear orange, pink or blue, respectively.

The electoral committees are responsible for ensuring that the ballot papers satisfy the requirements. They must make sure that the printers understand the requirements and comply with them. It is not up to the printer to decide whether the voters' rights are duly protected. As a minimum, the county electoral committee/electoral committee must request a sample or proof print to enable them to judge the quality for themselves.

### **8.9 Type size, type of lettering and double-sided printing**

Section 19 (1) of the Election Regulations stipulates that it is important that ballot papers are reader-friendly. Accordingly, the type of lettering used on ballot papers must be reader-friendly. It should be plain, without serifs, and not closely written. The Norwegian State Council on Disability recommends use of Arial or Tiresias, which are highly reader-friendly.

As regards headings, Section 19 (3) (b) of the Election Regulations stipulates that the type shall be minimum 20 point. If a ballot paper for a joint list has a joint designation as the heading, it will be sufficient that the joint designation is printed in this size.

Electoral committees must ensure that the heading is placed so that it is visible when the ballot papers are placed in their compartments.

All ballot papers in the same constituency shall have print of the same type and size.

### **8.10 Counting marks, codes and the like**

Pursuant to Section 19b (4) of the Election Regulations, the ballot paper number and a unique ballot paper ID shall be printed on the bottom left side of the ballot paper for parliamentary elections. The ballot paper number shall be printed in font OCRB 10 point with character spacing set to 75 thousandths of an em. The number consists of 22 characters and is generated in EVA. The ballot paper number is only printed on the side

of the folding edge that has the stamp area on the back, applies ballot papers divided into two or three parts. The ballot paper ID is generated by the printing office consecutively during printing. Each ballot paper must have its own unique number. This shall also be printed in font OCRB 10 point with character spacing set at 75 thousandths of an em. This number consists of 8 characters. The ballot paper ID shall only be printed on the same side as the ballot paper number.

Adjustment marks shall be printed on the inside and outside of the ballot paper as shown in the regulations. Templates for the ballot papers are made available by the Norwegian Directorate of Elections.

## **8.11 Altering ballot papers**

### *8.11.1 Parliamentary election*

In parliamentary elections, voters may alter the ballot paper in two different ways. They may change the order in which the candidates' names are listed and may delete candidates' names, cf. Section 7-2 (1) of the Election Act.

Pursuant to Section 19b (2), there shall be a column of boxes to the left of the candidates' names, for use when altering the ranking order of the candidates. The column shall be headed "No.". Voters may change the order of the candidates by entering in the box a number that corresponds to the desired position in the ranking of the candidates. This must be evident from the instructions on the ballot paper.

The Act stipulates that candidates may be deleted in accordance with the instructions on the ballot paper. Candidates are deleted by marking the box to the right of the candidate's name, cf. Section 19b (3) of the Election Regulations. The column shall be headed "Delete". The ballot paper must bear an inscription stating that this is the only means whereby the voter can delete a candidate's name.

Deletions marked outside the particular column of boxes for deleting candidates, will not be recognised as deletions. The reason is that the different optical scanners must be able to read the ballot papers. This was found to be the best solution in consideration of an effective election and equal treatment of voters.

### *8.11.2 Municipal and county council elections*

Section 7-2 (2) of the Election Act stipulates that voters may cast personal votes for as many candidates as they wish in municipal and county council elections. This is done by putting a mark beside the name of the candidate(s). Pursuant to Section 19 (7) of the Election Regulations, there shall be a column of boxes to the left of the candidates' names. This column will be headed "Personal vote" in the appropriate form of Norwegian.

In municipal council elections, the voters may also cast personal votes for one or more candidates on other election lists, so-called "cross-party votes", cf. Section 7-2 (3) of the Election Act. This is done by entering the names of the candidates on the ballot paper.

Pursuant to Section 19c (4) of the Election Regulations, there shall be a field on the ballot paper for entering candidates from other lists. The first column in the table must be headed “Candidates from other lists” in the appropriate form of Norwegian. The second column shall be headed “Party”.

The number of candidates that can be added from other lists (cross-party votes) depends on how many members the municipal council has. The maximum number of candidates that may be entered, corresponds to one-fourth of the number of members to be elected. Since municipal councils are required to consist of an odd number of members, cf. Section 7 (2) of the Local Government Act, the number cannot be divided by four. Therefore the figures must be rounded off. The number must be rounded down, because the number of cross-party votes would otherwise exceed the legal maximum of one-fourth. Nevertheless, up to five candidates from other lists may always be entered, irrespective of the number of members on the municipal council.

### **8.12 Instructions for voters**

Pursuant to Section 19 (3) (d) of the Election Regulations, instructions regarding the right to alter ballot papers shall be printed on the papers. The text can be found in the Regulations.

## **9 ELECTION MATERIALS**

### **9.1 Materials to be sent to the electoral committees**

The Norwegian Directorate of Elections and the Sami Assembly distribute the following election materials to the electoral committees:

#### *9.1.1 Official ballot paper envelopes*

The ballot paper envelopes must be used during advance voting in the following instances:

- During the advance voting period, cf. Section 24a of the Election Regulations.
- In the event of loss of power or communication with the electoral register (contingency procedure), cf. Section 8-4 (3) of the Election Act and Section 27a of the Election Regulations.
- Where the electoral committee in special instances has determined that a ballot paper envelope must be used, cf. Section 8-4 (4) of the Election Act
- When a vote is received from a voter registered in another municipality, cf. Section 8-4 (5) of the Election Act
- When a vote is received from a voter not listed in the relevant part of the electoral register or who has already been crossed off in the electoral register, cf. Section 27 (4) of the Election Regulations.

On election day, ballot paper envelopes must be used if the vote must be put in a special cover.

For municipalities that use electronic crossing of in the election register on the election day, ballot paper envelopes are also used at the polling station in cases where voting is to be accepted as contingency votes, cf. Section 9-5a (4) of the Election Act.

Ballot paper envelopes are not used during ordinary advance voting when voters cast advance votes in the municipality on whose electoral register they appear, or during normal voting on election day.

The ballot paper envelopes are brown and in C5 format. The front of the envelope bears the national coat of arms and “valg/val” (election). Ballot paper envelopes for Sami Assembly elections are blue.

### *9.1.2 Cross-off ballot paper*

The Norwegian Directorate of Elections distributes ballot papers that can be used by voters who vote outside their own county in parliamentary elections and outside their own municipality in county council elections. These ballot papers do not contain the names of the candidates. Instead they contain an overview of all the registered political parties. The voter shall mark off the party he/she is voting for. If the voter wishes to vote for a party/list that is not on the cross-off ballot paper, the name can be added in an open field on the ballot paper. Cross-off ballot papers also have Braille.

In addition to the party names printed in ordinary text, Braille abbreviations of party names are included for the benefit of blind voters. The Norwegian Directorate of Elections distributes an information sheet printed in Braille designed for this group of voters. The sheet must be made available to blind voters who receive the ballot papers the Norwegian Directorate of Elections sends out. The sheet contains an explanation of the party abbreviations used on the ballot papers and a guide on how to vote.

The Sami Assembly will send out ballot papers for Sami Assembly elections containing party names and candidate names for use by voters who vote in their own constituency in Sami Assembly elections. It will also send out blank ballot papers without party names and candidate names. These ballot papers shall be used by voters who vote outside their own constituency in Sami Assembly elections. The voter writes the name of the person for whom they wish to vote on the ballot paper.

The ballot papers must be distinguishable from each other when simultaneous elections are held. Ballot papers for parliamentary and Sami Assembly elections are orange, while ballot papers for Sami Assembly elections are blue. Ballot papers for municipal and county council elections are pink, while ballot papers for county council elections are blue. The Norwegian Directorate of Elections also sends out:

- blank polling cards
- posters informing voters how to vote via either advance voting or on election day

## **9.2 Materials to be procured by the electoral committee**

The electoral committees must procure all other necessary materials. These include:



- Ballot papers showing the names of candidates.
- Window envelopes for advance voting. The Norwegian Directorate of Elections recommends that the municipalities use a new window format for the cover envelope. Older cover envelopes should not be used because of the risk that the name and address of the voter appears in the envelope window.
- Contingency envelopes for use in the event the online electoral register is not available during advanced voting (see below).
- Orange contingency envelopes for use if the online electoral register is not available on the election day, if the municipality uses electronic crossing off in the electoral register on the election day (see below).
- Cover envelopes for votes to be inserted in a separate cover, i.e. for
  - 1) “alien” votes.
  - 2) voters who are not registered in the electoral register
  - 3) voters who have been crossed off in the electoral register because they have voted in advance.
- Stamps for stamping ballot papers (for more information about stamps, see Section 10.9.7).
- Sufficient writing materials (preferably ballpoint pens) to be placed in the voting booths for use by voters who want to make changes to the ballot papers.
- Wrapping paper and string.
- Sealing materials.
- Cover envelope.

The Norwegian Directorate of Elections recommends the following format for the windowed cover envelope:

Envelope format: B5 (width 250 mm x height 176 mm).

Window size: Width 118 mm x height 95 mm.

Window placement: 14 mm from left edge and 46 mm from top.

Votes that must be sent to other municipalities must be sent in a mailing envelope, cf. Section 27 (8) of the Election Regulations.

The votes to be sent to other municipalities shall be sent in a cover envelope, cf. Section 27 (8) of the Election Regulations. The municipalities shall also have contingency envelopes available if the electronic voting administration system, EVA, should go down during the advance voting period. This envelope should stand out from the cover envelope. For example, this may be done by putting a “B” on the envelopes used in a contingency situation.

Municipalities that use online crossing off in the electoral register on the election day shall have orange contingency envelopes available if the online election administration

system, EVA, should go down on the election day, cf. Section 31a of the Election Regulations.

Well in advance of the election day, the election committee must ensure that all the necessary election materials have been procured.

Election materials will be distributed to the municipalities directly from the printers. Experience has shown that errors may occur when distributing the material, so that it is necessary to re-send material to some municipalities. Therefore, it is important that election committees check the whole delivery as soon as it arrives, so that any replacement deliveries of election materials can be sent as soon as possible.

Municipalities that have not received sufficient envelopes or ballot papers may ask the Norwegian Directorate of Elections to send more. Orders for supplementary deliveries may be sent by email to: [hjelp@valg.no](mailto:hjelp@valg.no) (Tel. 21 49 62 40). It is emphasised however that other envelopes and any blank ballot papers may be used if the municipality runs out of the supplied materials.

The electoral committee must ensure that the election materials are distributed to the polling stations in a timely manner and such that nothing is lost or damaged. The chairperson of the polling committee is responsible for checking that all materials have been received.

### **9.3 Universally designed election equipment**

Each individual municipality is responsible for establishing polling stations both for advance voting and for election day itself. The requirements for universal design, cf. Point 10.3, shall be emphasised in designing the polling stations.

Universally designed election equipment has been developed which takes into account the various challenges facing persons with disabilities. The election equipment includes the polling booth, ballot boxes and a sign programme. Both the polling booth and the ballot box have been designed in such a way that all voters, including wheelchair users, shall be able to use them. There will therefore be no need for a specially adapted polling booth for this group.

The Norwegian Directorate of Elections has entered into a framework agreement on production of this equipment on behalf of the municipalities. This means that municipalities wishing to order equipment may do so by making call-offs on the agreement. Therefore, the municipalities do not need to have its own tender competition. A web portal has been established to make it easier to order equipment. Municipalities can find information about and order equipment via the website. The address of the web portal is: [www.valgutstyr.no](http://www.valgutstyr.no)

Each municipality decides for itself how much equipment it wishes to purchase for each election. The municipality also decides whether it wishes to purchase all or part of the solution. No municipality is obliged to purchase election equipment from this solution.

## 10 ADVANCE VOTING – IN NORWAY

It is important that all those involved in and receiving advance votes are given sufficient training to prevent any errors being made. Those receiving advance votes are responsible for ensuring that official routines are followed, otherwise the votes may be discarded.

The rules concerning advance voting are laid out in Chapter 8 of the Election Act (Act relating to Parliamentary and Local Government Elections) and Chapter 6 of the Election Regulations. The municipalities are responsible for making arrangements for the receipt of the advance votes within Norway.

### 10.1 Advance voting

Voters may cast votes within Norway from 1 July; so-called advance voting. The advance voting period must last until 9 August, that is to say up to the date on which normal advance voting starts on 10 August.

Formally, such “advance voting” will be part of the advance voting, but the period from 1 July to 10 August is called the advance voting period, and the period from 10 August to the Friday before election day is called ordinary advance voting.

Provision for this scheme is laid down in Section 8-1 (4) of the Election Act:

*(4) Voters residing within Norway, with the exception of Svalbard and Jan Mayen, and who are prevented from voting during the advance voting period or on election day(s), may apply to the municipality and vote during the period from 1 July until the advance voting period, which commences on 10 August of the election year.*

In certain election years, 10 August will fall on a Saturday or Sunday. Section 15-5 of the Election Act then stipulates that the deadline shall be extended until the next Monday. The Act must therefore be read such that, during these years, it shall be possible to cast advance votes until ordinary advance voting starts. Municipalities that so desire, may therefore keep advance voting open on Saturday and Sunday.

This scheme applies to all voters. Advance voting is intended as a service for those who are unable to vote in advance during the standard period or on election day. However, the voter is not required to provide documentation that he or she is prevented from voting in advance or from voting on election day.

Voters may cast their votes in any municipality in the country. In other words, there is no requirement that a vote must be cast in the municipality in which the voter is registered. The electoral committee shall send the votes to the correct municipality, as and when the votes are cast.

Voters must apply to the municipalities with a request to vote. This may be submitted in writing or verbally.

#### *10.1.1 Opening hours for advance voting*

Section 24 a (2) of the Election Regulations stipulates that *“The electoral committee shall state where such voting is to take place. The electoral committee should, insofar as possible, take due regard to the voter’s wishes with regard to the time and date for voting”*. It is natural for the electoral committee to announce the time and date when such voting can take place. In reply to enquiries, voters shall be given the periods when voting can take place. If a voter states that he or she is prevented from voting during this period, the electoral committee should, within reasonable limits, try to agree on a time that is suitable for the voter, for example at a later time on the same day. However, as a point of departure, the voter should be requested to cast his/her vote during normal working hours/opening hours. The electoral committee shall decide on the best solution according to the circumstances in each individual case. In announcements concerning the scheme, it should be sufficient to state the ordinary opening hours as fixed by the electoral committee.

#### *10.1.2 Organisation, procedure, election materials and electoral register*

Pursuant to Section 24 a (1) of the Election Regulations, the electoral committee shall organise matters to enable voters to apply to the municipality during the period from 1 July until ordinary advance voting starts to cast their votes. The provision stipulates the municipalities’ obligation to arrange matters to enable voters to vote advance.

All voters may contact the municipality, either personally or otherwise from 1 July with a request to vote. Advance voting is intended to be a special scheme which is simple to handle. Municipalities are not required to organise full advance voting facilities at all polling stations.

Section 24 a (3) of the Election Regulations stipulates that *“the rules of the Election Act and Election Regulations as regards advance votes shall apply in general insofar as appropriate. Section 8-4 (2), (3) and (4) of the Election Act do not apply.”* The procedure for advance voting is stipulated in Section 8-4 of the Election Act and Chapter 6 of the Election Regulations. This means that the requirement for votes to be cast in a *“secluded room and unobserved”* also applies during the advance voting period. Requirements in the Election Act concerning storage, sealing and transportation of materials also apply correspondingly.

Polling booths may be provided, or a secluded room if this is more convenient. The municipality must provide secluded placement of ballot papers. The requirements with regard to the secret ballot shall apply in the same matter as all other voting. Consideration must be given to wheelchair users, in the same manner as at polling stations.

The main rule in Section 8-4 (2), (3) and (4) of the Election Act for the ordinary advance voting regarding ballot papers directly in the ballot box does not apply. Instead, the advance voting procedure is described in Section 24 a (4) of the Election Regulations.

Ballot paper envelopes, polling cards<sup>3</sup> and cover envelopes must always be used during advance voting.

When advance voting starts, polling cards will not have been sent out to voters. If a voter does not bring a polling card, a polling card must be printed out and placed with the voting envelope in the cover envelope. According to ordinary procedures, returning officers must affix to the blank polling card or duplicate polling card sufficient information to identify the voter, see Point 4.11 regarding requirements for information on polling cards.

If ballot papers with candidate names are not ready before advance voting starts, the cross-off ballot papers with Braille, which are sent by the Norwegian Directorate of Elections to all municipalities, must be used.

The ballot paper must be stamped before it is inserted into the ballot paper envelope. The municipalities must therefore have stamps available when the advance voting period starts. See Point 10.10.7 regarding stamp requirements. If a ballot paper bears no stamp, it must be stamped by the election officer when the envelope is opened, the content checked and the vote assessed, cf. Section 39 a of the Election Regulations.

In order to ensure a secret ballot, the ballot paper envelope must be sealed. If the voter has not sealed the envelope, this must be done by the returning officer. An unsealed envelope is not grounds for disregarding the vote.

The returning officer must use information from the electoral register and affix this to the polling card. This also applies to information stating the municipality in which the voter is registered. The returning officers appointed by the electoral committee shall not decide whether these votes are to be approved or not. Neither shall they place a mark in the register. Marking of the register must only take place when a vote has been approved, cf. Section 10-1 of the Election Act. The returning officers shall never decide whether an advance vote is to be approved or not. This evaluation shall be made by the electoral committee, in the normal manner.

Advance votes must not be marked as “advance votes” in any manner, but the number of advance votes received shall be registered separately in the electoral committee’s protocol.

Votes pertaining to other municipalities shall be forwarded as and when received. Approval of votes shall be evaluated by the electoral committee when the voting register is ready. Until this time, the electoral committee must ensure that votes are securely deposited. The date for examination and control shall be fixed by the electoral committee. To ensure that the electoral register is updated before ordinary advance voting starts, the electoral committee should address votes before this time. The

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<sup>3</sup> Voters will not have received polling cards during this period. The municipality must therefore either use blank polling cards or print out a polling card from EVA.

requirements in the Election Regulations concerning safekeeping, sealing and transport of materials apply similarly.

The ballot papers with candidate names will most likely not be ready for 1 July. The county authorities/municipalities are not required to have ballot papers ready by 1 July, but if the ballot papers with candidate names are in fact ready by 1 July, they may be used for advance voting. If this is not the case, the cross-off ballot papers with Braille must be used.

The municipalities shall announce the time and place of advance voting, including advance voting, cf. Section 24 of the Election Regulations.

The requirement for two returning officers does not apply to advance voting.

## **10.2 Ordinary advance voting period, within Norway**

Ordinary advance voting takes place as of and including 10 August of the election year, cf. Section 8-1 (1) of the Election Act. If 10 August is on a Saturday or public holiday, advance voting will start on the first working day thereafter, cf. Section 15-5 of the Election Act.

Advance voting must take place no later than the last Friday before election day, cf. Section 8-1 (2). The Governor of Svalbard may decide that voting shall close earlier than the main rule in the Act, should this be necessary in order to ensure that the advance votes are received in time.

Voters must themselves ensure that they vote in time for their votes to reach the Electoral Committee before 17.00 hours the day after Election day.

### *10.2.1 Opening hours*

Opening hours for the receipt of advance votes have traditionally been the same as the opening hours in the municipality. It can be difficult to find the time to vote in a busy working day. In order to ensure good availability for voters, the municipalities should therefore give opening hours careful consideration and examine the possibility of extending opening hours for a longer period than has been practised hitherto.

The Ministry is of the opinion that there are grounds for extended opening hours at least one day a week throughout the advance voting period, perhaps providing extended opening hours every day during the last week before the election. However, on the last day before election day, there may be a reason to close earlier in order to ensure that the votes arrive in time. Municipalities should also consider the possibility of opening hours on Saturdays.

## **10.3 Accessibility and facilitation of elections**

The accessibility of ordinary elections concerns both the premises used as polling stations and how these premises are made accessible. It is imperative to ensure that all those who want to vote in the election, have the opportunity to do so. Good accessibility

must ensure the individual's right to participate and have a say in society, and no-one shall be excluded from voting in an election due to lack of facilitation. It is therefore absolutely necessary for the municipalities to consider the accessibility of polling stations before elections.

#### *10.3.1 Universal design*

Universal design means designing products or surroundings in such a manner that they can be used by everyone, insofar as possible. The concept of universal design involves a stricter requirement for equality of opportunity than does the concept of accessibility for persons of reduced functional ability. While accessibility for persons with disabilities may be achieved by means of special solutions, universal design requires that the main solution shall meet all user needs.

An important part of equality of opportunity for people with disabilities is to be able to exercise their right to take part in elections on the same basis as other citizens. When the electoral committee decides on premises to be used for advance voting, it is therefore necessary to take into account voters with disabilities.

Act of 16 June 2017 No. 51 relating to equality and a prohibition against discrimination (Equality and Anti-Discrimination Act) stipulates requirements for the universal design of polling stations. Section 17 of the Act states *“Public undertakings and private undertakings focused on the general public have a duty to ensure that their general functions have a universal design.”* The duty does not apply to design or accommodation that imposes a disproportionate burden on the undertaking.

The purpose of the Equality and Anti-Discrimination Act is to promote equality and prevent discrimination based on, for example, disability. It is intended to “help to dismantle disabling barriers created by society and prevent new ones from being created”, cf. Section 1. Participation in elections is one of the most important arenas for social participation. It is therefore important that the municipalities perform a thorough evaluation of whether the polling stations satisfy the requirements for universal design. Surroundings and materials shall be designed so that they can be used by people in all age groups and with different skills, capacities and functional abilities. Conditions relating to movement, sight, hearing, understanding or sensitivity to the environment are crucial.

The building application part of the Planning and Building Act provides a legal basis for laying down regulations relating to the upgrade of existing public buildings to a standard corresponding to universal design. Such regulations have not yet been laid down.

#### *10.3.2 The municipality's duty to act*

The Equality and Anti-Discrimination Act contains requirements with which electoral committees must comply. Section 24 of the Act states *“Public authorities shall make active, targeted and systematic efforts to achieve the purpose of this Act.”* Section 19 of the

Act also stipulates a duty to actively strive to promote universal design, which supplements the general duty to take action. These duties to act require municipalities to pay attention to whether or not polling stations satisfy universal design requirements.

### *10.3.3 Requirements related to advance voting premises – choice of premises*

Sections 8-3 (1) and 9-3 (2) of the Election Act stipulate certain requirements for the premises to be used for voting. The premises must both be suitable for voting and accessible to voters.

#### *10.3.3.1 Suitability*

It follows from the Election Act Section 8-3 (1) that voting must take place in suitable premises. This means that the framework surrounding advance voting must be such that voters feel comfortable in the situation and secure in their knowledge that basic safety procedures are followed. Advance voting premises should therefore have a certain official nature. Voting is therefore primarily relevant in public buildings. Other premises may also be used, but voting in premises in which activity of a commercial nature takes place, will not satisfy the requirement for voting to take place in a calm and dignified manner. However, this does not preclude advance voting in shopping centres or similar locations. But where in the shopping centre this is facilitated, must be evaluated vis-à-vis the suitability requirement.

Otherwise, please refer to Point 10.4.3, which describes voting in shopping centres in more detail. For example, one may accept votes in temporary premises or similar outside the shopping centre, or one may establish a polling station in a suitable area inside the shopping centre. Examples of potential polling stations include empty or vacant premises inside the centre. Whether or not certain premises are suitable for accepting advance votes, will depend on a specific assessment. In this assessment the electoral committee must assess both the premises' design and the type of other activity taking place in the premises.

#### *10.3.3.2 Accessibility*

Voters must be able to enter the polling stations unassisted. Other premises must only be used in the event of “special circumstances”. This means that voting must take place in premises that voters can enter unassisted.

If there are no such premises in the municipality, the municipality must generally implement measures to make the premises accessible to voters. This may include setting up a wheelchair ramp. If there are no suitable premises that voters may enter unassisted, and it is not possible or will be disproportionately expensive to make the premises accessible to all voters, other premises may be used. A strict assessment must form the basis for the decision to use other premises.

The accessibility of premises will depend on their geographical location in the municipality, parking or bus stops nearby, whether they are in a traffic hub, a place used by many people etc. The municipality should review the whole “voting process”,



from parking or bus stop to ballot box, to see whether any obstacles that could create problems for certain voters have been overlooked. Unmarked stairs/steps can be perceived as particularly problematic.

The accessibility requirement applies to all polling stations in the municipality. It is not sufficient to facilitate only one polling station. There must be weighty reasons in favour of waiving this requirement. The Ministry also wants to emphasise that, not facilitating a polling station on the grounds that facilitation is not needed in the polling district in question, does not constitute compliance with the Act.

When considering whether premises can be found that voters can enter unaided, all types of premises should be considered. Even though there is no tradition of holding advance voting in a certain type of premises, this would be a better solution than having polling in premises that are not accessible to all voters. Relevant premises are listed in Point 10.4.

#### *10.3.4 Facilitation in the premises*

##### *10.3.4.1 General*

Sections 26 and 30 of the Election Regulations contain requirements for good accessibility inside the actual polling stations. The polling stations' accessibility includes all aspects of the interior of polling stations which may affect the opportunity to cast votes. This includes signage/markings, accessibility, logistics, lighting and election equipment such as polling booths, ballot boxes and ballot papers.

In connection with the requirements for universal design, an election equipment solution has been developed from which the municipalities may order; see Point 9.3.

The Ministry wants to point out the importance of municipalities keeping in mind who is being facilitated. It is important to be aware that a large portion of the population will be disabled for parts of life, for example during periods of injury and illness or old age. It is therefore important for municipalities to think creatively as regards facilitation.

##### *10.3.4.2 Wheelchair users*

The new polling booths have two tables, one for those standing and a lower one for wheelchair users. If in extraordinary circumstances there are no suitable polling booths for wheelchair users, ballot papers may be laid out on one or more low tables in the premises. In such cases, the tables must be hidden from view to allow the voter to choose a ballot paper in secret. One alternative is to distribute a complete set of ballot papers to voters who have difficulties using ballot papers laid out in the polling booth. However, we encourage, insofar as possible, the use of solutions that can be used by all.

