

**Limited Election Observation Mission to the Elections to the Catalan Parliament
of 21 December 2017**

Calm Election Day with high turnout and without serious incidents despite a campaign characterized by high political tension.

On 27 October 2017, the President of Spain called elections to the Catalan Parliament for the 21 December, in compliance with the powers granted to him by the Senate in application of article 155 of the Constitution (Royal Decree 946/2017, 27 October 2017).

The lapse of time, shorter than usual, between the announcement and the holding of elections, 54 days, posed a logistical challenge to election management bodies involved which was efficiently overcome by them.

These elections were dominated by the institutional and political crisis that Catalonia has faced in the last months. Many people lived these elections with a feeling of anxiety triggered by the events that unfolded recently in Catalonia and the exceptional nature of this campaign.

The equality of opportunity for candidates with regard to the election campaign was undermined by the fact that some were detained. 50 candidatures contested in the four provinces: 16 in Barcelona, 11 in Lleida, 11 in Girona and 12 in Tarragona. It is unprecedented in our vicinity that three candidates were in pre-trial detention, four out of the country and six released pending trial.

The Junta Electoral Central, a permanent body, according to the 19 June Organic Law 5/1985 governing the elections (LOREG), took decisions on the election campaign that have been hotly discussed among large sectors of Catalan society and some have even questioned whether these decisions were impartial.¹

Although the mission of the association Observers for Democracy (ODEM) has not focused on the media landscape in these elections, we would like to underline that the distribution of fake news through social media has not contributed to create a conducive campaign environment.

Article 8 of LOREG highlights that the first and main goal of the election management body should be transparency and article 20 of the Spanish Constitution upholds the fundamental right of citizens to information. In this regard, international commitments ratified by Spain in the framework of United Nations, the European Parliament and the OSCE, such as the Copenhagen Document of 1990, require State parties to adapt their legislation in order to allow the presence of national and international observers. Repeated recommendations from ODIHR have pointed out that the lack of recognition for observers undermines the transparency of the election process.

¹ The *Junta Electoral Central* is composed by 8 judges of the Supreme Court and 5 other members who are professors of law, political science or sociology who are put forward in a joint proposal by the parties with representation in the Spanish Parliament (art- 91 LOREG).

In such context, ODEM, established with the goal of promoting democratic values, decided to organise a limited election observation mission to promote confidence and strengthen the credibility of the process while providing public information on election procedures. ODEM's mission has focused on observing public procedures counting in polling stations and tallying. ODEM has also retrieved some information from our observers about their experience as voters and from voters living abroad.

The association has trained over 400 people registered as voters in Catalonia in 8 sessions that took place in 5 different cities. ODEM trained observers on election observation best practices according to the international as well as constitutional principles. Observers committed themselves to follow an internal code based on the code of conduct for international observers² under the auspices of United Nations and other bodies. The latter code urges observers to be neutral, objective and not to interfere with electoral procedures. ODEM has also instructed observers to respect at all times the instructions given by the presiding officers.

On 21 December, ODEM observers were deployed across the territory to follow counting procedures in their respective polling station and on 24 December, a number of mission members observed the provincial tallying sessions that were conducted by the so-called *Juntas Electorales Provinciales*. Both are public procedures according to articles 95.2 and 103.2 of the LOREG respectively.³

ODEM observed counting in 404 polling stations, representing 4.9% and 363 polling centers which are 13.6% of the total number in Catalonia. 78% of observed polling stations were in Barcelona province, 8.4% in Girona, 7.7% in Tarragona and 5.9% in Lleida. Observers highlighted in their reports that both voting and counting environment was calm and all stakeholders showed eagerness to cooperate. They have also reported a high number of party agents in the polling centers. It is also worth mentioning that 72.2% of ODEM observers did not use the election booth to cast their vote.

According to ODEM's observation methodology, each observer followed the counting process from its start to its completion. Only in 1.7% of cases observers were denied access to their polling station during the counting process. In 43.1% of cases, polling station presiding officers took one by one the envelopes from the ballot box, reading aloud the ballot paper's political party and showing it to the polling station clerks and party agents, as prescribed by article 95.4 of the LOREG. On the other hand, in other cases, the presiding officer carried out these procedures together with polling station clerks and in some cases, even assisted by party agents. It is worthwhile highlighting that in 95% of the counting procedures observed by ODEM, all present polling station members and party members agreed with the results that were written down in the results forms.

For the first time, the day after the election, on 22 December, the autonomous regional government, *Generalitat de Catalunya*, posted polling stations provisional results in the website

² See The Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, 27 October 2005, New York.

³ In Catalonia, there are four provincial *juntas electorales* and 31 zonal ones (who are located in the capitals of the jurisdictional zones based on the judicial demarcation conducted in 1979). While the Junta Electoral Central is a permanent body, the provincial and zonal ones are not and they are established ahead of each election.

that was created to inform the public about the election. This step contributed to improve the transparency of the process and allowed anyone willing to verify that the provisional results that were made public at the polling station level were the same as the ones compiled by the Generalitat.

Nonetheless, only in 53.2% of cases observed by ODEM, results forms were posted at the polling stations, as required by article 98.1 of the LOREG. This article underscores that the polling station members will make the results public by posting without delay the results form outside or at the entrance of the polling center. In most cases when a copy of the results form was not posted, observers explained in their report that such form had never been posted before in that center in previous elections.

The mission has systematically crosschecked 518 results forms observed by the mission members in their polling centers during election night against the provisional polling station results displayed in the *Generalitat* website. In more than 95% of cases, no differences were identified. Most discrepancies found by our observers were minor errors of transcription that did not alter valid votes cast by each party in the results forms and did not have any impact on the overall election results.

On 24 December, ODEM deployed observers to the provincial tallies in Barcelona, Lleida, Girona and Tarragona. Tallying verification took place smoothly and all stakeholders agreed with the results crosschecked by the *juntas*. However, observers reported that not in all sessions observed all verification procedures established by the law were rigorously followed (art. 106 LOREG).

Contrasting with an unprecedented high turnout in-country (81.9%), provisional turnout data for eligible voters living abroad was remarkably low (11.9%).⁴ Many eligible voters abroad were disenfranchised because they did not receive ballot papers on time. In this regard, ODEM has received a number of complaints from some of them.

Barcelona, 27 December 2017.

⁴ According to data provided by the social network *Catalans al Món*, only 66% of voters who had applied for registration received documentation on time to cast their vote.