

# **ELECTION ADMINISTRATION AS AN INDEPENDENT BODY**



**GEORGIAN  
YOUNG  
LAWYERS'  
ASSOCIATION**

Georgian Young Lawyers' Association

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## INTRODUCTION

There are three models of election administration: Independent, Governmental, and Mixed.

In states with a model of **independent election** administration, there is a separate, autonomous body independent of the core of the executive branch. Its members may be experts, persons nominated by a political party<sup>1</sup>, or judges. Their financial independence<sup>2</sup> is also guaranteed. Examples of this model are the Election Tribunal and the Central Election Commission<sup>3</sup>. This model is mainly used by the new democracies.<sup>4</sup>

In the **governmental model**, the executive power is responsible for organizing and conducting elections through the ministry or local self-governments.<sup>5</sup> In this case, the administration budget is part of the budget of the ministry or local self-government, respectively.<sup>6</sup>

The **mixed model** includes two elements and is characterized by a dualistic structure.<sup>7</sup> This type of election administration consists, on the one hand, of the policy-maker and its controlling body, which is independent of the government, and, on the other hand, of the executive of this policy, which is structurally subordinated to the government or local self-government.<sup>8</sup> Elections here are organized by the institution of the executive branch, and the process is overseen by an independent election administration.<sup>9</sup> The financing system is also mixed in the mixed model. The independent institution uses its own budget, while the structural unit of the govern-

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<sup>1</sup> Electoral Management Design, Revised Edition, *Catt H., Ellis A., Maley M., Wall A., Wolf P.*, 2014, International IDEA p. 11.

<sup>2</sup> *Ibid*, p. 9.

<sup>3</sup> *Ibid*, p. 10.

<sup>4</sup> Electoral Management Bodies and Electoral Governance, *Onishi, Y.*, 選挙研究 28巻2号 2012年, (Election Research Vol. 28, No. 2, 2012), p. 67, Japanese Academic Journal, accessible at: <https://tinyurl.com/yd7d5ky5>, updated: 29.05.20.

<sup>5</sup> Managing Elections: Definition and Classification of Election Management Bodies, *Musbeh, M.*, SSRN Electronic Journal, 2011, Researchgate, p. 8. accessible at: <https://tinyurl.com/yco3l3bm>, updated: 29.05.20.

<sup>6</sup> Electoral Management Design, Revised Edition, *Catt H., Ellis A., Maley M., Wall A., Wolf P.*, 2014, International IDEA p. 7.

<sup>7</sup> *Ibid*, p. 8.

<sup>8</sup> *Ibid*.

<sup>9</sup> *Ibid*.

ment or local self-government is funded by the relevant entity.<sup>10</sup> Examples of a mixed model are the ad hoc election commission and the ministry, or the election council and the ministry.<sup>11</sup>

In 8 of the 25 EU Member States<sup>12</sup> (Bulgaria, Romania, Croatia, Lithuania, Latvia, Malta, Poland, and Slovenia), the election administration is an independent body;<sup>13</sup> in 11 (Belgium, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Ireland, Italy, Luxembourg, and Sweden) - governmental,<sup>14</sup> in 6 (France, Hungary, the Netherlands, Portugal, Slovakia, and Spain) - a mixed model.<sup>15</sup>

This document reviews only those parts of the named states that have a model of independent election administrations, as well as those whose administrations are substantially independent of the core of the executive branch.<sup>16</sup>

The model of independent election administrations has three types: (1) professional (consisting only of academics with no political affiliation,<sup>17</sup> as well as judges); (2) political (consisting only of members appointed by political parties);<sup>18</sup> (3) Mixed (combining these two options). The mixed mod-

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<sup>10</sup> Ibid, p. 9.

<sup>11</sup> Ibid, p. 10.

<sup>12</sup> These countries are Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden. List accessible at: <https://tinyurl.com/yafx82ef>, updated: 26.05.20. The study does not consider the experience of Austria and Estonia, as members of election administrations in both countries are staffed by law enforcement officials. Office for Democratic Elections and Human Rights. Republic of Austria. Early Parliamentary Elections. 28 September 2019. ODIHR Needs Assessment Mission Report. 14-16 August, 2019, p. 5, OSCE website, accessible at: <https://www.osce.org/odihr/elections/austria/429095?download=true>, updated: 11.06.20. Riigikogu Election Act, art. 10. Estonian Legislative Herald, accessible at: <https://tinyurl.com/y8j8yhbw>, updated: 11.06.20.

