GNSEI
GLOBAL NETWORK FOR SECURING ELECTORAL INTEGRITY

Principles for Democratic Electoral Reform Processes

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ABOUT THE GLOBAL NETWORK FOR SECURING ELECTORAL INTEGRITY

Launched in 2023, The Global Network for Securing Electoral Integrity (GNSEI) convenes more than 30 organizations and networks around a shared vision: to inspire and inform action to advance electoral integrity in the face of critical threats to democracy. It offers a standing platform for regular collaboration between peers in the electoral integrity community to promote awareness and adherence to existing norms and good practices, and, where there are gaps, shape consensus around new guiding principles

INTRODUCTION

This document outlines principles for conducting electoral reform processes that align with global best practices and build trust among electoral stakeholders. Electoral reforms have political ramifications and can impact the distribution of power and the "rules of the game" for elections. For this reason, the process of reform can be as important as the content of the reform at hand. The Global Network for Securing Electoral Integrity (GNSEI) has developed this document to provide stakeholders with guideposts to mitigate against, address, and/or expose these challenges, as well as to advocate for adhering to international norms and best practices.

Electoral reform provides an important opportunity to better align a country's legal framework and processes with international and regional norms and obligations; to provide stability in the legal framework while ensuring flexibility to adapt when future needs arise; and, more broadly, to improve the credibility of future elections. However, these processes can fail or can fall short of earning the trust of electoral stakeholders for a range of reasons, including when they:

- lack the political will and resources to carry out significant and meaningful reforms, which can relegate a reform process to a cursory or window-dressing exercise;
- are undertaken late in the electoral cycle or based on short-term, reactive thinking may disadvantage political contestants, confuse voters, and leave insufficient time to understand and implement the changes;
- are conducted in an opaque manner among a small set of actors, which can generate unease or distrust;
- exclude key political stakeholders, civil society actors, and/or sectors of society such as women, youth, or other marginalised populations[1] that may be disproportionately affected by potential changes and who may have unique and valuable ideas that are missed;
- result in reforms that produce unintended, negative consequences;
- are manipulated to tilt the playing field in favor of those in power; and
- are premised on misinformation or a lack of knowledge about the nature of underlying problems.

PRINCIPLES FOR DEMOCRATIC REFORM PROCESSES

The following principles are intended to foster a shared understanding of and trust in electoral reform processes and, ultimately, reforms that advance more democratic elections. These principles take into account that each country's political context – whether more democratic, more authoritarian, or

[1] In addition to women and youth, marginalized populations can include ethnic and religious minorities, people with disabilities, indigenous groups, LGBTIQ+ people, the elderly, and other groups that experience hinders in electoral and political participation, whether in practice or in principle, for historical, cultural, political, and/or other contextual reasons.

conflict-affected – has a significant effect on the nature and feasibility of truly democratic electoral reform processes. Thus, the principles are meant to be applied and adapted in any given political context and reform type.[2] That being said, there is not a universal, one-size-fits-all approach to electoral reform processes, so the manner in which the principles are achieved and/or are advocated for will vary greatly depending on the context and type of reform.

1. Political consensus building is foundational to any electoral reform process.

Electoral reform is inherently political, not just technical, and can quickly be overtaken by narrow interests. This can result in electoral reforms that undermine – rather than enhance – transparency, accountability, effective implementation, fairness, and inclusion, and/or that reduce acceptance among stakeholders. To avoid this pitfall, the election reform process should minimize opportunities for polarization and encourage good faith examination of proposals and goodwill among participants.

The following approaches are recommended for establishing an electoral reform process that achieves political consensus and strives for alignment with global norms:

- a detailed, inclusive, and objective analysis of the challenges to democratic elections, which can serve as the baseline to identify common interests and foster as broad of a political consensus as possible around electoral reforms;[3]
- consideration of the political incentives of key electoral stakeholders, the balance of power, and the potential resistance from those who may benefit from maintaining the status quo;
- clearly defined realistic goal or goals identified through broad-based input from key electoral stakeholders (including election observer recommendations); and
- inclusive, evidence-based discussions supported by a defined and agreed set of sources of evidence, as detailed in Principle 4.

2. Electoral reform processes should be transparent.

Transparency is essential for trust-building and as a defence against misinformation and disinformation about the electoral reform process and content. To ensure transparency, independent oversight actors (such as election observers, civil society groups, opposition parties, and media) should have sufficient access to all phases of the electoral reform process.

Organisers of the reform process should prioritize clear and accessible communication about the process and should ensure transparency regarding:

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[2] The main types of electoral reform are: (1) legal, involving the amendment of the constitution, electoral law, and/ or related rules and regulations; (2) political, involving changes to the environment in which the election management body operates (such as providing more autonomy); and (3) administrative, involving internal changes within an election management body related to structures, policies, procedures, and the use of technology. Source: ACE Website. Accessed 30 August, 2024.

[3] This analysis should include an assessment of the particular barriers for inclusion of women and marginalized populations throughout the electoral cycle. It can be done by the supply and/or demand side actors.

- the motivation for and goal(s) of initiating the reform process;
- the timeline and level of the reform process;
- who will be involved in the reform process, and at what stages (taking into account any conflicts of interest, conflicting views, and missing voices/groups);
- the source(s) of funding for the reform process, as well as whether (and if so which) external sources of funding will be used; and
- the content of the reforms. This includes, for example, publishing drafts of proposed legislative changes in a timely manner to provide sufficient opportunity for stakeholders to understand the proposed reforms and to provide input.