##### *10.3.4.3 The blind and visually impaired*

The Election Regulations stipulate, among other things, that polling booths must be tidy and well-lit. The new polling booths have their own light over the tables. It is also

important for information at the polling station and/or in booths to be displayed in sufficiently large fonts to be read by all.

Section 26, second sentence and Section 30 of the Election Regulations stipulate that voting shall be facilitated in such a way that blind and visually impaired voters can cast their votes without having to ask for help. The municipalities decide for themselves how they wish to facilitate the fulfilment of this requirement. In choosing procedures it is of decisive importance that the ballot shall be secret and that the chosen solution shall be easy to follow.

The Ministry recommends that ballot paper cassettes be marked with labels with the list heading in Braille for the blind and large print for the visually impaired. If such booths are used, it is generally sufficient to furnish one such booth in each polling station. However, one should consider facilitating multiple polling booths in this manner, as signage with large fonts may be beneficial for large groups of voters.

Another way to facilitate blind and visually impaired voters is to use an index card solution. This entails using a small briefcase or similar with dividers, where the party names are printed in Braille and large type on the divider tabs. Ballot papers with candidates name must be placed behind the dividers. It is important to remember a separate divider for blank ballot papers. When a blind voter comes to vote, the voter will be issued the briefcase and can find his/her desired ballot paper independently without help from others. This solution may be particularly relevant in the event of at-home voting.

It is extremely important to emphasise that the secret ballot principle must be safeguarded, whatever solution is chosen.

The requirement for the voting to be facilitated to enable blind and visually impaired voters to cast votes without help from others, applies regardless of where the advance voting takes place. It thus applies not only to ordinary polling stations and at institutions, but also in the event of at-home voting. The requirement also applies abroad.

The Ministry wants to encourage people to thoroughly familiarise themselves with the provisions of the Election Regulations, which are available from [www.valg.no](http://www.valg.no).

Feel free to cooperate with representatives of various user groups and get advice from people with disabilities when planning which premises to use and when designing inside these premises, see also: [municipal and county authority committees for people with disabilities](#).

## **10.4 Location for advance voting**

### *10.4.1 Introduction*

The electoral committee shall decide where advance voting shall take place. However, there is a statutory provision requiring advance voting opportunities at health- and

social welfare institutions. See Point 10.3.3 regarding the requirement to consider suitability.

#### *10.4.2 “where the electoral committee otherwise determines...”*

As stipulated by Section 8-3 (2) (b) of the Election Act, advance voting shall take place where the electoral committee determines that advance votes shall be received. The electoral committee must evaluate specifically how many advance voting locations are required in the municipality. The same applies to the opening hours of the polling stations. However, the Act is based on the condition that it must be possible to cast an advance vote at least at one polling station throughout the entire period. However, this applies only to normal working days (Monday to Friday).

Locations where it is natural to hold advance voting, in addition to the statutory provisions (health- and social welfare institutions and ambulatory service) include municipal offices, public service offices, libraries, NAV (Norwegian Labour and Welfare Administration) offices, banks, building societies, social welfare offices, community nursing services, local retailers, shopping centres, schools, universities, university colleges, hotels, election buses, election boats, medical service boats, etc. When organising advance voting, it is important that the municipality ensures good accessibility for all voters.

#### *10.4.3 At shopping centres*

In many municipalities, shopping centres will be places used by many voters. If conditions are suitable, it would be natural to allow advance voting here.

In Proposition No. 64 L (2010-2011) to the Storting (bill), the Ministry states the following:

*“Traditionally, many municipalities organise advance voting in town halls and/or municipal service and information centres, sometimes as the only location. The Ministry believes that municipalities should consider whether this actually ensures the best possible accessibility and facilitation. It is important to ensure good participation in elections, and thus facilitate voting in places where voters are to be found. The evaluation shows that there is positive feedback from advance polling stations in shopping centres. These days, there is good infrastructure connected with shopping centres, and shopping centres normally also have good accessibility and are well-organised for everyone, regardless of functional ability.*

*The Ministry urges each electoral committee to perform a thorough review of places for advance voting, with a view to the best facilitation for voting and the best possible accessibility for voters.”*

The Ministry refers to what has been quoted from the Proposition and asks municipalities to consider whether it may be relevant to have advance voting at one or more shopping centres in the municipality.

Advance voting in or outside shopping centres must be organised in such a way that the secret ballot principle is safeguarded, while ensuring that voting can be done undisturbed by other activity in the centre, as far as possible. If there are any vacant or unused premises in the centre, it may be natural to use these. Another alternative may be to use a temporary polling station set up outside the centre. The Ministry recommends that electoral committees enter into dialogue with the management of shopping centres with the aim of arriving at the most appropriate organisation of polling.

#### *10.4.4 At schools, universities and university colleges*

Being able to cast an advance vote at an upper secondary school, university or university college could be a simple and expedient way for younger voters to cast an advance vote. Municipalities with such learning institutions should therefore consider carefully what opportunities there are for voting there.

#### *10.4.5 In prisons and military camps*

Voters who are in prison may experience difficulties voting on election day. The same considerations that apply to providing facilities for advance voting at health and social welfare institutions, also apply to persons who are in prison. This means that there should be advance voting facilities in all prisons.

The same considerations apply, although to a lesser extent, to military personnel in military camps.

#### *10.4.6 At health and social welfare institutions*

Pursuant to Section 8-3 (2) (a) of the Election Act, advance voting at health and social welfare institutions takes place in the same manner as other advance voting. Health and social welfare institutions includes hospitals, nursing homes, after-care centres, etc. It is also possible to receive advance votes at the homes of people living in sheltered accommodation connected directly to the institutions as mentioned above, cf. Section 25 of the Election Regulations. It is not possible to determine that advance voting shall only be held at certain health and social welfare institutions.

Advance voting shall take place at least one day at all institutions. In order to encompass late arrivals, advance voting should be arranged as close to election day as possible. All voters shall have access to cast their advance votes at these institutions, including occupants, personnel and other voters.

The remarks in the previous paragraph are conditional upon these institutions being accessible to the general public. It has been pointed out to the Ministry that certain institutions are in private ownership and that a number of institutions are not open to the general public. The wording of the Act stipulates that it must be possible to receive advance votes, also at these institutions. It is important that the election authorities establish a good dialogue with representatives of the institutions so that advance voting

may be organised and implemented in a manner that does not conflict with the rules and principles that apply in the relevant institutions.

#### *10.4.7 Ambulatory voting*

Voters who due to illness or disability are unable to vote at any of the locations for advance voting, may apply to the electoral committee to cast an advance vote at their place of residence, cf. Section 8-3 (6) of the Election Act.

The electoral committee shall fix the closing date by which such applications must have been received by the municipality.

The closing date shall be set at a time between Tuesday and Friday in the final week before the election. The electoral committee must publicise the ambulatory voting scheme well in advance of the closing date.

The Act does not contain any formal requirements with regard to the application. For example, there is no requirement that the application must be in writing. However, it must be stated in the application that the voter is ill or disabled and is therefore prevented from voting in advance from another location.

### **10.5 Announcement of advance voting**

The electoral committee shall announce the time and place for all advance voting in the municipality, cf. Section 24 of the Election Regulations. Announcement of advance voting must be given in a medium that will reach as many voters as possible. This may include the local newspaper, a municipal information brochure and similar. The Ministry particularly encourages municipalities to ensure that good, clear information about the election appears on the municipality's website.

As for all other advance voting, advance voting at institutions must be announced. It may be expedient to post notices in the institutions and to announce in the newspapers. The staff at the institutions should also inform those confined to their beds and others who are unable to read the notices.

### **10.6 Returning officers**

Pursuant to Section 8-2 (1) (a) of the Election Act, the electoral committee appoints returning officers within Norway.

The electoral committee must appoint the number of returning officers that are necessary in order to implement advance voting in a satisfactory manner. It is the responsibility of the electoral committee to ensure that returning officers receive the necessary training. Returning officers must study and learn the rules governing advance voting.

Section 8-2 (3) of the Election Act restricts which tasks list candidates may perform during elections. List candidates who appear on electoral lists in the election cannot be appointed as returning officers in the municipality in question during the applicable

election. This means that list candidates cannot serve as returning officers. Only those who are personally standing in the relevant election are subject to this, not politicians in general.

#### *10.6.1 Number of election officials at polling station*

Section 8-1 (5) of the Election Act stipulates that two returning officers must be present during the casting of advance votes. This applies only during the ordinary advance voting period in Norway, with the exception of Svalbard and Jan Mayen. The requirement for two returning officers does not apply to advance voting.

The requirements for two returning officers was introduced at the same time as the discontinuance of the use of ballot paper envelopes for voters casting their vote in their own municipality. When the vote is approved and placed in the ballot box as it is cast, it cannot be traced back to the voter. Potential errors will therefore have greater consequences as they cannot be corrected. The presence of two people will therefore increase the quality of the election. This is also necessary in order to ensure confidence in the election system, and protect election officials against suspicion.

#### *10.6.2 Two returning officers*

The intention behind the provision is to ensure that two returning officers monitor the ordinary advance voting process, i.e., that at least two returning officers are physically present when the ballot papers are stamped, the name of the voter is crossed off on the electoral register and the voter posts the ballot paper in the ballot box. In other words, it does not seem to be in accordance with the intentions of the provision that only one returning officer receives advance votes while the other is busy with other tasks in the room.

It is up to the electoral committee to decide on the organisation of the voting and how the tasks are distributed between the returning officers in accordance with the legislation. The municipalities themselves must assess whether the requirement has been met in the various cases.

### **10.7 Ban on canvassing etc.**

#### *10.7.1 Canvassing*

Pursuant to Section 8-5 (1) of the Act, canvassing is not permitted in the room in which advance voting is taking place. This ban means that it is not permitted to conduct an election campaign in the form of stands or similar. The ban comprises canvassing for or against the system, political parties, opinions or persons. The ban encompasses both verbal and written opinions, such as posting notices or handing out brochures.

#### *10.7.2 Information on the consumption of ballot papers*

Pursuant to Section 8-5 (2) of the Election Act, unauthorised persons must not gain any knowledge of the consumption of ballot papers for the different electoral lists. This means that election officers must not provide information to e.g. the press concerning

the consumption of ballot papers. Neither may the press or others be given access to the polling booths or to other locations where ballot papers are laid out, in order to check the situation concerning consumption of ballot papers.

### **10.8 Identification**

Section 8-4, (6) of the Election Act regulates the obligation to provide proof of identity during advance voting. The corresponding provision regarding voting on election day appears in Section 9-5 (2) of the Election Act.

If the voter is not known to the returning officer, he or she must provide proof of identity. If an unknown voter is unable to prove his or her identity, the returning officer shall not accept his or her vote. The voter must be turned away and advised to return later with proof of identity.

If the returning officer knows the voter, it is not necessary to show identification. There is also nothing to prevent those acting as election officials at the polling station identifying the voter. The Ministry points out, however, that other voters in the polling station cannot confirm another voter's identity.

Neither the Act nor the Regulations define what form of identification shall be accepted. The returning officer must consider the identification presented by the voter in each individual case. It must be a minimum requirement that the proof of identity is of a certain official character and shows the voter's name, date of birth and picture. Typical identification would include a bank card with photograph, driving licence or passport, but other types of photo identification may also be acceptable.

The Ministry wants to point out that it is important to show good judgement in deciding whether the identification offered is sufficient proof of the voter's identity. The essential point must be that if the identification provides a credible impression, the voter has fulfilled his or her obligation. Provided the returning officer sees that the correct person is present, the voter must be allowed to cast a vote. This should apply even if the identification is out of date. Even so, the return officer must assess the “quality” of the identification in every case.

The Ministry encourages municipalities to provide information to the social services office and other relevant agencies in the municipality, so that they can consider giving financial support for identification, or establish a system for issuing temporary identification free of charge.

If the voter has left his or her identification at home and circumstances permit, it may be relevant to drive the voter home to collect the identification. One can otherwise be helpful and assist in calling a taxi or similar.

The identification requirement means that the returning officer must check that the voter in question is the person he or she claims to be. This may create particular problems with regard to garments that completely cover the head. The identification

requirement means that the voter's face must be seen. The returning officer must explain what the identification requirement involves and ask the voter in a respectful way to show his/her face to enable identification. If identification takes place in a screened-off area or separate room, two female election officials should be present.

The Act includes one exemption from the requirement for voter identification in the case of advance voting in institutions such as health and social institutions and prisons. Here it is not an absolute requirement that an unknown voter shows proof of identity, because it may be the case that those staying in such institutions may not have identification available. Here, a voter may be identified by an employee of the institution instead. In such case, it is a requirement that the employee identifies him or herself.

The exemption does not apply to visitors to the institution. Here the full identification requirement applies.

## **10.9 Advance voting procedure**

### *10.9.1 Point of departure and main rule*

The returning officer is obliged to inform the voter of the rules applying to advance voting and to ensure that the voting takes place undisturbed. The returning officer must not make any attempt to influence the voter with regard to his/her vote.

The advance voting procedure is laid down in Section 8-4 of the Election Act and Section 27 of the Election Regulations. As a point of departure, the returning officer shall show the voter to the place where the ballot papers have been placed before the further procedure pursuant to Section 8-4 of the Election Act is decided.

The main rule is that voters who cast a vote in the municipality on whose electoral register they appear must place their ballot paper directly in the ballot box. A voter appearing on another municipality's electoral register must instead use a ballot paper envelope, which must be placed in a cover envelope along with their polling card. A review of the various procedures can be found below.

As regards the advance voting procedure, see Point 10.1.

### *10.9.2 Voters appearing on their own municipality's electoral register – directly in ballot box*

Voters who cast their vote in the municipality on whose electoral register they appear, must place their ballot paper directly in the ballot box, cf. Section 8-4 (2) of the Election Act. This is the same procedure as on election day. The voter will be shown into the booth, choose his/her ballot paper, fold it and approach the returning officer. The returning officer will cross off the person in question in the electoral register, stamp the ballot paper and the voter must personally place it in a sealed ballot box. The vote is thus approved when the voter places the ballot paper in the ballot box and is crossed off in an electronic online electoral register.



This scheme applies from when the ordinary advance voting starts on 10 August. Ballot paper envelopes must be used during the advance voting period.

#### *10.9.2.1 Scope*

This scheme applies in Norway, with the exception of Svalbard and Jan Mayen. The procedure must be followed in all premises where the electoral committee decides that votes will be accepted pursuant to Section 8-3 (2) of the Election Act. This also includes various institutions, prisons, military facilities, etc. Furthermore, the procedure must be followed when at-home votes are cast in the event of ambulatory voting. Those who collect votes must bring a ballot box, ballot papers and a PC with access to the Internet in order to log on to the election administration system (EVA) with online access to the electoral register when the vote is collected. As regards the use of ballot paper envelopes in special circumstances, see Point 10.10.4.

#### *10.9.2.2 Time for accepting votes*

When a ballot paper is placed directly in the ballot box the vote is approved at the same time as the voter casts an advance vote. This means that those appointed as returning officers have the authority to approve ordinary votes placed in the ballot box.

#### *10.9.2.3 Electronic online electoral register*

In order for the returning officer to verify that the voter is eligible to vote in the municipality and has not already had a vote approved, it is a precondition that the returning officer has access to an updated online electoral register when the vote is cast. With EVA, all municipalities have access to an electronic nationwide electoral register.

With an electoral register available online, the vote shall be approved as it is cast and the voter is crossed off in the electoral register. This means that the crossing-off electoral register can be printed out with crossed-off approved advance votes.

#### *10.9.3 If the online electoral register is not available – Contingency situation*

A precondition for the voters to place the ballot papers directly in the ballot box is that the returning officer has online access to the electronic electoral register, to ensure the voter cannot have more than one vote approved. Access to the online electoral register requires sufficient uptime, technical equipment and communication. It is important that the municipalities ensure internet access at their polling stations.

It is possible that the electoral register could be temporarily unavailable to the returning officer when the voter wants to cast their vote, for example due to a power outage. In this case it will not be possible to cross off the voter in the electoral register and the returning officer must follow the contingency procedure.

The procedure that must be used when the online electoral register is not available follows from Section 8-4 (3) of the Election Act and Section 27 a of the Election Regulations. The routine is only relevant for those cases where the voter is supposed to

place the ballot paper in the ballot box, but where the electoral register is temporarily unavailable. A temporary contingency procedure must be used for these cases, which entails using a ballot paper envelope that is placed in a separate contingency envelope along with the polling card, for as long as the electronic electoral register is unavailable. The contingency envelope must be placed in a ballot box. The municipalities determine whether to use a separate ballot box for these cases, see Point 10.10.9.

These votes must be approved by the electoral committee afterwards. When the contingency situation ceases, the contingency envelopes shall be delivered to the electoral committee for approval. Approval should take place continuously, with the aim of achieving the most up-to-date crossed-off electoral register possible.

The contingency procedure with use of a contingency envelope should only be used when the online electoral register is not available. When the electoral register is available again, the voter must place the ballot paper directly in the ballot box as stipulated by the main rule.

#### *10.9.4 Use of ballot paper envelopes in “special cases”*

In some cases it will not be suitable or practically feasible to follow the main rule to place the ballot paper directly in the ballot box. Special circumstances could result in it not being possible to get the necessary infrastructure in place to ensure an online electoral register at certain locations. During voting, for example in prisons, where there are often many people belonging to other municipalities and that must use ballot paper envelopes regardless, it could also be imagined that all voters should cast their vote according to the same procedures, in order to ensure sufficient secrecy. It can also be difficult to ensure online access to the electoral register for ambulatory voting. In these cases ballot paper envelopes can be used which are placed in a cover envelope along with the polling card. The electoral committee must then decide whether to approve the vote.

Deviation from the main rule is only allowed in special cases, cf. Section 8-4 (4) of the Election Act. This is thus an exception which can only be used following a thorough assessment of the need and whether it constitutes such a case. The special case must be related to an existing situation, or a situation that arises. Special circumstances could be associated with known local technical problems, because it is particularly impractical or difficult to achieve stable access to the electoral register online. To ensure secrecy, as many as possible should cast their vote directly in the ballot box.

Each individual municipality will determine when votes should be cast according to this exception. The electoral committee must carry out a specific assessment in each individual case. The electoral committee cannot decide that they will only accept votes according to this procedure.

In small municipalities with few advance votes, it will often be challenging to ensure secrecy when there are different categories of votes that are cast in different manners.

It is out of consideration to voters that advance votes can be submitted in several manners. The consideration to the voter also allows for as many as possible to place their ballot paper directly in the ballot box. All election officials are subject to a duty of non-disclosure if they learn how a voter voted.

#### *10.9.5 If the voter cannot be found in the electoral register or is already crossed off*

As on election day, it is possible that the voter cannot be found in the electoral register or is already crossed off for approved voting. In these cases, the person in question should still be able to vote, but must use a ballot paper envelope. The electoral committee will address the vote afterwards.

A special cover is used for such cases on election day. It is more suitable to use cover envelopes for advance voting. When the ballot paper has been stamped, the voter in person places them in a ballot paper envelope and seals the envelope. The returning officer shall place the ballot paper envelope and polling card in a cover envelope which is then sealed. The voter shall place the cover envelope in a ballot box. The returning officer ensures that received cover envelopes are submitted to the electoral committee for processing in connection with verifying the votes.

#### *10.9.6 Voter registered in another municipality*

The procedure in cases where the voter belongs to another municipality is regulated by Section 8-4 (5) of the Election Act. Advance votes submitted by voters registered in another municipality must be placed in ballot paper envelopes that are placed in a cover envelope along with the polling card. This is because such votes must be sent to the electoral committee in the correct municipality for subsequent verification. It is not possible for voters to place the ballot paper directly in the ballot box in these cases.

Voters with voting rights in another constituency than where the vote is cast must be issued with a cross-off ballot paper with the names of the registered political parties, unless they bring along a ballot paper from their own constituency, cf. Section 27 (2) of the Election Regulations. Voters must always place their vote in a ballot box, also when ballot paper envelopes are used. The municipalities will determine whether to use a separate ballot box in these cases.

#### *10.9.7 Stamping ballot papers*

To ensure the voter can only have one vote approved, all ballot papers must be stamped according to the procedure on election day. This applies both to votes going directly in the ballot box and those that will be placed in ballot paper envelopes. This means that all voters, regardless of whether the vote will be placed in a ballot box or ballot paper envelope, must go to the booth first. When the voter then approaches a returning officer, the procedure will be decided.

During counting, ballot papers placed directly in the ballot box must be discarded if they have not been stamped, see Chapter 14. Any unstamped ballot papers in ballot

paper envelopes must be stamped by the election officer when the envelope is opened, the content is checked and the vote is addressed. This will be the same procedure that is followed when ballot papers in special cover envelopes on election day are not stamped, see Point 15.2. Ballot papers placed in ballot paper envelopes should thus not be discarded due to a missing stamp. In these cases, the missing stamp is due to an error by the returning officer. The ballot paper envelope replaces the stamp and there is no doubt regarding that validity of the ballot paper.

election day votes and advance votes must be counted separately. In order to prevent mixing advance votes and election day votes, the stamps are required to be different for advance voting and election day voting. In order to ensure secrecy, it is also a requirement that the stamp does not reveal in what municipality the vote is cast, see Section 8-4 (7) of the Election Act. Stamps with municipal coat of arms and similar can therefore not be used during advance voting.

The municipalities can determine the design of the stamps and who will be responsible for purchasing. Multiple municipalities may join forces and coordinate purchasing. There is also nothing in the way for county authorities to potentially play such a role.

The decision of which stamp to purchase must be made on the basis of the purpose and consideration behind the requirement for a stamp. A stamp shall ensure the voter can only have one vote approved. Stamps for advance voting must be different from election day voting because the ballot papers will be counted separately. Due to security considerations, the same stamp should not be used by all municipalities in the nation (such a common stamp could more easily lead to fraud or abuse).

For advance votes, the stamp should not indicate in which municipality it was received. If a municipality receives few votes from other municipalities, the risk is significant that secrecy cannot be ensured if the stamp indicates where votes were cast. This is the background for the requirement that the stamp for advance voting cannot contain the municipal coat of arms/name. The same consideration does not apply for election day voting. No votes are received from other municipalities on election day. There is therefore no problem with the stamp potentially containing the municipal coat of arms on election day.

The stamp should be easy to read, i.e. not too small, and it must be easy to differentiate between advance voting and election day voting. The stamp should provide a good imprint and preferably be black. This makes it easier to read the ballot papers in the scan, and fewer ballot paper have to be verified. It does not matter whether it is square or round. The motif in the stamp is also of no significance, with the proviso that stamps used during advance voting cannot contain municipal coat of arms/name. Stamps used by municipalities for elections can contain the national coat of arms. Guidelines for using the national coat of arms are available at the [Ministry of Foreign Affairs' website](#).

### 10.9.8 Ballot boxes

During advance voting there are multiple categories of votes which can be cast in various manners. The following contains an overview of the various categories and how to submit the votes:

<i>Voting categories</i>	<i>Procedure</i>	
Advance voting	Ballot paper envelope in cover envelope	Assessed afterwards
Voter who votes in advance in own municipality	Ballot paper directly in ballot box	Crossed off in the electoral register and approved by returning officer
In the event of power outage or breach in communication with the electoral register (contingency routine)	Ballot paper envelope in separate contingency envelope	Assessed afterwards
In special cases when the electoral committee has determined that a ballot paper envelope must be used	Ballot paper envelope in cover envelope	Assessed afterwards
Vote from voter who is registered in another municipality	Ballot paper envelope in cover envelope	Assessed afterwards
Vote from voter who is not listed in the relevant part of the electoral register or that is already crossed off in the electoral register	Ballot paper envelope in cover envelope	Assessed afterwards

The voter must always place either their ballot paper or ballot paper envelope in a ballot box. Ballot boxes must be sealed.

It is up to the municipalities to determine whether one or more ballot boxes should be used during advance voting. Local conditions and different sizes could indicate that this is evaluated differently from municipality to municipality. Municipalities that receive several votes from voters belonging to other municipalities could for example choose to have a separate ballot box for these cases.

It is particularly important to ensure that ballot papers that are placed directly in the ballot box in accordance with Section 8-4 (2) of the Election Act are approved as they

are cast. It could therefore be expedient to use different ballot boxes for votes placed directly in the ballot box and votes submitted in ballot paper envelopes. If the same ballot box is used, the ballot box must be emptied at the end of the day, and the votes must be sorted. This assumes good routines are used.

It is recommended to use a separate ballot box in those cases where votes are submitted in a contingency envelope in accordance with Section 8-4 (3) of the Election Act. Votes submitted according to the contingency procedure should not be mixed with other votes. The contingency envelopes shall only be used when following the contingency procedure in Section 8-4 (3) of the Election Act, cf. Section 27 a of the Election Regulations, see Point 10.10.3.

#### *10.9.9 Number of election officials at polling station*

During ordinary advance voting in Norway, except for on Svalbard and Jan Mayen, there must be at least two returning officers present for receiving advance votes, see Point 10.6.

#### *10.9.10 General provisions*

Voters who are not eligible to vote in the constituency in question in parliamentary elections or county council elections or in the relevant municipality in the case of municipal council elections, shall for each election receive a cross-off ballot paper with Braille containing a list of names of the registered parties, cf. Section 27 (2) of the Election Regulations. In elections to the Sami Assembly, voters who are not eligible to vote in the Sami electoral area shall be given a blank ballot paper on which they enter the name on the list they wish to vote for. These voters shall therefore not use the ballot papers showing the names of candidates that are laid out in the polling stations.

Inside the polling booth (*“in a secluded room and unobserved”*) the voter must fold the ballot paper in such a manner that it is not visible which electoral list the voter has voted for.