<sup>13</sup> International IDEA. Model of Electoral Management. Accessible at: <https://www.idea.int/data-tools/question-countries-view/130365/Europe/cnt>. updated: 04.10.19.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid

<sup>17</sup> Electoral Management Design, Revised Edition, *Catt H., Ellis A., Maley M., Wall A., Wolf P.*, 2014, International IDEA p. 11. See also Electoral Management Bodies and Electoral Governance, *Onishi, Y.*, 選挙研究 28巻2号 2012年, (Election Research Vol. 28, No. 2, 2012), p. 68-69.

<sup>18</sup> Electoral Management Bodies and Electoral Governance, *Onishi, Y.*, 選挙研究 28巻2号 2012年, (Election Research Vol. 28, No. 2, 2012), p. 69.

el has two subtypes - judiciary-political and professional-political. Georgia is a variation of the latter.

From the studied countries, the election administration is formed on a mixed principle, with a model of professional-political subtype in Slovenia and Lithuania, and the judiciary-political - in Romania, Croatia, Poland, and Latvia. Only politically appointed members are present in Malta and Bulgaria. The German election administration is composed only on a professional basis.

Below is a detailed analysis of the primary election bodies of the named states.<sup>19</sup>

### *Professional Election Administration*

#### **Germany**

**Supreme Electoral Authority:** The Federal Election Committee consists of a chairperson, 8 members, and 2 judges.<sup>20</sup> The chairperson and their deputy are appointed by the Federal Minister of the Interior.<sup>21</sup> The remaining members are appointed by the chairperson from among qualified voters.<sup>22</sup> 2 judges are appointed by the Federal Administrative Court.<sup>23</sup>

**Lower Level Electoral Authority:** These include Land and District Election Committees, as well as election boards. Their chairpersons are appointed by the Land Government or a body specifically designated by them.<sup>24</sup> The Land and District Election Committees, in addition to the chairperson, are composed of 6 qualified voters and 2 judges of the Land's Supreme Administrative Court.<sup>25</sup> The election board consists of a chairperson, a deputy chairperson and 3 to 7 members.<sup>26</sup> The members of the designated bodies shall be appointed by the respective chairperson, or their appoint-

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<sup>19</sup> The ranking of election commissions below is based on the analysis of the highest election commissions of the respective countries.

<sup>20</sup> Federal Elections Act, sec. 9, subsection 2, Federal Election Committee website, accessible at: <https://tinyurl.com/4spgdqj9>, updated: 11.02.21.

<sup>21</sup> Ibid, sec. 9, subsection 1.

<sup>22</sup> Ibid, sec. 9, subsection 2.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid, sec. 9, subsection 1.

<sup>25</sup> Ibid, sec. 9, subsection 2.

<sup>26</sup> Ibid.

ment may be entrusted to the local municipalities by decision of the Land Government.<sup>27</sup>

## Latvia

**Supreme Election Administration Body:** The Central Election Commission consists of 9 members, of which 8 are members nominated by parliamentary political parties and 1 is appointed by the Supreme Court.<sup>28</sup> The Sejm itself determines the procedure for electing nominated members.<sup>29</sup> The member of the Supreme Court is elected by the Plenum<sup>30</sup> by a 2/3 majority.<sup>31</sup>

**Lower Level Election Administration:** These types of election administrations include municipal and precinct election commissions.<sup>32</sup>

The Municipal Election Commission is a permanent body and consists of 7-15 members, the exact number of which is determined by the Municipal Council itself.<sup>33</sup> All members are appointed by the Municipal Council.<sup>34</sup> Political parties, a 10-member group of voters and a member of the council have the right to nominate members.<sup>35</sup> The term of office of the commission is 4 years.<sup>36</sup> It elects a chairperson and a secretary from among its members.<sup>37</sup>

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<sup>27</sup> Ibid.

<sup>28</sup> Republic of Latvia, Parliamentary elections, 6 October 2018, ODIHR Election Assessment Mission Final Report, p. 6, OSCE Website, accessible at: <https://tinyurl.com/y77y9csx>, updated: 11.06.20.