Additional transparency measures, mindful of timing and inclusion, include:

- holding an open consultation process, including a call for relevant evidence;
- holding hearings and/or meetings in public and/or making the minutes publicly available; and
- publishing submissions of evidence and official correspondence related to the reform process.

3. Electoral reform processes should be inclusive.

While the degree and breadth of consultation may vary based on the type and level of electoral reforms being considered, every type (constitutional, legislative, procedural, and policy level) of reform needs to have a consultative process in place. Even when the scope of the consultative process is smaller, those consulted should include representation and informed participation by women, youth, and other marginalized groups. Inclusion helps to promote understanding of diverse and conflicting views and can build a shared understanding of what the reforms should achieve, and how. Organizers of the reform process should:

- facilitate both broad-based, genuine inclusion and evidence-based, expert input through a phased approach, typically starting with opportunities for broad and grassroots-level input;
- substantively include in the reform process all main political and relevant societal actors, including representatives from key segments of society, including women and marginalized populations,[4] using a spectrum of tailored approaches and methods[5] and make genuine efforts to incorporate their inputs; and
- socialize reform ideas within the wider public to foster an informed debate on the needed reforms. This includes actively engaging the public in a substantive way to ensure understanding

[4] This includes the main political parties/contestants across the political spectrum; the election management body (EMB); relevant civil society groups, including election observer groups and grassroots, community-based groups; relevant government institutions; media; technical experts; judiciary and legal experts; and representatives from key segments of society, including but not limited to women, youth, and other marginalized groups (including ethnic and religious minorities, people with disabilities, indigenous groups, LGBTIQ+ people, climate- and conflict-affected people, and the elderly).

[5] Such as public forums, expert working group discussions, public comment periods, active public outreach activities and other methods. These should, for example, consider times and locations that are responsive to time constraints and mobility challenges faced by women and marginalized groups.

of reforms being considered,[6] including with marginalized and hard-to-reach communities through appropriate mediums and with tailored messaging.

4. Electoral reform processes should be informed by evidence and a long-term vision.

Electoral reform ideally should be designed with a vision that extends beyond the immediate election cycle and creates a solid, sustainable foundation that will keep the democratic system resilient even as those in power change. High-quality and well-presented information is important for an electoral reform process to build a shared understanding of the issues at stake and the options available. Electoral processes and the reasons reform may be needed, can be easily misunderstood, which in turn can lead to problems not being addressed, reforms being introduced that do not "fix" the problem, or openings for influential actors to misrepresent the issues and options for personal gain. Thus, electoral reform processes should:

- incorporate credible expert input to enable evidence-based discussion and inform decision making beyond the immediate electoral cycle;
- take into account credible sources of evidence and data, including, among others, international and citizen election observation reports and recommendations, reports published by election management bodies, public opinion research over multiple electoral cycles (including opinion research that shows longer-term democratic aspirations), post-election audits, academic studies, and comparative international indicators on election quality; and
- design public communication that emphasizes the long-term vision for electoral reform and that allows for the evidence to be shared, read and understood.

5. Adequate timeframes and resources for a viable and democratic electoral reform process.

Inadequate time and resources are ingredients for failed electoral reform processes. Late changes may disadvantage contestants, leave EMBs unable to implement reforms, and provide insufficient time for voters and election stakeholders to understand the changes. In contrast, a reform process conducted early in the electoral cycle allows the time to secure the resources, regulatory changes, awareness raising, and 'buy-in' needed to implement reform.

Starting the reform process with enough time helps ensure it can be conducted in an inclusive and consultative manner (based on principle 3 above), allowing for sufficient time for multiple stages of input from diverse stakeholders. An ideal time to initiate consultation processes about electoral reform is soon after the previous elections. This is particularly the case when the reforms being considered are significant and/or systemic in nature. In the period immediately following the previous elections, there is

[6] This is particularly important, since, in many contexts, voters may either not be interested in and/or not understand electoral reforms, or they may be skeptical that their views will be taken into account.

often more political and civic momentum for reforms, and the lessons learned and reform recommendations – including those from election observers – are at the top of mind.

6. Clear accountability structures are essential for electoral reform processes.

Clear accountability structures allow for public scrutiny and ensure that decisions are not taken at the expense of the broader public interest. Ambiguity around accountability structures can lead to flawed processes and limited opportunities to scrutinize decisions and improve outcomes. Those conducting the process should determine the leadership structure for the reform process in line with the type of reform, assign clear responsibilities and reporting structure; develop and carry out a clear communication strategy; and report back on the extent to which stakeholder input was considered and reflected in the content of reforms.

Suggested accountability measures include:

- specification of the key criteria against which reforms will be measured;
- clear roles and responsibilities for those engaged in the reform process, including key agencies, experts, and relevant stakeholder groups;
- independent oversight actors (media, election monitors, civil society, etc.) who provide the public with objective, evidence-based assessments of the extent to which the process adheres to democratic principles;
- assurances that temporary reform arrangements made in response to crises (e.g., COVID-19, natural disasters) should be proportional, time-bound, and periodically reviewed; and
- assurances that approved reforms include resource allocations and timelines for carrying them out to mitigate potential risks and ensure an orderly and effective implementation process.

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