If a ballot paper envelope is used, the ballot papers for both municipal council and county council elections must be placed in the same ballot paper envelope. During parliamentary elections and Sami Assembly elections the ballot papers must be placed in different ballot paper envelopes.

If a ballot paper envelope and polling card is used in Norway, the returning officer shall sign the polling card and write down the time and place voting took place. If the voter did not bring a polling card, the returning officer must fill out a polling card containing the required information. The returning officer shall place the ballot paper envelope and polling card in a cover envelope which is then sealed. Votes for the Sami Assembly elections must be sent to the Sami Electoral Committee along with a separate polling card in a separate cover envelope.

The polling card shall be completed such that it is possible to unambiguously identify the voter on the basis of the information on the card cf. Section 23 (2) (b) of the Election Regulations. In addition, the returning officer must cross off for the correct election and fill out the name and address of the electoral committee/Sami electoral committee where the vote is to be sent. The voter's name and address must always be completed, even if e.g. the electoral register number could be sufficient. The name and address may however be insufficient in order to identify the voter unambiguously and it will therefore be relevant to enter other information on the polling card such as the voter's electoral register number or National ID Number.

If a voter requires an assistant in order to vote, the person concerned is entitled to assistance by the returning officer. Voters with serious physical or mental disabilities may in addition select an extra assistant – of their own choosing – among those present. In order to protect voters against unreasonable pressure, there must always be an election officer present when electors receive assistance in voting. This provision is dealt with in more detail in connection with voting on election day.

#### *10.9.11 At health and social welfare institutions etc.*

Advance voting at health and social welfare institutions takes place largely in the same manner as other advance voting, cf. the above. There must also be at least two returning officers present during advance voting at institutions

Out of consideration to patients/pensioners arriving at the institution during the final days before the election, advance voting should take place as close to election day as possible. The electoral committee should always consult the management of the institution before deciding when voting is to take place at an institution.

#### *10.9.12 In patient rooms and in sheltered accommodation*

Voting is permitted in patient rooms at health and social welfare institutions. However, such voting should not take place to a greater extent than absolutely necessary. Patients/pensioners who are not confined to bed and who wish to vote should do so in a separate room in the institution, arranged for this purpose.

Some patients wishing to vote may share rooms with other patients. According to Section 8-4 (1) of the Election Act, the voter shall in “*a secluded room and unobserved*” fold the ballot paper up in such a manner that it is not possible to see which electoral list the voter is voting for. If it is practical and without risk to move one or more patients out of the room while voting takes place, this should be done. However, in many cases such a step may be difficult to implement. A more practical approach will therefore be to screen off the voter from the other patients, e.g. by means of portable screens or similar. Irrespective of the chosen solution, it is important that the returning officer arranges matters so that voting can take place in a completely secure manner so that none of the other patients in the room are able to observe how the voter votes.

With regard to casting of votes in patient rooms and in the homes of persons living in sheltered accommodation, the returning officer shall give the voters a single ballot paper for each group submitting lists at the election, cf. Section 27 (5) of the Election Regulations. Unused ballot papers must be placed in an envelope which is sealed. This will ensure the voting remains secret. The voter can choose to keep the envelope containing the unused ballot papers or give this to a returning officer. If the envelope is given to a returning officer, the returning officer must ensure destruction of this in a prudent manner and inform the voter of this. The voter must put the vote in a ballot box, but the individual municipality must determine whether a separate ballot box shall be used in these cases.

To ensure that voting at institutions can be implemented in a satisfactory manner, the election authorities must cooperate with the institutions concerning the practical implementation. It is particularly important that patients are given the necessary voting information in advance. With regard to patients who are confined to their beds, personnel at the institutions shall be included in the process and pass on necessary information in advance. However, the personnel cannot receive votes unless they are appointed returning officers by the electoral committee.

#### *10.9.13 Ambulatory voting*

In the case of ambulatory voting, there shall also be no fewer than 2 returning officers at the voting premises cf. Section 8-1 (5) of the Election Act. Voters shall be given a single ballot paper for each list in the election, cf. Section 27 (5) of the Election Regulations. Ballot papers which are not used must be placed in an envelope which is sealed, and the voter can keep the envelope with the unused ballot papers or give this to a returning officer. If the envelope is given to a returning officer, the returning officer must ensure destruction of this in a prudent manner and inform the voter of this.

#### *10.9.14 Voters with reduced cognitive abilities*

All those who fulfil the conditions of Sections 2-1 and 2-2 of the Election Act are entitled to vote. This naturally includes persons with varying degrees of reduced cognitive abilities, such as persons with mental disabilities or dementia.

Special problems for both the voter and returning officer may arise during voting. This applies particularly in cases where the voter has difficulties understanding that he or she is in a voting situation, or where the voter has problems accounting for which list he or she wishes to vote for.

The key point is that it is the voter him or herself who decides whether or not to vote. Exercising the right to vote is voluntary and relatives, election workers and employees at institutions and care homes or sheltered housing may not influence anyone to use the right to vote against their will, or decide that a person who is entitled to vote shall not do so. Typically, employees at institutes cannot decide which residents or patients are “*capable of voting*”. Neither can election workers or the voter's family.



It is also important that election workers are aware that it is the voter who decides what he or she will vote. Neither family members nor employees of institutions shall be able to influence or compel the voter to vote for a particular list. Such undue influence during voting is against the law.

Experience shows however that situations will occur where the voter is not capable of casting a vote on the basis of his or her own assessment. This group of voters will often be accompanied by someone to assist in voting and they may be vulnerable to influence from family members, election workers or employees of institutions.

If a person does not display a certain interest in or will to cast a vote, the returning officer must make a concrete and individual assessment of whether or not this is a person who wishes to cast a vote. The reason for this is that the voter shall decide this and not, for example, a family member who declares that the person has always voted.

Here, as always, it is important that voting is done in a satisfactory manner, so that the secret ballot requirement is fulfilled. Any assistants shall be made aware that are subject to a duty of non-disclosure.

It is not permitted to use any form of delegated authority. Nobody may cast a vote on behalf of another voter in this way.

## **10.10 Advance votes received to late**

### *10.10.1 Applicable law*

Pursuant to Section 8-1 (3) of the Election Act, the voter is responsible for casting his or her vote at a time which means that the electoral committee receive the advance vote by 17.00 hours on the day after the election day. However, the objective is that as many as possible of the advance votes are received in time.

Pursuant to Section 27 of the Election Regulations advance votes shall be forwarded to the voters' native municipality every day in the last two weeks of the advance voting period. Mailing envelopes shall be used when forwarding the cover envelopes.

### *10.10.2 Practical tips for procedures*

In addition to following the statutory procedures for sending advance votes, there are several measures the municipalities can take to help the votes arrive in time.

It is important that the correct address of the electoral committee in the recipient municipality is written on the mailing envelope. One small error in the postal code can lead to a delay in the mailing system, which may mean that the vote is discarded.

Election officials should also be made aware that there are three pairs of municipalities in Norway that share the same name:

- Herøy in Møre og Romsdal and Herøy in Nordland,
- Nes in Akershus and Nes in Buskerud,
- Våler in Østfold and Våler in Hedmark.

It is important that advance votes sent to the electoral committees in these municipalities have the correct postal code. A vote which is sent to the wrong municipality in the last days of the advance voting period may end up being discarded because it has taken too long for it to arrive at the correct municipality.

It is also recommended that the municipalities enter into a dialogue or cooperation with the Norway Post locally. Election officials must be made aware of the final submission deadline for mail prior to the election day.

## **11 ADVANCE VOTING – ABROAD**

### **11.1 Introduction**

The rules governing advance voting abroad are provided in Chapter 8 of the Election Act and Chapter 6 of the Election Regulations. This chapter provides a brief overview of these regulations.

### **11.2 Dates for advance voting abroad, on Svalbard and Jan Mayen**

Advance voting abroad and on Svalbard and Jan Mayen commences on 1 July. No votes may be received before this date. Any such votes will be rejected. Advance voting abroad must take place no later than the second-to-last Friday before election day, cf. Section 8-1 of the Election Act. Pursuant to the provisions of the Act, advance voting on Svalbard and Jan Mayen may take place no later than the last Friday before the election, but on Svalbard the Governor may decide that voting shall cease at an earlier date if this is necessary to ensure that advance votes are received in time. Advance votes received abroad and on Svalbard and Jan Mayen shall be forwarded to the municipalities' electoral committees. They must be received by the electoral committees in the relevant municipalities no later than 17.00 hours the day after election day in order to be included in vote counting.

### **11.3 How to vote in advance**

There are two ways to vote advance when abroad. Either in the presence of an official returning officer – a member of the Foreign Service or a returning officer appointed by the Ministry, cf. Section 8-2 (2) of the Election Act – or voting by post (postal voting from abroad), cf. Section 8-2 (4). Voters who are unable to vote advance in the presence of a returning officer may thus cast a vote by post without the presence of a returning officer. If the voter so wishes, he/she may request to have the materials sent from a Foreign Service Station.

The procedure for postal voting from abroad is described in Section 28 of the Election Regulations. The voter shall insert the ballot paper into the ballot paper envelope and then place this inside a cover envelope. The following information shall be written on the cover envelope:

- The name, last registered address in Norway and the national ID no. of the voter.
- The name and address of the electoral committee.

- The time and place for voting.

The voter must sign the cover envelope. If possible, a witness should confirm that the information on the cover envelope is correct. The voter then sends the vote to the electoral committee. The Norwegian Directorate of Elections has prepared a guide on how to vote by post. This is available on [www.valg.no](http://www.valg.no).

#### **11.4 Location for advance voting**

Advance voting in the presence of a returning officer shall take place:

- On Svalbard: At premises decided by the Governor of Svalbard.
- At a Norwegian Foreign Service Station: At the Foreign Service Station. The head of the station may decide that the vote may be received outside the station area. In such cases the returning officer can accept votes at locations decided by the head of the station.
- In the presence of an appointed returning officer on Jan Mayen and outside the realm: As decided by the Ministry. An updated overview is available on [www.valg.no](http://www.valg.no).

There is no statutory requirement for receipt of advance votes on board Norwegian ships in foreign trade or sailing between Norway and Svalbard and Jan Mayen. If advance voting is to take place on board the ships, a returning officer must be appointed or alternatively voters may cast their votes by post.

The Ministry has delegated the authority to the Norwegian Directorate of Elections to appoint returning officers abroad.<sup>4</sup>

#### **11.5 Advance voting materials**

Returning officers must have the following materials:

##### **a) Ballot papers**

The Norwegian Directorate of Elections will send printed cross-off ballot papers with Braille containing an overview of the registered political parties. The voter shall mark off the party he/she is voting for. It should be noted that not all parties have lists in all constituencies. An overview of which parties have nominated candidates in the different constituencies can be found on [www.valg.no](http://www.valg.no).

Should cross-off ballot paper for advance voting run out, ordinary sheets of paper may be used as ballot papers. It is also possible to make copies of the ballot paper. This is available on [www.valg.no](http://www.valg.no). If an ordinary sheet of paper is used as a ballot paper, the voter must state to which election the ballot paper refers. In elections to the Sami Assembly, a blank ballot paper shall be used on which voters write in the name of the list they wish to vote for.

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<sup>4</sup> <https://lovdata.no/dokument/LTI/forskrift/2017-01-23-79>

#### b) Ballot paper envelopes

The Norwegian Directorate of elections distributes official ballot paper envelopes. If a returning officer runs out of ballot paper envelopes, ordinary envelopes may be used. As elections are secret, the use of envelopes showing the name of a company, embassy or similar should be avoided. However, votes will not be rejected if such envelopes are used.

#### c) Cover envelopes

The ballot paper envelope must be inserted into a cover envelope which must be completed with the information specified in the Election Regulations, cf. Section 27 (6). It is the responsibility of the returning officer to ensure that the necessary information is complete and correctly written on the cover envelope.

The Norwegian Directorate of Elections prints and distributes cover envelopes for advance voting to returning officers abroad and on Svalbard and Jan Mayen. If the returning officer runs out of the cover envelopes they have been sent, ordinary envelopes may be used. If such envelopes are used, the returning officer must ensure that all the information required is written on the envelope.

#### d) Mailing envelopes

Mailing envelopes are ordinary unmarked envelopes used to send advance votes to the electoral committee in the voter's home municipality.

### **11.6 Stamp on ballot papers submitted abroad**

Section 40 of the Election Regulations stipulates that the electoral committee must stamp ballot papers cast abroad if they are to be counted by machine. If ballot papers received abroad or on Svalbard/Jan Mayen will be counted by machine, they must be stamped prior to counting. Note that a stamp is not a requirement for approval of ballot papers abroad. All ballot papers are counted by machine in parliamentary elections under the direction of the county electoral committee, and all ballot papers must be stamped. Stamps are not necessary in these cases in local elections, as the ballot papers will only be counted manually.

## **12 VOTING ON ELECTION DAY**

The Ministry emphasises the importance of proper training of all members of the polling committees and other election officers, in order to avoid errors. Returning officers have an important responsibility to ensure that the statutory routines are observed, otherwise votes may be rejected.

### **12.1 Time of elections – one or two days**

The municipal council shall decide whether elections in the municipality shall be held for two days, Monday and Sunday, cf. Section 9-2 (2). The adoption of this decision may

not be delegated to the electoral committee, cf. the wording of the Act “the municipal council may itself decide”.

In Recommendation (bill) No. 1 (1993-1994) to the Storting, the Storting's Preparatory Credentials Committee commented as follows:

*“The Committee has registered that queues of voters have formed from time to time at some polling stations. One way of reducing queues could be to increase the capacity of the polling committees by engaging more people. Another possibility could be to extend voting hours, possibly by holding elections over a two-day period instead of only one day. The Committee is aware that, in many municipalities one day is sufficient based on the local situation, but the Committee is of the opinion that some of the larger municipalities that held elections on Monday only, should consider before the next election whether there could be advantageous to hold elections over a two-day period instead of one day only, or if the disadvantages outweigh the advantages.”*

In municipalities in which elections are to take place on Sunday, the municipal council may determine that one or more polling stations shall not open on Sunday, cf. Section 9-2 (2).

If the municipal council has decided that one or more polling stations shall not open on Sunday, voters who appear on the electoral register in these constituencies and who wish to cast their vote on Sunday, must cast an “alien vote” at one of the open polling stations in the municipality, cf. Section 9-5 (4). If only one polling station is open on Sunday, all eligible voters who do not live in this constituency must cast an “alien vote”. This is in accordance with the wording of the Act. These voters cannot therefore be marked off in the electoral register, even if the polling committee in this region has access to the register from all constituencies. If the municipality uses an online electoral register, voters may cast their vote in the same way at all the polling stations in the municipality, cf. Section 9-5a (3).

## **12.2 Time of polling – opening and closing of polling stations**

The provisions governing opening hours/voting hours can be found in Section 9-3 (2) of the Election Act. Basically, the electoral committee shall set the opening hours. The municipal council may however, with a majority of at least one-third of committee members, decide to extend the opening hours for the polling stations initially fixed by the electoral committee. However, no polling station may remain open later than 21.00 hours on Monday. On Monday, no votes may be cast later than 21.00 hours. The Act does not contain any other provisions governing voting hours for either Sunday or Monday. When voting hours are to be fixed, the consideration for voters must be of paramount importance. The Ministry assumes that voters will be given reasonable time to cast their votes.

Polling stations must remain open within the specified opening hours. Polling stations cannot be closed temporarily, for example for a meal break. The electoral committee

(or the municipal council) may however decide to divide up opening hours for the polling station; for example, the polling stations may be open from 10.00 to 14.00 hours and from 15.00 hours to 21.00 hours. Out of consideration for the voters, the electoral committee should only make such arrangements if this is considered to be absolutely necessary.

In certain municipalities, it may be necessary for polling stations to have varied opening hours due to local circumstances. This may be arranged within the provisions of the Election Act. If circumstances so indicate, municipalities should consider whether polling stations should open earlier on election day, Monday, for example 07.00 hours or 08.00 hours.

It is important that the polling committee is punctual in opening and closing the doors to the polling station at exactly the time set by the electoral committee. When the time fixed for casting votes (both on Sunday and Monday) has elapsed, all voters who are present at the polling station before closing time shall be given the opportunity to cast their vote, cf. Section 9-7. If all the voters present can be accommodated on the premises, the doors to the polling station can be closed. Alternatively, the electoral committee must keep an overview of those voters who arrived at the polling station before closing time. For example, one of the officers may indicate the end of the queue outside the polling station. It is very important to ensure no voters gain entry into the polling station after closing time. Such cases often lead to formal complaints to the Ministry.

### **12.3 Universal design**

See Point 10.3, which also applies on election day.

### **12.4 Polling locations**

#### *12.4.1 Number of polling stations*

Section 9-3 of the Act provides rules concerning the number of polling stations. The municipal council, or election council by delegation, shall decide how many polling districts and how many polling stations there shall be in the municipality. If the electoral committee wants to change the number of polling districts in relation to the previous election, such a decision must be made before 31 March of the election year. The provision states that the Norwegian Mapping Authority shall be informed of such decisions by this date.

It is important to note that there should only be one polling station in each polling district. If the municipality wants to have multiple polling stations in a polling district, the district must be divided into two. It is not permitted to have multiple polling stations in the same polling district, or for a polling district to not have a polling station. The municipality must merge districts if a district does not have a polling station.

When the municipal council/electoral committee decide the number of polling stations and where polling is to take place, consideration for the voters must be exercised. Polling must take place in several locations whenever this is necessary out of consideration to the voters. The election authorities must endeavour to arrange matters in such a way that queues can be avoided.

### **12.5 Announcement of time and place of polling**

Section 9-3 (3) stipulates that the electoral committees shall announce the time and place of polling. The Act does not require the electoral committees to make the announcement in any specific manner or at a certain time, but the voters must be made generally aware of the polling. The Ministry particularly encourages municipalities to ensure that good, clear information about the election appears on the municipality's website.

### **12.6 Voting materials at the polling station:**

The electoral committee is required to have the following voting materials at the polling stations:

- Electoral register on paper for the relevant polling district, if the online electoral register is not used on the election day.
- In parliamentary elections: In parliamentary elections: printed white ballot papers that are identical with all the elections lists approved in the constituency.
- In county council elections: Printed blue ballot papers that are identical with all the election lists approved in the constituency.
- In municipal council elections: Printed white ballot papers that are identical with all the election lists approved in the municipality.
- Blank ballot papers in the same design as the printed ballot papers that are to be used.
- The stamp for stamping ballot papers.
- Envelopes/cover envelopes for votes pursuant to Section 9-5 (4) of the Act and Section 31 of the Election Regulations.
- Envelopes/cover envelopes for votes pursuant to Section 9-5a (4) of the Election Act and Section 31a (3) of the Election Regulations.
- Ballot boxes that can be sealed.
- Polling booths.
- Writing materials, preferably ballpoint pens to be used by voters who want to make changes to the ballot papers. These must be available in the booths. The polling committee must have an ample supply of writing materials in reserve.
- Wrapping and sealing materials.
- The electoral committee's protocol.
- Access to the Election Act and Election Regulations.

Blank ballot papers shall be laid out in the premises or in the polling booths along with the printed ballot papers.

Well before voting commences, the electoral committee shall ensure that a sufficient number of printed ballot papers have been distributed or delivered to all polling committees in the municipality.

Ballot papers should preferably be laid out in the polling booths, and the ballot papers for every approved list stacked separately. Ballot papers may also be laid out on one or more tables in the polling station – ballot papers for every approved list stacked separately. It is most important that the table or tables are properly screened off so that others on the premises cannot see which ballot paper the voter selects.

A member of the polling committee or another person nominated by the polling committee should regularly inspect the polling booths and ballot paper tables in order to ensure that there are sufficient ballot papers for all electoral lists and that writing materials are laid out. It is important to ensure that there are no ballot papers missing for certain electoral lists.

The polling committee must ensure that no more than one voter is in each polling booth or at the ballot paper table, unless this is in pursuance of the assisted voting rules, cf. Sections 8-4 and 9-5 of the Election Act.

Ballot papers shall be stamped with an “official stamp” before they are inserted in the ballot box. The electoral committee must decide what sort of stamps should be used. A precondition is that the stamp can be distinguished from the stamp used during advance voting. The electoral committee must establish routines to ensure that stamps do not go astray.

### **12.7 Rules relating to public order, ban on canvassing etc. in polling stations**

Section 9-4 (1) of the Act prohibits canvassing and any actions that may disturb or prevent normal voting proceedings in the polling station and in rooms the voters must pass through to reach the polling station. Neither is it permitted for unauthorised persons to check who arrives at the polling station to vote.

The ban against canvassing in the Act does not encompass the area outside the polling station building. The ban covers canvassing for or against the system, political parties, opinions and persons. This applies to both verbal and written opinions, posting of notices, laying out or distribution of brochures and similar. Members of the polling committee and election officers must not for example wear badges or similar with political content.

The provisions of the Act entail that parties and other groups are prohibited from handing out ballot papers inside the building where the polling station is located. Outside the building however, it is permitted to hand out ballot papers.

Examples of conduct that may give grounds for removal of persons include harassment of voters and noisy behaviour.



The sale of lottery tickets, collections and similar that may disturb election proceedings is not permitted on the premises of polling stations or in rooms voters must pass through in order to reach the polling station.

The chairperson or deputy chairperson of the polling committee may, if necessary, remove any person behaving in a manner contrary to the aforementioned provisions, cf. Section 9-4 (3) of the Election Act. Any appeal against removal must be submitted in accordance with the normal rules of appeal in Chapter 13 of the Election Act. It must be emphasised that the authority to remove persons from the premises of the polling station is a public order rule, not a rule relating to the right to vote. This means that if the voter returns to the polling station and the grounds for removal are no longer valid, he/she must be allowed to vote.

Section 9-4 (2) stipulates that unauthorised persons must not gain any knowledge of the consumption of ballot papers for the different electoral lists. Firstly, this means that members of the polling committee and other election officers must not divulge information to unauthorised persons, for example the press, concerning consumption of ballot papers. This means that the press or others must not be allowed to enter the polling booths – or other places where ballot papers are laid out in order to check the consumption of ballot papers.

## **12.8 Ban against exit polls and similar on polling stations**

Election legislation is based on the principle that ballots are secret. The electoral committee is responsible for physically arranging matters so that secrecy can be observed and be a reality during elections. In connection with the election, voters must not be subjected to any pressure in order to get them to disclose how they have voted. If an exit poll is held inside the polling station, many voters may perceive this as unwanted pressure. Some voters may also believe that the poll is official and that they are therefore obliged to reply.

Section 9-4 (1) of the Act therefore stipulates that exit polls and similar voter questioning is prohibited at the polling station and in the rooms the voter must pass through to reach the polling station.

## **12.9 Voting inside the polling station**

### *12.9.1 Introduction*

The rules governing procedures when voting in the polling station are provided in Section 9-5 of the Election Act and Section 30 of the Election Regulations.

### *12.9.2 Logistics in the polling station*

The Election Act contains no provisions for how the polling station shall be physically set up or organised (logistics). It is up to the electoral committee to decide how and in what order the voter shall be led through the various stages of voting.

The way the polling station is organised helps reduce the possibility of errors and the Ministry believes that the process of voting in the polling station has three central elements that shall be performed at the electoral committee's table:

- 1) The election official shall cross off the voter's name on the electoral register.
- 2) The election official shall stamp the ballot paper.
- 3) The voter shall place the ballot paper in the ballot box. (Except for voters who do not belong to the constituency if the electoral register on paper is used, cf. Section 12.9.5.)

It is important that these actions are performed in close succession and in the order stated. Additionally, all these points shall have the attention of and be under the control of election officials. The ballot box should be placed at or in the immediate vicinity of the place for crossing off in the electoral register and stamping the ballot paper. The ballot box shall not be placed anywhere it is not under supervision. The election official must take care in checking that the voter places the ballot paper in the ballot box and that it has been stamped. If a voter who has been crossed off in the electoral register leaves the premises without placing a ballot paper in the ballot box, this should be recorded in the polling committee's protocol if possible.

### *12.9.3 Procedures and routines for voting*

As a basic rule, all voters who arrive at the polling stations on election day(s) shall be permitted to cast their vote. Voters who are not known to the returning officer and who cannot provide proof of identity, must be asked to return with proof of identity. The polling committee shall not accept votes from unknown voters who cannot produce proof of identity. When the voter's name is crossed off in the register, the polling committee must be convinced that the voter is actually the person he/she purports to be. See identification requirements in Point 10.9, which also applies on election day.

The voter's name shall be crossed off in the electoral register before the voter places the ballot paper in the ballot box. The Act does not state whether to cross off the voter's name in the electoral register shall take place before or after the voter has been inside the polling booth. The important point is that the voter's name is crossed off before the ballot paper is placed in the ballot box.

In every election, there are always some places where more ballot papers are registered in the ballot box than are crossed off in the electoral register. This can be due to factors such as some voters using, for example, a blank ballot paper as a cover for their ballot paper or voters placing their ballot paper in the ballot box without the ballot paper being stamped. Differences between the number of names crossed off in the electoral register and the number of ballot papers in the ballot box must *not* occur. It is assumed that the most common reason for such errors is a lack of attention from the returning officer. Good logistics are necessary in the polling station; see Point 12.9.2. The ballot paper shall be folded in such a way that it is not possible to see which electoral list the voter is

voting for. The voter shall fold the ballot paper “*in a secluded room and unobserved*” cf. Section 9-5 (3). The voter shall then hand the ballot paper to the polling committee who shall then stamp the ballot paper with an official stamp. After the ballot paper has been stamped, the voter shall drop the ballot paper into the ballot box.