<sup>29</sup> Rules of Procedure of the Saeima, art. 32, Latvian Saeimas website, accessible at: <https://tinyurl.com/y2svl2bp>, updated: 17.11.20.

<sup>30</sup> Law on Judicial Power of Latvia, sec. 49, subsection 6, Latvian Legal Acts website, accessible at: <https://tinyurl.com/yxw59qvh>, updated: 17.11.20.

<sup>31</sup> Plenary Session, Website of the Supreme Court of Latvia, accessible at: <http://www.at.gov.lv/en/par-augstako-tiesu/plenums>, updated: 17.11.20.

<sup>32</sup> Republic of Latvia, Parliamentary elections, 6 October 2018, ODIHR Election Assessment Mission Final Report, p. 6.

<sup>33</sup> Republic of Latvia, Parliamentary Elections, 6 October 2018. ODIHR Needs Assessment Mission Report, 4-7 June 2018, p. 5, accessible at: <https://tinyurl.com/yadparha>, updated: 15.07.20.

<sup>34</sup> Republic of Latvia, Parliamentary elections, 6 October 2018, ODIHR Election Assessment Mission Final Report, p. 6.

<sup>35</sup> Ibid.

<sup>36</sup> Republic of Latvia, Parliamentary Elections, 6 October 2018. ODIHR Needs Assessment Mission Report, 4-7 June 2018, p. 5.

<sup>37</sup> Republic of Latvia, Parliamentary Elections, 6 October 2018. ODIHR Needs Assessment Mission Report, 4-7 June 2018, pg. 5.

Municipal Election Commissions establish precinct election commissions at least 40 days before the election.<sup>38</sup> They are temporary bodies and consist of 5-7 members, appointed by the Municipal Election Commission.<sup>39</sup> Political parties, a 10-member group of voters and a member of the council have the right to nominate members.<sup>40</sup>

### *Political Election Administration*

#### **Malta**

**Supreme Electoral Administration:** The High Electoral Commission of Malta is called the Election Commission.<sup>41</sup> It consists of a Chief Commissioner and 8 members.<sup>42</sup> The members of the election commission are appointed by the President on the advice of the Prime Minister.<sup>43</sup> The Prime Minister must first consult with the opposition leader.<sup>44</sup> Practice shows that members from two parliamentary parties are elected equally.<sup>45</sup>

**Lower Level Election Administration:** In Malta, there is only precinct election commission on the lower level. They are governed by auxiliary election commissioners nominated by political parties (one person per party at the precinct) and an election commission (2 per precinct).<sup>46</sup> Candidates nominated by political parties are appointed by the Central Election Commission.<sup>47</sup>

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<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Republic of Latvia, Parliamentary Elections, 6 October 2018. ODIHR Needs Assessment Mission Report, 4-7 June 2018, p. 5.

<sup>41</sup> Constitution of Malta, art. 60, sec. 1, constitute project webpage, accessible at: <https://tinyurl.com/yctesyqf>, updated: 11.06.20.

<sup>42</sup> General Elections Act of Malta, art. 7, sec. 2, Maltese law website, accessible at: <https://tinyurl.com/yblx36xn>, updated: 11.06.20.

<sup>43</sup> Constitution of Malta, art. 60, sec. 2.

<sup>44</sup> Ibid, art. 60, sec. 3.

<sup>45</sup> Republic of Malta, Early Parliamentary Elections, 3 June 2017 OSCE/ODIHR Election Assessment Mission Final Report, p. 6, OSCE website, accessible at: <https://www.osce.org/files/f/documents/3/4/348671.pdf>, updated: 11.06.20.

<sup>46</sup> Ibid.

<sup>47</sup> General Elections Act of Malta, art. 57, sec. 1.



