

Norway: Governmental, Decentralized – and Trusted

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There is no straightforward answer to the question which body meets the definition of an EMB in Norway. The administrative and legal responsibility for elections is divided, both in terms of decentralization from national to local level and between bodies at central level. A single unified structure with a central body from which the local bodies take their powers does not exist.

At central level, the Ministry for Local Government (Kommunal- og regionaldepartementet) fulfils most of the core tasks of an EMB. However, there is also a National Electoral Board (Riksvalgstyret, NEB) with limited authorities, and Parliament itself has the final say in certifying – approving the election of – its own elected members.

The NEB and the Parliament have roles only at parliamentary elections. Local elections are managed by the local authorities, under the supervision and partial instruction of the Ministry for Local Government.

Elections in Norway

Elections are held to assemblies at three levels of administration:

- the Parliament (Stortinget) at national level;
- the 19 county assemblies (fylkeeting); and
- the 431 municipal councils (kommunestyret).

(Elections to the Same Parliament (Sametinget) which is a representative assembly elected by the indigenous Same people according to a law of 1987 (Sameloven), fall outside the scope of this study.)

Of the 169 members of the Parliament, 150 are elected as county representatives under a List PR system while 19 are elected as members at large to compensatory seats whereby any deviation from a nationwide proportional result is compensated for. The term in office for all elected assemblies is four years. The periods of office are staggered, with county and municipal elections being held simultaneously two years after the parliamentary elections. None of the bodies can be dissolved and there are no by-elections. Elections can therefore be planned a long time in advance.

Historical Background

Norway has had an elected Parliament since 1814. Until 1906 the voters elected electors who in turn elected the members of the Parliament, but since then the Parliament has been directly elected. The suffrage included all men from 1898 and from 1913 all women as well. Directly elected municipal councils were introduced as early as in 1836 (with a limited voting right).

Election administration has never been regarded as anything different from other public services, and the conduct of elections has therefore been left with the regular administrative and elected bodies. Local and parliamentary elections have been conducted by the elected local authorities, assisted by the local administration.

Until 1985, the election authorities were:

- the executive boards of the municipal councils, elected under a proportional system by the councils and consisting of members of the councils. They were the highest political board of the municipality, and were led by the mayor. The boards would in turn appoint polling station staff, using the municipal administration to assist them. They managed polling for all kinds of election. For municipal elections, the boards issued the certificates confirming their election to the successful candidates; and
- the county electoral boards, elected by proportional election by the county council assemblies. These would collect the protocols of the election results from the municipal executive boards for elections to the county assemblies and the Parliament, and issue certificates to the elected members of the county assembly and to the county's members of Parliament.

At its first meeting, the Parliament would approve the validity of the elections. Any complaints about the election would be adjudicated by the executive board for municipal elections, by the county electoral board for county assembly elections, and by the Parliament itself for parliamentary elections. For all elections, the Ministry for Local Government would issue directives and instructions and supervise when needed.

In 1985 a new election law was adopted, consolidating the provisions for elections at all three levels for the first time. Before that there had been one law for parliamentary elections and one for the two local levels. The main change to the election administration was the introduction of a National Electoral Board. This body is appointed by the government, and has representatives from all parties with representatives in the Parliament (not by law but by common practice). The introduction of the NEB was not prompted by any identified need for an independent EMB; rather it arose from the need for a body to allocate the compensatory mandates at national level, which was introduced by this law. After this the certification of the elected members of the Parliament was done by the NEB, even though the final say on the validity of the elections in part or as a whole was still kept with the Parliament itself. The NEB was not given any overall authority to oversee or supervise the elections.

In 2002 a further new election law was adopted. Despite proposals for drastic changes to the election administration, this law essentially represented a streamlining of the legal texts, although it introduced some important modifications to the system of representation and to the conduct of elections. The most important change to the administration of elections was that the NEB was given authority to adjudicate appeals on parliamentary elections raised at any level. For appeals regarding the right to vote the Parliament is the final authority but in any other case the NEB has final adjudicating powers (apart from any criminal procedure against persons). The Parliament would still make the final decision on the validity of the election as such and decide on any repeat election. At municipal level, the municipal council can now

decide either that the executive board should administer elections itself, or that it can elect a separate municipal electoral board. In the latter case, the political composition of the electoral board reflects the composition of the municipal council in the same way as the composition of other commissions of the council does.

The Legislative and Institutional Framework

Elections are regulated by the constitution and by the Election Law of 2002. The constitutional provisions relate only to parliamentary elections. They give the responsibility for conducting elections to the municipalities, and state that the keeping of electoral registers and the manner in which the polls are conducted shall be regulated by law. The constitution lays down the role of the Parliament in approving the credentials of its elected members, and also gives the Parliament the power to determine appeals against determinations of disputes regarding the right to vote.

Following further amendment in 2005, the Election Law defines the following election bodies:

- the election boards, elected by the municipal councils;
- the polling station committees, appointed by the municipal councils or on their decision by the election board;
- the county election boards, elected by the county assemblies; and
- the National Electoral Board, appointed by the government in years when there is a parliamentary election.