The Ministry emphasises that it is important to take precautions to ensure that no unauthorised person can ascertain how voters have voted. It is particularly important to prevent voters from folding the ballot paper the wrong way so that the vote is visible. This is a very important point in upholding the secret ballot principle and preventing unauthorised persons from checking how voters have voted. It is the polling committee’s responsibility to ensure that voters do not leave the booth with the ballot paper folded in the wrong manner. A member of the polling committee or an election officer can be stationed outside the booths in order to guide voters back to the booth if they register that the ballot paper is folded incorrectly. An alternative measure could be to have a member of the polling committee or election officer instruct voters on how the ballot papers should be folded before they enter the polling booth. There should be information on how to fold ballot papers in all polling stations. Such information should be posted inside the booths and in other locations on the premises.

It is also important that there are good routines with regard to stamping of ballot papers before these are inserted in the ballot box. In 2002, an international standard was prepared entitled the Code of Good Practice in Electoral Matters, adopted by the Venice Commission. This standard is not legally binding, but is frequently used as a reference when international observers study election systems in different countries. Article 35 of the standard states:

*“The voter should collect his or her ballot paper and no one else should touch it from that point on.”*

If the voter hands over his or her ballot paper to the person who is to stamp the ballot paper, it may be claimed that this is in breach of the above provision, even if the ballot paper has been folded in such a way that no one can see the name on the electoral list. The Ministry is of the opinion that it is possible to fulfil the requirements of the standard if the voter personally lays the folded ballot paper on the polling committee’s table, retaining his/her grasp while it is stamped and without the person stamping the ballot paper being in direct physical contact with the paper. An alternative procedure could be to have the voter stamp the ballot paper personally before inserting it in the ballot box. In this latter case, special stamping machines should be used, not hand stamps.

In municipal council and county council elections, both ballot papers should be stamped if the voters vote in both elections. The person stamping the ballot papers must ensure that the papers have different colours, one white and one blue. The ballot papers for both elections may be inserted in the same ballot box. However, it is permitted to have

two ballot boxes on the polling committee's table, enabling voters to insert the ballot papers for each election in the appurtenant box. In such cases, the ballot boxes should be clearly marked to avoid any mixing of ballot papers. The Ministry emphasises that the polling committee shall not ask the voter, or check in any other manner whether he/she has voted or intends to vote in both elections. If it is clear that the voter has used another ballot paper as a cover, the polling committee should, however, point this out to the person in question.

Should a voter insert an un-stamped ballot paper in the ballot box in error, the polling committee must not open the ballot box to remove the ballot paper in order to stamp it. The error must be corrected by allowing the voter to collect a new ballot paper that can be stamped by the officer before it is inserted in the ballot box. The un-stamped ballot paper will be rejected. Any such cases should be registered as they would otherwise lead to non-conformance between the votes received and the number of crosses in the electoral register. Non-conformance shall be recorded in the polling committee's protocol.

Both polling committees and electoral committees are required to keep records relating to the conduct of election proceedings, cf. Section 10-7 of the Election Act and Section 41 of the Election Regulations. The Ministry wants to point out that the forms for such recording and the requirement to do so are in the form of a formal regulation and the municipalities are therefore required to follow. The forms state that the number of crosses in the electoral register shall be reconciled with the number of votes cast and that reasons shall be given for any discrepancy.

#### *12.9.4 Crossing off in the online electoral register on election day*

Section 9-5a of the Election Act allows the municipalities to use online crossing off on the electoral register on the election day. Municipalities that choose to make use of this are required to facilitate this at all polling stations in the municipality.

The voting procedure described in Section 9-5 of the Election Act also applies when using online crossing off on the electoral register, with the exception of (4). Voters in municipalities that use the online electoral register on the election day will be able to cast their vote directly into the ballot box at all the polling stations in the municipality, cf. Section 9-5a (2). Municipalities that use the online electoral register on the election day will therefore not receive any "alien votes".

In the event of a loss of power or communication with the electoral register, the municipalities shall immediately follow the procedure for contingency votes, cf. Section 31a of the Election Regulations.

The contingency situations arises the moment that the online electoral register for one reason or another is not available in such a way that checking off is not possible.

The Election Act states that in a contingency situation, the voter shall place his or her ballot paper in a ballot envelope and seal the envelope after the ballot paper has been stamped. The returning officer shall then place the ballot paper envelope in a contingency envelope together with the polling card. The contingency envelope shall be orange, cf. Section 31a (3) of the Election Regulations.

The contingency procedure ceases immediately if communication with the online electoral register resumes.

In municipalities with two-day elections, any contingency votes received on the Sunday shall be dealt with and crossed off in the online electoral register before the polling stations open on the Monday.

#### *12.9.5 Electoral register on paper – receipt of “alien votes”*

Voters who are not registered in the polling district, but most likely registered in another district in the municipality, must also be allowed to vote (“alien votes”), cf. Section 9-5 (4) of the Act and Section 31 of the Regulations.

These voters must not place their ballot paper in the ballot box after it has been stamped. The polling committee must instead provide the voter with a ballot paper envelope. The voter must place the ballot paper(s) in the ballot paper envelope and hand this to the polling committee, which must place the envelope in a special cover. The cover must be sealed and the voter’s name, date of birth and address must be written on the outside. After voting ends, the cover must be handed to the electoral committee.

#### *12.9.6 Voters who are not registered in the electoral register in the municipality.*

Voters who are registered in the electoral register in another municipality must be referred there. Pursuant to Section 9-5 (4) of the Election Act, together with Section 31 of the Election Regulations, voters who are not registered in the electoral register must also be able to vote on election day, for example if the voter has been refused the right to vote due to a ruling by the electoral board.

These voters must follow the procedure described in 12.9.5.

#### *12.9.7 Voters whose name has been crossed off in the electoral register/who have voted in advance*

A voter who has voted in advance cannot “vote again” on election day if they have changed his/her mind and want to vote again. However, pursuant to Section 31 of the Regulations, a voter requesting to vote shall not be rejected even if his/her name has been crossed off in the electoral register, showing that the voter voted in advance. The reason for this is that the name could have been crossed off in error.

If the voter’s name has been crossed off in the electoral register, showing that the voter has voted in advance, the voter shall not insert the ballot paper(s) into the ballot box.

The paper(s) shall be processed in the same manner as votes cast by voters who are not registered in the polling district.

#### *12.9.8 Voters who require assistance in the voting process*

The rules that apply when a voter requires practical assistance can be found in Section 9-5 (5) of the Act.

If a voter requires assistance in the voting process, the person concerned is entitled to assistance from the polling committee, which is to say from an election officer. This is the main rule.

The expression “*necessary assistance*” implies that the election officer/assistant may accompany the voter into the polling booth and provide whatever help is necessary to enable the voter to cast his/her vote.

Members of the polling committee/election officers are considered civil servants as defined in the Public Administration Act and are thereby subject to the non-disclosure rules in this Act, including when it comes to knowledge an individual’s voting.

There can be different reasons why voters need assistance in connection with voting. For example, they may be physically disabled or there could be other reasons such as visual impairment, dyslexia or mental disabilities. Some of these voters have difficulty reading or understanding signs and other written instructions. They therefore need help to orient themselves in the polling station even if they may not necessarily have “visible” disabilities.

It is important that the members of the polling committee and election officers are aware of this and act in a forthcoming manner towards these voters. It is also important for these voters that persons who can guide and assist are easily recognisable as soon as the voter enters the polling station.

#### *12.9.9 The right to an extra assistant*

Certain voter groups may in addition be accompanied by another assistant of their own choosing. The right to an extra assistant of own choosing applies only to voters with are severe physical or mental disabilities. These provisions are included to protect voters from inappropriate pressure.

The Act stipulates that the voter shall choose the extra assistant. Should another person apply to the polling committee and request to assist the voter, the polling committee should contact the voter in order to ensure that this is the voter’s own wish. It is important that the polling committee endeavours to ensure that the voter is not being subjected to any form of pressure or influence.

There are no special requirements with regard to the additional assistant, such as age, or whether the assistant has the right to vote, etc.

The Act states that the polling committee must inform extra assistants that they have a duty of non-disclosure with regard to the vote cast.

#### *12.9.10 Voting immediately outside the polling station*

The Ministry emphasises that all those who are able to make their way into the polling station shall do so and shall cast their vote in a normal manner inside the polling station. Only voters who are unable to enter the polling station may cast their vote immediately outside the polling station to two returning officers (members of the polling committee or election officers), cf. Section 9-6 of the Act and Section 32 of the Regulations.

If a voter is registered in the relevant district's electoral register, the voter's name shall be crossed off before the voter is given the ballot papers. The returning officers shall bring with them the following points:

- one set of ballot papers comprising one paper for each electoral list (for all elections)
- a stamp
- a ballot box

The voter shall – possibly with assistance in accordance with the Regulations – fold the ballot paper(s) and hand the vote to the returning officers, who shall then stamp the paper(s). The voter shall then insert the vote into the ballot box. The returning officers shall then return to the polling station with the ballot box. Surplus ballot papers must not be accepted in return.

#### *12.9.11 Voters with reduced cognitive abilities*

See Point 10.9.14, which also applies on election day.

## **13 SEALING AND STORAGE OF ELECTION MATERIALS**

### **13.1 Sealing requirements**

The ballot boxes shall be sealed during voting. The rules for sealing have been included in the Section 8-4 (9) of the Election Act (during advance voting) and Section 9-5 (6) (on election day).

It is important that the ballot boxes are sealed during all stages of the voting process; that is to say when they are being used by voters. Whether voting is occurring during the advance voting period or on election day itself is immaterial to the requirement that the ballot boxes shall be sealed when the polling stations are open for voting. The sealing requirement also applies during storage and transport; see Point 13.3.

### **13.2 Emptying ballot boxes**

There is nothing to prevent, indeed there may often be a need for, breaking the seal from time to time when the ballot boxes are not in use. It may also be necessary to break the seal if the ballot box becomes full during the voting itself. The same applies when votes shall be forwarded to another municipality. There is nothing to prevent

separate ballot boxes being used for voting for other municipalities. Votes should however be forwarded to the right municipality on an ongoing basis.

#### *13.2.1 Advance voting*

It may prove necessary to empty ballot boxes during advance voting. It follows from Section 29 of the Election Regulations that the electoral committee must ensure that satisfactory routines are established for how the contents shall be stored.

This means that it is the electoral committee's responsibility to ensure that satisfactory routines are established in the polling stations, so that nothing unlawful occurs as regards the contents of the ballot box. The cover envelopes, with ballot paper envelopes and polling cards, must be stored in such a way that they are not mixed with other election materials.

The cover envelopes must also be stored in such a way that they are not accessible to unauthorised persons. If the ballot papers and stamps are stored in a place where the election authorities do not have direct supervision of them, the storage location shall be sealed, cf. Section 34 of the Election Regulations.

#### *13.2.2 On election day*

A system for sealed ballot boxes on election day itself will normally require several ballot boxes or good emptying procedures. It is important to establish secure routines for emptying ballot boxes, so that nothing unlawful occurs as regards the contents.

The procedure for emptying ballot boxes on election day is regulated by Section 33 of the Election Regulations. If it is necessary to empty ballot boxes during the course of election day, the electoral committee shall ensure that polling committees use the following procedure:

1. At least two members of the polling committee shall be present when the seal on the ballot box is broken.
2. The contents are immediately emptied into a suitable container that is sealed and marked with a serial number.

Examples of suitable containers include sealed aluminium cases and boxes or coloured plastic sacks that are sealed with cable ties. If plastic sacks are used, these must be robust and they should have a special colour to distinguish them from normal refuse sacks. Refuse sacks must not be used.

The electoral committee shall ensure that the polling committee follows the stated emptying procedure. It is up to the electoral committee to obtain suitable containers and cable ties. The electoral committee shall also ensure that there is a system for marking the containers with serial numbers. It may be appropriate to issue each polling station with a set of serial numbers.



### **13.3 Storage and transport of election materials**

Section 9-8 of the Election Act stipulates that all election materials shall be stored and transported in a satisfactory manner. The Ministry has established more detailed rules for the storage and transport of election materials in Sections 29a and 34 of the Election Regulations.

Firstly, the rules stipulate that the electoral committee is responsible for establishing secure procedures for the storage and transport of election materials in all phases of the election proceedings. The electoral committee shall decide – based on local conditions – how the election materials, electoral register, ballot papers, ballot boxes, etc., shall be stored.

The ballot paper containers must be stored in such a way that they are not accessible to unauthorised persons. The election authorities must maintain an overview of the number of stamps on the premises and ensure that they cannot be used by unauthorised persons. Votes that have been cast shall be stored in such a way that they cannot be mixed with other ballot papers or other election materials.

This provision further imposes a sealing requirement in all situations where the election materials will be left without direct supervision by the election authorities. Sealing should be done by means of sealing wax and seal, or other means of sealing so that unauthorised persons are unable to gain access to the materials without being seen. The chairperson of the polling committee – or another person appointed by the committee – is responsible for the safekeeping of sealing materials.

The rule covers all instances where election materials may conceivably be left unattended, for example between Sunday and Monday, in locations with 2-day elections, or if there is a pause in the counting from the evening on election day to the following morning.

Where elections are held over two days, the electoral committee shall decide where and how the ballot boxes with cast votes and the other materials shall be stored. The following alternatives may be considered:

- Both the ballot boxes and other materials shall be kept with the electoral committee (or at another secure place) and taken back to the polling stations before the next day's voting begins.
- Both ballot boxes and other materials shall be kept with the electoral committee, but only the other materials are transported back before voting begins the next day. In this case, the ballot boxes containing cast votes shall be kept with the electoral committee until counting begins.
- The ballot boxes are kept with the electoral committee, while the other materials are kept at the polling station.
- Both ballot boxes and other materials are kept at the polling station.

Materials to be kept at the polling stations shall be collected in the polling station and the polling committee checks that there are no unauthorised persons present in the polling station, that all windows are properly closed and that all doors are properly locked. The keys are kept by a member of the polling committee who does not keep seals or similar. The polling committee shall be made aware in advance of who has keys to the polling station and ensure that all keys are obtained.

If it is deemed to be more secure or more appropriate, the election materials may be stored in another room in the building where the polling station is located.

All transport of election materials shall take place by the quickest, safest means and without unnecessary delay. The electoral committee is responsible for establishing proper procedures here. Those who have sealing materials in their care, are not to undertake the transport of materials. They may not provide any form of security either.

## **14 CHECKING AND APPROVING ADVANCE VOTES**

### **14.1 Further details regarding the approval process for votes cast in advance and at the polling stations**

There is an important difference between 1) checking the casting of votes and 2) checking ballot papers. The matters to be checked differ and different rules apply. When checking the casting of votes, this involves checking the act of voting or the manner in which the voter has cast his or her vote and whether the voter satisfies the legal requirements. When checking a ballot paper, the actual ballot paper must be checked. Before a ballot paper can be checked, the casting of the vote by the voter must have been approved, i.e. the person in question must have been crossed off in the electoral register. If the casting of the vote is rejected, the ballot paper shall not be checked.

When a voter has delivered or had an opportunity to deliver his/her vote, that person has cast his/her vote. This vote usually contains one ballot paper per election. The vote shall be checked, which leads to the vote being either approved or rejected. All approved votes are subjected to a second check – a check of the actual ballot paper. Thus the checking can be described as a two-stage process.

#### **Stage 1: Approving the casting of votes.**

This check differs for advance voting and for voting at the polling station. The check also differs for advance votes where the ballot paper is placed directly in the ballot box, and advance votes submitted in ballot paper envelopes. Advance votes submitted domestically during the period 1 July to 9 August (advance votes) according to Section 24 a of the Election Regulations are checked according to the same rules as advance votes submitted in ballot paper envelopes.

For advance voting submitted in ballot paper envelopes, the electoral committee examines the cover envelope/polling card. If the committee finds that the vote is in

accordance with the regulations, i.e. in accordance with the requirements in Section 10-1 of the Act, it shall cross the voter off in the electoral register and the vote is approved. If the requirements are not satisfied, the vote must be rejected. However, the ballot paper itself has not been checked at this point, but if the vote is rejected, it will never be necessary to check the ballot paper.

Section 10-1a of the Election Act applies for verifying advance votes placed directly in the ballot box. In these cases, the returning officer approves the vote as it is cast. This is the same procedure as in Section 10-2, which regulates approval of ordinary election day votes, see below.

If the voter for various reasons cannot be crossed off in the electoral register at the polling station (the voter has already been crossed off or is not listed in the electoral register at the polling station/municipality), the vote must be placed in a cover envelope, see Point 10.10.5. The electoral committee will subsequently check the cover envelope, before the vote is potentially approved. The same applies if a contingency envelope is used.

In the case of ordinary voting at the polling station, the checking and approval of the vote takes place when the voter casts his/her vote. The polling committee checks that the voter is in the polling district's electoral register and if so allows the voter to cast his/her vote. The vote is approved when the voter is crossed off in the electoral register.

If for any reason the voter cannot be crossed off in the polling district's electoral register (the voter has already been crossed off or is not in the polling district/municipality's electoral register) the vote cast shall be placed in a special envelope. Afterwards, the electoral committee shall check the envelope and also the electoral register before possibly approving the vote. If the vote is approved, it becomes an approved vote.

When advance voting or voting at the polling station is approved, this means that the voter was entitled to vote and did so in accordance with the regulations, i.e. in a manner that satisfies the approval requirements in Sections 10-1, 10-1 a and 10-2 of the Act. Nevertheless, this does not mean that the actual ballot paper is checked and approved.

## **Stage 2: Approval of ballot papers**

An approved ballot paper consists of one ballot paper envelope with contents, or just a ballot paper. The electoral committee shall check whether the contents of the ballot paper envelope are in accordance with the regulations, i.e. the envelope and its contents are in accordance with the requirements in Section 10-3. This process leads to ballot papers being approved or rejected.

When a ballot paper is approved, that means that it satisfies the requirements for approval in Section 10-3 of the Act and is to be counted in the election results.

The term votes is often used to refer to both the voting process and the ballot papers. The term vote has no independent legal meaning in relation to the rules and regulations for approval of votes and ballot papers. It is the votes and ballot papers that are to be approved or rejected. Nevertheless, in some cases it is most natural to use the term votes, for example in an informal text. In other connections it is more natural to speak of casting a vote or ballot papers. Thus a vote may be synonymous with a casting of a vote and/or a ballot paper.

In the Act this distinction is emphasised by separate rules for approval for casting of votes and ballot papers. Sections 10-1 and 10-1 a concern advance voting, Section 10-2 concerns voting at polling stations and Section 10-3 concerns approval of ballot papers (all).

#### **14.2 Time of checking advance voting**

As many as possible of the votes cast in advance must be checked before election day, so that as many as possible of them become final. Advance votes submitted directly in the ballot box are approved when the voter is checked off on the electoral register. Checking the advance votes submitted in ballot paper envelopes may commence as and when the electoral committee receives the advance votes, cf. Section 10-1 (3). However, the final check must not take place later than that the electoral committee can be certain that all the electoral committees who shall cross off on electoral registers on paper receive the electoral register for their districts before the polling stations open on Sunday or Monday. It is the advance votes approved before the election day that will be included in a preliminary count no later than 4 hours before the polling stations close.

For advance votes that there was no time to check before the electoral register was published on the election day, or that are received on election day, checking shall not commence until all the polling stations have closed on Monday and the electoral committee has received all of the districts' electoral registers from the electoral committees that have checked off on paper. For municipalities that cross off online, checking may commence when all the electoral committees have finished crossing off.

Formally, an advance vote is approved by the voter's name being crossed off in the electoral register, see Sections 10-1 (2) and 10-1 a (2) of the Election Act. Before a voter can be crossed off in the electoral register as having cast an approved advance vote, the electoral committee must check whether the advance vote satisfies the Election Act's approval requirements, cf. Section 10-1 (1). Correspondingly, returning officers must verify if advance votes submitted directly in the ballot box fulfil the requirements for approval according to Section 10-1 a (1).

A decision not to approve an advance vote, is deemed to be a matter of principle. Therefore, decisions not to approve an advance vote must be made by the returning officer (when the advance vote is placed directly in the ballot box) and the electoral

committee itself. However, it should be possible to delegate powers to approve straightforward votes, cf. the chapter on delegation.

### **14.3 Opening of advance votes submitted in ballot paper envelopes**

Section 35 of the Regulations requires that, if cover envelopes *and* ballot paper envelopes are opened at the same time, the electoral committee must ensure that this is not done by the same persons. There is nothing to prevent opening by the same persons, but then it must not be done at the same time. This is so that these persons will be unable to connect the cover envelope and the ballot paper envelope and thus see how the voter voted.

The Regulations further stipulate that there must always be at least two persons present (who can check each other) when cover envelopes and ballot paper envelopes are being opened.

### **14.4 Conditions for approving advance votes**

#### *14.4.1 Introduction*

Chapter 8 of the Act contains provisions concerning the procedure to be followed when the voter wishes to cast a vote in advance. Whether or not this procedure is followed, is not decisive for whether a vote cast shall be approved or not. The provisions are given to ensure good implementation of the election.

When checking, it is not necessary for votes cast in Norway and abroad to be kept separate. The election materials are different, but the approval requirements under the Act are the same. Nonetheless, the electoral committee is required to keep separate records of the number of votes cast in Norway and abroad.

Advance votes submitted in a ballot paper envelope cast in Norway, consist of a cover envelope, a polling card with personal data, and a ballot paper envelope. Advance votes from abroad and from Svalbard and Jan Mayen consist of a cover envelope with personal data and a ballot paper envelope. These form the basis for determining whether the vote shall be approved or discarded.

#### *14.4.2 The individual conditions*

The Election Act's terms and conditions for approval of advance voting submitted in ballot paper envelopes follow from Sections 10-1 (1), and 10-1a of the Election Act for advance votes cast in the ballot box.

The provisions contain a set of criteria or conditions that must be satisfied before the vote can be approved. It will not suffice that one or some of the conditions are satisfied. The conditions are cumulative, which means that they must all be satisfied before the vote can be approved. There are no other requirements for approval of advance votes in either the Election Act or the Election Regulations. The actual ballot paper must be approved in accordance with Section 10-3.

Note that it is not necessary to check the ballot paper envelope itself. The main rule is that an official envelope shall be used. However, nothing about this envelope could lead to the vote being discarded. Even in cases where the ballot paper envelope is missing, that will not be reason to discard the vote. If the ballot paper envelope is missing, this will usually be due to a formal error on the part of the returning officer, for which the voter should not suffer. The fact that the election authorities might possibly see what the voter voted, is not in itself reason to discard the vote.

Advance votes placed directly in the ballot box are approved by the returning officer as the vote is cast. The terms and conditions for approval in these cases are the same conditions that apply for approval of election day votes, and must be interpreted in the same manner. The ballot paper envelope used when voters are not listed in the relevant part of the electoral register or are already crossed off in the electoral register must be handled according to the same rules that apply when using special cover envelopes. Reference is therefore made to Chapter 15 for a review of these terms and conditions.

The terms and conditions for approving advance votes submitted in a ballot paper envelope are reviewed below. This includes cases where the electoral committee, in special cases, has determined that an envelope must be used, cf. Section 8-4 (4) of the Election Act, and when using a contingency envelope in those cases where the online electoral register is temporarily unavailable, cf. Section 8-4 (3) of the Election Act.

#### *14.4.2.1 Entry in the electoral register*

Pursuant to the Election Act, Section 10-1 (1) (a), it is a condition for approval of advance voting submitted in an envelope that the voter is entered in the municipal electoral register. The electoral committee may only approve votes from voters who are entitled to vote in the municipality and therefore are entered in the municipal electoral register.

If the voter is not in the electoral register, the advance vote must be discarded. The cover envelope shall be put to one side, unopened. In some cases it may be necessary to open the cover envelope in order to determine the identity of the voter.

Note that if the electoral committee knows that the voter resides in another municipality, the vote shall be forwarded to that municipality.

#### *14.4.2.2 The voter's identity*

Section 10-1 (1) (b) contains a condition stipulating that the vote must contain sufficient information to identify the voter. The voter's data must be on the polling card or the cover envelope for advance voting abroad and on Svalbard and Jan Mayen. Requirements for the polling card are stipulated in Section 23 of the Election Regulations. The information to be given on the outside of the cover envelope is prescribed in Sections 27 (6) and 28 (3) of the Regulations.

It shall be possible to identify the voter from the information on the polling card or the cover envelope. In that case, the condition in (b) will be satisfied.

In several connections the Act envisages use of official election materials. This is to ensure that the requirements of the Act are satisfied to the greatest possible extent. This also applies for the polling card and cover envelope. However, use of official polling cards/cover envelopes is not required under the rules of the Act for approving votes. The condition in (b) must also be deemed to be fulfilled if another document containing the voter's particulars, is enclosed with the vote, or if the information is provided in any other way. It would not be contrary to the Act, provided that the document serves the same function, i.e. that of identifying the voter.

The polling card shall contain the information necessary to identify the voter, cf. Sections 22 and 23 of the Election Regulations. This will be the name, address, date of birth and electoral ID number, etc. If the voter can be identified solely from the name, that will suffice to fulfil the conditions of the Act. The absence of an address or an incorrect address will not give grounds to discard the vote, unless the address is necessary to identify the voter.

Abroad and on Svalbard and Jan Mayen, the cover envelope shall be used to identify the voter. Voters who vote advance by post (postal voting from abroad) should use the sent cover envelope. However, this is not a requirement and an ordinary envelope can also be used. If an ordinary envelope is used as a cover envelope, the conditions in Section 28 of the Election Regulations must be met.

A form is printed on the outside of the sent cover envelope in which the returning officer must enter the necessary information. This will include the name, address, date of birth and electoral ID number. It also has a field for the voter's signature. However, the absence of this signature does not in itself give grounds for discarding the vote. If the voter has not been registered as a resident of Norway for the last 10 years preceding the election day, cf. Section 2-4 (3) of the Election Act and Section 1 of the Election Regulations, the voter must apply for entry in the electoral register. This can be done by signing the cover envelope. If in such a case the voter has failed to sign the cover envelope, this will not constitute an application for entry in the electoral register. It will not then be possible to enter the voter in the register and the vote must be discarded, cf. the Section 10-1 (1) (a).