## Bulgaria

**Supreme Body of Election Administration:** The Central Election Commission of Bulgaria consists of 15 members.<sup>48</sup> Parliamentary parties have the right to nominate candidates for the chairperson, their deputy and the secretary.<sup>49</sup> They are elected by the National Assembly by a majority of all the members.<sup>50</sup> Candidates nominated by the same faction or group of MPs may not be elected to these three positions.<sup>51</sup> The other members of the Commission will be nominated by the Parliamentary parties, and the non-parliamentary parties represented in the European Parliament to the Head of State.<sup>52</sup> Candidates for factions can also be nominated by non-governmental organizations.<sup>53</sup> When naming such a candidate, it should be noted that they are nominated by a non-governmental organization.<sup>54</sup> For their appointment, the principle of proportional representation of factions to parliamentary parties and coalitions is applied, and those who are represented only in the European Parliament have the right to nominate one member.<sup>55</sup> Also nominated members of one party or coalition should not be in the majority.<sup>56</sup>

**Lower Level Election Administration:** In Bulgaria, there are regional, municipal and sectional election commissions at the lower level election administration.

Regional and municipal election commissions are appointed by the Central Election Commission.<sup>57</sup> The decision on the appointment is made by a 2/3 majority of those present at the meeting.<sup>58</sup> The first no later than the 50<sup>th</sup> day<sup>59</sup> before the Election Day, and the second no later than the

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<sup>48</sup> Election Code of Bulgaria, art. 46, sec. 3, Venice Commission website, accessible at: <https://tinyurl.com/y8v4fxnf>, updated: 11.06.20.

<sup>49</sup> Ibid, art. 47, sec. 2, subsection 1.

<sup>50</sup> Rules of Procedure of the National Assembly, art. 86, sec. 4, website of the Bulgarian National Assembly, accessible at: <https://tinyurl.com/y4m9l42q>, updated: 19.11.20.

<sup>51</sup> Election Code of Bulgaria, art. 46, sec. 7.

<sup>52</sup> Ibid, art. 47, sec. 2, subsection 2.

<sup>53</sup> Ibid, art. 46, sec. 6.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid, art. 46, sec. 8.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid, art. 59 and 74.

<sup>58</sup> Ibid, art. 53, sec. 4.

<sup>59</sup> Ibid, art. 53, sec. 4.

45<sup>th</sup> day<sup>60</sup> before the Election Day. Both the first<sup>61</sup> and the second<sup>62</sup> consist of the chairperson, their deputy, the secretary and the members. Representatives of one party or coalition may not be in the majority.<sup>63</sup> Also, the chairperson, deputy chairperson and secretary may not be from the same party or coalition.<sup>64</sup> When appointing them and other members, the parliamentary representation of parties and coalitions must be preserved, although there must be at least 1 representative from each party or coalition.<sup>65</sup>

Regional or municipal election commissions appoint sectional election commissions in each precinct no later than the 25<sup>th</sup> day before the election.<sup>66</sup> Both commissions make decisions by a 2/3 majority of those present at the meeting.<sup>67</sup> The composition of a sectional election commission is similar to that of the mentioned above.<sup>68</sup> The prohibition on the presence of representatives of one party or coalition in the majority applies here<sup>69</sup> as well as the principle of appointing commission officials from different parties.<sup>70</sup>

### *Mixed model*

#### *Judiciary-political subtype*

### **Croatia**

**Supreme Election Administration:** The Croatian State Election Commission consists of 9 members.<sup>71</sup> It is chaired by the Chairperson of the Supreme Court<sup>72</sup> and has 4 Vice-Presidents, 2 of whom are judges of the

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<sup>60</sup> Ibid, art. 74.

<sup>61</sup> Ibid, art. 61, sec. 1.

<sup>62</sup> Ibid, art. 76, sec. 1.

<sup>63</sup> Ibid, art. 61, sec. 3; art. 76, sec. 3.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid, art. 61, sec. 5; art. 76, sec. 5.

<sup>66</sup> Ibid, art. 89, sec. 1.

<sup>67</sup> Ibid, art. 70, sec. 4 and art. 85, sec. 4.

<sup>68</sup> Ibid, art. 92, sec. 1.

<sup>69</sup> Ibid, art. 92, sec. 3.

<sup>70</sup> Ibid.

<sup>71</sup> Republic of Croatia, Presidential Election, 22 December 2019 ODIHR Needs Assessment Mission Report, p. 4, OSCE website, accessible at: <https://tinyurl.com/yd4qpalt>, updated: 12.06.20.

<sup>72</sup> Ibid.