The first two bodies have a role in all elections, the county election board has a role in elections to the county assemblies and the Parliament, and the NEB has a role in parliamentary elections only.

There is a separate Party Law from 2005 regulating among other issues the registration necessary for a party to nominate candidates for elections. The administrative responsibility for party registration is given to the national administrative body which registers companies. The government appoints a party law complaints commission, led by a judge, to adjudicate complaints regarding party registration and financing.

The administrative authority for conducting elections is thus highly decentralized. At central level there is one multiparty body (the NEB) with limited formal authority. Otherwise, most tasks at national level are carried out by the Ministry for Local Government. However, other administrative bodies are involved in elections. Electoral registers are extracts of the civil registers administered by a unit under the national tax authorities. Appeals may be filed to a committee appointed by the ministry.

The Ministry for Local Government

The ministry's responsibility for elections falls into three areas:

1. *Laws, rules and regulations.* This includes the preparation of any changes to the laws regulating elections, the issuing of detailed instructions within the legal framework, and support for election administrators and the public in interpreting the law and the instructions.

2. *The conduct of elections.* The ministry's functions include the provision of detailed instructions, including the definition of electoral procedures; the production of election material, including forms and the design of the ballot paper; the provision of information to election personnel; advice to local administrators, including the provision of report templates; voter education campaigns; approving electronic voting (e-voting) arrangements; coordinating the information flow of election results together with the media and private information technology (IT) companies; being the secretariat for the NEB; preparing any complaints relating to parliamentary elections for the final decision of Parliament; and adjudicating complaints for local elections.
3. *Budget and budget control.* The ministry administers and controls the budget for elections and election budgets are set at each level. At national level the budget (less than 20 million euros, EUR) covers those expenses which follow from the legal requirements. For parliamentary elections this includes some expenses at local level as well. Otherwise, expenses occurring at local level are covered by local budgets.

For local elections, complaints are adjudicated by the Ministry for Local Government as a final instance. The ministry may order a repeat election if necessary if a fault has had an impact on the results.

In the ministry there are five to six persons working on elections, none of whom are full-time at all times. The election boards at municipal level are the main authorities responsible for keeping skilled election staff.

The National Electoral Board

The NEB is not a permanent body and its term ends when the parliamentary elections are certified. The NEB has at least five members. Each party with representatives in Parliament proposes one man and one woman, and the government appoints one as a member and one as the member's alternate. The authority of the NEB is limited to:

- distributing the national compensatory seats;
- issuing certificates to all elected members of the Parliament and informing the county electoral boards about the results; and
- adjudicating complaints. In issues regarding the right to vote, the Parliament is the final instance, after having heard the NEB; in other issues the NEB is the final adjudicator. The final decision on the validity of a parliamentary election and on any repeat elections in a municipality or county rests with the Parliament itself.

Electoral Reform and New Technology

In both 1985 and 2002, political debate on issues regarding the system of representation led to the appointment by the government of a commission, with both expert and political representation, with the mandate of proposing reforms.

Other reforms may start as initiatives by the Ministry for Local Government or the municipalities. Proposals for technological change often come from the municipalities, which have an interest in saving money and making the process more effective. The extent to which e-voting should be introduced in Norway is an example. Municipalities, often lobbied by IT

suppliers, have conducted some pilots, and a government commission issued a report proposing a strategy on e-voting in February 2006.

Opportunities and Constraints

The Norwegian approach to electoral management has never been seriously challenged by the political contestants. Generally speaking, the government administration enjoys a high level of trust and confidence for its integrity and independence, despite being subordinate to politically appointed ministers. Elections have not been seen particularly to need independent administration. On the rare occasions when serious mistakes have occurred (for example, when the IT system for marking the electoral registers broke down in Oslo during the 1993 parliamentary elections), these have been seen as incidental lapses. Fundamental questions regarding the organization of elections have not been raised.

The structure of electoral management was last assessed by an election reform commission which submitted its report in 2001. Inspired by the UK model, an independent election commission was proposed with mainly policy tasks and with few direct administrative duties. This proposal arose rather from the perceived advantages of having a body to concentrate mainly on election reform, leaving electoral administration with the regular parts of the government administration, than from a call for greater independence in the administration of elections. Such a commission would have been more in line with international trends and with standards being recommended in new democracies.

The proposal would, if implemented, have established a permanent election commission with the following duties:

- the registration of political parties;
- assessment of the legal framework and the modernization of the election processes;
- securing the rules for early voting;
- overall responsibility for the maintenance of the electoral registers;
- the calculation and publication of results from the counties after parliamentary elections;
- the conduct of voter information campaigns;
- the promotion of research regarding elections;
- the management of tests and pilots on election reform; and
- contact with other countries' EMBs.

The commission would have been appointed by the Parliament, with members who would have been election professionals rather than representatives of political parties.

The proposal did not win much support, mostly because the current arrangements work well. Nor was a second proposal, to transfer the administrative work on elections from the Ministry for Local Government to the department of the tax authorities which maintains the civic register, adopted. The principle of 'If it ain't broke, don't fix it' has so far proved decisive in the decision-making process about Norway's electoral administration.