If it is not possible to identify the voter, the condition in (b) will not have been satisfied and the vote must be discarded. The electoral committee may not send the vote back to the returning officer so that he/she can enter the missing information.

#### *14.4.2.3 Correct time*

Section 10-1 (1) (c), contains the provision that the vote must be cast at the proper time. Section 8-1 stipulates that advance voting in Norway shall take place from 1 July until the last Friday before election day. The time and place for advance voting shall be given on the polling card/cover envelope. If this has been done, the electoral committee will accept the vote, provided that no other factors indicate that it is not correct.

If the time and place of voting is not stated, that in itself is not sufficient reason to discard the vote. The electoral committee must then investigate to see if there is any other way of ascertaining whether the condition is satisfied, for example by looking at the postmark or checking when the municipality received the vote. This condition makes it expedient to keep a list of the advance votes received.

#### *14.4.2.4 Correct returning officer*

Section 10-1 (1) (d), contains the condition that the vote shall be delivered to the correct returning officer, unless it is a postal vote. The returning officer must sign the cover envelope used for advance voting abroad. The electoral committee can check the returning officer against a list drawn up by the Norwegian Directorate of Elections of returning officers appointed abroad. There is also a field for the returning officer's signature on polling cards used in Norway. Section 8-2 of the Election Act prescribes who may receive advance votes.

Returning officers were previously required to sign votes for them to be valid. This is no longer the case. The signature will be more an aid in helping the electoral committee decide whether they are dealing with the correct returning officer. The absence of a signature is not in itself grounds for finding that the condition is not fulfilled. If official materials are used "from the inmost to the outmost", it is reasonable to assume that the vote was given to the right returning officer.

If official materials are not used, there may be grounds to make further inquiries, such as finding out where the vote was posted and calling the relevant electoral committee. Official returning officers who use anything other than official materials, should enclose an explanation for the electoral committee that will check the vote.

When voting abroad, the voter shall sign the cover envelope, see Sections 27 (6) and 28 (4) of the Election Regulations. The voter's signature is not to be checked and the absence of the voter's signature does not give grounds for discarding the vote.

If the vote is sent as a postal vote, the condition in (d) will not be applicable. Such votes are cast without a returning officer being present. Section 28 (5) of the Election Regulations prescribes that voters who submit postal votes should have a witness confirm that what is written on the cover envelope is true. However, such a witness cannot be regarded as a returning officer. The absence of certification by a witness does not give grounds for discarding the vote.

#### *14.4.2.5 The cover envelope*

Section 10-1 (1) (e), contains a condition that the cover envelope must not have been opened. This condition is satisfied if the cover envelope has been sealed and there is nothing to indicate that it was opened, or that there was any attempt to open it after the returning officer sealed it in the presence of the voter.



Note that it is a requirement that the ballot paper envelope must be sealed, cf. Section 8-4 (5) of the Election Act. However, an unsealed envelope does not have consequences for the validity of the ballot paper.

#### *14.4.2.6 Votes approved earlier*

Section 10-1 (1) (f) contains a condition that a vote must not previously have been approved for the voter. If the voter is already crossed off in the electoral register and a vote has therefore already been approved for him/her, the new vote cannot be approved.

One consequence of this rule is also that, if a person has cast more than one advance vote, it will be the advance vote first received by the electoral committee that is to be approved, provided that it is in accordance with the regulations.

Advance votes that have not been checked before the electoral register is published at the polling station on election day, may not be checked and approved before the electoral registers are returned to the electoral committee after voting is completed. If the voter has been crossed off in the register on election day and therefore has had a vote approved at the polling station, any advance vote must be discarded. This will apply even though advance votes initially are final. The reason for this is that it will not be possible to find the vote cast by the voter on election day, because it will be in the ballot box. On the other hand, if the voter's vote at the polling station has been placed in a special envelope, cf. Section 31 of the Election Regulations, the polling station vote shall be discarded without removing it from the envelope and the advance vote will be approved, provided that it satisfies the legal conditions for approval.

#### *14.4.2.7 Received before 17.00 hours the day after election day*

Section 10-1 (1) (g) stipulates that votes must be received by the electoral committee by 17.00 hours the day after election day. That the votes must have "been received" means that they must physically be in the hands of the electoral committee.

If an advance vote is discarded and the voter for that reason has not cast a "valid" vote, the electoral committee may notify the voter of this so that he/she can vote again. However, the electoral committee is not bound to effect special measures in this regard. Each case shall be assessed individually and importance may be attached to whether notifying the voter would involve disproportionate difficulties for the electoral committee.

### **14.5 Wrongly addressed advance votes**

Insofar as possible, advance votes that are wrongly addressed shall be forwarded to the correct electoral committee.

Cover envelopes from abroad shall be marked: "To the electoral committee of [...] Municipality" An electoral committee that receives such a vote without the person

being in its electoral register, should first make inquiries as to which electoral register the voter may be entered in.

If the advance vote is wrongly addressed and the cover envelope has been opened by the wrong electoral committee, this will not necessarily give grounds to discard the vote, cf. Section 10-1 (1) (e). However, the electoral committee that forwards the advance vote, should enclose an explanation of what happened.

#### **14.6 More than one ballot paper envelope from the same voter**

If a vote cast contains more than one ballot paper envelope or ballot papers without envelopes, all of the ballot papers from this vote shall be placed unread in a ballot paper envelope. The vote shall be checked in accordance with Section 10-1 (1) of the Election Act and the ballot papers shall be checked in accordance with Section 10-3. Should the election authorities happen to see what the voter voted for, this will not constitute grounds to discard the vote or ballot papers.

#### **14.7 Crossing off in the electoral register**

If all the conditions in Section 10-1 (1) are satisfied, the vote shall be approved and the voter crossed off in the electoral register. Section 10-1 (2) stipulates that a name being crossed off in the electoral register is visible evidence that the electoral committee has assessed and approved the vote. The ballot paper envelope shall then be kept separate from the polling card/cover envelope. The electoral committee itself shall decide whether approved advance votes shall be kept in a separate ballot box or elsewhere.

For advance votes to be final, it is necessary that they are to the greatest possible extent crossed off in the electoral register before the polling station opens. The electoral committee must take this into consideration when planning implementation of the election.

### **15 CHECKING AND APPROVING VOTES AT THE POLLING STATION**

#### **15.1 Introduction**

For the approval procedure for both advance and polling station votes, see Point 14.1.

Chapter 9 of the Act contains provisions regarding the procedure to be followed at the polling station to ensure that voters have an opportunity to vote. However, whether this procedure is followed or not, is not decisive for approval of the votes. The provisions are given to ensure good implementation of the election.

A distinction must be made between ordinary votes and votes placed in a special envelope. Both types of votes are to be checked in accordance with the provision in Section 10-2 (1) of the Election Act. At the polling stations, checking and approval of ordinary votes takes place at the same time as the vote is cast. However, votes cast at the polling station, but which are placed in a special envelope, are also approved afterwards.

## **15.2 Checking polling station votes**

### *15.2.1 Introduction*

In ordinary voting at the polling station, checking and approval takes place at the time of voting. Ordinary votes are approved when the ballot paper is placed in the ballot box (or the voter is given the opportunity to put the ballot paper in the box) and the voter is crossed off in the electoral register. Votes in the special envelopes are approved afterwards.

### *15.2.2 Conditions for approving votes placed in the ballot box at the polling station*

Conditions for approval of these votes are laid down in Section 10-2 (1) of the Election Act. This provision lists positively the conditions that must be satisfied before votes at the polling station can be approved. This means that if the conditions are not satisfied, the votes cannot be approved. If all of the conditions in Section 10-2 (1) are satisfied, voting shall be approved and the voter crossed off in the electoral register. The actual ballot paper shall be approved according to Section 10-3.

In municipalities that cross off on the electoral register on paper on election day, voters who are entered in the electoral register for the district and for whom voting has not been previously approved, shall be allowed to put the ballot paper in the ballot box.

Pursuant to Section 10-2 (1) (a) of the Election Act, it is a condition for approval that the voter must be entered in the municipality's electoral register. For municipalities that cross of paper electoral registers on election day, the polling committee in each polling station can only cross off voters from the electoral register who are registered in the electoral register for this polling district. This means that if the voter is not registered in this polling station vote, but in a different polling district in the municipality, the vote must be cast as a so-called "alien vote" and therefore be placed in a special cover. Afterwards, the electoral committee will check whether these votes satisfy the voting conditions. The polling committees in municipalities that cross off in the online electoral register on election day, can cross off all the voters in the municipality.

Pursuant to Section 10-2 (1) (b) of the Election Act, it is a condition that the voter must have had an opportunity to vote. This condition is satisfied if the voter places his vote in the ballot box or if it is placed in the special envelope. The condition will also be satisfied if, for example, the voter is crossed off in the electoral register but chooses to leave the polling station without putting a ballot paper in the ballot box. A voter who is crossed off in the electoral register but leaves the polling station without putting a vote in the ballot box, cannot be approved for voting anew. If he/she wishes to vote anew, the vote must then be placed in a special envelope , with an endorsement from the electoral committee.

Pursuant to Section 10-2 (1) (c) of the Election Act, it is a condition for approval that the voter has not already cast an approved vote. If the voter has done so, the vote must be placed in a special envelope. The electoral committee will then have to discard the vote.

### *15.2.3 Conditions for approving votes in special envelopes*

When votes are cast on election day, the following circumstances may result in the vote being placed in a special envelope, cf. Section 9-5 (4) of the Election Act and Section 31 of the Election Regulations:

- The voter is not entered in the electoral register at the polling station (he/she may be in the electoral register for another polling district, or in another municipality) in municipalities that cross off in the electoral register on paper; or
- The voter may already have been crossed off in the electoral register.

These votes are not approved at the same time as the vote is cast, like the ordinary votes. The electoral committee must check afterwards to ascertain whether the conditions for approval in Section 10-2 (1) are satisfied. These votes are placed in a special envelope that contains the voter's ballot paper envelope containing the ballot paper. The voter's name, address and date of birth shall be written on the outside of the envelope. The actual ballot paper shall be approved according to Section 10-3.

Pursuant to Section 10-2 (1) (a) of the Election Act, it is a condition for approval that the voter must be entered in the municipality's electoral register. In the case of votes cast in a polling district in a municipality other than that where the voter is registered ("alien votes"), inquiries must be made to ascertain whether the voter also voted in his/her own district. If the voter has done so, the vote in the envelope must be discarded without opening it. The voter will then be crossed off in the electoral register for the polling district where he has already cast an approved vote, cf. Section 10-2 (1) (c).

Pursuant to Section 10-2 (1) (b) of the Election Act, it is a condition that the voter must have had an opportunity to vote. This condition is satisfied, in that the vote was placed in a special envelope.

Pursuant to Section 10-2 (1) (c) of the Election Act, it is a condition that the voter has not already cast an approved vote. If the voter has done so, the vote shall be discarded without opening the envelope. This similarly applies if the voter has already cast an approved vote at a polling station in the polling district where he/she is entered in the electoral register, see above.

If the voter has cast several alien votes, that is not in itself reason to discard all of them. One vote in accordance with the regulations shall be approved and the others discarded. Pursuant to the principle that a vote shall be final, the vote that was first received by the electoral committee shall be approved, provided that it satisfies the legal conditions.

If the envelope in which the votes are placed is not sealed, that will not in itself be reason to discard the vote. If the envelope in which the votes are placed is not sealed, this also will not have consequences for the validity of the ballot paper.

If an unknown voter is unable to produce identification at the polling station, he/she shall not be allowed to vote. When a person is not known to the returning officer, it is a condition that he/she can produce identification. If this condition is not satisfied, the person is not entitled to vote.

## **16 CHECKING AND APPROVING BALLOT PAPERS**

### **16.1 Introduction**

An important principle underlying the rules for approving ballot papers, is that the number of circumstances that could lead to votes being discarded shall be as low as possible. Therefore, this principle should be applied as a normative rule whenever there is doubt as to whether a ballot paper should be approved or discarded.

Advance votes and polling station votes must be kept apart when approving ballot papers. There is no requirement to separate ballot papers for votes cast abroad and in Norway. When municipal and county council elections are held, the ballot papers for the different elections must be kept apart. This similarly applies at Storting and Sami Assembly elections in those municipalities that also count votes at Sami Assembly elections.

### **16.2 Conditions for approving ballot papers**

Section 10-3 (1) of the Act contains rules for approval of ballot papers. They apply both for ballot papers for votes cast in advance and for votes cast at the polling stations. The rules are cumulative, i.e. all of the conditions must be fulfilled before a ballot paper can be approved.

Ballot paper envelopes used for advance voting and for votes placed in special envelopes are not subject to approval – only the ballot paper is to be checked.

Pursuant to Section 10-3 (1) (a) it is a condition for approval that it is stamped with the official stamp. This applies to all ballot papers, both those submitted in advance and on election day.

The stamp ensures that only one ballot paper is approved for each voter.

If the voter has used a blank ballot paper as the cover around the ballot paper, only the outer ballot paper will be stamped. This means that the real ballot paper will be discarded because it has not been stamped. This also applies if several ballot papers are stuck together, or if for other reasons the voter submits more ballot papers. It is therefore important that the returning officer ensures that the voter has only taken one ballot paper. However, it is not possible to open ballot paper before it is inserted in the ballot box to check whether the voter has submitted more than one ballot paper.

If a ballot paper does not have a public stamp, it must be discarded. However, this does not apply to ballot papers inside a ballot paper envelope, cf. Section 39a of the Election Regulations. If a ballot paper that has been placed in a ballot paper envelope during the

advance voting period in Norway and lacks an official stamp on election day, the electoral committee shall stamp the ballot paper afterwards. The stamp is a replacement for the ballot paper envelope and will ensure each voter can only have one vote approved.

During advance voting, use of a ballot paper envelope will be relevant in the following instances:

- During the advance voting period, cf. Section 24a of the Election Regulations.
- In the event of loss of power or communication with the electoral register (contingency procedure), cf. Section 8-4 (3) of the Election Act and Section 27a of the Election Regulations.
- Where the electoral committee in special instances has determined that a ballot paper envelope must be used, cf. Section 8-4 (4) of the Election Act
- When a vote is received from a voter registered in another municipality, cf. Section 8-4 (5) of the Election Act.
- When a vote is received from a voter not listed in the relevant part of the electoral register or who has already been crossed off in the electoral register, cf. Section 27 (4) of the Election Regulations.

At the polling station, ballot paper envelopes must be used for votes placed in special cover envelopes when votes are received from voters already crossed off in the electoral register. If an electoral register on paper is used, ballot paper envelopes must be used when voters cast their vote in another constituency than where they are registered (alien votes), cf. Section 31 of the Election Regulations. Ballot paper envelopes must also be used in the event of loss of power or communication with the electoral register (contingency procedure) in municipalities that use an online electoral register, cf. Section 9-5a (4) of the Election Act and Section 31a of the Election Regulations. In these cases the vote is not approved as it is cast, as is the case for votes inserted in the ballot box, but it is approved afterwards. The envelope ensures the voter can only have one vote approved, and therefore the ballot paper can be stamped afterwards.

As regards ballot papers submitted abroad, Section 40 of the Election Regulations stipulates that the electoral committee shall stamp these ballot papers if they are to be counted by machine. If ballot papers received abroad or on Svalbard/Jan Mayen will be counted by machine, they must be stamped prior to counting. Note that a stamp is not a requirement for approval of ballot papers abroad. All ballot papers are counted by machine in parliamentary elections under the direction of the county electoral committee, and all ballot papers must be stamped. Stamps are not necessary in these cases in local elections, as the ballot papers will only be counted manually.

Pursuant to Section 10-3 (1) (b) of the Election Act, it is a condition that the ballot paper shows the election to which it applies. Requirements for ballot papers bearing the candidates' names are given in Sections 19b and 19c of the Election Regulations.

However, it is not a requirement for approval of the ballot paper that it is in the form described in that provision. Ballot papers other than those printed by the election authorities can also be used. Approval conditions are set forth only in Section 10-3.

Normally, the election to which the vote applies will be stated in the heading on the ballot paper or the colour of it.

The legal condition is that the ballot paper “indicates” the election for which it applies. This means that this need not necessarily be on the ballot paper itself, but that it will suffice if this is clear from the actual vote. If two ballot papers are in one ballot paper envelope and only one of them specifies the election, for example “Municipal council election 20XX”, one can then assume that the other one is for the county council election. This will apply even if both ballot papers are of the same colour. In this case the voter’s intention is clear from the manner of voting.

If the ballot paper is of a different colour than that prescribed for the particular election in Sections 19b and 19c of the Election Regulations, but bears the name of the election, this is usually sufficient to consider the condition as being satisfied. This similarly applies if the colour is in accordance with regulations, but the ballot paper lacks the name of the election. However if the election designation is missing and the colour is “wrong”, only the text/names of the candidates may show the election to which it applies.

If, for example, the voter has deleted the election designation on a blue ballot paper and written “Municipal council election” on it, the ballot paper can nevertheless only be approved if it is in a ballot paper envelope, i.e. that it is a vote that was cast in advance or placed in a special envelope at the polling station. If such a ballot paper is placed directly in the ballot box, this alteration cannot be approved. This is connected with the possibility of two ballot papers being approved for a single voter in the same election. This is contrary to the principle of the Election Act, that a voter may have only one vote approved for each election. If the municipality uses one ballot box for each election, only the ballot papers for the respective elections can be approved. This means that if the ballot paper is in a ballot box intended for the municipal council election, it must be rejected. If it is in a ballot box intended for the county council election, it shall be approved as a vote for the county council election.

Pursuant to Section 10-3 (1) (c) of the Election Act, it is a condition for approval that the ballot paper shows the party or group for which the voter voted. Requirements for ballot papers bearing the candidates’ names are given in Section 19 of the Election Regulations. However, it is not a requirement for approval of the ballot paper that it is in the form described in that provision. Approval conditions are set forth only in Section 10-3.

Here again the condition is that the ballot paper “indicates” which party or group the voter has voted for. This means that the ballot paper need not necessarily be identical

with the official paper. If the electoral committee is able to determine what the voter intended to vote for, that is sufficient to fulfil the condition. Conversely, if that is not possible, the condition will not be satisfied.

Normally, officially printed ballot papers are used. In this case, the name of a party or a group will be on the ballot paper and the conditions for approval are met. Common abbreviations are also fine, such as commonly used party designations such as a large "A", a large "H", "SP" and so on. Unregistered groups are on a par with registered parties as concerns the requirement regarding a name on the ballot paper. For example, a ballot paper designated "Free Voters", "Independent Voters" or something similar, without the names of candidates, would thereby also satisfy the condition. The ballot paper should be approved in both cases. All ballot papers are deemed to contain the names of the candidates that are on the group's official list. See Section 10-3, which stipulates that a ballot paper is deemed to be identical with the official election list.

It is not a condition for approving the ballot paper that it has a heading. If a ballot paper contains all the candidate names from a specific election list, it is possible to identify who the voter is voting for and the requirement will be satisfied. If the names of one or more candidates standing for election on one and the same list in the constituency, the vote must be deemed to have been given to that party or group. However, if the names of candidates from different lists have been listed, it will be impossible to know for which party or which group the voter intended to vote. The conditions in the Act will therefore not have been met.

If the voter has attempted to write a list heading, it must be acceptable to interpret what the voter means based on linguistic similarities. If, for example he or she has written "Arbeidspartiet" it is natural to assume that the voter means "Arbeiderpartiet". "Arbeidslista" or something similar is more doubtful.

Interpretations towards political similarity cannot be accepted. What can be regarded as political similarity is not obvious. In reality it would be impossible to interpret the voter's intention. A ballot paper inscribed "De konservative" could therefore not be given to "Høyre".

In some cases, the voter has made alterations to the ballot paper that may be of significance for whether the condition in (c) can be deemed to be satisfied. It is necessary to distinguish between permissible alterations (for example, crossing out and writing a new heading on the list) and non-permissible alterations (such as X over the ballot paper). In the latter case the alteration must be disregarded and the vote must go unaltered to the list concerned. In other words, the ballot paper shall be approved as it stands without the non-permissible alterations.

If two or more registered parties submit a joint list, ballot papers made out to the name of one of these parties or the full name of the joint list, shall go to the joint list, cf. Section 38 of the Election Regulations. This similarly applies if one or more registered



parties have submitted a joint list with a group that does not represent any registered party.

If there are one or more ballot papers in a ballot paper envelope and they are all from the same election list, it will be possible to determine the one for which the voter was voting. One of the ballot papers shall be approved. Even if the ballot papers differ slightly in appearance, for example if one is printed and one handwritten, that has no significance. If the ballot papers are for different election lists, they must all be discarded.

Pursuant to Section 10-3 (1) (d) of the Election Act, a further condition is that the party or group for which the voter has voted, has submitted a list in the constituency. A ballot paper for a list that is not standing in the constituency in which the voter is on the electoral register cannot be approved.

Use of a ballot paper intended for another district than that where the voter is in the electoral register, shall be approved when the party also submits list in the constituency where the voter is in the electoral register. Note however that ballot papers intended for another constituency may only be approved in regard to a registered political party. Otherwise, it is of no significance if the ballot paper has been corrected, or whether it is printed or handwritten. Such a ballot paper shall be deemed to contain the names of candidates in accordance with the official election list in the voter's constituency, cf. Section 10-3 (2). If the voter has used a printed ballot paper that is not identical with the official election ballot paper and has corrected it, only the corrections shall be disregarded, cf. Section 10-3 (3).

The conditions reviewed above, are the conditions of the Act that apply for approval of votes.

### **16.3 Registration of blank votes**

The following are regarded as being blank votes:

1. ballot papers with check boxes without endorsement for any chosen party or group, and
2. ordinary blank ballot papers, i.e. ballot papers without text (which it must have if the voter wishes to vote for a party or a list).

Naturally, blank votes cannot be counted in the election results, since the votes cannot be allocated to any particular seat. Nonetheless, the number of voters who cast blank votes is of interest and importance. Therefore a record of the number of such votes should be kept.

Ballot papers that are discarded because they do not satisfy the legal requirement for approval, shall not be included as blank votes. One example may be if there is doubt concerning the list alternative for which the vote applies. An empty envelope, or ballot paper envelope with a ballot paper for only one election (in local elections), shall not be

regarded as a blank vote. (for the other election). In such cases it cannot be said that the voter purposely acted to cast a blank vote.

#### **16.4 Ballot papers that are not identical with the official papers**

Pursuant to Section 10-3 (2) a cast ballot paper shall be regarded as identical with the official election list, i.e. it is deemed to contain all the candidate names that are on the approved list.

The Act does not prevent use of ballot papers other than the printed ballot papers, for example a blank sheet of paper written on by the person him/herself, or printed out from a PC or Internet, or a pre-printed ballot paper from anyone other than the election authorities. Regarding all ballot papers as having the same contents as the official election lists makes it possible to avoid voter actions with pre-printed manipulated ballot papers where one name is omitted, for example. Printing error problems are also avoided. The electoral committee therefore does not need to check all of the ballot papers to see whether they are identical with the official ballot papers. "Identical with the official ballot papers" means identical with the ballot paper in the county or municipality where the voter is entitled to vote.

Section 10-3 (3) of the Act nevertheless stipulates that, if the voter has made corrections on printed ballot papers that are not identical with the official ballot papers, these corrections shall be disregarded. This does not apply to handwritten ballot papers. Only if the voter has had a complete election list with names can one be certain that the voter had an opportunity to make the same alterations as he/she would have done on an official election list. In theory, it can be assumed that ballot papers are circulating where the name of an individual candidate is deleted or altered in some way. In that event it would not be possible for the voter to give that candidate a personal vote, even had he/she wished to do so. The consequence of this is that the electoral committee must check all the corrected ballot papers and separate those that are not identical with the official election lists.

#### **16.5 The significance of alterations to ballot papers**

Valid alterations to official ballot papers shall count in the election results. If the voter has altered a ballot paper that is not identical with the official election list, the alterations shall be disregarded. If the voter has altered the ballot paper in a different way from what is permitted, the alterations shall also be disregarded. However, the ballot paper shall be approved if it satisfies the conditions in Section 10-3 of the Act.

In parliamentary elections, the voters may alter the order of the candidates and delete names. The voters mark changes in order by putting the desired order number beside the candidate's name. cf. Section 7-2 of the Election Act. Pursuant to Section 19 (9) of the Election Regulations, there shall be a separate column of boxes for this purpose. Deletion must be done in the manner described on the ballot paper, cf. Section 7-2 of

the Election Act. Pursuant to Section 19 (9) of the Election Regulations, deletion must be done by marking the box to the right of the candidate's name.

On official ballot papers for municipal and county council elections, there is a field for marking personal votes and a field for entering candidates from other lists (cross-party votes) (only in municipal council elections). It is of no significance for the validity of the vote or the alterations whether the voter has marked a personal vote or entered a "cross-party voter" in any way other than that prescribed, as long as the marking/entry is in accordance with the manner of alteration described in Section 7-2 of the Election Act.

If the voter has delivered two or more ballot papers for the same party in the same election (applies only to ballot papers in a ballot paper envelope), and some of them have been altered, the following rules apply, cf. Section 39 of the Election Regulations: When only one of the ballot papers is altered, it shall be approved. When two or more ballot papers are altered alike, only one of them shall be approved. In both cases the alterations will count for the results. If two or more ballot papers are altered differently, one of them shall be approved but the alterations shall be disregarded.

## **17 COUNTING BALLOT PAPERS**

### **17.1 Counting principles**

Section 10-4 of the Act contains the principles for counting ballot papers. This provision applies both for advance votes and for votes cast at the polling station.

Responsibility for counting votes rests with the electoral committee, cf. Section 10-4 (1). The committee decides how the counting shall take place, for example whether there shall be a preliminary count at the polling stations, or whether the votes shall be taken to another polling station to be counted, or whether all counting shall take place centrally at the electoral committee's office. Normally, the preliminary count takes place at the electoral committee's office.