Supreme Court, and two are elected by Parliament along with other members of the Commission.<sup>73</sup> The ruling party and the opposition should have equal representation in the commission.<sup>74</sup> Also, all members must have 10 years of experience as a lawyer.<sup>75</sup> The candidacy of the Chairperson of the Commission shall be nominated by the Election and Administration Committee.<sup>76</sup> From the remaining members, one vice-president and two members of the commission will be nominated by a majority, and the configuration of some members will be nominated by the opposition.<sup>77</sup> All members of the Commission shall be elected by Parliament by a majority of the full membership.<sup>78</sup>

**Lower Level Election Administration:** In Croatia, the lower level election administration consists of: (1) municipal and city election commissions, and (2) voting committees, which are temporary bodies.<sup>79</sup>

Municipal and city election commissions are established by the State Election Commission<sup>80</sup> with a majority of its full membership.<sup>81</sup> It consists of a Chairperson, 2 Members and 3 Deputies.<sup>82</sup> They have no right to be members of a political party.<sup>83</sup> The members of the commission are elected from among the judges and lawyers.<sup>84</sup>

Voting committees are formed by municipal and city election commissions no later than the 5<sup>th</sup> day before the election.<sup>85</sup> The composition<sup>86</sup> and pro-

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<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Act on the State Electoral Commission of the Republic of Croatia, art. 4, Website of the Croatian State Election Commission, accessible at: <https://tinyurl.com/y2bbrpq4>, updated: 19.11.20.

<sup>77</sup> Ibid, art. 7.

<sup>78</sup> Ibid, art. 4 and 7.

<sup>79</sup> Republic of Croatia, Presidential Election, 22 December 2019 ODIHR Needs Assessment Mission Report, p. 4, OSCE website, accessible at: <https://tinyurl.com/yd4qpalt>, updated: 12.06.20.

<sup>80</sup> Ibid.

<sup>81</sup> Act on the State Electoral Commission of the Republic of Croatia, art. 20.

<sup>82</sup> Republic of Croatia, Presidential Election, 22 December 2019 ODIHR Needs Assessment Mission Report, p. 4.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid, p. 5.

<sup>86</sup> Ibid, p. 4.

hibition of party affiliation<sup>87</sup> here are identical to those of the above mentioned election commission.

## Romania

**Supreme Electoral Administration:** The Central Election Commission of Romania is called the Permanent Electoral Authority.<sup>88</sup> It consists of 3 persons, the President and two Vice-Presidents.<sup>89</sup> The President is elected by the Senate and the Chamber of Deputies at a joint session.<sup>90</sup> Parliamentary factions have the right to nominate a candidate.<sup>91</sup> The candidate who gets the most votes is elected president.<sup>92</sup> Each of the two vice-presidents is appointed by the head of state and the prime minister.<sup>93</sup> The body also has a Secretary General, who is appointed by the Prime Minister on an examination basis.<sup>94</sup> They coordinate the performance of functions of electoral body departments.<sup>95</sup>

In addition, a three-tier election administration is formed before each election, headed by the Central Election Bureau.<sup>96</sup> It consists of 5 judges of the Supreme Court, the President of the Permanent Electoral Body and two Vice-Presidents, a maximum of 12 representatives appointed by the political party, as well as the Alliance of Political Parties, and 1 representative appointed by the National Minority Parliamentary Faction.<sup>97</sup> 5 judges

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<sup>87</sup> Ibid.

<sup>88</sup> Romania, Presidential Election, 10 and 24 November 2019 ODIHR Election Assessment Mission Final Report, p. 7, OSCE website, accessible at: <https://tinyurl.com/yachax69>, updated: 11.06.20.

<sup>89</sup> Ibid.

<sup>90</sup> Law no. 208/2015 of 20 July 2015 on the election of the Senate and the Chamber of Deputies, as well as on the organization and functioning of the Permanent Electoral Authority, art. 101, sec. 2.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid, art. 101, sec. 3.

<sup>94</sup> Ibid, art. 101, sec. 11.

<sup>95</sup> Regulamentul de organizare și funcționare a Autorității Electorale Permanente, din 17.04.2019, art. 12, sec. 2, Available only in Romanian: <https://tinyurl.com/yydxn4fw>, updated: 16.11.20.

