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Electoral disputes

Disputes are inherent to any electoral process

A healthy electoral process does entail the possibility to resolve disputes well before e-day

The higher the possibility to seek redress throughout the electoral cycle, the less number of disputes will arise in the post-election day period
The Electoral Cycle

- Pre-electoral Period
  - Training & Education
  - Registration & Nomination
- Electoral Period
  - Electoral Campaign
  - Voting Operations & Election Day
- Post-electoral Period
  - Election
  - Verification of Results
- Legal Framework
- Planning & Implementation
Electoral disputes are not necessarily of a judicial nature, complaints are!

Good practices include:

- conflict prevention mechanisms
- revocation or modification of the irregularity
- penalizing the offender
- alternative dispute resolution mechanisms
EDR Mechanisms

Legislative bodies

Judicial bodies
- Regular courts
- Constitutional courts
- Administrative courts
- Specialised electoral courts

EMB with judicial powers

Transitory or “Ad Hoc” bodies
ADR Mechanisms?

- Parties bilateral mechanisms
- Arbitration and negotiation mechanisms
- Conflict Mediation Panels

Are ADR mechanisms still such when provided for in the legal framework?

Are preventive mechanisms to be categorised as ADR ones?
Basic EDR principles

Independence of EDR Bodies

Independence and impartiality of EDR members

Accountability of EDR bodies and their members
- transparency (clear and unequivocal procedures)
- integrity
- professionalism
- efficiency
- service-mindedness
The Database

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## The Database

This is a preview of the data. Close it using the X in the upper right corner to access the Electoral Justice Database interface. Click a country to view that country’s page. Click a field heading to see a summary and country details for that field. Click a data entry to view more details or suggest an update or correction or a missing entry to add a new one.

### Challenges to election results

<table>
<thead>
<tr>
<th>Country</th>
<th>Type</th>
<th>Type of first instance</th>
<th>Type of last instance</th>
<th>Who may file a complaint?</th>
<th>Filing fee?</th>
<th>Deposit fee?</th>
<th>Filing/deposit fee amount (local currency)</th>
<th>Maximum complaint time since incident</th>
<th>Maximum complaint time since announcement</th>
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<tbody>
<tr>
<td>Albania</td>
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<td>Electoral Management Body</td>
<td>Regular Court</td>
<td>Candidate/Party Representative Political Party</td>
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<td>2 days</td>
<td>2 days</td>
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<td>Not applicable</td>
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<tr>
<td></td>
<td>Referendum</td>
<td>Electoral Management Body</td>
<td>Regular Court</td>
<td>Candidate/Party Representative Political Party</td>
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<td>2 days</td>
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<td>Electoral Management Body</td>
<td>Constitutional Court/Council</td>
<td>Candidate/Party Representative Electoral Management Body</td>
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<td>1 day</td>
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<td>Electoral Management Body</td>
<td>Constitutional Court/Council</td>
<td>Candidate/Party Representative Electoral Management Body</td>
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<td>1 day</td>
<td>1 day</td>
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<tr>
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<td>Referendum</td>
<td>Electoral Management Body</td>
<td>Constitutional Court/Council</td>
<td>Election Observer Non-Governmental Organization /Civil Society Organization /Mass organization/ Trade union</td>
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</table>
What are they for?

✓ As a collection of global practices
✓ To present principles and guarantees for an effective Electoral Justice System
✓ To move forward the discussion on the international obligations for electoral dispute resolutions
✓ To encourage discussions over different electoral justice practices
What next?

etc.

Nepal

Indonesia
For more information:

ADHY AMAN
Programme Officer – Electoral Processes,
International IDEA
a.aman@idea.int - +46 70 429 3747