Similarly, the electoral committee can decide that all counting shall take place in another municipality or in the offices of the county electoral committee. Such counting may be preferable in view of the desire for quicker results from machine counting. However, if the municipality chooses to do the counting in another municipality or in the offices of the county electoral committee, that does not mean that responsibility for the counting is delegated to another electoral committee or the county electoral committee. The electoral committee for the municipality the counting concerns, must be present at the counting, cf. Section 40 of the Election Regulations. The election authorities must ensure that votes from different municipalities are not mixed. Counting shall take place separately, in the presence and under the supervision of the electoral committee.

Counting votes in another municipality or in the offices of the county electoral committee may be done both for the preliminary and the final counting. Decisions as to where and how counting is to take place shall be made by the electoral committee. However, the preliminary counting of votes in another municipality or in the offices of the county electoral committee must not lead to delays in the counting for the municipality.

The electoral committee is responsible for ensuring that there are suitable conditions for such counting.

If the electoral committee leaves the preliminary counting to the polling district, the electoral register for the district must contain at least 100 names, cf. Section 10-4 (2) of the Election Act. If there are less than 100 names in the register, the preliminary count shall take place in the offices of either the electoral committee or at another polling station.

In municipal and county council elections, the votes shall be counted separately, cf. Section 10-4 (3) of the Election Act. Counting may take place at the same time, provided that this will not create delay in the result for the county council election.

Section 10-4 (4) of the Act stipulates the principle that advance votes and polling station votes shall be counted separately.

All ballot papers shall be counted twice, cf. Section 10-4 (5) of the Election Act. Thus the municipalities shall count both advance votes and polling station votes, but the counting shall take place at different times.

In municipal and county council elections it is important that the forwarding of materials to the county electoral committee is not delayed by the second counting of the municipal council votes. Nonetheless, the requirement for a correct result takes precedence over forwarding the material as quickly as possible.

The fact that the ballot papers are scanned does not change the requirement for two rounds of counting. Errors may occur even when using this type of technical aid so that two rounds of counting are required.

Rules for the preliminary count are stipulated in Section 10-5 of the Election Act and rules for the final count are in Section 10-6.

## **17.2 Manual preliminary counting**

It follows from Section 37a of the Election Regulations that the preliminary counting of advance votes and votes on election day must take place by manual counting. Manual counting refers to a hand count without the use of machines. Counting using computers that are not connected to the internet is not considered manual counting. A [guide on manual preliminary counting](#) has been prepared, which includes a detailed description of how to carry out manual counting.

### **17.3 Machine counting**

EVA has a system for counting ballot papers by machine. The electoral committee itself bears responsibility for the counting and the result being correct and in accordance with the legal requirements. The Act allows for counting in scanning centres where multiple municipalities/county authorities count ballot papers. However, the municipal electoral committee is responsible for the result of the count and must monitor the count. This responsibility cannot be transferred to another municipality.

### **17.4 Preliminary counting**

#### *17.4.1 When is the preliminary counting to begin?*

##### *17.4.1.1 Advance votes*

The preliminary counting of advance votes that have been received, approved and crossed off in the electoral register before election day, may at the latest commence four hours before all polling stations in the municipality close on Monday.

Nevertheless, a condition for this is that it can be done without “*conflicting with the secret ballot principle*”, cf. Section 10-5 (1) of the Election Act. This means that if the municipality only receives a few advance votes, it cannot commence the preliminary counting of these until voting has ended on election day. Instead the votes cast must be set aside and merged with any late advance votes received. Counting can then commence as soon as all the advance votes have been approved.

If the municipality receives a sufficient number of votes so that a preliminary count can be made, the electoral committee must ensure that a certain number of votes are set aside to be merged with the late advance votes received, cf. Section 37 of the Election Regulations.

If the preliminary counting of advance votes takes place by polling districts, a certain number must be set aside for each district. Votes that are set aside shall not be included in the preliminary count that takes place before the polling station is closed on election day. The number to be set aside shall be determined by the electoral committee itself, but must be enough to ensure that the advance votes that the electoral committee receives after counting has commenced, remain anonymous during the counting. These votes may not be counted until after 17.00 hours the day after election day and they shall be recorded separately in the protocol.

The electoral committee shall decide when it will start counting before the time specified in the Act, but the preliminary counting must not commence before election day on Monday.

The result of the preliminary count must not be “published” before 21.00 hours on election day on Monday, cf. Section 9-9 of the Election Act. Giving information concerning the result to media or to researchers is not synonymous with publishing. If the electoral committee gives such information regarding the result before 21.00 hours, it must also call attention to the release ban. The party who receives information

regarding the voting results before 21.00 hours, has an independent responsibility to ensure that it is not published before 21.00.

#### *17.4.1.2 Polling station votes*

The electoral committee decides where counting is to take place, cf. Section 10-4. The preliminary count of polling station votes shall start as soon as possible after voting at the polling station has ended, cf. Section 10-5 (2) of the Election Act. In this connection “the polling station” means the individual polling station. Preliminary counting at one polling station of the votes cast there may therefore commence even if the voting has not finished at other polling stations in the municipality. Take note of the provision in Section 9-9 prohibiting the publishing of election results before 21.00 hours on election day.

If it is decided that joint counting shall take place for several polling stations, the counting may start before all the votes have come in from these stations to the counting place, provided that the secrecy requirements are satisfied, cf. Section 10-4 (2) of the Election Act. This means that separate counting can start for some if the electoral register contains at least 100 names. This similarly applies if all or part of the preliminary count take place at the offices of the electoral committee.

#### *17.4.2 Procedure for the preliminary counting*

Advance votes and polling station votes must be kept completely separate at the counting, cf. Section 10-4 (4).

Votes whose approval is uncertain, the “doubtful votes”, shall be kept apart from the preliminary count. This applies to both advance and polling station votes. Doubtful votes are ballot papers that cannot immediately be approved. Such votes shall always be assessed by the electoral committee itself. Only ballot papers may be deemed “doubtful”, not votes. Voting as such is always approved before the preliminary counting commences and sorting out doubtful votes is necessary.

If the preliminary count of polling station votes for the whole municipality takes place in the offices of the electoral committee, polling station votes cast in other districts than where the voter was registered in the electoral register (alien votes) shall be checked and merged with the other polling station votes, provided that this can be done without significant counting delays, cf. Section 10-5 (3) of the Election Act.

Ballot papers shall be sorted according to their headings. Then the ballot papers in each group shall be counted, cf. Section 10-5 (5) of the Election Act. For the preliminary counting, it is not required under the Act that each election list shall be sorted in groups for altered lists and unaltered lists. However there is nothing to prevent this if the electoral committees consider it expedient.

At polling stations where a preliminary count is made, the polling committee must notify the electoral committee of the preliminary result as soon as it is available.

## **17.5 Final counting**

### *17.5.1 When shall the final count start?*

The final count shall start immediately after the preliminary count is finished and the electoral committee has received all votes cast at the polling stations, cf. Section 10-6 (1) of the Election Act. This rule applies to both advance votes and polling station votes. If the preliminary count of the polling station votes for the whole or parts of the municipality took place at the polling stations, the electoral committee must have received all of the votes from the polling stations before counting can commence. This differs from the preliminary count. The final count checks all approved votes for the whole of the municipality. The final count cannot take place at the individual polling stations, but must take place under the supervision of the electoral committee. It need not necessarily take place in the municipality or be undertaken by the electoral committee itself.

### *17.5.2 Procedure for the final count*

Advance votes and polling station votes shall be counted separately, cf. Section 10-4 (4) of the Election Act. The final count shall take place in the manner determined by the electoral committee, by the persons appointed by the electoral committee, and under the supervision of the electoral committee.

All ballot papers shall be counted anew in the final count, cf. Section 10-6 (2) of the Election Act. Furthermore, the electoral committee shall decide whether ballot papers that were put aside as doubtful votes in the preliminary count, and votes that were placed in special envelopes, shall be approved. Votes that are approved here shall, after the first count, be merged with the other votes before the second count.

In the final count, ballot papers must be sorted in altered and unaltered ballot papers. The electoral committee shall count the number of valid ballot papers that pertain to each election list and in this way find the number of votes for each election list.

In municipal council elections, the electoral committee shall also record the registered alterations made by voters on the ballot papers, cf. Section 10-6 (3). If an alteration is not valid, the correction shall be disregarded, cf. Section 7-2 (4) of the Election Act. However, the ballot paper itself shall be approved provided that it satisfies the conditions in Section 10-3.

In parliamentary elections and county council elections, the alterations made by voters shall be recorded by the county electoral committee, cf. Section 10-6 (4) of the Election Act.

When counting the votes is finished, the electoral committee shall enter the information in the protocol, cf. Section 10-7 of the Election Act and Section 41 of the Election Regulations.

### **17.6 Replacement of ballot papers during counting**

Neither the Election Act nor the Election Regulations permit the replacement of so-called "non-standard" ballot papers. (That is to say that non machine- readable ballot papers are replaced with the corresponding machine-readable papers.) Ballot papers shall therefore not be replaced before being counted. It is an important principle that the ballot paper the voter has used to vote with shall – if it is approved – be counted. No other ballot paper may be counted instead of this ballot paper. The practice of exchanging ballot papers is, in the Ministry's opinion, not in accordance with the law.

### **17.7 Forwarding election materials to the county electoral committee**

Section 10-8 (1) of the Act stipulates that, as soon as the final count is finished, the electoral committee shall forward all election materials relating to the parliamentary election or county council election, to the county electoral committee. Any appeals shall be forwarded to the Ministry.

The electoral committee shall send the following election materials to the county electoral committee:

- All approved advance voting ballot papers, separated according to altered and unaltered (a).
- All approved polling station ballot papers, separated according to altered and unaltered (a).
- All discarded advance voting ballot papers (b).
- All discarded polling station ballot papers (b).
- All discarded votes (b).
- All polling cards received with advance votes (c).
- All cover envelopes for advance votes from abroad and on Svalbard and Jan Mayen (d).
- Certified copies of entries in the electoral committee's protocol relating to the election (e).
- Copies of appeals received (f).

When sending ballot papers to the county electoral committee it is important that all the counting categories are packed separately. There must be a clear distinction between advance votes, ordinary polling station votes, vote in special envelopes, late arrivals/ set aside, votes received in a contingency envelope for municipalities with an online electoral register on the election day and alien votes for the rest of the municipalities.

Ballot papers proposed to be discarded must follow their category. For example, an advance ballot paper that has been proposed discarded must be packed together with the rest of the advance votes. These may be placed on the top so that they are easy to locate.



For the municipality of Oslo, Section 10-8 (2) stipulates in particular that the materials in question shall be forwarded to the County Governor of Oslo and Akershus as soon as the parliamentary election is completed.

The election materials shall be packed in good order in sealed packaging, cf. Section 10-8 (3) of the Election Act. The different categories of ballot papers should be placed in separate envelopes with a description of the contents on the outside. The packaging shall be sealed. It is not proper nor is it compatible with the objects clause in the Act, to use only wrapping paper, plastic bags or the like for transporting election materials. The electoral committee is responsible for ensuring that transportation takes place in accordance with the requirements of the Act and Regulations.

It is important that the election materials are sent immediately, i.e. in the quickest safe way, so that the election results are not delayed unnecessarily. The electoral committees should employ practical systems based on local conditions to forward the materials to the county electoral committee as quickly as possible. Whenever practicable the electoral committee should organise direct transport to the county electoral committee.

#### **17.8 Requirement for receipts documenting handover of election materials**

There are requirements for obtaining receipts for the handover of election materials. The rules for this are included in Section 34a of the Election Regulations.

In all elections, when election materials are transferred from the polling committee to the electoral committee, a receipt shall be issued showing:

- What has been handed over.
- Who has handed it over.
- Who received the material.
- Statement of the time and place of handover.

The receipt shall as a minimum include information about:

- Handover of the electoral committee's protocol.
- Crossed off electoral register (in municipalities that use paper electoral registers).
- Number of ballot boxes.
- Number of units containing ballot papers in sealed containers.
- The stamp for stamping ballot papers.

The obligation to complete such a form applies to both the polling committee when handing over to the electoral committee and to the electoral committee when handing over to the county electoral committee (in the case of Oslo in parliamentary elections, to the County Governor of Oslo and Akershus).

The form shall be provided to the recipient along with the materials. Those receiving the materials shall check what is received against the form and confirm that what is on the form is in accordance with what is delivered. The signed receipt for the material shall be given to the person bringing the material – a representative of the polling committee for delivery within the municipality or a representative of the electoral committee for delivery to the county electoral committee.

The Ministry wishes to point out that it is up to the municipalities to establish good, practical routines for ensuring the proper transport and handover of the materials. If the materials should be delivered without a representative of the sender being present, if sent by post for example, the Ministry assumes that the recipient shall check the material and send a receipt.

## **18 DETERMINING THE RESULT OF PARLIAMENTARY ELECTIONS**

### **18.1 Constituencies for parliamentary elections. The number of members of the Storting**

Article 57 of the Norwegian Constitution and Sections 11-1 and 11-2 of the Election Act contain rules on constituencies and number of members of the Storting. The country is divided into 19 constituencies that match the 19 former countries and 169 Storting representatives are elected. Of these, 150 are elected as constituency members and 19 as members at large.

### **18.2 Allocation of seats to the constituencies in parliamentary elections**

Section 11-3 of the Act contains rules on the allocation of seats between constituencies.

All the seats in the Storting shall be allocated to the constituencies every eight years. The allocation is undertaken by the Ministry.

The allocation takes place as follows:

The allocation figure for each constituency is determined first. This is done using the following formula:

	The number of inhabitants in the constituency at the end of the penultimate year before the parliamentary election in question
+	The number of square kilometres in the constituency multiplied by 1.8
=	Allocation figure

The allocation figure for each constituency is divided by 1 – 3 – 5 – 7 etc. (Sainte-Laguë method). The quotients are numbered consecutively and the parliamentary seats are allocated to the constituencies consecutively on the basis of the sizes of the quotients. Seat no. 1 goes to the constituency with the largest quotient, seat no. 2 is allotted to

the constituency with the second largest quotient, etc., until all seats have been allocated. If two or more counties have the same quotient, the parliamentary seat goes to the constituency with the highest allocation figure. If the two counties have the same allocation figure, the constituency to which the parliamentary seat will be allocated will be determined by the drawing of lots.

### **18.3 Distribution of constituency seats between the electoral lists. The returning of members**

Section 11-4 of the Act determines how the constituency seats are apportioned between the electoral lists.

All the constituency's seats, with the exception of one, are allocated by the county electoral committee as constituency seats. The last seat is a seat at large and is allocated by the National Electoral Committee.

The allocation of seats is based on the modified Sainte-Laguë method. The county electoral committee shall count the votes cast for all electoral lists from all municipalities in the constituency. The total vote polled by each list is divided by 1.4 – 3 – 5 – 7 etc. The votes cast shall be divided as many times as necessary to determine the number of seats the list is to have. The first seat is allotted to the list with the largest quotient. The second seat is allotted to the list with the second largest quotient, etc., until all parliamentary seats have been allotted. If two or more lists have the same quotient, the seat goes to the list with the highest number of votes. If they have polled the same number of votes, the list to which the seat is allocated is to be determined by the drawing of lots.

When the number of seats for an electoral list has been determined, the seats are allocated between the candidates on the list, cf. Section 11-5 of the Act. The returning of members proceeds as follows:

First, the names recorded as no. 1 on the ballot papers are counted. (On unaltered ballot papers, the candidate at the top is no. 1. Voters may amend the ballot papers and re-number the order of the candidates.) The candidate with most such placements is elected. If the list is to have more than one seat, the names listed as no. 2 on the ballot papers are then counted. The candidate with most placements when the two counts are added together is elected. (Here the candidate elected as no. 1 is disregarded.) The counting continues in the same way until all the parliamentary seats allocated to the list have been filled. If two or more candidates achieve the same results, the original order on the list will be decisive. Ineligible candidates are disregarded.

Section 7-2 (1) of the Act stipulates that, in parliamentary elections a voter may change the order in which the candidates are listed on the ballot paper. This can be done by placing a (new) number next to the name of the candidate. The voter can also cross out candidates' names. The rules governing the determination of the result of elections entail that alterations to ballot papers by voters will be taken into account only if more

than 50% of those who voted for the list have made alterations with respect to the same candidate.

Each list shall as far as possible be allotted a number of alternates that corresponds to the number of members plus three. The candidates for seats as alternates are allocated in the same manner as the members.

#### **18.4 Allocation of seats at large by the National Electoral Committee**

The rules governing the allocation of seats at large are laid down in Article 59 of the Constitution and Section 11-6 of the Election Act. The National Electoral Committee shall determine the result of the election and allocate seats at large. The National Electoral Committee's result shall be based on transcripts submitted by the county electoral committees.

The parties to which seats at large are to be allotted must first be determined. Article 59 (5) of the Constitution specifies that only registered parties that have received at least 4% of the total number of votes cast nationwide are included in the competition for seats at large. This is the criterion called the "election threshold". Parties that poll fewer votes and local lists will be disregarded. However, they will retain any constituency seats they have won in the constituencies.

The National Electoral Committee shall first allot all seats nationwide as if the country were a single constituency. If parties/groups that are not entitled to seats at large have achieved constituency seats, these will be deducted from 169 before the National Electoral Committee proceeds with the allotment of seats.

The total number of votes polled by the parties in all constituencies is divided by 1. 4 – 3 – 5 – 7 – 9 etc., and all seats are allotted in the same way as in the procedure followed by the county electoral committees. If any party proves to have achieved more constituency seats than the number that follows from the calculations of the National Electoral Committee, a new determination will be conducted in which these seats are deducted. Each party shall be allotted the number of seats at large that corresponds to the difference between the number of seats it would have attained in a national determination of results and the number of constituency seats it in fact attained.

The next phase is to determine the constituencies in which the parties will receive their seats at large. This takes place in the following manner:

- a. The starting point is the number of votes polled by the parties in the constituencies. If the party did not win any constituency seats, the number of votes in the constituency is applied. If the party has won constituency seats, the number of votes is divided by a quotient that corresponds to (number of constituency seats x 2) + 1. The vote or quotient is then divided by the average number of votes underlying each constituency seat in the constituency.

Example:

In constituency X, 100,000 votes have been cast and 10 constituency members have been elected.

- Party A polled 8,000 votes and has received 0 constituency seats. The party's vote will then be divided by 10,000 (which is the average number of votes per constituency seat). The party will thereby be allotted a quotient of 0.8, which is that party's basis for the competition for seats at large.
  - Party B has polled 15,000 votes and received 2 seats. The votes will then first be divided by 5 ( $(2 \times 2) + 1$ ). The quotient 3,000 is divided by 10,000, and the party is allotted a quotient of 0.3.
  - Party C has polled 50,000 votes and received 5 seats. The vote will first be divided by 11 ( $(5 \times 2) + 1$ ). The quotient 4,545 is divided by 10,000, and the party is allotted a quotient of 0.4545.
- b. The quotients for all constituencies and all parties entitled to seats at large are then set out in order of size. If one or more quotients are equal, the number of votes in the constituencies in question will be decisive. If an equal number of votes were polled, the order will be determined by the drawing of lots.
- c. Seat at large no. 1 is allotted to the party and constituency with the largest quotient. Seat at large no. 2 is allotted to the party and constituency with the second largest quotient, etc.
- d. When a constituency has been allocated a seat at large, it will not be included in subsequent allocations of seats at large. When a party has received the number of seats at large to which it is entitled, it will be disregarded for the purpose of further allocation of seats at large. The distribution continues for the remaining constituencies and parties until the seats at large have been allocated.
- e. The National Electoral Committee shall designate the candidates who are to be elected as members at large and all alternates. The National Electoral Committee shall proceed in the same way as the county electoral committees, cf. the above, in that those who have already been elected as constituency members will be disregarded. Ineligible candidates will be disregarded.

### **18.5 Credentials for the members returned to the Storting. Notification of the elected members**

After the National Electoral Committee has finished determining the result of the election, Section 11-8 of the Election Act stipulates that it shall proceed as follows:

- Issue credentials for all members and alternates and send these credentials to the Storting
- Keep a record of the determination of the result of the election and notify the Storting and county electoral committees thereof.

Section 11-9 of the Act stipulates that after it has received notification from the National Electoral Committee, the county electoral committee shall notify all elected members and alternates of their election, and inform them of their right to apply for exemption from election.

The Act contains provisions on the procedures that are to be followed if a candidate has been elected a member or alternate for multiple constituencies. The general rule is that the person in question may decide which constituency he/she wishes to represent by submitting a written declaration within three days of receiving notification from the county electoral committees. If no such declaration is submitted, election will be deemed to have been accepted for the constituency in which he or she is entitled to vote. If he or she is not entitled to vote in any of the constituencies in question, he or she will be deemed to have been elected by the constituency which comes first in alphabetical order.

## **19 DETERMINATION OF ELECTION RESULTS IN COUNTY COUNCIL ELECTIONS**

### **19.1 The county electoral committee's distribution of seats**

Section 11-10 of the Act contains rules on the determination of election results in elections to the county council.

Seats are allocated on the basis of the modified Sainte-Laguë method in accordance with the provisions of Section 11-4 of the Election Act. The votes polled for the election lists for all municipalities in the constituency are added up and then divided by 1.4 – 3 – 5 – 7 – 9 etc. The seats are allocated to the electoral lists successively on the basis of the quotients. If two lists have the same quotient, the seat will go to the list that polls the higher number of votes. If they both poll the same number of votes, the seat will be allocated by means of the drawing of lots.

If a list has received more seats than it has electable candidates, the excess seats will be allocated to the other lists in accordance with the above rules.

### **19.2 The returning of members**

Members are returned on the basis of the provisions of Section 11-10 (2) of the Election Act.

Voters may cast personal votes for one or more candidates on the list by placing a mark next to the candidate's name, cf. Section 7-2 (2) of the Election Act. The Act provides for an election threshold equivalent to at least 8% of the vote polled by the list as a precondition for alterations by the voters to affect the return of members. The county electoral committee must accordingly check the alterations made by voters to the ballot papers. Candidates who have received personal votes on at least 8% of the approved ballot papers are returned first. If multiple candidates exceed the election threshold, the

number of personal votes will be decisive. Other candidates are returned in the sequence on the list.

Example: The list has polled 5,000 votes. The election threshold for personal votes to have an effect is accordingly 400. The list receives 5 seats on the county council. The candidates on the list poll the following number of personal votes:

A: 67

B: 133

C: 402

D: 295

E: 497

F: 207

G: 417

The candidates will be returned in the following order: E, G, C, A, B, D, F.

E, G and C exceed the election threshold. Accordingly, the number of personal votes they have polled will determine their ranking. A, B, D and F have not reached the election threshold and will accordingly be ranked on the basis of the original sequence on the list.

Ineligible candidates will be disregarded.

Each list shall as far as possible be allocated as many alternates as it receives elected members, with the addition of three.

The county electoral committee shall advise the elected representatives and deputy representatives of the election and advise of the right to apply for exemption from election, cf. Section 11-11 of the Election Act.

In this connection, the Ministry wants to point out the following: A person who has grounds for exemption but has failed to exercise the right when advised that he or she is a list candidate may not claim exemption after having been elected. We refer to Section 3-4 (2) of the Election Act. Exemption from election may however be relevant in the following cases:

1. The grounds for exemption have arisen after the deadline for claiming exemption has expired. This may be the case for example if the person in question has contracted a serious illness.
2. The person in question has not been made aware of the grounds for exemption and the right to be removed from the proposed list, and this is due to error or negligence on the part of the election authorities.

**20 DISTRIBUTION OF SEATS IN ELECTIONS TO THE MUNICIPAL COUNCIL**

**20.1 The electoral committee’s allocation of seats**

The election lists’ list votes should be used as the starting point for distributing seats. Each ballot paper counts for as many list votes as there are members to be elected to the municipal council. If the voter has not entered candidates from other lists, all the list votes will be allotted to the list. If the voter has not entered candidates from other lists (known as cross-party votes), the list will lose the corresponding number of list votes, whereas the cross-party vote lists will benefit correspondingly. The rules on cross-party votes and their significance can be found in Section 10-6 (3) of the Act, cf. Section 7-2 (3).

Formally, the list votes for the individual list can be determined as follows:

	the number of ballot papers cast for the list x the number of municipal council representatives
+	the number of list votes received from other lists as a result of candidates being recorded as cross-party votes
-	number of list votes given to other lists by recording candidates from these lists as cross-party votes on the list’s ballot papers

Only cross-party votes cast for candidates that are electable will result in the transfer of list votes from one list to another, cf. Section 7-2 (3), fifth sentence.

Section 11-12 (1) of the Act contains rules on the allocation of seats.

This is based on the modified Sainte-Laguë method as accounted for in Section 11-4 of the Election Act. The total vote polled by each list is divided by 1.4 – 3 – 5 – 7 – 9, etc. The seats are allocated to the lists consecutively on the basis of the number of quotients achieved. If two lists have the same quotient, the seat will go to the list that polls the higher number of votes. If they both poll the same number of votes, the seat will be allocated by means of the drawing of lots.

If a list has received more seats than it has electable candidates, the excess seats will be allocated to the other lists in accordance with the above rules.

**20.2 The returning of members**

Members are returned on the basis of Section 11-12 (2) of the Act. Members are returned on the basis of two factors:

1. Additional votes from the party: Candidates recorded on the list in bold print shall receive an increased share of the vote equivalent to 25% of the number of ballot papers cast for the list concerned, cf. Section 6-2 (3).



2. Personal votes from voters: The personal votes given to the candidates by the voters are then counted. Personal votes of this type may be given in two ways – as personal votes to candidates on the list in accordance with Section 7-2 (2), or as personal votes to candidates on other lists (cross-party votes) in accordance with Section 7-2 (3).

The candidates that poll the most personal votes in total in accordance with 1 and 2 above will be elected. If multiple candidates receive an equal number of personal votes, the sequence on the official electoral list will be decisive.