<sup>96</sup> Romania, Presidential Election, 10 and 24 November 2019 ODIHR Election Assessment Mission Final Report, p. 6.

<sup>97</sup> Law no. 208/2015 of 20 July 2015 on the election of the Senate and the Chamber of Deputies, as well as on the organization and functioning of the Permanent Electoral Authority, art. 11, sec. 1.

are appointed by the Chairperson of the Supreme Court on a random basis from among judges from the same court.<sup>98</sup> The number of representatives of political parties and national minority factions is based on communication with the chairpersons of the chambers and the president of the Central Election Bureau.<sup>99</sup>

**Lower Level Election Administration (Second tier):** District election bureaus are established in election districts, consisting of 3 judges, 1 permanent election body representative and a maximum of 9 nominees from political parties, as well as a representative of a national minority organization running in the respective district.<sup>100</sup> 3 judges are appointed by the chairperson of the district court.<sup>101</sup> Political parties send the names of their representatives to the relevant district election commissions.<sup>102</sup>

Precinct Election Bureaus (third tier) consist of a chairperson, their substitute person, who are mainly magistrate judges or law experts, and 7 members.<sup>103</sup> The Precinct Election Bureaus chairperson and their substitute person are appointed by the Permanent Electoral Authority at a public meeting<sup>104</sup> held 15 days before the elections.<sup>105</sup> Political parties and national minorities submit the lists of members to be nominated to the precinct election commissions to the district election commission.<sup>106</sup> These members are appointed by the chairperson of the district election commission.<sup>107</sup>

## Poland

**Supreme Election Administration:** The National Election Commission is staffed by the courts and parliament.<sup>108</sup> Each of the 9 members represents

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<sup>98</sup> Ibid, art. 11, sec. 2.

<sup>99</sup> Ibid, art. 11, sec. 3.

<sup>100</sup> Ibid, art. 13, sec. 1.

<sup>101</sup> Ibid, art. 13, sec. 2.

<sup>102</sup> Ibid, art. 13, sec. 5.

<sup>103</sup> Ibid, art. 15, sec. 1.

<sup>104</sup> Ibid, art. 15, sec. 2.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid, art. 15, sec. 6.

<sup>107</sup> Ibid.

<sup>108</sup> Kodeks wyborczy, art. 157, website of the Polish Sejm, accessible at: <https://tinyurl.com/yc6fytyx>, updated: 11.06.20.

the judges of the Constitutional Tribunal and the Supreme Administrative Court, who are appointed by the chairpersons of these courts.<sup>109</sup> The other 7 members are elected by Parliament, although they must meet the requirements for a judge.<sup>110</sup> In parliament, factions nominate candidates for them based on the principle of proportional representation.<sup>111</sup> The decision is made by an absolute majority.<sup>112</sup>

**Lower Level Election Administration:** There are 3 units in the lower level election administration. The third unit is the District Election Commission.<sup>113</sup> It consists of 4 to 10 judges and one ex officio (election commissioner) member.<sup>114</sup> The Commissioner is the representative of the National Election Commission in the lower level election administration.<sup>115</sup> They are appointed and dismissed by the National Election Commission.<sup>116</sup> If the commissioner is unable to chair, then the commission itself will elect a new one.<sup>117</sup> Judges in the commission will be nominated by the Minister of Justice no later than the 52<sup>nd</sup> day before the election in the number agreed with the National Election Commission.<sup>118</sup> The latter appoints district commissions at least 48 days before the elections.<sup>119</sup>

The second unit is the Regional Election Commission. It consists of 4 judges and an ex officio election commissioner.<sup>120</sup> The rule discussed above is used for its formation.<sup>121</sup>

The first body is the Territorial Election Commission, which consists of 9 members appointed by the election committees.<sup>122</sup>

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<sup>109</sup> Ibid, art. 157, §. 2, sec. 1.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid, art. 157, §. 4a.

<sup>112</sup> The Standing Orders of the Sejm of the Republic of Poland, Website of the Polish Sejm, accessible at: <https://tinyurl.com/y68pjhjb>, updated: 17.11.20.

<sup>113</sup> Kodeks wyborczy, Art. 170, § 1.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid, art. 166, § 1.

<sup>116</sup> Ibid, art. 160, § 4, subsection 4.

<sup>117</sup> Ibid, art. 170, § 4.

<sup>118</sup> Ibid, art. 170, § 2.

<sup>119</sup> Ibid, art. 170, § 3.

<sup>120</sup> Ibid, art. 174, § 1.

<sup>121</sup> Ibid, art. 174, § 2.

<sup>122</sup> Ibid, Art. 178, § 2.

## *Professional-political subtype*

### **Slovenia**

**Supreme Election Administration:** The Slovenian State Election Commission consists of a President, a Vice-President, 5 members and their deputies.<sup>123</sup> The President and Vice-President are elected from among the judges of the Supreme Court, 1 member and one deputy from legal experts, while the other members are nominated by the factions on the principle of proportional representation.<sup>124</sup> All members are elected by the National Assembly.<sup>125</sup> The decision is made by a majority of the full membership.<sup>126</sup>

**Lower Level Election Administration:** After the State Election Commission, there are 3 lower level election bodies. The third body is the District Election Commission,<sup>127</sup> the second - the regional Election Commission and the first - the Precinct Commission.<sup>128</sup>

Election commissions are permanent bodies formed from the judiciary, political and professional circles.<sup>129</sup> They have a 4-year term and each oversees the election process at their own level.<sup>130</sup>

The State Election Commission appoints district and regional commissions.<sup>131</sup> The decision is made by a majority of the full membership.<sup>132</sup> Each of them consists of the President, the Vice-President, 3 members and their deputies<sup>133</sup>. District election commissions consist of 2 judges, while

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<sup>123</sup> Republic of Slovenia, Early Parliamentary Elections, May 2018 OSCE/ODIHR Needs Assessment Mission Report, p. 4, OSCE website, accessible at: <https://tinyurl.com/y9yt6vvl>, updated: 11.06.20.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Rules of Procedure of the National Assembly (PoDZ-1), art. 81, Slovenian National Assembly website, accessible at: <https://tinyurl.com/y6wk3ut8>, updated: 18.11.20.

<sup>127</sup> Office for Democratic Institutions and Human Rights, Republic of Slovenia, Early Parliamentary Elections, 3 June 2018, ODIHR Election Assessment Mission Final Report, p. 5, updated: <https://tinyurl.com/y5wdr9py>, updated: 21.07.20.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid, pg. 6.

<sup>132</sup> POSLOVNIK Državne volilne komisije (PoDVK-1), 31 (1) člen, Available in Slovenian only, website of the Official Newspaper of the Republic of Slovenia, accessible at: <https://tinyurl.com/yypfn7yg>, updated: 18.11.20.

<sup>133</sup> Office for Democratic Institutions and Human Rights, Republic of Slovenia, Early Parliamentary Elections, 3 June 2018, ODIHR Election Assessment Mission Final Report, p. 6.

regional election commissions consist of 1 judge and 1 legal expert.<sup>134</sup> 2 members and their deputies are appointed on the basis of the nomination of parliamentary factions, taking into account the principle of proportional representation.<sup>135</sup> The precinct commissions consist of the chairperson, their deputy, 2 members and their deputies.<sup>136</sup> The chairperson is elected from among the judges, their deputy must be a lawyer.<sup>137</sup> The remaining members are nominated by political parties, taking into account their proportional representation.<sup>138</sup>

## Lithuania

**Supreme Body of Election Administration:** In Lithuania, the Central Election Commission is the main body for organizing election processes, consisting of 13 members.<sup>139</sup> They are appointed by the Seimas<sup>140</sup> with a majority of attendees.<sup>141</sup> 2-2 members with higher education will be nominated by the Minister of Justice, the Lawyer Association and the Head of the State,<sup>142</sup> and one member<sup>143</sup> will be nominated by the each political party elected to the Seimas through the multi-member districts.<sup>144</sup>

**Lower Level Election Administration:** District and precinct election committees belong to the lower level election administration.

District Election Committees are formed by the Central Election Commit-

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<sup>134</sup> Ibid.

<sup>135</sup> Zakon o volitvah v državni zbor (ZVDZ), 33 člen, Available in Slovenian only, website of the Official Newspaper of the Republic of Slovenia, accessible at: <https://tinyurl.com/y3mots3b>, updated: 18.11.20.