Ineligible candidates will be disregarded.

Each list shall as far as possible be allocated as many alternates as it receives elected members, with the addition of three.

The electoral committee shall advise the elected representatives and deputy representatives of the election and advise of the right to apply for exemption from election, cf. Section 11-13 of the Election Act.

In this connection, the Ministry wants to point out that a person who has failed to exercise the right to claim exemption as a list candidate, cannot claim exemption if elected, cf. Section 3-4 (3) of the Election Act.

Exemption from election may however be relevant in the following cases:

1. The grounds for exemption have arisen after the deadline for claiming exemption has expired. This may be the case for example if the person in question has contracted a serious illness.
2. The person in question has not been made aware of the grounds for exemption and the right to be removed from the proposed list, and this is due to error or negligence on the part of the election authorities.

## **21 KEEPING THE ELECTION PROTOCOL**

Section 10-7 of the Election Act requires the polling committees, electoral committees and the county electoral committees to keep records in connection with conducting elections. Pursuant to Section 10-7 of the Election Act, cf. Section 41 of the Election Regulations, the Ministry decides which forms the polling committees, electoral committees and county electoral committees are to use in their record keeping. The information to be recorded concerning the individual election is specified on the form. The various forms may be obtained from EVA. The Ministry has decided to delegate the authority to determine the forms to the Norwegian Directorate of Elections.<sup>5</sup>

The protocols shall ensure that it is possible to verify that the election proceeded in accordance with the regulations. The electoral committee's protocol also provides the

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<sup>5</sup> <https://lovdata.no/dokument/LTI/forskrift/2017-01-23-79>

basis for the control procedures for which the county electoral committee is responsible in elections to the Storting and county councils. The recorded information also provides the basis for the Storting's review of parliamentary elections, cf. Section 13-3 of the Election Act and the approval by municipal councils and county councils of elections to municipal councils and county councils, cf. Section 13-4.

## **22 CONTROL AND APPROVAL**

### **22.1 Parliamentary election**

#### *22.1.1 County electoral committee's review of the election*

Section 10-9 (1) of the Act stipulates that the county electoral committees are to review the conduct of the election. The county electoral committee shall check that the election has been conducted in accordance with the applicable electoral system, the Election Act and the Regulations. The county electoral committee's review of the parliamentary election represents a provisional review and provides the basis for the final review of the election by the Storting. The purpose of the review is to bring to light circumstances that may have a bearing on the county electoral committee's determination of the election results and any errors that may be of significance when the Storting determines whether the election is valid. Errors that might result in the invalidity of parliamentary elections are accounted for in Section 13-3 of the Election Act.

The check shall be conducted on the basis of the protocols of the electoral committees and the other election materials that the electoral committees are required to submit to the county electoral committee pursuant to Section 10-8 of the Election Act. If the county electoral committee finds errors in the electoral committee's decisions to approve or reject votes or ballot papers or errors in the electoral committee's counting, such errors shall be rectified.

It is essential to bring to light any errors that have occurred in the election, whether they are such that they are required to be rectified in connection with the determination of the election result or not. It is particularly important to bring to light errors that may be of importance when the Storting determines whether the election is valid.

The county electoral committee shall record minutes of the review in the protocol. This must include information that the Storting might need in its final review of the parliamentary election for the country as a whole. Errors must be recorded regardless of which electoral body committed them and regardless of whether they resulted in the rejection of votes or not. It is of particular importance that the Storting is notified of the rejection of votes and the reasons for such rejection. The Storting must be notified of anything that may have a bearing on its assessment of the validity of the election.

### *22.1.2 The County Governor of Oslo and Akershus' review of parliamentary elections in Oslo*

It follows from Section 10-9 (2) of the Act that the review that would otherwise be performed by the county electoral committee shall be performed by the County Governor of Oslo and Akershus as regards the election in Oslo. However, the County Governor shall not review those parts of the determination of the election result that Oslo Electoral Committee performs in its capacity as the county electoral committee.

For reasons of expediency, the County Governor shall perform the review after the fact. This means that Oslo Electoral Committee cannot postpone those parts of the determination of the result of the election that it performs as the county electoral committee, pending the County Governor's review. Only when the Electoral Committee has completed all aspects of the determination of the results of the election shall the protocols and election materials be forwarded to the County Governor. It may be expedient for the election material to be examined in the premises of the Electoral Committee to avoid the physical transfer of large quantities of election materials. As regards other aspects of the view, see Point 22-1.1 above.

In the same way as the county electoral committees, the County Governor shall inform the Storting in writing of the review conducted with respect to the election. The County Governor is not required to use a dedicated minute book form. The County Governor may notify the Storting in the form of a letter or by some other appropriate means.

### *22.1.3 The Storting's review of the election*

The provisions governing the Storting's review of the election are found in Section 13-3 of the Election Act.

According to (1), the newly elected Storting shall decide whether the election of members to the Storting is valid.

The Storting reaches its decision on the basis of recommendations from the Preparatory Credentials Committee (preliminary and final).

The Storting shall ensure that any errors are corrected in so far as this is possible. This might, for example, take the form of a recount of ballot papers, a new allocation of seats or return of members. If errors have been committed that are assumed to have had an effect on the outcome of the election but that cannot be rectified, the Storting shall declare the election to be invalid – be it for a single municipality or for an entire constituency. If the election is declared to be invalid, the Storting will order a new election. It may – in special cases – order a new election in the entire constituency even if the error does not apply to all municipalities in the constituency.

## **22.2 Municipal council elections**

Provisions governing the review of the election are found in Section 13-4 of the Election Act. The newly returned municipal council decides whether the election is to be approved or, if applicable, rejected.

The county governors no longer review the electoral committee's protocols in elections to the municipal council. The municipal council itself approves the election on the basis of a recommendation by the electoral committee. A copy of the duly completed protocol of the electoral committee must be attached as an appendix to this recommendation.

The approval of the election shall take place at the constitutive meeting of the new municipal council, cf. Section 17 of the Local Government Act. The election shall be approved before the municipal council elects the municipal executive board and the chair of the municipal council. Approval – or, if applicable, rejection – of the election shall be considered as the first item of business on the agenda of the constitutive meeting. The serving chair of the municipal council shall convene this meeting and shall chair the proceedings relating to this business.

If the municipal council finds that the election has been conducted in accordance with the regulations, the election will be approved. The municipal executive board, chair of the municipal council, etc., may then be elected.

The protocols of the electoral committee provide the basis for the electoral committee's recommendation and thus the decision of the municipal council. Errors that have come to the attention of the electoral council but that cannot be rectified should be mentioned in the recommendation to the municipal council. In its recommendation, the electoral committee should give its assessment of the significance of this error in terms of the validity of the election.

The election can and must be declared invalid if errors have been committed that have a bearing on the distribution of seats between the lists and if these errors cannot be rectified in other ways than by a new election.

If the municipal council declares the election to be invalid, notification must be sent to the Ministry. If applicable, fresh elections will be ordered by the Ministry, cf. Section 13-4 (4).

The Ministry is not to be supplied with a copy of the decision approving elections to municipal councils.

## **22.3 County council elections**

Provisions governing the review of the election are found in Section 13-4 of the Election Act. The newly returned county council decides whether the election is to be approved or, if applicable, rejected.

The county council itself approves the election on the basis of a recommendation by the county electoral committee. A copy of the duly completed protocol of the county electoral committee must be attached as an appendix to this recommendation.

The approval of the election shall take place at the constitutive meeting of the new county council, cf. Section 17 of the Local Government Act. The election shall be approved before the county council elects the county executive board and the chair of the county council. Approval – or, if applicable, rejection – of the election shall be considered as the first item of business on the agenda of the constitutive meeting. The serving chair of the county council shall convene this meeting and shall chair the proceedings relating to this business.

If the county council finds that the election has been conducted in accordance with the regulations, the election will be approved. The county executive board, chair of the county council, etc., may then be elected.

If possible, the county electoral committee shall rectify any errors committed by the electoral committees. This follows from the provisions governing the county electoral committee's review in Section 10-9 (1). This might, for example, be errors in the approval/rejection of ballot papers or mistakes in the count.

The election can and must be declared invalid if errors have been committed that have a bearing on the distribution of seats between the lists and if these errors cannot be rectified in other ways than by a new election.

If the county council declares the election to be invalid, notification must be sent to the Ministry. If applicable, fresh elections will be ordered by the Ministry cf. Section 13-4 (4).

The Ministry is not to be supplied with a copy of the decision approving elections to the county council.

In county council elections, it is possible that errors could be committed in one or more municipalities. If so, the most practical approach will probably be for a new election to be ordered in the municipality or municipalities to which the error applies. However, legal authority exists to – in special cases – order a fresh election in the entire county, even if the error applies only to individual municipalities.

## **22.4 Review of legality**

According to Section 13-4 (4), a review of the legality of the municipal council's or county council's decision to approve the election may be applied for. The time limit for submitting an application for a review of legality is seven days after the decision was adopted. In other respects, the Local Governments Act's Section 59 concerning reviews of legality will apply correspondingly.

In cases covered by the Election Act, applications for reviews of legality shall be considered by the Ministry, not the county governor. The reason is that county governors do not have the delegated authority to consider ordinary appeals in the area of elections. The Ministry has deemed it appropriate that all competence to review appeals should be concentrated in a single locus.

## **22.5 New elections**

Section 13-5 contains provisions on how a new election will be conducted. The electoral register shall be updated and, where applicable, corrected. The Ministry may grant exemption from the provisions of the Election Act where necessary for the appropriate conduct of a new election. This will apply in particular to provisions governing practical issues, such as the granting of exemptions from time limits and the like. It will not be permissible for exemptions to be granted in areas that have been put in place to protect the legal rights of voters, cf. also the legislative intent of the Act. In any event, it can hardly be appropriate for exemptions to be required from this type of rule in connection with new elections.

## **23 APPEALS AGAINST ELECTION OUTCOMES**

### **23.1 Who has a right of appeal?**

Any person with the right to vote in the election has the right to appeal, cf. Sections 13-1 and 13-2 of the Election Act. This applies in the case of both parliamentary elections and municipal/county council elections. In the case of municipal elections, the right of appeal applies in the municipality in which the appellant is recorded on the electoral register. In the case of parliamentary elections and county council elections, in the constituency in which the appellant is recorded in the electoral register.

The requirement that the appellant be recorded in the electoral register will not apply if the appeal concerns questions regarding voting rights or the possibility of casting a vote. In such cases, persons not recorded in the electoral register may also appeal.

### **23.2 Issues that may be appealed**

Common rules apply to parliamentary elections and elections to county councils/municipal councils in this area, cf. Sections 13-1 (1) and 13-2 (1) of the Election Act. Appeals may be lodged against “*matters relating to the preparation and conduct of the election*”. This means that, in principle, appeals may be lodged against circumstances of all types. There are no restrictions, apart from the fact that the circumstance must relate to the preparation and conduct of the election in some way or other. It is not a requirement that the appeal should, for example, apply to an administrative decision.

### **23.3 Special rules concerning demands for corrections in the electoral register and appeals concerning list proposals**

The Act contains special rules on appeal with regard to certain types of circumstances. This applies firstly to demands to correct the electoral register as accounted for in

Section 2-7. Any person who believes that he or she or a third party has been incorrectly recorded or omitted from the electoral register in the municipality may require the electoral committee to rectify the error. Further details on the right to require corrections in the electoral register can be found in the chapter on the right to vote and the electoral register. Secondly, Section 6-8 contains a special rule on list proposals. Appeals against a decision by the electoral committee/county electoral committee to approve or reject a list proposal must be submitted within seven days after publication of the approved list headings. In addition to proposers affected by the decision, the national offices of registered political parties may appeal the decision if they are of the opinion that the exclusive right to their party name has been infringed. For further information see the chapter on list proposals and the processing of these proposals.

### **23.4 Deadline for appeals**

Appeals must be submitted no later than seven days after election day, cf. Section 13-1 (2) and Section 13-2 (2). Nevertheless, appeals against issues relating to the preparation and conduct of elections may also be submitted earlier. Clearly, the earlier an appeal is made the better, so that any errors can be rectified before the election. The appeal must reach one of the appeal bodies, cf. Section 23-7, no later than 7 days after election day. It is not sufficient for the appeal to have been posted before the expiry of the time limit.

The deadline for presenting an appeal against the outcome of the election is seven days after the outcome of the election has been approved by the county council or municipal council.

### **23.5 Appeals must be in writing**

According to Section 13-1 (3) and Section 13-2 (3), the appeal shall be in writing.

### **23.6 Where the appeal is to be lodged**

Appeals concerning parliamentary elections shall be lodged with the electoral committee in the municipality, the county electoral committee, the county governor, the Ministry or the Storting Administration.

In municipal elections, appeals shall be lodged with the electoral committee in the municipality. In the case of county council elections, the appeal shall be lodged with the county electoral committee. An appeal concerning matters of significance to both elections may be lodged with either the electoral committee or the county electoral committee.

In any event, the principle that administrative agencies have a duty of guidance will apply and the agency in question will be required to forward the matter to the appropriate body.

## **23.7 The appeal body**

### *23.7.1 Parliamentary election*

Section 13-1 (4) of the Act regulates the matter of the appeal body for parliamentary elections. The Storting is the appeal body for appeals concerning the right to vote or the opportunity to cast a vote. The National Electoral Committee shall give its opinion on appeal cases to the Storting. Any other appeals shall be reviewed by the National Electoral Committee. The National Electoral Committee forwards its decisions in appeal cases to the Storting.

### *23.7.2 Municipal elections and county council elections*

The Ministry is the appeal body in the case of appeals concerning municipal elections and county council elections, cf. Section 13-2 (4). The Ministry's decisions in appeal cases are final. They cannot be brought before the courts for review. The background to this provision is the need to secure a speedy and final decision.

## **23.8 The appeal review process and its consequences**

The ordinary principles of administrative law apply to the hearing of appeals.

The electoral committee/county electoral committee shall review the case and assess whether the matter should be decided in the appellant's favour. If the matter is not decided in the appellant's favour, it will be submitted to the National Electoral Committee (in the case of parliamentary elections) or the Ministry (in the case of local elections) for review.

The electoral authorities may reverse their decisions in the usual way, within the limits provided for in the Public Administration Act. The decision-making body may set aside or amend individual decisions if the appeal is found to be justified, cf. Section 33 of the Public Administration Act. The same applies in the case of the appeal body, cf. Section 34 of the Public Administration Act. In certain circumstances, individual decisions can also be reversed without an appeal having been lodged, cf. Section 35 of the Public Administration Act. Beyond this, the electoral authorities are free to rectify any errors, irrespective of whether or not an appeal has been lodged.

The National Electoral Committee decides whether an appeal is to be granted in instances in which it has the decision-making authority in appeals. In all other cases, the National Electoral Committee gives its opinion to the Storting. The Ministry functions as secretariat to the National Electoral Committee in appeal cases.

The Storting decides whether a parliamentary election is valid, cf. Section 13-3 (1) of the Election Act. In this regard, the Storting may also consider and, if applicable, reverse the decisions of the National Electoral Committee in appeal cases.

Section 13-2 (4) of the Act regulates the right of the Ministry to declare an election to be invalid. If errors have been committed in municipal elections that are assumed to have had a bearing on the allocation of seats between the lists, and that cannot be rectified,



the election in the municipality in question shall be declared to be invalid. If errors have been committed in county council elections that are assumed to have had a bearing on the allocation of seats between the lists and that cannot be rectified, the Ministry shall declare the election in a municipality or the entire county to be invalid.

### **23.9 Appeals against situations that cannot be rectified**

Many circumstances relating to the preparation and conduct of the election will not prove possible to rectify at the time the appeal is lodged. In such cases, the electoral committee/county electoral committee cannot grant the appeal. This because, if so, an error could only be rectified by declaring the election to be invalid, which the electoral committee/county electoral committee does not have the authority to do.

The electoral committee/county electoral committee shall prepare the case. Since the review of appeal cases of this nature will be urgent, a copy of the appeal must be forward to the Ministry as soon as the appeal has been received, in other words before the electoral committee/county electoral committee has reviewed the matter. At the same time, the municipal council or the county council must be informed in the case of local elections.

In the case of local elections, the Ministry will decide whether errors have been committed that are considered to have a bearing on the allocation of seats. If an error must be assumed to have a bearing on the allocation of seats, the Ministry will declare the election to be invalid and order a fresh election. If an error is assumed not to have a bearing on the distribution of seats, the Ministry will notify the electoral committee/county electoral committee to this effect and the electoral committee/county electoral committee will apply this decision when presenting its recommendation to the newly-returned municipal council/county council.

In parliamentary elections, the Storting decides whether the election is invalid and whether a new election is to be ordered.

## **24 STORAGE, DISPOSAL AND DESTRUCTION OF ELECTION MATERIALS**

### **24.1 Introduction**

Section 15-2 of the Act concerns the storage, disposal and destruction of election materials. According to this provision, when the election is over, all election materials shall be handled in accordance with the provisions of the Records and Archives Act and the Regulations adopted pursuant thereof. Archival considerations will accordingly determine how the election materials are to be processed once the election has been completed. It is important that a distinction be made between election materials that have been in use and election materials that are unused.

## **24.2 Unused election materials**

Election materials that have not been in use cannot be viewed as archive material. Such material is encompassed by the provisions on archive restriction contained in Section 3-19 of the Regulations to the Archive and Records Act of 11 December 1998, No. 1193 (the Archive Regulations). This applies to unused envelopes, unused ballot papers and unused copies of the electoral register.

## **24.3 Used election materials**

In the case of election materials that have been in use, the Director General of the National Archives has determined (in a letter dated 9 September 2003 in response to a letter from the Ministry) pursuant to Section 9 of the Records and Archives Act that the following materials may be discarded:

### *24.3.1 Envelopes*

Both ballot paper envelopes and cover envelopes – rejected and accepted – may be discarded in a satisfactory manner when the outcome of the election has been determined with final effect. The Ministry assumes that the same must apply in the case of votes that have been placed under separate covers.

### *24.3.2 Ballot papers*

Ballot papers that have been rejected may be discarded in a satisfactory manner when the election outcome has been determined with final effect. Ballot papers that have been approved, however, must be stored until the electoral period has expired before being disposed of in a satisfactory manner. It is not necessary to store ballot papers on paper for four years if the counted ballot papers can be stored in an equally secure manner on an electronic medium.

EVA Scanning does not provide image files of the approved ballot papers, and does not have the functionality to extract these from the database. EVA Scanning stores any counts that have been completed. This also includes counts transferred to EVA Admin, but which have not been approved, counts that are never transferred and counts that are carried out and then deleted. This means that all scanning is stored in EVA Scanning. This will not provide a correct picture of the approved ballot papers, as in many cases, these will be found from multiple scans. Therefore, it is the Ministry's recommendation that the ballot papers are safely filed on paper for a 4-year period, if the counted ballot papers cannot be stored equally as securely on an electronic medium other than EVA, which is not a case and filing system. What medium this will be at any time will be a professional assessment in accordance with the provisions of the Archive Act and Regulations.

### *24.3.3 Polling cards*

Polling cards may be destroyed in a satisfactory manner when the outcome of the election has been determined with final effect.

#### *24.3.4 Crossing-off registers*

Crossed off electoral registers shall be stored until two election periods have expired before being discarded in a satisfactory manner.

## **25 ELECTION OBSERVERS**

### **25.1 Legal framework – our international commitments**

As a member of the United Nations, the Council of Europe and the OSCE, Norway is committed through a number of international documents both to invite and receive national and international election observers. The most important documents in the legal framework are the UN International Covenant on Civil and Political Rights, the European Convention on Human Rights, the OSCE Copenhagen Document of 1990, and the OSCE Charter for European Security from 1999.

Conventions, recommendations and charters to which Norway has acceded are legally binding. In addition there are standards and guidelines that are not directly legally binding. However, they have been drawn up on the basis of legally binding documents.

One of the most important international provisions regarding election observation is Article 8 of the Copenhagen Document of 1990.<sup>6</sup> This document was adopted at a conference of foreign ministers of the OSCE countries on 5 June 1990 in Copenhagen. The document lays down principles for protection and strengthening of human rights and fundamental freedoms as important goals for democratic states. Pursuant to Article 8, the OSCE states pledge to accept election observers from other member countries, private institutions and organisations, international as well as national. They can also actively take the initiative with respect to election observation. These commitments regarding election observation have subsequently been repeated in various international documents.

### **25.2 Section 15-10 of the Election Act**

In order to clarify Norway's responsibility with respect to election observation, and to pave the way for visits from election observers, a provision regarding election observation has been included in Section 15-10 of the Election Act. Pursuant to this provision, the Ministry can accredit national and international election observers from institutions and organisations to observe the conduct of parliamentary and local government elections. Section 85 a of the Regulation relating to Sami Assembly elections provides a similar legal basis.

The provision on election observation in Section 15-10 of the Election Act applies to public and private institutions and organisations – both national and international. It does not authorise private individuals to engage independently in election observation. However, there is nothing to prevent private individuals who may desire insight into the conduct of elections or training in election observation from being given permission to

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<sup>6</sup> <http://www.osce.org/odihr/elections/14304?download=true>

do so by local election authorities. This may also imply permission to be present at a polling station for short periods of time. Such presence is not to be regarded as formal election observation.

Private individuals may also wish to be present when ballot papers are counted. The counting of ballot papers takes place formally at a meeting, cf. Chapter 6 of the Local Government Act, and meetings are in principle open to the public. The local election authorities decide how counting is to take place, so that it proceeds properly.

The Ministry stresses that it is important that we have an electoral system that is open and transparent to all who might be interested. The conduct of elections is an important democratic action which we want the whole population to have complete confidence in. The local election authorities should therefore endeavour to facilitate individuals who wish to observe elections.

### **25.3 The purpose of election observation**

Elections concern fundamental civil and political rights, and election observation is thus a means of protecting these rights. According to the OSCE, a well conducted election is a political contest that takes place in an atmosphere of confidence, transparency and accountability, and which gives voters a choice between different political options. A sound democratic election process is contingent on freedom of expression and free media, compliance with the law, the right to establish political parties and compete for election, non-discrimination and equal opportunities for all citizens, freedom from threats, and a number of other fundamental human rights that all OSCE countries have committed to protect and promote. Election observation strengthens responsibility and transparency, and thereby boosts both national and international confidence in the election process.

The purpose of election observation is to determine whether the election and the electoral process are in compliance with national and international legislation and other universal principles for democratic elections.

Through the “Charter for European Security”, Norway has not only renewed its obligation to issue invitations to observe elections, but also agreed to follow up promptly the OSCE’s election assessments and recommendations (*“We agree to follow up promptly the OSCE’s election assessment and recommendations.”*).

National and international organisations and institutions may be invited to, or may themselves take the initiative to, check that the country’s conduct of elections takes place in accordance with national and international regulations. This is done by observing the election process, in whole or in part. Election observers shall observe and report to the institution or organisation they represent. They have no authority to instruct, assist, or involve themselves in the polling, counting or other aspects of the election.

Election observers from the OSCE must observe the ODIHR's "Observer Code of Conduct", which sets definite requirements for and restrictions on election observers. The United Nations, Council of Europe and Venice Commission have drawn up their own principles for international election observation and codes of conduct. In brief, election observers shall cooperate actively with the election authorities of the host country and shall not be an obstacle to the election proceeding according to plan. They shall be politically and financially independent in all respects. Their role is to observe what takes place in the course of the election process and to report subsequently to the public authorities whether the election has been free and in accordance with national and international commitments.

The electoral authorities of the host country at both central and local government levels shall for their part ensure that the observers have unrestricted access to all parts of the electoral process. They shall also have the opportunity to assess the part of the election that proceeds electronically, use of new technology, etc. Election observers shall be able to move freely around the country and meet with the organisations and persons of their choice.

## **25.4 The OSCE/ODIHR**

The OSCE is the Organization for Security and Co-operation in Europe. The ODIHR (Office for Democratic Institutions and Human Rights) is the OSCE institution with responsibility for election observation. The OSCE region stretches from Central Asia in the east to the USA in the west, and consists of a total of 57 countries including Norway.

### *25.4.1 The OSCE/ODIHR's different forms of election observation*

All member states pledge to invite the OSCE/ODIHR to observe elections. The OSCE uses different methods to observe elections. Following an invitation, the OSCE/ODIHR normally sends some representatives on a Needs Assessment Mission (NAM). The purpose is to study the country's election legislation and take a closer look at the organisation and conduct of the administrative election process. The OSCE/ODIHR writes a NAM report on the basis of this first visit. In it, the OSCE/ODIHR considers whether full election observation (brief or long-term) should be carried out in the country or whether only more limited observation should be conducted, with focus on particular topics and areas. In the case of a NAM, the team is usually in place for a shorter period before election day and on election day itself.

If the OSCE/ODIHR decides to carry out full election observation, an Election Observation Mission is carried out. This may be short- or long-term. If it is decided only to carry out more limited observation, an Election Assessment Mission (EAM) is carried out. These assessment missions are typically carried out in countries with long democratic traditions. In both cases, a team of election experts is sent to the country. In the case of an EAM, the team is normally present for a short period before election day and on the day itself.

## **25.5 International commitments, standards and guidelines for elections in general**

The authorities of the individual countries are responsible for ensuring that international commitments are observed and implemented throughout the country. Thus our legislation and conduct of elections shall ensure, among other things:

- periodic elections,
- free elections,
- reliable and transparent elections,
- fair elections,
- universal and equal suffrage
- secret ballot
- correct counting and results

Our election legislation and system are based on these principles. This is clearly expressed in the objects clause of the Election Act: *“The purpose of this Act is to establish such conditions that citizens shall be able to elect their representatives to the Storting, county councils and municipal councils by means of secret ballot in free and direct elections.”*

The OSCE document of October 2003, “Existing commitments for democratic elections in OSCE participating states” provides a good overview with a detailed account of all our commitments.