<sup>136</sup> Office for Democratic Institutions and Human Rights, Republic of Slovenia, 2018 Early Parliamentary Elections, ODIHR Needs Assessment Mission Report, 13-16 March 2018, p. 4, OSCE website, accessible at: <https://tinyurl.com/y9yt6vvl>, updated: 21.07.20.

<sup>137</sup> Zakon o volitvah v državni zbor (ZVDZ), 34 člen.

<sup>138</sup> Ibid.

<sup>139</sup> Republic of Lithuania, Parliamentary Elections, October 2020 ODIHR Needs Assessment Mission Report, p. 5, OSCE website, accessible at: <https://tinyurl.com/ya99xl96>, updated: 11.06.20.

<sup>140</sup> Republic of Lithuania Law on the Central Electoral Commission, art. 7, Lithuanian Seimas website, accessible at: <https://tinyurl.com/y93tl6ry>, updated: 11.06.20.

<sup>141</sup> Seimas of the Republic of Lithuania Statute, art. 113, sec. 1, Lithuanian Seimas website, accessible at: <https://tinyurl.com/y5eklsn9>, updated: 17.11.20.

<sup>142</sup> Ibid, art. 7, sec. 3.

<sup>143</sup> Ibid, art. 7, sec. 4.

<sup>144</sup> Ibid, art. 7, sec. 3.



tee no later than the 74<sup>th</sup> day before the elections.<sup>145</sup> The decision is made by a majority of the attendees.<sup>146</sup> The District Election Committee consists of one member nominated by the Minister of Justice<sup>147</sup> and one – by the Lawyer Association.<sup>148</sup> These individuals must have legal education.<sup>149</sup> The District Election Committee also includes a public official nominated by the Mayor, who works in the administration of the municipality that is fully or partially part of this election district.<sup>150</sup> The parties that won the Seimas seats in the multi-member election district also have the right to nominate members of the committee.<sup>151</sup> If the parties do not nominate candidates, their nomination is vested in the Minister of Justice, the Lawyer Association and the Mayor.<sup>152</sup> The Chairperson of the District Election Committee is appointed by the Central Election Commission.<sup>153</sup>

No later than the 65<sup>th</sup> day before the elections, the District Election Committee determines the number of members of the Precinct Election Committees, which must be a multiple of the number of political parties that have the right to nominate a candidate.<sup>154</sup> If the number of nominated members is insufficient or a vacancy is left, then the mayor of the municipality where the precinct committee is set up will nominate the required number of candidates.<sup>155</sup> An equal number of candidates are nominated by entities that won seats in previous parliamentary or local self-government elections.<sup>156</sup> The party sends the list of its candidates to the district commission no later than 48 days before the elections. And no later than the 45<sup>th</sup> day, the district election commissions form precinct election commissions,<sup>157</sup> the decision of which is made by a majority of the persons present at the session.<sup>158</sup>

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<sup>145</sup> Republic of Lithuania Law on Elections to the Seimas, art. 15, sec. 1, Lithuanian Seimas website, accessible at: <https://tinyurl.com/y7gnrzqr>, updated: 15.07.20.

<sup>146</sup> Republic of Lithuania Law on the Central Electoral Commission, art. 12, sec. 2.

<sup>147</sup> Republic of Lithuania Law on Elections to the Seimas, art. 15, sec. 2, subsection 1.

<sup>148</sup> *Ibid*, art. 15, sec. 2, subsection 2.

<sup>149</sup> *Ibid*.

<sup>150</sup> *Ibid*, art. 15, sec. 2, subsection 3.

<sup>151</sup> *Ibid*, art. 15, sec. 2, subsection 4.

<sup>152</sup> *Ibid*, art. 15, sec. 2.

<sup>153</sup> *Ibid*, art. 15, sec. 7.

<sup>154</sup> *Ibid*, art. 17, sec. 1.

<sup>155</sup> *Ibid*.

<sup>156</sup> *Ibid*, art. 17, sec. 2.

<sup>157</sup> *Ibid*, art. 17, sec. 5.

<sup>158</sup> *Ibid*, art. 20, sec. 1.