One important principle of the European election tradition is the secret ballot requirement. Secret ballots without undue pressure is a human right laid down in a number of international conventions and other non-legally binding standards and commitments. The legal framework includes the UN Universal Declaration of Human Rights of 1948, the UN International Covenant on Civil and Political Rights, the OSCE Copenhagen Document of 1990 and the European Convention on Human Rights.

The UN International Covenant on Civil and Political Rights (1966) states:

### **Article 25**

*Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:*

*(a) to take part in the conduct of public affairs, directly or through freely chosen representatives;*

*(b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*

*(c) to have access, on general terms of equality, to public service in his country.*

The comments accompanying the Covenant stipulates that all states shall take precautions to guarantee a secret ballot and that voters shall be protected from any form of compulsion or pressure to reveal what they have voted.

A number of standards for elections have been developed. The OSCE and Council of Europe have played a central part in this work in Europe. The guidelines laid down by the Venice Commission (under the Council of Europe) in 2002, “Code of Conduct on Electoral Matters” constitute an important standard. This code is not directly binding on member states, but builds on principles we are bound by and is used frequently as a reference when the election systems of member countries are assessed. A Norwegian translation is available from [www.valg.no](http://www.valg.no).

The Ministry recommends that all those with responsibility for the conduct of elections in their municipalities familiarise themselves with this standard.

## **25.6 Accreditation of election observers**

### *25.6.1 Application for accreditation*

National and international organisations wishing to observe elections in Norway must apply to the Ministry for accreditation for this purpose, cf. Section 15-10 of the Election Act. The Ministry’s guidelines for election observers indicate the requirements set out for applications for accreditation.

To accredit means to authorise or empower. Proof of accreditation issued by the Ministry indicates that the person in question is formally authorised and empowered to observe the conduct of the election process in its entirety. Proof of accreditation applies for the individual election for which accreditation is applied, and is issued to individuals.

Election observers shall decide themselves what they wish to observe and where. An application for accreditation therefore does not contain information in this respect.

The Ministry of Local Government and Modernisation will issue proof of accreditation to all election observers who fulfil the requirements. Some of those applying to be election observers may request at the same time to have an interpreter with them. The Ministry therefore also issues proof of accreditation to interpreters.

The Ministry considers whether it is advisable to convene the election observers for information meetings, to inform them about the Norwegian election system and answer any questions the observers might have. It may also be relevant to suggest certain institutions and persons that it may be useful for them to visit, etc. This information is particularly important if the observation does not proceed under the auspices of professional international organisations.

### *25.6.2 Accreditation cards*

Accreditation cards are designed in conformity with the Ministry’s design program in the colours yellow, white and orange, and equipped with white cords. These are the cards that election observers must always have with them in meetings with the election

authorities, other parties concerned and at polling stations. The name (first and last names), date of birth and organisation the individual represents must be on the card. There is also an ID number on the card so that the Ministry has an overview of the number of observers and their identities. Should any doubt arise as to whether a person has valid proof of accreditation, the Ministry must be contacted at the telephone number listed on the card.

When the Ministry has issued accreditation cards to election observers, all municipalities in the country will be informed of this via [www.valg.no](http://www.valg.no). The Ministry keeps a register of all accredited election observers. This is a list of those who are accredited for the election in question, and the organisations they represent. The list is published on [www.valg.no](http://www.valg.no) and constantly updated.

### *25.6.3 Guidelines for election observers*

The Ministry of Local Government and Modernisation has drawn up guidelines for election observation in Norway. The brochure is available in both Norwegian and English. It provides information about the procedure for applying for accreditation, how organisations or institutions wishing to observe should proceed, what aspects of the election may be observed and rules for how it is to proceed (“Code of conduct for observers”). There are also links to various documents such as the Election Act, the Election Regulations and the Election Manual. The brochure is available from [www.valg.no](http://www.valg.no) under the topic of election observation.<sup>7</sup>

## **25.7 The election observers’ obligations**

According to Section 4.4. of the preparatory works for the Election Act (Odelsting Proposition No. 32 (2008-2009), recommendations from the UN, OSCE/ODIHR, Council of Europe and Venice Commission shall form the basis for election observation in Norway. These guidelines are normally called “Code of conduct for observers”. Although standards and recommendations have been drawn up by different institutions, the principles and contents upon which they build are consistent. Election observers who come to Norway are therefore assumed to be familiar with these rules. An important document providing general coverage is: “Declaration of principles for international election observation and Code of conduct for international election observers”, UN 2005<sup>8</sup>. This has been acceded to by a large number of institutions, and Norway is bound to observe it. The general principles are listed below. They are also mentioned in the Ministry’s “Guidelines for election observers”.

The main elements of guidelines for election observers:

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<sup>7</sup> <https://www.regjeringen.no/nb/tema/valg-og-demokrati/valgportalen-valg-no/valgordningen1/valgobservasjon/id573442/>

<sup>8</sup> Available from: [www.valg.no](http://www.valg.no)



- respect sovereignty and international human rights
- respect the laws of the country and the authority of electoral bodies
- respect the integrity of international election observation missions
- maintain strict political impartiality at all times
- do not obstruct election processes
- provide appropriate identification
- maintain accuracy of observation and professionalism in drawing conclusions
- refrain from making comments to the public or the media before the mission speaks
- cooperate with other election observers
- maintain proper personal behaviour
- do not violate the code of conduct
- pledge to follow the code of conduct (Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.)

Those election observers who are accredited by the Ministry are expected to familiarise themselves with Norwegian election legislation and the rules applying to the conduct of elections. Election observers are obliged to comply with the provisions of the Election Act. It is particularly important that observers know what they can and cannot do at the polling station.

Observers with accreditation will have access to all parts of the election process, including the polling stations for both advance voting and voting on election day, and premises where counting of votes takes place. Accredited election observers also have access to the county councils' checking and counting of ballot papers and to the National Electoral Committee's calculation of seats at large in parliamentary elections.

When election observers arrive at a polling station, they should be referred to the chairperson of the polling committee. Questions concerning the conduct of the election should be directed as far as possible to the chairperson of the polling committee, but other electoral officers must also be helpful.

It is important with respect to the voters that the election observers are "visible", and that their presence cannot be misunderstood or misinterpreted. Voters with questions about election observation must of course receive answers to their questions.

The international voting standards – the secret ballot principle, etc. – will always form the basis for how election observation must proceed. The respective electoral committees have a separate responsibility for ensuring that these principles are observed in practice.

## **25.8 What are the duties of local election authorities?**

All Norwegian municipal councils must be prepared to receive national and international election observers in all elections. Pursuant to Section 15-10 of the

Election Act concerning election observation, the municipalities have an obligation to accept accredited election observers and facilitate observation of elections. This obligation also applies to county councils.

Election observers shall decide themselves what they wish to observe, and where. An application for accreditation will therefore not contain information in this respect. Information as to where and which parts of the election process they wish to follow are therefore in principle unknown to the Ministry, unless they themselves wish to provide this information.

The municipal council should inform their own election officers that election observers may visit. The observers may wish to meet the municipal council in advance, in order to obtain information directly from the local election authorities. The municipal council must therefore assist by arranging a meeting and in other respects providing assistance to the extent it is required. In other respects the proceedings at the polling stations and the actual counting shall at all times take place in accordance with the rules and regulations. Thus no special preparations shall be made, even if the municipal council know that they will be receiving a visit from election observers. The primary task of the local election authorities is to ensure that the election is conducted correctly. The presence of election observers shall therefore not affect the conduct of the election.

Election observers are obliged to comply with Norwegian and international rules. Section 9-4 of the Election Act stipulates that the chairperson of the polling committee has the right to turn away any person who disrupts the election. These rules will also apply to election observers. The electoral committee may, for example, ensure that no-one – including election observers – may be present at a polling station in such a way that their presence may be experienced as a form of surveillance by the voters, or an attempt to exert influence.

## **26 LOCAL REFERENDA**

The use of local consultative referenda is an established part of Norwegian local democracy, although such local referenda are not regulated by law. In order to make this option visible, a principle clause concerning local referenda has been included in Section 39b of the Local Government Act. The legal authority provided is general in order that it should not be perceived as restricting local authorities.

The Act has no provisions regulating the conduct of local referenda. The election authorities in the individual municipalities are responsible for conduct in referenda. It might be appropriate to take the Election Act's provisions as a point of departure and to apply them insofar as they are appropriate.

The municipal council must stipulate the regulations for a referendum in accordance with Section 39b of the Local Government Act, including rules for who is eligible to vote and the right of appeal. It would be natural to use the principles the election legislation is based on as a basis, both nationally and internationally. In March 2007, the Venice

Commission approved the “Code of good practice for referendums”.<sup>9</sup> These are based on international principles for holding elections, and apply to both national and local elections. This entails, among other things, that the municipality should ensure compliance with the principle for general suffrage rights and secret voting during referendums as well, which is the requirement for ordinary political elections.

Local referenda may be conducted at the same time as ordinary elections. If so, voting inside the polling station must be organised in such a way that there is no risk that voters will be mistaken as to which election they are voting in. One way of safeguarding this would be to utilise separate voting booths and ballot boxes for the referendum.

Section 39b of the Local Government Act imposes a reporting requirement on municipalities that conduct local referenda. Statistics Norway is responsible for compiling data. Data is compiled in connection with the annual KOSTRA (Municipality – State reporting) report, according to which a reply must be submitted by February of the year after the vote was conducted.

## **27 MISCELLANEOUS PROVISIONS**

### **27.1 General**

Chapter 15 of the Election Act contains miscellaneous provisions with regard to elections.

### **27.2 Trials**

Section 15-1 of the Election Act contains rules regarding trials in connection with elections.

According to (1), the King may, upon application, give consent that:

- Elections can be performed in ways other than those laid down in the Election Act.
- Direct election may be held for bodies other than the Storting, county councils and municipal councils.

Trials are thus only relevant if one wishes to perform an election in a way other than that prescribed by law or regulation.

The background for this provision is the need to be able to perform elections in ways other than the traditional ones. It may be necessary to try out proposals that involve innovation, without first introducing mandatory schemes or systems by law. In order to gather necessary experience, which may in turn form the basis for possible amendments to the law, trials can be held. Trials may give an answer to whether changes should be made to the election system so as to increase interest in elections and local democracy.

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<sup>9</sup> <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282007%29008-e>

Such trials may involve the procedures for implementing elections. One example may be using an online electoral register. Another topic for a trial may be lowering the voting age for local elections. There may also be a question of elections for bodies of functions other than those traditionally chosen by direct election, the chair of the municipal council (mayor) for example.

#### *27.2.1 Limitations*

The Act of 26 June 1992 No. 87 regarding trials in public administration (the Trials Act) contains general rules regarding trials and pilot schemes in public administration. The act regulates both what trials can be about and how they shall be performed. The Act sets limitations on what kind of regulations exemptions can be sought for. The Act cannot be used to obtain exemptions from the basic provisions of the Local Government Act regarding the organisation of activities in municipalities and county authorities, nor from the case processing rules of the Public Administration Act. Another important limitation is that one cannot approve trials that will involve the infringement of the rights or extension of the obligations of individuals under current legislation.

The principles of the Trials Act shall be taken as a basis for trials under the Election Act. Thus permission cannot be given to trials that conflict with the Election Act's fundamental principles.

According to Section 15-1 (2) of the Election Act, the King may determine further conditions for the trial and decide which legal provisions may be deviated. The King's authority is delegated to the Ministry of Local Government and Regional Development. Cases that involve a deviation from fundamental provisions of the Election Act, such as trials with reduced voting age for local elections, shall however be decided by the King in Council.

#### *27.2.2 Applications*

Trials in accordance with Section 15-1 of the Election Act may be based on applications from the municipalities. These must be approved by the King (the Ministry). In connection with such approval, special regulations must be devised for the implementation of the trial. The regulations must state what provisions shall apply in place of the provisions of current election law and regulations, or that make additions to or more precise definitions of these.

### **27.3 Calculation of deadlines**

Section 15-5 of the Election Act lays down rules for calculating and exceeding deadlines.

(1) and (2) of this Section stipulate rules about those cases where deadlines are linked to fixed dates and these fall on a Saturday, Sunday or public holiday. If the starting point for a time limit falls on a Saturday, Sunday or public holiday, the time limit begins to run from the next working day. If a deadline falls on a Saturday, Sunday or public holiday, it will instead expire on the next working day.

Section 15-5 (3) of the Election Act stipulates that, if a date that is the earliest or latest date for an action in accordance with the law falls on a Saturday, Sunday or public holiday, the earliest such action may be performed is on the next working day. The

same applies if the latest date for an action falls on a Saturday, Sunday or public holiday. Here, the latest the action may be performed is on the next working day.

This means that if 31 March falls on a Saturday or Sunday, the deadline for delivering proposed lists will expire on Monday 1 April. If 31 March falls on Maundy Thursday, Good Friday, Easter Saturday, Easter Sunday or Easter Monday, the proposed list may be delivered on the Tuesday immediately following Easter.

#### *27.3.1 Exceeding deadlines*

According to Section 15-5, notifications, declarations or appeals that are given after the expiry of a deadline may only be considered if the time limit was exceeded due to circumstances outside the control or expectation of the person whose obligation it was to observe the time limit.

For example, exceeding a time limit due to delays in the post may be acceptable in cases where the law requires that an appeal shall have reached the electoral committee or county electoral committee by a given date, cf. for example Sections 13-1 (2) and 13-2 (2). Incorrect information from the authority responsible for providing information about the rules of the Election Act must also be accepted as relevant grounds for justification. One's own ignorance or misinterpretation of the rules of the Election Act will not normally be acceptable however.

### **27.4 Parliamentary election expenses**

It follows from Section 15-9 of the Election Act that the Treasury covers the expenses of the municipal and county authorities' legally required activities in respect of parliamentary elections.

The municipalities are given coverage of expenses through the income system. Incorporation into the income system means that the individual municipality will not have its expenses refunded according to fixed rates, but that the amount is divided between municipal and county authorities according to the costs key in the income system for municipal and county authorities.

## **28 OTHER LEGISLATION APPLICABLE TO ELECTIONS**

### **28.1 The Public Administration Act and the Freedom of Information Act**

#### *28.1.1 Introduction*

The Public Administration Act contains provisions on the procedures followed in public administration. The Act applies to activities conducted by administrative agencies “*unless otherwise provided by or pursuant to statute*”, cf. Section 1.

The Freedom of Information Act contains provisions on the public access to the public administration's files. According to Section 2, the Act applies to the State, municipalities and county authorities.

The general rule is that the provisions of the Public Administration Act and the Freedom of Information Act apply to bodies to which authority has been granted pursuant to the Election Act. If a concrete interpretation of the Election Act results in solutions that deviate from the ordinary provisions of the Public Administration Act or the Freedom of Information Act, the solution provided for under the Election Act will take priority.

#### *28.1.2 Freedom of access to official records*

The Act has few rules that are directly applicable to freedom of access to official reports. The provisions in question are:

- access to the electoral register for public inspection (Section 2-6)
- access to list proposals for public scrutiny as they come in (Section 6-6 (1))
- publication of approved election lists (Section 6-7)
- the duty of non-disclosure with regard to votes cast by individual voters (Section 15-4 (2), Section 8-4 (8) and Section 9-5 (5))
- the prohibition against disclosing information about ballot paper consumption (Section 8-5 (2) and Section 9-4 (2))
- access to the electoral register and other materials (Section 15-3)
- the prohibition against publishing election results and forecasts prepared on the basis of surveys conducted on the Sunday or Monday on which the election is conducted (until Monday at 21:00 hours at the earliest) (Section 9-9).

Section 13 of the Election Regulations stipulates that information on the identity of the person who has signed a list proposal pursuant to Section 6-3 (2) of the Election Act is subject to non-disclosure. This is information concerning that person's "*personal affairs*", cf. Section 13 (1) No. 1 of the Public Administration Act. Overviews of the names of signatories can accordingly not be released to the press or others. On the other hand, information on the identity of representatives who have signed lists proposals is regarded as publicly available information.

The Act contains no provisions regulating the procedures of electoral committees and county electoral committees. These bodies are publicly elected bodies in the sense of the Local Government Act and are accordingly regulated by the provisions of this Act concerning procedure (the Local Government Act, Chapter 6) including Section 31 on open or closed meetings.

#### *28.1.3 Right of access to applications for exemption from inclusion on the electoral list*

The proposers are parties to the case and accordingly have a right of access to a candidate's application for exemption, cf. Section 18 of the Public Administration Act. Moreover, the status of party, including the right of access, can be achieved by appeal. According to Section 13-2 of the Election Act, any person who is entitled to vote in the county/municipality in question may appeal against decisions concerning county council elections/municipal council elections.

#### *28.1.4 Public access with regard to the counting of votes*

The general rule is that the counting is conducted in a meeting which will, as a general rule, be open. Nevertheless, the public do not have an unrestricted right to be present during the counting. Persons may be turned away if they behave in a way that will disturb the proper conducting of the count. If meetings of the electoral committee/county electoral committee are to be held with closed doors, legal authority must be sought in Section 31 of the Local Government Act.

#### *28.1.5 Access to ballot papers*

Ballot papers that have been used in voting are not public pursuant to the Election Act, cf. Section 15-3 (2).

#### *28.1.6 Disqualification*

The general rule is that the provisions of Chapter II of the Public Administration Act will apply to bodies granted authority under the Election Act. If a concrete interpretation of the Election Act results in solutions that deviate from the ordinary provisions of the Public Administration Act, the solution of the Election Act shall take precedence.

The electoral committee and county electoral committee comprise publicly elected members. It will be normal for the members to be politically active or even candidates recorded on lists. This in itself does not disqualify the members from participating in general decisions, such as approval of the electoral lists as such, reviewing and counting votes or approving the outcome of the election. However, the member will be disqualified from participating in administrative decisions concerning his/her or a close associate's electability or application for exemption.

In other individual cases, circumstances may exist that are likely to undermine confidence in the impartiality of a member. Examples might include strong conflicts of interest or dependency. Whether or not this constitutes "special circumstances" resulting in disqualification pursuant to Section 6 of the Public Administration Act will need to be assessed in the individual case.

In one case in which a party had submitted a list after the expiry of the time limit provided for in the Election Act, the Ministry held that a member of the electoral committee who was elected for this party was not disqualified from participating in meetings in which the lists were assessed for approval.

Questions concerning disqualification must be assessed on the basis of the same rules with regard to members of the polling committee as for members of the electoral committee.

## **28.2 The Penal Code**

The Election Act does not contain its own penal provisions. Any breaches of the provisions of the Act will be encompassed by the Penal Code Chapter 19 (relating to protection of public authority and trust in this).

### *28.2.1 Buying and selling votes and unfair influence on voting*

Sections 151 and 152 covers what is normally called buying and selling votes.

Section 151 concerns deliberate use of threats or offering advantages to someone in order to get them to vote in a particular way or to abstain from voting. The offence is committed when the threat or advantage has been given or promised. There is no requirement that the recipient actually changes his or her vote or abstains from voting.

Section 151 (3) refers to a person who by unlawful conduct causes another person to vote otherwise than he/she intended to, or to cast an invalid vote, or to abstain from voting, or who aids and abets thereto. One example may be to give information that the polling station is open to 21.00 hours, when it actually closes at 18.00 hours, or that the perpetrator ensures that a vehicle the voters are dependent on to reach the polling station does not start or is not available.

Section 152 concerns deliberately voting or promising to vote in a certain way or to abstain from voting as a result of the person in question having received or entered into an agreement concerning an advantage. The precondition is that the person concerned adopts a different attitude to the one he or she would otherwise have had. As regards "selling" votes, the act is committed in and by entering into the agreement. It is not necessary for the person in question to fulfil the agreement.

### *28.2.2 Ineligible participation*

Section 153 of the Penal Code concerns deliberately acquiring the means to vote despite not having the right, and people who vote in the name of others or cast a vote more than once, so-called ineligible participation.

This will normally be done by giving incorrect information about age or place of residence, for example. Obtaining the right to vote in another constituency is also covered by this provision. If anyone is incorrectly entered in the electoral register as having the right to vote and votes despite knowing of the error, this is also covered.

Obtaining a vote by underhand means is also an offence. This may for example occur through being allowed to vote without being checked against the electoral register. In such cases this is an offence even if, materially speaking, the person in question had the right to vote. It is also an offence if a person who has, because of an error, not been crossed off the electoral register uses the opportunity to vote again. It is sufficient that the person in question has actually had the opportunity to vote. Normally, this means that the person has passed through the electoral register check.



### *28.2.3 Distortion of the election result*

Section 154 of the Penal Code makes it a criminal offence to distort the election result after the votes have been cast.

Distortion consists of deliberately stating a number of votes that does not agree with the supporting material, either because a number is deliberately stated that does not agree with the result of the count or because votes have been deliberately miscounted. Destroying ballot papers or neglecting to include some of the votes that have been cast is also covered by this provision. It is not a requirement that the election result has been made public or even that the distortion shall have affected the final outcome of the election, such as by changing the distribution of the mandate.

### **28.3 The Alcohol Act**

Following amendment of the Alcohol Act (amended by the Act of 12 December 2014 No. 69, entry into effect on 1 January 2015) under Section 3-4 (3) it is no longer forbidden to sell spirits, wine and strong beer on election day. The same applies to sale and delivery of beer, cf. Section 3-7 (3) of the Alcohol Act. Within the framework of the Alcohol Act, the municipal council may consider which hours of sale they will allow on the election day.

Questions concerning the provisions of the Alcohol Act should be put to the Ministry of Health and Care Services.

### **28.4 The flying of flags on election day(s)**

election day is an official flag-flying day. According to the Regulations concerning official flag-flying days, the days on which parliamentary elections are held are official flag-flying days.<sup>10</sup> Even though this is not a direct provision of the Regulations, the Ministry of Foreign Affairs recommends that flags should also be flown on election day(s) for local elections.

Any questions concerning provisions governing the flying of flags on election day should be put to the Ministry of Foreign Affairs.

## **29 CHURCH ELECTIONS**

Church elections shall also be held throughout the country, coinciding with the municipal and county elections. The term church election is used as a generic term for two elections: election to the parish council (local) and election to the diocesan council (regional).

### **29.1 Rules for the church election. Responsibility for implementation of the church election**

The church election is regulated by rules determined by the Church of Norway General Synod pursuant to the Church Act. The Church Council has devised its own election

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<sup>10</sup> Section 4 of the Regulations concerning official flag-flying.

handbook for election workers responsible for the church election. It also has a general responsibility for overall information to voters.

The parish councils are responsible for the implementation of the church election at the local level. They shall act as electoral committees and are thus responsible for ensuring that the election is conducted in accordance with the rules. The parish council shall determine the place for casting votes, appoint election officials, obtain equipment and materials and ensure the implementation of the election and the counting of ballot papers.

## **29.2 Time and place for voting at church elections**

The church election shall be held to coincide with the municipal and county elections throughout the country. The parish council determines where voting shall be performed on the basis of local conditions and opportunities. According to the rules, the church election shall take place in the immediate vicinity of the municipal polling stations, if this is possible. Where the church is in the immediate vicinity of the polling station, it would be natural to use the church or other church premises, but that will be up to the individual parish council to decide. Otherwise, it may be natural for the municipality to put premises at the parish council's disposal to hold the election.

If it is disproportionately difficult to hold church elections at all polling stations where municipal council and county council elections are held, the Bishopric council may grant exemption from the requirements regarding time and place of voting at the church election. It may therefore be the case that it is not always possible to cast a vote in the church election in the immediate vicinity of all polling stations for the municipal and county elections.

A vital condition for being able to hold voting in the immediate vicinity of polling stations used for the municipal and county elections is that collaboration is entered into between the parish councils and the electoral committee in the municipality. In many places, the local and county elections take place in municipal buildings or premises, such as the town hall or schools. There is naturally nothing to prevent the church election being held in the same place as the local and county elections, i.e. in the same building or building complex, but clearly separated from the municipal and county election. Possible solutions in such cases could be to have a common entrance, but with voting taking place in separate rooms.

As a general rule, the Ministry would not recommend having voting for the church election in the same room, unless it is particularly suitable, such as in a large gymnasium hall. If it is thought that voting can be done in the same room, it must be laid out so as to avoid mixing the two. The room must be large enough to permit voting for both elections without any practical difficulties arising. There must be separate polling booths and polling committee tables and the ballot papers for each election must be laid out in such a way that there is no risk of confusion. The room must be equipped

with clear, unambiguous information for voters. There must be different persons performing tasks in connection with the municipal and county elections on hand and the church election on the other. Both the parish council and electoral committee/polling committee must ensure that no ambiguities or mixing of the church and local elections occurs.

### **29.3 Collaboration between municipal election authorities and parish councils**

It is a precondition that the implementation of the church election shall not affect bodies and administrative personnel who are taking part in preparations for and implementation of the municipal and county elections in such a way as to complicate the performance of these elections.

Even though, formally speaking, the municipality has no obligation to assist with the implementation of the church election, the Ministry would recommend collaboration with the parish councils. The municipality should seek to offer practical assistance, but in such a way that this does not affect the implementation of the municipal and county elections. It is important to arrive at good, concrete solutions that can ensure the best possible implementation of the elections, with a view to local conditions. At the same time, it is important that polling committees and other election officials in the municipal and county elections do not also have duties in the church election. If the municipality wishes to assist with personnel to receive votes in the church election, persons other than those who have corresponding duties in the municipal and county elections should be appointed. The municipality may put polling booths and ballot boxes at the disposal of the parish council, provided that this causes no disadvantage in performing the municipal and county elections.

As regards the practical implementation of the elections, arrangements should be organised that have consideration of the voters in focus, so that conditions facilitate this as well as possible. This means that one should aim at ensuring that the polling station for the church election can be close to the polling station for the municipal and county elections. In this way, voters can vote in both elections without great practical difficulty. The elections must however be kept clearly separated from each other and not mixed together.

It is important to establish good local routines for the implementation of the elections. This means, among other things, that good training and information must be given to the polling committees and to those who receive votes for the church election.

